

PLANNING COMMISSION
RESOLUTION NO. 2020-22

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF SPECIFIC PLAN AMENDMENT NO. 10 TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO CREATE THE NEW LAND USE DESIGNATION OF MIXED USE 2 (MU2) TO ALLOW FOR BUSINESS PARK USES OR MEDIUM HIGH DENSITY RESIDENTIAL USES TO A MAXIMUM OF 550 DWELLING UNITS ON THREE PARCELS TOTALLING 22.9 ACRES, PROPERTY LOCATED ON THE NORTH SIDE OF HEALTHCARE WAY, WEST OF DALE ROAD (RONALD J. MALIK)

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 December 15, 2015, the City Council by Resolution No. 2015-499 adopted Amendment No. 5 to amend the storm drain provisions and to clarify and simplify land use and development standard regulations for the Specific Plan; and

WHEREAS, on May 2, 2017, the City Council by Resolution No. 2017-171 adopted Amendment No. 6 to amend the definition of allowable and conditional uses in the Business Park land use designation of the Specific Plan, particularly regarding ancillary retail uses; 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, Ronald J. Malik has filed an application to amend the Land Use Diagram of the Specific Plan to change the land use designation of 22.9 acres located on the north side of Healthcare Way west of Dale Road from Business Park (BP) to the new land use designation of Mixed Use 2 (MU2) to allow for Business Park uses or Medium High Density Residential uses to a maximum of 550 dwelling units or a mixture of the two uses; and

WHEREAS, a public hearing was held by the Planning Commission on December 7, 2020, 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 2020-21, which concluded that the potential environmental effects of the proposed specific plan amendment have been adequately addressed within the context of the previously-certified City of Modesto Master EIR (SCH No. 2014042081), and that, pursuant to Section 21157.1 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 amendment area is located within the Business Park (BP) land use designation of the City of Modesto Urban Area General Plan which allows for Business Park land uses as prescribed by the Kiernan Business Park Specific Plan, and the addition of the Mixed Use 2 (MU2) land use to the Specific Plan would allow for business park uses as is already permitted within the Specific Plan, or

allow for Medium High Density Residential uses to a maximum of 550 dwelling units, or a mixture of both Business Park and Medium High Density Residential uses, within the 22.9-acre amendment area.

2. The proposed amendment would promote workforce housing which is a goal of the Housing Element of the General Plan, providing for multi-family housing in close proximity to established business park, office and commercial uses.
3. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.
4. No new or additional mitigation measures or alternatives are required.
5. The subsequent project is within the scope of the project covered by the Master EIR.
6. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.
7. The Initial Study, Environmental Assessment No. EA/C&ED 2020-21, provides the substantial evidence to support findings 3-6, 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. 10 as described in Exhibit "A," attached hereto and incorporated herein by reference, with addition of a provision requiring any residential development to have a minimum density of 15 dwelling units per acre.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on December 21, 2020, by Commissioner Smith, who moved its adoption, which motion was seconded by Commissioner Pollard, and carried by the following vote:

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

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

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

Attachment (Exhibit "A")