



Legislation Details (With Text)

**File #:** ID 23-345      **Version:** 1      **Name:**  
**Type:** Action Item      **Status:** Passed  
**File created:** 2/16/2023      **In control:** City Council  
**On agenda:** 3/9/2023      **Final action:** 3/9/2023

**Title:** Actions pertaining to Resolution of Intention Number 1151-D to vacate a portion of a 16 foot-wide alley adjacent and south of Lot 1 and a portion of Lot 2 of Walling Tract Map (Council District 3):  
1. Adopt a finding of Categorical Exemption per Environmental Assessment Number P22-02292 per staff determination, pursuant to Sections 15304/Class 4 of the California Environmental Quality Act (CEQA) Guidelines  
2. Adopt the attached Resolution of Intention Number 1151-D to vacate a portion of a 16 foot-wide alley adjacent and south of Lot 1 and a portion of Lot 2 of Walling Tract Map

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 23-345 Vibe Alley Vacation Vicinity Map, 2. 23-345 Vibe Alley Vacation EA, 3. 23-345 Resolution of Intent No. 1151-D

Date	Ver.	Action By	Action	Result
3/9/2023	1	City Council	ADOPTED	Pass

**REPORT TO THE CITY COUNCIL**

**FROM:** SCOTT L. MOZIER, PE, Director  
Public Works Department

**BY:** RANDALL W. MORRISON, PE, Assistant Director  
Public Works Department, Engineering Division

JASON A. CAMIT, PLS, Chief Surveyor  
Public Works Department, Engineering Division, Right of Way Section

**SUBJECT**

Actions pertaining to Resolution of Intention Number 1151-D to vacate a portion of a 16 foot-wide alley adjacent and south of Lot 1 and a portion of Lot 2 of Walling Tract Map (Council District 3):

1. Adopt a finding of Categorical Exemption per Environmental Assessment Number P22-02292 per staff determination, pursuant to Sections 15304/Class 4 of the California Environmental Quality Act (CEQA) Guidelines
2. Adopt the attached Resolution of Intention Number 1151-D to vacate a portion of a 16 foot-wide alley adjacent and south of Lot 1 and a portion of Lot 2 of Walling Tract Map

**RECOMMENDATION**

Staff recommends the City Council adopt a finding of Categorical Exemption per Environmental

Assessment Number P22-02292, pursuant to Sections 15304/Class 4 of the California Environmental Quality Act (CEQA) Guidelines and adopt Resolution of Intention No. 1151-D for the proposed vacation a portion of a 16 foot-wide alley adjacent and south of Lot 1 and a portion of Lot 2 of Walling Tract Map and set the required hearing at 10:15 a.m. on March 30, 2023.

## **EXECUTIVE SUMMARY**

Juan Alvarez Macias, owner of Vibe Lounge is proposing to vacate a portion of a 16 foot-wide alley adjacent and south of Lot 1 and a portion of Lot 2 of Walling Tract Map. The purpose of this proposed vacation is to eliminate an encroachment into the alley from existing patio improvements per site plan number P20-01790.

## **BACKGROUND**

This portion of a 16 foot-wide alley was originally dedicated to the City of Fresno by map of Walling Tract, recorded October 7, 1936. The portion of the alley to be vacated will be incorporated into the development of the newly constructed patio improvements that are currently encroaching into the alley proposed for vacation.

The Public Works Department, other City departments and utility agencies have reviewed the proposed vacation and determined that the public alley easement proposed for vacation is unnecessary for present or prospective public street purposes, as described in Exhibit A and as shown on Exhibit B, subject the reservation of a public utility easement over the entire area proposed to be vacated and subject to conditions of approval as listed in Exhibit C.

The City is not disposing of any land and therefore the Surplus Land Act is not applicable.

The City Attorney's Office has approved the attached Resolution of Intent as to form.

The vacation, if approved by the Council at the public hearing, will become effective when the vacating resolution is recorded in the office of the Fresno County Recorder, but not until the City Engineer determines that the conditions listed in the attached resolution have been satisfied and accepted by the City.

## **ENVIRONMENTAL FINDINGS**

The California Environmental Quality Act (Public Resource Code Section 21000 et seq.) permits a public agency to determine whether a particular project is exempt from CEQA. Staff has determined that this project is Categorical Exemption pursuant to Sections 15304/Class 4 of the California Environmental Quality Act (CEQA) Guidelines.

Under Section 15304/Class 4, the proposed project is exempt from CEQA requirements when the project consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees, except for forestry or agricultural purposes.

The area proposed to be vacated is comprised of improved land that will return to the adjacent private property owner. The vacation will remove approximately ±782 square feet of alley. No significant

effects would occur, as a result of the proposed vacation.

None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to the project. Furthermore, the proposed project is not expected to have a significant effect of the environment. A Categorical Exemption, as noted above, has been prepared for the project and the area is not environmentally sensitive.

### **LOCAL PREFERENCE**

Local preference does not apply because the vacation of a public alley easement does not involve bidding or contracting.

### **FISCAL IMPACT**

This vacation is located in Council District 3 and there will be no City funds involved with this vacation. Juan Alvarez Macias has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

#### Attachments:

VibezAlleyVacationVicinityMap  
VibezAlleyVacationEA  
Resolution of Intent No. 1151-D