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Title: CONTINUED HEARING - To vacate a portion of West Devlan Avenue and North Weber Avenue north of the Southern Pacific Railroad. (Council District 2)
1. ***RESOLUTION - Ordering the vacation of a portion of West Devlan Avenue and North Weber Avenue north of the Southern Pacific Railroad. (Subject to Mayor's Veto)

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 19-1624 Devlan-Weber Vacation_Vicinity.pdf, 2. 19-1624 EA P18-02491.pdf, 3. 19-1624 Devlan-Weber Resolution to Vacate.pdf

Date	Ver.	Action By	Action	Result
5/16/2019	1	City Council	adopted	Pass

REPORT TO THE CITY COUNCIL

May 16, 2019

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

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Public Works Department, Engineering Division, Right-of-Way Section

SUBJECT

CONTINUED HEARING - To vacate a portion of West Devlan Avenue and North Weber Avenue north of the Southern Pacific Railroad. (Council District 2)

1. ***RESOLUTION - Ordering the vacation of a portion of West Devlan Avenue and North Weber Avenue north of the Southern Pacific Railroad. (Subject to Mayor's Veto)

RECOMMENDATION

Staff recommends the City Council conduct the required public hearing and at the close of the hearing, adopt the attached resolution ordering the vacation of a portion of West Devlan Avenue and North Weber Avenue north of the Southern Pacific Railroad.

EXECUTIVE SUMMARY

Susan Flores is requesting the vacation of a portion of West Devlan Avenue and North Weber Avenue north of the Southern Pacific Railroad as described in Exhibit "A" of the attached Resolution. The purpose of this vacation is to eliminate excess public street right-of-way.

BACKGROUND

The proposed vacation of a portion of West Devlan Avenue and North Weber Avenue north of the Southern Pacific Railroad was previously dedicated by map of the Town of Herndon in Book 1, of Miscellaneous Maps at Page 27, Fresno County Records. The purpose of this vacation is to eliminate excessive right-of-way of a portion of West Devlan Avenue and North Weber Avenue north of the Southern Pacific Railroad.

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" of the attached Resolution, subject to Conditions of Approval as listed in Exhibit "B" of the attached Resolution.

This action is being taken pursuant to the provisions of the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highways Code Sections 8300-8363).

On April 25, 2019, the Council adopted Resolution of Intention No. 1129-D, setting the time and place for the public hearing at 10:00 a.m. on May 16, 2019, in the Council Chambers at Fresno City Hall. The public hearing has been duly noticed in accordance with the Public Streets, Highways, and Service Easements Vacation Law.

The City Attorney's Office has approved the attached resolution 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 of Fresno adopted EA P18-02491 for the above-described project on April 25, 2019 and determined that it falls within the Categorical Exemption set forth in CEQA Guidelines Section 15303/Class 3 which exempts new construction or conversion of small structures. Staff found that those conditions are met:

Section 15301 (Class 1/Existing Facilities) of the CEQA Guidelines exempts from the provisions of CEQA, projects consisting 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; including but not limited to, alteration of existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities.

Section 15303/Class 3 exempts projects consisting of the new construction or conversion 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 in the exterior of the structure. Examples of this include but are not limited to (a) one single family residence, or a second dwelling unit in a residential zone; in urbanized areas up to three single family residences may be constructed or converted under this exemption, and (b) a duplex or similar multifamily residential structure totaling no more than four dwelling units; in urbanized areas this exemption applies to apartments duplexes and similar structures designed for not more than six dwelling units, and (e) accessory structures including garages, carports, patios, swimming pools and fences.

Staff has performed a preliminary environmental assessment of this project and determined that it falls within the Categorical Exemption set forth in CEQA Guidelines Section 15332/Class 32 which exempts infill development. Staff found that those conditions are met with the vacation conditions set forth by Public Works. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects related to traffic, noise, air quality or water quality. The site can be adequately served by all required utilities and public services.

LOCAL PREFERENCE

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

FISCAL IMPACT

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

Attachments:

Devlan-Weber Vacation_Vicinity

EA P18-02491

Devlan-Weber Resolution to Vacate