

PLANNING COMMISSION
RESOLUTION NO. 2021-05

A RESOLUTION GRANTING A 24 MONTH EXTENSION OF TIME FOR THE FILING OF A PARCEL MAP FOR PROPERTY LOCATED AT 2706 KIERNAN AVENUE (BP PEARLA LP)

WHEREAS, by Resolution No. 2019-11 adopted on April 15, 2019, the Planning Commission approved the Vesting Tentative Parcel Map of property located at 2706 Kiernan Avenue within the Kiernan Business Park Specific Plan, to divide 19.03 acres into twelve parcels; and

WHEREAS, said approval expires on April 15, 2021; and

WHEREAS, on March 3, 2021, prior to expiration of tentative map approval, BP Pearla LP filed an application for a 24-month extension of time for the filing of a Parcel Map with the Land Development Engineering Division, as authorized in Sec. 4-4.503(a) of the Modesto Municipal Code; and

WHEREAS, the Planning Commission considered the requested time extension on April 19, 2021, in Chambers, 1010 Tenth Street, Modesto, California; and

WHEREAS, the Planning Commission has considered the Initial Study Environmental Assessment No. EA/C&ED 2019-10, which concludes that no major revisions to the previously-certified Kiernan Business Park Specific Plan Amendment No. 4 Program EIR (SCH No. 2007062071) are needed as a result of the project, and that, pursuant to Section 15162 and 15164 of the CEQA Guidelines, no new environmental review is required.

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

1. Conditions affecting the vesting tentative parcel map have not substantially changed since the tentative map was approved.
2. The approval of a 24-month time extension for the tentative parcel map would not create a health or safety risk to the community.
3. The previously approved vesting tentative parcel map and the requested time extension thereof, are consistent with the General Plan Land Use designation of Business Park (BP) for the site.
4. There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Kiernan Business Park Specific Plan Amendment #4 EIR are required.
5. No substantial changes have occurred with respect to the circumstances under which the proposed project are undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major

revisions to the Kiernan Business Park Specific Plan Amendment #4 EIR are required.

6. There is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence when the Kiernan Business Park Specific Plan Amendment #4 EIR was adopted which shows any of the following:
 - a. one or more significant effects which is not discussed in the Kiernan Business Park Specific Plan Amendment #4 EIR, or
 - b. significant effects which were previously examined will be substantially more severe than previously shown, or
 - c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or
 - d. mitigation measures or alternatives which are considerably different from those analyzed in the Kiernan Business Park Specific Plan Amendment #4 EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
7. The Initial Study, Environmental Assessment No. EA/C&ED No. 20109-10, provides the substantial evidence to support findings 4-6, above, and the City hereby determines that no further environmental documentation is required for the proposed project.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby grants an extension of time to April 15, 2023 for the filing of a Parcel Map of property located at 2706 Kiernan Avenue, subject to the conditions contained in Planning Commission Resolution No. 2019-11.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on April 19, 2021, by Commissioner Smith, who moved its adoption, which motion was seconded by Commissioner Vohra, and carried by the following vote:

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

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

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