



Legislation Details (With Text)

File #: ID19-11513 **Version:** 1 **Name:**

Type: Action Item **Status:** Agenda Ready

File created: 10/25/2019 **In control:** City Council

On agenda: 11/14/2019 **Final action:** 11/14/2019

Title: Actions pertaining to Resolution of Intent Number 1134-D to vacate a portion of South Golden State Boulevard, south of San Benito Street, between G Street and F Street (Council District 3)

1. Adopt a finding of Categorical Exemption Number PW12454 per staffs determination, pursuant to Section 15301/Class 1, Section 15302/Class 2, and Section 15305/Class 5 of the California Environmental Quality Act (CEQA) Guidelines
2. Adopt Resolution of Intent Number 1134-D to vacate a portion of South Golden State Boulevard, south of San Benito Street, between G Street and F Street

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 19-11513 South Golden State Vacation Vicinity Map, 2. 19-11513 South Golden State Vacation Environmental Assessment, 3. 19-11513 South Golden State Vacation Resolution of Intent 1134-D

Date	Ver.	Action By	Action	Result
11/14/2019	1	City Council	approved	

REPORT TO THE CITY COUNCIL

November 14, 2019

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 1134-D to vacate a portion of South Golden State Boulevard, south of San Benito Street, between G Street and F Street (Council District 3)

1. Adopt a finding of Categorical Exemption Number PW12454 per staffs determination, pursuant to Section 15301/Class 1, Section 15302/Class 2, and Section 15305/Class 5 of the California Environmental Quality Act (CEQA) Guidelines
2. Adopt Resolution of Intent Number 1134-D to vacate a portion of South Golden State Boulevard, south of San Benito Street, between G Street and F Street

RECOMMENDATIONS

Staff recommends the City Council adopt a finding of Categorical Exemption for Environmental Assessment Number PW12454 and adopt Resolution of Intent Number 1134-D for the proposed vacation of a portion of South Golden State Boulevard, south of San Benito Street, between G Street and F Street, and set the required public hearing at 10:00 a.m. on December 12, 2019.

EXECUTIVE SUMMARY

The Fresno Rescue Mission is requesting the vacation of a portion of South Golden State Boulevard, south of San Benito Street, between G Street and F 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 resolve a homeless encampment issue in the area.

BACKGROUND

This portion of South Golden State Boulevard was originally acquired by the State of California for highway purposes for State Route 4. After the construction of State Route 99, this portion of State right of way was relinquished to the City of Fresno by Relinquishment Number 73365 on May 27, 1964 by Instrument Number 41581 in Book 5012, Page 656 through 665, Official Records Fresno County. This portion of street right of way has been determined to be excess and has been subject to a homeless encampment issue. The Fresno Rescue Mission would like the City to vacate this right of way and incorporate this land into their adjacent property and relocate an existing block wall at the new property boundary.

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, and also subject to all conditions as listed in Exhibit "B", both Exhibits are 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 forth in the following Sections of the CEQA Guidelines:

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, 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. Examples include but are not limited to: Existing facilities of both investor and publicly owned utilities used to provide electric power, natural gas, sewerage, or other public utility services; and, existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails,

and similar facilities (this includes road grading for the purpose of public safety). This project falls within this categorical exemptions since it is altering the location of an existing block wall for the same use.

Section 15302 (Class 2/Reconstruction or Replacement) of the CEQA Guidelines exempts from the provisions of CEQA, consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. This project falls within this categorical exemptions since it is replacing and reconstructing an existing block wall for the same use.

Section 15305 (Class 5/Minor Alteration in Land Use Limitations) of the CEQA Guidelines exempts from the provisions of CEQA, projects consisting of minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density, including but not limited to minor lot line adjustments not resulting in the creation of any new parcel. This project falls within this categorical exemptions since the relocation and reconstruction of an existing block wall is a minor alteration of the land for the same use.

Furthermore, Staff has determined that none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project. Therefore, the proposed project is not expected to have a significant effect on the environment.

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 3. The Fresno Rescue Mission has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:

South Golden State Vacation Vicinity Map
South Golden State Vacation Environmental Assessment
South Golden State Vacation Resolution of Intent 1134-D