



AGENDA ITEM NO. 1 J

COUNCIL MEETING 6/9/2011

APPROVED BY

DEPARTMENT DIRECTOR

CITY MANAGER

June 9, 2011

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 SECTIONS 15301/CLASS 1, 15302/CLASS 2, 15303/CLASS 3, 15311/CLASS 11 AND 15332/CLASS 32 OF THE CEQA GUIDELINES, ENVIRONMENTAL ASSESSMENT NO. C-10-194
 2. ADOPT A RESOLUTION APPROVING THE SUMMARY VACATION OF PORTIONS OF A PUBLIC UTILITY EASEMENT BOUNDED BY NORTH BLACKSTONE AVENUE, EAST WHITE AVENUE, NORTH ABBY STREET AND STATE ROUTE FREEWAY 180 (LOCATED IN COUNCIL DISTRICT NO. 3)

RECOMMENDATIONS

Staff recommends that the City Council:

1. Adopt a finding of Categorical Exemption per staff determination, pursuant to Sections 15301/Class 1, 15302/Class 2, 15303/Class 3, 15311/Class 11 and 15332/Class 32 of the CEQA Guidelines, Environmental Assessment No. C-10-194.
2. Adopt the attached Resolution ordering the summary vacation of portions of a public utility easement bounded by North Blackstone Avenue, East White Avenue, North Abby Street and State Route Freeway 180.

EXECUTIVE SUMMARY

Don Pickett and Associates, Inc. on behalf of Mathews Harley Davidson is requesting the vacation of portions of a public utility easement bounded by North Blackstone Avenue, East White Avenue, North Abby Street and State Route Freeway 180 as shown on Exhibit "A" of the attached Resolution. The purpose of the proposed vacation is to accommodate the construction of a new off-street parking lot and the construction of a new approximately 7,302 square foot motorcycle and merchandise sales department building in accordance with Conditional Use Permit No. C-10-194.

BACKGROUND

Don Pickett and Associates, Inc. on behalf of Mathews Harley Davidson is requesting the vacation of portions of a public utility easement bounded by North Blackstone Avenue, East White Avenue, North Abby Street and State Route Freeway 180 as shown on Exhibit "A" of the attached

Resolution. The purpose of the proposed vacation is to accommodate the construction of a new off-street parking lot and the construction of a new approximately 7,302 square foot motorcycle and merchandise sales department building in accordance with Conditional Use Permit No. C-10-194.

The original alignment of East White Avenue between North Blackstone Avenue and North Abby Street was vacated for public street purposes, and the Blackstone-Abby Alley between the new alignment of East White Avenue and State Route Freeway 180 was vacated for public alley purposes by Resolution No. 80-603 adopted October 28, 1980 which was recorded November 6, 1980 as Document No. 108247 in Book 7618 at Page 496, Official Records of Fresno County. The public utility easement of which portions are proposed to be vacated was created by reserving it via said Resolution No. 80-603.

A vacation feasibility study was conducted which resulted in the condition of approval to relocate all water mains and services located within the existing easement. The relocation of the water facilities to areas outside of the existing easement has been completed and accepted by the Water Division. Other City Departments and utility agencies also responded to the feasibility study and have determined that the portions of the public utility easement proposed for vacation do not include any other public utility facilities and are unnecessary for present or prospective public use. 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, there are no other public utility facilities within the easement areas proposed to be vacated, and the easement is not useful as a non-motorized transportation facility. Under these provisions, only one Council action is necessary and a published notice, posting and public hearing are not required.

ENVIRONMENTAL FINDINGS

Staff has performed a preliminary environmental assessment of this project and has determined that it falls within the Categorical Exemptions set forth in CEQA Guidelines as follows: Section 15301/Class I exempts from the provisions of CEQA, projects consisting of the operation, repair, maintenance, permitting, leasing, licensing, 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. This exemption includes but is not limited to interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances, restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety; and, alterations to existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails and similar facilities, including grading; Section 15302/Class 2 exempts from the provisions of CEQA, projects consisting of replacement or reconstruction of existing structures and facilities where the new structure and/or facilities will be located on the same site and will have substantially the same purpose and capacity as the structure or facilities replaced; including, but not limited to, replacement of commercial structures with a new structure of substantially the same size, purpose, and capacity and replacement or reconstruction of existing utility systems and/or facilities

Report to the City Council

Adopt Finding of Categorical Exemption and Approve Summary Vacation of
Public Utility Easement – N. Blackstone Avenue, E. White Avenue, N. Abby Street
and State Route 180

May 26, 2011

Page 3

involving negligible or no expansion of capacity; Section 15303/Class 3 exempts from the provisions of CEQA, projects consisting of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This exemption includes but is not limited to the construction of commercial buildings and structures within urbanized areas, not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive; Section 15311/Class 11 exempts from the provisions of CEQA, projects consisting of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to small parking lots; Section 15332/Class 32 exempts from the provisions of CEQA, projects characterized as in-fill development where: (1) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations; (2) The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; (3) The project site has no value as habitat for endangered, rare, or threatened species; (4) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and, (5) The site can be adequately served by all required utilities and public services. The proposed project involves negligible or no expansion of the existing use of the subject property, replacement and reconstruction of existing structures and facilities, and the construction of new small structures and appurtenant facilities on an in-fill site. Furthermore, the project complies with the conditions listed above and those referenced within Sections 15301/Class 1, 15302/Class 2, 15303/Class 3, 15311/Class 11, and 15332/Class 32 of the State of California CEQA Guidelines. No adverse environmental impacts will occur as a result of the proposed project; and, 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

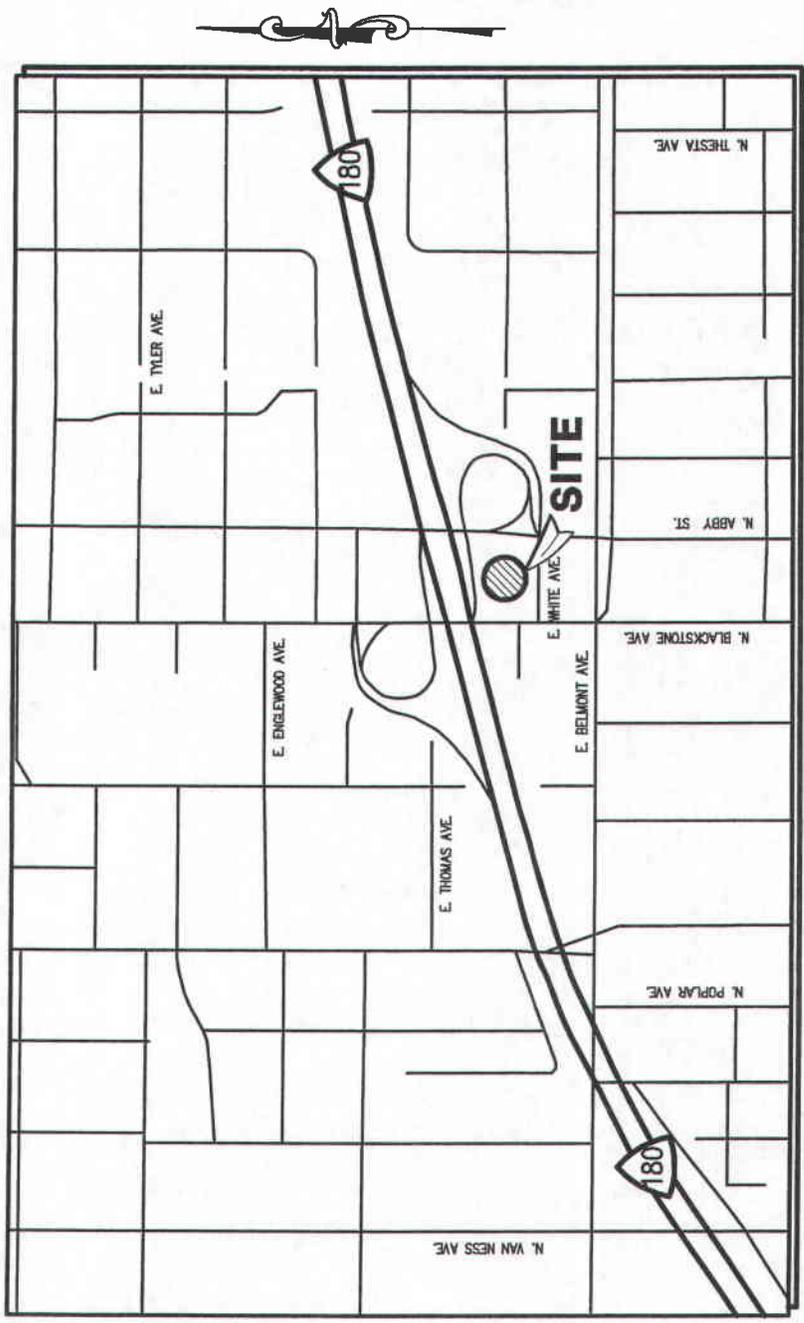
There will be no impact to the City's General Fund.

PNW/SLM/AJ/eam

Adopt Find Cate Exmpt & Adopt Reso Apprv Sum Vac Por N Blkstr E White 5-26-11

- Attachments:
1. Vicinity Map
 2. Environmental Assessment No. C-10-194
 3. Resolution

P.W. File No. 11539



ATTACHMENT 1 VICINITY MAP

**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. C-10-194**

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: Don Pickett & Associates, Inc.
7395 North Palm Bluffs Avenue, Suite 101
Fresno, CA 93701

PROJECT LOCATION: 548 North Blackstone Avenue/555 North Abby Avenue
Located on the north side of East White Avenue between North
Blackstone Avenue and North Abby Street; south of State Route
180.

PROJECT DESCRIPTION: Conditional Use Permit No. C-10-194 proposes a three-phase project that will include: (1) The vacation of adjacent public rights-of-way (old East White Avenue alignment) and the construction of a new off-street parking lot; (2) The construction of a new approximately 7,302 square-foot motorcycle and merchandise sales department building and establishment of an outdoor display area; and, (3) The refurbishment of the exterior of the existing building on the subject property, including a new storefront and exterior remodeling to match the proposed new building.

This project is exempt under Section(s) 15301/Class 1, 15302/Class 2, 15303/Class 3, 15311/Class 11 & 15332/Class 32 of the State of California CEQA Guidelines.

EXPLANATION: Section 15301/Class 1 exempts from the provisions of CEQA, projects consisting of the operation, repair, maintenance, permitting, leasing, licensing, 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. This exemption includes but is not limited to interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances, restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety; and, alterations to existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails and similar facilities, including grading.

Section 15302/Class 2 exempts from the provisions of CEQA, projects consisting of replacement or reconstruction of existing structures and facilities where the new structure and/or facilities will be located on the same site and will have substantially the same purpose and capacity as the structure or facilities replaced; including, but not limited to, replacement of commercial structures with a new structure of substantially the same size, purpose, and capacity and replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

Section 15303/Class 3 exempts from the provisions of CEQA, projects consisting of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. This exemption includes but is not limited to the

construction of commercial buildings and structures within urbanized areas, not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.

Section 15311/Class 11 exempts from the provisions of CEQA, projects consisting of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to small parking lots.

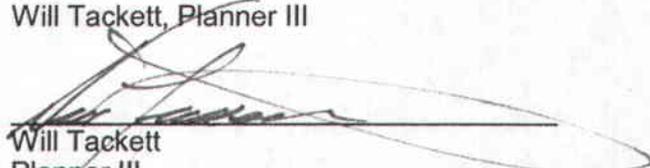
Section 15332/Class 32 exempts from the provisions of CEQA, projects characterized as in-fill development where: (1) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations; (2) The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; (3) The project site has no value as habitat for endangered, rare, or threatened species; (4) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and, (5) The site can be adequately served by all required utilities and public services.

The project involves negligible or no expansion of the existing use of the subject property, replacement and reconstruction of existing structures and facilities, and the construction of new small structures and appurtenant facilities on an in-fill site. Furthermore, the project complies with the conditions listed above and those referenced within Sections 15301/Class 1, 15302/Class 2, 15303/Class 3, 15311/Class 11, and 15332/Class 32 of the State of California CEQA Guidelines. No adverse environmental impacts will occur as a result of the proposed project; and, none of the exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

Date: December 10, 2010

Prepared By: Will Tackett, Planner III

Submitted By:



Will Tackett
Planner III
City of Fresno
Development & Resource Management 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 PORTIONS OF A PUBLIC UTILITY EASEMENT BOUNDED BY NORTH BLACKSTONE AVENUE, EAST WHITE AVENUE, NORTH ABBY STREET AND STATE ROUTE FREEWAY 180

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 portions of a public utility easement bounded by North Blackstone Avenue, East White Avenue, North Abby Street and State Route Freeway 180; and

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

WHEREAS, the purpose of the proposed vacation is to accommodate the construction of a new off-street parking lot and the construction of a new approximately 7,302 square foot motorcycle and merchandise sales department building in accordance with Conditional Use Permit No. C-10-194; and

WHEREAS, the original alignment of East White Avenue between North Blackstone Avenue and North Abby Street was vacated for public street purposes, and the Blackstone-Abby Alley between the new alignment of East White Avenue and State Route Freeway 180

was vacated for public alley purposes by Resolution No. 80-603 adopted October 28, 1980 which was recorded November 6, 1980 as Document No. 108247 in Book 7618 at Page 496, Official Records of Fresno County. The public utility easement of which portions are proposed to be vacated was created by reserving it via said Resolution No. 80-603; and

WHEREAS, a vacation feasibility study was conducted which resulted in the condition of approval to relocate all water mains and services located within the existing easement. The relocation of the water facilities to areas outside of the existing easement has been completed and accepted by the Water Division. Other City Departments and utility agencies also responded to the feasibility study and have determined that the portions of the public utility easement proposed for vacation do not include any other public utility facilities and are unnecessary for present or prospective public use; 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, there are no other public utility facilities within the easement, and the easement is not useful as a non-motorized transportation facility. 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 CEQA Guidelines Sections 15301/Class 1, 15302/ Class 2, 15303/Class 3, 15311/Class 11 and 15332/Class 32; and

WHEREAS, the Council desires to summarily vacate portions of a public utility easement bounded by North Blackstone Avenue, East White Avenue, North Abby Street and State Route Freeway 180 as shown on Exhibit "A".

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

FOLLOWS:

1. The above recitals are true and correct and incorporated herein.

2. 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 in accordance with its own independent judgment that this project falls within the Categorical Exemption set forth in CEQA Guidelines as follows: Section 15301/Class I exempts from the provisions of CEQA, projects consisting of the operation, repair, maintenance, permitting, leasing, licensing, 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. This exemption includes but is not limited to interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances, restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety; and, alterations to existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails and similar facilities, including grading; Section 15302/Class 2 exempts from the provisions of CEQA, projects consisting of replacement or reconstruction of existing structures and facilities where the new structure and/or facilities will be located on the same site and will have substantially the same purpose and capacity as the structure or facilities replaced; including, but not limited to, replacement of commercial structures with a new structure of substantially the same size, purpose, and capacity and replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity; Section 15303/Class 3 exempts from the provisions of CEQA, projects consisting of the construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small

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Section 15311/Class 11 exempts from the provisions of CEQA, projects consisting of construction, or placement of minor structures accessory to (appurtenant to) existing commercial, industrial, or institutional facilities, including but not limited to small parking lots;

Section 15332/Class 32 exempts from the provisions of CEQA, projects characterized as in-fill development where: (1) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designations and regulations; (2) The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses; (3) The project site has no value as habitat for endangered, rare, or threatened species; (4) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and, (5) The site can be adequately served by all required utilities and public services. The project involves negligible or no expansion of the existing use of the subject property, replacement and reconstruction of existing structures and facilities, and the construction of new small structures and appurtenant facilities on an in-fill site. Furthermore, the project complies with the conditions listed above and those referenced within Sections 15301/Class 1, 15302/Class 2, 15303/Class 3, 15311/Class 11, and 15332/Class 32 of the State of California CEQA Guidelines. Furthermore, staff has determined that no adverse environmental impacts will occur as a result of the proposed project; and, none of the

exceptions to Categorical Exemptions set forth in the CEQA Guidelines, Section 15300.2 apply to this project.

3. The portions of a public utility easement bounded by North Blackstone Avenue, East White Avenue, North Abby Street and State Route Freeway 180 as shown on Exhibit "A" are hereby vacated.

4. 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.

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

6. From and after the date this resolution is recorded, the portions of a public utility easement bounded by North Blackstone Avenue, East White Avenue, North Abby Street and State Route Freeway 180 as shown on Exhibit "A" shall no longer constitute a public utility easement.

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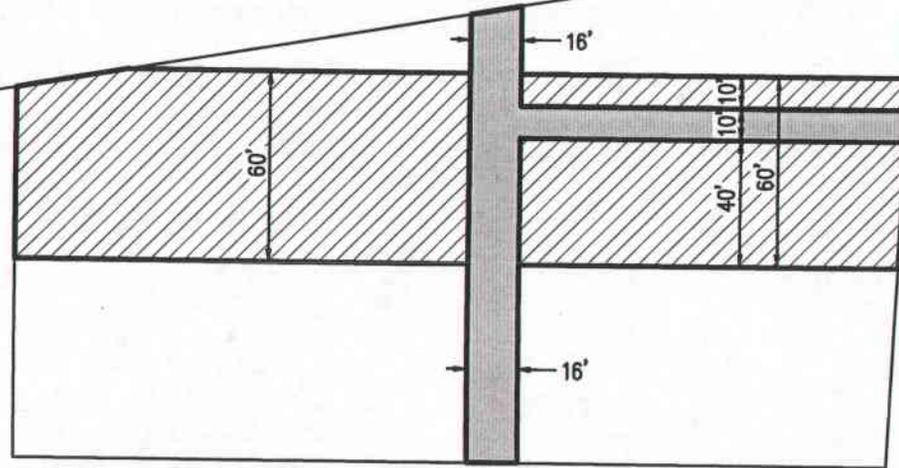
180
FREEWAY

SOUTHERLY R/W LINE
OF FREEWAY 180



SCALE: 1"=60'

NORTH BLACKSTONE AVENUE



EAST WHITE AVENUE

NORTH ABBY STREET



INDICATES PUBLIC UTILITY
EASEMENT TO BE VACATED.



INDICATES PUBLIC UTILITY
EASEMENT TO REMAIN.

EXISTING PUBLIC UTILITY EASEMENT IS FORMER PUBLIC RIGHT-OF-WAY WHICH WAS VACATED AND RESERVED AS A PUBLIC UTILITY EASEMENT PER RESOLUTION NO. 80-603, RECORDED ON NOVEMBER 6, 1980 AS INSTRUMENT NO. 108247, IN BOOK 7618 AT PAGE 496 TO 499, O.R.F.C.

EXHIBIT A