



## Legislation Details (With Text)

**File #:** ID 22-605      **Version:** 1      **Name:**

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**Title:** Actions pertaining to the summary vacation of a portion of an alley between East Tyler Avenue and State Route 41 (Council District 7)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15332/Class 32 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number P21-03180
2. \*\*\*RESOLUTION - Ordering the summary vacation of a portion of an alley between East Tyler Avenue and State Route 41 (Subject to Mayor's Veto)

**Sponsors:** Public Works Department

**Indexes:**

**Code sections:**

**Attachments:** 1. 22-605 Tyler Alley Vacation Vicinity Map, 2. 22-605 Tyler Alley Vacation EA P21-03180, 3. 22-605 Tyler Alley Resolution for Summary Vacation

Date	Ver.	Action By	Action	Result
4/28/2022	1	City Council	ADOPTED	Pass

## REPORT TO THE CITY COUNCIL

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Public Works Department

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Public Works Department, Engineering Division

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Public Works Department, Right of Way Section

## SUBJECT

Actions pertaining to the summary vacation of a portion of an alley between East Tyler Avenue and State Route 41 (Council District 7)

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15332/Class 32 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number P21-03180
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## RECOMMENDATION

Staff recommends the City Council to adopt a finding of Categorical Exemption per staff

determination, pursuant to Section 15332, Class 32 (In-Fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines, Environmental Assessment Number P21-03180 and adopt the attached resolution ordering the summary vacation of a portion of an alley between East Tyler Avenue and State Route 41.

## **EXECUTIVE SUMMARY**

Martin Park, Inc. is requesting the vacation of a portion of an alley between East Tyler Avenue and State Route 41. The purpose of this proposed vacation is to remove the public alley easement to accommodate the development for site plan number P21-03180, which is the proposed construction of Webster Park, a project being developed by Martin Park, Inc.

## **BACKGROUND**

This portion of the public alley proposed for vacation was originally dedicated on October 10, 1928 in Book 926, Page 374, Official Records Fresno County. The construction of State Route 41 acquired the southerly portion of this alley, which created a dead end with no southerly exit. This alley vacation would accommodate the development of Webster Park as proposed by site plan number P21-03180. The existing public utility easement dedicated January 15, 1971 in Book 5852, Page 714, Official Record Fresno County shall remain in place.

The Engineering Division of Public Works, 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 alley purposes as described in Exhibit "A" and as shown on Exhibit "B", said exhibits are included in the attached Resolution ordering the summary vacation.

The City Attorney's Office has approved the attached Resolution ordering the summary vacation as to form.

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

The vacation, if approved by the Council, will become effective when the vacating resolution is recorded in the office of the Fresno County Recorder.

## **ENVIRONMENTAL FINDINGS**

Staff has performed a preliminary environmental assessment of this project and has determined this project is exempt under Section 15332/Class 32 (In-fill Development Projects) of the California Environmental Quality Act (CEQA) Guidelines as follows:

Under Section 15332/Class 32, the proposed project is exempt from CEQA requirements when the project is characterized as in-fill development meeting 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 project (Park & Recreation Facilities, Public) will meet all the provisions of the Fresno Municipal Code (FMC), including Chapter 15, Article 10

(Residential Multi-Family Districts) and Section 15-2720 (Community Gardens/Urban Farms). The project is consistent with the Fresno General Plan designation, policies, and zoning. The existing RM-1 (Residential Multi-Family, Medium High Density) zone district is consistent with the Residential - Medium High Density planned land use designation approved for this site by the Fresno General Plan and Fresno High - Roeding Community Plan. Pursuant to Section Table 15-1002 of the Fresno Municipal Code (FMC), Park and Recreation Facilities, Public are permitted in RM-1 zone district by right with an approved Development Permit. Therefore, the development in accordance with the subject application is consistent with the planned land use for the subject property.

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

The project is located within the city limits, occurs on a vacant site of approximately  $\pm 0.77$  acres, which is less than the five-acre maximum, and is surrounded by other urban uses. The project site is surrounded by residential multi-family land uses to the north and west and bounded by Highway 180 to the east and south.

- c) The project has no value as habitat for endangered, rare or threatened species.

Per review of aerial records as recent as 1992, the project site consists of previously disturbed residential lots and 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.

#### Traffic

The proposed park is an institutional public service use that supports community health, safety and welfare, and therefore per the City of Fresno's adopted thresholds effective on July 1, 2020 is eligible to be screened out of additional Vehicle Miles Traveled (VMT) analysis and not considered to have a significant impact to traffic.

#### Noise

The project is a new park which will be adjacent to residential uses, and would not be expected to cause 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. Further, per the development code a noise study is required, and the project is required to comply with any recommendations that may be required based on the analysis.

#### 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.

#### Water Quality

The project is further conditioned to apply with any applicable conditions from Public Works or Utilities Department to ensure the project won't have an effect on water quality.

- e) The site can be adequately served by all required utilities and public services

Given the surrounding properties are previously developed properties and utilities and public services already exist for adjacent properties in the area that have been developed, 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 or cumulative effect on the environment. The project is not located on a hazardous waste site, a historical resource, or adjacent to a scenic highway. 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 an access restriction does not involve bidding or contracting.

## **FISCAL IMPACT**

This project has no impact to the General Fund and is located in Council District 7. Martin Park, Inc. has paid all processing fees to cover staff cost in accordance with the Master Fee Schedule.

Attachment:

Tyler Alley Vacation Vicinity Map

Tyler Alley Vacation EA P21-03180

Tyler Alley Resolution for Summary Vacation