

MEMORANDUM

March 29, 2023

TO: Amanda Thomas, Real Property Agent
Economic Development Department

FROM: Nicole D. Moore, LEED-AP, Contract Planner
Community Development Department

SUBJECT: **CEQA NOE 9-23 – RIGHT OF WAY ABANDONMENT AT 1704 W FREMONT**

The Community Development Department received a request to review the above-referenced project for conformity with the Stockton General Plan and make an environmental determination pursuant to the California Environmental Quality Act (CEQA). The Applicant, LDF Enterprises, LLC, is proposing to abandon right-of-way at 1704 W Fremont Street. See attachment A for specific location.

In accordance with Government Code §65402, the Community Development Department determines the project is in conformance with the Stockton General Plan. This determination is based on, but not limited to, conformance with General Plan Policy, LU-6.3 (Land Use) stating, “Ensure that all neighborhoods have access to well-maintained public facilities and utilities that meet community service needs.”

Concerning the California Environmental Quality Act (CEQA) determination, the Community Development Department concludes the project is Categorically Exempt under CEQA Guidelines and is granted a ‘general rule exemption’ under Section 15061(B)(3) since there is no possibility that the activity in question would have significant effect on the environment and the activity is no subject to CEQA. The project is also not subject to any of the exceptions to the use of a Categorical Exemption listed at CEQA Guidelines §15300.2.

Upon approval by City Council, the Economic Development Department is advised to complete the attached Notice of Exemption (**Attachment B**) and file it with the San Joaquin County Clerk Office to initiate a 35-day statute of limitations on court challenges. Please retain a copy of the original posted notice within the project file in the Economic Development Department project file.

By:



Nicole D. Moore, LEED-AP, Contract Planner**Attachments**

Attachment A: Request and Project Location
Attachment B: Draft Notice of Exemption

MEMORANDUM

March 28, 2023

TO: Nicole Moore, Contract Planner
Community Development Department

FROM: Amanda Thomas, Real Property Agent
Economic Development Department

SUBJECT: **ABANDONMENT – RIGHT OF WAY**

Please provide the appropriate environmental review for the above-referenced project as described below:

Project Title: 1704 W Fremont ROW abandonment

Applicant: LDF Enterprises, LLC

Description/Location: 1704 W Fremont

Also, please make the required determination as to conformity to the General Plan in accordance with Section 65402 of the Government Code. If you have questions regarding this request, please direct them to me at extension 7569.



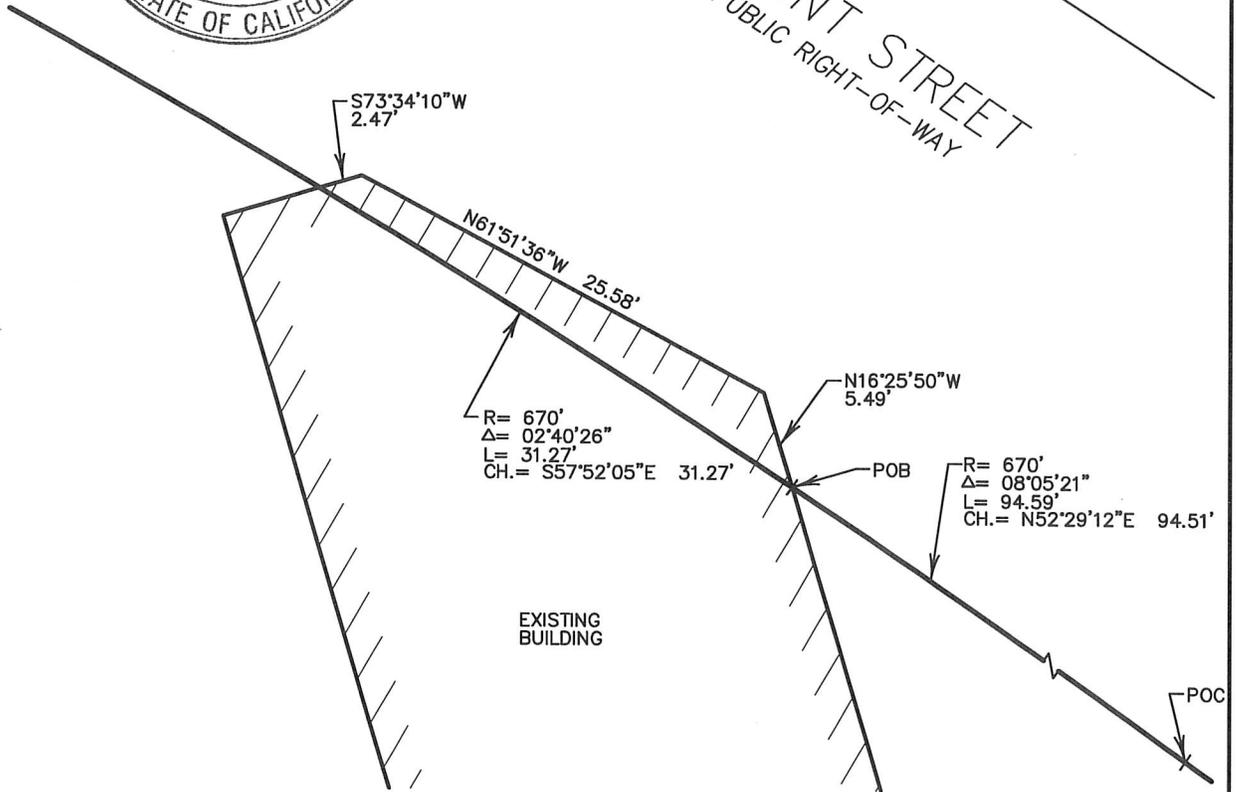
AMANDA THOMAS
REAL PROPERTY AGENT

Attachment



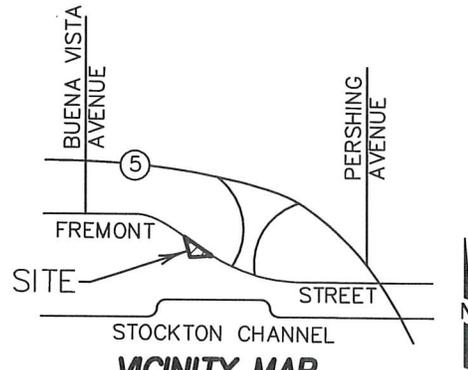
SCALE: N 1" = 10'

WEST FREMONT STREET
VARIABLE WIDTH PUBLIC RIGHT-OF-WAY



LEGEND

POC POINT OF COMMENCEMENT
POB POINT OF BEGINNING



DILLON & MURPHY ENGINEERING
847 N. CLUFF AVENUE
SUITE A-2, LODI, CA 95240
(209) 334-6613

EXHIBIT "B"

N.T.S.

SHEET 1 OF 2

NO.	REV. DATE	BY	APRVD.	RIGHT-OF-WAY ABANDONMENT		APPROVED BY:			
				1700 WEST FREMONT STREET STOCKTON, CA. 95203 A.P.N. 135-080-09 & 135-100-08					
DRAWN BY: MT						CITY OF STOCKTON DEPARTMENT OF PUBLIC WORKS		CITY ENGINEER	
CHECKED BY: JM				DATE:				JOB NO.:	
SCALE: 1"=10'								2320	

February 15, 2023
Project No. 2320

LEGAL DESCRIPTION
RIGHT-OF-WAY ABANDONMENT

ALL THAT REAL PROPERTY SITUATE IN THE STATE OF CALIFORNIA, COUNTY OF SAN JOAQUIN, CITY OF STOCKTON, DESCRIBED AS FOLLOWS:

A PARCEL OF LAND BEING A PORTION OF LOT 5 OF BLOCK 5 AND A PORTION OF ABANDONED PARK STREET OF "STOCKTON ACRES SUBDIVISION NO. 10," AS SHOWN ON THAT CERTAIN MAP RECORDED MARCH 3, 1920 IN BOOK 10 OF MAPS & PLATS AT PAGE 3, SAN JOAQUIN COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THAT 0.15 ACRE PARCEL AS SHOWN ON THAT CERTAIN MAP RECORDED MAY 3, 1983 IN BOOK 28 OF SURVEYS AT PAGE 92, SAN JOAQUIN COUNTY RECORDS, SAID POINT BEING ON THE SOUTH RIGHT-OF-WAY LINE OF FREMONT STREET; THENCE CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 670.00 FEET, A CENTRAL ANGLE OF $08^{\circ}05'21''$, AN ARC LENGTH OF 94.59 FEET, A CHORD BEARING OF NORTH $52^{\circ}29'12''$ WEST, AND A CHORD DISTANCE OF 94.51 FEET TO THE POINT OF BEGINNING, SAID POINT BEING THE FACE OF A BUILDING; THENCE LEAVING SAID SOUTH RIGHT-OF-WAY LINE AND ALONG THE FACE OF SAID BUILDING NORTH $16^{\circ}25'50''$ WEST 5.49 FEET; CONTINUING ALONG THE FACE OF SAID BUILDING THENCE NORTH $61^{\circ}51'36''$ WEST 25.58 FEET; THENCE CONTINUING ALONG THE FACE OF SAID BUILDING SOUTH $73^{\circ}34'10''$ WEST 2.47 FEET TO A POINT ON SAID SOUTH RIGHT-OF-WAY LINE OF FREMONT STREET; THENCE ALONG SAID SOUTH RIGHT-OF-WAY LINE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 670.00 FEET, A CENTRAL ANGLE OF $02^{\circ}40'26''$, AN ARC LENGTH OF 31.27 FEET, A CHORD BEARING OF SOUTH $57^{\circ}52'05''$ EAST, AND A CHORD DISTANCE OF 31.27 FEET TO THE POINT OF BEGINNING, CONTAINING 75 SQUARE FEET MORE OR LESS.



**CITY OF STOCKTON
NOTICE OF EXEMPTION**

TO: COUNTY CLERK
COUNTY OF SAN JOAQUIN
44 N. San Joaquin St., Ste. 260
Stockton, CA 95202

FROM: Lead Agency
City of Stockton
c/o Economic Development Dept.
400 E. Main St., 4th Floor
Stockton, CA 95202

NOTICE OF EXEMPTION PURSUANT TO PUBLIC RESOURCES CODE SECTION 21152(B) AND CALIFORNIA CODE OF REGULATIONS TITLE 14, SECTION 15062

PROJECT DATA

Project Title: RIGHT OF WAY ABANDONMENT AT 1704 W FREMONT
CEQA Exemption File No.: NOE 9-23
Applicant: LDF Enterprises, LLC
Project Description/Location: The Applicant, LDF Enterprises, LLC, is proposing to abandon right-of-way at 1704 W Fremont Street. See attachment A for specific location.

DETERMINATION/FINDING OF EXEMPTION

The above-described activity/project is exempt from the environmental assessment requirements of the California Environmental Quality Act (CEQA) pursuant to the following section(s) of the State CEQA Guidelines (California Code of Regulations, Title 14):

- The activity is not a "project" as defined in CEQA Guidelines Section 15378.
- The activity is exempt under the "general rule" at CEQA Guidelines Section 15061(B)(3).
- The project is "Statutorily Exempt" per CEQA Guidelines Section: _____
- The project is "Categorically Exempt" per CEQA Guidelines Section 15301(c).

BASIS FOR FINDING OF EXEMPTION

- The activity does not qualify as a project and/or clearly could not have a significant effect on the environment and, therefore, CEQA does not apply.
- The activity constitutes a discretionary project under the City's jurisdiction and qualifies as a project which has been determined not to have a significant effect on the environment and, therefore, is exempt from the provisions of CEQA under the above-noted statutory or categorical exemption(s).

CARRIE WRIGHT, DIRECTOR
ECONOMIC DEVELOPMENT DEPARTMENT

March 29, 2023
(DATE OF PREPARATION)

By 
AMANDA THOMAS, REAL PROPERTY AGENT

(DATE OF FINAL APPROVAL)

AFFIDAVIT OF FILING AND POSTING

I declare that on the date stamped above, I received and posted this notice or included it on a list of such notices which was posted as required by California Public Resources Code Section 21152(B). Said notice or list of notices will remain posted for 35 days from the filing date.

Signature

Title

Posting Period Ending Date