



Legislation Details (With Text)

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**Title:** Actions pertaining to the summary vacation of a portion of East Madison Avenue, between North Fulton Avenue and North Van Ness Avenue (Council District 3):

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15194 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number P23-04237;
2. RESOLUTION - Ordering the summary vacation of a portion of East Madison Avenue, between North Fulton Avenue and North Van Ness Avenue.

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 24-655 Vicinity Map, 2. 24-655 EA P23-04237, 3. 24-655 Resolution

Date	Ver.	Action By	Action	Result
6/20/2024	1	City Council		

**REPORT TO THE CITY COUNCIL**

**FROM:** SCOTT L. MOZIER, PE, Director  
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**SUBJECT**

Actions pertaining to the summary vacation of a portion of East Madison Avenue, between North Fulton Avenue and North Van Ness Avenue (Council District 3):

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15194 of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number P23-04237;
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**RECOMMENDATIONS**

Staff recommends the Council adopt a Categorical Exemption for Environmental Assessment Number P23-04237; and adopt a resolution ordering the summary vacation of a portion of East

Madison Avenue, between North Fulton Avenue and North Van Ness Avenue, as described in Exhibit "A" and as shown on Exhibit "B" of the attached resolution.

## **EXECUTIVE SUMMARY**

The City of Fresno Public Works Department is requesting the vacation of a portion of East Madison Avenue, between North Fulton Avenue and North Van Ness Avenue. The purpose of the vacation is to eliminate excess public street right of way and accommodate the future development of affordable housing. The property will be maintained by the Planning & Development Department's Housing Development Division.

## **BACKGROUND**

The proposed vacation is needed to vacate the public street easement that are remnants and are no longer needed. The construction of State Route 180 created excess State-owned public street right-of-way along East Madison Avenue. In 1996, said excess land was relinquished to the City of Fresno in fee. Since 1996, the land has not been used. Once vacated by the City of Fresno, the Planning & Development Department will maintain it and pursue its future disposition for the purpose of affordable housing pursuant to the State of California's Surplus Land Act.

The Public Works Department, other City Departments and utility agencies have reviewed this proposal and determined that the street right-of-way proposed for vacation is unnecessary for present or prospective public purposes.

The provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate the public street easement that is considered excess right-of-way, are not required for street or highway purposes, and has no public utility facilities within the area to be vacated. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required.

The City Attorney's Office has approved the attached resolution as to form.

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

## **ENVIRONMENTAL FINDINGS**

This project is exempt under Section 15194 of the California Environmental Quality Act (CEQA) Guidelines.

Under Section 15194, the proposed project is exempt from CEQA requirements when the project is characterized as a residential infill development meeting the following conditions:

The project meets the threshold criteria set forth in section 15192; provided that with respect to the requirement in section 15192(b) regarding community-level environmental review, such review must be certified or adopted within five years of the date that the lead agency deems the application for the project to be complete pursuant to Section 65943 of the Government Code.

The project meets the following size criteria: the project site is not more than five acres in area. The project site based on the applicant's proposed boundaries is approximately 9,672 square feet, or approximately 0.22 acres.

The project meets both of the requirements regarding location: the project meets the location requirements relating to population density. The project proposes fewer than 50 units. The City of Fresno has a population of over 540,000 persons and a population density of approximately 4,707 persons per square mile. The project meets the site-specific location requirements: The parcel is an infill site, located immediately adjacent to the site are developed with qualified urban uses such as housing, service station/market, church, and urban transportation facilities.

The project meets the requirements regarding provision of affordable housing. The project proposes the construction of less than 100 units of affordable housing on a parcel of 9672.11 square feet. The units will be deed restricted to provide 100 percent affordable housing for at least 30 years pursuant to Section 50053 of the Health and Safety Code.

## **LOCAL PREFERENCE**

Local preference does not apply because the vacation of public right-of-way does not involve bidding or contracting.

## **FISCAL IMPACT**

There will be no City funds involved with this vacation. The City of Fresno has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

### **Attachments:**

Vicinity Map  
EA P23-04237  
Resolution