

Regular Council Meeting
February 9, 2023

RECEIVED
2023 FEB -6 A 9:51
CITY CLERK'S OFFICE

FRESNO CITY COUNCIL



Supplement Packet

ITEM(S)

1-CC (ID 23-280)

Actions pertaining to the summary vacation of access right restrictions on a portion of the northwest corner of Easter Copper Avenue and North Maple Avenue (Council District 6):

Contents of Supplement: Staff Report, Copper Vacation Vicinity Map, EA-PW12771, Resolution

Item(s)

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.



City of Fresno

2600 Fresno Street
Fresno, CA 93721
www.fresno.gov

Staff Report

File #: ID 23-274

Agenda Date: 2/23/2023

Agenda #:

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 the summary vacation of access right restrictions on a portion of the northwest corner of East Copper Avenue and North Maple Avenue (Council District 6):

1. Adopt a finding of Categorical Exemption per Environmental Assessment Number PW12771 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 northwest corner of East Copper Avenue and North Maple Avenue (Subject to Mayor's Veto)

RECOMMENDATION

Staff recommends the City Council adopt a finding of Categorical Exemption per Environmental Assessment Number PW12771, 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 northwest corner of East Copper Avenue and North Maple Avenue.

EXECUTIVE SUMMARY

Copper River Marketplace is requesting the proposed vacation of access right restrictions on a portion of the northwest corner of East Copper Avenue and North Maple Avenue. The purpose of this proposed vacation is to accommodate development associated with site plan number P21-05776 for the construction of two commercial driveway approaches for two access points to the northerly adjacent parcels.

BACKGROUND

This portion of access right restrictions was reserved on Parcel Map Number 2008-22, recorded

March 30, 2010, Fresno County Records. A portion of site plan number P21-05776 is proposing the construction of two commercial driveway approaches as a part of the development along East Copper Avenue. One of the driveway approaches will require a portion of the access right restriction to be vacated. The second will require an access point to be modified to accommodate the new driveway construction.

The Public Works Department, Traffic Operations & Planning Division has reviewed the proposed vacation and determined the relinquishment of direct access rights as shown on Exhibit "A" is not necessary at this location, per the exhibit 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 north. The City of Fresno has determined that having two access points for both subject parcels is now necessary to accommodate development associated with site plan number P21-05776 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 a public alley easement does not involve bidding or contracting.

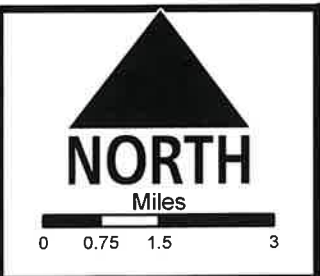
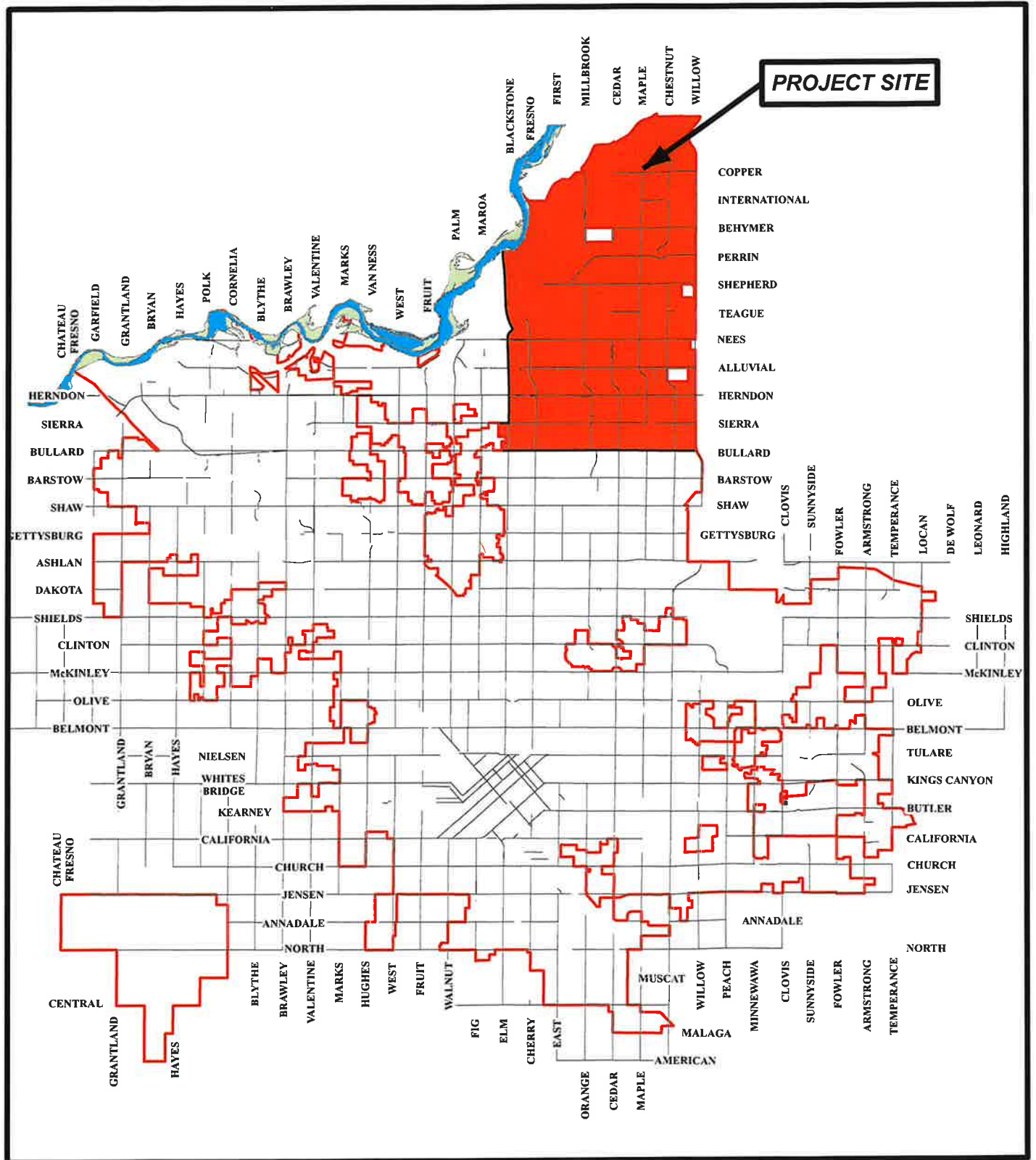
FISCAL IMPACT

This vacation is located in Council District 6 and there will be no City funds involved with this vacation. Copper River Marketplace has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:
Copper Vacation Vicinity Map

EA-PW12771

Copper Access Restriction Summary Resolution to Vacation



VICINITY MAP
PROPOSED VACATION OF ACCESS RIGHT RESTRICTIONS ON A PORTION OF THE NORTHWEST CORNER OF E. COPPER AVE. & N. MAPLE AVE.

Project ID: PW12771
Council District: 6

Legend
 City Limits
 District 6

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. PW12771 COPPER**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLY
EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS
PURSUANT TO ARTICLE 19 OF THE STATE CEQA GUIDELINES.

APPLICANT: Brett Giannetta
1119 S Street
Fresno, CA 93721

PROJECT LOCATION: The northwest corner of East Copper Avenue and North Maple Avenue (See attached Exhibit Map)

PROJECT DESCRIPTION: The scope of work for the proposed project includes the vacation of access right restrictions on a portion of the northwest corner of East Copper Avenue and South Maple Avenue. This vacation of access restrictions will allow the three adjacent properties to the north share two commercial access points from East Copper Avenue. There are no conditions of approval, allowing this access restriction to be summarily vacated.

This project is exempt under Sections 15301 Class 1(b, c) of the California Environmental Quality Act (CEQA) Guidelines. None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

EXPLANATION: Section 15301. Class 1 (b, c) 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 access restrictions from a public street to the adjacent properties to the north. This was an access restriction reserved by Parcel Map Number 2008-22. The access restriction is on the south lines of Parcel A, B, and C of this map and are adjacent to the north right of way line of East Jensen Avenue. This proposed vacation of this restriction would create one shared access point for said Parcel B and Parcel C, and modify an existing access point for Parcel A and Parcel B. The development, as proposed by site plan number P21-05776, would construct two commercial driveway approaches that would allow access from East Copper Avenue to all three parcels.

None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

Date: January 25, 2023

Prepared By: Jason A. Camit, PLS

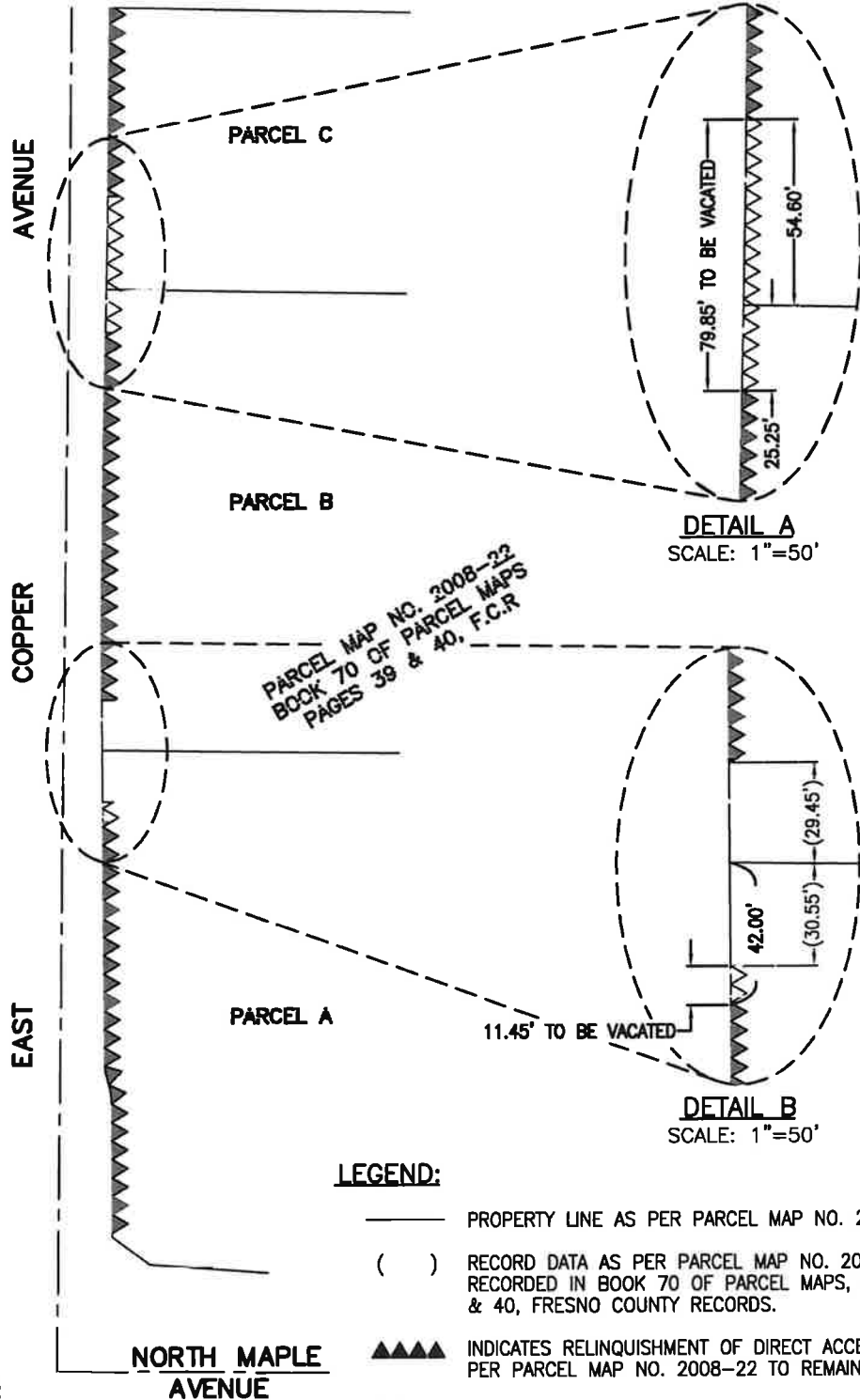
Submitted By: 

Jason Camit
Chief Surveyor
City of Fresno
Public Works Engineering Division
(559) 621-8681

VACATION EXHIBIT "A"



SCALE: 1" = 100'



DETAIL A
SCALE: 1"=50'

DETAIL B
SCALE: 1"=50'

PARCEL MAP NO. 2008-22
BOOK 70 OF PARCEL MAPS
PAGES 39 & 40, F.C.R

LEGEND:

- PROPERTY LINE AS PER PARCEL MAP NO. 2008-22
- () RECORD DATA AS PER PARCEL MAP NO. 2008-22, RECORDED IN BOOK 70 OF PARCEL MAPS, AT PAGES 39 & 40, FRESNO COUNTY RECORDS.
- ▲▲▲▲ INDICATES RELINQUISHMENT OF DIRECT ACCESS RIGHTS AS PER PARCEL MAP NO. 2008-22 TO REMAIN.
- △△△△ INDICATES RELINQUISHMENT OF DIRECT ACCESS RIGHTS PER PARCEL MAP NO. 2008-22 TO BE VACATED.

PREPARED BY:
GARY GIANNETTA
1119 "S" STREET
FRESNO, CA. 93721
(559) 264-3590

RESOLUTION NUMBER _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, ORDERING THE SUMMARY
VACATION OF ACCESS RIGHT RESTRICTIONS ON A
PORTION OF THE NORTHWEST CORNER OF EAST
COPPER AVENUE AND NORTH MAPLE AVENUE

WHEREAS, the Council has elected to proceed under the provisions of the Public Streets, Highways, and Service Easements Vacation Law (Division 9, Part 3 of the California Streets and Highways Code), and specifically Chapter 4 (commencing with Section 8330) thereof, to summarily vacate the access right restrictions on a portion of the northwest corner of East Copper Avenue and North Maple Avenue, as shown on Exhibit "A" which is attached and incorporated in this Resolution; and

WHEREAS, Copper River Marketplace is requesting the proposed vacation of access right restrictions on a portion of the northwest corner of East Copper Avenue and North Maple Avenue, as shown on Exhibit A which is attached and incorporated in this Resolution; and

WHEREAS the purpose of this proposed vacation is to accommodate development associated with site plan number P21-05776 for the construction of two commercial driveway approaches for two access points to the northerly adjacent parcels; and

WHEREAS, the Traffic and Engineering Services Division has reviewed this proposal and determined the proposed vacation of access right restrictions as shown on Exhibit A is necessary at this location, said Exhibit is included in this Resolution; and

WHEREAS, this action is being taken pursuant to the provisions of the Public Streets, Highways, and Service Easements Vacation Law (Cal. Sts. & Hy. Code §§ 8300-

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: HT

Resolution No. _____

8363).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The public interest and convenience require, and it is hereby ordered, that as of March 9, 2023, the access right restrictions of this proposed vacation to accommodate development associated with site plan number P21-05776 for the construction of two commercial driveway approaches, as shown in Exhibit A be vacated.

2. The City Clerk shall certify to the passage of this Resolution and shall file a certified copy, attested by the City Clerk under the seal of the City of Fresno, to be recorded in the Office of the County Recorder of the County of Fresno, State of California.

3. The City Clerk shall file a certified copy of the resolution for recordation in the Office once all work associated with this requirement has been accepted by the City Engineer or the Public Works Director.

4. This vacation shall become effective on the date this resolution is recorded.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2023.

AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

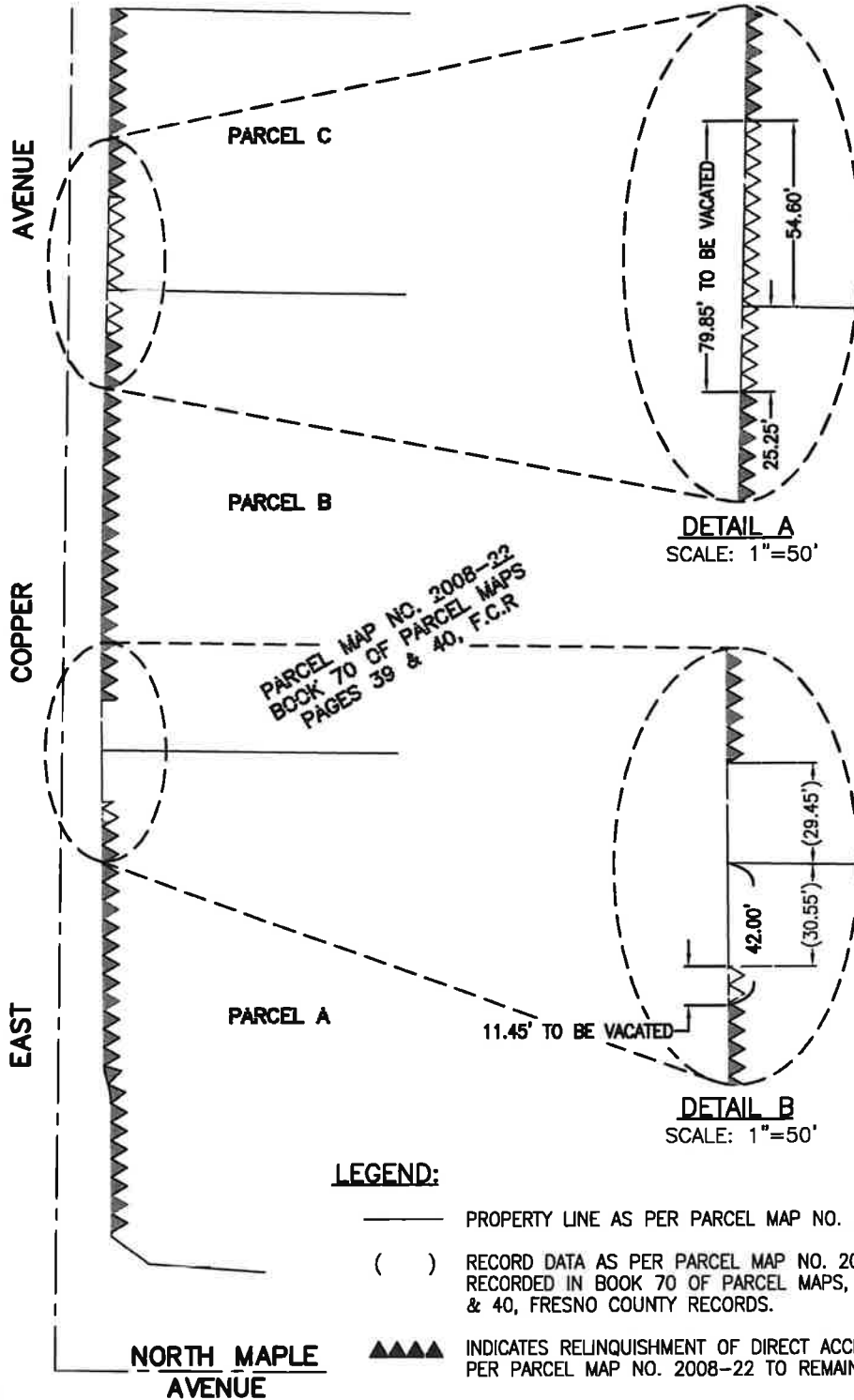
BY: _____
Date
Deputy City Attorney

Attachment:
Exhibit A
PW12771

VACATION EXHIBIT "A"



SCALE: 1" = 100'



DETAIL A
SCALE: 1"=50'

DETAIL B
SCALE: 1"=50'

LEGEND:

- PROPERTY LINE AS PER PARCEL MAP NO. 2008-22
- () RECORD DATA AS PER PARCEL MAP NO. 2008-22, RECORDED IN BOOK 70 OF PARCEL MAPS, AT PAGES 39 & 40, FRESNO COUNTY RECORDS.
- ▲▲▲▲ INDICATES RELINQUISHMENT OF DIRECT ACCESS RIGHTS AS PER PARCEL MAP NO. 2008-22 TO REMAIN.
- △△△△ INDICATES RELINQUISHMENT OF DIRECT ACCESS RIGHTS PER PARCEL MAP NO. 2008-22 TO BE VACATED.

PREPARED BY:
GARY GIANNETTA
1119 "S" STREET
FRESNO, CA 93721
(559) 264-3590