MODESTO CITY COUNCIL
RESOLUTION NO. 2010-198

A RESOLUTION AUTHORIZING SUBMISSION OF THE CITY’S LOCAL TRANSPORTATION FUND (LTF) NON-TRANSIT SUPPLEMENTAL CLAIM FOR FISCAL YEAR 2008-2009, IN THE AMOUNT OF $317,451, TO THE STANISLAUS COUNCIL OF GOVERNMENTS (STancoG)

WHEREAS, the Stanislaus Council of Governments (StanCOG) has informed the City that Supplemental Local Transportation Funds (LTF) funds have been apportioned by StanCOG for allocation to the City, and

WHEREAS, the City has prepared its Supplemental LTF Claim for Fiscal Year 2008-2009 pursuant to Articles 4 and 8 of Chapter 4 of Part 11, Division 10 of the California Public Utilities Code, and

WHEREAS, Council action authorizing submission of the claim is required by StanCOG pursuant to Section 99261 of the California Public Utilities Code before any LTF funding can be released to the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submission of the City’s Local Transportation Fund Non-Transit Supplemental Claim for Fiscal Year 2008-2009, in the amount of $317,541, to the Stanislaus Council of Governments.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

Ayes: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

Noes: Councilmembers: None

Absent: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-199


WHEREAS, the current budget for project E691 is $500,000, and

WHEREAS, current cost estimates are $400,934, and

WHEREAS, amending the CIP budget is necessary to decrease the appropriations to Account No. 0510-160-E691 in the amount of $99,066, and

WHEREAS, Stanislaus Council of Governments has notified the City that $317,451 in Local Transportation Funds has been apportioned to the City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2009/2010 Capital Improvement Program budget to reduce expenditure appropriations for 0510-160-E691 “Traffic Operations Building-Tenant Improvements” project, in the amount of $99,066, and to recognize new Local Transportation Fund revenue in the amount of $317,451.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING THE PROGRAM GUIDELINES AND LOAN TERMS FOR THE NEIGHBORHOOD STABILIZATION PROGRAM 2; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE MEMORANDUMS OF UNDERSTANDING, LOAN DOCUMENTS, AND ANY OTHER RELATED DOCUMENTS NECESSARY TO IMPLEMENT THE PROGRAM

WHEREAS, on May 4, 2009, the U.S. Department of Housing and Urban Development (HUD) issued a Notice of Funding Availability (NOFA) for the Neighborhood Stabilization Program 2 (NSP2), and

WHEREAS, the City of Modesto made application to HUD for funding and was informed by HUD on January 14, 2010, that the City of Modesto had been granted $25 million under the NOFA for NSP2, and

WHEREAS, the City Council accepted the grant award at their meeting of January 25, 2010, and

WHEREAS, the City Manager executed the NSP2 grant agreement on February 17, 2010, and

WHEREAS, staff has developed guidelines for allocating the NSP2 funding based on the activities outlined in the approved City of Modesto Neighborhood Stabilization grant application, and

WHEREAS, these guidelines and loan terms were reviewed and approved by the Citizens Housing & Community Development Committee (CH&CDC) at its April 21 2010, meeting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the program guidelines and loan terms for the Neighborhood
Stabilization Program 2 as described on Attachment 1, a copy of which is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to sign the Memorandums of Understanding, loan documents, and any other related documents necessary to implement the program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore

ATTEST: Stephanie Lopez, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Susan A. Alcala Wood, City Attorney
NEIGHBORHOOD STABILIZATION PROGRAM 2
GUIDELINES & LOAN TERMS

PROPERTY PURCHASES MADE UTILIZING NSP2 FUNDS
- Properties are purchased by for-profit and non-profit developers who have been qualified by CH&CDC
- Properties purchased under the program must meet NSP2 definitions for foreclosed or abandoned residential properties
  - Property acquisition price may not exceed 150% of the area median sales price per (DataQuick) and preference will be given to those properties at or below 100% of the area median sales price.
  - Acquisition cost must be a minimum of 1% under appraised value
- Short sales are permitted per HUD regulation and under the following circumstances
  - Property is owner-occupied and will meet income-eligibility requirements, or
  - Property has been vacant for 90 days
- Separate loans will be made for acquisition and rehabilitation with both approved by a sub-committee of CH&CDC
- All rehabilitation work must be done to HUD Housing Quality Standards (HQS)

FOR-PROFIT DEVELOPER – RENTAL PROPERTIES
- Except for the affordability period and leveraging requirement, the loan terms are the same as NSP1:
  - 25-year affordability period (increased from 15-years)
  - 40-year loan period
  - Payments on acquisition and rehabilitation are deferred for first 5 years with no interest or payments made
  - Year 6 payments begin on acquisition costs amortized over 35 years at 3% interest
  - Year 16 payments begin on rehabilitation costs amortized over 25 years at 3% interest
- Developer leveraging of 20% on total project cost is required (up from 10% in NSP1)
- At the sole discretion of the City, in the event the affordability covenant is fulfilled at the end of the fifteen year term, the rehabilitation portion of the loan will be forgiven if the property is sold to a qualifying low-income household.
NEIGHBORHOOD STABILIZATION PROGRAM 2
GUIDELINES & LOAN TERMS

NON-PROFIT DEVELOPER – RENTAL PROPERTIES
- Except for the longer affordability period, the loan terms are the same as NSP1:
  ▪ Payments are deferred for 25 years (increased from 15 year)
  ▪ If affordability period is maintained, loan is forgiven in full
  ▪ If affordability is not maintained, the loans are immediately due in full

DEVELOPERS – RESALE OF PROPERTIES TO QUALIFIED HOUSEHOLDS
- New appraisal is required after rehabilitation work by developer is complete
- Upon second escrow closing, developer is eligible for developer fee
- For all properties except properties located in census tracts within the Airport Revitalization Strategy Area, the developer fee is:
  ▪ $10,000 per property, or
  ▪ $15,000 per property if property is determined to meet the “blight” definition per Federal regulation and as determined through and acceptable third-party home inspection summary report
- For Airport Neighborhood properties, the developer fee is:
  ▪ $15,000 per property, or
  ▪ $20,000 per property if property is determined to meet the HUD “blight” definition and as determined through an acceptable third-party home inspection summary report.
- The obligations of the developer towards the acquisition and the rehabilitation loans are released when transferred (either fully or partially) to the new buyer at the close of escrow
- Closing costs, new appraisal costs, and developer fees are considered program costs and are not included in either of the developer loans

BLIGHTED STRUCTURE: A structure is blighted when it exhibits objectively determinable signs of deterioration sufficient to constitute a threat to human health, safety, and public welfare.

QUALIFYING HOUSEHOLDS
- Homebuyers will meet criteria similar to that established for the City’s Homebuyer’s Assistance Program, which includes these homebuyer requirements:
  ▪ Must be at or below 120% of the area median income
  ▪ Must reside in or work within the city limits of Modesto
NEIGHBORHOOD STABILIZATION PROGRAM 2
GUIDELINES & LOAN TERMS

- Home being purchased must have been purchased and rehabilitated using the City’s NSP2 funds
- Must have a minimum FICO credit score of 620
- Must complete 8 hours of homebuyer counseling through a HUD approved counseling agency
- Must commit 1% of the purchase price

Homebuyers will have a new loan based on the value established in the second appraisal but not to exceed the total investment in the property (acquisition plus rehabilitation)
- Maximum 30-year loan period (available in 5-year increments)
- Monthly payment may not exceed 30% of qualifying income and total debt to income ratio cannot exceed 43% per FHA standards

Homebuyers are “qualified” for homes up to a certain value as established by their qualifying income
RESOLUTION APPROVING THE SCOPE OF WORK AND BUDGET FOR COMMUNITY DEVELOPMENT BLOCK GRANT – RECOVERY (CDBG-R)-FUNDED PUBLIC SERVICES PROJECT DESIGNED TO BRING ABOUT ECONOMIC DEVELOPMENT AND COMMUNITY CAPACITY-BUILDING IN THE AIRPORT NEIGHBORHOOD; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE AN AGREEMENT WITH ORVILLE WRIGHT ELEMENTARY SCHOOL HEALTHY START SITE/FAMILY RESOURCE CENTER TO CARRY OUT THE PROJECT

WHEREAS, the Airport Neighborhood is a City-designated, HUD-approved Neighborhood Revitalization Strategy Area (NRSA) which offers enhanced regulatory flexibility in undertaking comprehensive housing, community, and economic development activities with Community Development Block Grant (CDBG) funds, and

WHEREAS, the City has developed extensive collaborative relationships with public agencies, community-based organizations, faith-based organizations, nonprofit service providers, schools, and individuals, including neighborhood residents, and

WHEREAS, a CDBG-R-funded Airport Neighborhood Economic Development/Community Capacity-Building Project will be integrated as a critical part of the larger NRSA strategy, and

WHEREAS, the service delivery and project process will be incorporated through traditional service delivery structure, to deliver and broker economic development services and resources to individual unemployed and underemployed residents as well as through self-help group processes, and

WHEREAS, this process will ensure economic development sustainability beyond the term of CDBG-R funding, as it is designed to promote self-sufficiency and
community capacity through skill-building, microenterprise development, and leadership development.

WHEREAS, the project will also leverage other CDBG-funded economic development activities designed to further job creation, such as Orville Wright Elementary School Healthy Start Site/Family Resource Center and small business/microenterprise development,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the scope of work and budget for Community Development Block Grant – Recovery (CDBG-R)-funded Public Services project designed to bring about economic development and community capacity-building in the Airport Neighborhood.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to execute an agreement with Orville Wright Elementary School Healthy Start Site/Family Resource Center to carry out the project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25\textsuperscript{th} day of May, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

- **AYES:** Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
- **NOES:** Councilmembers: None
- **ABSENT:** Councilmembers: None

**ATTEST:**

\[\text{SEAL}\]

**APPROVED AS TO FORM:**

By: [Signature]

SUSANA ALCALA WOOD, City Attorney

WHEREAS, on July 13, 1993, the City Council, by Resolution No. 93-412, established a non-salaried honorary position to be known as “The Poet Laureate of the City of Modesto”, and

WHEREAS, the Culture Commission has the responsibility for nominating and recommending appointments to the Poet Laureate position, and

WHEREAS, on June 24, 2008, the City Council, by Resolution 2008-351, appointed Ed Bearden as the Poet Laureate of the City of Modesto for a two-year term from July 1, 2008 to June 30, 2010, and

WHEREAS, the Culture Commission has concluded that Ed Bearden has appropriately fulfilled his obligation as Poet Laureate during the past two years and recommend that his term be extended, and

WHEREAS, the Safety & Communities Committee met on April 5, 2010, and supported extending the term of Ed Bearden as Poet Laureate for the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves extending the term of Ed Bearden as the Poet Laureate of the City of Modesto through June 30, 2010.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-203

A RESOLUTION ACCEPTING THE CALIFORNIA MARIJUANA ERADICATION GRANT FROM THE U.S. DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION IN THE AMOUNT OF $15,000 FOR THE STANISLAUS DRUG ENFORCEMENT AGENCY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL NECESSARY GRANT DOCUMENTS

WHEREAS, on April 1, 2010, the Stanislaus Drug Enforcement Agency (SDEA) was awarded the Domestic Cannabis Eradication/Suppression Program Marijuana Eradication Grant in the amount of $15,000, and

WHEREAS, the funding will defray costs relating to the eradication and suppression of illicit cannabis, and

WHEREAS, the costs include marijuana eradication, overtime, training, supplies and removal costs, and

WHEREAS, there is no required match to the City of Modesto, and

WHEREAS, the term of this grant will be from January 1, 2010 through December 31, 2011, and

WHEREAS, the City of Modesto will be the fiscal agent,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the California Marijuana Eradication Grant from the U. S. Department of Justice Drug Enforcement Adminsitration in the amount of $15,000.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute all necessary grant documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AMENDING THE STANISLAUS COUNTY DRUG ENFORCEMENT AGENCY’S FISCAL YEAR 2010/11 OPERATING BUDGET ESTIMATING REVENUE IN THE AMOUNT OF $15,000 FROM THE U. S. DEPARTMENT OF JUSTICE DRUG ENFORCEMENT ADMINISTRATION MARIJUANA ERADICATION GRANT

WHEREAS, on April 1, 2010, the Stanislaus Drug Enforcement Agency (SDEA) was awarded the Domestic Cannabis Eradication/Suppression Program Marijuana Eradication Grant in the amount of $15,000, and

WHEREAS, the funding will defray costs relating to the eradication and suppression of illicit cannabis, and

WHEREAS, the costs include marijuana eradication, overtime, training, supplies and removal costs, and

WHEREAS, there is no required match to the City of Modesto, and

WHEREAS, the City of Modesto will be the fiscal agent,

WHEREAS, the term of this grant will be from January 1, 2010 through December 31, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the the Stanislaus County Drug Enforcement Agency’s Fiscal Year 2010/11 Operating Budget as indicated on Attachment A, which is incorporated by reference herein.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
REQUEST FOR BUDGET ADJUSTMENT

Contact Person: Julie Hendee
Telephone No: 572-9518
Department: Police Department
Fund Title: 8850 - SDEA

Fund-Agency-Object Appr Unit Current Budget Increase/ (Decrease) Revised Budget Description of Object

DEPARTMENTAL REVENUES
FROM

TO
MY-8850-190-2503-3508 $15,000 $15,000 Domestic Cannabis Eradication/Suppression Grant
Federal Grant

APPROPRIATIONS
FROM

TO
MY-8850-190-2503-0209 2503-C $5,000 $5,000 Training Expenses
MY-8850-190-2503-0308 2503-C $2,000 $2,000 Tools, Shop and Field Supplies
MY-8850-190-2503-0330 2503-C $3,000 $3,000 Fuel, Oil and Lubricants
MY-8850-190-2503-0416 2503-C $5,000 $5,000 Other Insurance

TRANSFERS BETWEEN FUNDS
FROM

TO

COMMENTS/JUSTIFICATION

This budget amendment is being made to: 1) Recognize federal grant revenue awarded to the Stanislaus Drug Enforcement Agency in the amount of $15,000 for the Domestic Cannabis Eradication/Suppression Program and, 2) To program offsetting expenses as outlined in the grant program document. These actions will establish a new multi-year operating budget beginning in FY 2009-10.

AUTHORIZATION (check if required) SIGNATURE DATE
PUBLIC SAFETY BUSINESS SERVICES ANALYST

DIVISION CAPTAIN
DEPARTMENT DIRECTOR or
AUTHORIZED ASSISTANT
(Allocation of Dept Appr to Line-Item Level)

FINANCE DIRECTOR
(Transfers to/from Internal Service Charges)
(All items requiring City Manager’s Approval)

CFF/CFD ADMINISTRATOR
When necessary for CIP

CITY MANAGER
(Transfers between Budgeted Activities of Departments within Funds)
(Appropriation of Unbudgeted Dept Revenues)
(Transfers into Personnel Services)

TRANSFER NO.: __________________________

BY: __________________ DATE: ____________
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-205

A RESOLUTION APPROVING A MEMORANDUM OF AGREEMENT BETWEEN THE COUNTY OF STANISLAUS AND THE CITY OF MODESTO FOR A JOINT APPLICATION TO THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FORMULA PROGRAM IN THE AMOUNT OF $235,816; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO execute the MEMORANDUM OF AGREEMENT

WHEREAS, the U.S. Department of Justice announced in April of 2010 that the Office of Justice Programs’ Bureau of Justice Assistance was seeking applications for funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and

WHEREAS, the JAG Program allows states, tribes and local governments to support a broad range of activities to prevent and control crime based on their own local needs and conditions, and

WHEREAS, the Modesto Police Department and Stanislaus County are required to submit a joint application for a total eligible allocation of $235,816, and

WHEREAS, the Modesto Police Department is eligible to apply for $157,828 and Stanislaus County is eligible for $77,988, and

WHEREAS, Stanislaus County will be the fiscal agent for this grant, and

WHEREAS, Stanislaus County will be the fiscal agent for this grant, and

WHEREAS, recommended distribution of the 2010 JAG funds is as follows:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Probation</td>
<td>$ 17,988</td>
</tr>
<tr>
<td>Sheriff</td>
<td>$ 60,000</td>
</tr>
<tr>
<td>Sheriff (Admin)</td>
<td>$ 4,735</td>
</tr>
<tr>
<td>Modesto Police</td>
<td>$153,093</td>
</tr>
</tbody>
</table>

WHEREAS, the County will charge the City a three percent (3%) administrative fee in the amount of $4,735 to cover the reporting costs associated with the grant which reduces the City’s total projected grant award to $153,093 ($157,828 less the 3% administrative fee of $4,735), and
WHEREAS, there is no match required for this grant, and

WHEREAS, the grant application requires a signed Memorandum of Agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Agreement between the County of Stanislaus and the City of Modesto for a joint application to the Edward Byrne Memorial Justice Assistance Grant Formula Program in the amount of $235,816.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Memorandum of Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

(SEAL)

APPROVED AS TO FORM:

By:

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION INCREASING THE DIRECTOR OF UTILITY PLANNING AND PROJECTS’ AUTHORITY TO ISSUE CHANGE ORDERS ON THE “ADVANCED TRAFFIC MANAGEMENT SYSTEM (ATMS) EXPANSION PELANDALE AVENUE” PROJECT BY $12,470.43 FROM 10% ($25,510.00) TO 14.9% ($38,000.00) OF THE ORIGINAL CONTRACT PRICE WITH SIERRA NATIONAL CONSTRUCTION, INC. TO FUND THE CHANGE ORDER WORK

WHEREAS, the City Council, on June 8, 2008, by Resolution No. 2008-417, awarded a $255,105.00 contract to Sierra National Construction, Inc. for the installation of ten (10) CCTV traffic surveillance cameras at five (5) locations, and

WHEREAS, additional work not included in the original bid needed to be added to the project to allow completion of the project, and

WHEREAS, the cost of the extra work has been estimated to be $16,000.00, an amount which exceeds the Director’s authority for the project as established by the Council’s Change Order Approval Policy adopted by Resolution No. 94-443, on July 19, 1994, and

WHEREAS, the Director of Utility Planning and Projects currently has authority to approve change orders up to a cumulative amount of $25,510.00,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves increasing the Director of Utility Planning and Projects’ authority to issue change orders on the Advance Traffic Management System (ATMS) Expansion Pelandale Avenue project by $12,470.43 from 10% ($25,510.00) to 14.9% ($38,000.00) of the original contract price with Sierra National Construction, Inc.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 25th day of May, 2010, by Councilmember Lopez, who
moved its adoption, which motion being duly seconded by Councilmember Hawn, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen,

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: SUSANNA ALCALA WOOD, City Attorney

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)
A RESOLUTION APPROVING AN AGREEMENT WITH MILLER-PEZZONI & ASSOCIATES, INC. (MILLER-PEZZONI) FOR ON-CALL ELECTRICAL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $70,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, the Utility Planning and Projects Department – Capital Improvement Services Division performs a number of tasks requiring electrical engineering services that, because of workload levels or staff experience, are beyond the ability of City’s engineering staff to accomplish in a timely manner, and

WHEREAS, the Utility Planning and Projects Department – Capital Improvement Services Division has utilized the services of outside consultant engineers to perform targeted electrical engineering services in the past, and

WHEREAS, retaining on-call engineering services allows the Capital Improvement Services Division to have quick access to electrical engineering design when needed, using experienced staff and with a quick turnaround, thereby improving system efficiencies and minimizing down time, and

WHEREAS, staff solicited and formally advertised a Request for Qualifications (RFQ) for On-call Electrical Engineering Services to local consultants (consultants having offices within the Modesto urbanized area), and

WHEREAS, three (3) Statements of Qualifications were received and the firm of Miller-Pezzoni was deemed the most qualified to provide the requested on-call electrical engineering services, and
WHEREAS, based on the City’s previous experience, Miller-Pezzoni has rendered satisfactory services to the City in past projects, and

WHEREAS, Miller-Pezzoni will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

WHEREAS, Miller-Pezzoni will perform no service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed (NTP) is prepared and sent to Miller-Pezzoni prior to commencement of services, and

WHEREAS, City staff recommends an On-call Electrical Engineering Services Agreement with Miller-Pezzoni be approved, and

WHEREAS, Miller-Pezzoni will be paid on an hourly basis for actual hours required to perform specific task orders at a set rate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Miller-Pezzoni & Associates, Inc. for On-call Electrical Engineering Services for various City projects for one -year, with two (2) one (1) year extension options, in an amount not-to-exceed $70,000 per year. Total cost for three years is not to exceed $210,000.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-208

A RESOLUTION APPROVING AN AGREEMENT WITH NEXUS ENGINEERING (NEXUS) FOR ON-CALL MECHANICAL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $45,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, the Utility Planning and Projects Department – Capital Improvement Services Division performs a number of tasks requiring mechanical engineering services that, because of workload levels or staff experience, are beyond the ability of City’s engineering staff to accomplish in a timely manner, and

WHEREAS, the Utility Planning and Projects Department – Capital Improvement Services Division has utilized the services of outside consultant engineers to perform targeted mechanical engineering services in the past, and

WHEREAS, retaining on-call engineering services allows the Capital Improvement Services Division to have quick access to mechanical engineering design when needed, using experienced staff and with a quick turnaround, thereby improving system efficiencies and minimizing down time, and

WHEREAS, staff solicited and formally advertised a Request for Qualifications (RFQ) for On-call Mechanical Engineering Services to local consultants (consultants having offices within the Modesto urbanized area), and

WHEREAS, two (2) Statements of Qualifications were received and the firm of Nexus was deemed most qualified to provide the requested on-call mechanical engineering services, and
WHEREAS, based on the City’s previous experience, Nexus has rendered satisfactory services to the City in past projects, and

WHEREAS, Nexus will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

WHEREAS, Nexus will perform no service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed (NTP) is prepared and sent to Nexus prior to commencement of services, and

WHEREAS, City staff recommends an On-call Mechanical Engineering Services Agreement with Nexus be approved, and

WHEREAS, Nexus will be paid on an hourly basis for actual hours required to perform specific task orders at a set rate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Nexus Engineering for On-call Mechanical Engineering Services for various City projects for one-year, with two (2) one (1) year extension options, in an amount not-to-exceed $45,000 per year. Total cost for three years is not to exceed $135,000.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25\textsuperscript{th} day of May, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

\begin{itemize}
\item **AYES:**
  \begin{itemize}
  \item Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
  \end{itemize}
\item **NOES:**
  \begin{itemize}
  \item Councilmembers: None
  \end{itemize}
\item **ABSENT:**
  \begin{itemize}
  \item Councilmembers: None
  \end{itemize}
\end{itemize}

\begin{quote}
(\textbf{SEAL})
\end{quote}

\begin{quote}
\textbf{APPROVED AS TO FORM:}
\end{quote}

\begin{quote}
By: SUSANA ALCALA WOOD, City Attorney
\end{quote}

\begin{quote}
\textbf{ATTEST:}
\end{quote}

\begin{quote}
STEPHANIE LOPEZ, City Clerk
\end{quote}
A RESOLUTION APPROVING AN AGREEMENT WITH TO KLEINFELDER WEST, INC. (KLEINFELDER) FOR ON-CALL GEOTECHNICAL ENGINEERING SERVICES FOR VARIOUS CITY PROJECTS FOR ONE YEAR, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE SOLE DISCRETION OF THE CITY, IN AN AMOUNT NOT TO EXCEED $45,000 PER YEAR, AND AUTHORIZING THE CITY MANAGER, OR DESIGNEE, TO EXECUTE THE AGREEMENT, AND UP TO TWO ONE-YEAR EXTENSION OPTIONS

WHEREAS, the Utility Planning and Projects Department – Capital Improvement Services Division performs a number of tasks requiring geotechnical engineering services that, because of workload levels or staff experience, are beyond the ability of City’s engineering staff to accomplish in a timely manner, and

WHEREAS, the Utility Planning and Projects Department – Capital Improvement Services Division has utilized the services of outside consultant engineers to perform targeted geotechnical engineering services in the past, and

WHEREAS, retaining on-call engineering services allows the Capital Improvement Services Division to have quick access to geotechnical engineering design when needed, using experienced staff and with a quick turnaround, thereby improving system efficiencies and minimizing down time, and

WHEREAS, staff solicited and formally advertised a Request for Qualifications (RFQ) for On-call Geotechnical Engineering Services to local consultants (consultants having offices within the Modesto urbanized area), and

WHEREAS, three (3) Statements of Qualifications were received and the firm of Kleinfelder was deemed the most qualified to provide the requested on-call geotechnical engineering services, and
WHEREAS, based on the City’s previous experience, Kleinfelder has rendered satisfactory services to the City in past projects, and

WHEREAS, Kleinfelder will submit a written scope of services outlining the specific work, schedule, and cost estimate associated with each task order, and

WHEREAS, Kleinfelder will perform no service until Capital Improvement Services management has approved the proposed specific task order and a written Notice to Proceed (NTP) is prepared and sent to Kleinfelder prior to commencement of services, and

WHEREAS, City staff recommends an On-call Geotechnical Engineering Services Agreement with Kleinfelder be approved, and

WHEREAS, Kleinfelder will be paid on an hourly basis for actual hours required to perform specific task orders at a set rate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with Kleinfelder West, Inc. for On-call Geotechnical Engineering Services for various City projects for one-year, with two (2) one (1) year extension options, in an amount not-to-exceed $45,000 per year. Total cost for three years is not to exceed $135,000.

BE IT FURTHER RESOLVED that the Council hereby authorizes the City Manager, or his designee, to execute the Agreement, and up to two one-year extension options.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By:

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-210

A RESOLUTION APPROVING AN AGREEMENT WITH VSCE, INC. FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE MODESTO BUS MAINTENANCE FACILITY PROJECT IN AN AMOUNT NOT TO EXCEED $1,096,293.86 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $109,629.39 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $1,205,923.25, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, The City of Modesto is currently nearing the construction phase of the Modesto Bus Maintenance Facility Project, and

WHEREAS, The facility will service and accommodate 70 transit vehicles, featuring a new bus parking area, new bus maintenance building, fuel station, bus wash, and off-street employee parking, and

WHEREAS, due to the complexity and amount of staff hours to support the construction of these improvements, a construction management firm was required for management of this project, and

WHEREAS, staff is therefore recommending the approval of an agreement with VSCE, Inc. for construction management services, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with VSCE, Inc. for Construction Management Services for the Modesto Bus Maintenance Facility project in an amount not to exceed $1,096,293.86 for the identified scope of services, plus $109,629.39 for additional services (if needed), for a maximum total amount of $1,205,923.25.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-211

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(591) (L STREET ARCHITECTS LIMITED)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by L Street Architects Limited on January 15, 2010, to reclassify from General Commercial Zone, C-2 and High-Density Residential R-3, to Planned Development Zone, P-D(591) to allow a car wash, property located on the east side of McHenry Avenue, south of Morris Avenue, described as follows:

C-2 to P-D(591)

All that portion of Block 562, City of Modesto, County of Stanislaus, State of California, located in a portion of the Northwest one-quarter of Section 28, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

The westerly 135 feet of Lots 17 and 18 in Block 562, City of Modesto, according to the Map thereof, filed in Volume 15 of Maps, Stanislaus County Records;

Also including the southerly one-half of 60 foot wide east Morris Avenue and the easterly one-half of 80 foot wide McHenry Avenue, all being immediately adjacent to the above described property.

R-3 to P-D(591)

All that portion of Block 562, City of Modesto, County of Stanislaus, State of California, located in a portion of the Northwest one-quarter of Section 28, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

The easterly 114 feet of Lots 17 and 18 in Block 562, City of Modesto, according to the Map thereof, filed in Volume 15 of Maps, Stanislaus County Records;

Also including the southerly one-half of 60 foot wide east Morris Avenue immediately adjacent to the above described property.
WHEREAS, after a public hearing held on April 5, 2010, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2010-09, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed zone change to P-D is consistent with the Modesto Urban Area General Plan. The General Plan designates this area as “C” (Commercial), and the rezoning to allow a car wash development will be consistent with the General Plan land use and intensity.

2. The conditions of approval will ensure that the proposed project is compatible with the adjacent commercial and future residential uses.

3. The proposed rezone will eliminate having more than one zoning designation on a single parcel in this location.

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 25, 2010, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of L Street Architects Limited for a Planned Development Zone should be granted as consistent with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2010-09 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3528-C.S. on the 25th day of May, reclassifying the above-described property from General Commercial Zone, C-3 and High-Density Residential R-3 to Planned Development Zone, P-D(591),

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:
SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(591), is hereby approved subject to the following conditions:

PLANNING

1. Prior to occupancy of any structure, a 10-foot high decorative masonry wall with cap treatment along the east property line shall be constructed, to the satisfaction of the Director of Community and Economic Development.

2. Prior to issuance of a building permit, a wall plan for the ten-foot-high wall along the eastern property line shall be submitted by the applicant. The plans shall indicate materials, colors and height of the proposed wall.

3. Prior to occupancy of any structure, walls shall be treated with a graffiti-proof coating along the eastern property line to the satisfaction of the Director of Community and Economic Development or Designee. Construction drawings shall note the type of graffiti treatment used.

4. Prior to issuance of a building permit, trash enclosures shall be designed using building materials, colors and finishes which are consistent or compatible with those used in the major buildings of the development, as approved by the Director of Community and Economic Development.

5. All drive-thru facilities shall be screened from McHenry and Morris Avenues with landscaped materials, to the satisfaction of the Director of Community and Economic Development.

6. Construction drawings shall demonstrate that all building drainage gutters, down spouts, vents, etc. located on exterior walls, are be completely concealed from public view or designed to be architecturally compatible (decorative) with the exterior building design and color to the satisfaction of the Director of Community and Economic Development.

7. Prior to issuance of a building permit, the developer shall submit a lighting plan that includes the location and design of proposed lighting fixtures for review and approval by the Director of Community and Economic Development.

8. All signs shall comply with the sign requirements of the C-3 Zone.

9. No wall signs shall be permitted on the east elevations on all buildings.

10. Prior to Certificate of Occupancy of any structure, all ground mounted utility structures such as transformers and HVAC equipment shall be located out of view from a public street to the satisfaction of the Director of Community and Economic Development. Equipment shall be placed underground or adequately screened though the use of landscaping or walls.
PARKS

11. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Director of Parks, Recreation and Neighborhoods or designee. Proposed landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

12. Parking lot shade trees shall be provided in all new parking areas to meet current parking lot shading requirements (1 tree per 8 stalls, 50% coverage within 10 years).

13. The applicant shall install screen landscaping along the eastern property line as approved by the Director of Parks, Recreation and Neighborhoods.

LAND DEVELOPMENT ENGINEERING

14. Prior to the issuance of a building permit, improvement plans for any required improvements shall be prepared by a Registered Civil Engineer and approved by the City Engineer or designee. Improvements shall be constructed in accordance with the approved plans.

15. All public improvements shall be designed and constructed according to City of Modesto Standard Specifications or as required for the public health and safety by the City Engineer or designee.

16. Prior to issuance of a building permit, the developer shall dedicate public utility easements as required by the utility companies and the City Engineer or designee.

17. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the respective utility company, Modesto Irrigation District, and/or City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be dedicated as required.

18. Prior to issuance of a building permit, the applicant shall provide an irrevocable offer of street dedication on McHenry and Morris Avenues that reflects the approved site plan as stamped by the City with approximately 21 feet on McHenry Avenue and tapering east to rear property on Morris Avenue to the satisfaction of the City Engineer or designee to alleviate a health, safety, or traffic problem in the area. The irrevocable offer of dedication shall include a provision requiring the removal of all business signage located in the right-of-way, at the request of the City Engineer or designee. The costs of removing the signage shall be borne by the owner.

STORMWATER QUALITY

19. Prior to the issuance of a Grading or Building Permit, whichever occurs first, the Developer shall provide plans for trash enclosures:
a. To be sufficiently elevated to prevent stormwater run-off from the parking lot, and
b. To be graded to drain to adjacent landscape areas.

20. Prior to the issuance of a Grading or Building Permit, whichever occurs first, the Developer shall submit a plan to retain and infiltrate stormwater runoff onsite, incorporating pervious landscape features into the project design wherever possible.

21. Prior to the issuance of a Grading or Building Permit, whichever occurs first, the Developer shall provide one copy of the project Stormwater Pollution Prevention Plan (SWPPP) to Land Development Engineering, to the satisfaction of the City Engineer or designee.

22. Prior to the issuance of a Grading or Building Permit, whichever occurs first, the Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, vegetative strip, or other approved proprietary device) to remove pollutants from the first 1/2” of stormwater runoff from the site, to the satisfaction of the City Engineer or designee.

23. Prior to the issuance of a Grading or Building Permit, whichever occurs first, the property owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering for recording, to the satisfaction of the City Engineer or designee.

GENERAL CONDITIONS

24. Prior to the issuance of a building permit, all development shall conform to the development plan and building elevations titled "Prime Shine Express Carwash" stamped approved by the City Council.

25. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.

26. All department Conditions of Approval for the project shall be included on the sheet following the title sheet, which shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.

27. Prior to issuance of a building permit, any variation from the approved site plan or building elevations on file with the City must be reviewed and approved by the Director of Community and Economic Development.

28. All construction documentation shall be coordinated for consistency, including but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street
improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Division.

29. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorney’s fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

30. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.

31. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris, and all exposed wall surfaces shall be kept free of graffiti.

In addition, the following recommended Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that should be applied to the project:

32. AQ-40: The City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development are to be constructed with materials that minimize particulate emissions in accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of the use.

33. AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

34. AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

35. AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

36. AQ-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
37. AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

38. AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

39. AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

40. AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

41. AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

42. AQ-51: Limit traffic speeds on unpaved roads to 15 mph.

43. AQ-52: Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

44. AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

45. AQ-54: Install wind breaks at windward side(s) of construction areas.

46. AQ-55: Suspend excavation and grading activity when winds exceed 20 mph. Regardless of wind speed, an owner/operator must comply with Regulation VIII’s 20 percent (20%) opacity limitation.

47. AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.

48. N-3: Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers’ recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

49. The City’s Noise Ordinance (Modesto Municipal Code Section 4-9.101) prohibits the “loud and raucous discharge into the open air of the steam of
any steam equipment or exhaust from any stationary internal-combustion engine.”

The Noise Ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or Federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

a. A hammer or any other device or implement used to pound or strike an object.

b. An impact wrench or other tool or equipment powered by compressed air.

c. A hand-powered saw.

d. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.

e. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.

f. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.

g. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

h. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers’
recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

50. MEIR Table V-8-1 (b-f)
   a. Prior to excavation and construction, the prime construction contractor and any subcontractors shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, or other cultural materials from the project area.

   b. The project sponsor shall identify a qualified archeologist prior to any demolition, excavation, or construction. The City will approve the project sponsor’s selection of a qualified archeologist. The archeologist would have the authority to temporarily halt excavation and construction activities in the immediate vicinity (ten-meter radius) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.

   c. Reasonable time shall be allowed for the qualified archeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site.

   d. If any find is determined to be significant by the qualified archeologist, representatives from the construction contractor and the City, the qualified archeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) would meet to determine the appropriate course of action.

   e. All cultural materials recovered as part of a monitoring program would be subject to scientific analysis, professional curation, and a report prepared according to current professional standards.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(591):

   The entire construction program be accomplished in one phase, construction to begin on or before May 25, 2010, and completion to be not later than May 25, 2012.
SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(591), becomes effective.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on May 25, 2010, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO LEGAL DESCRIPTION:

By: [Signature]

Community & Economic Development Department Planning Division
A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023): AMENDING SECTION 28-3-9 OF THE ZONING MAP TO REZONE FROM GENERAL COMMERCIAL ZONE, C-2, AND HIGH-DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(591), PROPERTY LOCATED ON THE EAST SIDE OF MCHENRY AVENUE, SOUTH OF MORRIS AVENUE. (L STREET ARCHITECTS LIMITED)

WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, L Street Architects Limited has proposed that the zoning designation for property located on the east side of McHenry Avenue, south of Morris Avenue be amended to rezone from General Commercial, C-2 and High-Density Residential Zone, R-3, to Planned Development Zone, P-D(591), in the City of Modesto ("the Project") to allow for a car wash, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and

WHEREAS, the City’s Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2010-07 ("Initial Study") reviewed the proposed amendment to the Zoning Map and Planned Development project to deter-
mine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR ("Master EIR"), and concluded that the proposed project is within the scope of the Master EIR and will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines beginning on May 5, 2010, the City caused to be published a 20-day notice of the City’s intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on May 25, 2010, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezone to Planned Development Zone, P-D(591), a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 2007072023) as being within the scope of the Master EIR.

2. That the project will have no new significant effects on the environment not identified or examined in the Master EIR, and no new or additional mitigation measures are required.

3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2010-07
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist
C&ED No. 2010-07

For the proposed:
Rezone to Planned Development, (P-D) to Develop a Prime Shine Carwash

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

1-29-2010

Updated: October 2008
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Purpose</td>
<td>2</td>
</tr>
<tr>
<td>II. Project Description</td>
<td>2</td>
</tr>
<tr>
<td>III. Findings/Determination</td>
<td>3</td>
</tr>
<tr>
<td>IV. Environmental Analysis</td>
<td>6</td>
</tr>
<tr>
<td>V. Mitigation Measures Applied to the Proposed Project</td>
<td>44</td>
</tr>
</tbody>
</table>

**APPENDICIES**

A. Bob Degrasse, AIA, LEED AP, *Letter to David Wage, Associate Planner February 18, 2010.*

City of Modesto
Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR" or "MEIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether Fire Station No. 2 is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is "within the scope" of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

"Additional significant effects" means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. "Substantial evidence" means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

II. PROJECT DESCRIPTION

A. Title: Rezone to Planned Development, (P-D) to Develop a Prime Shine Carwash

B. Address or Location: Southeast Corner of McHenry Ave. and Morris Ave.

C. Applicant: L Street Architects Limited 1414 L Street Modesto, CA 95353

D. City Contact Person: David Wage

Project Manager: David Wage
Department: Community and Economic Development
Phone Number: (209) 577-5302
E-mail address: Dwage@modestogov.com

E. Current General Plan Designation(s): Commercial (C)

F. Current Zoning Classification(s): General Commercial (C-2), High-Density Residential (R-3)

G. Surrounding Land Uses:

North: General Commercial (C-2)
South: General Commercial (C-2)
East: Vacant, zoned for High-Density Residential (R-3) uses
West: General Commercial (C-2)
H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

The proposed development includes a drive-through car wash and sixteen self-service vacuum stations. The site will be accessed from a new driveway on Morris Avenue. The applicant is proposing ten-foot-high wall along the eastern property line. As a condition of approval, the applicant is required to provide an irrevocable offer of dedication for approximately 21 feet of right-of-way on McHenry Avenue. The future right-of-way will be landscaped as an interim treatment, until the right-of-way is needed for McHenry Avenue.

I. Other Public Agencies Whose Approval is Required:

None.

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. [X] Within the Scope - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

A. The proposed project is of a type described in Chapter II of the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.

D. Based on the Initial Study, the City of Modesto finds and determines:
   a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
   b) No new or additional mitigation measures or alternatives are required.

E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.

2. [ ] Mitigated Negative Declaration Required - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

A. The proposed project is of a type described in Chapter II of the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.
3. **Focused EIR Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

A. The proposed project is of a type described in Chapter II of the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

[Signatures]

Project Manager

Title

Date
4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any “No” response must be discussed.

(1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.

(2) City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.

(3) Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).

(4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.

(5) The development will occur within the boundaries of the City’s planning area as established in this Urban Area General Plan.

(6) Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any “no” response must be explained.

(1) Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.

(2) This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:

(a) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.

(b) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.

(c) Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.
IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is “within the scope” of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City’s obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.
1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

**Effect:** The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

**Effect:** A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

**Cumulative Impacts**

**Effect:** Potential for growth inducement or acceleration of development resulting from highway and local road projects.

**Effect:** Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

**Effect:** Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

**Discussion:**

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.
c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

<table>
<thead>
<tr>
<th>TRAFFIC AND CIRCULATION</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR’s mitigation measures.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>
7) The proposed project would result in an increase in energy consumption associated with the operation on highway project, rail improvements, and aviation facilities (on a per capita basis) in excess of that considered in the Urban Area General Plan.

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

Discussion:

(1 & 3) The proposed project is consistent with the General Designation and the traffic volumes assumed in the MIER. The project will not result in an increase 100 additional trips than what was assumed in the MIER or degradation below LOS D and therefore no new mitigation measures are necessary.

(2) The project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). The City Engineering and Traffic Department has evaluated the project and has determined that the existing design layout of the project is in accordance to City standards. The previously approved site plan was designed to accommodate commercial uses and emergency access.

(4) Police and Fire Staff have reviewed this proposal and have indicated that there is no emergency access problem.

(5) The City does not have an established parking ratio for a car wash. City staff has reviewed the project and determined the project has provided sufficient parking for the proposed drive-through car wash and small detail shop.

(6) The proposed project has been reviewed by Traffic, Planning and Transit staff and would not conflict with any adopted plans for alternative transportation.

(7) The proposed project is not would not result in an increase in energy consumption in excess of what was considered in the Urban Area General Plan.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NOx) (see MEIR Table 2-8, page V-2-27).
Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM$_{10}$) and 2.5 microns or less in diameter (PM$_{2.5}$) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO$_x$, PM$_{10}$, and PM$_{2.5}$.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes AQ-40 and AQ-42 through AQ-56 from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>DEGRADATION OF AIR QUALITY</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO$<em>x$, PM$</em>{10}$, and PM$_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO$<em>x$, PM$</em>{10}$, and PM$_{2.5}$.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

City of Modesto  
General Plan Master EIR  
Initial Study EA No. 2010-07  
2-1-10
### Discussion:

1. The project was referred to the San Joaquin Valley Unified Air Pollution Control District who determined that the project would not have a significant effect on the ambient air quality with the incorporation of the mitigation measures listed above.

2. This project incorporates the best management practices for PM10 reduction established by the SJVUAPD (see mitigation measures above).

3. Applicable General Plan Policies will be applied to the project; therefore, project-specific effects will be less than significant for this impact (see mitigation measures above).

4. The land uses proposed are not in themselves significant contributors to air pollution levels and therefore the primary source of air pollution associated with the development would be traffic related. Since the traffic impacts are within the scope of the MEIR, so are the traffic-related air quality impacts. The PM10 emissions created through construction activities will be mitigated as called for by the MEIR with the mitigation measure listed above.

5. The proposed project will not produce objectionable odors.

### 3. GENERATION OF NOISE

#### a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations/policies:

**Direct Impacts**

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City’s noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>3)</td>
<td>The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>4)</td>
<td>The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>5)</td>
<td>The proposed project would create objectionable odors affecting a substantial number of people.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>
Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEI and up to eight dwellings to noise levels of 70 dB CNEI.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

**Cumulative Impacts**

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

**Discussion:**

There mitigation to be applied to this project includes N-3 and N-7 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

**c. Project-Specific Effects**

Section V-3.B of the MEIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not analyzed in the Master EIR.

**Significance Criteria:** Determination of the proposed project’s effects are based on the following thresholds. Project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>GENERATION OF NOISE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
<td>[ ]</td>
</tr>
<tr>
<td>2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>Impact</td>
<td>Potential Impact</td>
<td>Less Than Significant Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>--------</td>
<td>------------------</td>
<td>-----------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
<td>[ ]</td>
</tr>
<tr>
<td>4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1,2,3) The project is consistent with the noise policies of the General Plan. General Plan MEIR Mitigation Measure N-7 requires non-residential development to demonstrate that the project will incorporate measures to reduce noise impacts to a less than significant level. Consideration must be given to both the Commercial threshold of significance and the Multi-family residential threshold of significance, since the property to the east is designated High-Density Residential (R-3). The MIER maintains the “normally acceptable” level of noise for Commercial uses is 70dBA, while the “conditionally acceptable” is up to 75dBA. The “conditionally acceptable” level may be used when noise mitigations have been included in the project design. The “normally acceptable” Multi-family residential threshold is 65dBA, while the “conditionally acceptable” level is up to 70dBA. The exterior noise level is measured at the common outdoor recreation areas for Multi-Family developments (MEIR Mitigation Measure N-4).

A noise study was completed by J.C. Brennan & Associates, Inc. using measurements taken at a Prime Shine located at the southeast corner of Pelandale Ave. and Dale Ave in 2006. The study was originally used to model noise levels for a proposed Prime Shine in Ceres, CA. Based on the similar building design and equipment used at all Prime Shine locations, the study can be used to determine impacts of the proposed car wash at McHenry Ave. and Morris Ave. The study determined the primary noise sources associated with car wash operations are the drying cycle within the car wash tunnel and the operation of vacuums.

**Vacuums**
The Prime Shine proposes eight vacuum islands, each containing two self-service vacuums. The 2006 noise study measurements estimated a range of 66dBA to 70dBA at a range of 16 feet. This measurement is within the 70dBA threshold for commercial development. The noise study shows the vacuums exceed the “normally acceptable” threshold of 65dBA; however, this project has located the vacuums approximately 30 feet away from the property line to the east and 75 feet from property line to the north. The 75 foot setback to the north is anticipated to reduce the noise level by 6dB to 12dBA. In addition, a 10-foot-high wall will be located along the eastern property line. The incorporation of the wall alone will reduce the noise impacts by 6.7 to 8.7 dBA for the property to the east. With the inclusion the noise mitigations discussed above, the noise levels associated with the vacuums will not exceed Commercial or Residential thresholds.

---

Car Wash Operations

The Prime Shine facility on Dale Ave. produced average noise levels of 75dBA at 50 ft. and 90 degrees from the tunnel exit. 2 75dBA is within “conditionally acceptable” noise level for commercial development. The proposed Prime Shine at McHenry and Morris Avenues has included additional noise mitigating noise features to reduce the noise impacts. The noise reducing features include a roof structure over the drying area designed to shield noise. This design feature was included as potential noise mitigation in the noise study for the Prime Shine on Dale Ave. In addition, this site will only be using eight driers rather than the nine used in the facility studied for the 2006 noise study. Finally, the eight driers proposed are custom designed to reduce noise levels by an estimated 12.5%. 3 With the inclusion of the design features described above, the project will be below the acceptable 70dBA threshold for commercial development. Therefore, this project will not result in a substantial permanent increase in ambient noise levels.

The car wash noise levels are projected to be within the thresholds for residential development. The existing homes to the north are approximately 180 away from the tunnel exit. The noise reduction over this distance is expected to be greater than 18dBA. In addition to the noise mitigating features described above; the project will also include a ten-foot-high wall along the eastern property line which is projected to reduce noise levels by 8.7 to 9.9 dBA. 4 The combination of noise mitigating features will reduce the noise levels below the 65dBA threshold for residential development. It should also be noted that the exterior noise level is measured at the common outdoor recreation areas for Multi-Family developments (MEIR Mitigation Measure N-4). A future multi-family development to the east could locate the common outdoor recreation areas where they would be further sheltered by landscaping, buildings, or other design features. Staff is satisfied the proposed project does not create a significant noise impact and a future multi-family development could meet the 65dBA threshold.

The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. There will be some construction related noise, but the noise mitigation measure N-3 called for by the General Plan for projects within the baseline developed area, has been incorporated.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations/policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.


\[3\] Bob Degrasse, AIA, LEED AP, *Letter to David Wage, Associate Planner February 18, 2010.*

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto’s planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>EFFECTS ON AGRICULTURAL LANDS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the Urban Area General Plan’s policies relating to agricultural land.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan’s planning area boundary.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR, which, due to their location or nature, could result in conversion of farmland to non-agricultural use.

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the General Plan land use policies. It is an infill project proposed within the urbanized area of the City. The site is currently vacant and no agricultural land will be converted for the development of the proposed projects.

(2) The project is within the Baseline-Developed area of the City and therefore will not result in the development of land outside the 2008 planning area boundaries.

(3) The project site is not zoned for agriculture nor is it under Williamson Act contract.

(4) The project will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses. The General Plan designates the property as Commercial and Mixed Use. The adjacent property is also designated Commercial and Mixed Use.

5. **INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES**

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations/policies:

**Direct Impacts**

**Effect**: No residual significant direct impacts have been disclosed in the Master EIR.

**Cumulative Impacts**

**Effect**: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users’ withdrawals, may result in overdrafting both subbasins.

**Effect**: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.
b. Master EIR and/or New Mitigation Measures Applied to the Project

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:
No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

Discussion:
(1) The project is consistent with the water supply policies in the General Plan.
(2) The project was referred to Land Development Engineering Staff who determined the water proposed development will not exceed estimates or water supplies for needed to serve other entitlements and resources.
(3) The proposed project is consistent with the land uses and water demands assumed in the General Plan. The project would not have a significant effect on ground water recharge or depletion of long-term water supplies.
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

**Direct Impacts**

**Effect:** Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson’s hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

**Cumulative Impacts**

**Effect:** No additional cumulative impacts were identified in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**Discussion:**

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
<table>
<thead>
<tr>
<th>Increased Demand for Sanitary Sewer Services</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.

(2) The project is consistent with the Commercial and Mixed Use designation and will generate sewer flows within what was anticipated for the project site.

(3) The project was referred to Land Development Engineering Staff who determined there is adequate capacity to accommodate the proposed development in addition to existing commitments.

7. **LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT**

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

**Cumulative Impacts**

**Effect:** Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.
b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:
No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
<td>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
<td></td>
</tr>
</tbody>
</table>

**Discussion:**

(1) The project is consistent with the General Plan policies related to the loss of sensitive wildlife and plant habitat.

(2) The project site is not a biologically sensitive site as defined by Figures V-7-1a through V-7-1e of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(3) The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.

(4) The project site is not a biologically sensitive site as defined by Figures V-7-1a through V-7-1e of the MEIR. The movement of fish or birds or other wildlife would not be significantly affected by the project.

(5) There is no conflict with any local policies or ordinances protecting biological resources.

(6) There is no conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan.

8. **DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES**

a. **Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

**Effect:** The modification or demolition of a structure more than 50 years in age may be significant.

**Effect:** Discovery of archaeological resources in areas outside of the riparian corridors, as a result of construction activities.
Effect: Construction in an area of high archaeological sensitivity.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes the measures listed in MEIR Table V-8-1 (b-f) from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the MEIR discloses impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>DISTRUBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project would modify or demolish a structure more than 50 years in age.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>
Discussion:

(1) The project is consistent with the archeological and historical resource policies in the General Plan.

(2 & 3) There are no existing structures on the project site.

(4) The project would not affect a resource that is listed or eligible for listing in the California Register of Historic Resources.

(5) The project does not conflict with local policies affecting biological resources.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.
c. Project-Specific Effects

Section V-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>INCREASED DEMAND FOR STORM DRAINAGE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the storm drain policies in the Urban Area General Plan.

(2) The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

(3) The project will utilize low impact strategies and meet the standards contained in the “Guidance Manual for New Development-Storm Water Quality Control Measures.”
10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>Impact Description</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td></td>
<td>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>---</td>
<td>-------------------------------</td>
<td>-----------------------------------------------</td>
<td>------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>3)</td>
<td>The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>4)</td>
<td>The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>5)</td>
<td>The proposed project does not comply with Modesto’s Guidance Manual for New Development Storm Water Quality Control Measures.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>6)</td>
<td>The proposed project would violate water quality standards or waste discharge requirements.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>7)</td>
<td>The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>8)</td>
<td>The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the flooding and water quality policies in the General Plan.

(2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

(3) The project is not located within a 100-year flood plain and is limited to commercial uses.

(4) The project is not located within a 100-year flood plain.

(5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.

(6) The project will not violate water quality standards or waste discharge requirements.

(7) The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

(8) The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system or provide substantial additional sources of polluted runoff.
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

**Effect:** No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

**Discussion:**

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MEIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>INCREASED DEMAND FOR PARKS AND OPEN SPACE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project would eliminate parks or open space.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2) The project is on a vacant site designated for Commercial/ Mixed Use development. The project would not eliminate an existing park or designated open space.

(3) The project is designated for Commercial/Mixed Use development and would not cause an increase in the use of existing neighborhood and regional parks.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).
The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>INCREDASED DEMAND FOR SCHOOLS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the policies relating to schools in the General Plan.

(2) The project was referred to Modesto City Schools who indicated no opposition to the project.
13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigations/policies:

**Direct Impacts**

*Effect:* No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

*Effect:* No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**Discussion:**

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>INCREASED DEMAND FOR POLICE SERVICES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>
Discussion:

(1) The project is consistent with the policies relating to police services in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project meets City Standards for emergency services access.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
<table>
<thead>
<tr>
<th>INCREASED DEMAND FOR FIRE SERVICES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the fire service policies in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

(3) The project would not significantly impact adjacent fire districts or result in the elimination of fire projection services.
15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

**Effect:** No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

**Discussion:**

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>GENERATION OF SOLID WASTE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County’s disposal capacity.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>
Discussion:

1. The project is consistent with the solid waste policies in the General Plan.

2. This project was referred to the County and Solid Waste Division for review, and no indication was given that there would be a problem serving this project.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>GENERATION OF HAZARDOUS MATERIALS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

**Discussion:**

(1) The project is consistent with the hazardous materials policies in the General Plan.

(2) The project does comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).

(3) The project would not be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

(4) The project site is not known to contain any contaminants.
17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:
GEOLOGY, SOILS, AND MINERAL RESOURCES

<table>
<thead>
<tr>
<th>Description</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project would expose people or structures to potential substantial adverse effects including the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations/policies:

Direct Impacts

Effect: Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.
b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:
No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>ENERGY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:
(1) The project is consistent with the energy policies in the General Plan.
(2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.
19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
<table>
<thead>
<tr>
<th>GENERATION OF HAZARDOUS MATERIALS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

1) The project is consistent with the policies relating the visual resources in the General Plan.
2) The project would not impact views from riverside areas and parks.
3) The project would not impact views of riverside areas from roadways or nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.
Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>LAND USE AND PLANNING</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the I Commercial and Mixed Use land use designation in the General Plan.

(2) The project would not divide an established community. The area to the north, south and west of the site is existing commercial development. The previous use on the site was also a car wash.

(3) The project is consistent with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.
21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>POTENTIALLY SIGNIFICANT IMPACT</th>
<th>LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED</th>
<th>LESS THAN SIGNIFICANT IMPACT</th>
<th>NO IMPACT</th>
</tr>
</thead>
<tbody>
<tr>
<td>CLIMATE CHANGE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project would result in average automobile trip lengths or CO₂ emissions higher than those assumed in the Master EIR.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-----------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>3) The proposed project would conflict with the Sustainable Communities Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The City of Modesto General Plan Master EIR addressed potential climate change impacts due to development and other activities associated with the Urban Area General Plan (UAGP). The Urban Area General Plan Master EIR (MEIR) determined that buildout of the UAGP would make a cumulatively considerable contribution to global climate change. The UAGP nonetheless authorizes development that will contribute to global climate change by virtue of the production of greenhouse gases. The MEIR states the projected rate of growth of vehicle miles traveled (VMT) will increase the City’s contribution to global climate change as the City develops. Development under the UAGP is expected to generate approximately 1,096,226.4 metric tons per year above 2005 emissions. The City Council adopted a Statement of Overriding Considerations in 2008, finding that the benefits of the UAGP outweighed the City’s increased contribution to global climate change.

The MEIR identifies policies CL-3 through CL-26 as policies in effect that have been determined to reduce, avoid or mitigate air quality environmental impacts within the existing City limits and within the Planned Urbanizing Areas as they annex and develop. These policies include but are not limited to, the use of shade trees to reduce the heat island effect, current energy efficient building standards to reduce energy consumption, and the inclusion of facilities for alternative transportation. The proposed project will develop in accordance with climate change policies included in the UAGP and the MEIR.

The General Plan designation for the site is Commercial and Mixed Use. The proposed development is consistent with these designations in terms of land-use and intensity.

(2) Climate change is an inherently cumulative impact because no single project can produce enough greenhouse gases to substantially alter the global climate. No thresholds have been set for individual or cumulative greenhouse gases. Nonetheless, the proposed project would result in greenhouse gas emissions due primarily to automobile travel and energy use for lighting, heating, cooling and other activities. The primary source of CO₂ emissions generated from the project would be related to automobile trips. As identified under the traffic and circulation discussion, traffic engineering staff has determined that the project will be in substantial conformance with the GP MEIR assumptions for traffic generation, the CO₂ emissions generated from the project would also be in substantial conformance with that which was assumed under the GP MEIR analysis.

(3) A Sustainable Communities Strategy has not yet been implemented by the ARB. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.
V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project’s effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

None.

Degradation of Air Quality:

AQ-40: The City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development are to be constructed with materials that minimize particulate emissions in accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of the use.

AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

AQ-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

The following measures should be implemented at construction sites when required to mitigate significant PM10 impacts (note, these measures are to be implemented in addition to Regulation VIII requirements):

AQ-51: Limit traffic speeds on unpaved roads to 15 mph; and

AQ-52: Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

AQ-54: Install wind breaks at windward side(s) of construction areas.

AQ-55: Suspend excavation and grading activity when winds exceed 20 mph. Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation.

AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.

**Generation of Noise:**

N-3: Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers’ recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.
Effects on Agricultural Lands:

None.

Increased Demand for Long-Term Water Supplies:

None.

Increased Demand for Sanitary Sewer Services:

None.

Loss of Sensitive Wildlife and Plant Habitat:

None.

Disturbance of Archaeological/Historic Sites:

MEIR Table V-8-1 (b-f)

b. Prior to excavation and construction, the prime construction contractor and any subcontractors shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, or other cultural materials from the project area.

c. The project sponsor shall identify a qualified archeologist prior to any demolition, excavation, or construction. The City will approve the project sponsor’s selection of a qualified archeologist. The archeologist would have the authority to temporarily halt excavation and construction activities in the immediate vicinity (ten-meter radius) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.

d. Reasonable time shall be allowed for the qualified archeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site.

e. If any find is determined to be significant by the qualified archeologist, representatives from the construction contractor and the City, the qualified archeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) would meet to determine the appropriate course of action.

f. All cultural materials recovered as part of a monitoring program would be subject to scientific analysis, professional curation, and a report prepared according to current professional standards.

Increased Demand for Storm Drainage:

None.
Flooding and Water Quality:
None.

Increased Demand for Parks and Open Space:
None.

Increased Demand for Schools:
None.

Increased Demand for Police Services:
None.

Increased Demand for Fire Services:
None.

Generation of Solid Waste:
None.

Generation of Hazardous Materials:
None.

Geology, Soils, and Mineral Resources:
None.

Energy:
None.

Effects on Visual Resources:
None.

Land Use and Planning:
None.

Climate Change:
None.
APPENDIX A

Bob Degrasse, AIA, LEED AP, Letter to David Wage, Associate Planner dated February 18, 2010
February 18, 2010

David Wage, Associate Planner
City of Modesto, Community & Economic Development, Planning Division
1010 Tenth Street, Suite 3300
Modesto , CA 95353

Regarding: PrimeShine Carwash

Dear David:

Please find our first response to your e-mails regarding the noise levels at the proposed Morris and McHerny site. I have included excerpts from a 2007 noise study done for a different site. While the noise information gathered for the site is applicable the conclusions are not applicable due to different site configurations and building layout. I hope these will be of interest and help to you as you analyze the noise element of our current proposal.

As you pointed out page 182 lays out the basic limits of noise for different types of land uses. We note two of importance to our project. One; Commercial at a limit of Ldn or CNEl (dB) of 70 and; two, for residential at a limit of Ldn or CNEl (dB) of 65. While a study would need to be preformed for actual field conditions I think we can apply some forward thinking to this current site layout. Our former study has provided many charts and results which you can review. Please note that Figure 3 from J.C. Brennan & Associates shows an Ldn of 72 dB with peaks above this which will need to be mitigated. The noise generation items for the project center around two sources; first the vacuums and second the dryers.

First is the location of the vacuums. The report predicts a level of 66 dBA to 70 dBA at 16 feet while we are over 100 feet from the future residential property line. This is also around the existing noise contours shown in Figure V-3-2 on page 174 of the city Master EIR that you have referenced at Ldn of 70 dB at 120 feet from center line of McHenry Ave and Ldn of 65 dB at 250 feet from center line of McHenry Ave. Conclusion is that the vacuums will not be a noise issue to future development to the East of the project.

Second are the measures designed to mitigate the dryer noise. On page 10 of the report by J.C. Brennan & Associates it predicts 74 dBA at 25 feet from the center of the tunnel @ 90 degrees and 81 dBA at 25 feet from the exit. The current design of the project provides for four strategies to mitigate the noise.
First is a distance of 50 feet to the property line; second is 10 feet concrete block wall; third is a roof structure over the drying area of the tunnel and fourth is using only 8 driers in-lieu of the 9 studied in 2007. It is known that distance alone is a mitigation measure and we are not able to give you the noise level reduction at the additional 25 feet and we do know it will drop. Secondly the concrete block wall will act as a noise reduction element and are used frequently along freeways and arterial roads. Appendix C and Appendix D show dB loss according to height of the wall. At the 10 foot wall a loss of 8.7 – 9.9 dB can be expected with higher reductions at the detail building which is designed for 16 feet high. Thirdly the proposed roof over the tunnel will tend to keep the noise at lower heights and will allow for the CMU wall to block the noise. While the noise reduction of the roof was not addressed by our last report it is mentioned as mitigation for noise reduction. Lastly by use of 8 custom designed driers the noise will be dropped by a ratio of 1/8th. Conclusion is that the dryers will be able to be mitigated with distance and CMU walls and will not be a noise issue to future development to the East of the project.

I hope this letter, and attachments, will serve as a starting point to help your efforts in writing your report for the upcoming public meeting.

Sincerely

[Signature]

Robert DeGrasse AIA, LEED AP
President
APPENDIX B

J.C. Brennan & Associates, Inc., Prime Shine Express – Ceres, CA
Environmental Noise Analysis
Community noise is commonly described in terms of the "ambient" noise level, which is defined as the all-encompassing noise level associated with a given noise environment. A common statistical tool to measure the ambient noise level is the average, or equivalent, sound level (Leq). The Leq is the foundation of the day/night average noise descriptor, Ldn, and shows very good correlation with community response to noise.

**Figure 2**
Typical A-Weighted Sound Levels of Common Noise Sources

<table>
<thead>
<tr>
<th>Loudness Ratio Level</th>
<th>A-Weighted Sound Level (dBA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>128</td>
<td>Threshold of pain</td>
</tr>
<tr>
<td>64</td>
<td>Jet aircraft take-off at 100 feet</td>
</tr>
<tr>
<td>32</td>
<td>Riveting machine at operators position</td>
</tr>
<tr>
<td>16</td>
<td>Shot-gun at 200 feet</td>
</tr>
<tr>
<td>8</td>
<td>Bulldozer at 50 feet</td>
</tr>
<tr>
<td>4</td>
<td>Diesel locomotive at 300 feet</td>
</tr>
<tr>
<td>2</td>
<td>Commercial jet aircraft interior during flight</td>
</tr>
<tr>
<td>1</td>
<td>Normal conversation speech at 5-10 feet</td>
</tr>
<tr>
<td>1/2</td>
<td>Open office background level</td>
</tr>
<tr>
<td>1/4</td>
<td>Background level within a residence</td>
</tr>
<tr>
<td>1/8</td>
<td>Soft whisper at 2 feet</td>
</tr>
<tr>
<td>1/16</td>
<td>Interior of recording studio</td>
</tr>
</tbody>
</table>

The Day-night Average Level (Ldn) is based upon the average noise level over a 24-hour day, with a +10 decibel weighing applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because Ldn represents a 24-hour average, it tends to disguise short-term variations in the noise environment.

The noise level criteria which are described in this report include descriptors such as Leq, which is the logarithmic average over a given period of time, and the Ldn, which is the average logarithmic average over a 24-hour period.

*j.c. brennan & associates, Inc.*
*Job Number – 2000-170*
*Environmental Noise Analysis*
*Prime Shila Express - Ceres, California*
*Page 3 of 13*
The Table 3 data indicates that existing ambient noise levels at the project site are currently elevated, with hourly averages ranging from 62-69 dB Leq and maximum noise levels ranging from 73-87 dB Lmax. The elevated background noise levels are due primarily to roadway traffic on S.R. 99 and Mitchell Road. The reason for quantifying the background noise environment is for comparison of the project-related noise levels. Appendix B shows the complete hourly noise level data.

**Evaluation of Car Wash Noise Levels:**

To quantify noise levels associated with Prime Shine Express Car Wash operations, j.c. brennan & associates, inc. conducted short term noise level measurements at the Riverbank Prime Shine Express Car Wash facility, on December 20, 2006. According to information provided by the project proponent, the Riverbank facility is similar to the proposed Ceres facility. It is a drive-thru type car wash with a vacuum area along the east and southwest portions of the site, and a car wash tunnel which is oriented in a north/south direction along the western portion of the project site. Figure 1 shows the site plan. During the site visit to the Riverbank Prime Shine facility, noise levels associated with the car wash operations could not be isolated adjacent to the entrance of the car wash tunnel due to elevated traffic noise. As a result, further noise measurements were conducted at the Modesto-Dale Road Prime Shine facility. The noise level survey results are provided in Table 4.

The primary noise sources associated with car wash operations are the drying cycle within the car wash tunnel and operations of the vacuums. The dryers are Hanna Concorde series overhead Co-Polymer/Stainless steel air blowers, which are located at the south end of the car wash tunnel. The vacuum stations consist of two Pro-Vac Model 4374 vacuums. In addition, there is some noise associated with the pre-wash and wash cycles of the car wash.

Noise level measurements were conducted to determine typical noise levels associated with the dryers, and the directionality of the noise as it attenuates from the car wash tunnel. Additionally, the sound level meter was programmed to collect single event noise level data due to car wash

---

*Table 1*

**Existing Continuous 24 hour Ambient Noise Monitoring Results**

<table>
<thead>
<tr>
<th>Site</th>
<th>Location</th>
<th>Ldn</th>
<th>Ldn (7:00 am - 10:00 pm)</th>
<th>Leq</th>
<th>Lmax</th>
<th>L50</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Southwest of Mitchell Rd and E Service Rd.</td>
<td>72.4</td>
<td>66.1</td>
<td>81.0</td>
<td>65.5</td>
<td>65.8</td>
</tr>
</tbody>
</table>

Source - j.c. brennan & associates, inc. - 2006
operations. Noise measurements were also conducted to determine typical noise levels associated with the Pro-Vac vacuum systems on the project site.

All noise level measurements were conducted with a Larson Davis Laboratories (LDL) Model 824 precision integrating sound level meter which is equipped with 1/3 and 1-octave band filters.

<table>
<thead>
<tr>
<th>Site #</th>
<th>Site Description</th>
<th>Event</th>
<th>Duration</th>
<th>Leq</th>
<th>Lmax</th>
<th>SEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Riverbank Prime Shine</td>
<td>50 feet from Entrance</td>
<td>Rinse/Prep</td>
<td>0:33</td>
<td>65.4</td>
<td>69.3</td>
<td>80.6</td>
</tr>
<tr>
<td>3</td>
<td>50 feet/90° from Exit</td>
<td>2 Full Events</td>
<td>2:04</td>
<td>74.6</td>
<td>77.7</td>
<td>95.5</td>
</tr>
<tr>
<td>4</td>
<td>50 feet/45° from Exit</td>
<td>Blowers Active</td>
<td>0:45</td>
<td>82</td>
<td>84.5</td>
<td>98.6</td>
</tr>
<tr>
<td>5</td>
<td>50 feet from Exit</td>
<td>2 Full Events</td>
<td>3:11</td>
<td>79.6</td>
<td>85.3</td>
<td>102.4</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Site #</th>
<th>Event</th>
<th>Duration</th>
<th>Leq</th>
<th>Lmax</th>
<th>SEL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Modesto – Dale Rd. Prime Shine</td>
<td>50 feet from Entrance</td>
<td>2 Full Events</td>
<td>3:01</td>
<td>71.3</td>
<td>77.9</td>
</tr>
<tr>
<td>2</td>
<td>50 feet/90° from Entrance</td>
<td>Blowers Active</td>
<td>0:52</td>
<td>68.4</td>
<td>70.7</td>
</tr>
<tr>
<td>3</td>
<td>50 feet/90° from Exit</td>
<td>Blowers Active</td>
<td>1:00</td>
<td>74.9</td>
<td>78.3</td>
</tr>
<tr>
<td>4</td>
<td>50 feet/45° from Exit</td>
<td>Blowers Active</td>
<td>0:20</td>
<td>82</td>
<td>83.7</td>
</tr>
<tr>
<td>5</td>
<td>50 feet from Exit</td>
<td>1 Full Event</td>
<td>1:41</td>
<td>82.4</td>
<td>86.7</td>
</tr>
<tr>
<td>6</td>
<td>10 feet from Vacuum</td>
<td>Pro-Vac 4373 Front</td>
<td>1:00</td>
<td>75.1</td>
<td>75.6</td>
</tr>
<tr>
<td>7</td>
<td>10 feet from Vacuum</td>
<td>Pro-Vac 4373 Rear</td>
<td>1:00</td>
<td>79.2</td>
<td>80.4</td>
</tr>
</tbody>
</table>

1 – All measurement locations at 50 feet, unless otherwise noted.
Source: j.c. brennan & associates, Inc. – 2006

Analysis:

Car Wash Operations

The nearest noise-sensitive use to the proposed car wash is the single family residence adjacent to the western project boundary as identified on Figure 1. The residential property line is located approximately 25 feet from the center of the proposed car wash dryers.

Based on the Table 4 data, the typical average noise level associated with car wash operations is approximately 75 dBA Leq at 50 feet and 90 degrees from the tunnel exit. The single event noise level (SEL) of a full car wash cycle, including rinse, prep, wash and air dry, is conservatively estimated to be 95 dBA, at a distance of 25 feet and 90 degrees from the exit of the car wash tunnel. Typical noise levels at the entrance of the car wash tunnel at 90 degrees are expected to be approximately 62 dBA Leq, based upon the Riverbank noise measurement data.

Information provided by the project proponent and observations made by j.c. brennan & associates, Inc. staff indicate approximately 30 car wash operations will take place during a
typical busy hour of operations. Car wash noise levels were determined using the following formulas:

\[
\text{Peak Hour } L_{eq} = SEL + 10 \log (N) - 35.6,
\]

Where 95 is the mean Sound Exposure Level (SEL) for single car wash operation, N is the number of car wash operations occurring during a peak hour (N is assumed to be 30), and 35.6 is 10 times the logarithm of the number of seconds in an hour.

Using the equations and operations data described above, the Prime Shine Express Car Wash would result in noise levels of approximately 74 dBA Leq at a distance of 25 feet from the center of car wash tunnel exit @ 90 degrees. Additionally, maximum noise levels are expected to be 81 dB Lmax at 25 feet and 90 degrees from the center of car wash tunnel exit. The measured noise levels at the entrance of the car wash are approximately 7 dBA Leq less than at the exit, and are predicted to be 67 dBA Leq at the property line.

Predicted car wash noise levels at the residence to the west are expected to range between 64 dB Leq and 67 dB Leq. Due to the project design, the car wash noise levels at the residence will be primarily from the car wash entrance.

Predicted noise levels associated with the car wash will exceed the City of Ceres noise level criteria at both the property line and at the residential building to the west. The predicted project noise levels at the property line nearest the exit of the car wash are expected to exceed the background noise levels by 5 to 7 dB Leq, and will be approximately the same as existing background noise levels at the property line nearest the entrance of the car wash. Predicted noise levels associated with the car wash at the adjacent residence are predicted to be approximately the same as the existing background noise levels.

Vacuum System

The Prime Shine Express Car Wash proposes seven vacuum islands containing two each Pro-Vac Model 4374 self-service vacuums. During the December 20, 2006 visit to the Riverbank facility j.c. brennan & associates, inc. staff conducted noise measurements of vacuum operations. Noise levels were measured ten feet from the front and rear of the unit. Noise levels were 75 dB Leq at the front of the unit and 79 dB Leq at the rear of the unit. Elevated noise levels at the rear of the unit appear to from exhaust vents located at the base of the top cap. Based upon a typical operation of 20 minutes per hour for a single vacuum, the Leq at the property line (16 feet) is predicted to range between 66 dBA and 70 dBA Leq. Predicted vacuum noise levels at the residence range between 42 dBA and 46 dBA Leq. Therefore, the overall noise levels due to vacuum system operations will exceed the City of Ceres noise level criteria at the adjacent property line to the west. However, the predicted noise levels will not exceed the standards at the residential building façade to the west.
## Appendix A

### Acoustical Terminology

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Acoustics</strong></td>
<td>The science of sound.</td>
</tr>
<tr>
<td><strong>Ambient Noise</strong></td>
<td>The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.</td>
</tr>
<tr>
<td><strong>Attenuation</strong></td>
<td>The reduction of an acoustic signal.</td>
</tr>
<tr>
<td><strong>A-Weighting</strong></td>
<td>A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.</td>
</tr>
<tr>
<td><strong>Decibel or dB</strong></td>
<td>Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.</td>
</tr>
<tr>
<td><strong>CNEL</strong></td>
<td>Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.</td>
</tr>
<tr>
<td><strong>Frequency</strong></td>
<td>The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz.</td>
</tr>
<tr>
<td><strong>Ldn</strong></td>
<td>Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.</td>
</tr>
<tr>
<td><strong>Leq</strong></td>
<td>Equivalent or energy-averaged sound level.</td>
</tr>
<tr>
<td><strong>Lmax</strong></td>
<td>The highest root-mean-square (RMS) sound level measured over a given period of time.</td>
</tr>
<tr>
<td><strong>L100(n)</strong></td>
<td>The sound level exceeded a described percentile over a measurement period. For instance, an hourly L100 is the sound level exceeded 50% of the time during the one hour period.</td>
</tr>
<tr>
<td><strong>Loudness</strong></td>
<td>A subjective term for the sensation of the magnitude of sound.</td>
</tr>
<tr>
<td><strong>Noise</strong></td>
<td>Unwanted sound.</td>
</tr>
<tr>
<td><strong>Peak Noise</strong></td>
<td>The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the &quot;Maximum&quot; level, which is the highest RMS level.</td>
</tr>
<tr>
<td><strong>RT40</strong></td>
<td>The time it takes reverberant sound to decay by 60 dB once the source has been removed.</td>
</tr>
<tr>
<td><strong>Sabin</strong></td>
<td>The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 sabin.</td>
</tr>
<tr>
<td><strong>SEL</strong></td>
<td>A rating, in decibels, of a discrete event, such as an aircraft flyover or train passby, that compresses the total sound energy into a one-second event.</td>
</tr>
<tr>
<td><strong>Threshold of Hearing</strong></td>
<td>The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.</td>
</tr>
<tr>
<td><strong>Threshold of Pain</strong></td>
<td>Approximately 120 dB above the threshold of hearing.</td>
</tr>
<tr>
<td><strong>Impulsive</strong></td>
<td>Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.</td>
</tr>
<tr>
<td><strong>Simple Tone</strong></td>
<td>Any sound which can be judged as audible as a single pitch or set of single pitches.</td>
</tr>
</tbody>
</table>
Figure 3
Continuous Measured Hourly Noise Levels
Prime Shine Express
December 19-20, 2006

Ldn = 72 dB
Appendix B
Prime Shine Express
24hr Continuous Monitoring
December 19-20, 2006

<table>
<thead>
<tr>
<th>Hour</th>
<th>Leq</th>
<th>Lmax</th>
<th>L50</th>
<th>L90</th>
</tr>
</thead>
<tbody>
<tr>
<td>12:00</td>
<td>67</td>
<td>78</td>
<td>66</td>
<td>63</td>
</tr>
<tr>
<td>13:00</td>
<td>67</td>
<td>80</td>
<td>66</td>
<td>63</td>
</tr>
<tr>
<td>14:00</td>
<td>67</td>
<td>83</td>
<td>66</td>
<td>63</td>
</tr>
<tr>
<td>15:00</td>
<td>69</td>
<td>86</td>
<td>67</td>
<td>64</td>
</tr>
<tr>
<td>16:00</td>
<td>69</td>
<td>84</td>
<td>67</td>
<td>64</td>
</tr>
<tr>
<td>17:00</td>
<td>67</td>
<td>77</td>
<td>67</td>
<td>64</td>
</tr>
<tr>
<td>18:00</td>
<td>67</td>
<td>82</td>
<td>66</td>
<td>64</td>
</tr>
<tr>
<td>19:00</td>
<td>67</td>
<td>77</td>
<td>66</td>
<td>63</td>
</tr>
<tr>
<td>20:00</td>
<td>66</td>
<td>76</td>
<td>66</td>
<td>64</td>
</tr>
<tr>
<td>21:00</td>
<td>67</td>
<td>75</td>
<td>66</td>
<td>64</td>
</tr>
<tr>
<td>22:00</td>
<td>66</td>
<td>73</td>
<td>65</td>
<td>63</td>
</tr>
<tr>
<td>23:00</td>
<td>65</td>
<td>79</td>
<td>64</td>
<td>61</td>
</tr>
<tr>
<td>0:00</td>
<td>63</td>
<td>73</td>
<td>62</td>
<td>59</td>
</tr>
<tr>
<td>1:00</td>
<td>63</td>
<td>74</td>
<td>62</td>
<td>58</td>
</tr>
<tr>
<td>2:00</td>
<td>63</td>
<td>78</td>
<td>62</td>
<td>57</td>
</tr>
<tr>
<td>3:00</td>
<td>63</td>
<td>81</td>
<td>62</td>
<td>59</td>
</tr>
<tr>
<td>4:00</td>
<td>68</td>
<td>82</td>
<td>66</td>
<td>63</td>
</tr>
<tr>
<td>5:00</td>
<td>69</td>
<td>83</td>
<td>67</td>
<td>65</td>
</tr>
<tr>
<td>6:00</td>
<td>67</td>
<td>83</td>
<td>66</td>
<td>64</td>
</tr>
<tr>
<td>7:00</td>
<td>68</td>
<td>76</td>
<td>67</td>
<td>54</td>
</tr>
<tr>
<td>8:00</td>
<td>67</td>
<td>85</td>
<td>65</td>
<td>60</td>
</tr>
<tr>
<td>9:00</td>
<td>65</td>
<td>86</td>
<td>62</td>
<td>58</td>
</tr>
<tr>
<td>10:00</td>
<td>66</td>
<td>85</td>
<td>62</td>
<td>57</td>
</tr>
<tr>
<td>11:00</td>
<td>67</td>
<td>87</td>
<td>63</td>
<td>59</td>
</tr>
</tbody>
</table>

**Statistical Summary**

<table>
<thead>
<tr>
<th></th>
<th>Daytime (7 a.m. - 10 p.m.)</th>
<th>Nighttime (10 p.m. - 7 a.m.)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>Leq (Average)</td>
<td>68.8</td>
<td>64.7</td>
</tr>
<tr>
<td>Lmax (Maximum)</td>
<td>86.6</td>
<td>74.6</td>
</tr>
<tr>
<td>L50 (Median)</td>
<td>67.5</td>
<td>61.9</td>
</tr>
<tr>
<td>L90 (Background)</td>
<td>84.3</td>
<td>57.5</td>
</tr>
</tbody>
</table>

Computed Ldn, dB    | 72.4 |
% Daytime Energy    | 59%  |
% Nighttime Energy  | 31%  |
Appendix C
Barrier Insertion Loss Calculation

Project Information:
Job Number: 2006-170
Project Name: Prime Shine Express Car Wash
Location(s): 1

Noise Level Data:
Source Description: Car Wash Entrance
Source Noise Level, dBA: 63
Source Frequency (Hz): 1000
Source Height (ft): 8

Site Geometry:
Receiver Description: Nearest Residential Property Line
Source to Barrier Distance (C1): 20
Barrier to Receiver Distance (C2): 25
Pad/Ground Elevation at Receiver: 0
Receiver Elevation: 5
Base of Barrier Elevation: 0
Starting Barrier Height: 6

Barrier Effectiveness:

<table>
<thead>
<tr>
<th>Top of Barrier Elevation (ft)</th>
<th>Barrier Height (ft)</th>
<th>Insertion Loss, dB</th>
<th>Noise Level, dB</th>
<th>Barrier Breaks Line of Site to Source?</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>6</td>
<td>-4.5</td>
<td>58.5</td>
<td>No</td>
</tr>
<tr>
<td>7</td>
<td>7</td>
<td>-5.0</td>
<td>58.0</td>
<td>Yes</td>
</tr>
<tr>
<td>8</td>
<td>8</td>
<td>-6.4</td>
<td>56.6</td>
<td>Yes</td>
</tr>
<tr>
<td>9</td>
<td>9</td>
<td>-8.1</td>
<td>54.9</td>
<td>Yes</td>
</tr>
<tr>
<td>10</td>
<td>10</td>
<td>-9.9</td>
<td>53.1</td>
<td>Yes</td>
</tr>
<tr>
<td>11</td>
<td>11</td>
<td>-11.1</td>
<td>51.9</td>
<td>Yes</td>
</tr>
<tr>
<td>12</td>
<td>12</td>
<td>-12.6</td>
<td>50.4</td>
<td>Yes</td>
</tr>
<tr>
<td>13</td>
<td>13</td>
<td>-13.7</td>
<td>49.3</td>
<td>Yes</td>
</tr>
<tr>
<td>14</td>
<td>14</td>
<td>-14.6</td>
<td>48.4</td>
<td>Yes</td>
</tr>
<tr>
<td>15</td>
<td>15</td>
<td>-15.3</td>
<td>47.7</td>
<td>Yes</td>
</tr>
<tr>
<td>16</td>
<td>16</td>
<td>-15.9</td>
<td>47.1</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Notes: 1. Standard receiver elevation is five feet above grade/pad elevations at the receiver location(s)
Appendix D

Barrier Insertion Loss Calculation

Project Information:
- Job Number: 2006-170
- Project Name: Barrier Insertion Loss
- Location(s): 1

Noise Level Data:
- Source Description: Blower Roof
  - Source Noise Level, dBA: 75
  - Source Frequency (Hz): 1000
  - Source Height (ft): 10

Site Geometry:
- Receiver Description: Nearest Backyard
  - Source to Barrier Distance (C1): 20
  - Barrier to Receiver Distance (C2): 50
  - Pad/Ground Elevation at Receiver: 0
  - Receiver Elevation: 5
  - Base of Barrier Elevation: 0
  - Starting Barrier Height: 15

Barrier Effectiveness:

<table>
<thead>
<tr>
<th>Top of Barrier Elevation (ft)</th>
<th>Barrier Height (ft)</th>
<th>Insertion Loss, dB</th>
<th>Noise Level, dB</th>
<th>Barrier Breaks Line of Site to Source?</th>
</tr>
</thead>
<tbody>
<tr>
<td>15</td>
<td>15</td>
<td>-13.0</td>
<td>62.0</td>
<td>Yes</td>
</tr>
<tr>
<td>18</td>
<td>16</td>
<td>-13.9</td>
<td>61.1</td>
<td>Yes</td>
</tr>
<tr>
<td>17</td>
<td>17</td>
<td>-14.6</td>
<td>60.4</td>
<td>Yes</td>
</tr>
<tr>
<td>18</td>
<td>18</td>
<td>-15.3</td>
<td>59.7</td>
<td>Yes</td>
</tr>
<tr>
<td>19</td>
<td>19</td>
<td>-15.9</td>
<td>59.1</td>
<td>Yes</td>
</tr>
<tr>
<td>20</td>
<td>20</td>
<td>-16.3</td>
<td>58.7</td>
<td>Yes</td>
</tr>
<tr>
<td>21</td>
<td>21</td>
<td>-16.9</td>
<td>58.1</td>
<td>Yes</td>
</tr>
<tr>
<td>22</td>
<td>22</td>
<td>-17.1</td>
<td>57.9</td>
<td>Yes</td>
</tr>
<tr>
<td>23</td>
<td>23</td>
<td>-17.1</td>
<td>57.9</td>
<td>Yes</td>
</tr>
<tr>
<td>24</td>
<td>24</td>
<td>-17.1</td>
<td>57.9</td>
<td>Yes</td>
</tr>
<tr>
<td>25</td>
<td>25</td>
<td>-17.1</td>
<td>57.9</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Notes: 1. Standard receiver elevation is five feet above grade/pad elevations at the receiver location(s).
Appendix E
Barrier Insertion Loss Calculation

Project Information:
Job Number: 2006-170
Project Name: Barrier Insertion Loss
Location(s): 1

Noise Level Data:
Source Description: HVAC
Source Noise Level, dBA: 63
Source Frequency (Hz): 500
Source Height (ft): 8

Site Geometry:
Receiver Description: Nearest Backyard
Source to Barrier Distance (C₁): 560
Barrier to Receiver Distance (C₂): 20
Pad/Ground Elevation at Receiver: 0
Receiver Elevation¹: 5
Base of Barrier Elevation: 0
Starting Barrier Height 6

Barrier Effectiveness:

<table>
<thead>
<tr>
<th>Top of Barrier Elevation (ft)</th>
<th>Barrier Height (ft)</th>
<th>Insertion Loss, dB</th>
<th>Noise Level, dBA</th>
<th>Barrier Breaks Line of Site to Source?</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>6</td>
<td>57.9</td>
<td>-5.1</td>
<td>Yes</td>
</tr>
<tr>
<td>7</td>
<td>7</td>
<td>57.2</td>
<td>-5.8</td>
<td>Yes</td>
</tr>
<tr>
<td>8</td>
<td>8</td>
<td>56.3</td>
<td>-6.7</td>
<td>Yes</td>
</tr>
<tr>
<td>9</td>
<td>9</td>
<td>55.3</td>
<td>-7.7</td>
<td>Yes</td>
</tr>
<tr>
<td>10</td>
<td>10</td>
<td>54.3</td>
<td>-8.7</td>
<td>Yes</td>
</tr>
<tr>
<td>11</td>
<td>11</td>
<td>53.4</td>
<td>-9.6</td>
<td>Yes</td>
</tr>
<tr>
<td>12</td>
<td>12</td>
<td>52.7</td>
<td>-10.3</td>
<td>Yes</td>
</tr>
<tr>
<td>13</td>
<td>13</td>
<td>52.1</td>
<td>-10.9</td>
<td>Yes</td>
</tr>
<tr>
<td>14</td>
<td>14</td>
<td>51.3</td>
<td>-11.7</td>
<td>Yes</td>
</tr>
<tr>
<td>15</td>
<td>15</td>
<td>50.5</td>
<td>-12.5</td>
<td>Yes</td>
</tr>
<tr>
<td>16</td>
<td>16</td>
<td>50.0</td>
<td>-13.0</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Notes: ¹ Standard receiver elevation is five feet above grade/pad elevations at the receiver location(s)

j.c. brennan & associates
consultants in acoustics
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-213

A RESOLUTION VACATING A PORTION OF JEFFERSON STREET SOUTH OF 8TH STREET, A PORTION OF MADISON STREET SOUTH OF MID LATERAL NO. 4, AND AN ALLEY WEST OF JEFFERSON STREET

WHEREAS, the City of Modesto Utility Planning and Projects Department is designing and constructing a new City Fleet and Bus Maintenance Facility, and

WHEREAS, the design of the facility necessitates the vacation of a portion of Jefferson Street, south of 8th Street, a portion of Madison Street South of MID Lateral No. 4 and an alley west of Jefferson Street, and

WHEREAS, the City of Modesto Utility Planning and Projects Department submitted an application to vacate a portion of Jefferson Street, south of 8th Street, a portion of Madison Street South of MID Lateral No. 4 and an alley west of Jefferson Street, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and

WHEREAS, California Streets and Highways Code Section 8320 et seq. prescribes the procedures to vacate public right-of-way, and

WHEREAS, a title report was submitted with the vacation request which discloses that fee title of Jefferson Street, Madison Street and the alley right-of-way is vested in the City of Modesto, the proponent of the vacation, and

WHEREAS, the proposed vacation has been referred to affected City departments and local utility companies, and no objection to the proposed vacation has been received, and

05/25/2010/C&ED/LAkin/Item 17 1 2010-213
WHEREAS, Government Code Section 65402(a) requires that prior to vacating a public right-of-way, the Planning Commission shall make a determination as to whether the vacation is consistent with the General Plan, and

WHEREAS, a hearing was held by the Planning Commission on May 3, 2010, in the Tenth Street Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered regarding whether the proposed vacation conforms to the City’s Urban Area General Plan, and

WHEREAS, by Planning Commission Resolution No. 2010-11, the Planning Commission rendered a report finding that the proposed vacation is in conformance with the Modesto Urban Area General Plan, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, May 25, 2010, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and

WHEREAS, notices no more than 300 feet apart were posted along the line of the proposed right-of-way to be vacated for two successive weeks prior to the hearing, and notice was published in the Modesto Bee for two successive weeks prior to the hearing, per California Streets & Highways Code Sections 8323 and 8322, respectively, and,

WHEREAS, all things and acts necessary to be done as required by California Streets and Highways Code Sections 8300 through 8363: Public Streets, Highways and Service Easements Vacation Law, in order to vacate the subject right-of-way have been done and accomplished,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto finds and determines as follows:
1. The portions of Jefferson Street, Madison Street and alley to be vacated are not necessary to serve present or future traffic needs in the area.

2. The proposed street and alley vacation to facilitate development of a new fleet and bus maintenance facility are in conformity with the General Plan, which calls for cost-effective methods for providing transit services.

3. That Environmental Assessment No. EA C&ED 2010-11 determined that the potential environmental effects of the vacation are adequately addressed within the context of the previously adopted General Plan Master EIR.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation of a portion of Jefferson Street south of 8th Street, a portion of Madison Street south of MID Lateral No. 4 and an alley west of Jefferson Street, subject to the following conditions:

1. Prior to the issuance of a grading permit, improvement plans for any required improvements shall be prepared by a Registered Civil Engineer and approved by the City Engineer or designee. Improvements shall be constructed in accordance with the approved plans.

2. All public improvements shall be designed and constructed according to City of Modesto Standard Specifications or as required for the public health and safety by the City Engineer or designee.

3. Prior to issuance of a grading permit, the developer shall reserve public utility easements as required by the utility companies and the City Engineer or designee.

4. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the respective utility company, Modesto Irrigation District, and/or City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.

The following recommended Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that should be applied to the project:

5. AQ-40: The City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development are to be constructed with materials that minimize particulate emissions in
accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of the use.

6. AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

7. AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

8. AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

9. AQ-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

10. AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

11. AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

12. AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

13. AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

14. AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

15. AQ-51: Limit traffic speeds on unpaved roads to 15 mph.

16. AQ-52: Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

17. AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

18. AQ-54: Install wind breaks at windward side(s) of construction areas.
19. AQ-55: Suspend excavation and grading activity when winds exceed 20 mph. Regardless of wind speed, an owner/operator must comply with Regulation VIII’s 20 percent (20%) opacity limitation.

20. AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.

21. N-3: Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers’ recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

22. The City’s Noise Ordinance (Modesto Municipal Code Section 4-9.101) prohibits the “loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine.”

The Noise Ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and State or Federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

a. A hammer or any other device or implement used to pound or strike an object.

b. An impact wrench or other tool or equipment powered by compressed air.

c. A hand-powered saw.

d. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
e. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.

f. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.

g. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

h. Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers’ recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

23. MEIR Table V-8-1 (b-f)

a. Prior to excavation and construction, the prime construction contractor and any subcontractors shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, or other cultural materials from the project area.

b. The project sponsor shall identify a qualified archeologist prior to any demolition, excavation, or construction. The City will approve the project sponsor’s selection of a qualified archeologist. The archeologist would have the authority to temporarily halt excavation and construction activities in the immediate vicinity (ten-meter radius) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.
c. Reasonable time shall be allowed for the qualified archeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site.

d. If any find is determined to be significant by the qualified archeologist, representatives from the construction contractor and the City, the qualified archeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) would meet to determine the appropriate course of action.

e. All cultural materials recovered as part of a monitoring program would be subject to scientific analysis, professional curation, and a report prepared according to current professional standards.

The following recommended Conditions of Approval are mitigation measures from the NEPA Environmental Assessment that should be applied to the project:

24. Appropriate clean-up equipment (brooms, absorbent materials, storm drain covers, and the like) to respond to a release of bus related contaminants shall be maintained on-site in a locker accessible to all bus drivers. Drivers shall be trained in the proper use of the equipment and procedures to respond quickly to any fuel or other leaks.

25. A spill and pollution prevention plan should be prepared by the contractor prior to the start of earthwork activities and submitted to the City of Modesto for review and approval. The plan should include anticipated equipment needs and maintenance, emergency response procedures for hazardous materials releases, and procedures for contacting designated regulatory agencies in case of a release.

26. Underground Service Alert (USA) should be contacted prior to ground breaking for information on the existing location of underground utilities. Available plans and schematics for the project site should also be consulted for utility locations.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation of a portion of Jefferson Street south of 8th Street, a portion of Madison Street south of MID Lateral No. 4, and an alley west of Jefferson Street.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

(SIGNATURE)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By 

Community & Economic Development Department
Planning Division
Exhibit “A”

Legal Description
LEGAL DESCRIPTION

JEFFERSON STREET ABANDONMENT

Relinquishment of a portion of Jefferson Street, as shown on the Map of the City of Modesto – Blocks Map in Volume 15 of Maps at Pages 440, 434, 435, 436 and 437, Stanislaus County Records, lying in the Southwest quarter section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, being more particularly described as follows:

A strip of land, eighty (80) feet in width, extending from the southeast corner of said Block 434 and southwest corner of Block 435; thence North between Blocks 434, 437 and 440 on the West and Blocks 435, 436 on the East, to the projection of 8th Street between Blocks 436 and 440 of said maps.

Containing approximately 50,804 square feet, more or less.
MID LATERAL NO. 4
(120 FEET WIDE)

MADISON STREET
ABANDONMENT
3,437 SF +/-

ALLEY
ABANDONMENT
6,993 SF +/-

BEECH STREET

ABANDONED
CHESTNUT STREET

ABANDONED
MADISON STREET

RIGHT OF WAY
ABANDONMENT
50,804 SF +/-

ABANDONED ALLEY

80.00'

EXHIBIT A
ALLEY ABANDONMENT /
MADISON STREET ABANDONMENT
CITY OF MODESTO, STANISLAUS COUNTY, STATE OF CALIFORNIA

CITY OF MODESTO, STANISLAUS COUNTY, STATE OF CALIFORNIA
LEGAL DESCRIPTION

BLOCK 437- ALLEY ABANDONMENT

Relinquishment of a portion of Block 437, as shown on the Map of the City of Modesto – Blocks Map in Volume 15 of Maps at Page 437, Stanislaus County Records, lying in the Southwest quarter section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, being more particularly described as follows:

A strip of land, twenty (20) feet in width, extending from the west right of way line of Jefferson Street (on the East side of Block 437) to the east right of way of Madison Street (on the West side of Block 437) as shown on said map.

Containing approximately 6,993 square feet, more or less.
LEGAL DESCRIPTION

MADISON STREET ABANDONMENT

Relinquishment of a portion of Madison Street, as shown on the Map of the City of Modesto -- Blocks Map in Volume 15 of Maps at Page 437, Stanislaus County Records, lying in the Southwest quarter section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, County of Stanislaus, State of California, being more particularly described as follows:

A strip of land, sixty (60) feet in width, beginning at the intersection of east right of way of Madison Street with the north right of way of the Alley through Block 437 of said map. Thence southerly along said east right of way of Madison Street. The North and South sides of the abandonment being parallel with the north right of way of the Alley (60 feet perpendicular to each other) as shown on the map of Block 437 and extending westerly to the M.I.D, Lateral NO. 4, easterly right of way as shown on said map of Block 437.

Containing approximately 3,437 square feet, more or less.
MODesto CITY COUNCil
ResolUTiON NO. 2010-214


WHEREAS, on October 14, 2008, the City Council of the City of Modesto certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, the City of Modesto Utility Planning and Projects Department has proposed vacating a portion of Jefferson Street south of 8th Street, a portion of Madison Street south of MID Lateral No. 4, and an alley west of Jefferson Street, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and

WHEREAS, the City’s Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2010-11 (“Initial Study”) reviewed the proposed vacation of a portion of Jefferson Street south of 8th Street, a portion of Madison Street south of MID Lateral No. 4, and an alley west of Jefferson Street to determine whether the project is within the scope of the project covered by the Master EIR,
and concluded that the proposed project is within the scope of the Master EIR and will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines beginning on May 11, 2010, the City published a notice per Section 15075, of the City’s intent to make a finding that the proposed project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on May 25, 2010, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed vacation of a portion of Jefferson Street south of 8th Street, a portion of Madison Street south of MID Lateral No. 4, and an alley west of Jefferson Street, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 2007072023) as being within the scope of the Master EIR.

2. That the project will have no new significant effects on the environment not identified or examined in the Master EIR, and no new or additional mitigation measures are required.

3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SIGNATURE)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2010-11
Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist  
C&ED No. 2010-11

For the proposed:

Corporation Yard Expansion – Fleet and Bus Maintenance Facility, Abandonment of Jefferson Street, Madison Street and an Alley

Prepared by:  
City of Modesto  
Community & Economic Development Department  
Planning Division

3-24-2010
City of Modesto  
Master EIR Initial Study Environmental Checklist  

I. PURPOSE  

CEQA allows for the limited environmental review of subsequent projects under the City’s Master Environmental Impact Report (“Master EIR” or “MEIR”). This Initial Study Environmental Checklist (“Initial Study”) is used in determining whether Fire Station No. 2 is “within the scope” of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.  

A subsequent project is “within the scope” of the Master EIR when:  

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and  

2. no new or additional mitigation measures or alternatives are required.  

“Additional significant effects” means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]  

The determination must be based on substantial evidence in the record. “Substantial evidence” means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)  

II. PROJECT DESCRIPTION  

A. Title: Corporation Yard Expansion – Fleet and Bus Maintenance Facility  

B. Address or Location: North Side of Elm St., West of Jefferson St.  

C. Applicant: City of Modesto (Dean Phillips) PO Box 642 Modesto, CA 95353  

D. City Contact Person: David Wage  
Project Manager: David Wage  
Department: Community and Economic Development  
Phone Number: (209) 577-5302  
E-mail address: Dwage@modestogov.com  

E. Current General Plan Designation(s): Redevelopment Planned District (RPD)  

F. Current Zoning Classification(s): Commercial-Industrial (C-M), and Light Industrial (M-1)
G. Surrounding Land Uses:
North: Commercial-Industrial (C-M),
South: Light Industrial (M-1)
East: Light Industrial (M-1)
West: Light Industrial (M-1)

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

The Fleet and Bus Maintenance Facility project proposes to relocated and consolidate two existing maintenance facilities onto a single new site within the existing Corporation Yard. The new/relocated Fleet and Bus Maintenance Facility will be located adjacent to 8th Street in an area currently occupied by Jefferson St. With the placement of the consolidated facility in this location, portions of Jefferson Street from Elm Street to 8th Street, a portion of Madison Street south of MID Lateral No. 4, and an alley located west of Jefferson Street will be vacated and abandoned by the City.

While the Fleet and Bus Maintenance facilities will be consolidated into a single structure, each maintenance facility will remain in a separate building sharing common walls. The new Bus Maintenance Facility will accommodate approximately 50 standard buses, featuring a new bus parking area, a new bus maintenance building (23,000 square feet), fuel island, wash house, bus repair staging parking lot and off-street employee and visitor parking (24 spaces). Similarly, the new Fleet Maintenance Facility will serve non-sedan vehicle maintenance requirements in a 17,000 square foot building. City vehicle and equipment parking will be located in two areas- to the south and adjacent to the proposed Fleet Maintenance Facility, and to the west of the proposed bus wash building. Approximately 363 spaces will be provided. 79 new employee parking spaces will also be included for the Corporation Yard, located off of 8th Street, between the proposed fuel building and the existing Modesto Irrigation District Lateral No. 4 Canal. This additional parking will replace slant and parallel parking that currently exists on Jefferson Street.

A new decorative wall or fence with masonry pilasters at 16 feet on center will surround portions of the Corporation Yard. The new wall or fence will be provided around the perimeter of the Corporation Yard along 8th Street, Washington Street and Elm Street.

I. Other Public Agencies Whose Approval is Required:
None.

III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. X Within the Scope - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

A. The proposed project is of a type described in Chapter II of the Master EIR.

B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.
C. An Initial Study was prepared by the City of Modesto that analyzed whether the proposed subsequent project may cause any significant effect on the environment that was not examined in the MEIR and it has been determined that the project was described in the MEIR as being within the scope of the MEIR.

D. Based on the Initial Study, the City of Modesto finds and determines:
   a) The proposed subsequent project will have no additional significant effect as defined in CEQA Section 21158 that was not identified in the MEIR.
   b) No new or additional mitigation measures or alternatives are required.

E. The criteria for currency of the Master EIR were reviewed (section 5 below) and it was determined that the Master EIR is current for all areas of the Initial Study.

2. ***Mitigated Negative Declaration Required*** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

   A. The proposed project is of a type described in Chapter II of the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

   C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

3. ***Focused EIR Required*** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

   A. The proposed project is of a type described in Chapter II of the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the project or otherwise made conditions of approval of the project.

   C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

Project Manager

[Signature]

Title

Date

City of Modesto
General Plan Master EIR

Initial Study EA No. 2010-11
3-24-10
4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any "No" response must be discussed.

(1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the MEIR.

(2) City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only.

(3) Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR).

(4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources.

(5) The development will occur within the boundaries of the City’s planning area as established in this Urban Area General Plan.

(6) Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.

5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any "no" response must be explained.

(1) Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.

(2) This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:

(a) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.

(b) No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.
IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (MEIR) for the General Plan and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is “within the scope” of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City’s obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.
1. **TRAFFIC AND CIRCULATION**

a. **Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto’s significance threshold for automobile traffic, or lower (LOS E or F).

**Effect:** The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG’s Congestion Management Plan for designated roads and highways.

**Effect:** A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

**Cumulative Impacts**

**Effect:** Potential for growth inducement or acceleration of development resulting from highway and local road projects.

**Effect:** Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

**Effect:** Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

b. **Master EIR and/or New Mitigation Measures Applied to the Project**

Traffic and Circulation mitigation measures pertinent to this project are found on MEIR pages V-1-9 through V-1-28. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

**Discussion:**

The project does not require mitigation measures from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. **Project-Specific Effects**

City of Modesto
General Plan Master EIR 6
Initial Study EA No. 2010-11 3-24-10
Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

<table>
<thead>
<tr>
<th>TRAFFIC AND CIRCULATION</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>7) The proposed project would result in an increase in energy consumption associated with the operation on highway project, rail improvements, and aviation facilities (on a per capita basis) in</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>Impact</td>
<td>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>--------</td>
<td>-------------------------------</td>
<td>-----------------------------------------------</td>
<td>-------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>excess of that considered in the Urban Area General Plan.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Discussion:

(1 & 3) The proposed project is consistent with the General Designation and the traffic volumes assumed in the MIER. The project will not result in an increase of 100 additional trips than what was assumed in the MIER or degradation below LOS D and therefore no new mitigation measures are necessary. The project includes a new bus maintenance facility, which will allow for the future expansion of transit services. The additional transit services will reduce peak hour trips and vehicle miles traveled city-wide.

(2) The project will not substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment). The City Engineering and Traffic Department has evaluated the project and has determined that the existing design layout of the project is in accordance to City standards. The approved site plan was designed to accommodate the proposed public facility uses and emergency access.

(4) Police and Fire Staff have reviewed this proposal and have indicated that there is no emergency access problem.

(5) City staff has reviewed the project and determined the project has provided sufficient parking for the maintenance facilities.

(6) The proposed project has been reviewed by Traffic, Planning and Transit staff and would not conflict with any adopted plans for alternative transportation.

(7) The proposed project is would not result in an increase in energy consumption in excess of what was considered in the Urban Area General Plan.

2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO\textsubscript{x}) (see MEIR Table 2-8, page V-2-27).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM\textsubscript{10}) and 2.5 microns or less in diameter (PM\textsubscript{2.5}) (see MEIR Table 2-8, page V-2-27).
Effect: Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO\(_x\), PM\(_{10}\), and PM\(_{2.5}\).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes AQ-40 and AQ-42 through AQ-56 from the MEIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>DEGRADATION OF AIR QUALITY</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO(<em>x), PM(</em>{10}), and PM(_{2.5}) by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
<td>[ ]</td>
</tr>
<tr>
<td>2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO(<em>x), PM(</em>{10}), and PM(_{2.5}).</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>4) The proposed project would expose sensitive</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>
receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.

5) The proposed project would create objectionable odors affecting a substantial number of people.

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) Short-Term Construction-Generated Emissions

Emissions produced during site preparation and construction is short-term because it occurs only during the construction phase. Dust generation is normally the primary concern during demolition and initial site preparation. Because such emissions are not amenable to collection and discharge through a controlled source, they are called fugitive emissions. Fugitive dust emissions typically include emissions from on-site grading and excavation activities and from off-site truck and passenger car travel on unpaved roadways. Fugitive dust emission rates are affected by a variety of factors, including amount and type of exposed soil, amount of soil moisture, wind speed, number of vehicles and pieces of equipment in operation at one time, depth of disturbance or excavation, and the number of vehicle miles traveled. Fugitive dust emissions are measured as PM10. In addition, emissions of reactive organic gases (ROG) and nitrogen oxides (NOx) are generated primarily by the operation of gasoline- and diesel-powered motor vehicles. Construction-generated emissions vary from day to day, depending on the specific activities being conducted, the type of equipment, duration or equipment use, and the number of transport trips for construction workers and material. Actual pollutant concentrations depend on various factors, including the location and type of activities performed, meteorological conditions, distances to nearby receptors, and the effectiveness of the mitigation measures employed.

As shown in Table III-1 below, the short-term construction-generated emissions have been modeled based on the construction (demolition, grading, paving, construction, and architectural coatings) of the new business park buildings and associated parking and site improvements for each phase. The model shows that NOx emissions during construction could reach a maximum of 0.9 tons per year, while ROG emission could each a maximum of .19 ton per year. The SJVAPCD thresholds of 10 tons per year of ROG and NOx would not be violated during project construction. PM10 emissions could reach a maximum for 0.06 ton per year for construction. PM10 emissions would be below the District’s threshold of 15 tons/year and would not pose a significant effect on sensitive receptors or contribute to air quality violations.
Table III-1.
Summary of Modeled Short-Term Construction-Generated Emissions

<table>
<thead>
<tr>
<th>Source</th>
<th>ROG (tons/year)</th>
<th>NOx (tons/year)</th>
<th>PM10 (tons/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Unmitigated</td>
<td>0.19</td>
<td>0.89</td>
<td>0.06</td>
</tr>
<tr>
<td>SJVUAPCD</td>
<td>10</td>
<td>10</td>
<td>15</td>
</tr>
</tbody>
</table>

*Significance Thresholds (from demolition, site grading, and building) modeled using URBEMIS 2007 9.2.4 computer model and represent worst-case yearly conditions.*

Long-Term Increases in Emissions

No stationary source emissions are anticipated from operation of the fleet and bus maintenance buildings. Therefore, long-term increases in regional emission of criteria pollutants would be associated primarily with motor vehicle trips following completion of the additional business park buildings. Criteria pollutants are those pollutants, or their precursors, for which the U.S. Environmental Protection Agency (EPA) has established national ambient air quality standards, which are at least as stringent as the National Ambient Air Quality Standards (NAAQS). Although the proposed project includes various elements designed to reduce mobile source emissions (e.g., located proximal to transit routes), implementation of the proposed project would result in the generation of mobile source emissions, including ROG and NOx, which are both precursors to ozone.

The operational emissions of the project were modeled using URBEMIS 2007, version 9.2.4. Regional area and mobile source emissions were based on proposed land use types and sizes. As shown in Table III-2 below, the long-term operational emissions for ROG, NOx and PM10 would be below the SJVUAPCD’s established significance threshold for the development. Therefore the long-term increases in emissions would be considered a less than significant impact.

Table III-2.
Summary of Modeled Net Increase in Long-Term Operational Emissions

<table>
<thead>
<tr>
<th>Source</th>
<th>ROG (tons/year)</th>
<th>NOx (tons/year)</th>
<th>PM10 (tons/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area Source</td>
<td>0.06</td>
<td>0.15</td>
<td>0.00</td>
</tr>
<tr>
<td>Mobile Source</td>
<td>0.49</td>
<td>0.90</td>
<td>0.38</td>
</tr>
<tr>
<td>Total Unmitigated</td>
<td>0.55</td>
<td>1.05</td>
<td>0.38</td>
</tr>
<tr>
<td>SJVUAPCD Significance Threshold</td>
<td>10</td>
<td>10</td>
<td>15</td>
</tr>
</tbody>
</table>

*Emissions (from demolition, site grading, and building) modeled using URBEMIS 2007 9.4.2 computer model and represent worst-case yearly conditions.*
CO Emissions

Carbon monoxide (CO) concentration is a direct function of vehicle idling times and, thus, traffic flow conditions. Under specific meteorological conditions, CO concentrations near congested roadways and/or intersections may reach unhealthy levels with respect to local sensitive land-uses as residential areas, schools, and hospitals. As a result, the SJVUAPCD recommends analysis of CO emissions at a local rather than regional level.

The Transportation Project-Level Carbon Monoxide Protocol (Garza et al. 1997) states that signalized intersections at level of service (LOS) E or F represent a potential for a CO violation, also known as a hot spot. Thus, modeling of CO concentrations is typically recommended for receptors located near signalized roadway intersections that are projected to operate at LOS E or F. The SJVUAPCD has established preliminary screening criteria to determine with fair certainty that if not violated, project-generated long-term operational local mobile-source emissions of CO would not result in or substantially contribute to emissions concentrations that exceed the 1-hour ambient air quality standard of 20 parts per million (ppm) or the 8-hour standard of 9 ppm, respectively. SJVUAPCD's preliminary screening criteria include the following:

1) A traffic study for the project indicates that the LOS on one or more streets or at one or more intersections in the project vicinity will be reduced to LOS E or F; or
2) A traffic study for the project indicates that implementation would substantially worsen an already existing LOS F on one or more streets or at one or more intersections in the project vicinity.

The project was reviewed by the City's Traffic Engineering Staff who determined the project would not cause any intersection to deteriorate from acceptable LOS (D or better) to unacceptable LOS (E or F). Nor would the project contribute substantial traffic to intersections that are predicted to operate at LOS E or F without the project. The project would facilitate the expansion of existing transit operations and improve traffic congestion throughout the city. Based on the screening criteria above, project-generated long-term operational local mobile-source emission of CO would not result in or substantially contribute to emissions concentrations that exceed the 1-hour ambient air quality standard of 20 ppm or the 8-hour standard of 9 ppm, respectively. As a result, this impact would be less than significant.

(2) This project incorporates the best management practices for PM10 reduction established by the SJVUAPD (see mitigation measures above).

(3) Applicable General Plan Policies will be applied to the project; therefore, project-specific effects will be less than significant for this impact (see mitigation measures above).

(4) The land uses proposed are not in themselves significant contributors to air pollution levels and therefore the primary source of air pollution associated with the development would be traffic related. The expanded bus routes associated with the proposed bus maintenance facility would
result in a slight increase in air emissions. The operation of approximately 33 daily buses currently (25 of which begin routes in downtown Modesto), would increase to approximately 41 daily buses in the future (30 of which will begin routes in the downtown area). The expanded bus operations would result in an additional fives buses each day traveling south from the Bus Fleet Yard down 7th Street, turning left on K Street to the downtown area. There are no sensitive receptors (day care centers, schools, hospitals) within the immediate vicinity of the project site. Since the traffic impacts are within the scope of the MEIR, so are the traffic-related air quality impacts. The PM10 emissions created through construction activities will be mitigated as called for by the MEIR with the mitigation measure listed above.

(5) The proposed project will not produce objectionable odors.

3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations/policies:

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

Effect: Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

Effect: Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

Effect: Expose noise-sensitive land uses to noise from freight and passenger rail operations.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.
Discussion:

There mitigation to be applied to this project includes N-3 from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the MEIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not analyzed in the Master EIR.

Significance Criteria: Determination of the proposed project’s effects are based on the following thresholds. Project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>GENERATION OF NOISE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.</td>
<td>[ ] [ ] [X] [ ]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.</td>
<td>[ ] [ ] [ ] [X]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.</td>
<td>[ ] [ ] [X] [ ]</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR.implementation of the Urban Area General Plan.</td>
<td>[ ] [ ] [ ] [X]</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Discussion:

(1) The project will not exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.

(2) The project is consistent with the noise policies of the General Plan. The noise mitigation measures called for by the General Plan for projects within the baseline-developed area are incorporated into the previously approved conditions of approval.

(3) The only permanent noise levels produced by the project would be associated with traffic. The increased traffic levels are within the scope of what the MEIR assumed for the site. Therefore, this project will not result in a substantial permanent increase in ambient noise levels.
(4) The project will not result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity. There will be some construction related noise, but the noise mitigation measure N-3 called for by the General Plan for projects within the baseline developed area, has been incorporated.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations/policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto’s planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
### EFFECTS ON AGRICULTURAL LANDS

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The proposed project is inconsistent with the Urban Area General Plan’s policies relating to agricultural land.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>2</td>
<td>The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan’s planning area boundary.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>3</td>
<td>The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>4</td>
<td>The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

**Discussion:**

1. The project is consistent with the General Plan land use policies. It is an infill project proposed within the urbanized area of the City. No agricultural land will be converted for the development of the proposed projects.

2. The project is within the Baseline-Developed area of the City and therefore will not result in the development of land outside the 2008 planning area boundaries.

3. The project site is not zoned for agriculture nor is it under Williamson Act contract.

4. The project will not involve changes to the existing environment that could result in the conversion of farmland to non-agricultural uses. The General Plan designates the property as Commercial and Mixed Use. The adjacent property is also designated Commercial and Mixed Use.

### 5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

#### a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts have been disclosed in the Master EIR.
Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users’ withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>
3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the water supply policies in the General Plan.

(2) The project was referred to Land Development Engineering Staff who determined the water proposed development will not exceed estimates or water supplies for needed to serve other entitlements and resources.

(3) The proposed project is consistent with the land uses and water demands assumed in the General Plan. The project would not have a significant effect on ground water recharge or depletion of long-term water supplies.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson’s hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

Cumulative Impacts

Effect: No additional cumulative impacts were identified in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be
incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Increased Demand for Sanitary Sewer Services</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the Modesto Urban Area General Plan both in land use and intensity.

(2) The project is consistent with the Redevelopment Planned District (Industrial-Commercial-Public) designation and will generate sewer flows within what was anticipated for the project site.

(3) The project was referred to Land Development Engineering Staff who determined there is adequate capacity to accommodate the proposed development in addition to existing commitments.
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plan habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City’s contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>Loss of Sensitive Wildlife and Plant Habitat</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<td>[ ]</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>---</td>
</tr>
<tr>
<td>1)</td>
</tr>
<tr>
<td>2)</td>
</tr>
<tr>
<td>3)</td>
</tr>
<tr>
<td>4)</td>
</tr>
<tr>
<td>5)</td>
</tr>
<tr>
<td>6)</td>
</tr>
</tbody>
</table>

**Discussion:**

1. The project is consistent with the General Plan policies related to the loss of sensitive wildlife and plant habitat.

2. The project site is not a biologically sensitive site as defined by Figures V-7-1a through V 7-1e of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

3. The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.

4. The project site is not a biologically sensitive site as defined by Figures V-7-1a through V 7-1e of the MEIR. The movement of fish or birds or other wildlife would not be significantly effected by the project.

5. There is no conflict with any local policies or ordinances protecting biological resources.
(6) There is no conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan.

8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

**Effect:** The modification or demolition of a structure more than 50 years in age may be significant.

**Effect:** Discovery of archaeological resources in areas outside of the riparian corridors, as a result of construction activities.

**Effect:** Construction in an area of high archaeological sensitivity.

**Cumulative Impacts**

**Effect:** No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

**Discussion:**

The appropriate mitigation to be applied to this project includes the measures listed in MEIR Table V-8-1 (b-f) from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the MEIR discloses impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
### DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
<tr>
<td>2</td>
<td>The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
<tr>
<td>3</td>
<td>The proposed project would modify or demolish a structure more than 50 years in age.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
<tr>
<td>4</td>
<td>The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
<tr>
<td>5</td>
<td>Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
</tbody>
</table>

**Discussion:**

1. The project is consistent with the archeological and historical resource policies in the General Plan.

2 & 3) There are no existing structures on the project site.

4. The project would not affect a resource that is listed or eligible for listing in the California Register of Historic Resources.

5. The project does not conflict with local policies affecting biological resources.

### 9. INCREASED DEMAND FOR STORM DRAINAGE

#### a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**
Effect: The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>INCREASED DEMAND FOR STORM DRAINAGE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project does not utilize Low Impact</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>
Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.

Discussion:

(1) The project is consistent with the storm drain policies in the Urban Area General Plan.

(2) The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

(3) The project will utilize low impact strategies and meet the standards contained in the “Guidance Manual for New Development-Storm Water Quality Control Measures.”

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.
Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>5) The proposed project does not comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>6) The proposed project would violate water quality standards or waste discharge requirements.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the flooding and water quality policies in the General Plan.
The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

The project is not located within a 100-year flood plain and is limited to commercial uses.

The project is not located within a 100-year flood plain.

The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.

The project will not violate water quality standards or waste discharge requirements.

The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system or provide substantial additional sources of polluted runoff.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

**Effect:** No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

**Discussion:**

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MEIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.
**Significance Criteria:** Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>INCORPORATED</th>
<th>SIGNIFICANT</th>
</tr>
</thead>
<tbody>
<tr>
<td>LESS THAN</td>
<td>LESS THAN</td>
</tr>
<tr>
<td>IMPACT</td>
<td>WITH</td>
</tr>
<tr>
<td></td>
<td>MITIGATION</td>
</tr>
<tr>
<td></td>
<td>INCORPORATED</td>
</tr>
<tr>
<td></td>
<td>IMPACT</td>
</tr>
<tr>
<td></td>
<td>NO</td>
</tr>
<tr>
<td>IMPACT</td>
<td>IMPACT</td>
</tr>
<tr>
<td></td>
<td>IMPACT</td>
</tr>
<tr>
<td></td>
<td>IMPACT</td>
</tr>
</tbody>
</table>

**INCREASED DEMAND FOR PARKS AND OPEN SPACE**

1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.

2) The proposed project would eliminate parks or open space.

3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

**Discussion:**

1) The project is consistent with the parks and open space policies in the General Plan.

2) The project is on a vacant site designated as Redevelopment Planned District in the General Plan. The site is further designated Industrial-Commercial-Public (ICP). The proposed development is consistent with this designation. The project would not eliminate an existing park or designated open space.

3) The project is bus and fleet maintenance facility would not cause an increase in the use of existing neighborhood and regional parks.

**12. INCREASED DEMAND FOR SCHOOLS**

**a. Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school

City of Modesto
General Plan Master EIR

Initial Study EA No. 2010-11
3-24-10
impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

**Cumulative Impacts**

**Effect:** Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

**Discussion:**

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

**c. Project-Specific Effects**

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>INCREDASED DEMAND FOR SCHOOLS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

**Discussion:**
(1) The project is consistent with the policies relating to schools in the General Plan.

(2) The project will not generate school age children. Therefore, the proposed project will not impact the school system, as this facility will not impact enrollment in public schools.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

**Effect:** No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>INCREASED DEMAND FOR POLICE SERVICES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project would result in the need for new or significantly altered facilities not</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
<td></td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-----------------------------------------------</td>
<td>----------------------------</td>
<td>-----------</td>
<td></td>
</tr>
<tr>
<td>considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the policies relating to police services in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project meets City Standards for emergency services access.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.
Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>INCREASED DEMAND FOR FIRE SERVICES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the fire service policies in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.

(3) The project would not significantly impact adjacent fire districts or result in the elimination of fire protection services.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.
b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>GENERATION OF SOLID WASTE</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County’s disposal capacity.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the solid waste policies in the General Plan.

(2) Construction would require the removal of existing asphalt pavement and some excavated soil. The area of the debris removal is sufficiently small that disposal of these materials would not be significant. The proposed project will not cause the generation of solid waste beyond that which is identified in the MEIR.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:
Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>GENERATION OF HAZARDOUS MATERIALS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ] )</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ] )</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ] )</td>
<td>[X]</td>
</tr>
<tr>
<td>4) The proposed project would be constructed on a</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ] )</td>
<td>[X]</td>
</tr>
<tr>
<td>contaminated site not known to the State of California as of March 2008.</td>
<td>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>

**Discussion:**

(1) The project is consistent with the hazardous materials policies in the General Plan.

(2) The project does comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).

(3) The project would not be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would not create a significant hazard to the public or the environment.

To determine the potential presence of reported hazardous materials on the project site from current or historic land uses, a search of Federal, State, and local agency databases was performed (ERIIS, 1996). In addition, local regulatory agency files were reviewed to determine the status and other available information on the use and storage of hazardous materials at the project site.

The Bus Maintenance Facility portion of the project site (110 Elm Street) stores motor oil, transmission fluid, antifreeze, grease, oxygen and acetylene for use in servicing vehicles. In 1987, a hydraulic fuel leak was discovered in the service shop. As a result about two cubic yards of soil were removed and the area was backfilled.

The Bus Maintenance Facility formerly contained three underground petroleum storage tank (USTs). A 5,000 gallon diesel UST in the southwest corner of the site was closed in place in 1987; no releases are known to have occurred from that tank. Two 12,000 gallon diesel USTs were removed in December 1998. Soil borings in the vicinity of one of the USTs and fuel island in 1993 had previously indicated that up to 2,000 mg/kg of total petroleum hydrocarbons were present in shallow soils by the fuel island, and up to 100 mg/kg to depths of between 20 to 50 feet below the ground surface near the tank. When the tanks were removed, soil samples from the base of the excavation indicated that releases of petroleum hydrocarbons and volatile organic compounds had occurred.

In June 1999, four soil borings were completed and three groundwater monitoring wells were installed at the Bus Maintenance Facility to determine the extent of the releases. None of the soil samples collected from the borings contained petroleum hydrocarbons or organic compounds above laboratory reporting limits; groundwater from the monitoring wells contained up to 133 µg/L of total petroleum hydrocarbons as gasoline and up to 2 µg/L of volatile organic compounds (SCDER, 1999). Stanislaus County Department of Environmental Resources (SCDER) requested that an additional groundwater monitoring event be conducted at the site to demonstrate that contaminants in groundwater are naturally attenuating.

The Corporation Yard portion of the project site (501 Jefferson St) formerly contained five diesel, waste oil, hydraulic fluid, and gasoline USTs used to fuel and service vehicles. Other hazardous materials stored onsite include waste and new motor oil, antifreeze, and solvents, paints, oxygen, acetylene, lacquer, thinner, propane, and Roundup.
Two 1,200 gallon USTs were removed in 1989; soil samples from the excavation did not contain any contaminants above laboratory reporting limits (Country records, 1996). In August 1998, the remaining three 12,000-gallon USTs were removed from the Corporation Yard. Soil samples indicated that releases has occurred from these tanks during their operation; SCDER has requested that a site assessment be performed to determine the extent of the releases.

A Phase II investigation was conducted at this parcel in March 1999. The Phase II consisted of completing four borings near suspected hazardous material sources at the project site and collecting soil samples from each boring at approximately 15 and 30 bgs. Borings were located near the former gasoline and waste oil USTs, adjacent to an oil/water separator, and in an area previously used as a car wash. The soil samples were analyzed for total petroleum hydrocarbons and volatile organic compounds; no compounds were identified above laboratory reporting limits.

Based on the age of the buildings at the project site, asbestos-containing building materials and lead-based paint may potentially be present. Prior to demolition of structures on the project site, an asbestos-containing material (ACM) survey will be conducted by a certified asbestos consultant. If ACMs are found, they will be removed by a licensed removal contractor in accordance with State and local guidelines (including applicable air permits from the SJVUAPCD) prior to demolition of any on-site structures. Demolition of structures with lead-based paint will be carried out in accordance with State and Federal guidelines trained workers.

The proposed project will not result in additional hazardous materials generated beyond those identified in the MIER. The project would not be constructed on a contaminated site.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.
Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>GEOLOGY, SOILS, AND MINERAL RESOURCES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project would expose people or structures to potential substantial adverse effects including the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The project would not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

18. ENERGY

a. Significant Effects Identified in the Master EIR
The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

**Cumulative Impacts**

**Effect:** Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

**b. Master EIR and/or New Mitigation Measures Applied to the Project**

The following energy mitigation measures pertinent to the proposed project are found on pages V-1B-2 through V-1B-8 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

**Discussion:**

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

**c. Project-Specific Effects**

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>ENERGY</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>
Discussion:

(1) The project is consistent with the energy policies in the General Plan.

(2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

Direct Impacts

Effect: New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

City of Modesto
General Plan Master EIR

Initial Study EA No. 2010-11
3-24-10
<table>
<thead>
<tr>
<th>GENERATION OF HAZARDOUS MATERIALS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the policies relating the visual resources in the General Plan.
(2) The project would not impact views from riverside areas and parks.
(3) The project would not impact views of riverside areas from roadways or nearby properties.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.
Discussion:
No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

**c. Project-Specific Effects**

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>LAND USE AND PLANNING</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the Redevelopment Planned District (RPD) in the General Plan. The portion of the RPD designation that includes the project site is further defined in the General Plan as "Industrial-Commercial-Public" (ICP). The site is zoned Commercial-Industrial (C-M), which allows automobile related uses and equipment and materials yards. The proposed bus and fleet maintenance facility is consistent with the General Plan and Zoning designation for the site.

(2) The project would not divide an established community. The proposed project would be expanding the existing maintenance facilities to the northwest, displacing former service and industrial uses and moving further away from a small neighborhood to the south.
(3) The project is consistent with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation measures from the Master EIR are required. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Modesto</td>
<td>General Plan Master EIR</td>
<td>42</td>
<td>3-24-10</td>
</tr>
</tbody>
</table>
The City of Modesto General Plan Master EIR addressed potential climate change impacts due to development and other activities associated with the Urban Area General Plan (UAGP). The UAGP nonetheless authorizes development that will contribute to global climate change by virtue of the production of greenhouse gases. The MEIR states the projected rate of growth of vehicle miles traveled (VMT) will increase the City's contribution to global climate change as the City develops. Development under the UAGP is expected to generate approximately 1,096,226.4 metric tons per year above 2005 emissions. The City Council adopted a Statement of Overriding Considerations in 2008, finding that the benefits of the UAGP outweighed the City's increased contribution to global climate change.

The MEIR identifies policies CL-3 through CL-26 as policies in effect that have been determined to reduce, avoid or mitigate air quality environmental impacts within the existing City limits and within the Planned Urbanizing Areas as they annex and develop. These policies include but are not limited to, the use of shade trees to reduce the heat island effect, current energy efficient building standards to reduce energy consumption, and the inclusion of facilities for alternative transportation. The proposed project will develop in accordance with climate change policies included in the UAGP and the MIER.

The General Plan designation for the site is Commercial and Mixed Use. The proposed development is consistent with these designations in terms of land-use and intensity.

Climate change is an inherently cumulative impact because no single project can produce enough greenhouse gases to substantially alter the global climate. No thresholds have been set for individual or cumulative greenhouse gases. Nonetheless, the proposed project would result in greenhouse gas emissions due primarily to automobile travel and energy use for lighting, heating, cooling and other activities. The primary source of CO₂ emissions generated from the project would be related to automobile trips. As identified under the
traffic and circulation discussion, traffic engineering staff has determined that the project will be in substantial conformance with the GP MEIR assumptions for traffic generation, the CO₂ emissions generated from the project would also be in substantial conformance with that which was assumed under the GP MEIR analysis.

(3) A Sustainable Communities Strategy has not yet been implemented by the ARB. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.

V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

Traffic and Circulation:

None.

Degradation of Air Quality:

AQ-40: The City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development are to be constructed with materials that minimize particulate emissions in accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of the use.
AQ-42: All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

AQ-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

AQ-45: With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

The following measures should be implemented at construction sites when required to mitigate significant PM10 impacts (note, these measures are to be implemented in addition to Regulation VIII requirements):

AQ-51: Limit traffic speeds on unpaved roads to 15 mph; and

AQ-52: Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

AQ-54: Install wind breaks at windward side(s) of construction areas.

AQ-55: Suspend excavation and grading activity when winds exceed 20 mph. Regardless of wind speed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation.

AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.

City of Modesto
General Plan Master EIR 45
Initial Study EA No. 2010-11 3-24-10
Generation of Noise:

N-3: Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers’ recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields. Equipment that is quieter than standard equipment should be utilized. Haul routes that affect the fewest number of people should be selected.

Effects on Agricultural Lands:

None.

Increased Demand for Long-Term Water Supplies:

None.

Increased Demand for Sanitary Sewer Services:

None.

Loss of Sensitive Wildlife and Plant Habitat:

None.

Disturbance of Archaeological/Historic Sites:

MEIR Table V-8-1 (b-f)

b. Prior to excavation and construction, the prime construction contractor and any subcontractors shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, or other cultural materials from the project area.

c. The project sponsor shall identify a qualified archeologist prior to any demolition, excavation, or construction. The City will approve the project sponsor’s selection of a qualified archeologist. The archeologist would have the authority to temporarily halt excavation and construction activities in the immediate vicinity (ten-meter radius) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.

d. Reasonable time shall be allowed for the qualified archeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site.

e. If any find is determined to be significant by the qualified archeologist, representatives from the construction contractor and the City, the qualified archeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) would meet to determine the appropriate course of action.
f. All cultural materials recovered as part of a monitoring program would be subject to scientific analysis, professional curation, and a report prepared according to current professional standards.

**Increased Demand for Storm Drainage:**

None.

**Flooding and Water Quality:**

None.

**Increased Demand for Parks and Open Space:**

None.

**Increased Demand for Schools:**

None.

**Increased Demand for Police Services:**

None.

**Increased Demand for Fire Services:**

None.

**Generation of Solid Waste:**

None.

**Generation of Hazardous Materials:**

None.

**Geology, Soils, and Mineral Resources:**

None.

**Energy:**

None.

**Effects on Visual Resources:**

None.

**Land Use and Planning:**
None.

Climate Change:

None.
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-215

A RESOLUTION APPROVING AN ADMINISTRATIVE RECORDING FEE AS A METHOD OF COST RECOVERY OF THE FEE CHARGED BY THE DEPARTMENT OF MOTOR VEHICLES TO PLACE A LIEN ON THE REGISTRATION OF A VEHICLE WITH DELINQUENT PARKING VIOLATIONS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ADJUST THE ADMINISTRATIVE RECORDING FEE, WHEN NECESSARY, TO INCORPORATE ANY CHANGES IN FEES MANDATED BY THE STATE

WHEREAS, on July 1, 1993, Assembly Bill 408 became State Law. In effect, this Bill decriminalized parking citations and placed the responsibility of setting fines, processing, collection and the adjudication of parking violations on the issuing agency, and

WHEREAS, Section 40211 of the California Vehicle Code established procedures to collect delinquent parking violations and also established a process which allows agencies to submit delinquent parking citations to the Department of Motor Vehicles (DMV) for a $3.00 Administrative Recording Fee per record submitted, and

WHEREAS, the General Fund has absorbed the cost at an expense of approximately $19,000 annually, and the City desires to establish an Administrative Recording Fee to recover the actual fee charged by the DMV, per Section 4763 of the California Vehicle Code, and

WHEREAS, adopting an Administrative Recording Fee would prevent any further expense to the General Fund as the fee will be passed through to the registered owner of the vehicle with a delinquent parking violation, and

WHEREAS, the Vehicle Code sections that pertain to the processing of delinquent parking violations are attached, and
WHEREAS, the Finance Committee reviewed this item on April 26, 2010, and recommended forwarding to full Council for approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Administrative Recording Fee for each delinquent parking citation submitted to the Department of Motor Vehicles to cover the actual cost charged by the Department of Motor Vehicles, and shall become effective upon approval by the Council.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to adjust the Administrative Recording Fee, when necessary, to incorporate any changes in fees mandated by the State.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by Councilmember Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  SUSANA ALCALA WOOD, City Attorney
Fee For Recording Parking Penalties

4763. The department shall assess a fee for the recording of the notice of delinquent parking violation, which is given to the department pursuant to Section 40220, in an amount, as determined by the department, that is sufficient to provide a total amount equal to its actual costs of administering Sections 4760, 4761, 4762, 4764, and 4765.


Processing of Delinquent Parking Violations

40211. (a) If the registered owner, or an agent of the registered owner, or a rentee or lessee who was served with the notice of delinquent parking violation pursuant to Section 40206 or Section 40209, or any other person who presents the notice of parking violation or notice of delinquent parking violation after the notice of delinquent parking violation has been issued for delivery under Section 40206, deposits the parking penalty with a person authorized to receive it, the processing agency shall do both of the following:

1) Deliver a copy of one of the following: the notice of delinquent parking violation issued under Section 40206; a true and correct abstract containing the information set forth in the notice of parking violation if the citation was issued electronically; or an electronically reproduced listing of the citation information presented in a notice of delinquent parking violation to the person and record the name, address, and driver’s license number of the person actually given the copy in the records of the issuing agency.

For the purposes of this paragraph, a copy of the notice of delinquent parking violation may be a photostatic copy.

(2) Determine whether the notice of delinquent parking violation has been filed with the department pursuant to subdivision (b) of Section 40220 or a civil judgment has been entered pursuant to Section 40220.

(b) If the notice of delinquent parking violation has not been filed with the department or judgment entered and payment of the parking penalty, including any applicable assessments, is received, the proceedings under this article shall terminate.

(c) If the notice of delinquent parking violation has been filed with the department, has been returned under subdivision (b) or (c) of Section 4760 or Section 4764, and payment of the parking penalty together with the administrative service fee of the processing agency for costs of service and any applicable assessments is received, the proceedings under this article shall terminate.

(d) If the notice of delinquent parking violation has been filed with the department and has not been returned under Section 4760, 4762, and 4764, and payment of the parking penalty for, and any applicable costs of, service in connection with civil debt collection, is received by the processing agency, the processing agency shall do all of the following:

1) Deliver a certificate of payment to the registered owner, the agent, the lessee, or the rentee or other person making the payment.

(2) Immediately transmit the payment information to the department in the manner prescribed by the department.

(3) Terminate proceedings on the notice of delinquent parking violation.

(4) Transmit for deposit all parking penalties and assessments in accordance with law.

Amended Sec. 13, Ch. 734, Stats. 1995. Effective January 1, 1996.
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-216

RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS BY THE CALIFORNIA MUNICIPAL FINANCE AUTHORITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED $5,200,000 FOR THE PURPOSE OF FINANCING THE ACQUISITION OF CERTAIN RECOVERY ZONE FACILITIES FOR THE BENEFIT OF FOSTER FARMS DAIRY

WHEREAS, pursuant Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the “Act”), certain public agencies (the “Members”) have entered into a Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the “Agreement”) in order to form the California Municipal Finance Authority (the “Authority”), for the purpose of promoting economic, cultural and community development, and in order to exercise any powers common to the Members, including the issuance of bonds, notes or other evidences of indebtedness, and

WHEREAS, the Authority is authorized to issue and sell revenue bonds, including recovery zone facility bonds, for the purpose, among others, of financing or refinancing the acquisition and/or construction of capital projects such as the Project (defined below) within the jurisdiction of its Members, and

WHEREAS, the City of Modesto (the “City”) is a Member of the Authority, and

WHEREAS, Foster Farms Dairy, a California corporation (the “Borrower”), has requested that the Authority issue and sell recovery zone facility bonds in the maximum principal amount of $5,200,000 (the “Bonds”) for the purpose of making a loan to the Borrower, to enable the Borrower to finance the cost of acquiring a new 270 watt photovoltaic solar system located at 529 Kansas Avenue in the City (the “Project”), and

WHEREAS, in order for the interest on the Bonds to be tax-exempt, Section
147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), requires that an “applicable elected representative” of the governmental unit, the geographic jurisdiction of which contains the site of facilities to be financed with the proceeds of the Bonds, hold a public hearing on the issuance of the Bonds and approve the issuance of the Bonds following such hearing, and

WHEREAS, the Authority has determined that the City Council is an “applicable elected representative” for purposes of holding such hearing and approving such issuance, and

WHEREAS, as a condition to issuing bonds to assist in the financing of capital projects, Section 4 of the Agreement requires the approval of the Member within the jurisdiction of which the Project is situated, and

WHEREAS, the Authority has requested that the City Council approve the issuance of the Bonds by the Authority in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Agreement, and

WHEREAS, notice of such public hearing has been duly given as required by the Code, and the City Council has heretofore held such public hearing at which all interested persons were given an opportunity to be heard on all matters relative to the financing of the Project and the Authority’s issuance of the Bonds therefore, and

WHEREAS, it is in the public interest and for the public benefit that the City Council approve the issuance of the Bonds by the Authority for the aforesaid purposes,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL AS FOLLOWS;
Section 1. The City Council hereby finds and determines that the foregoing recitals are true and correct.

Section 2. The City Council hereby approves the issuance of the Bonds by the Authority. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds (a) by the “applicable elected representative” of the governmental unit having jurisdiction over the area in which the Project is or is to be located in accordance with Section 147(f) of the Code and (b) by the City Council in accordance with Section 4 of the Agreement.

Section 3. The issuance of the Bonds shall be subject to the approval of the Authority of all financing documents relating thereto to which the Authority is a party. The City shall have no responsibility or liability whatsoever with respect to the Bonds.

Section 4. The adoption of this resolution shall not obligate the City or any department thereof to (i) provide any financing to acquire or construct the Project or any refinancing of the Project; (ii) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, rehabilitation or operation of the Project; (iii) make any contribution or advance any funds whatsoever to the Authority; or (iv) take any further action with respect to the Authority or its membership therein.

Section 5. The executing officers, the City Clerk and all other proper officers and officials of the City are hereby authorized and directed to execute such other agreements, documents and certificates, and to perform such other acts and deeds, as may be necessary or convenient to effect the purposes of this resolution and the transactions herein authorized.
Section 6. This resolution shall take effect immediately upon its passage.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers:  Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers:  None

ABSENT: Councilmembers:  None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-217

RESOLUTION APPROVING THE DESIGNATION OF THE CITY OF
MODESTO AS A RECOVERY ZONE FOR PURPOSE OF THE AMERICAN
RECOVERY AND REINVESTMENT ACT

WHEREAS, Section 1400U-1 of the Internal Revenue Code of 1986, as amended, (the "Code") authorizes the City of Modesto (the "City") to designate a "recovery zone" for the purpose of issuing Recovery Zone Economic Development Bonds under Section 1400U-2 of the Code, and for the purpose of issuing Recovery Zone Facility Bonds under Section 1400U-3 of the Code, and

WHEREAS, pursuant to Section 1400U-1(b) of the Code, the term "recovery zone" means (i) any area designated by the City as having significant poverty, unemployment, rate of home foreclosures, or general distress, (ii) any area designated by the City as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990, and (iii) any area for which a designation as an empowerment zone or a renewal community is in effect, and

WHEREAS, the U.S. Census has estimated that the City's poverty rate as of calendar year 2008 was 14.4%, compared to a statewide rate of 13.3% and a national rate of 13.2% for the same year (the latest year for which such data is available), and

WHEREAS, the U.S. Department of Labor, Bureau of Labor Statistics, has reported that the City's unemployment rate as of February 2010 was 19.1%, compared to a statewide rate of 12.5% and a national rate of 9.7% for the same month, and

WHEREAS, the City has one of the highest foreclosure rates in the nation and suffers from general economic distress throughout the City,
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto as follows:

Section 1. The City Council hereby finds and determines that significant unemployment, poverty, rate of home foreclosures and general distress exist throughout the City as a consequence of the recent housing market collapse, the impact of the national and regional recession, the fiscal crisis experienced by the State of California and local communities, and other factors.

Section 2. For purposes of Sections 1400U-1, 1400U-2 and 1400U3 of the Code, the City Council hereby designates the entire geographic territory of the City as a recovery zone. The recovery zone shall be identified as the "City of Modesto Recovery Zone."

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Olsen, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \[Signature\]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: \[Signature\]
SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING THE AWARD OF PROPOSAL AND SOFTWARE CONTRACT FOR AN ORACLE ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM SOLUTION AND ORACLE FINANCING TO ORACLE AMERICA, INC., IN THE APPROXIMATE AMOUNT OF $893,110; AUTHORIZING THE AMENDMENT OF THE EXISTING ORACLE LICENSING AGREEMENT IN THE ADDITIONAL APPROXIMATE AMOUNT OF $196,485 PER YEAR; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, in 2003, the City of Modesto began a business analysis and subsequently contracted with Gartner Consulting to review and assess the City’s key business processes and automated systems, and

WHEREAS, this review resulted in the City Council adopting a Business Process Analysis and System Requirements Development “blueprint” plan in 2004, and

WHEREAS, the “blueprint” included a multi-year business transformation initiative and recommended replacement of existing financial and human resource systems with an ERP system, which has the ability to plan, control and account for the City of Modesto’s financial activities and resources with a comprehensive, integrated system, and

WHEREAS, on December 9, 2008, the City Council, by Resolution No. 2008-676, authorized the Purchasing Manager to issue a Request for Proposal (RFP) for an Enterprise Resource Planning (ERP) Solution and implementation services, and

WHEREAS, RFP No. 0809-13 for an ERP System Solution and Implementation Services was issued on December 9, 2008, and proposals were received on February 17, 2009, and

WHEREAS, based on being ranked highest in the overall evaluation criteria and Best and Final Offers (BAFO), the evaluation committee recommended award of
proposal and contract to AST Corporation, Naperville, IL for an Oracle ERP System
Solution and System Implementation, and

WHEREAS, this system will be critical to the City operating in an efficient,
responsive, and productive manner with significantly improved data entry, retrieval and
reporting, and

WHEREAS, Oracle has offered the City lucrative discounts at a historically low
rate of 75% off its software costs and 60% off of database licensing fees, and

WHEREAS, these discounts are being offered on a one-time basis due to the
unprecedented economic downturn and will expire on May 31, 2010, and

WHEREAS, staff recommends that the City take advantage of a low interest rate
financing plan offered by Oracle, and

WHEREAS, this plan will finance the $893,110 of software costs over 5 years at
an interest rate of 2.5% in years 1 through 3, and 3.9% in years 4 and 5, with no
prepayment penalty for earlier payoff, and

WHEREAS, this item was presented to the Finance Committee meeting on April
26, 2010, and

WHEREAS the Finance Committee recommended this item be forwarded to
Council for consideration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the award of proposal and software contract for an Oracle
Enterprise Resource Planning (ERP) System Solution software and Oracle financing in
the approximate amount of $893,110.
BE IT FURTHER RESOLVED that the existing Oracle Licensing Agreement is hereby amended in the additional approximate amount of $196,485 per year,

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: Olsen

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

BY: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-219

A RESOLUTION AUTHORIZING THE AWARD OF PROPOSAL AND CONTRACT FOR ERP SYSTEM IMPLEMENTATION SERVICES TO APPLICATIONS SOFTWARE TECHNOLOGY (AST) CORPORATION, NAPERVILLE, IL, IN THE APPROXIMATE AMOUNT OF $4,646,040; AUTHORIZING AN INTERFUND LOAN; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, in 2003, the City of Modesto began a business analysis and subsequently contracted with Gartner Consulting to review and assess the City’s key business processes and automated systems, and

WHEREAS, this review resulted in the City Council adopting a Business Process Analysis and System Requirements Development “blueprint” plan in 2004, and

WHEREAS, the “blueprint” included a multi-year business transformation initiative and recommended replacement of existing financial and human resource systems with an ERP system, which has the ability to plan, control and account for the City of Modesto’s financial activities and resources with a comprehensive, integrated system, and

WHEREAS, on December 9, 2008, the City Council, by Resolution No. 2008-676, authorized the Purchasing Manager to issue a Request for Proposal (RFP) for Enterprise Resource Planning (ERP) Solution and implementation services, and

WHEREAS, RFP No. 0809-13 was issued on December 9, 2008, and proposals were received on February 17, 2009, and

WHEREAS, based on being ranked highest in the overall evaluation criteria and Best and Final Offers (BAFO), the evaluation committee recommended award of
proposal and contract to AST Corporation, Naperville, IL for an Oracle ERP System Solution and System Implementation, and

WHEREAS, this system will be critical to the City operating in an efficient, responsive, and productive manner with significantly improved data entry, retrieval and reporting, and

WHEREAS, the total cost of this contract is $4,646.040, and

WHEREAS, partial funding for this contract has been identified through an interdepartmental loan from the Employee Benefits Fund to the Information Technology Fund, and

WHEREAS, the Employee Benefits Fund currently earns approximately 1.03% combined yield on a weighted average basis on its investments, and

WHEREAS, the terms of this interdepartmental loan call for a 2.5% interest rate, doubling the Fund’s current return on investment, and

WHEREAS, staff consulted with the City Attorney’s Office, the City’s outside financial advisors and its external auditors and ascertained that this internal financing option is legal and appropriate under generally accepted accounting principles, and

WHEREAS, this item was presented to the Finance Committee meeting on April 26, 2010, and the Finance Committee recommended this item be forwarded to Council for consideration, and

WHEREAS, external borrowing would incur additional issuance costs and would result in interest rates of approximately 5%,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of proposal and contract for ERP System
Implementation Services to Applications Software Technology (AST) Corporation, Naperville, IL, in the approximate amount of $4,646,040.

BE IT FURTHER RESOLVED that an interdepartmental loan from the Employee Benefits Fund to the Information Technology Fund is hereby approved. Such loan shall be in strict accordance with the Memorandum of Understanding attached hereto as Exhibit A.

BE IT FURTHER RESOLVED the City Manager, or his designee, is hereby authorized to execute the contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: Olsen

ABSENT: Councilmembers: None

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
SUSANA ALCALA WOOD, City Attorney
MEMORANDUM OF UNDERSTANDING
REGARDING LOAN FROM EMPLOYEE BENEFIT FUND ("EBF")
TO CITY'S INFORMATION TECHNOLOGY FUND FOR THE PURPOSE
OF ACQUIRING INFORMATION TECHNOLOGY

The parties to this Memorandum are the City officials charged on the one hand
with the proper accounting and maintenance of the City’s Information Technology Fund
and on the other hand, those City officials charged with the proper accounting and
maintenance of the City’s Employee Benefit Fund ("EBF"). This Memorandum is
entered into and agreed upon this _____ day of May, 2010, with respect to the following
recitals which are factually true and correct.

1. WHEREAS, the City’s Chief Information Officer has recommended to the
   City Council that it award a software contract for Oracle enterprise
   resource planning system solution software at a cost of $893,110 plus
   financing cost, and the amendment of an existing Oracle licensing
   agreement in the additional amount of $196,485 per year, and

2. WHEREAS, the City’s Chief Information Officer has recommended to the
   City Council that it award a contract to implement the information
   software to Applications Software Technology, at a cost of $4,646,040,
   and

3. WHEREAS, the City has great need of improved software of the type to
   be replaced by the above referenced software, and

4. WHEREAS, the City’s Information Technology Department has
   negotiated favorable discounts both on the subject software and on its
   installation, and

5. WHEREAS, the City’s Information Technology Fund will allocate the
   software and implementation cost to other City funds in proportion to their
   use of the new system, and

6. WHEREAS, some City funds have sufficient liquidity to provide for one
   payment to the Information Technology Fund for the allocation of
   implementation costs, and

7. WHEREAS, the City lacks sufficient liquidity in its General Fund and
   possibly other funds to provide for one payment of the implementation
   cost, and
8. WHEREAS, the City believes the EBF fund balance is more than adequate to allow a loan in a not to exceed sum of $3,000,000 to the Information Technology Fund with re-payment terms as set forth below in order to provide for the allocated implementation costs due from the General Fund and those other funds lacking liquidity to reimburse the Information Technology Fund, and

9. WHEREAS, the City desires to hold its EBF harmless from the affects of a loan provided by it to the City's Information Technology Fund.

NOW, THEREFORE, the City officials signatory to this Memorandum do affirm and agree as follows:

1. That a portion of the above-described information technology implementation cost be financed in a maximum sum not to exceed $3,000,000 by a one-time loan to the Information Technology Fund from the EBF.

2. It is the intention of the City officials signatory to this Memorandum that the EBF benefit from the loan described in the next preceding paragraph. Accordingly, although the EBF currently earns approximately 1.03% combined yield on a weighted average on its investments, the interest term of this inter-fund loan shall require 2.5% interest on the outstanding balance of the loan during the period that any or all of the money loaned is outstanding.

3. There shall be no prepayment penalty for full payment of the loan in part or in full prior to the currently planned final payment in City Fiscal Year 2017/18. In no event shall any amount loaned pursuant to this Memorandum remain unpaid after the last day of the 2017/18 Fiscal Year.

4. The term of the loan and loan repayments shall be as follows: In Fiscal Years 2011/12 and 2012/13, the Information Technology Fund shall pay simple interest only on the loaned amount. In Fiscal Years 2013/14 through 2017/18 the principal amount of the loan shall be paid from the City's Information Technology Fund to the EBF in five equal installments at the beginning of the fiscal year commencing in Fiscal Year 2013/14. Each such payment shall be increased by a simple interest payment in the amount of 2.5% on the loan balance outstanding immediately prior to the installment payment.

5. The annual allocation of the principal and/or interest on this loan by the Information Technology Fund shall only be made to the General Fund and those other funds that lacked liquidity to pay for the implementation costs when those costs were incurred.
6. In the event that any unforeseen costs, charges or other losses whatsoever are incurred by the EBF as a result of the actions authorized in this Memorandum, all such costs, charges or other losses shall be reimbursed by the City’s Information Technology Fund in full with interest as set forth above in this Memorandum.

7. The City Council or the City Manager may, at any time, choose to make the outstanding balance of the subject loan immediately due and payable in full from the Information Technology Fund to the EBF.

8. In the event the combined average annual yield on the weighted average of the City’s investments should increase above 2% while any of the loan balances is outstanding, the interest paid on the loan that year shall be at the average annual yield plus 1%.
IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, has
authorized the execution of this Memorandum of Understanding by the below signatory
City officials and attestation by its City Clerk under authority of Resolution No. _____,
adopted by the Council of the City of Modesto on ______ day of May, 2010.

CITY OF MODESTO

By: ________________________ By: ________________________
    JIM RIDENOUR, Mayor                 GREG NYHOFF, City Manager

By: ________________________ By: ________________________
    GARY COOK                            GLORIETTE BECK, CPA
    Chief Information Officer             Director of Finance

By: ________________________
    DEE WILLIAMS-RIDLEY
    Director of Human Resources

APPROVED AS TO FORM:
SUSANA ALCALA WOOD, City Attorney

By: ________________________
    ROLAND STEVENS
    Assistant City Attorney

ATTEST:

By: ________________________
    STEPHANIE LOPEZ, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-220

A RESOLUTION AUTHORIZING USE OF APPROXIMATELY $1,650,000 FROM THE INFORMATION TECHNOLOGY FUND FOR ADDITIONAL ERP PROJECT EXPENSES

WHEREAS, in 2003, the City of Modesto began a business analysis and subsequently contracted with Gartner Consulting to review and assess the City’s key business processes and automated systems, and

WHEREAS, this review resulted in the City Council adopting a Business Process Analysis and System Requirements Development “blueprint” plan in 2004, and

WHEREAS, the “blueprint” included a multi-year business transformation initiative and recommended replacement of existing financial and human resource systems with an ERP system, which has the ability to plan, control and account for the City of Modesto’s financial activities and resources with a comprehensive, integrated system, and

WHEREAS, on December 9, 2008, the City Council, by Resolution No. 2008-676, authorizing the Purchasing Manager to issue a Request for Proposal (RFP) for and Enterprise Resource Planning (ERP) Solution and implementation services, and

WHEREAS, RFP No. 0809-13 for an ERP System Solution and Implementation Services was issued on December 9, 2008, and proposals were received on February 17, 2009, and

WHEREAS, based on being ranked highest in the overall evaluation criteria and Best and Final Offers (BAFO), the evaluation committee recommended award of proposal and contract to AST Corporation, Naperville, IL for an Oracle ERP System Solution and System Implementation, and
WHEREAS, this system will be critical to the City operating in an efficient, responsive, and productive manner with significantly improved data entry, retrieval and reporting, and

WHEREAS, additional project costs such as server equipment, data storage requirements, server air conditioning improvements, staff backfill labor, training and training equipment, project space, and third party consultants will cost approximately $1,650,000, and

WHEREAS, these additional costs are necessary in the implementation of the ERP solution, and

WHEREAS, funding for these additional project costs have been identified in the Information Technology Fund,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the use of approximately $1,650,000 from the Information Technology Fund for these additional ERP project expenses.
The foregoing resolution was introduced at meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

**NOES:** Councilmembers: Olsen

**ABSENT:** Councilmembers: None

ATTEST: 

(SIGNATURE)

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-221

A RESOLUTION AMENDING THE FISCAL YEARS 2009-2010 AND 2010-2011 OPERATING AND CAPITAL IMPROVEMENT PROGRAM BUDGETS IN ORDER TO APPROVE THE INTERFUND LOAN FROM THE EMPLOYEE BENEFITS FUND TO THE INFORMATION TECHNOLOGY FUND, APPROVE THE INTERFUND TRANSFER FROM VARIOUS FUNDS TO THE INFORMATION TECHNOLOGY FUND IN ORDER TO PAY FOR THE ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM IMPLEMENTATION SERVICES, ORACLE SOFTWARE FINANCING AND FIRST YEAR ORACLE MAINTENANCE COST, AND ADDITIONAL ERP PROJECT EXPENSES

WHEREAS, the total cost of this implementation services contract is $4,646,040, Oracle software financing is $893,110 plus year one interest payment is $20,931, first year Oracle Maintenance cost is $196,485 and additional ERP project expenses is $1,650,000.

WHEREAS, certain budgetary transactions are necessary in Fiscal Years 2009-2010 and 2010-2011 Operating and Capital Improvement Program budgets as shown in Exhibit A, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Years 2009-2010 and 2010-2011 Operating and Capital Improvement Program budget as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Lopez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: Olsen

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
### Exhibit A

#### Budget Adjustment to Capital Improvement Program Budget

<table>
<thead>
<tr>
<th>Expense Budget Adjustment Increases for CIP Project Account M480</th>
<th>IT Reserves</th>
<th>Oracle Software Financing</th>
<th>AST Imp</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>7130 070 M480 5455 Infrastructure Cost</td>
<td>$893,110</td>
<td>$4,646,040</td>
<td>$693,110</td>
<td></td>
</tr>
<tr>
<td>7130 070 M480 5456 AST Implementation Cost</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7130 070 M480 5452 Staff Charges</td>
<td>$590,000</td>
<td></td>
<td>$590,000</td>
<td></td>
</tr>
<tr>
<td>7130 070 M480 6044 Professional Services</td>
<td>$416,000</td>
<td></td>
<td>$416,000</td>
<td></td>
</tr>
<tr>
<td>7130 070 M480 0235 0300 700 M480</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Expenses for CIP M480</td>
<td>$1,650,000</td>
<td>$693,110</td>
<td>$4,646,040</td>
<td>$7,189,150</td>
</tr>
</tbody>
</table>

#### Expense Budget Adjustments for Loans, Transfers and Reserves to Fund CIP M480

<table>
<thead>
<tr>
<th>Loan from Employee Benefits to IT</th>
<th>$1,650,000</th>
<th>$2,402,114</th>
<th>$2,402,114</th>
<th>$1,650,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfer from General Fund</td>
<td>$615,759</td>
<td>$0</td>
<td>$461,759</td>
<td>$461,759</td>
</tr>
<tr>
<td>Capital Improvement Program</td>
<td>$21,764</td>
<td>$112,217</td>
<td>$134,981</td>
<td>$134,981</td>
</tr>
<tr>
<td>Solis Waste Spec Rev Fund</td>
<td>$5,071</td>
<td>$28,379</td>
<td>$31,450</td>
<td>$31,450</td>
</tr>
<tr>
<td>Education and Government Committ</td>
<td>$355</td>
<td>$1,848</td>
<td>$2,204</td>
<td>$2,204</td>
</tr>
<tr>
<td>Developers Fund</td>
<td>$200</td>
<td>$1,042</td>
<td>$1,242</td>
<td>$1,242</td>
</tr>
<tr>
<td>Carpenter Landfill</td>
<td>$480</td>
<td>$2,496</td>
<td>$2,976</td>
<td>$2,976</td>
</tr>
<tr>
<td>Green Waste Diversion Fund</td>
<td>$2,687</td>
<td>$13,978</td>
<td>$16,665</td>
<td>$16,665</td>
</tr>
<tr>
<td>LT Street and Roads Fund</td>
<td>$755</td>
<td>$3,925</td>
<td>$4,680</td>
<td>$4,680</td>
</tr>
<tr>
<td>Non-Motorized Fund</td>
<td>$106</td>
<td>$553</td>
<td>$659</td>
<td>$659</td>
</tr>
<tr>
<td>Surface Transportation Fund</td>
<td>$38,210</td>
<td>$108,774</td>
<td>$246,984</td>
<td>$246,984</td>
</tr>
<tr>
<td>Economic Development/Strategic</td>
<td>$1,110</td>
<td>$5,773</td>
<td>$6,883</td>
<td>$6,883</td>
</tr>
<tr>
<td>Downtown Improvement District</td>
<td>$196</td>
<td>$1,021</td>
<td>$1,210</td>
<td>$1,210</td>
</tr>
<tr>
<td>Police Dept CAP FAC Fund</td>
<td>$105</td>
<td>$544</td>
<td>$648</td>
<td>$648</td>
</tr>
<tr>
<td>Fire Dept CAP FAC Fund</td>
<td>$30</td>
<td>$189</td>
<td>$226</td>
<td>$226</td>
</tr>
<tr>
<td>Parks - CAP FAC Fund</td>
<td>$2,291</td>
<td>$11,918</td>
<td>$14,209</td>
<td>$14,209</td>
</tr>
<tr>
<td>General Government - CAP FAC Fund</td>
<td>$179</td>
<td>$933</td>
<td>$1,112</td>
<td>$1,112</td>
</tr>
<tr>
<td>Capital Facilities Administration Fund</td>
<td>$457</td>
<td>$2,376</td>
<td>$2,843</td>
<td>$2,843</td>
</tr>
<tr>
<td>Streets CAP FAC Fund</td>
<td>$11,544</td>
<td>$60,054</td>
<td>$71,598</td>
<td>$71,598</td>
</tr>
<tr>
<td>Public Transportation CAP FAC Fund</td>
<td>$25</td>
<td>$133</td>
<td>$158</td>
<td>$158</td>
</tr>
<tr>
<td>Air Quality CAP FAC Fund</td>
<td>$316</td>
<td>$1,655</td>
<td>$1,973</td>
<td>$1,973</td>
</tr>
<tr>
<td>Infrastructure Fin Program Admin</td>
<td>$16,794</td>
<td>$67,363</td>
<td>$84,157</td>
<td>$84,157</td>
</tr>
<tr>
<td>Parking Fund</td>
<td>$8,778</td>
<td>$45,665</td>
<td>$54,444</td>
<td>$54,444</td>
</tr>
<tr>
<td>Water Fund</td>
<td>$106,000</td>
<td>$555,064</td>
<td>$661,064</td>
<td>$661,064</td>
</tr>
<tr>
<td>Wastewater Fund</td>
<td>$110,223</td>
<td>$573,390</td>
<td>$683,613</td>
<td>$683,613</td>
</tr>
<tr>
<td>Storm Drainage Fund</td>
<td>$17,833</td>
<td>$52,767</td>
<td>$110,600</td>
<td>$110,600</td>
</tr>
<tr>
<td>Compost Operations Fund</td>
<td>$6,675</td>
<td>$34,724</td>
<td>$41,399</td>
<td>$41,399</td>
</tr>
<tr>
<td>Airport Operating Fund</td>
<td>$10,026</td>
<td>$52,155</td>
<td>$62,180</td>
<td>$62,180</td>
</tr>
<tr>
<td>Bus Fixed Route MAX Capital</td>
<td>$17,173</td>
<td>$89,336</td>
<td>$106,509</td>
<td>$106,509</td>
</tr>
<tr>
<td>Bus Service Fund - DAR</td>
<td>$1,015</td>
<td>$6,849</td>
<td>$7,864</td>
<td>$7,864</td>
</tr>
<tr>
<td>Transportation Center</td>
<td>$1,733</td>
<td>$9,014</td>
<td>$10,747</td>
<td>$10,747</td>
</tr>
<tr>
<td>Bus Fixed Route MAX Operations</td>
<td>$15,617</td>
<td>$81,241</td>
<td>$96,858</td>
<td>$96,858</td>
</tr>
<tr>
<td>Bus Fixed Route - All Transport</td>
<td>$8,225</td>
<td>$4,294</td>
<td>$5,119</td>
<td>$5,119</td>
</tr>
<tr>
<td>Golf Fund</td>
<td>$2,986</td>
<td>$16,534</td>
<td>$19,520</td>
<td>$19,520</td>
</tr>
<tr>
<td>Community Center Operations</td>
<td>$7,098</td>
<td>$36,923</td>
<td>$44,021</td>
<td>$44,021</td>
</tr>
<tr>
<td>Centre Plaza F&amp;E</td>
<td>$1,446</td>
<td>$7,522</td>
<td>$8,968</td>
<td>$8,968</td>
</tr>
<tr>
<td>JPA - Industrial Fire</td>
<td>$333</td>
<td>$484</td>
<td>$517</td>
<td>$517</td>
</tr>
<tr>
<td>Stanislaus Drug Enforcement Agency</td>
<td>$10,943</td>
<td>$56,927</td>
<td>$67,871</td>
<td>$67,871</td>
</tr>
<tr>
<td>Tuolumne River Regional Park</td>
<td>$3,278</td>
<td>$17,053</td>
<td>$20,331</td>
<td>$20,331</td>
</tr>
<tr>
<td>TRRP Special Revenue Fund - CIP</td>
<td>$106</td>
<td>$552</td>
<td>$658</td>
<td>$658</td>
</tr>
<tr>
<td>RDA CIP Debt Service</td>
<td>$2,060</td>
<td>$10,714</td>
<td>$12,774</td>
<td>$12,774</td>
</tr>
<tr>
<td>RDA Administration</td>
<td>$545</td>
<td>$2,834</td>
<td>$3,379</td>
<td>$3,379</td>
</tr>
<tr>
<td>RDA Low and Med Income Housing</td>
<td>$1,707</td>
<td>$8,881</td>
<td>$10,588</td>
<td>$10,588</td>
</tr>
<tr>
<td>RDA Project Fund</td>
<td>$1,507</td>
<td>$7,839</td>
<td>$9,346</td>
<td>$9,346</td>
</tr>
</tbody>
</table>

#### Total Loans and Transfers into M480

| $1,650,000 | $893,110 | $4,646,040 | $7,189,150 |

#### Budget Adjustment to Fiscal Year 2009/10 Operating Budget

<table>
<thead>
<tr>
<th>Expense Budget Adjustment Increases for Operating Org</th>
<th>$106,485</th>
<th>$196,485</th>
</tr>
</thead>
<tbody>
<tr>
<td>R&amp;M Maintenance (Oracle Maintenance)</td>
<td>$106,485</td>
<td>$196,485</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expense Budget Adjustments for Reserves to Operating Org</th>
<th>$106,485</th>
<th>$196,485</th>
</tr>
</thead>
<tbody>
<tr>
<td>IT Fund Reserves</td>
<td>$106,485</td>
<td>$196,485</td>
</tr>
</tbody>
</table>

#### Grand Total

| $1,846,485 | $893,110 | $4,646,040 | $7,385,635 |
### Budget Adjustment to Fiscal Year 2010/11 Operating Budget

**Expense Budget Adjustment Increases for Operating Org**

<table>
<thead>
<tr>
<th>Code</th>
<th>Expense Budget Adjustment</th>
<th>Amount</th>
<th>( \Delta )</th>
</tr>
</thead>
<tbody>
<tr>
<td>7130</td>
<td>701 700 M480 7713 Loan from Employee Benefits to IT</td>
<td>$10,822</td>
<td>$10,822</td>
</tr>
<tr>
<td>0300</td>
<td>700 700 M480 7713 Capital Improvement Program</td>
<td>$510</td>
<td>$510</td>
</tr>
<tr>
<td>0310</td>
<td>700 700 M480 7713 Solid Waste Spec Rev Fund</td>
<td>$119</td>
<td>$119</td>
</tr>
<tr>
<td>0320</td>
<td>700 700 M480 7713 Education and Government Commun</td>
<td>$8</td>
<td>$8</td>
</tr>
<tr>
<td>0330</td>
<td>700 700 M480 7713 Developers Fund</td>
<td>$5</td>
<td>$5</td>
</tr>
<tr>
<td>0360</td>
<td>700 700 M480 7713 Carpenter Landfill</td>
<td>$11</td>
<td>$11</td>
</tr>
<tr>
<td>0370</td>
<td>700 700 M480 7713 Green Waste Diversion Fund</td>
<td>$63</td>
<td>$63</td>
</tr>
<tr>
<td>0510</td>
<td>700 700 M480 7713 LTF Street and Roads Fund</td>
<td>$18</td>
<td>$18</td>
</tr>
<tr>
<td>0520</td>
<td>700 700 M480 7713 LTF Non-Motorized Fund</td>
<td>$2</td>
<td>$2</td>
</tr>
<tr>
<td>0700</td>
<td>700 700 M480 7713 Surface Transportation Fund</td>
<td>$896</td>
<td>$896</td>
</tr>
<tr>
<td>0800</td>
<td>700 700 M480 7713 Economic Development/Strategic</td>
<td>$26</td>
<td>$26</td>
</tr>
<tr>
<td>0900</td>
<td>700 700 M480 7713 Downtown Improvement Dist</td>
<td>$5</td>
<td>$5</td>
</tr>
<tr>
<td>1310</td>
<td>700 700 M480 7713 Police Dept CAP FAC Fund</td>
<td>$2</td>
<td>$2</td>
</tr>
<tr>
<td>1320</td>
<td>700 700 M480 7713 Fire Dept CAP FAC Fund</td>
<td>$1</td>
<td>$1</td>
</tr>
<tr>
<td>1350</td>
<td>700 700 M480 7713 Parks - CAP FAC Fund</td>
<td>$54</td>
<td>$54</td>
</tr>
<tr>
<td>1380</td>
<td>700 700 M480 7713 General Government - CAP FAC Fund</td>
<td>$4</td>
<td>$4</td>
</tr>
<tr>
<td>1390</td>
<td>700 700 M480 7713 Capital Facilities Administration Fund</td>
<td>$11</td>
<td>$11</td>
</tr>
<tr>
<td>1410</td>
<td>700 700 M480 7713 Streets CAP FAC Fund</td>
<td>$271</td>
<td>$271</td>
</tr>
<tr>
<td>1420</td>
<td>700 700 M480 7713 Public Transportation CAP FAC Fund</td>
<td>$1</td>
<td>$1</td>
</tr>
<tr>
<td>1430</td>
<td>700 700 M480 7713 Air Quality CAP FAC Fund</td>
<td>$7</td>
<td>$7</td>
</tr>
<tr>
<td>2900</td>
<td>700 700 M480 7713 Infrastructure Fin Program Admin</td>
<td>$394</td>
<td>$394</td>
</tr>
<tr>
<td>6100</td>
<td>700 700 M480 7713 Parking Fund</td>
<td>$206</td>
<td>$206</td>
</tr>
<tr>
<td>6210</td>
<td>700 700 M480 7713 Water Fund</td>
<td>$2,501</td>
<td>$2,501</td>
</tr>
<tr>
<td>6290</td>
<td>700 700 M480 7713 Storm Drainage Fund</td>
<td>$418</td>
<td>$418</td>
</tr>
<tr>
<td>6310</td>
<td>700 700 M480 7713 Airport Operating Fund</td>
<td>$235</td>
<td>$235</td>
</tr>
<tr>
<td>6510</td>
<td>700 700 M480 7713 Bus Fixed Route MAX Capital</td>
<td>$402</td>
<td>$402</td>
</tr>
<tr>
<td>6520</td>
<td>700 700 M480 7713 Bus Service Fund - DAR</td>
<td>$31</td>
<td>$31</td>
</tr>
<tr>
<td>6530</td>
<td>700 700 M480 7713 Transportation Center</td>
<td>$1</td>
<td>$1</td>
</tr>
<tr>
<td>6540</td>
<td>700 700 M480 7713 Bus Fixed Route MAX Operations</td>
<td>$366</td>
<td>$366</td>
</tr>
<tr>
<td>6550</td>
<td>700 700 M480 7713 Bus Fixed Route - All Transport</td>
<td>$19</td>
<td>$19</td>
</tr>
<tr>
<td>6610</td>
<td>700 700 M480 7713 Golf Fund</td>
<td>$20</td>
<td>$20</td>
</tr>
<tr>
<td>6700</td>
<td>700 700 M480 7713 Community Center Operations</td>
<td>$166</td>
<td>$166</td>
</tr>
<tr>
<td>6710</td>
<td>700 700 M480 7713 Centre Plaza FF&amp;E</td>
<td>$34</td>
<td>$34</td>
</tr>
<tr>
<td>6810</td>
<td>700 700 M480 7713 JPA - Industrial Fire</td>
<td>$2</td>
<td>$2</td>
</tr>
<tr>
<td>8000</td>
<td>700 700 M480 7713 Stanislaus Drug Enforcement Agency</td>
<td>$256</td>
<td>$256</td>
</tr>
<tr>
<td>8900</td>
<td>700 700 M480 7713 Tuolumne River Regional Park</td>
<td>$77</td>
<td>$77</td>
</tr>
<tr>
<td>8910</td>
<td>700 700 M480 7713 TRRP Special Revenue Fund - CIP</td>
<td>$2</td>
<td>$2</td>
</tr>
<tr>
<td>9020</td>
<td>700 700 M480 7713 RDA COP Debt Service</td>
<td>$48</td>
<td>$48</td>
</tr>
<tr>
<td>9050</td>
<td>700 700 M480 7713 RDA Administration</td>
<td>$13</td>
<td>$13</td>
</tr>
<tr>
<td>9060</td>
<td>700 700 M480 7713 RDA Low and Mod Income Housing</td>
<td>$40</td>
<td>$40</td>
</tr>
<tr>
<td>9080</td>
<td>700 700 M480 7713 RDA Project Fund</td>
<td>$35</td>
<td>$35</td>
</tr>
</tbody>
</table>

**Total Transfers into Operating Org**

<table>
<thead>
<tr>
<th>Amount</th>
<th>( \Delta )</th>
</tr>
</thead>
<tbody>
<tr>
<td>$20,931</td>
<td>$20,931</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-222

A RESOLUTION RESCINDING ALL PREVIOUS SEWER FEES RESOLUTIONS AND ESTABLISHING FEES FOR THE PROVISION OF SEWER SERVICE FOR FISCAL YEARS 2011 THROUGH 2015

WHEREAS, Section 11-6.09 of the Modesto Municipal Code authorizes the Council to establish sewer service charges from time to time by resolution, and

WHEREAS, the Council has previously established sewer service charges, and

WHEREAS, Proposition 218 was passed in November of 1996 and became effective with respect to sewer rates on July 1, 1997, and

WHEREAS, on July 24, 2007, the Council held a public hearing pursuant to Proposition 218 with respect to adjustment of sewer rates, and

WHEREAS, notices of a sewer rate adjustment and public hearing were mailed on June 8, 2007 to sewer customers, and

WHEREAS, insufficient protests were made to defeat imposition of the sewer rate adjustments resulting in increases in some cases, and

WHEREAS, City Council adopted Resolution 2007-463 which established maximum wastewater rates beginning August 1, 2007, and updated each July 1st through the year 2011, and

WHEREAS, the Final Master Environmental Impact Report for the WWMP was completed (State Clearing House No. 2006052076) and adopted by the City Council on March 13, 2007 by Resolution No. 2007-178, and

WHEREAS, in January 2009, in order to minimize wastewater rate increases as a result of lack of growth and local economic conditions, City staff delayed or phased the
Capital Improvement Program and reduced operating costs to the maximum extent possible, while still maintaining the requirements of the City’s water quality and NPDES permit standards, and

WHEREAS, due to worsening local economic conditions, Staff recommended no rate increases for FY 2010, based on the assumption that the wastewater rate would be implemented on July 1, 2010, at the maximum rate allowed under Resolution 2007-463, and

WHEREAS, Staff has reviewed the Capital Improvement Program (CIP) and operations budgets of the Wastewater Enterprise Fund for both the current and upcoming fiscal years with the goal of minimizing any rate increase proposals for FY 2011 and beyond, and

WHEREAS, in order to maintain an adequate debt coverage ratio and operating reserves a series of rate increases will be required, and

WHEREAS, these series of rate increases do not exceed the maximum wastewater rates allowed by City Council Resolution 2007-463, and

WHEREAS, on March 22, 2010, the Finance Committee recommended that City Council adopt a series of wastewater rate increases,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. DEFINITIONS. Unless the context requires a different meaning, for the purposes of this resolution the definitions set forth in Section 5-6.103 of Chapter 6 of Title 5 of the Modesto Municipal Code entitled "DEFINITIONS" shall apply.

1. Director: The City officer or designee in charge of utilities.
2. Monthly account charge: A monthly fee charged to every sewer account to pay the actual fixed sewer system costs not allocable to sewer flow and strength components.

3. Person. Any individual, partnership, corporation or other legal entity whatsoever applying for or receiving City sewer service.

SECTION 2. SEWER SERVICE CHARGES FOR RESIDENTIAL SERVICE.

Each person receiving residential sewer service shall pay a sewer service charge to the City in accordance with the following rates:

(a) The maximum monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks shall be as follows:

<table>
<thead>
<tr>
<th>Maximum Residential Rates</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1-Jul-10</td>
<td>1-Jul-11</td>
<td>1-Jul-12</td>
<td>1-Jul-13</td>
<td>1-Jul-14</td>
</tr>
<tr>
<td>Monthly Account Charge ($/Account)</td>
<td>$3.43</td>
<td>$3.70</td>
<td>$4.04</td>
<td>$4.44</td>
<td>$4.75</td>
</tr>
<tr>
<td><strong>plus Dwelling Unit Charge ($/Dwelling Unit)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Residential, Mobile Home on a lot</td>
<td>$21.40</td>
<td>$23.12</td>
<td>$25.20</td>
<td>$27.72</td>
<td>$29.66</td>
</tr>
<tr>
<td>Multiple Family (2-4 Dwelling Units), one additional Dwelling Unit or Mobile Home on a lot</td>
<td>$18.38</td>
<td>$19.85</td>
<td>$21.63</td>
<td>$23.79</td>
<td>$25.46</td>
</tr>
<tr>
<td>Apartments (5 or more Dwelling Units), Mobile Home Space in a Mobile Home Park</td>
<td>$13.95</td>
<td>$15.06</td>
<td>$16.42</td>
<td>$18.06</td>
<td>$19.32</td>
</tr>
</tbody>
</table>

SECTION 3. SEWER SERVICE CHARGES FOR COMMERCIAL SERVICE.

Each person receiving commercial sewer service shall pay a maximum sewer service charge to the City in accordance with the following rates:

(a) Commercial users shall be grouped according to Biochemical Oxygen Demand (hereinafter referred to as BOD) and Total Suspended Solids (hereinafter referred to as TSS) strength characteristics and shall pay sewer service charges based on the quantity of water used, and the waste strength characteristics measured in milligrams per liter (hereinafter referred to as mg/l). The Director shall determine the waste strength characteristics of commercial users and assign them to one of the following commercial users groups:
### Maximum Commercial Rates

<table>
<thead>
<tr>
<th></th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1-Jul-10</td>
<td>1-Jul-11</td>
<td>1-Jul-12</td>
<td>1-Jul-13</td>
<td>1-Jul-14</td>
</tr>
<tr>
<td>Monthly Account Charge ($/Account)</td>
<td>$3.43</td>
<td>$3.70</td>
<td>$4.04</td>
<td>$4.44</td>
<td>$4.75</td>
</tr>
<tr>
<td><strong>plus Quantity Charge ($/100 cubic feet)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group 1-BOD + TSS is 400 mg/l or less</td>
<td>$1.81</td>
<td>$1.96</td>
<td>$2.14</td>
<td>$2.35</td>
<td>$2.51</td>
</tr>
<tr>
<td>Group 2-BOD + TSS is 401 mg/l to 900 mg/l</td>
<td>$2.24</td>
<td>$2.41</td>
<td>$2.63</td>
<td>$2.89</td>
<td>$3.09</td>
</tr>
<tr>
<td>Group 3-BOD + TSS is 901 mg/l to 1,400 mg/l</td>
<td>$2.66</td>
<td>$2.87</td>
<td>$3.13</td>
<td>$3.44</td>
<td>$3.68</td>
</tr>
<tr>
<td>Group 4-BOD + TSS is 1,401 mg/l or more</td>
<td>$3.16</td>
<td>$3.41</td>
<td>$3.72</td>
<td>$4.09</td>
<td>$4.38</td>
</tr>
</tbody>
</table>

(b) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

1. Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

2. Commercial users receiving any water from a private source shall allow the City to furnish, install and maintain a water meter with the user paying for the cost of the meter and installation. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Director.

(c) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:

1. Receipt of transfer of title from the owner in a form satisfactory to the Director, and

2. Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (b) above.

(d) Schools, churches, assembly halls and similar facilities shall be considered Group 1.

SECTION 4. SEWER SERVICE CHARGES FOR INDUSTRIAL SERVICE.

Each person receiving industrial sewer service shall pay a maximum sewer service charge to the City in accordance with the following rates:

(a) The monthly sewer service charges for industrial users shall be at the following rate of per million gallons of total flow.
<table>
<thead>
<tr>
<th>Maximum Industrial (Major and Minor) Rates</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monthly Account Charge ($/Account)</td>
<td>$3.43</td>
<td>$3.70</td>
<td>$4.04</td>
<td>$4.44</td>
<td>$4.75</td>
</tr>
<tr>
<td>plus Quantity Charges (these three components are additive)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flow Charge ($/Million gallons)</td>
<td>$1,976.07</td>
<td>$2,134.15</td>
<td>$2,326.22</td>
<td>$2,558.84</td>
<td>$2,737.96</td>
</tr>
<tr>
<td>BOD Charge ($/1,000 lbs)</td>
<td>$98.11</td>
<td>$105.96</td>
<td>$115.49</td>
<td>$127.04</td>
<td>$135.93</td>
</tr>
<tr>
<td>TSS Charge ($/1,000 lbs)</td>
<td>$171.57</td>
<td>$185.29</td>
<td>$201.97</td>
<td>$222.17</td>
<td>$237.72</td>
</tr>
</tbody>
</table>

(1) If the Industry has an effluent meter for industrial flow measurement and a sanitary sewage meter, the total flow shall be the sum of the metered flows.

Sanitary Sewage Flow: If Industry has an unmetered connection for disposal of sanitary sewage, the estimated volume may be established by the Director. The estimated volume shall be based on the number and type of plumbing fixture units contributing to the system along with any other flow information available which indicates the total volume of sanitary sewage.

(2) In the absence of an effluent meter, an influent meter shall be used, and total flow shall be based upon the influent meter reading.

(3) The BOD and TSS charges for industrial and sanitary discharges shall be based on the measured or estimated BOD and TSS for each type of flow.

SECTION 5. FLOW ESTIMATES. The Director will estimate flow where he/she determines metered flow measurements are unreliable.

SECTION 6. SEWER SERVICE CHARGES FOR DUMPING OF SEPTIC WASTE AT THE SEWAGE TREATMENT PLANT

<table>
<thead>
<tr>
<th>Charge</th>
<th>Year 1</th>
<th>Year 2</th>
<th>Year 3</th>
<th>Year 4</th>
<th>Year 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flow charge per 1,000 gallons</td>
<td>$51.68</td>
<td>$55.81</td>
<td>$60.83</td>
<td>$66.91</td>
<td>$71.59</td>
</tr>
</tbody>
</table>

SECTION 7. INFLATOR INDEX AND REASSESSMENT OF COST OF SERVICE The cost of service set forth above shall be re-examined not less than every four years by professionals competent in the field. Such professionals shall provide a
report to the City updating both the fixed and volume based costs as appropriate and as recommended to the Council by the Director and Director of Finance. Beginning on July 1, 2015 and annually thereafter, the Director of Finance with the concurrence of the Director, shall have the authority to adjust the above rates by an amount not to exceed the not-seasonally-adjusted annual percentage increase in the April Consumer Price Index (CPI) for Urban Wage Earners and Clerical Workers for the San Francisco CMSA that is currently prepared by the Department of Finance.

SECTION 8. SULFIDE CORROSION CHARGES. Any wastewater discharge which exceeds 0.5 parts per million of sulfides shall pay a sulfide corrosion charge, an impact fee, determined on a case-by-case basis as follows:

(a) The projected accelerated corrosion of collection system pipes and pump stations will be calculated based on the EPA Pomeroy Model for Sulfide Corrosion (EPA Design Manual, EPA/625/1-85-018, Section 2.5.2.1 - Corrosion Predictive Model).

(b) The sulfide corrosion charge will then be calculated based on the actual pipes and pump stations, up to the Water Quality Control Plant Headworks, impacted by the discharge, and on the current estimates of replacement costs and the time value of money.

(c) Discharges of sulfide above 0.5 ppm shall also not have a pH lower than 7.

(d) The discharger may request that the sulfide charge be recalculated each year, if the amount of sulfide discharged is documented as having changed significantly from the previous year. The discharger may elect to receive the billing for this service charge on an annual or monthly basis. No prepayment discount will apply.

(e) This service charge is an impact fee based on sulfide crown corrosion of collection system pipes and pumping facilities. It is not intended to compensate the City for increased corrosion or odor generation in the Water Quality Control Plant. It is not intended to liquidate the responsibility of a party whose wastewater discharge escapes from the collection system causing soil or groundwater contamination. Discharge
of concentrated sulfides under the provisions of this section constitutes acceptance of these terms.

SECTION 9. SEWAGE TREATMENT FOR OUTSIDE PUBLIC AGENCIES.
Pursuant to agreements approved from time to time by the City Council and the City Attorney (as to form), other public agencies will own and operate, and the City of Modesto will accept and treat sewage collected from, sewer systems external to the City and City’s Sewer District No. 1.

SECTION 10. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after July 1, 2010.

SECTION 11. RESCINDING PRIOR RESOLUTIONS. All previous sewer fees resolutions are hereby rescinded effective July 1, 2010.

SECTION 12. ANNUAL REVIEW OF ADOPTED RATE INCREASES. The City Council, for fiscal years beginning after June 30, 2011, shall conduct a review of each adopted sewer rate increase prior to its implementation. Said review shall be completed by the City Council at least sixty days in advance of the new sewer rate becoming effective. The rates shown in this resolution shall be implemented on the dates shown unless City Council takes action otherwise.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Geer, Hawn, Lopez, Marsh, Muratore, Mayor Ridenour

NOES: Councilmembers: Olsen

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney