

PLANNING COMMISSION
RESOLUTION NO. 2015-28

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL AN AMENDMENT TO THE CIRCULATION ELEMENT OF THE URBAN AREA GENERAL PLAN, TO REMOVE THE MINOR COLLECTOR STREET DESIGNATION FROM MARIPOSA ROAD NORTH OF YOSEMITE BOULEVARD, AND CLOGSTON WAY WEST OF HUBERT DRIVE (ELCAN & ASSOCIATES, INC)

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, 2014-422 and 2015-262, copies of which are on file in the office of the City Clerk; and

WHEREAS, the Circulation Element of the General Plan classifies Mariposa Road north of Yosemite Drive and Clogston Way west of Hubert Drive as "Minor Collector" streets; and

WHEREAS, the portion of Mariposa Road identified in the Circulation Element as being between Yosemite Boulevard and Mariposa Road 100 feet south of Beaver Creek Court and Heatherwood Court has not been developed nor dedicated for development; and

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

WHEREAS, Elcan & Associates, Inc. has filed a General Plan Amendment (File No. GPA-15-001) to amend the General Plan to remove entirely from the Circulation Element the undeveloped segment of Mariposa Road between Yosemite Boulevard and the southerly terminus of existing Mariposa Road, 100 feet south of Beaver Creek Court and Heatherwood Court; and

WHEREAS Planning Staff recommends that the Circulation Element be further amended to reclassify Clogston Way west of Hubert Drive, and the existing segment of Mariposa Road from Clogston Way to its terminus 100 feet south of Beaver Creek Court and Heatherwood Court, from "Minor Collector Street" to "Local Street", as the two segments currently function as local residential streets and are no longer needed as collector streets; and

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

WHEREAS, on December 21, 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 is necessary to facilitate future commercial development of property at 3225 Yosemite Boulevard by allowing a single centrally-located driveway entrance to the site from the intersection of Yosemite Boulevard and S. Mariposa Road, instead of multiple new driveways from Yosemite Boulevard or an extension of Mariposa Road.
2. The proposed General Plan Amendment would reflect that the existing segment of Mariposa Road from its terminus 100 feet south of Beaver Creek Court and Heatherwood Court, together with Clogston Way west of Hubert Drive, are no longer needed as collector streets as they have functioned as local residential streets since development of the surrounding neighborhood.
3. The proposed General Plan Amendment would also reflect that the undeveloped segment of Mariposa Road between Yosemite Boulevard and the terminus of existing Mariposa Road 100 feet south of Beaver Creek Court and Heatherwood Court is no longer needed, as the existing streets adjacent to this undeveloped segment are in close proximity to Minor Collector street N. McClure Road and Minor Arterial street Lincoln Avenue.
4. An Initial Study, Environmental Assessment No. EA/C&ED 2015-20, 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 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-15-001), 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 December 21, 2015, by Chris Tyler who moved its adoption, which motion was seconded by Dennis Smith, and carried by the following vote:

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

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

