

AGENDA ITEM NO.

1G

COUNCIL MEETING

04/19/12

APPROVED BY



DEPARTMENT DIRECTOR

CITY MANAGER



April 19, 2012

**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 15301(B) AND (C)/CLASS 1, SECTION 15315/CLASS 15, AND SECTION 15332/CLASS 32 OF THE CEQA GUIDELINES, ENVIRONMENTAL ASSESSMENT NO. S-11-002
  2. ADOPT A RESOLUTION ORDERING THE SUMMARY VACATION OF A PORTION OF THE SOUTHWEST SIDE OF NORTH GOLDEN STATE BOULEVARD APPROXIMATELY 3000 FEET NORTHWEST OF WEST ASHLAN AVENUE (LOCATED IN COUNCIL DISTRICT NO. 1)

## RECOMMENDATIONS

Staff recommends that the City Council:

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Section 15301(b) and (c)/Class 1, Section 15315/Class 15, and Section 15332/Class 32 of the CEQA Guidelines, Environmental Assessment No. S-11-002.
2. Adopt the attached resolution ordering the summary vacation of a portion of the southwest side of North Golden State Boulevard approximately 3000 feet northwest of West Ashlan Avenue.

## EXECUTIVE SUMMARY

DTL Parking, LLC, is requesting the vacation of a portion of the southwest side of North Golden State Boulevard approximately 3000 feet northwest of West Ashlan Avenue as shown on Exhibit "A" of the attached resolution. The purpose of the proposed vacation is to eliminate the excess right-of-way as required as a condition of approval for Site Plan Review Application (SPR) No. S-11-002. The Traffic and Engineering Services Division, other City departments and utility agencies have reviewed this proposal and have approved the vacation with no conditions after determining that there are no public utility facilities within the area proposed for vacation and that the area proposed for vacation is unnecessary for present or prospective public street purposes.

## BACKGROUND

DTL Parking, LLC, is requesting the vacation of a portion of the southwest side of North Golden State Boulevard approximately 3000 feet northwest of West Ashlan Avenue as shown on Exhibit "A" of the attached resolution. The area proposed to be vacated is an easement for public street purposes that was offered and accepted on Parcel Map No. 96-15 recorded July 11, 1997 in Book 58 of Parcel Maps at Pages 5 and 6, Fresno County Records. It appears that for Parcel Map No. 96-15 the easement was required for the construction of a street type entrance to the adjacent parcel which

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Summary Vacation of a Portion of Golden State Blvd.

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would include constructing curb returns, sidewalk landings and ramps. The adjacent parcel was never developed as intended and the street type entrance was never constructed. SPR No. S-11-002 is a proposed development of a 24-hour controlled access commercial truck parking facility with parking spaces for 52 commercial trucks, a 2,016 square foot office building with appurtenant customer and employee passenger vehicle parking. A street type entrance is not required for the development as proposed by SPR No. S-11-002. Instead a City standard driveway approach is now required, therefore the public street easement proposed to be vacated is excess right-of-way. The purpose of the proposed vacation is to eliminate the excess street right-of-way as required as a condition of approval for Site Plan Review Application (SPR) No. S-11-002.

The Traffic and Engineering Services Division, other City departments and utility agencies have reviewed this proposal and have approved the vacation with no conditions after determining that there are no public utility facilities within the area proposed for vacation and that the area proposed for vacation is unnecessary for present or prospective public street purposes.

The provisions of Chapter 4, commencing with Section 8330 of the California Streets and Highways Code, authorize the Council to summarily vacate a public street easement that is considered excess right-of-way not required for street or highway purposes and has no public utility facilities within the area to be vacated. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required.

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

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

### **ENVIRONMENTAL FINDING**

The overall project proposes development of a commercial truck parking facility and a division of land on a 6.92-acre parcel (APN 510-09-040) created by Parcel Map No. 82-32 in 1982 plus an abutting negligible amount of local street right-of-way. The site is comprised of vacant, substantially level property that is planned for light industrial use and is zoned C-M (Commercial and Manufacturing District) and M-1 (Light Manufacturing District). This project is subject to approval of three applications: 1) City of Fresno Public Works Department Vacation (Public Works File No. 11581) for the proposed vacation of a small amount of street right-of-way at the property's frontage on North Golden State Boulevard; 2) Tentative Parcel Map Application No. TPM-2011-02, proposes to divide the subject property into a parcel of 3.00 acres fronting North Golden State Boulevard, with a 3.85-acre remainder; and 3) Site Plan Review Application No. S-11-002, which proposes to develop the 3.00 acre parcel with a 24-hour controlled access commercial truck parking facility with parking spaces for 52 commercial trucks; a 2,016 square foot office building with appurtenant customer and employee passenger vehicle parking; a seven-foot wrought-iron style perimeter fence topped by security wire; and dual motorized gates with security kiosk. The project includes grading and minor frontage infrastructure improvements.

This project is exempt under Section 15301(b) and (c)/Class 1, Section 15315/ Class 15, and Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines. No adverse environmental impacts would occur as a result of the proposed project because the elements of the project comply with all conditions applicable to Class 1, Class 15, and Class 32 Categorical Exemptions: Under subsections 15301(b) and (C) of the CEQA Guidelines the proposed vacation of a small amount of street right-of-way on the project's Golden State Boulevard frontage, pursuant to the City of Fresno Public Works Department Vacation Feasibility Study (Public Works File

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No. 11581), would constitute a minor alteration of existing public street facilities and meet the qualifications of a Class 1 Categorical Exemption.

The minor division set forth by Tentative Parcel Map No. TPM-2011-002 meets the requirements of CEQA Guidelines Section 15315 and therefore qualifies for a Class 15 Categorical Exemption.

Site Plan Review Application No. S-11-002 qualifies for a Class 32 Categorical Exemption under CEQA Guidelines Section 15332 pertaining to infill development because the project site is under five acres in size and is located within the corporate boundaries of the City of Fresno; the commercial truck parking facility is a use consistent with the existing planned land use and zoning of the project site; the subject property is surrounded by developed urban uses and transportation facilities; utility services and infrastructure already exist with adequate capacity to serve the project; the project will not result in significantly adverse impacts relating to air quality, water quality, traffic, or noise; and the project site has no habitat value for endangered, rare, or threatened species. The subject street vacation is part of the overall project proposed by Site Plan Review Application No. S-11-002 and therefore qualifies for the Class 32 Categorical Exemption under CEQA Guidelines Section 15332.

None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines Section 15300.2 apply to this project.

**FISCAL IMPACT**

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

- Attachments:
1. Vicinity Map
  2. Environmental Assessment No. S-11-002
  3. Resolution

# ATTACHMENT NO. 1

WEST SANTA ANA AVENUE

GOLDEN STATE BOULEVARD



SITE



NORTH BRAWLEY AVENUE

STATE ROUTE 99

WEST ASHLAN AVENUE

*VICINITY MAP*

NOT TO SCALE

**CITY OF FRESNO  
CATEGORICAL EXEMPTION  
ENVIRONMENTAL ASSESSMENT NO. S-11-002**

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:** DTL Parking, L.L.C  
317 W. Bedford Ave. Ste. 101, Fresno, CA 93711

**PROJECT LOCATION:** 4375 North Golden State Boulevard, located in the  
City and County of Fresno (APN: 510-090-40)  
Latitude: 36°47'57"N; Longitude: 119°52'08"W

**PROJECT DESCRIPTION:** The overall project proposes development of a commercial truck parking facility and a division of land on a 6.92-acre parcel (APN 510-09-040) created by Parcel Map No. 82-32 in 1982 plus an abutting negligible amount of local street right-of-way. The site is comprised of vacant, substantially level property that is planned for light industrial use and is zoned C-M (*Commercial and Manufacturing District*) and M-1 (*Light Manufacturing District*). This project is subject to approval of three applications:

City of Fresno Public Works Department Vacation Feasibility Study (Public Works File No. 11581), for proposed vacation of some public utility easement on the westerly portion of the subject property and a small amount of street right-of-way at the property's frontage on North Golden State Boulevard; and

Tentative Parcel Map Application No. TPM-2011-02, proposing to divide the subject property into a parcel of 3.00 acres fronting North Golden State Boulevard, with a 3.85-acre remainder; and

Site Plan Review Application No. S-11-002, which proposes to develop the 3.00 acre parcel with a 24-hour controlled access commercial truck parking facility with parking spaces for 52 commercial trucks; a 2,016-sq. ft. office building with appurtenant customer and employee passenger vehicle parking; a seven-foot wrought-iron style perimeter fence topped by security wire; and dual motorized gates with security kiosk. The project includes grading and minor frontage infrastructure improvements.

**This project is exempt under Section 15301(b) and (c)/Class 1, Section 15315/Class 15, and Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines.**

**EXPLANATION:** No adverse environmental impacts would occur as a result of the proposed project because the elements of the project comply with all conditions applicable to Class 1, Class 15, and Class 32 Categorical Exemptions:

Under subsections 15301(b) and (c) of the CEQA Guidelines the proposed modification of a public utility easement on the westerly portion of the property and the vacation of a small amount of street right-of-way on the project's Golden State Boulevard frontage, pursuant to the City of Fresno Public Works Department Vacation Feasibility Study (Public Works File No. 11581), would constitute a minor alteration of existing utility easement and public street facilities and meet the qualifications of a Class 1 Categorical Exemption. The vacation of this easement and street right-of-way is subject to approval of the City of Fresno Public Works Department, the Development and Resource Management Department, and the Fresno City Council through its consideration of a Final Parcel Map.

Tentative Parcel Map No. TPM-2011-02, subject to approval of the Planning and Development Department Director, qualifies for a Class 15 Categorical Exemption because this minor land division meets the qualifications set forth in CEQA Guidelines Section 15315.

Site Plan Review Application No. S-11-002 is subject to approval of the Development and Resource Management Department. It qualifies for a Class 32 Categorical Exemption under CEQA Guidelines Section 15332 pertaining to infill development because the project site is under five acres in size and is located within the corporate boundaries of the City of Fresno; the commercial truck parking facility is a use consistent with the existing planned land use and zoning of the project site; the subject property is surrounded by developed urban uses and transportation facilities; utility services and infrastructure already exist with adequate capacity to serve the project; the project will not result in significantly adverse impacts relating to air quality, water quality, traffic, or noise; and the project site has no habitat value for endangered, rare, or threatened species.

Date: June 24, 2011

Prepared by: Sandra L Brock  
Sandra L. Brock, Planner

Submitted by: Mike Sanchez  
Mike Sanchez, Planning Manager  
Development and Resource  
Management Department.  
(559) 621-8277

PRELIMINARY

JUN 24 2011

Planning Division  
Planning & Development Dept  
CITY OF FRESNO

**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

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

RESOLUTION NO. \_\_\_\_\_

ADOPT A RESOLUTION APPROVING THE SUMMARY VACATION OF A PORTION OF  
THE SOUTHWEST SIDE OF NORTH GOLDEN STATE BOULEVARD APPROXIMATELY  
3000 FEET NORTHWEST OF WEST ASHLAN AVENUE

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 portion of the southwest side of North Golden State Boulevard approximately 3000 feet northwest of West Ashlan Avenue; and

WHEREAS, the public street 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 eliminate the excess street right-of-way as required as a condition of approval for Site Plan Review Application (SPR) No. S-11-002; and

WHEREAS, the area proposed to be vacated is an easement for public street purposes that was offered and accepted on Parcel Map No. 96-15 recorded July 11, 1997 in Book 58 of Parcel Maps at Pages 5 and 6, Fresno County Records; and

WHEREAS, the Traffic and Engineering Services Division, other City departments and utility agencies have reviewed this proposal and have approved the vacation with no conditions after determining that there are no public utility facilities within the area proposed

for vacation and that the area proposed for vacation is unnecessary for present or prospective public street purposes; 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 street easement that is considered excess right-of-way not required for street or highway purposes and has no public utility facilities within the area to be vacated. 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 Exemptions set forth in the California Environmental Quality Act (CEQA) Guidelines Section 15301(b) and (c)/Class 1, Section 15315/Class 15, and Section 15332/Class 32; and

WHEREAS, the Council desires to summarily vacate a portion of the southwest side of North Golden State Boulevard approximately 3000 feet northwest of West Ashlan Avenue as shown on Exhibit "A".

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

1. Based upon the 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 that this project is exempt under Section 15301(b) and (c)/Class 1, Section 15315/Class 15, and Section 15332/Class 32 of the California Environmental Quality Act (CEQA) Guidelines. No adverse environmental impacts would occur as a result of the proposed project because the elements of the project comply with all conditions applicable to Class 1, Class 15, and Class 32 Categorical Exemptions: Under subsections 15301(b) and (C) of the CEQA Guidelines the proposed vacation of a small amount of street right-of-way on

the project's Golden State Boulevard frontage, pursuant to the City of Fresno Public Works Department Vacation Feasibility Study (Public Works File No. 11581), would constitute a minor alteration of existing public street facilities and meet the qualifications of a Class 1 Categorical Exemption.

The minor division set forth by Tentative Parcel Map No. TPM-2011-002 meets the requirements of CEQA Guidelines Section 15315 and therefore qualifies for a Class 15 Categorical Exemption.

Site Plan Review Application No. S-11-002 qualifies for a Class 32 Categorical Exemption under CEQA Guidelines Section 15332 pertaining to infill development because the project site is under five acres in size and is located within the corporate boundaries of the City of Fresno; the commercial truck parking facility is a use consistent with the existing planned land use and zoning of the project site; the subject property is surrounded by developed urban uses and transportation facilities; utility services and infrastructure already exist with adequate capacity to serve the project; the project will not result in significantly adverse impacts relating to air quality, water quality, traffic, or noise; and the project site has no habitat value for endangered, rare, or threatened species. The subject street vacation is part of the overall project proposed by Site Plan Review Application No. S-11-002 and therefore qualifies for the Class 32 Categorical Exemption under CEQA Guidelines Section 15332.

None of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

2. The portion of the southwest side of North Golden State Boulevard approximately 3000 feet northwest of West Ashlan Avenue 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 portion of public street easement on the southwest side of North Golden State Boulevard approximately 3000 feet northwest of West Ashlan Avenue as shown on Exhibit "A" shall no longer constitute a public street easement.

CLERK'S CERTIFICATION

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

I, YVONNE SPENCE, 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 \_\_\_\_\_, 2012.

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

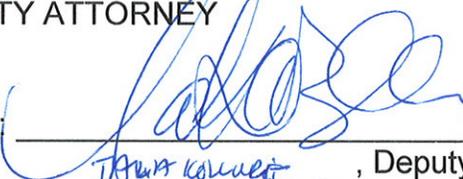
Mayor Approval: \_\_\_\_\_, 2012  
Mayor Approval/No Return: \_\_\_\_\_, 2012  
Mayor Veto: \_\_\_\_\_, 2012  
Council Override Vote: \_\_\_\_\_, 2012

YVONNE SPENCE, CMC  
City Clerk

BY: \_\_\_\_\_

APPROVED AS TO FORM:

JAMES C. SANCHEZ  
CITY ATTORNEY

By:  3/29/12  
*JAMES SANCHEZ*, Deputy  
*BARBIE*

PW File No. 11581

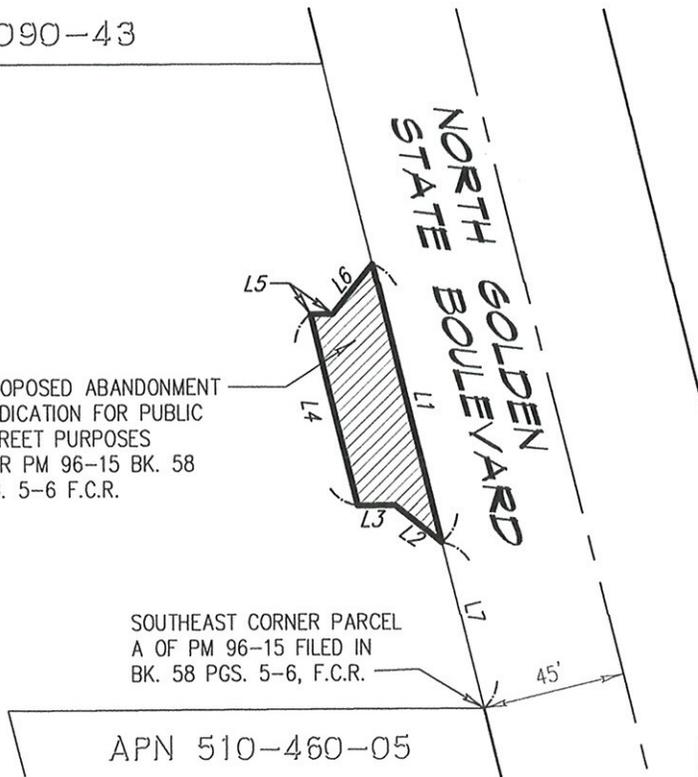
Summary Vac. of a portion of N. Golden State Blvd. approx. 3000 feet NW of W. Ashlan Avenue

# EXHIBIT A

APN 510-090-43

PARCEL 'A'  
PM NO. 96-15

PROPOSED ABANDONMENT  
DEDICATION FOR PUBLIC  
STREET PURPOSES  
PER PM 96-15 BK. 58  
PG. 5-6 F.C.R.



SOUTHEAST CORNER PARCEL  
A OF PM 96-15 FILED IN  
BK. 58 PGS. 5-6, F.C.R.

APN 510-460-05

**RECORD OWNER :**  
DTL PARKING LLC.  
317 W. BEDFORD AVE., STE. 101  
FRESNO, CA 93711

**A.P.N. :** 510-090-40

**AREA TO BE VACATED:**

AREA PREVIOUSLY OFFERED FOR DEDICATION  
FOR PUBLIC STREET PURPOSES PER PARCEL  
MAP NO. 96-15 FILED IN BOOK 58 OF  
PARCEL MAPS AT PAGES 5-6, F.C.R. TO BE  
ABANDONED.

 INDICATES AREA TO BE VACATED  
AREA= 1,610± SQ. FT.

PREPARED BY:



**DALE G. MELL  
& ASSOCIATES**

**ENGINEERING & SURVEYING SERVICES**  
2090 NORTH WINERY AVENUE, FRESNO, CALIFORNIA 93703  
(559) 292-4046 \* FAX 251-9220



REVISIONS:

BY: C.MOUA - 02/14/12  
DMA CADFILE:10-070EX02

**LINE TABLE**

LINE	BEARING	LENGTH
L1	S42°25'45"E	89.99'
L2	N80°39'05"W	18.71'
L3	S61°07'36"W	11.61'
L4	N42°25'45"W	61.71'
L5	N61°07'36"E	7.15'
L6	N09°20'55"E	20.25'
L7	N42°25'45"W	53.52'



PLOTTED BY: CHOU MOUA - 2/15/2012 2:48:16 PM V:\PROJECTS\2010\PROJECTS\10-070\DWGS\10-070EX02.DWG

REF & REV PW FILE NO. PLAT NO.	CITY OF FRESNO DEPARTMENT OF PUBLIC WORKS	PROJ. ID. _____ FUND NO. _____ ORG. NO. _____	SHEET NO. 1 OF 1 SHEET
	<b>ABANDONMENT EXHIBIT</b> A PORTION OF THE SOUTHEAST QUARTER OF SECTION 14, T. 13 S., R. 19 E., M.D.B. & M.	DR. BY: C. MOUA CH. BY: DGM DATE: 02/14/12 SCALE: 1"=80'	

15-A-