



Legislation Details (With Text)

File #: ID 20-00234 **Version:** 1 **Name:**
Type: Action Item **Status:** Agenda Ready
File created: 2/10/2020 **In control:** City Council
On agenda: 2/27/2020 **Final action:** 2/27/2020

Title: Actions pertaining to Resolution of Intent Number 1135-D to vacate a portion of East Palo Alto Avenue, west of North Fresno Street (Council District 6)
1. Adopt a finding of Categorical Exemption for Environmental Assessment Number P19-04201 per staffs determination, pursuant to Section 15301/Class 1 and Section 15303/Class 3 of the California Environmental Quality Act (CEQA) Guidelines
2. Adopt Resolution of Intent Number 1135-D to vacate a portion of East Palo Alto Avenue, west of North Fresno Street

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 20-00234 East Palo Alto Vacation Vicinity Map, 2. 20-00234 East Palo Alto Vacation Environmental Assessment, 3. 20-00234 East Palo Alto Vacation Resolution of Intent 1135-D

| Date | Ver. | Action By | Action | Result |
|-----------|------|--------------|----------|--------|
| 2/27/2020 | 1 | City Council | approved | |

REPORT TO THE CITY COUNCIL

February 27, 2020

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

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

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

SUBJECT

Actions pertaining to Resolution of Intent Number 1135-D to vacate a portion of East Palo Alto Avenue, west of North Fresno Street (Council District 6)

1. Adopt a finding of Categorical Exemption for Environmental Assessment Number P19-04201 per staffs determination, pursuant to Section 15301/Class 1 and Section 15303/Class 3 of the California Environmental Quality Act (CEQA) Guidelines
2. Adopt Resolution of Intent Number 1135-D to vacate a portion of East Palo Alto Avenue, west of North Fresno Street

RECOMMENDATIONS

Staff recommends the City Council adopt a finding of Categorical Exemption for Environmental Assessment Number P19-04201 and adopt Resolution of Intent Number 1135-D for the proposed vacation of a portion of East Palo Alto Avenue, west of North Fresno Street, and set the required public hearing at 10:00 a.m. on March 19, 2020.

EXECUTIVE SUMMARY

Gateway Engineering on behalf of the Foxwood Apartments is requesting the vacation of a portion of East Palo Alto Avenue, west of North Fresno Street as shown on Exhibit "A" of the attached Resolution of Intent. The purpose of this vacation is to dispose of excess right of way and help secure the parking area for the Foxwood Apartments.

BACKGROUND

This portion of East Palo Alto Avenue was originally dedicated to the City of Fresno on November 30, 1984 as Instrument No. 84116233, Official Records Fresno County. This public street was never constructed and the area has never been improved. This portion of East Palo Alto Avenue has been determined to be excess right of way. The Foxwood Apartments have also been experiencing homeless trespassing and theft in the area being proposed for vacation. The owners of the Foxwood Apartments would like to utilize the vacated area to construct a decorative wrought iron fence to secure the area from said trespassing and theft.

The Public Works Department, other City departments and utility agencies have reviewed the proposed vacation and determined that the public street right of way proposed for vacation is unnecessary for present or prospective public street purposes as shown on Exhibit "A", subject to the reservation of a public utility easement over the entire area proposed to be vacated, said Exhibit is included in the attached Resolution of Intent.

City Attorney has approved the attached Resolution of Intention 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

Staff has performed a preliminary environmental assessment of this project and determined that it falls within the Categorical Exemption set for in the following Sections of the CEQA Guidelines:

Under Section 15301/Class 1, the proposed project is exempt from CEQA requirements.

Section 15301(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. The types of "existing facilities" itemized are not intended to be all inclusive of the types of projects which might fall with Class 1.

Under Section 15303/Class 3, the proposed project is exempt from CEQA requirements.

Section 15303 (Class 3/New Construction or Conversion of Small Structures) of the CEQA Guidelines exempts from the provisions of CEQA, projects consisting of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and, the conversion of existing small structures from one use to another where only minor modifications are made to the exterior of the structure. Examples include but are not limited to: Water main, sewage, electrical, gas and other utility extensions, including street improvements of reasonable length to serve such construction.

The proposed project consists of vacation of 19,689 square feet of right of way on East Palo Alto Avenue for the future installation of a decorative wrought iron fence along the southern line of East Palo Alto Avenue. The proposed vacation of right of way is consistent with the Fresno General Plan and the Fresno County Airport Land Use Compatibility Plan without negatively impacting the characteristics of the area and complies with all conditions described in Section 15301/Class 1 and 15303/Class 3, California CEQA Guidelines. None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project. Furthermore, the proposed project is not expected to have a significant effect on the environment. Accordingly, as the area is not environmentally sensitive, as noted above, a categorical exemption has been prepared for the project.

LOCAL PREFERENCE

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

FISCAL IMPACT

This project has no impact to the General Fund and is located in Council District 6. Foxwood Apartments has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:

East Palo Alto Vacation Vicinity Map

East Palo Alto Vacation Environmental Assessment

East Palo Alto Vacation Resolution of Intent 1135-D