

PLANNING COMMISSION
RESOLUTION NO. 2023-09

A RESOLUTION FINDING THE ABANDONMENT OF A 0.25-MILE SEGMENT OF ZEFF ROAD, GENERALLY BETWEEN THE INTERCHANGE OF THE CA-99 FREEWAY AND CROWS LANDING ROAD AND THE INTERSECTION OF ZEFF ROAD AND CROWS LANDING ROAD, IS CONSISTENT WITH THE CITY OF MODESTO GENERAL PLAN, AND RECOMMENDING APPROVAL OF THE ABANDONMENT TO THE CITY COUNCIL (MODESTO HOLDING CO/SOUTHWEST HIDE CO)

WHEREAS, a verified application by the Modesto Holding Company requesting the abandonment of an approximately 0.25-mile long segment of Zeff Road located generally between the interchange of the CA-99 freeway and Crows Landing Road, and the intersection of Zeff Road and Crows Landing Road, and shown by reference in the attached Exhibits, was received by the City of Modesto; and

WHEREAS, a title report was submitted with the abandonment request which vests fee title of street right-of-way to Southwest Hide Company and the City of Modesto; 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, the applicant and the City of Modesto agree to participate in a property exchange agreement that would dedicate right-of-way for the new alignment of Zeff Road to be located generally to the west of the current road right-of-way to be abandoned, providing for new Minor Collector Street standard alignment that would extend south to the intersection of Crows Landing Road and Pueblo Avenue, as shown in the attached exhibits; and

WHEREAS, a public hearing was held by the Planning Commission on February 27, 2023 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 2023-xx, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2014042081) 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 segment of Zeff Road, designated as a Collector Street in the Circulation Element of the General Plan, is to be abandoned and replaced with right-of-way to be dedicated to the Collector Street standard in accordance to City Standards and the Circulation Element of the General Plan; therefore, the street abandonment is in conformance with the General Plan.
2. An Initial Study, Environmental Assessment No. EA/C&ED 2023-xx 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.
3. 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.
4. No new or additional mitigation measures or alternatives are required.
5. The subsequent project is within the scope of the project covered by the Master EIR.
6. 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.
7. 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 abandonment of an approximately 0.25-mile segment of Zeff Road located generally between the interchange of CA-99 freeway and Crows Landing Road, and the intersection of Zeff Road and Crows Landing Road, as shown in Exhibits below, subject to the following conditions:

1. Prior to recordation of the abandonment, the property exchange agreement between the City of Modesto and the applicant, that would dedicate right-of-way for the new alignment of Zeff Road to be located generally to the west of the current road right-of-way, shall be approved by the City Council and executed by both parties.
2. At the time of dedication of the new Zeff Road alignment, ten-foot wide public utility easements shall be dedicated along the street frontages as required by the Utility Companies and the City Engineer or designee.

3. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the Utility Companies and City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required. Easements and improvements shall include but not be limited to the following:
 - a. A 10-foot water easement shall be required on private property centered over the alignment for the Existing 18-inch Distribution Water Main that will remain in place and located outside of public right-of-way.
 - b. A 10-foot water easement shall be required on private property centered over the alignment for the Existing 12-inch Fill Line Water Main that will remain in place and located outside of public right-of-way.
 - c. A 10 water Easement shall be required for the Water Service serving APN 038-021-021 on private property for that portion of the service that will remain in place and located outside of public right.
 - d. A 15-foot Sewer Easement shall be provided centered over the alignment of the existing 24-inch Sewer Trunk that will remain in place and located outside of public right of way.
 - e. The Existing Water Service serving 901 Zeff Road shall be relocated to the new Alignment of Zeff Road.
 - f. At the time of installation of new roadway improvements, fire hydrants shall be installed every 300-feet OC to the satisfaction of the Fire Marshall.

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-22-001), 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 February 27, 2023, by Commissioner Vazquez, who moved its adoption, which motion was seconded by Commissioner Vohra and carried by the following vote:

Ayes: Pollard, Shanks, Vazquez, Vhora
Noes: None
Absent: Birring, Silva
Recused: None

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

Original, signed copy on file in CEDD
Jessica Hill, Secretary

EXHIBIT "A"

LEGAL DESCRIPTION TO VACATE PUBLIC RIGHT OF WAY

"Exhibit B"