



Legislation Details (With Text)

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Title: Adopt Resolution of Intent Number 1133-D to vacate a portion of North Colonial Avenue and West San Jose Avenue (Council District 2)

Sponsors: Public Works Department

Indexes:

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Attachments: 1. 19-11299 Colonial San Jose Vacation Vicinity Map, 2. 19-11299 Colonial San Jose Environmental Assessment, 3. 19-11299 Colonial San Jose Vacation Resolution to Vacate

Date	Ver.	Action By	Action	Result
9/26/2019	1	City Council	approved	

REPORT TO THE CITY COUNCIL

September 26, 2019

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

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

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SUBJECT

Adopt Resolution of Intent Number 1133-D to vacate a portion of North Colonial Avenue and West San Jose Avenue (Council District 2)

RECOMMENDATIONS

Staff recommends the City Council adopt Resolution of Intent Number 1133-D for the proposed vacation of a portion of North Colonial Avenue and West San Jose Avenue, and set the required hearing at 10:00 a.m. on October 10, 2019.

EXECUTIVE SUMMARY

Jeff Roberts of The Assemi Group is requesting the vacation of a portion of North Colonial Avenue

and West San Jose Avenue as shown on Exhibit "A" of the attached Resolution of Intent. The purpose of this vacation is to satisfy conditions of approval for Plan Amendment/Rezone Application Number P18-03659.

BACKGROUND

Plan Amendment/Rezone Application Number P18-03659 proposes to amend the Fresno General Plan and the Bullard Community Plan for ±1 acre of vacant land at the northeast corner of West San Jose Avenue and North Colonial Avenue from Residential Medium Density to Regional Mixed Use. The application also proposes to amend the Official Zone Map to reclassify the property from RS-5/EQ (Residential Single-Family/Equine Overlay) to RMX (Regional Mixed-Use).

Intended to facilitate the expansion of the existing Fig Garden Financial Center office complex, the Plan Amendment and Rezone would be necessary for the applicant to develop a future 90,000-square-foot, 4-story office building currently in the design concept stage and not included as part of this application. Adjacent to the subject property to the north, east, and west are a mix of medium density and medium low density residential uses. Abutting the property to the south is Fig Garden Village Shopping Center and a Corridor Mixed-Use area. Under the current residential planned land use and zone district, the future office development would be prohibited. Under the proposed Regional Mixed-Use planned land use and zone district, the development of an additional office building would be a by-right use. The Regional Mixed-Use planned land use and zone district would bring this property in line with the other parcels comprising the Fig Garden Financial Center.

The approval of the application would also modify existing conditions of zoning on two Fig Garden Financial Center parcels abutting the future building. The modification of conditions of zoning would be necessary to allow greater pedestrian access and to remove the requirement for landscape setbacks and concrete block walls along property lines that would become internal to the complex rather than serving as project borders. Conditions of zoning requiring traffic improvements that have already been completed would also be removed. Conditions prohibiting certain points of vehicular access and prohibiting drive-through facilities within 100 feet of West San Ramon Avenue and West San Jose Avenue shall remain as conditions of zoning.

Plan Amendment/Rezone Application Number P18-03659 also proposes that a portion of North Colonial Avenue and West San Jose Avenue be vacated, as the future office building would potentially be located at the existing intersection of these streets. In response to concerned residents living in the unincorporated Village Garden condominium neighborhood north of the Fig Garden Financial Center, the applicant is considering providing gates to prevent cut-through traffic while also allowing the residents continued access to both North Palm Avenue and North Maroa Avenue.

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" if the proposed development is approved, subject to the conditions of approval as listed in Exhibit "B", said exhibits are made a part of 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

The City Council adopted CEQA Environmental Assessment Number P18-03659 dated May 2019, a Mitigated Negative Declaration on July 25, 2019. An environmental assessment was prepared for this project in accordance with the requirements of the California Environmental Quality Act (CEQA) Guidelines. This process included the distribution of requests for comment from other responsible or affected agencies and interested organizations.

Preparation of the environmental assessment necessitated a thorough review of the proposed project and relevant environmental issues and considered previously prepared environmental and technical studies pertinent to the area, including the Fresno General Plan Master Environmental Impact Report SCH Number 2012111015 (MEIR).

An initial study of the above-described project had been conducted, and it has been determined to be a subsequent project that is not fully within the scope of the MEIR prepared for the Fresno General Plan as provided by CEQA, as codified in the Public Resources Code (PRC) Section 21157.1(d) and the CEQA Guidelines Section 15177(c). Therefore, DARM has adopted a Mitigated Negative Declaration for this project.

It has been further determined that all applicable mitigation measures identified within the Fresno General Plan MEIR have been applied to the project, together with specific mitigation measures necessary to assure that the project will not cause significant adverse cumulative impacts, growth inducing impacts, and irreversible significant effects beyond those identified by the MEIR as provided by CEQA Section 15178(a). In addition, pursuant to PRC Section 21157.6(b)(1), staff has determined that no substantial changes have occurred with respect to the circumstances under which the MEIR was certified and that no new information, which was not known and could not have been known at the time that the MEIR was certified as complete, has become available. Therefore, it has been determined based upon the evidence in the record that the project will not have a significant impact on the environment and that the filing of a mitigated negative declaration is appropriate in accordance with the provisions of CEQA Section 21157.5(a)(2) and CEQA Guidelines Section 15178(b)(1) and (2).

Based upon the attached environmental assessment and with the project specific mitigation imposed, staff has determined that there is no substantial evidence in the record that the project may have a significant direct, indirect, or cumulative effect on the environment and has prepared a mitigated negative declaration for this project. A public notice of the attached mitigated negative declaration finding for Environmental Assessment No. P18-03659 was published on May 2019.

On June 4, 2019, DARM staff received a letter from a member of the public expressing a number of concerns about the proposed project. The letter outlined concerns dealing with why an EIR had not been prepared for the project, emergency vehicle access, safe pedestrian connectivity, removal of traffic improvement conditions of zoning, and inadequate time to review the applications. Based on the additional analysis of the comment letter, as detailed in the response letter, staff still adopted a Mitigated Negative Declaration for this 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 2. The Assemi Group has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:

Colonial San Jose Vacation Vicinity Map

Colonial San Jose Vacation Environmental Assessment

Colonial San Jose Vacation Resolution to Vacate