

PLANNING COMMISSION
RESOLUTION NO. 2021-18

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AMENDMENTS TO CHAPTERS 3 OF TITLE 10 OF THE MODESTO MUNICIPAL CODE (ZONING REGULATIONS) TO EDIT SECTIONS 10-3.101, 10-3.210, AND 10-3.212, REGARDING MOBILE FOOD FACILITIES (ZONING CODE TEXT AMENDMENT CODE-20-001)

WHEREAS, updates to the Zoning Code to keep it current with state law, best practices, changes to the General Plan and other policies, and to correct technical details and issues, are typically carried out through periodic zoning code amendments covering a variety of topics; and

WHEREAS, a proposed "omnibus" code amendment that covers a variety of topics including mobile food facilities, nightclubs, Professional Office (P-O) land uses and signage, accessory dwelling unity size limits, multi-family residential densities, parking, fencing and development schedules; and

WHEREAS, a public hearing was held by the Planning Commission on June 21, 2021, in the Chambers, 1010 Tenth Street, Modesto, California, to consider the omnibus code amendment at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission continued the hearing to July 12, 2021 to allow staff to address concerns expressed by the Commission regarding provisions related to the regulation of nightclubs; and

WHEREAS, Planning staff has subsequently decided to remove the provisions related to nightclubs from the proposed Code text amendments and incorporate them into a separate Code amendment to be heard at a later date and recommends that the Commission approve a revised Code text amendment without provisions related to nightclubs; and

WHEREAS, a public hearing was held by the Planning Commission on July 12, 2021, in the Chambers, 1010 Tenth Street, Modesto, California, to consider the omnibus code amendment except for proposed changes related to nightclubs at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission expressed concerns about mobile food facilities regarding operational criteria including accessible path of travel; and

WHEREAS, the Planning Commission approved the omnibus code amendment except for proposed changes related to mobile food facilities; and

WHEREAS, Planning staff has revised the mobile food facilities code amendment to address concerns expressed by the Planning Commission; and

WHEREAS, a public hearing was held by the Planning Commission on September 13, 2021, in the Chambers, 1010 Tenth Street, Modesto, California, for the code

amendment on mobile food facilities at which hearing evidence both oral and documentary was received and considered.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The proposed amendments conform to the City's adopted Urban Area General Plan for the following reason:

The proposed amendments will result in regulations consistent with the Urban Area General Plan Chapter III. regarding land use goals and policies because the proposed amendments help provide a range of commercial uses consistent with applicable Urban Area General Plan content.

2. The proposed amendments will result in an orderly planned use of land because the amendments would allow a mobile retail activity in commercial zones which helps provide a variety of goods and services consistent with the purpose and intent of the commercial zones.
2. The proposed amendments will not be detrimental to the public health, safety, and welfare because the proposed amendments include operational requirements to address compatibility with surrounding uses.
3. The project is exempt from the California Environmental Quality Act (CEQA), per CEQA Guidelines Section 15061(b)(3), which exempts any project where it can be seen with certainty that it would not have any significant effect(s) on the environment.

BE IT FURTHER RESOLVED that the Planning Commission hereby recommends to the City Council amendments to Chapters 3 of Title 10 of the Modesto Municipal Code (Zoning Regulations) to edit sections 10-3.101, 10-3.210, and 10-3.212, as shown in Exhibit A.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on September 13, 2021, by Commissioner Smith, who moved its adoption, which motion was seconded by Commissioner Vohra, and carried by the following vote:

Ayes:	Birring, Silva, Smith, Vohra, Shanks
Noes:	Pollard
Absent:	Morad
Recused:	None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD
Steve Mitchell, Secretary