

PLANNING COMMISSION
RESOLUTION NO. 2022-07

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF SPECIFIC PLAN AMENDMENT NO. 12 TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO CREATE THE NEW LAND USE DESIGNATION OF MIXED USE 3 (MU3) TO ALLOW FOR MIXED USES OR MEDIUM-HIGH RESIDENTIAL USES AT A MINIMUM OF 15 UNITS TO THE ACRE AND A MAXIMUM OF 16 UNITS TO THE ACRE, OR A MIXTURE OF THE TWO, PROPERTY LOCATED SOUTH OF BANGS AVENUE, NORTH OF PELANDALE AVENUE AND WEST OF AMERICAN AVENUE (GRUPE HUBER COMPANY)

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt specific plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value; and

WHEREAS, on April 1, 1997 the City Council by Resolution No. 97-159 adopted the Kiernan Business Park Specific Plan; and

WHEREAS, Government Code Section 65453 permits the amendment of specific plans as often as deemed necessary by the legislative body; and

WHEREAS, on November 4, 1997, the City Council by Resolution No. 97-631 adopted Amendment No. 1 to the Kiernan Business Park Specific Plan to add language to allow for changes in utility service providers; and

WHEREAS, on April 7, 1998, the City Council by Resolution No. 98-170 adopted Amendment No. 2 to the Kiernan Business Park Specific Plan to add language to permit indoor theaters in the Regional Commercial Designation within a Planned Development Zone; and

WHEREAS, on August 10, 2004, the City Council by Resolution No. 2004-424 adopted Amendment No. 3 to modify the land use and circulation diagrams and development standards for the Kaiser Medical Center site, to revise the planned street system in the future business park, and to incorporate design standards into the Specific Plan; and

WHEREAS, on September 1, 2009, the City Council by Resolution No. 2009-420 adopted Amendment No. 4 to re-designate 39 acres located on the east side of Dale Road between Kiernan Avenue and Bangs Avenue from Business Park (BP) to Mixed Use (MU) and Medium-High Density Residential (MHDR), to modify the circulation plans, incorporate MU and MHDR design standards and guidelines, and establish facilities plans for the area bounded by Kiernan Avenue, Dale Road, Bangs Avenue, and American Avenue; and

WHEREAS, on May 1, 2018, the City Council by Resolution No. 2018-166 adopted Amendment No. 7 to change the land use designation of 2.8 acres located on Pelandale Avenue east of Chapman Road from Office (O) uses to Regional Commercial (RC) uses; and

WHEREAS, on October 5, 2018, the Director of Community and Economic Development approved Amendment No. 8 to the Specific Plan, a minor administrative amendment as provided by Section IX-B.1.a of the Specific Plan, to allow for development of up to 33 additional dwelling units within the Mixed Use (MU) land use designation; and

WHEREAS, on December 18, 2018, the Director of Community and Economic Development approved Amendment No. 9 to the Specific Plan, a minor administrative amendment as provided by Section IX-B.1.a of the Specific Plan, to amend the Circulation Plan of the Specific Plan relative to the alignment of Healthcare Way west of Dale Road and the Kaiser Modesto Medical Center; and

WHEREAS, on February 9, 2021, the City Council by Resolution No. 2021-045 adopted Amendment No. 10 to create the new land use designation of Mixed Use 2 (MU2) for 22.9 acres located on the north side of Healthcare Way west of Dale Road; and

WHEREAS, on August 4, 2021, the City Council by Resolution No. 2021-308 adopted Amendment No. 11 to change the land use designation of 3.5 acres from Business Park (BP) to Mixed Uses (MU), property located at the northeast corner of Dale Road and Bangs Avenue; and

WHEREAS, Grupe-Huber Company has filed an application to amend the Land Use Diagram of the Specific Plan to change the land use designation of 67 acres located south of Bangs Avenue, north of Pelandale Avenue and west of American Avenue from Business Park (BP) to the new land use designation of Mixed Use 3 to allow for Mixed Uses or Medium High Density Residential Uses of a minimum of 15 units per acre and a maximum of 16 units per acre, or a mixture of the two uses; and

WHEREAS, the applicant also proposes to amend the Circulation Diagram of the Specific Plan to change Bangs Avenue from a four-lane collector street to a two-lane minor collector street, its current configuration; and

WHEREAS, said application was made concurrently with a proposed amendment to the General Plan Land Use Diagram to amend the land use designation of 67 acres from Business Park to Mixed Uses (GPA-21-003); and

WHEREAS, the Planning Commission has considered an Initial Study, Environmental Assessment No. EA/C&ED 2022-6, which analyzed the potential environmental effects of the proposed amendment and determined that, on the basis of the whole record before it, there is no substantial evidence that the amendment will have a significant effect on the environment, and that a Negative Declaration be adopted; and

WHEREAS, a public hearing was held by the Planning Commission on March 7, 2022, in Chambers, 1010 Tenth Street, Modesto, California, 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 amendment to the Land Use Diagram of the Kiernan Business Park Specific Plan is consistent with the General Plan Land Use Designation of Mixed Use (as amended), because the amendment would result in a mix of uses including Medium-High Density Residential uses that would provide for a diversity of housing within the Specific Plan.
2. The proposed amendment of the Specific Plan's Circulation Diagram to amend Bangs Avenue from "Major Collector Street" to "Minor Collector Street", would be consistent with the current General Plan Circulation Diagram because Bangs Avenue currently functions as a two lane minor collector street and is designated as such in the General Plan Circulation Element, and Bangs Avenue is also the location of the MID Lateral Canal No. 6, which runs both below- and above-ground along the southerly right-of-way of the street; and
3. A Negative Declaration, Environmental Assessment No. EA/C&ED No. 2022-6, was prepared by the City of Modesto that analyzed the proposed amendment and the Planning Commission has determined that, on the basis of the whole record before it, there is no substantial evidence that the amendment will have a significant effect on the environment and that the Negative Declaration should be adopted by the City Council.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby recommends to the City Council adoption of the proposed Kiernan Business Park Specific Plan Amendment No. 12 as described in Exhibit "A," attached hereto and incorporated herein by reference.

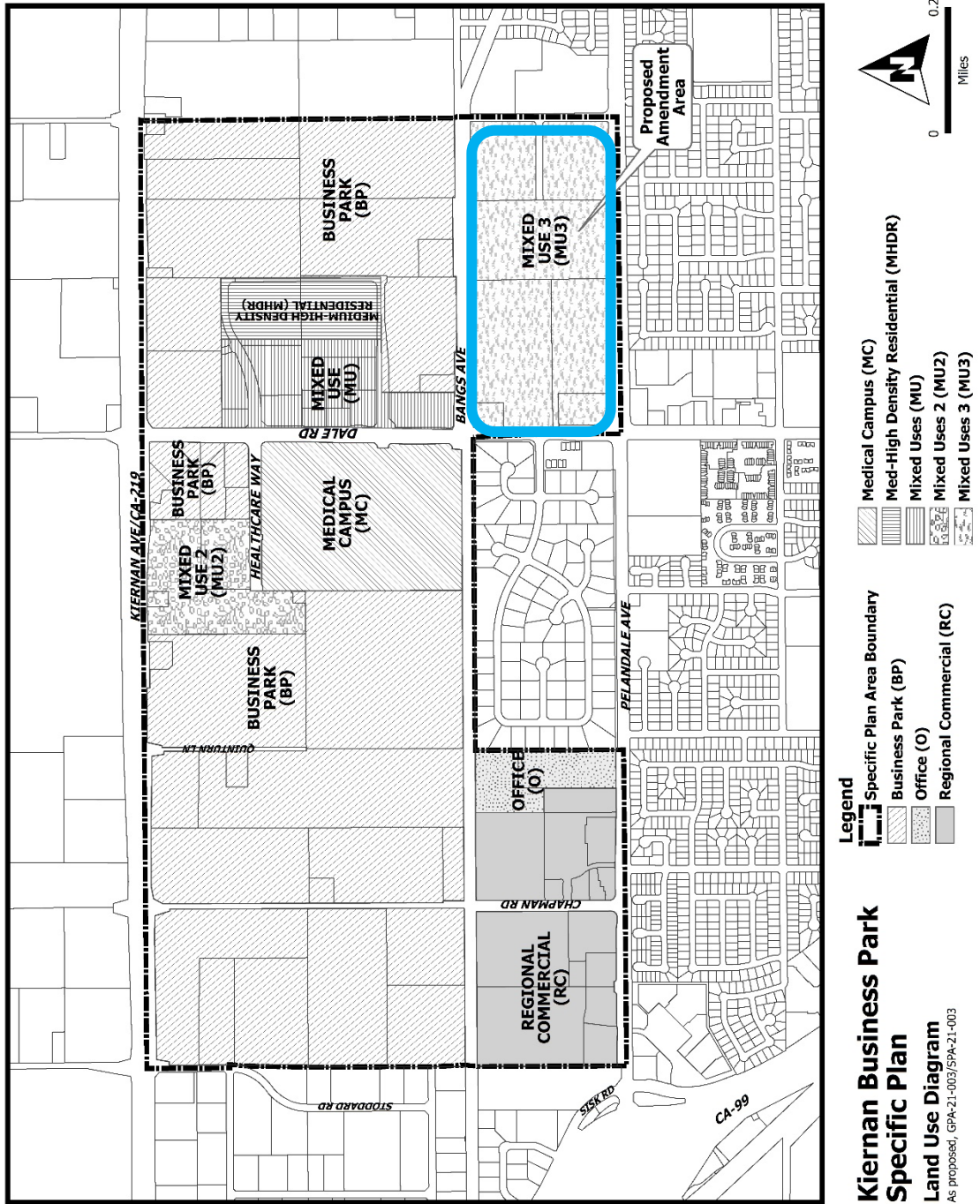
The foregoing resolution was introduced at the regular meeting of the Planning Commission held on March 7, 2022, by Commissioner Shanks, who moved its adoption, which motion was seconded by Commissioner Vazquez, and carried by the following vote:

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

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

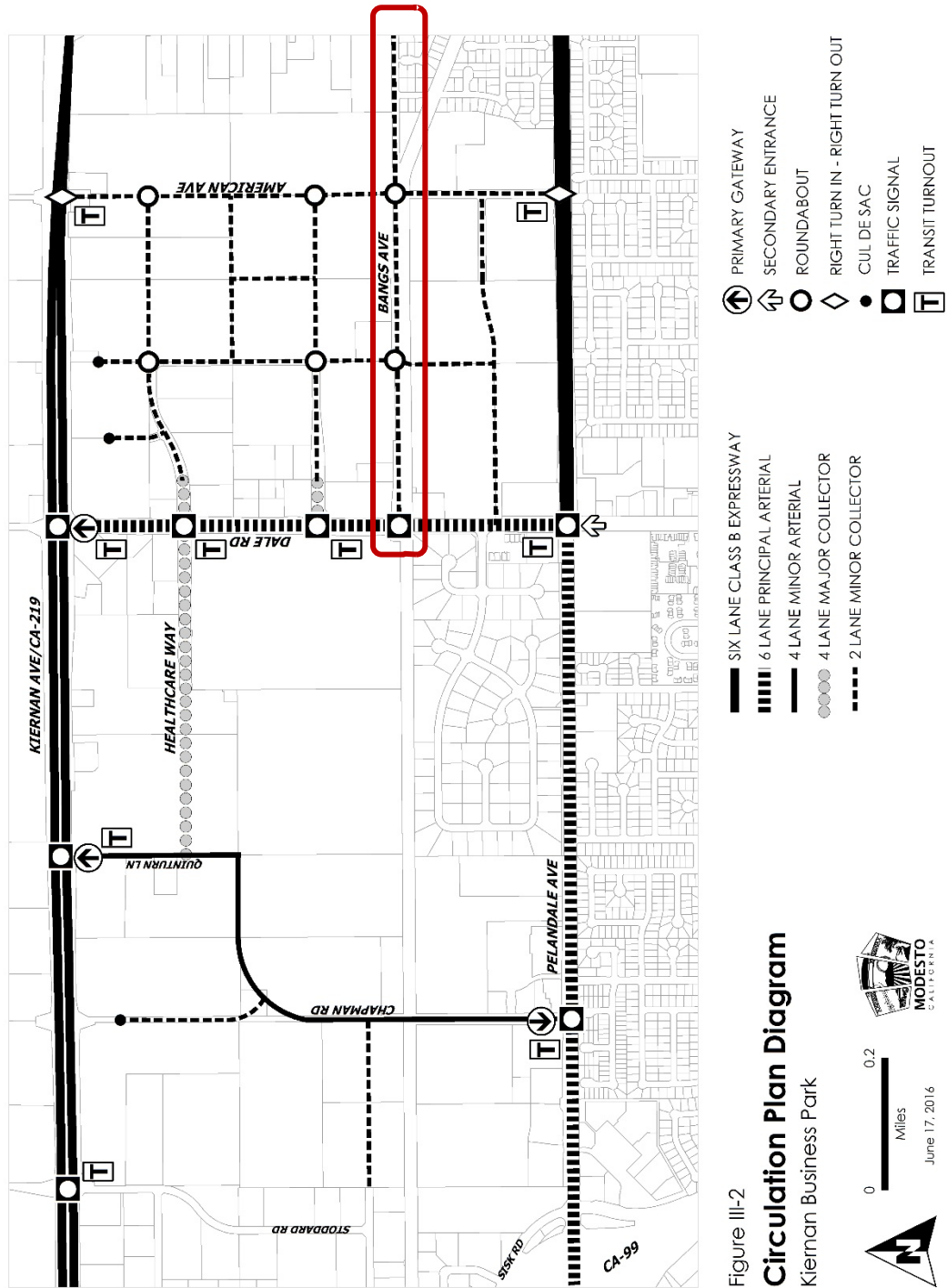
Original, signed copy on file in CEDD
Steve Mitchell, Secretary

Attachment (Exhibit "A")



Amendment to Land Use Diagram
Business Park (BP) uses to Mixed Use 3 (MU3)

**Kiernan Business Park
Specific Plan
Land Use Diagram**
As proposed, GPA-21-003/SPA-21-003



**Amendment to Circulation Diagram
 Major Collector Street to Minor Collector Street (Bangs Ave)**

The Land Use Summary of Kiernan Business Park is summarized below in Table III-1.

Development Area	Approximate Gross Acres	Maximum Density Allowed(sf) ¹	Dwelling Unit Max
Business Park Area (BP)			
Phase I	135.1 68.1	2,352,940 1,166,891 sf	n/a
Phase II	313.8	5,465,234 sf	n/a
Subtotal	448.9 380.9	7,818,174 6,632,125 sf	n/a
Office Area (O)			
Phase I	18.5	282,100 sf	n/a
Phase II	0		n/a
Subtotal	18.5	282,100 sf	n/a
Regional Commercial Area (RC)			
Phase I	55.4	965,300 sf	n/a
Phase II	0		n/a
Subtotal	55.4	965,300 sf	n/a
Medical Campus (MC)			
Phase I	49.0	1,425,000 sf	n/a
Phase II	0		n/a
Subtotal	49.0	1,425,000 sf	n/a
Medium High Density Residential (MHDR) Area			
Phase I	15.9	400,000gsf ² .	262 units ³
Phase II	0	0	0
Subtotal	15.9	400,000gsf.	262 units

¹ Source: City of Modesto Initial Study Environmental Checklist, June 2007 and A.C. Martin Partners Inc., 2006

² Gross square footage does not include garage area.

³ Since senior housing generates only 51% of the trips of conventional multi-family housing, up to 500 dwelling units of senior housing may be allowed in lieu of or in combination with conventional multi-family housing, as long as the equivalent number of dwelling units does not exceed 262 units.

Table III-1 (Continued from Page 3)			
Development Area	Approximate Gross Acres	Maximum Density Allowed (sf) ¹	Dwelling Unit Max
Mixed Use (MU) Area			
Phase I	26.5	268,000 gsf	n/a
(Hotel and Hospitality)		170,000 gsf	
(Residential)		113,000 gsf ²	80
Phase II	0	0	0
Subtotal	26.5	551,000 gsf	113 units
Mixed Use 2 (MU2) Area³ Phase II			
BP Scenario Maximums	22.9	Included in Business Park Area (BP) Phase II above	n/a
MHDR Scenario Maximums	22.9	550,000 gsf (MHDR)	550 units
Subtotal	22.9	550,000 gsf (if MHDR)	550 units (if MHDR)
Mixed Use 3 (MU3) Area⁴ Phase I			
MU Scenario Maximums	<u>67</u>	<u>Included in Mixed Use Area (MU) Phase I above</u>	
MHDR Scenario Maximums	<u>67</u>	<u>15 du/ac min</u> <u>16 du/ac max</u>	<u>1012 (if MHDR)</u>
Subtotal	<u>67</u>		<u>1012</u>
Total	614.0		<u>9251937</u>⁵ units

Table III-1: Kiernan Business Park - Maximum Buildout Land Use Scenario Summary for Phase I (area east of Dale Road) and Phase II (area west of Dale Road)

¹ Source: City of Modesto Initial Study Environmental Checklist, June 2007 and A.C. Martin Partners Inc., 2006

² Residential GSF in the Mixed Use (MU) Area does not include support square footage for areas such as corridors, lobbies, janitorial spaces, and any common areas such as a TV lounge of business center.

³ MU2 can develop as either BP or MHDR, or a combination, so maximums show in each scenario are not cumulative and should not be counted as such in subtotals or totals.

⁴ MU3 can develop as either MU or MHDR, or a combination, to a minimum density of 15 units per acre and a maximum density of 16 units per acre.

⁵ Dwelling Unit Maximum of ~~892~~-1937 if MU2 develops at 550 units and MU3 develops at 1012 units.

7. Mixed Use 2 (MU2) Area Permitted Uses

- a. Allowable Uses. The land uses allowed in the Mixed Use 2 (MU2) Area shall be those uses allowable in the Business Park (BP) Area or the Medium High Density Residential (MHDR) Area of the Specific Plan. MHDR uses shall be at a minimum density of 15 dwelling units per acre.
- b. Conditional Uses. The land uses permitted in the Mixed Use 2 (MU2) Area subject to approval of a Conditional Use Permit in accordance with Section 10-9.701 et seq. shall be those conditional uses permitted in the Business Park (BP) Area of the Specific Plan.
- c. Ancillary Uses. The ancillary uses allowed in the Mixed Use 2 (MU2) Area shall be those allowed in the Business Park (BP) Area of the Specific Plan.

8. Mixed Use 3 (MU3) Area Permitted Uses

- a. Allowable uses. The land uses allowed in the Mixed Use 3 (MU3) Area shall be those uses allowable in the Mixed Use (MU) Area or the Medium High Density Residential (MHDR) Area of the Specific Plan. MHDR uses shall be at a minimum density of 15 dwelling units per acre, and a maximum density of 16 dwelling units per acre.
- b. Conditional Uses. The land uses permitted in the Mixed Use 3 (MU3) Area subject to approval of a Conditional Use Permit in accordance with Section 10-9.701 et seq. shall be those conditional uses permitted in the Mixed Use (MU) Area of the Specific Plan.

C. Affordable Housing Strategy

The City of Modesto has adopted the "City of Modesto Housing Element". This document has two main purposes:

- 1. To provide an assessment of both current and future housing needs and constraints in meeting those needs; and
- 2. To provide strategy that establishes housing goals, policies, and programs.

Through the review of this document, it has been determined that affordable housing, while encouraged, is not required

- Data from the General Plan Traffic Analysis, described in the Traffic Appendix of the Master EIR, shall be utilized to evaluate the effectiveness of the Policies presented above. (Section B, p. V-11)
- Newly developing areas should provide a street pattern capable of accommodating transit service on a one-half mile grid. (Section I, p. V-27)
- The City shall strive to safeguard options for future transit and mass transportation development, such as the Union Pacific railroad right-of-way. (Section I, V-27)

4. Planned Area Wide Circulation

As part of development included in the City of Modesto General Plan, the surrounding and internal transportation network for the Specific Plan Area would be expanded and modernized. Under ultimate build-out of the City's General Plan (estimated at the year 2025), both Kiernan Avenue and Pelandale Avenue (east of Dale Road) would be improved to six-lane expressways. In addition, Chapman Road would be extended to the south to intersect with Pelandale Avenue and improved to a four-lane arterial, and Dale Road would be improved to a six lane principal arterial within the Specific Plan area.

Figure III-2, Circulation Plan Diagram, shows the proposed roadway system in the Specific Plan area. This roadway system was designed using the City of Modesto's Transportation Model and in coordination with City of Modesto planning and public work staff.

As development occurs, modifications to the minor collector street layouts may be made without the need for a Specific Plan Amendment.

The proposed site circulation plan consists of the following elements: pedestrian, bicycle, non-motorized, public transportation, and truck and automobile circulation.

Because of their functions as gateways, Chapman/Quinturn and Dale Roads have been planned with generous median and sidewalk landscaping.

Internal access to parcels within the Specific Plan area will be provided from planned east-west, two-and-four-lane collector streets. The new collectors have been planned with generous landscape areas. The Bangs Avenue segment from Dale Road to American Avenue is planned as a ~~four-lane major~~ two-lane minor collector. Two two-lane, minor collectors also provide internal access. These include an extension of Bangs Avenue from Landmark Business Park to Chapman Road and an extension of American Avenue from Kiernan Avenue to Pelandale Avenue. In addition, the remaining portion of Chapman Road north of the realignment will be designated a minor collector and the current connection to Kiernan Avenue will be replaced by a cul-de-sac bulb.

The Specific Plan circulation system provides access to most parcels via minor collector streets. Most of the collectors provide east-west connections to north-south arterials, Chapman Road/Quinturn Lane and Dale Road. A north-south connection between the Kiernan Avenue and Pelandale Avenue expressways is provided via the American Avenue extension east of Dale Road. This connection would provide right-turn-in/right-turn-out access only, as shown on the Circulation Plan Diagram.

As development occurs, modifications to the minor collector street layouts may be made without the need for a Specific Plan Amendment.

In order to allow some flexibility in the types of uses and sizes of various parcels, local streets have not been included in the Specific Plan network, but are assumed to be part of future development. Local streets will be designed as part of the tentative subdivision map application.

Policy C-5: The City shall promote the improvement and development of Kiernan Avenue and Pelandale Avenue and their connection to Highway 99 to accommodate future development in the Kiernan Business Park area.

Project will utilize 12-inch diameter and 10-inch diameter sanitary sewer lines throughout the business park for service. The existing sewer trunk lines located within Dale Road and Bangs Avenue were designed consistent with the prior Specific Plan's zoning and will be utilized by the project.

Proposed sanitary sewer facilities are shown in Figure III-10 for Kiernan Business Park East and South. As shown in Figure III-10, connections to the existing sanitary sewer system will be made to the existing 30-inch diameter pipeline located in Dale Road and to the existing 30-inch diameter pipeline located in Bangs Avenue.

In the event right-of-way or legal access to extend sewer lines is not available, alternative methods for sewer extensions may be considered on either a temporary or permanent basis.

Sanitary sewer lines to service the Kiernan Business Park can be installed as development occurs. All on site branch lines for development will be sized in accordance with the City of Modesto's current design standards and criteria.

Improvements will be built in accordance with the Facilities Master Plan (FMP) and funded through an Infrastructure Financing Plan (IFP).

4. Water System

Policy PF-6: The City shall require all new development to be served by a public water system.

Policy PF-7: The City shall require all water lines to be constructed and sized according to current City Standards (and subsequent updates).

Policy PF-8: The City shall require all water lines to be within the public street right-of-way, or if appropriate and approved by the City, in public easements within private driveways or roadways.

Policy PF-9: The City shall require each water line to be completed before the street under which it is to be located is paved.

The City of Modesto is the sole provider of municipal and industrial water service to the Specific Plan area.

The City's water supply sources include groundwater from the Stanislaus/Tuolumne and Turlock groundwater sub-basins and treated surface water from the Modesto Irrigation District (MID). Modesto Irrigation District (MID) and the City of Modesto (City) are currently moving forward on the Modesto Regional Water Treatment Plant Phase Two expansion and the city's water distribution project. Phase Two is intended to double the capacity of the MID's water treatment plant. Along with this expansion, the City will build new storage tanks and pipelines to deliver the needed water supply to the community. Construction of the Phase Two expansion is expected to be completed December 2008.

The City's water distribution generally consists of a network of 12-inch lines on half-mile increments and 10-inch lines on quarter mile increments with local 8-inch distribution lines.

A new well and distribution system will be constructed to serve the Kiernan Business Park.

A Water Supply Assessment prepared by West Yost Associates in April 2007 determined the City of Modesto's existing and future water supplies are sufficient to meet the City's existing and projected future water demands, including those future demands associated with the proposed project. As indicated in the Technical Memorandum prepared by West Yost Associates titled "Evaluation of the Kiernan Business Park East Project's Hydraulic Impacts on the City's Existing Water System" (June 4, 2007), Project specific improvements will consist of 12-inch diameter and 10-inch diameter water distribution pipelines throughout the Kiernan Business Park. As shown in Figure III-9, connections to the existing domestic water system for Kiernan Business Park East and Kiernan Business Park South will be made to the proposed 12-inch diameter pipeline in Bangs Avenue. Water lines to serve the Kiernan Business Park can be installed as development occurs.

In the event right-of-way or legal access to extend water lines is not available, alternative methods for water extensions may be considered on either a temporary or permanent basis.