

PLANNING COMMISSION
RESOLUTION NO. 2015-15

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL ADOPTION OF A RESOLUTION AMENDING THE CIRCULATION ELEMENT OF THE URBAN AREA GENERAL PLAN, TO REMOVE THE MINOR COLLECTOR STREET DESIGNATION FROM S. SANTA ROSA AVENUE, AND OREGON DRIVE WEST OF S. SANTA CRUZ AVENUE (E&J GALLO WINERY)

WHEREAS, on August 15, 1995, by Resolution No. 95-408, the City Council certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 92052017) for the Modesto Urban Area General Plan; and

WHEREAS, a General Plan for the City of Modesto entitled "City of Modesto Urban Area General Plan", was adopted by the City Council by Resolution No. 95-409 on August 15, 1995, in accordance with Section 65300 of the Government Code; and

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 2001-476, 2002-154, 2002-526, 2003-101, 2003-122, 2004-233, 2005-70, 2007-066, 2007-599, 2008-142, 2008-583, 2009-419, 2011-435, 211-253, 2011-254, 2012-430, 2012-17 and 2014-422, copies of which are on file in the office of the City Clerk; and

WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body; and

WHEREAS, E&J Gallo Winery ("Applicant") has filed a General Plan Amendment (File No. GPA-14-003) to amend the "Minor Collector Street" designation of S. Santa Rosa Avenue, and Oregon Drive west of S. Santa Cruz Avenue to "Local Street" status; and

WHEREAS, an Initial Study was prepared for the Project which analyzed the potential environmental effects of the proposed Project; and

WHEREAS, on May 4, 2015, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary relating to this proposed amendment to the Modesto Urban Area General Plan was considered; and

WHEREAS, at the May 4, 2015 hearing, the Planning Commission continued the public hearing to June 1, 2015 in order to allow the applicant, interested parties and city staff an opportunity to resolve issues in regards to language within the resolution recommending City Council approval of the proposed General Plan Amendment; and

WHEREAS, on June 1, 2015, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary relating to this proposed amendment to the Modesto Urban Area General Plan was considered.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Modesto that it hereby recommends that the City Council find as follows:

1. The proposed amendment to the Circulation Element of the General Plan will reflect the current status of S. Santa Rosa Avenue south of Mono Drive, and Oregon Drive west of S. Santa Cruz Avenue, as these roadway segments have been previously abandoned and are in use as private drives within the E&J Gallo Winery campus.
2. The proposed General Plan Amendment would also reflect that S. Santa Rosa is no longer needed as a collector street, as it primarily serves as a local street and an access street to the E&J Gallo Winery campus.
3. An Initial Study, Environmental Assessment No. EA/C&ED 2015-05, was prepared by the City of Modesto that analyzed the proposed project and determined that, on the basis of the whole record before it there is no substantial evidence that the project will have a significant effect on the environment, and that a Negative Declaration be adopted.

BE IT FURTHER RESOLVED by the Planning Commission of the City of Modesto that it hereby recommends to the City Council adoption of the proposed amendment to the Circulation Element of the General Plan as described in Exhibit "A", attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Planning Commission of the City of Modesto that the General Plan Amendment action under this Resolution does not include the abandonment of any public roads such as South Santa Rosa Avenue. The abandonment, if any, of public roads such as South Santa Rosa Avenue shall be addressed by the City under separate action.

BE IT FURTHER RESOLVED that the project 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, officers, 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 a General Plan Amendment (File No. GPA-14-003), and related files. The City of Modesto shall promptly notify the applicant of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the applicant shall not thereafter be responsible to defend, indemnify, or hold City harmless.

The foregoing resolution was introduced at the adjourned regular meeting of the Planning Commission held on May 4, 2015, by Mani Grewal who moved its adoption, which motion was seconded by Carmen Morad, and carried by the following vote:

Ayes: Carter, Escutia-Braaton, Grewal, Lucas, Morad, Smith
Noes: None
Absent: None
Recused: Tyler

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

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

EXHIBIT "A"

**AMENDMENT TO THE CIRCULATION ELEMENT
OF THE URBAN AREA GENERAL PLAN**

