

PLANNING COMMISSION
RESOLUTION NO. 2022-19

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF SPECIFIC PLAN AMENDMENT NO. 12 TO THE KIERNAN BUSINESS PARK SPECIFIC PLAN TO REDESIGNATE 12.8 ACRES OF LAND FROM BUSINESS PARK TO MIXED USE, PROPERTY LOCATED AT 2931 AND 2731 BANGS AVENUE (BENCHMARK ENGINEERING)

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, on April 12, 2022, the City Council by Resolution No. 2022-194 adopted Amendment No. 12 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 Mixed Use 3, **property located north of Pelandale Avenue and east of Dale Road**; and

WHEREAS, Benchmark Engineering has filed an application to amend the Land Use Diagram of the Specific Plan to change the land use designation of 11.8 acres located north of Bangs Avenue, north of Pelandale Avenue and east of Dale Road from Business Park (BP) to the new land use designation of Mixed Use (MU) 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 City has added a one-acre property adjacent to the proposed location to provide continuity with the resulting zoning; and

WHEREAS, City Staff has prepared and the Planning Commission has considered the addendum to the Kiernan Business Park Specific Plan Amendment #4 Program EIR, Environmental Assessment No. EA/C&ED 2022-18, which concludes that no major revisions to the previously-certified Kiernan Business Park Specific Plan Amendment #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.

WHEREAS, a public hearing was held by the Planning Commission on August 1, 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, because the amendment would result in a mix of commercial and offices uses consistent with the General Plan's Business Park designation of the site.
2. 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.
3. No substantial changes have occurred with respect to the circumstances under which the proposed project is 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.
4. 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.
5. An addendum to the EIR was prepared based on the Written Checklist, Environmental Assessment No. EA/C&ED No. 2022-18, provides the substantial evidence to support findings 2-4, 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 recommends to the City Council adoption of the proposed Kiernan Business Park Specific Plan Amendment No. 13 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 August 1, 2022, by Commissioner Shanks, who moved its adoption, which motion was seconded by Commissioner Morad, and carried by the following vote:

Ayes: Birring, Morad, Pollard, Shanks, Silva, Vazquez, Vohra
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

Exhibit "A"