

PLANNING COMMISSION  
RESOLUTION NO. 2018-03

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF SPECIFIC PLAN AMENDMENT NO. 7 TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO CHANGE THE LAND USE DESIGNATION OF 2.8 ACRES FROM OFFICE (O) TO REGIONAL COMMERCIAL (RC) (COSTA PARTNERS LIMITED LP)

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, 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, Costa Partners Limited LP has filed an application to amend the Land Use Plan Diagram of the Kiernan Business Park Specific Plan to change the land use designation of 2.8 acres located on the north side of Pelandale Avenue east of Chapman Road from Office (O) to Regional Commercial (RC); and

WHEREAS, a public hearing was held by the Planning Commission on March 19, 2018, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission has considered an Initial Study, Environmental Assessment No. EA/C&ED 2018-03, which concluded that the potential environmental effects of the proposed specific plan amendment have been adequately addressed within the context of the previously-certified Kiernan Business Park Specific Plan Amendment No. 4 Program EIR (SCH No. 2007062071), and that, pursuant to Section 15182 of the CEQA Guidelines/Section 21166 of the Public Resources Code, no new environmental review is required.

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

1. The proposed amendment to the Kiernan Business Park Specific Plan is consistent with the General Plan, because the General Plan Land Use Designation of the 2.8-acre amendment area is Regional Commercial (RC), which allows for commercial uses as described in the Regional Commercial (RC) land use designation of the Kiernan Business Park Specific Plan Land Use Plan Diagram.
2. There are no substantial changes proposed in the Specific Plan amendment that will require major revisions of the Kiernan Business Park Specific Plan Amendment No. 4 Program EIR (SCH No. 2007062071).

3. There are no substantial changes occurring with respect to circumstances under which the Specific Plan amendment is being undertaken which will require major revisions in the Kiernan Business Park Specific Plan Amendment No. 4 Program EIR.
4. No new information, which was not known and could not have been known at the time the Kiernan Business Park Specific Plan Amendment No. 4 Program EIR was certified as complete, has become available.
5. The Initial Study, Environmental Assessment No. EA/C&ED 2018-03, provides the substantial evidence to support findings 2-4, noted above.

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. 7 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 19, 2018, by Commissioner Pollard, who moved its adoption, which motion was seconded by Commissioner Birring, and carried by the following vote:

Ayes:	Birring, Escutia-Braaton, Lucas, Pollard, Smith, Vohra
Noes:	None
Absent:	None
Recused:	Morad

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

Original, signed copy on file in CEDD  
Patrick Kelly, Secretary

Exhibit "A"

