

AGENDA ITEM NO. 1 C

COUNCIL MEETING 11/4/2010

APPROVED BY



DEPARTMENT DIRECTOR

CITY MANAGER

November 4, 2010

FROM: PATRICK N. WIEMILLER, Director
Public Works Department

BY: SCOTT L. MOZIER, PE, City Engineer/Assistant Director 
Public Works Department, Traffic and Engineering Services Division

SUBJECT: 1. ADOPT A FINDING OF CATEGORICAL EXEMPTION PER STAFF DETERMINATION, PURSUANT TO SECTION 15332/CLASS 32 (INFILL DEVELOPMENT) OF THE CEQA GUIDELINES, ENVIRONMENTAL ASSESSMENT NO. EA-10-018

2. ADOPT A RESOLUTION APPROVING THE SUMMARY VACATION OF A PUBLIC UTILITY EASEMENT IN THE EAST LORENA AVENUE ALIGNMENT BETWEEN SOUTH GENEVA AND SOUTH ELM AVENUES (LOCATED IN COUNCIL DISTRICT NO. 3)

RECOMMENDATIONS

Staff recommends the Council adopt the attached Resolution ordering the summary vacation of a public utility easement in the East Lorena Avenue alignment between South Geneva and South Elm Avenues.

EXECUTIVE SUMMARY

AMCAL Multi-Housing, Inc., is requesting the vacation of a public utility easement in the East Lorena Avenue alignment between South Geneva and South Elm Avenues as shown on Exhibit "A" of the attached Resolution. The purpose of the proposed vacation is to accommodate the development of a 24 unit low-income apartment complex, a portion of which will be constructed within the area proposed to be vacated.

BACKGROUND

AMCAL Multi-Housing, Inc., is requesting the vacation of a public utility easement (PUE) in the East Lorena Avenue alignment between South Geneva and South Elm Avenues as shown on Exhibit "A" of the attached Resolution. The purpose of the proposed vacation is to accommodate the development of a 24 unit low-income apartment complex, a portion of which will be constructed within the area proposed to be vacated.

East Lorena Avenue between South Geneva and South Elm Avenues was vacated for public street purposes by Resolution No. 73-314 adopted June 21, 1973, and recorded June 29, 1973, as Document No. 60154 in Book 6183 at Page 414, Official Records of Fresno County. The PUE proposed to be vacated was created by reserving it via said Resolution No. 73-314.

A review by the City's Departments and utility agencies has determined that the public utility easement proposed for vacation is unnecessary for present or prospective public use. PG&E and AT&T had facilities within the area to be vacated, but have relocated them and have obtained specific easements in their name for their relocated facilities. Staff recommends approval of the proposal with no conditions.

The provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public service easement that has been superseded by relocation, or has been determined to be in excess of the City's needs, and there are no other public utility facilities within the easement. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required.

ENVIRONMENTAL FINDING

It appears this project was previously assessed, as part of development of a 24 unit low-income apartment complex, and a Finding of Conformity was adopted by the City Council of the City of Fresno on July 16, 2009. However, out of an abundance of caution staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in CEQA Guidelines Section 15332/Class 32 which exempts from the provisions of CEQA projects 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, b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, c) the project 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, and e) the site can be adequately served by all required utilities and public services. The proposed vacation of the public utility easement meets the intent of this subsection Class 32. The property is zoned R-2, which is consistent with the adopted plans and policies, and contains approximately 1.52 acres. The project site has no value as habitat for endangered, rare or threatened species and the project will not cause any significant environmental impacts related to traffic noise, and air or water quality. Ultimate development of the site will be with a 24 unit low-income apartment complex, which can be adequately served by utilities and public services. 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.

The City Attorney's Office has reviewed and approved the attached Resolution as to form.

FISCAL IMPACT

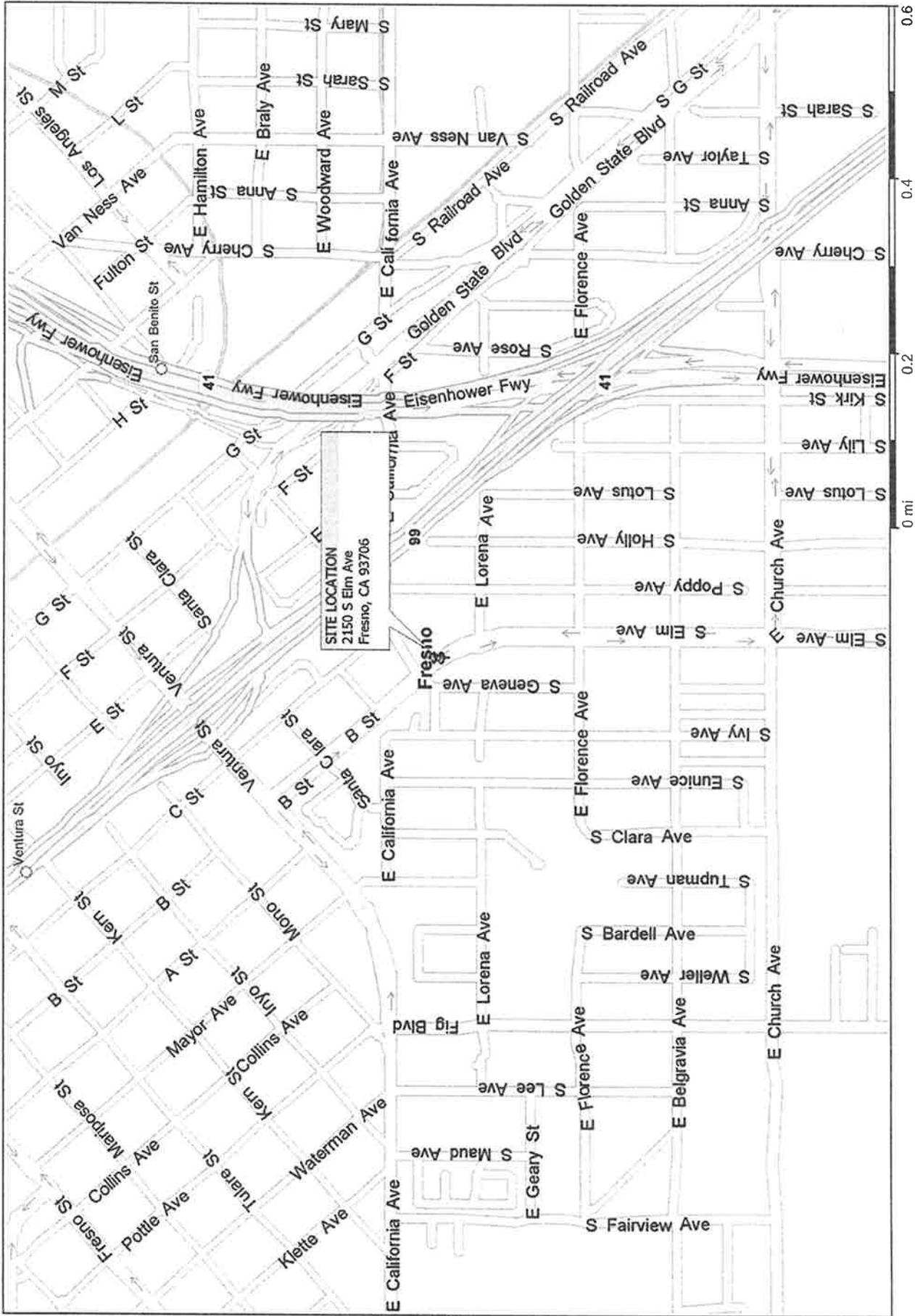
There will be no impact to the City's General Fund.

PNW/SLM/AJ/eam
Adopt Find Cate Exempt & Adopt Reso Apprv Sum Vac PUE E Lorena Align 11-4-2010

Attachments: 1. Vicinity Map
 2. Environmental Assessment No. EA-10-018
 3. Resolution

P.W. File No. 11514

PU EASEMENT VACATION - ATTACHMENT 1 - VICINITY MAP



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**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. EA-10-018**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLY
EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS
PURSUANT TO ARTICLE 19 OF THE STATE CEQA GUIDELINES.

APPLICANT: AMCAL
c/o Randy Slabbers
30141 Agoura Road, Suite #100
Agoura Hills, CA 91301

PROJECT LOCATION: East Lorena Avenue alignment between South Geneva and South Elm
Avenues

PROJECT DESCRIPTION: Vacation of a public utility easement located in the East Lorena
Avenue alignment between South Geneva and South Elm Avenues.
The vacations are consistent with the land use and circulation
elements of both the 2025 Fresno General Plan and the Edison
Community Plan.

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

Under the Section 15332/Class 32 Class 32 consists of projects characterized as in-fill development
meeting the conditions described in this section.

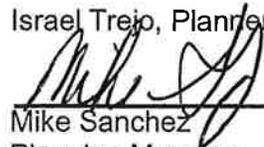
- (a) The project is consistent with the applicable general plan designation and all applicable general plan
policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres
substantially surrounded by urban uses.
- (c) The project 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.
- (e) The site can be adequately served by all required utilities and public services.

The proposed vacation of a public utility easement meets the intent of this subsection. The property is
zoned R-2, which is consistent with adopted plans and policies, and contains approximately 1.52 acres.
The project has no value as habitat for endangered, rare or threatened species and will not cause any
significant environmental impacts related to traffic noise, and air or water quality. Ultimate development
of the site will be with a 24 unit low-income apartment complex, which can be adequately served by
utilities and public services.

Date: October 7, 2010

Prepared By: Israel Trejo, Planner

Submitted by:


Mike Sanchez

Planning Manager
City of Fresno

Development & Resource Mgmt. Dept.
(559) 621-8277

Recording Requested By:
Public Works Department
City of Fresno
No Fee-Gov't. Code Sections
6103 and 27383

When Recorded, Mail To:
City Clerk
City of Fresno
2600 Fresno Street
Fresno, CA 93721-3623

SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOLUTION NO. _____

ADOPT A RESOLUTION APPROVING THE SUMMARY VACATION OF
A PUBLIC UTILITY EASEMENT IN THE EAST LORENA AVENUE ALIGNMENT
BETWEEN SOUTH GENEVA AND SOUTH ELM AVENUES

WHEREAS, the Council has elected to proceed under the provisions of the Public Streets, Highways, and Service Easements Vacation Law (Division 9, Part 3 of the California Streets and Highways Code), and specifically Chapter 4 (commencing with Section 8330) thereof, to summarily vacate a public utility easement in the East Lorena Avenue alignment between South Geneva and South Elm Avenues; and

WHEREAS, the public utility easement proposed to be vacated is shown on Exhibit "A", which is attached and incorporated in this Resolution; and

WHEREAS, the purpose of the proposed vacation is to accommodate the development of a 24 unit low-income apartment complex, a portion of which will be constructed within the area proposed to be vacated; and

WHEREAS, East Lorena Avenue between South Geneva and South Elm Avenues was vacated for public street purposes by Resolution No. 73-314 adopted June 21, 1973 and recorded June 29, 1973 as Document No. 60154 in Book 6183 at Page 414, Official Records of Fresno County. The public utility easement proposed to be vacated was created by reserving it via said Resolution No. 73-314; and

WHEREAS, PG&E and AT&T had facilities within the area to be vacated, but have relocated them and have obtained specific easements in their name for their relocated facilities; and

WHEREAS, the provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public service easement that has been superseded by relocation, or has been determined to be in excess of the City's needs, and there are no other public utility facilities within the easement. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required; and

WHEREAS, staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemption set forth in CEQA Guidelines Section 15332/Class 32 which exempts from the provisions of CEQA, projects characterized as in-fill development; and

WHEREAS, the Council desires to summarily vacate a public utility easement in the East Lorena Avenue alignment between South Geneva and South Elm Avenues as shown on Exhibit "A".

NOW, THEREFORE, IT IS RESOLVED BY THE COUNCIL OF THE CITY AS FOLLOWS:

1. Based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, the adoption of the proposed vacation is in the best interest of the City of Fresno. The Council finds in accordance with its own independent judgment that this project falls within the Categorical Exemption set forth in CEQA Guidelines Section 15332/Class 32 which exempts from the

provisions of CEQA projects 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, b) the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses, c) the project 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, and e) the site can be adequately served by all required utilities and public services. The proposed vacation of the public utility easement meets the intent of this subsection Class 32. The property is zoned R-2, which is consistent with the adopted plans and policies, and contains approximately 1.52 acres. The project site has no value as habitat for endangered, rare or threatened species and the project will not cause any significant environmental impacts related to traffic noise, and air or water quality. Ultimate development of the site will be with a 24 unit low-income apartment complex, which can be adequately served by utilities and public services. 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.

2. The public utility easement in the East Lorena Avenue alignment between South Geneva and South Elm Avenues as shown on Exhibit "A" is hereby vacated.

3. The City Clerk of the City of Fresno shall certify to the passage of this Resolution and shall cause a certified copy, attested by the Clerk under the seal of the City of Fresno, to be recorded in the Office of the County Recorder of the County of Fresno, State of California.

4. This vacation shall become effective on the date this resolution is recorded.

5. From and after the date this resolution is recorded, the public utility easement in the East Lorena Avenue alignment between South Geneva and South Elm Avenues as shown on Exhibit "A" shall no longer constitute a public utility easement.

CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the _____ day of _____, 2010.

AYES:
NOES:
ABSTAIN:
ABSENT:

Mayor Approval: _____, 2010
Mayor Approval/No Return: _____, 2010
Mayor Veto: _____, 2010
Council Override Vote: _____, 2010

REBECCA E. KLISCH
City Clerk

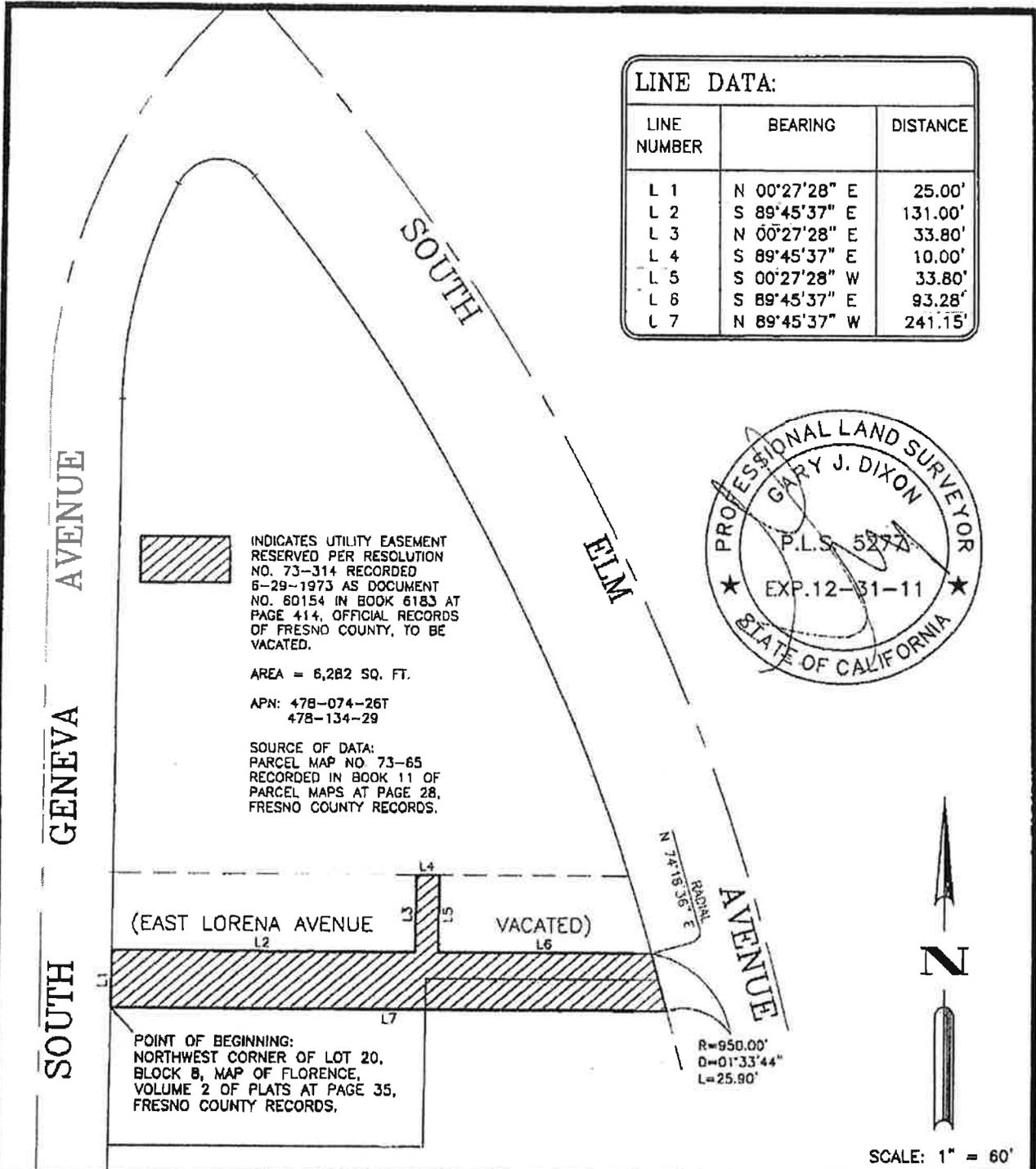
BY: _____, Deputy

APPROVED AS TO FORM:

JAMES C. SANCHEZ
CITY ATTORNEY

By: Stacie A. Melikian 10/18/10
Deputy

PW File No. 11514



LINE DATA:

LINE NUMBER	BEARING	DISTANCE
L 1	N 00°27'28" E	25.00'
L 2	S 89°45'37" E	131.00'
L 3	N 00°27'28" E	33.80'
L 4	S 89°45'37" E	10.00'
L 5	S 00°27'28" W	33.80'
L 6	S 89°45'37" E	93.28'
L 7	N 89°45'37" W	241.15'



INDICATES UTILITY EASEMENT RESERVED PER RESOLUTION NO. 73-314 RECORDED 6-29-1973 AS DOCUMENT NO. 60154 IN BOOK 6183 AT PAGE 414, OFFICIAL RECORDS OF FRESNO COUNTY, TO BE VACATED.

AREA = 6,282 SQ. FT.
 APN: 478-074-26T
 478-134-29

SOURCE OF DATA:
 PARCEL MAP NO 73-65
 RECORDED IN BOOK 11 OF
 PARCEL MAPS AT PAGE 28,
 FRESNO COUNTY RECORDS.



SCALE: 1" = 60'

UTILITY EASEMENT RESERVED PER RESOLUTION NO. 73-314 RECORDED 6-29-1973 AS DOCUMENT NO. 60154 IN BOOK 6183 AT PAGE 414, OFFICIAL RECORDS OF FRESNO COUNTY, TO BE VACATED

PREPARED BY:
DIXON & ASSOCIATES, INC.
 LAND SURVEYING
 620 DEWITT, #101
 CLOVIS, CALIFORNIA, 93612
 PH: (559)297-4200 FAX: (559)297-4272

DATE: 6-16-10
 SCALE: 1" = 60'
 DWN BY: GJD
 WO: 10-025

REVISIONS:

DRAWING NO
1
 OF 1 SHEETS

EXHIBIT "A"