



## Legislation Details (With Text)

**File #:** ID 23-1733    **Version:** 1    **Name:**

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**File created:** 11/27/2023    **In control:** City Council

**On agenda:** 12/14/2023    **Final action:** 12/14/2023

**Title:** Actions pertaining to Resolution of Intention Number 1154-D to vacate a portion of excess public street right of way on the northeast side of North Weber Avenue, northwest of West Herndon Avenue (Council District 2):

1. Adopt the attached Resolution of Intention Number 1154-D to vacate a portion of excess public street right of way on the northeast side of North Weber Avenue, northwest of West Herndon Avenue
2. Set the required public hearing at 10:05 a.m. on January 11, 2024

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. Vicinity Map, 2. EA P22-00606, 3. Resolution of Intent No. 1154-D

| Date       | Ver. | Action By    | Action  | Result |
|------------|------|--------------|---------|--------|
| 12/14/2023 | 1    | City Council | ADOPTED | Pass   |

## REPORT TO THE CITY COUNCIL

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

**BY:** JILL M. GORMLEY, TE, Assistant Director  
Public Works Department, Traffic & Engineering Services Division

JASON A. CAMIT, PLS, Chief Surveyor  
Public Works Department, Traffic & Engineering Services Division

## SUBJECT

Actions pertaining to Resolution of Intention Number 1154-D to vacate a portion of excess public street right of way on the northeast side of North Weber Avenue, northwest of West Herndon Avenue (Council District 2):

1. Adopt the attached Resolution of Intention Number 1154-D to vacate a portion of excess public street right of way on the northeast side of North Weber Avenue, northwest of West Herndon Avenue
2. Set the required public hearing at 10:05 a.m. on January 11, 2024

## RECOMMENDATION

Staff recommends the City Council adopt to adopt Resolution of Intention Number 1154-D for the

proposed vacation a portion of excess public street right of way on the northeast side of North Weber Avenue, northwest of West Herndon Avenue and set the required hearing at 10:05 a.m. on January 11, 2024.

## **EXECUTIVE SUMMARY**

John Garabedian and Melanie D. Garabedian are proposing to vacate a portion of excess public street right of way on the northeast side of North Weber Avenue, northwest of West Herndon Avenue. The purpose of this proposed vacation is to accommodate improvements for a Cannabis Retail Business in an existing commercial building associated with Conditional Use Permit Number P22-00606.

## **BACKGROUND**

The Planning and Development Department Director, on December 20, 2022, approved Conditional Use Permit Application No. P22-00606 for the property noted above. The applicant requests authorization to establish a Cannabis Commercial Business (retail) within an existing 2,972 square foot commercial building. One of the conditions of approval was to vacate a portion of excess public street right of way for North Weber Avenue. This portion of excess public street right of way on the northeast side of North Weber Avenue, northwest of West Herndon Avenue was originally dedicated by the map of Town of Herndon, recorded in or around 1904.

The Public Works Department, other City departments, and utility agencies have reviewed the proposed vacation and determined that the public street 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**

A notice of exemption was filed with the County of Fresno for Environmental Assessment Application Number P22-00606 on June 9, 2023. On November 22, 2023, Notice of Exemption was refiled with the County of Fresno, to further expand language regarding the street vacation. 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 exempt pursuant to Section 15301/Class 1 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines.

Under Section 15301/Class 1, the proposed project is exempt from CEQA requirements when the project 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 existing or former use.

The area proposed to be vacated is comprised of unimproved land that will return to the adjacent private property owner. The vacation will remove approximately  $\pm 750$  square feet of excess public street right of way. No significant effects would occur, as a result of the proposed vacation. The Notice of Exemption was filed along with the Conditional Use Permit and provides for this vacation. No additional adoption is required.

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 street easement does not involve bidding or contracting.

## **FISCAL IMPACT**

This vacation is located in Council District 2 and there will be no City funds involved with this vacation. John Garabedian and Melanie D. Garabedian have paid all processing fees to cover staff costs in accordance with the Master Fee Schedule.

Attachment(s):

Vicinity Map

EA P22-00606

Resolution of Intent No. 1154-D