



## Legislation Details (With Text)

**File #:** ID 23-348      **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 the summary vacation of access right restrictions on a portion of the East Belmont Avenue, west of North Fowler Avenue (Council District 5):

1. Adopt a finding of Categorical Exemption per Environmental Assessment Number PW13226 per staff determination, pursuant to Section 15301, Class 1 (b, c) Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines
2. \*\*\*RESOLUTION - Ordering the summary vacation of access right restrictions on a portion of the East Belmont Avenue, west of North Fowler Avenue (Subject to Mayor's Veto)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 23-348 Belmont Vacation Vicinity Map, 2. 23-348 EA-PW13226, 3. 23-348 Belmont Site Plan 13226, 4. 23-348 Belmont Access Restriction Resolution to Vacation

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

## REPORT TO THE CITY COUNCIL

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## SUBJECT

Actions pertaining to the summary vacation of access right restrictions on a portion of the East Belmont Avenue, west of North Fowler Avenue (Council District 5):

1. Adopt a finding of Categorical Exemption per Environmental Assessment Number PW13226 per staff determination, pursuant to Section 15301, Class 1 (b, c) Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines
2. \*\*\*RESOLUTION - Ordering the summary vacation of access right restrictions on a portion of the East Belmont Avenue, west of North Fowler Avenue (Subject to Mayor's Veto)

## RECOMMENDATIONS

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

Assessment Number PW13226, pursuant to Section 15301, Class 1 (b, c) Existing Facilities of the California Environmental Quality Act (CEQA) Guidelines and adopt the attached resolution ordering the summary vacation of access right restrictions on a portion of the East Belmont Avenue, west of North Fowler Avenue.

## **EXECUTIVE SUMMARY**

Beal Development, LLC is requesting the proposed vacation of access right restrictions on a portion of the East Belmont Avenue, west of North Fowler Avenue. The purpose of this proposed vacation is to construct a second public access to accommodate development for condition use permit P21-02155 for the construction of a convenience store and restaurant with a drive thru.

## **BACKGROUND**

This portion of access right restrictions was reserved on Brentwood Estates Number 2 - Tract Number 3416, recorded December 3, 1982, Fresno County Records. A portion of site plan number P21-02155 is proposing the construction of a commercial driveway approach as a part of the development along East Belmont Avenue. This driveway approach will be the second access point to this development and will require a portion of the access right restriction to be vacated.

The Public Works Department Traffic section has reviewed the proposed vacation and determined the relinquishment of direct access rights as shown on Exhibit "A" is not necessary at this location, said exhibit is included in the attached Resolution.

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 as to form.

The vacation, if approved by Council, will become effective when the vacating resolution is recorded in the office of the Fresno County Recorder.

## **ENVIRONMENTAL FINDINGS**

Staff has performed a preliminary environmental assessment of this project and has determined this project falls within the Class 1 (b, c) Categorical Exemption set forth in Section 15301 of the California Environmental Quality Act (CEQA) Guidelines. Section 15301(b, c), Class 1 Existing Facilities consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. Examples include but are not limited to: Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services; and, existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety). This project is removing a portion of access restrictions from a public street to the adjacent properties to the south. The City of Fresno has determined that having two access points for the subject parcel is now necessary to accommodate development associated with site plan number P21-02155 and does not change the use of the existing subject parcels. None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

## **LOCAL PREFERENCE**

Local preference does not apply because the vacation of an access right restriction does not involve bidding or contracting.

## **FISCAL IMPACT**

This vacation is located in Council District 5 and there will be no City funds involved with this vacation. Beal Development, LLC has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

### **Attachments:**

Belmont Vacation Vicinity Map

EA-PW13226

Belmont Site Plan 13226

Belmont Access Restriction Resolution to Vacation