



Legislation Details (With Text)

File #: ID 22-238 **Version:** 1 **Name:**

Type: Action Item **Status:** Passed

File created: 1/27/2022 **In control:** City Council

On agenda: 2/10/2022 **Final action:** 2/10/2022

Title: Actions pertaining to Resolution of Intention Number 1147-D to vacate a portion of East Kaviland Avenue at South Rose Avenue (Council District 3):

1. Adopt a finding of Categorical Exemption per Environmental Assessment Number P21-00192 per staff determination, pursuant to Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines
2. RESOLUTION - Adopt the attached Resolution of Intention Number 1147-D to vacate a portion of East Kaviland Avenue at South Rose Avenue

Sponsors: Public Works Department

Indexes:

Code sections:

Attachments: 1. 22-238 KavilandVactionVicinityMap, 2. 22-238 KavilandVactionEA, 3. 22-238 Resolution of Intent No. 1147-D, 4. 22-238 1147-D Resolution V.2

Date	Ver.	Action By	Action	Result
2/10/2022	1	City Council	ADOPTED	Pass

REPORT TO THE CITY COUNCIL

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

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

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

SUBJECT

Actions pertaining to Resolution of Intention Number 1147-D to vacate a portion of East Kaviland Avenue at South Rose Avenue (Council District 3):

1. Adopt a finding of Categorical Exemption per Environmental Assessment Number P21-00192 per staff determination, pursuant to Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines
2. RESOLUTION - Adopt the attached Resolution of Intention Number 1147-D to vacate a portion of East Kaviland Avenue at South Rose Avenue

RECOMMENDATIONS

Staff recommends the City Council adopt a finding of Categorical Exemption per Environmental Assessment Number P21-00192, pursuant to Section 15332/Class 32 of the California Environmental

Quality Act (CEQA) Guidelines and adopt Resolution of Intention No. 1147-D for the proposed vacation of a portion of East Kaviland Avenue at South Rose Avenue and set the required hearing at 10:05 a.m. on March 10, 2022.

EXECUTIVE SUMMARY

Crosspoint Repair, Inc. is proposing to vacate a portion of East Kaviland Avenue at South Rose Avenue. The purpose of this vacation is to accommodate Development Permit Application Number P21-00192. This development permit is for the proposed construction of an automotive repair shop adjacent and south of East Kaviland Avenue. This development proposes public street improvements, which includes sidewalk improvement on the south side of East Kaviland Avenue. This public street vacation will dispose of excess public street right of way created by this proposed development.

BACKGROUND

This portion of East Kaviland Avenue was originally dedicated by the Edison Manor - Tract No.1027, recorded February 25, 1948, in Volume 13 of Plats, at Page 97, Fresno County Records. It is located at the intersection of South Rose Avenue near East Jensen Avenue and State Route 41. The purpose of this vacation is to accommodate Development Permit Application Number P21-00192 and dispose of excess public street right of way.

The Public Works Department, other City departments and utility agencies have reviewed the proposed vacation and determined that the public street easement proposed for vacation is unnecessary for present or prospective public street purposes, as described in Exhibit "A" and as shown on Exhibit "B", subject to conditions of approval as listed in Exhibit "C", said exhibits are included in the attached Resolution of Intent.

The City is not disposing of any land and therefore the Surplus Land Act is not applicable.

City Attorney's Office has approved the attached Resolution to Vacate 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

This project is exempt under Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines.

Section 15332/Class 32 (Class 32/In-Fill Development Projects) of the CEQA Guidelines exempts from the provisions of CEQA, projects characterized as in-fill development, which meet the following conditions:

- a) 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. Given the conditions of approval, the proposed commercial project will meet all the provisions of the

Fresno Municipal Code (FMC). The project is consistent with the Fresno General Plan designation, policies, and zoning. The existing IL (Light Industrial) zone district is consistent with the Light Industrial planned land use designation approved for this site by the Fresno General Plan, and the Fresno County Airport Land Use Compatibility Plan. The proposed development was reviewed for intensity, building form, massing, and location standards and no inconsistencies were found with the proposed setbacks, landscape standards, intensity, height or lot coverage. The project proposes a Floor Area Ratio (FAR) of 0.03 where the maximum allowable FAR is 1.5. Setbacks are a minimum of 15 feet for front yards. Building design, window design, materials and finishes all conform to the standards of the IL zone district. It can be concluded that the proposed light industrial project conforms to the development standards of the Light Industrial planned land use and IL zone district.

- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The proposed project is located within City limits, occurs on a vacant site of approximately ± 2.99 acres, which is less than the five-acre maximum, and is surrounded by other urban uses. Existing light industrial uses are located to the north, east, and south.

- c) The project has no value as habitat for endangered, rare or threatened species. The project site is currently vacant and has previously disturbed land. The Fresno Master Environmental Impact Report (MEIR) did not identify this site as habitat for rare or threatened species. Surrounding developments consist of light industrial uses and vacant parcels; therefore, the site has no value as habitat for endangered, rare, or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The proposed project was routed to the San Joaquin Air Pollution Control District, the City of Fresno Public Utilities Department-Water Division, Fresno Metropolitan Flood Control District, and no significant effects were identified relating to traffic, noise, air quality, or water quality.

Traffic

Senate Bill (SB) 743, signed in 2013, changes the way transportation studies are conducted in California Environmental Quality Act (CEQA) documents. Vehicle miles traveled (VMT) replaces motorist delay and level of service (LOS) as the metric for impact determination. The Office of Planning and Research provides a Technical Advisory (TA) as a guidance document to establish thresholds for this new VMT metric. The TA acknowledges that conditions may exist that would presume that a development project has a less than significant impact. These may be size, location, proximity to transit, or trip-making potential. As a result of the final rulemaking surrounding SB 743 and the implementation deadline of July 1, 2020, the City of Fresno adopted new VMT thresholds and guidelines to address the shift from delay-based LOS CEQA traffic analyses to VMT CEQA traffic analysis on June 25, 2020, and became effective on July 1, 2020.

Staff analyzed Vehicle Miles Traveled (VMT) by using the Fresno Council of Governments (COG) VMT Screening Application for this non-residential project. For non-residential projects the adopted threshold of significance is 13% reduction (less than 22.8 VMT per EMP).

The VMT Screening Application provided that the project is within Traffic Assessment Zone (TAZ) 767. TAZ 767 results in average VMT per employee of 22.8 which is below than the 25.7 County average. However, considering the project's number of employees (3) would result in a VMT of 22.8. Therefore, the parcel with the proposed use and number of employees would generate moderate VMT. With transportation demand management (TDM) van pool mitigation the proposed project would not result in any significant traffic impacts based upon the City of Fresno's adopted thresholds and guidelines for VMT analyses.

Noise

The project is a new light industrial shell warehouse/office building. The site is adjacent to other similar light industrial uses and is not located adjacent to sensitive uses. Therefore, the project would not result in a significant amount of noise compared to the other adjacent uses and would be conditioned to comply with any applicable noise standards of the Citywide Development Code.

Air Quality

The project is conditioned to comply with any applicable regulations and conditions from the San Joaquin Valley Air Pollution Control District and the project is subject to review by the agency in regards to air quality during construction and operation. The project as described will not occur at a scale or scope with potential to contribute substantially or cumulatively to existing or projected air quality violations or impacts.

Water Quality

Fresno Metropolitan Flood Control (FMFCD) provided comments on March 4, 2021, which stated that conveyance should be directed towards the southeast area of the property onto permanent drainage facilities near Cherry Avenue. On-site grading will be reviewed by the City of Fresno Building Division and FMFCD for compliance with storm water conveyance and pollution prevention.

The applicant will be required to comply with all requirements of the City of Fresno Department of Public Utilities that will reduce the project's water impacts to less than significant. When Conditional Use Permits are issued, the subject site will be required to pay drainage fees pursuant to the Drainage Fee Ordinance.

Therefore, compliance with conditions of approval dated April 14, 2021, will ensure that the proposed project will not result in any significant effects relating to traffic, noise, air quality, and water quality.

- e) The site can be adequately served by all required utilities and public services. The site has been reviewed and conditioned by the Fresno Irrigation District, Fresno Metropolitan Flood Control District, Fresno County Public Health, City of Fresno Public Works, City of Fresno Police, City of Fresno Public Utilities, and the City of Fresno Fire Departments. In addition, given the surrounding properties and neighborhoods have been substantially developed and utilities and public services already exist in the area, the site can be adequately served by all required utilities, including sewer, water, and solid waste, as well as public services.

None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to the project. Furthermore, the proposed project is not expected to have a significant effect on the environment. A categorical exemption, as noted above, has been prepared for the project and the area is not environmentally sensitive.

LOCAL PREFERENCE

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

FISCAL IMPACT

The proposed vacation is located in Council District 3 and there will be no impact to the General Fund. Crosspoint Repair, Inc. has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachments:

KavilandVacationVicinityMap

KavilandVacationEA

Resolution of Intent No. 1147-D