



Fremont City Council

3300 Capitol Avenue
Fremont, CA 94538

SCHEDULED

Meeting: 06/04/19 07:00 PM

Div/Dept: Engineering

Category: Property Acquisitions & Dispositions

STAFF REPORT (ID # 3776)

Sponsors:

DOC ID: 3776

VACATION OF A PORTION OF LIBERTY STREET - Initiation of a Proceeding to Vacate a Portion of Liberty Street near Walnut Avenue and Set a Public Hearing on July 2, 2019 at 7:00 p.m.

Contact Persons:

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Executive Summary: The purpose of this report is to facilitate vacating a portion of Liberty Street to support development of Walnut and Liberty Mixed Use project located in Council District 3.

BACKGROUND: Fore Green Development, LLC, property owner and developer of the 2.84-acre site located at 3515 Walnut Avenue commonly known as Walnut and Liberty Mixed Use project site, has submitted an application for the vacation of a portion of Liberty Street (see Exhibit A).

On December 17, 2018, the Zoning Administrator approved a Discretionary Design Review Permit to allow the development of a mixed-use building with 275 apartment units and 2,245 square-feet of ground floor commercial. As a Condition of Approval, developer is required to improve Liberty Street to its ultimate configuration. This required vacating a portion of Liberty Street along the project frontage.

The portion of Liberty Street to be vacated was acquired by the City with the implementation of Local Improvement District No. 9.

DISCUSSION/ANALYSIS: Staff has determined this portion of Liberty Street is no longer needed as a public street and that the proposed vacation will facilitate construction of public street improvements at its ultimate configuration in accordance with the Downtown Community Plan and Design Guidelines.

The City Council may initiate the proceedings to vacate these portions of excess right-of-way in accordance with Section 8320 of the Streets and Highways Code of the State of California.

On February 15, 2019, the Planning Manager found that the proposed vacation of a portion of Liberty Street is in conformance with the General Plan as required by Streets and Highways Code Section 8313 of the State of California and Section 65402 of the Government Code.

All concerned utility companies have consented to the proposed vacation and have not made a request for reservation of any public street easements. An existing Verizon fiber

optic cable located in the proposed right-of-way to be vacated will be relocated by the developer as part of the construction of public improvements on Liberty Street.

The title report indicates that the City of Fremont owns the underlying fee interest of the area proposed to be vacated and that the developer has agreed to acquire the vacated right-of-way at fair market value.

Staff recommends that the City Council:

(1) Direct the City Clerk to set a public hearing for July 2, 2018, at 7:00 p.m., to consider the proposed vacation, and to publish notice of said hearing pursuant to Streets and Highways Code Sections 8320 and 8322; and

(2) Direct the Director of Public Works to post notice of hearing pursuant to Streets and Highways Code Sections 8320 and 8323.

At its meeting on July 2, 2018, the City Council will be asked to hold the public hearing and to consider a resolution vacating a portion of Liberty Street.

FISCAL IMPACT: None.

ENVIRONMENTAL REVIEW: This Street Vacation is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) in that the activity does not meet CEQA's definition of a "project" since it has no potential to cause significant environmental effects. Furthermore, the Zoning Administrator adopted a finding for the Walnut and Liberty Mixed Use project on December 17, 2018, that the project is categorically exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15332, In-Fill Development Projects, and also that no further environmental review is required pursuant to CEQA Guidelines Section 15183 as the project is consistent with the development density and intensity established by the Downtown Community Plan for which an FEIR (SCH#2010082260) was previously prepared and certified.

ATTACHMENTS:

- Exhibit A - Plat and Legal Description

RECOMMENDATION: Adopt a motion to initiate proceedings to vacate a portion of Liberty Street, set a public hearing on July 2, 2019 at 7:00 p.m., direct the City Clerk to publish the public hearing, and direct the Director of Public Works to post the site with a Notice of Public Hearing.