



## Legislation Details (With Text)

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**Title:** HEARING - To vacate Elgin Avenue and North James Street between Golden State Boulevard and State Route 99 (Council District 2)  
1. \*\*\*RESOLUTION - Ordering the vacation of Elgin Avenue and North James Street between Golden State Boulevard and State Route 99 (Subject to Mayor's Veto)  
**Sponsors:** Public Works Department  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. 19-11078 Elgin James Vacation Vicinity Map.pdf, 2. 19-11078 Elgin James Vacation Environmental Assessment.pdf, 3. 19-11078 Elgin James Vacation Resolution to Vacate.pdf

Date	Ver.	Action By	Action	Result
8/15/2019	1	City Council	adopted	Pass

## REPORT TO THE CITY COUNCIL

**August 15, 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

HEARING - To vacate Elgin Avenue and North James Street between Golden State Boulevard and State Route 99 (Council District 2)

1. \*\*\*RESOLUTION - Ordering the vacation of Elgin Avenue and North James Street between Golden State Boulevard and State Route 99 (Subject to Mayor's Veto)

## RECOMMENDATIONS

Staff recommends the City Council to conduct the required public hearing and at the close of the hearing, adopt the attached resolution ordering the vacation of Elgin Avenue and North James Street between Golden State Boulevard and State Route 99.

## EXECUTIVE SUMMARY

Double S Developments, LLC is requesting the vacation of Elgin Avenue and North James Street between Golden State Boulevard and State Route 99 as described in Exhibit "A" of the attached Resolution. The purpose of this vacation is to satisfy conditions of approval for Parcel Map 2017-12.

## BACKGROUND

Elgin Avenue and North James Avenue were originally dedicated by the map of the Town of Herndon, recorded in 1887 in Book 1 of Miscellaneous Maps, at Page 27, Fresno County Records. Neither of these streets were ever constructed. North James Street's potential for a functional road was further damaged by the construction of State Route 99. The state of California (State) acquired a portion of North James Street in that process, which resulted in the remainder of North James Street being rendered useless as a public road. Parcel Map 2017-12 will create three viable parcels for development. Double S Developments plans to use the vacated streets for more area on their site plan development.

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 July 18, 2019, the Council adopted Resolution of Intent Number 1131-D, setting the time and place for the public hearing at 10:00 a.m. on August 15, 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 Environmental Assessment Number TPM-2017-12 (Document Number E201810000248) for the above-described project on July 18, 2019 and determined that it qualifies as a Mitigated Negative Declaration as set forth in CEQA Guidelines per staff determination under Sections 15065 and 15177 of the California Environmental Quality Act and Public Resource Code 21157.1 and 21157.6 (b)(1).

The City of Fresno has conducted an initial study and proposes to adopt a Mitigated Negative Declaration for the above-described project. The environmental analysis contained in the Initial Study

and this Mitigated Negative Declaration is tiered from the Master Environmental Impact Report (SCH# 2012111015) prepared for the Fresno General Plan. A copy of the Master Environmental Impact Report (MEIR) may be reviewed in the City of Fresno Development and Resource Management Department as noted above. The proposed project has been determined to be a subsequent project that is not fully within the scope of the MEIR prepared for the Fresno General Plan. Pursuant to Public Resources Code § 21157.1 and California Environmental Quality Act (CEQA) Guidelines § 15177, this project has been evaluated with respect to each item on the attached environmental checklist to determine whether this project may cause any additional significant effect on the environment which was not previously examined in the MEIR. After conducting a review of the adequacy of the MEIR pursuant to Public Resources Code, Section 21157.6(b)(1), the Development and Resource Management Department, as lead agency, finds 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.

This completed environmental impact checklist form, its associated narrative, and proposed mitigation measures reflect applicable comments of responsible and trustee agencies and research and analyses conducted to examine the interrelationship between the proposed project and the physical environment. The information contained in the project application and its related environmental assessment application, responses to requests for comment, checklist, initial study narrative, and any attachments thereto, combine to form a record indicating that an initial study has been completed in compliance with the State CEQA Guidelines and the CEQA.

All new development activity and many non-physical projects contribute directly or indirectly toward cumulative impacts on the physical environment. It has been determined that the incremental effect contributed by this project toward cumulative impacts is not considered substantial or significant in itself, and/or that cumulative impacts accruing from this project may be mitigated to less than significant with application of feasible mitigation measures.

Based upon the evaluation guided by the environmental checklist form, it was determined that there are foreseeable impacts from the Project that are additional to those identified in the MEIR, and/or impacts which require mitigation measures not included in the MEIR Mitigation Measure Checklist. The completed environmental checklist form indicates whether an impact is potentially significant, less than significant with mitigation, or less than significant.

For some categories of potential impacts, the checklist may indicate that a specific adverse environmental effect has been identified which is of sufficient magnitude to be of concern. Such an effect may be inherent in the nature and magnitude of the project, or may be related to the design and characteristics of the individual project. Effects so rated are not sufficient in themselves to require the preparation of an Environmental Impact Report, and have been mitigated to the extent feasible. With the project specific mitigation imposed, there is no substantial evidence in the record that this project may have additional significant, direct, indirect or cumulative effects on the environment that are significant and that were not identified and analyzed in the MEIR. Both the MEIR mitigation checklist measures and the project-specific mitigation checklist measures will be imposed on this project.

The initial study has concluded that the proposed project will not result in any adverse effects which fall within the "Mandatory Findings of Significance" contained in Section 15065 of the State CEQA Guidelines.

## 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. Double S Developments, LLC has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

### Attachments:

Elgin James Vacation Vicinity Map

Elgin James Vacation Environmental Assessment

Elgin James Vacation Resolution to Vacate