

PLANNING COMMISSION
RESOLUTION NO. 2016-14

A RESOLUTION FINDING THE ABANDONMENT OF SYDNEY STREET SOUTH OF JENNIE STREET TO BE IN CONFORMANCE WITH THE CITY OF MODESTO GENERAL PLAN, AND RECOMMENDING APPROVAL OF THE ABANDONMENT TO THE CITY COUNCIL (E&J GALLO WINERY)

WHEREAS, a verified application by the E&J Gallo Winery requesting the full abandonment of an 10,500 sq. ft. segment of Sydney Street in Block A of Grainger's Addition to the City of Modesto as shown in Volume 1 of Maps on Page 17, Stanislaus County Records, and shown by reference in Exhibits A and B, below, was received by the City of Modesto on July 7, 2016; and

WHEREAS, a title report was submitted with the abandonment request which vests fee title of street right-of-way to the Gallo Glass Company and G3 Enterprises; and

WHEREAS, the proposed abandonment has been referred to affected City departments and local utility companies, and no objection to the abandonment has been received; and

WHEREAS, Section 8313 of the Streets and Highways Code states that the Planning Commission shall review the abandonment and report on its conformance with the General Plan; and

WHEREAS, Section 65402 of the Government Code requires that the Planning Commission report to the City Council as to whether the disposal of real property conforms with the City of Modesto General Plan; and

WHEREAS, a public hearing was held by the Planning Commission on September 12, 2016 in the Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission certifies it has received and reviewed the Initial Study, Environmental Assessment No. EA/C&ED 2016-20, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2007072023) 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 street to be abandoned is not necessary to serve present or future traffic needs in the area.
2. Sydney Street is considered a local street and is not designated as a Collector Street or higher in the Circulation Element of the General Plan; therefore, the street abandonment is in conformance with the General Plan.

3. An Initial Study, Environmental Assessment No. EA/C&ED 2015-16, was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.
4. 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.
5. No new or additional mitigation measures or alternatives are required.
6. The subsequent project is within the scope of the project covered by the Master EIR.
7. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.
8. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Planning Commission that it recommends to the City Council the vacation of the 10,500 square foot segment of Sydney Street in Block A of Grainger's Addition to the City of Modesto, as shown in Exhibit A below, subject to the following condition:

1. Prior to recordation of the abandonment, the City shall reserve a 10-foot wide public utility easement along the Jennie Street frontage of the abandonment area, as required by the utility company and City Engineer or designee.

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 the street abandonment (File No. ABD-16-001), and any 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 regular meeting of the Planning Commission held on September 12, 2016, by [name], who moved its adoption, which motion was seconded by [name] and carried by the following vote:

Ayes:	Escutia-Braaton, Carter, Lucas, Morad, Smith, Vohra
Noes:	None
Absent:	None

Recused: None

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

Patrick Kelly, Secretary

Attachment: "Exhibit A" Legal Description
"Exhibit B" Site Plan

EXHIBIT "A"

LEGAL DESCRIPTION TO VACATE PUBLIC RIGHT OF WAY

All that portion of Sydney Street (originally known as Maple Street) as shown on the map of "Grainger's Addition to Modesto", filed in Book 1 of Maps, at Page 17, Stanislaus County Records, lying in a portion of Section 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, being more particularly described as follows:

BEGINNING at the northeast corner of Block A as shown on said map; thence south, along the east line of said Block A, a distance of 175.00 feet, to a point on the north line of that portion of Sydney Street vacated by Instrument No. 88069443 of Official Records; thence east, along said north line, a distance of 60.00 feet, to the southwest corner of Lot 23 of Block 1 as shown on said map; thence north, along the west line of said Block 1, a distance of 175.00 feet, to the northwest corner of said Block 1; thence west, a distance of 60.00 feet, to the point of beginning.

Containing a total of 10,500 square feet, more or less.

See Exhibit B attached hereto and made a part hereof.

“Exhibit B”

