

## **Section II Introduction**

The intent of the Specific Plan is to provide for the development of new Business Park and industrial uses, a medical campus, mixed use and medium high density residential in the vicinity of Kiernan Avenue. Because it is located adjacent to Highway 99 and North Modesto, the Kiernan Avenue area is a prime job-creating location. The Kiernan Business Park Specific Plan will assist in implementing Modesto's long-range objectives to enhance its local economy, generate jobs for residents, and create a better jobs/housing balance.

The Kiernan Business Park Specific Plan (KBPSP) serves as a tool to guide the orderly development of land within the Plan area.

### **A. *Project Description***

The Kiernan Avenue area represents an important economic resource to the City of Modesto. The Specific Plan area consists of approximately 614 acres located adjacent to the City of Modesto's northern border, east of Highway 99, and south of Kiernan Avenue partly in a portion of unincorporated Stanislaus County and partly in the incorporated City.

### **B. *Specific Plan Statement***

The purpose of a Specific Plan is to provide a link between the General Plan and the City of Modesto, with its community-wide goals and policies, and the detailed procedures and site-specific restrictions inherent in implementation tools such as zoning.

The Specific Plan includes development standards and design guidelines that: define the general development framework of the business park; specify appropriate land uses within the development; encourage the integration of existing businesses and buildings; specify design parameters of new structures; define a continuous pedestrian circulation and bicycling system that encourages walking and bicycling; provide a strong tree and landscape concept that creates a pedestrian-scaled and tree shaded environment.

### **C. Purpose and Content of the Specific Plan**

Specific Plans are an implementation mechanism for new growth areas authorized by California Government Code Sections 65450 et seq. The content of the Specific Plan is defined in Government Code Section 65451(a) and is required to address the following:

- The distribution, location, and extent of the uses of land, including open space, within the area covered by the plan.
- The proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
- Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable.
- A program of implementation measures including regulations, programs, public works projects, and financing necessary to carry out the above items.
- A statement of the relationship of the Specific Plan to the General Plan.

All subsequent entitlements and approvals relating to land or infrastructure in the Plan Area, including but not limited to subdivisions, public works projects, rezones and conditional use permits, must be consistent with the Specific Plan.

Pursuant to California Government Code, Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457, the code authorizes cities, such as the City of Modesto, to adopt Specific Plans either by resolution as policy, or by ordinance as regulation. When adopted by resolution, the Specific Plan expands upon the broad policy direction of the general plan by further defining goals and objectives for a precise area with the intention of implementing that policy. Adoption by resolution is common when no existing zoning ordinance or other code is amended. When adopted by ordinance, the customized development regulations and

guidelines of the Specific Plan supplement the municipal code and in effect become the zoning for the area.

The Kiernan Business Park Specific Plan was adopted by ordinance; therefore the customized development regulations and guidelines of this Specific Plan supplement the municipal code and have become the zoning for the area.

The KBPSP as a regulatory document is a unique and unified implementation tool. The scope of subjects covered is the same as the scope of the General Plan. Through customized regulations and standards augmenting existing zoning, the Specific Plan provides additional controls on the character and quality of future development in a finite planning area. Design guidelines are intended to stimulate responsible individual project design while maintaining a high degree of development flexibility. The Specific Plan approach ensures an ongoing consistency of land usage, design, and architectural treatment, logical phasing, and the adequate and efficient provision of public services over the life of the development.

**D. *Relationship of Specific Plan to City of Modesto Urban Area General Plan***

The California Government Code requires that Specific Plans be consistent with the local jurisdiction's adopted General Plan.

In August of 1995 the City of Modesto adopted a revised Urban Area General Plan in addition to the certification of the General Plan Master Environmental Impact Report (MEIR). In March of 2003 the City of Modesto adopted an amended Urban Area General Plan and tiered another Master Plan EIR on the 1995 Master EIR. In October of 2008 the City adopted another amendment to the General Plan and updated the Master EIR accordingly.

This General Plan establishes the goals and policies that will guide the City land use decisions until 2025 and generally describes the lands that will be urbanized by 2025. Three policy areas were established: the Redevelopment Area, the Baseline Developed Area, and the Planned Urbanizing Area.

The following reviews the policies of the City of Modesto General Plan and demonstrates consistency with each applicable policy:

Table II-1 City of Modesto General Plan Policies

- Specific Plans, adopted pursuant to Section 65450 et seq. of the California Government Code, may be used to provide primary policy guidance to future development within their respective geographic areas. Specific Plans may be adopted to implement any of the Land Use Designations presented on the Land Use Diagram, and they may be used within any Growth Strategy Designation: Redevelopment Area; Baseline Developed Area; or Planned Urbanizing Area. (Section C, p. III-7)

- All policy requirements presented in the individual Comprehensive Planning District narratives (Exhibits III-2 through III-6), shall be applied wherever indicated in each individual District's narrative. (Section D, p. III-13)

(a) Kiernan/Carver Comprehensive Planning District Policies

The Comprehensive Plan to implement this Comprehensive Planning District shall address the Land Use Policies presented in [Chapter III, Community Development Policies,] as follows:

- Overall Land Use Policies (Section III-C(1))
- Nontraditional Planning Principles (Section III-C(3))

In addition... [For] this particular Comprehensive Planning District, adequate buffering should be provided between the Business Park uses and residential use to the south and east.

- For individual proposed projects that conform to a Comprehensive Plan's land use designations (for amount and type of land use), Site Access Study may be prepared. Each Site Access Study should, at a minimum, focus on the following issues:

(a) Impacts to roadway intersections that is adjacent to the project site.

(b) Impacts to and design needs for access between internal and off-site vehicular circulation, and linkages to bicycle/pedestrian circulation systems and transit services.

(c) On-site parking needs.

(d) Other safety-related concerns.

Conceivably, the Comprehensive Traffic Study may contain sufficient detail to obviate some or all portions of a "Site Access Study. (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 will not annex agricultural land unless urban development consistent with the General Plan has been approved by the City. (Section D, p. VII-6)
- The City shall support the continuation of agricultural uses on lands designated for urban uses until urban development is imminent. (Section D, p. VII-6)
- When necessary to promote planned City growth, the City shall encourage development of those agricultural lands that are already compromised by adjacent urban development or contain property required for the extension of infrastructure or other public facilities, before considering urban development on agricultural lands that are not subject to such urban pressures. (Section D, p. VII-6)
- The General Plan should attempt to minimize the loss of agricultural land by having future development be relatively compact and of reasonable high density. (Section D, p. VII-6)

The Focused EIR for each Comprehensive Planning District shall include a Noise Analysis prepared by a qualified person experience in the fields of environmental noise assessment and architectural acoustics. Noise mitigation measures shall be "used as a guide for establishing a pattern of land uses...that minimizes the exposure of [present and future] community residents to excessive noise." (Section 65302(1) Government Code.) The noise contours developed by the Noise Analysis shall be used to determine the land use pattern appropriate with the Comprehensive Plan. (For example, noise from a freeway or expressway might indicate the need for sound barriers, or for non-residential uses adjacent to the noise source.) (Section G, p. VII-16)

**E. *Relationship of Specific Plan to City of Modesto Zoning Ordinance***

The KBPSP is intended, within the boundaries of the Plan Area, to define the zoning designations. Several aspects of the City of Modesto Zoning are incorporated into the Specific Plan by reference and components of the plan comply with the existing permitting structure in the City of Modesto Zoning Ordinance. Any regulations not covered in this Specific Plan are deferred to regulations contained elsewhere in the City of Modesto's Zoning Ordinance. Whenever there is a conflict between the Cities Zoning Ordinance and this Specific Plan, the provisions of the Specific Plan shall prevail.

**F. *Kiernan Business Park Development Standards & Design Guidelines***

The Kiernan Business Park Development Standards & Design Guidelines establish design criteria for all uses in the entire Specific Plan Area. The Development Standards and Design Guidelines supersede the City of Modesto Zoning Ordinance.

**G. *Kiernan East Development Agreement***

Pursuant to the authority of the California Government Code, Section 65864 et seq. and City of Modesto Policy 91-185, the project proponent may execute a development agreement subject to the provisions of the Specific Plan. The Kiernan East Business Park Development Agreement can set forth the needed infrastructure improvements, the timing and method for financing improvements and other specific performance obligations of the property owners and the City of Modesto as it relates to the development of the Plan Area.

#### **H. *Relationship of Specific Plan to CEQA***

The Kiernan Business Park Specific Plan was prepared in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines. The purpose of CEQA is to determine the potential significant environmental impacts of proposed projects. The City's Master Environmental Impact Report (State Clearinghouse No 2007072023), which identified specific plans as subsequent projects, was certified by the Modesto City Council in 1995 and updated and recertified in March 2003 and October 2008.

A Project Environmental Impact Report (EIR), tiered off the Master EIR, was prepared to address the environmental impacts of the Kiernan Business Park Specific Plan in 1997. Since that time, the Kaiser Medical Campus and Cornerstone Business Park projects were approved within the plan area under a separate project EIR (State Clearinghouse No. 2003072085), the area bounded by Pelandale Avenue, Dale Road, Bangs Road, and American Avenue (also known as Kiernan South) was approved with a Mitigated Negative Declaration (State Clearinghouse No. 2007092029), and the area bounded by Kiernan Avenue, Dale Road, Bangs Road and American Avenue (also known as Kiernan East) was approved under a stand-alone Program EIR (State Clearinghouse No. 2007062071).

Environmental review of subsequent activities shall be pursuant to CEQA Guidelines Section 15162. All projects shall comply with applicable mitigation measures identified in the associated mitigation-monitoring and reporting programs.

#### **I. *Relationship of Specific Plan to City Council Goals and Policies***

The Plan establishes policies and standards to direct the logical development of a well-organized and attractive business park in the Kiernan Avenue area near Highway 99 that will promote and accommodate future business park and industrial development consistent with the economic development goals of the City of Modesto.

This goal has been developed in response to the following guiding concepts:

- Provide for development of the Plan area in a manner that is consistent with and furthers the stated goals of the Modesto General Plan and this Specific Plan; and
- Provide a development framework and setting that is consistent with the needs of, and attractive to, the target industries identified in the previously prepared *Kiernan Business Park Industrial Development Strategy*.

Early in the Specific Plan process an *Industrial Development Strategy* was prepared to estimate future market demand for development at Kiernan Business Park. Based on forecasted demand and location opportunities and constraints associated with the Kiernan Avenue area, the *Industrial Development Strategy* identifies a group of target industries for the Kiernan Business Park. Industries in the target group include office-based users interested in the high-end business image provided by north Modesto and more industrial-oriented sectors such as distributing, warehousing, and light manufacturing which favor locations with good access to regional transportation networks.

For these uses, the following issues must be addressed:

- The Business Park will need to accommodate a variety of users including enterprises wishing to combine their office and production activities.
- New uses will require sensitive siting and design to ensure compatibility with adjacent development.
- The Business Park could attract large corporate offices at the expense of downtown's central business district.

The following land use policies respond to these opportunities, constraints and issues and will guide development in the Plan area. The policies were developed on the basis of the *Industrial Development Strategy*, the *Recommended Modesto Economic Development Strategy*, and concerns voiced by citizens during the community meetings.

***Policy LU-1: Lands adjacent to existing properties on the west side of existing Business Park bordering KBPSP and north of Regional Commercial Area shall be designated for Business Park uses.***

***Policy LU-2: Adequate buffers shall be provided between Business Park uses and neighboring residential uses.***

Additional land use policies are provided throughout the remainder of this chapter as applicable.

**J. *Statutory Authority***

The Kiernan Park Specific Plan is established through the authority granted to the City of Modesto by the California Government Code, Title 7, Division 1, Chapter 3, Article 8, and Sections 65450 through 65457.

This is a regulatory Specific Plan. It serves as zoning for the property as defined in this document. Development plans, site plans and tentative parcel maps or tract maps in this area must be consistent with the Specific Plan. If a development agreement is sought, it must be in conformance with the General Plan and this Specific Plan.

State Law requires that a Specific Plan include the following elements:

- Land Use
- Development and Landscaping Guidelines/ Urban Design
- Drainage
- Circulation
- Utilities
- Implementation
- Financing
- Public Facilities
- Infrastructure

**K. *Severability Clause***

The Specific Plan applicant shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and its advisory agency, appeal board, or a legislative body concerning the Specific Plan and its related documents (e.g. EIR, Facilities Master Plan and Finance Plan).

If any section, subsection, paragraph, subparagraph, sentence, clause or phrase of this Specific Plan is for any

reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions hereof. It is being hereby expressly declared that this Specific Plan, and each section, subsection, sentence, clause and phrase thereof would have been prepared and proposed, adopted, approved and ratified irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

## **L. Existing Conditions**

### **1. Existing Circulation**

#### **a. Existing Roads**

The Kiernan Business Park area is currently served by the following highway and roadways:

- *State Route 99 (Highway 99)*: Highway 99 is a north-south freeway facility providing six travel lanes to the west of the project. Highway 99 provides access throughout the Central Valley connecting Sacramento, to the north; to Merced, Fresno, and Bakersfield, to the south. It also provides access to other routes serving the San Francisco Bay Area.
- *Kiernan Avenue: (State Route 219)*: Kiernan Avenue is an east-west, rural arterial that provides two travel lanes and is controlled by non signaled intersections. It connects Highway 99 to McHenry Avenue (State Route 108). This segment of Kiernan Avenue is designated part of the State Highway system.
- *Pelandale Avenue*: Pelandale Avenue is an east-west, two-to-four lane facility. It runs between Highway 99 and Dale Road. Pelandale Avenue is planned to function as an expressway.
- *Dale Road*: Dale Road is a six lane road between Standiford Avenue and Braden Avenue, a five-lane road between Snyder Avenue and Kaiser main entrance, and a four-lane road between Kiernan and Kaiser main entrance. Dale is only a two-lane road north of Kiernan Avenue.
- *Chapman Road*: Chapman Road is a rural, north-south, two-lane road that runs between Kiernan Avenue and Pelandale Avenue. Chapman Road between Pelandale Avenue and the Modesto Irrigation

District (MID) Lateral No. 6 is a four-lane minor arterial.

## **2. Existing Utilities**

### **a. City Water System**

The City 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 basins and treated surface water from Modesto Irrigation District (MID). The City's water system service area includes former Del Este Water Company systems in Empire, Salida, Waterford, Hickman, Grayson, Del Rio, and portions of Ceres and Turlock.

MID owns and operates the Modesto Regional Water Treatment Plant (MRWTP) and provides to the City their supplemental drinking water supply for Modesto area residents north of the Tuolumne River. In the early 1990's MID, the City, and the former Del Este Water Company developed a plan to meet the community's need for safe, dependable drinking water. This long-term water management plan called for combining well water with surface water from the Tuolumne River. It makes the best use of water in droughts and also in years when water is plentiful. In Phase One of this project MID built the water treatment plant (MRWTP), which was completed in 1995.

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 complete in 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. As shown in Figure II-2.

Currently there is one 20-inch pipeline in Bangs Avenue and one 12-inch diameter pipeline along Dale Road. A 12-inch diameter pipeline is located within American Avenue between Bangs Avenue and Pelandale Avenue, and extends approximately 200 feet short of Bangs Avenue. There are no water system facilities located with Pelandale Avenue along the southern portion of the Kiernan Business Park frontage.

A new distribution system will be constructed to serve the Kiernan Business Park East. The size and location of water lines to serve the KBP will be determined by a technical study performed for the project and by the Facilities Master Plan. 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.

**b. Modesto Irrigation District Water System**

The Modesto Irrigation District (MID) service area covers approximately 160 square miles (102,400 acres) and lies solely within Stanislaus County. Approximately 61,900 acres of the MID is under irrigation. The Stanislaus and San Joaquin Rivers define the general boundaries of MID to the north and west, the Main Canal and Dry Creek form the northeast boundary, and the Tuolumne River defines the southern boundary. MID delivers approximately 182,000 acre-feet per year of raw water to 3,135 active accounts and also delivers 33,602 acre-feet of treated surface water to the City of Modesto per year. The City is MID's only domestic water customer. See Figure II-2.

As shown in Figure II-1, the site is traversed from east to west by the Modesto Irrigation District (MID) Lateral No. 6 canal within a 100-foot right-of-way that extends across the southern portion of the site just north of the Fleur de Ville subdivision. In addition, a 36-inch distribution line travels east and west along the northern portion of the site.

**c. Existing Waste Water Collection, Treatment and Disposal**

The City's existing wastewater collection system consists of approximately 600 miles of sanitary sewer lines ranging in diameter from 4-inches to 66-inches. The larger trunk and sub-trunk sewers range in diameter from 10-inches to 66-inches, and are the major pipelines conveying flows to the Sutter Avenue Primary Wastewater Treatment Plant. The system utilizes 39 lift stations with capacities ranging from 200 to 19,000 gallons per minute (gpm).

The collection system is divided into ten sewer areas. The KBP development will be in the northern most limits of Area 1. The two major sewer lines that serve Area 1 are the North Trunk and West Trunk. As shown in Figure II-3, the 39-inch diameter North Trunk intercepts the West Trunk, at the intersection of Bangs and American Avenue. An existing 30-inch trunk in Bangs Avenue, from Dale Road to American Avenue, also conveys flow to the West Trunk.

The City has two wastewater treatment facilities for treating domestic wastewater: the Sutter Avenue Primary Treatment Facility (Primary Plant) and the Jennings Road Secondary Treatment Facility (Secondary Plant). The Primary Plant receives raw (untreated) wastewater that is collected by the sanitary sewer collection system. The raw wastewater undergoes primary treatment in which the solids in the wastewater are removed by primary clarification (settling). A 60-inch diameter outfall transports the clarified effluent some 6.5 miles to the southwest from the Primary Plant to the Secondary Plant. The Secondary Plant provides secondary treatment.

The City disposes of its treated secondary effluent from the Secondary Plant in two ways: by discharging it to the San Joaquin River (River) or using it to irrigate the City's ranch land. The City currently uses roughly two-thirds of the annual flow for irrigation. The remaining third is discharged to the River. River discharges are prohibited from May through September. During this

period, not all of the effluent can be used for irrigation, because there are limits to water application rates. Excess flow that cannot be discharged to either land or the River must be stored in two large earthen storage basins. The volume of flow that can be discharged to the River is affected by the River's flow. The City must maintain a 20:1 dilution ratio (River flow to effluent flow) to comply with its discharge permit. In dry years, River flows are usually low, so less flow can be discharged.

Whereas the primary wastewater treatment capability is adequate, the secondary treatment at the Jennings Road facility is operating at its rated disposal capacity. The City recently prepared the "DOMESTIC WASTEWATER NEAR TERM CAPACITY STUDY" (March 2006) to evaluate alternatives to evaluate disposal alternatives to safely accommodate domestic wastewater contributions from the projected near term development. The City Study evaluated several alternative and provides recommendations to provide long-term wastewater treatment and disposal capacity at the Jennings Road Secondary Treatment Facility for future growth.

#### **d. Storm Water and Drainage Systems**

The existing drainage within the City of Modesto is generally in a western direction which originates primarily from precipitation from winter storms in the valley foothills. Average annual precipitation in the site vicinity is approximately 12.5 inches. The project area lies between the Stanislaus River, located approximately 2 miles to the north, and the Tuolumne River, located about 6 miles to the south. The project area is located on a large complex of alluvial fans formed by these two rivers, which flow into the San Joaquin River, located approximately 12 miles west of the project area. The City of Modesto is responsible for all storm drain facilities within the public right of way consisting mainly of drainage pipelines, inlet structures and infiltration/detention facilities. There are no natural stream channels on or adjacent to the project area. The Modesto Irrigation District (MID) Lateral Canal No. 6 irrigation canal runs adjacent to Bangs Avenue along the southern

portion of the Specific Plan site. The Specific Plan site is essentially flat, with a very gentle regional gradient to the northwest. As described in the City's Draft Storm Drain Master Plan, the Specific Plan site covers parts of sub-basins:

As shown in Figure II-4, there are limited existing drainage facilities near the project site. Currently, there are 12-inch diameter storm drain lines and horizontal drain assemblies along the both sides of Dale Road that collect and infiltrate road runoff. All facilities on the west side of Dale Road are the ultimate facilities while the facilities located on the east side of Dale Road are the interim facilities that will be modified with the proposed roadway improvements. A horizontal drain assembly is also located within Bangs Avenue near the intersection of Dale Road. There are no other storm drain facilities within the project site.

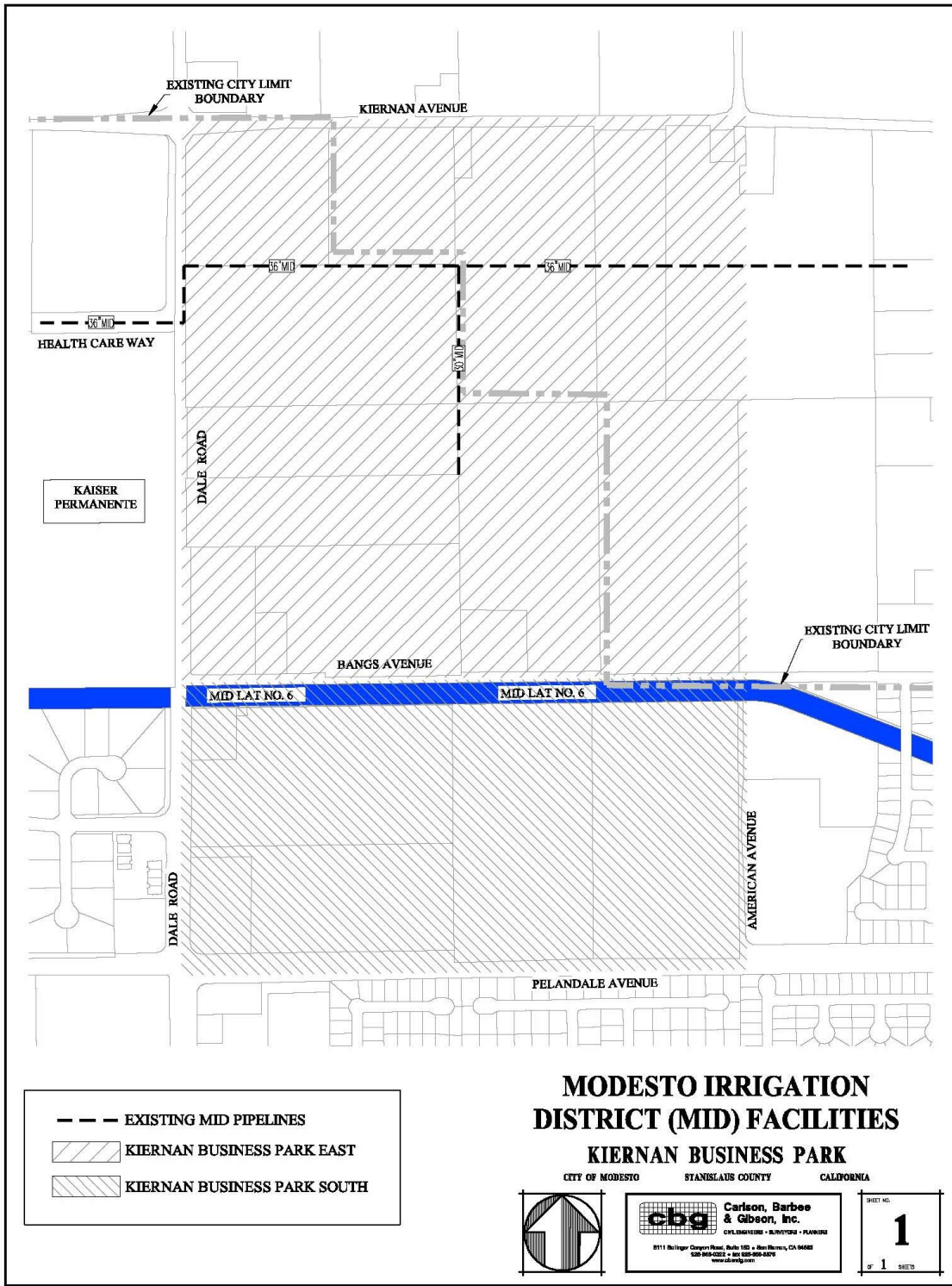


Figure II-1: Existing Modesto Irrigation District (MID) Facilities

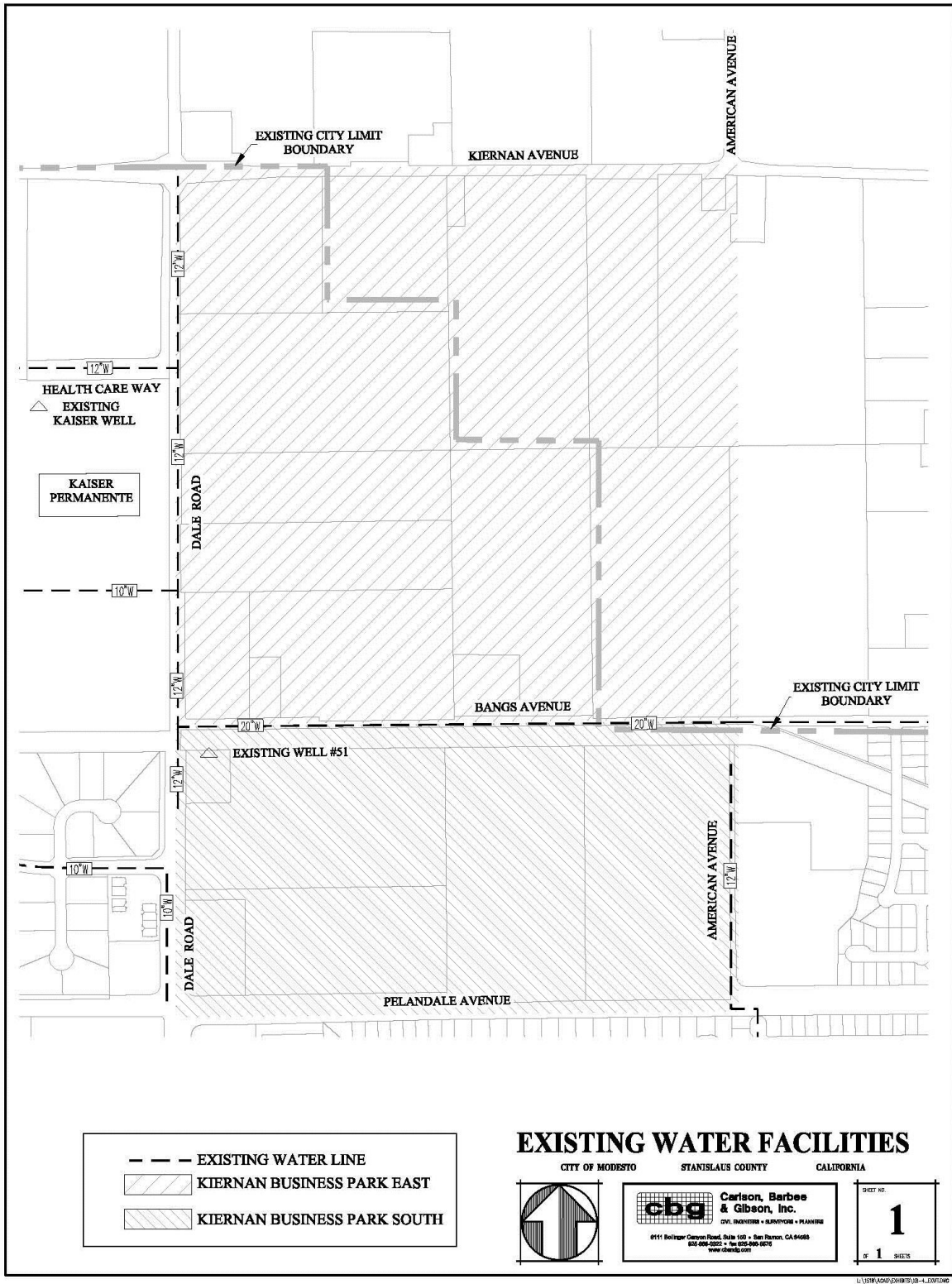


Figure II-2: Existing Water Facilities

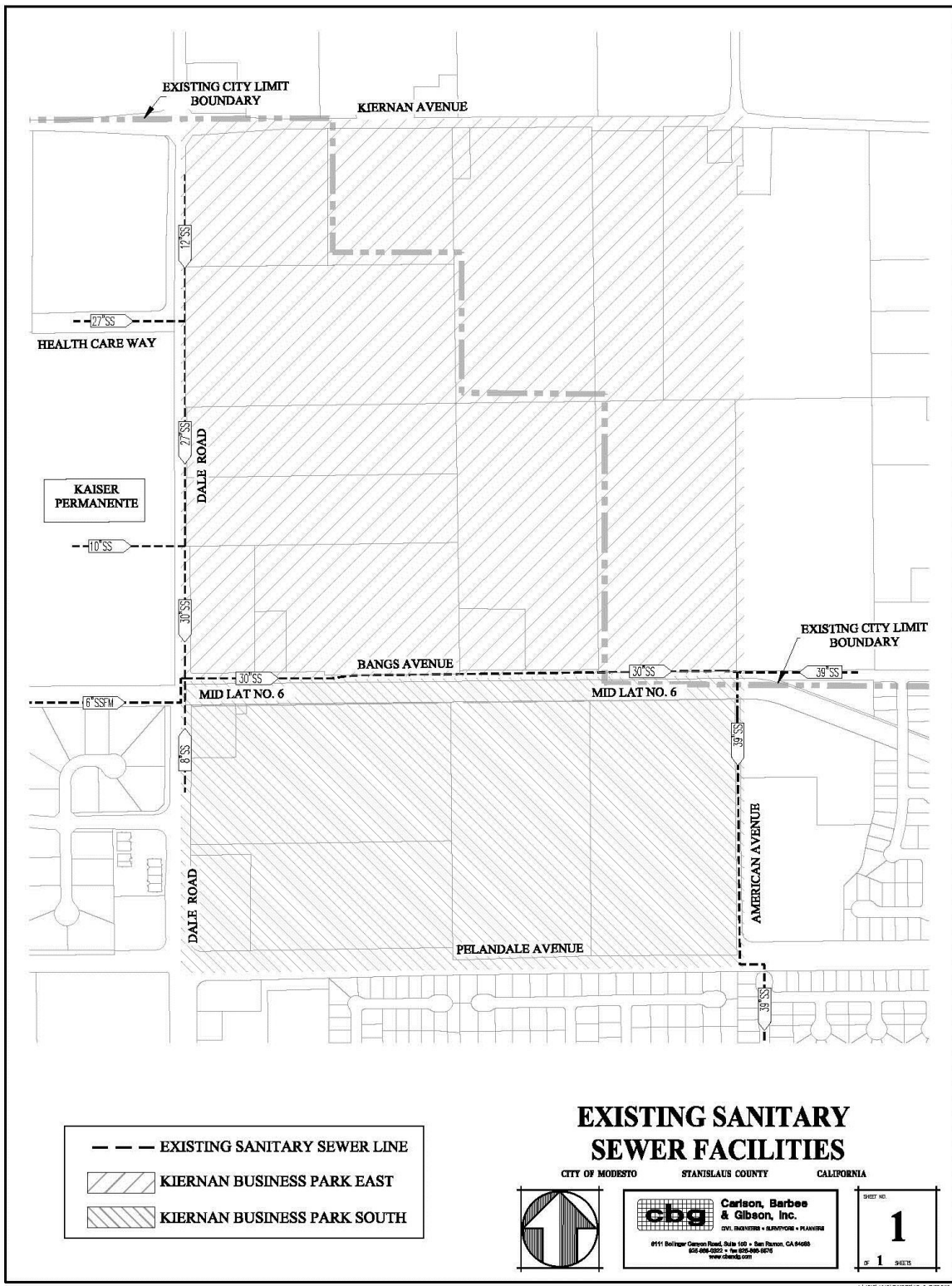


Figure II-3: Existing Sanitary Sewer Facilities

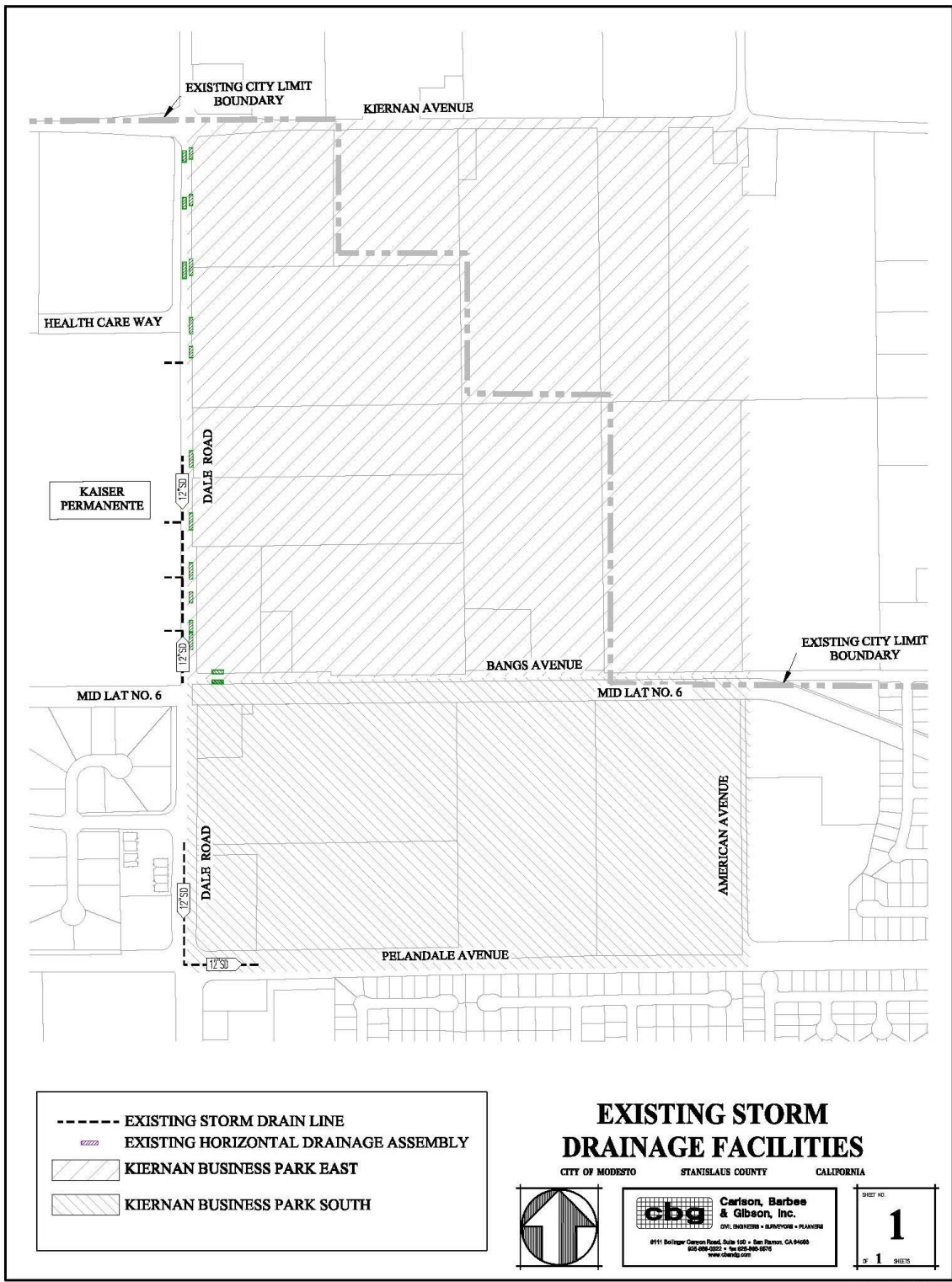


Figure II-4: Existing Storm Drainage Facilities

**e. Electrical Facilities**

Existing underground and overhead Modesto Irrigation District (MID) electrical facilities are located within and around Kiernan Business Park.

**3. Property Ownership**

Lands in the Specific Plan area are currently divided among multiple owners. The 43 recorded parcels in the study area are held by 38 separate landowners.

**4. Existing Environmental Conditions and History**

**a. Topography**

The existing site topography is generally flat with approximate elevation differences across the land ranging between 1 foot and 3 feet.

**b. Soils and Geology**

Lands in the Specific Plan area have been in agricultural production since the early 1900s and are presently characterized by rich soils and flat topography. The California Department of Conservation has developed guidelines for assessing the relative value of farmland in the state. All of the land in the study area has been classified as "Prime Farmland." See Figures II-5 and II-6.

**c. Seismicity**

The project site is not within an area of major fault activity. The Central Valley of California is considered to be an area of relatively low seismicity. The site is not located within a special study zone, as delineated by the Alquist-Priolo Special Studies Zone Act of 1972; and no known fault, active or inactive, reaches the surface within the Modesto area.



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Figure II-5: Photograph of agricultural fields.



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Figure II-6: Photograph of agricultural barn.

#### **d. Flood Designation**

Flood zone mapping prepared by the Federal Emergency Management Agency (FEMA) shows that the project area is not located within the 100 year floodplain of any watercourse.

#### **e. Drainage**

The Specific Plan site is essentially flat, with a very gentle regional gradient to the northwest and is within existing City's storm drain sub-basins areas.

Currently, there are limited existing drainage facilities near the project site. Permanent and interim City storm drain lines and horizontal drain assemblies are located along the both sides of Dale Road that collect and infiltrate road runoff. Horizontal drain assemblies are also located within Bangs Avenue near the intersection of Dale Road. There are no other storm drain facilities within the project site.

#### **f. Vegetation**

Existing vegetation within the project study area consists mostly of irrigated row crops (including disked fields between plantings), irrigated pasture, orchards, fallow field, ruderal, and developed area. The site is bordered to the south by the MID Lateral No. 6 canal, a concrete-lined channel with little to no habitat value. There are no identified scenic vistas or resources on or within the vicinity of the project site.

#### **g. Biological Resources**

A biological study has been prepared by H.T. Harvey & Associates of Fresno, CA, to assess the biotic constraints associated with the amendments to Kiernan Business Park Specific Plan.

There are no special-status plant species within the project area. A total of 22 wildlife species of special status were identified as those that might exist within the project area; 17 of the 22 were determined not likely to occur on the project site. Of the remaining 5 special status species, only two species - the Burrowing Owl and the

Tricolored Blackbird - were deemed to be significantly impacted in the study and will be further discussed in the EIR.<sup>1</sup>

**h. Williamson Act**

There is one property within the Project Area that is under Williamson Act Contract (APN 078-015-012). A notice of nonrenewal was filed on the property in 2004.

**i. Archaeological Resources**

There are no identified archaeological resources within the project area.

**j. Historical Resources**

There are no identified historical resources within the project area.<sup>1</sup>

**k. Paleontological Resources**

There are no identified archaeological resources within the project area.<sup>1</sup>

**l. Hazardous Materials**

There are no known hazardous materials identified on the site.

**m. Wetland/Habitat**

There are no federally protected wetlands within the project area. There is no riparian habitat within the project area.<sup>2</sup>

**M. History**

The City of Modesto first began considering the Kiernan Avenue area as an opportunity for industrial development in the late 1980s when the City Council identified a need for additional industrial land within Modesto's corporate limits. In 1992, as the City began to update its General

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<sup>1</sup> Source: City of Modesto Initial Study Environmental Checklist, June 2007

<sup>2</sup> <sup>2</sup> Source: City of Modesto Initial Study Environmental Checklist, June 2007

Plan, the economic consulting firm of Kreines & Kreines was hired to prepare an *Economic Development Strategy* for the City. This study also identified the need for more industrial land and identified the area south of Kiernan Avenue as a prime location.

In 1995, the City of Modesto completed and adopted a revised General Plan, which designates the Plan area for Business Park development. This Specific Plan was initiated early in the General Plan update process to support the City's efforts in attracting employment-intensive businesses to Modesto and in anticipation of implementing a portion of the updated General Plan.

As first steps in the planning process, an *Industrial Development Strategy* was prepared to estimate future market demand for development at Kiernan Business Park, and the existing conditions of the area were documented. An initial public meeting regarding the planning process was held on March 16, 1995, at which the public was invited to share their concern and ideas regarding the Specific Plan.

Numerous private interviews with landowners in the area and business owners from throughout the community were conducted during the planning process by both the consultants and Community Development Department staff. A second public meeting was held on September 20, 1995 to present the findings and recommendations of the *Industrial Development Strategy* to interested members of the community.

The Specific Plan is based on the goals and policies of the General Plan; findings and recommendations of the *Industrial Development Strategy*; opportunities and constraints as identified in the existing conditions analysis; and input received from City staff and interested citizens. Goal statements for each element of the Specific Plan were developed with input from the aforementioned sources and approved by City staff. A Focused Environmental Impact Report has also been prepared, pursuant to the California Environmental Quality Act (CEQA), to evaluate the effects of the Specific Plan.