MODESTO CITY COUNCIL
RESOLUTION NO. 2010-157

RESOLUTION APPOINTING WILLIAM MILLER AS A MEMBER OF THE TUOLUMNE RIVER REGIONAL PARK CITIZENS ADVISORY COMMITTEE REPRESENTING THE CITY OF MODESTO

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the Economic Development Committee met on April 12, 2010, and recommended the appointment of William Miller to the Tuolumne River Regional Park Citizens Advisory Committee,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. William Miller is hereby appointed as a member of the Tuolumne River Regional Park Citizens Advisory Committee representing the City of Modesto, with a term expiration of January 1, 2014.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Tuolumne River Regional Park Citizens Advisory Committee, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2010, by Councilmember Hawn, 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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-158

A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS FOR THE
GRAPHICS DRIVE REALIGNMENT PROJECT LOCATED SOUTH OF
GRAPHICS DRIVE AND WOODLAND AVENUE, AUTHORIZING THE CITY
CLERK TO FILE A NOTICE OF COMPLETION, AND RELEASE SECURITIES
UPON EXPIRATION OF STATUTORY PERIODS

WHEREAS, Modesto Irrigation District ("DEVELOPER"), is the developer of
Graphics Drive Realignment Project ("DEVELOPMENT"), and

WHEREAS, all required improvements (PUBLIC IMPROVEMENTS) by the
DEVELOPMENT have been completed to the satisfaction of the Construction
Administration Office of the Utility Planning and Projects Department and have been
verified that all required PUBLIC IMPROVEMENTS for this DEVELOPMENT have
been satisfactorily completed, and all inspection fees have been paid, and

WHEREAS, upon acceptance of the PUBLIC IMPROVEMENTS, the Utility
Planning and Projects Department will assume maintenance responsibilities with the
exception of the landscaping, and

WHEREAS, the Modesto Irrigation District entered into an agreement on January
12, 2010, with the City of Modesto to maintain the landscaping, and

WHEREAS, the securities as required by the City of Modesto are in place with
the City Clerk’s Office,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto

that:

1. The PUBLIC IMPROVEMENTS for the DEVELOPMENT are hereby
accepted, and the City Clerk is hereby authorized to file a Notice of Completion
for the PUBLIC IMPROVEMENTS.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $2,004,304.75 after recordation of the Notice of Completion.

3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $2,004,304.75 sixty (60) days after recordation of the Notice of Completion, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee the PUBLIC IMPROVEMENTS in the amount of $200,430.48 one year and one day after the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, 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: Mayor Ridenour

ATTEST: [Signature] STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature] SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-159

A RESOLUTION APPROVING THE PARCEL MAP OF THE GRAPHICS DRIVE REALIGNMENT PROJECT IN THE CITY OF MODESTO, AUTHORIZING THE CITY ENGINEER, OR HIS DESIGNEE, TO SIGN THE ACCEPTANCE OF DEDICATION, AUTHORIZING THE CITY CLERK TO CERTIFY THE PARCEL MAP AND AUTHORIZING THE CITY CLERK TO SIGN THE ABANDONMENT STATEMENT AND RECORD IT WITH THE STANISLAUS COUNTY RECORDER’S OFFICE

WHEREAS, Modesto Irrigation District (MID), a California Irrigation District, is possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 11.54 acres, to be re-parceled to realign Graphics Drive, and

WHEREAS, a vesting tentative parcel map was approved by the Planning Commission of the City of Modesto on the 17th day of August, 2009, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto and the City Engineer have certified that the parcel map substantially conforms to the approved vesting tentative parcel map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the parcel map meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to parcel maps, and that the map is technically correct, and

WHEREAS, California Subdivision Map Act Section 66445(j) states that, “The filing of the parcel map shall constitute abandonment of all public streets and public easements not shown on the map, provided that a written notation of each abandonment is listed by reference to the recording data or other official record creating these public streets or public easements and certified to on the map by the clerk of the legislative body or the designee of the legislative body approving the map,” and
WHEREAS, the road right-of-way and the public utility easement to be abandoned are more particularly described on the parcel map, and

WHEREAS, MID has relocated all the public utilities within the area to be abandoned, and

WHEREAS, the Council of the City of Modesto finds and declares that the abandonment of the public utility easement and road right-of-way are made pursuant to California Subdivision Act Section 66445(j), and

WHEREAS, securities are on file in the Clerk’s Office, as required by the City of Modesto, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California and in forms acceptable to the City Attorney and in the amounts required by the City Engineer,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said parcel map is approved; that the City Engineer, or his designee, is authorized to sign the Acceptance of Dedication for public streets and easements as shown thereon within the boundaries shown on the parcel map to be accepted on behalf of the public for public use; and that the City Clerk is authorized to certify the parcel map on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid.

BE IT FURTHER RESOLVED that the City Clerk is authorized to sign the Abandonment Statement regarding the public utility easement and the road right-of-way being abandoned with this parcel map.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, 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: Mayor Ridenour

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-160

RESOLUTION AMENDING THE FISCAL YEAR 2008-2009 AND FISCAL YEAR 2009-2010 ANNUAL BUDGETS

WHEREAS, a monthly financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for Fiscal Year 2008-2009 and Fiscal Year 2009-2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the Fiscal Year 2008-2009 and Fiscal Year 2009-2010 budgets have been adjusted as shown in Exhibit 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 4th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following votes:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Ridenour

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

COMMUNITY AND ECONOMIC DEVELOPMENT
Currently, California Equity Management Group pays a lease payment of $874.00 per month for the City's maintenance of all improvements to a portion of W. Briggsmore Avenue right-of-way in the connection with the redevelopment of the property located at 2000 W. Briggsmore Avenue. At the time the budget was originally established for this payment, the account was placed in Org 1413 inaccurately. The revenue from this lease payment rightfully should be deposited into the Capital Facilities Fees (CFF) account. This action is merely correcting the budget as follows: Decrease the budgeted amount of $10,488 in 0100-140-1413-6201 and move it to 1410-430-4399-6201. All recognized revenue in this account will be transferred through a Journal Voucher.

FINANCE
An adjustment is necessary to reduce appropriations by $57,351 in the Capital Improvement Project N591, Hybrid Electric Bus and to close the account. The project is complete and ready for closure. In addition, this adjustment reduces revenue in the amount of $57,351 and returns unused funds to the Bus Fund reserves.

An adjustment is necessary to reduce appropriations by $75,048 in the Capital Improvement Project J401, FY04-05 Bus Purchases and to close the account. The project is complete and ready for closure. In addition, this adjustment reduces revenue in the amount of $376,048 and returns unused funds to the Bus Fund reserves.

An adjustment is necessary to increase revenue in Fund 6310, Airport Operations, in the amount of $74,266 and Fund 6330, Special Revenue, in the amount of $74,266 for revenue received to date in the operational tax account.

An adjustment is necessary to reduce the Gas Tax Street Maintenance multi-year budget, 0700-410-4120-8014, by $2,757 to equal the actual multi-year expenditures, and close the account. This account is no longer needed since street maintenance expenses are being performed through grant projects, garbage franchise fees or Proposition 1B funding.

An adjustment is necessary to reduce appropriations by $219,432 in Capital Improvement Project H468, Plan Lines, close the account and return unused funds to the Street Capital Facilities Fund reserves.

An adjustment is necessary to reduce appropriations by $24,660 in Capital Improvement Project Q210, Claratina – Coffee to Oakdale 2 Lanes, close the account and return unused funds to the Street Capital Facilities Fund reserves.

FLEET
On June 9, 2009 the City Council approved the creation of sub-funds at the fund level to allow departments to monitor their equipment replacement funds. When a piece of equipment is purchased, the equipment has been received and the Fleet Department has signed off on the purchase order, a budget adjustment transferring funds from the purchasing department’s budget to the Fleet Replacement Fund (7210), is completed. In some cases budget adjustments can cross fiscal years. The following budget adjustments are related to this new procedure.
An adjustment is necessary to transfer funds in the amount of $307,711 from the Special Gas Tax Fleet Replacement Fund, 0709 to the Fleet Replacement Fund, 7210, for purchases made in FY2008-09 which included two concrete saws, two concrete grinders, concrete push truck grinder, trailer, 28K GVW W/5/6 yard dump truck and a 33.0 w/digger derrick truck.

An adjustment is necessary to transfer funds in the amount of $417,310 from the Water Fleet Replacement Fund, 6109 to the Fleet Replacement Fund, 7210, for purchases made in FY2008-09 which included a ¾ ton utility truck, 14 yard dump truck, ¾ ton full size truck, F550 truck with utility body and 14 ton 33.0 crane truck.

An adjustment is necessary to transfer funds in the amount of $322,969 from the Wastewater Fleet Replacement Fund, 6219 to the Fleet Replacement Fund, 7210, for purchases made in FY2008-09 which included an excavator, 58.0 3 axle water truck, ¾ ton 2WD pick-up truck and a ½ ton full size pick-up truck.

An adjustment is necessary to transfer funds in the amount of $252,314 from the Storm Drain Fleet Replacement Fund, 6289 to the Fleet Replacement Fund, 7210, for purchases made in FY2008-09 which included 58.0 bin hauler truck, five bins16’ X 4’ HD one piece door and a 28.8 w/5/6 yard dump truck.

An adjustment is necessary to transfer funds in the amount of $113,902 from the Compost Fleet Replacement Fund, 6299 to the Fleet Replacement Fund, 7210, for purchases made in FY2008-09 which included an 18 yard dump truck.

**PARKS, RECREATION AND NEIGHBORHOODS**

This budget adjustment is necessary to: 1) move $70,000 in Prop 40 RZH funding from M182, Maddux Youth Center Improvements, to P493, Park System Improvement. The Maddux Youth Center Improvements project has been completed and California State Parks has approved the City's re-appropriation of this unused Prop 40 RZH money to other improvements in the parks system; 2) this budget adjustment also moves $1,578 from Construction Admin, Object 6060, to City Forces Construction, Object 6041 in Capital Improvement Project P493, Park System Improvements; and 3) close Capital Improvement Project M182, Maddux Youth Center Improvements and return $5,821 to the General Fund.

An adjustment is necessary to: 1) reduce the appropriations by $54,943 in the Capital Improvement Project P502, Monteroso Trailhead 69, and to close the account; 2) decrease the transfer in from Fund 1350, Parks Capital Facilities Fund; and 3) reduce the transfer out in Fund 1350, Parks Capital Facilities Fund, to Fund 2330, Capital Grants Parks.

**POLICE**

This budget adjustment is being made to: 1) eliminate a transfer-out from the Traffic Offender Fund (0610) to the General Fund (0100) in the amount of $220,000. This transfer was set up in conjunction with the Office of Traffic Safety (OTS) grant that the City received in 2006. The grant expired in December 2008, therefore, so did the nexus between the grant and the transfer-out. The transfer-out is unable to be sustained by the Traffic Offender Fund going forward; 2) in order to ensure that the Traffic Offender Fund is self-supporting, one Police Officer will move from the Traffic Offender Fund to a vacant position within the General Fund; and 3) the expense budget in the amount of $100,000 will be moved from the Traffic Offender Fund salary appropriations to the Traffic Offender Fund Reserves.
PUBLIC WORKS
An adjustment is necessary to transfer $66,000 from Water Reserves to the Water Fund, 6100-480-5024-0321, to pay higher Debt Service costs in FY2009-10 which were not budgeted relating to the Modesto Irrigation District Water Treatment and Delivery Agreement.

An adjustment is necessary to: 1) reduce the appropriations by $214,934 in the Water Fund, 6100-480-5020, GAC Nitrate Testing, as this is a duplicate project and needs to be closed; 2) transfer the $214,934 into Capital Improvement Project W430, Wellhead Treatment-Primary, and 3) transfer the $214,934 out of Capital Improvement Project W430, Wellhead Treatment-Primary into Capital Improvement Project W976, GAC Wells-Nitrate Analyzer which has already been established for GAC Nitrate Testing.

An adjustment is necessary to reduce appropriations by $17,235 in the Capital Improvement Project W008, Claratina- McHenry 12" Main and move funds back to the Primary Capital Improvement Project #W426, Extend Water Mains. Project W008 is complete and ready for closure.
RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE PURCHASE AND INSTALLATION OF VIDEO SURVEILLANCE SYSTEMS FOR THE TRANSPORTATION CENTER AND EXISTING BUS MAINTENANCE YARD TO CELPLAN TECHNOLOGIES, INC., RESTON, VA; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE THE AGREEMENT FOR AN ESTIMATED TOTAL COST OF $253,671.71

WHEREAS, the Transportation Center has an older video surveillance system that no longer works, and the bus yard has no video surveillance system, and

WHEREAS, the significantly improved replacement system for the Transportation Center would utilize fixed motion-sensitive cameras with pan/tilt/zoom (PTZ) capability and a high capacity digital video storage system, and

WHEREAS, the bus maintenance yard system would utilize a mix of PTZ and fixed cameras and similar video storage, and

WHEREAS, this Public Works contract will utilize the same prices, installation procedures and other specifications, as well as the same contract terms as the Modesto Police Department (MPD) contract, and

WHEREAS, furthermore, MPD will have the capability of monitoring the video footage captured from this system, and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. However, there are exceptions to the rule set forth in the MMC. One exception, MMC 8-3.204(d), is available where the Purchasing Manager, in his discretion, determines that a process other than the usual formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest
possible cost commensurate with the desired quality. Acting within his discretion, the Purchasing Manager invoked that exception for this purchase. The award of proposal and contract for the purchase and installation of a video camera monitoring system for the Public Works Department, Transportation Division, by accessing the terms of a competitively bid contract for the purchase and installation of a downtown video monitoring system for the Modesto Police Department, to CelPlan Technologies, Inc., Reston, VA, conforms to the Modesto Municipal Code, and

WHEREAS, the Cal EMA Fund has funds budgeted for the purchase and installation of video surveillance systems in Appropriation Unit: 6530-165-1674-5900,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of proposal and contract for the purchase and installation of video surveillance systems for the Transportation Center and Bus Maintenance Yard to CelPlan Technologies, Inc., Reston, VA.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue the agreement for an estimated total cost of $253,671.71.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 4th day of May, 2010, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember Muratore,
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: Mayor Ridenour

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-162

A RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 OPERATING BUDGET TO RECOGNIZE GRANT FUNDS IN THE AMOUNT OF $253,671.71 FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY AND TO INCREASE THE EXPENSE BUDGET BY THE SAME AMOUNT TO FULLY FUND THE PURCHASE AND INSTALLATION OF VIDEO SURVEILLANCE SYSTEMS FOR THE TRANSPORTATION CENTER AND BUS MAINTENANCE YARD

WHEREAS, the City of Modesto has received funds from the California Emergency Management Agency, and

WHEREAS, a budget adjustment is required to recognize this revenue and increase the Fiscal Year 2009-2010 expense appropriations for 6530-165-1674-5900 in the amount of $253,672 to fully fund the purchase and installation of a video camera monitoring system at the Transportation Center and Bus Maintenance Yard,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2009-2010 Operating Budget in order to fully fund the purchase and installation of video surveillance systems for the Transportation Center and Bus Yard.

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 4th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, 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: Mayor Ridenour

ATTEST:

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-163

RESOLUTION APPROVING THE SALE OF SHERWOOD MANOR APARTMENTS, THE PAYOFF THE HOME LOAN AGREEMENT, THE EXECUTION OF A REGULATORY AGREEMENT WITH THE NEW OWNER, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL RELATED DOCUMENTS INCLUDING, BUT NOT LIMITED TO, THE REGULATORY AGREEMENT AND RECONVEYANCE

WHEREAS, by Resolution No. 94-425 the City of Modesto approved a HOME loan to Modesto Senior Housing Investors in the amount of $85,000 for the development of a senior housing project, known as Sherwood Manor located at 733 Maze Boulevard, Modesto, and

WHEREAS, the City received a request from Modesto Senior Housing Investors to consent to the sale of this property to the new buyer Senior Housing Associates XIV, who owns and manages other affordable housing projects in California, and

WHEREAS, the HOME loan agreement Section 3.10 (b) indicates that no transfer shall be permitted without the prior written consent of the City, which the City may withhold in its sole discretion, and

WHEREAS, City staff and the City Attorney’s office have reviewed the HOME Loan Agreement and recommend approval of the sale to Senior Housing Associates XIV.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the sale of Sherwood Manor Apartments to Senior Housing Associates XIV which will result in the pay off the City’s HOME loan and the need to enter into a Regulatory Agreement with Senior Housing Associates XIV to maintain the affordability covenants for said property.
BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to execute all related documents including, but not limited to, the Regulatory Agreement and Reconveyance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, 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: Mayor Ridenour

ATTEST: 

(SIGNATURE)

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING STAFF TO SOLICIT REQUEST FOR QUALIFICATIONS (RFQ) AND REQUEST FOR PROPOSALS (RFP) FOR THE LEASE OF THE JENNINGS RANCH PROPERTY

WHEREAS, on July 11, 2000, by Resolution 2000-344, the City Council approved a Lease Agreement with Pahrump Heifer Ranch (Pahrump) for the Jennings Ranch located at 7007 Jennings Road, and

WHEREAS, this Lease was effective for five years from June 1, 2000, through May 31, 2005, and also included five one-year extension options, which have all been executed, with the last extension through May 31, 2010, and

WHEREAS, on October 6, 2009, by Resolution 2009-468, the City Council approved an Amendment to the Lease extending the Lease expiration date to December 31, 2010, and

WHEREAS, City staff utilized the City’s On-Call Engineering contract with Carollo Engineers and worked with them on a new Lease Agreement as well as an RFQ to qualify potential lessees, and

WHEREAS, the new Lease for the Jennings Ranch property will require agricultural crop production use only, and the Lease amount will be based on net irrigated acres not to exceed 2,530 acres, and

WHEREAS, the current Lease generates approximately $40,000 per year in revenue, and the new Lease will result in additional revenue of approximately $100,000 to $200,000 annually, and
WHEREAS, a review committee will review the qualifications of the applicants and will invite the most qualified, potential lessees to submit proposals for the lease of the Jennings Ranch property, and

WHEREAS, staff will negotiate the best contract that allows for the full use of the Ranch property for irrigation of treated wastewater, and

WHEREAS, staff will return to Council with a recommendation to award a lease in early September,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby authorizes staff to solicit Request for Qualifications (RFQ) and Request for Proposals (RFP) for the lease of the Jennings Ranch Property.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, 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: Mayor Ridenour

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(Seal)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
A RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS, P.C. FOR ENGINEERING SUPPORT DURING CONSTRUCTION FOR THE DIGESTER GAS TREATMENT SYSTEM PROJECT IN AN AMOUNT NOT TO EXCEED $84,671 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $8,467 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $93,138, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Digester Gas Treatment System project will replace the use of natural gas in the boiler operation with digester gas that is already produced at the Treatment Plant, and

WHEREAS, it will require the installation of a system that will remove hydrogen sulfide and moisture from the digester gas and require a new permit for boiler operation from the San Joaquin Valley Air Pollution Control District (SJVAPCD), and

WHEREAS, it is estimated that the utility bill savings from this project will be approximately $147,000 annually, and

WHEREAS, on August 6, 2008, by Resolution No. 2008-445, the City Council approved an Agreement with Carollo Engineers, P.C. (Carollo) to prepare a final project design of the Digester Gas Treatment System project, and

WHEREAS, the final project design was completed and bids were solicited in October 2009, and

WHEREAS, the City opened bids for the construction of Digester Gas Treatment System project on January 12, 2010, and

WHEREAS, engineering support services are required during the construction of the project to provide technical support to the construction manager, and
WHEREAS, Carollo completed the final design of the project satisfactorily and has unique engineering knowledge of the project design, and

WHEREAS, City staff recommends approving an agreement with Carollo as this will allow for the engineering support during the construction period for the project, and

WHEREAS, City staff recommends approving an Agreement with Carollo as the City does not have the staffing level or subject matter expertise to provide engineering support during construction for the Digester Gas Treatment System project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Carollo Engineers, P.C. for engineering support during construction for Digester Gas Treatment System project in an amount not to exceed $84,671 for the identified scope of services, plus $8,467 for additional services (if needed), for a maximum total amount of $93,138.

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 4th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, 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: Mayor Ridenour

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-166

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE DIGESTER GAS TREATMENT SYSTEM PROJECT, ACCEPTING THE BID AND APPROVING A CONTRACT WITH GSE CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF $465,000 FOR THE DIGESTER GAS TREATMENT SYSTEM PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, plans and specifications have been prepared for the Digester Gas Treatment System Project and City staff recommends approval by the City Council, and

WHEREAS, the sole bid received for the Digester Gas Treatment System Project was opened at 11:00 a.m. on January 12, 2010, and later tabulated by the Director of Utility Planning & Projects for the consideration of the Council, and

WHEREAS, the Director of Utility Planning & Projects has recommended that the bid of $465,000 received from GSE Construction Company, Inc. be accepted as the lowest responsible bid and the contract be awarded to GSE Construction Company, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the Digester Gas Treatment System Project, accepts the bid of GSE Construction Company, Inc. in the amount of $465,000, and awards GSE Construction Company, Inc. the contract for the Digester Gas Treatment System Project.

BE IT FURTHER RESOLVED that 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 4th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, 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: Mayor Ridenour

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-167

A RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 CAPITAL IMPROVEMENT PROGRAM BUDGET IN ORDER TO FULLY FUND THE CONSTRUCTION CONTRACT AND AGREEMENT FOR DESIGN SUPPORT DURING CONSTRUCTION FOR THE DIGESTER GAS TREATMENT SYSTEM PROJECT, INCLUDING CONTINGENCY AND CONSTRUCTION ADMINISTRATION, AND ENGINEERING/DESIGN/ADMINISTRATION SUPPORT BY CITY STAFF

WHEREAS, certain budgetary transactions are necessary in the amount of $25,000, in order to fully fund the construction contract and agreement for design support during construction along with contingency, construction administration, and engineering/design/administration by City staff for the Digester Gas Treatment System Project, and

WHEREAS, the Fiscal Year 2009-2010 Capital Improvement Program budget must be amended 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 the amendment of the Fiscal Year 2009-2010 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 4th day of May 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, 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: Mayor Ridenour

ATTEST: [Signature]

SEAL

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
Exhibit A

FUND:

Wastewater Fund

<table>
<thead>
<tr>
<th>EXPENDITURES:</th>
<th>Increase/(Decrease)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gaseous Chlorine Conversion</td>
<td>6210-430-B006-6040</td>
</tr>
<tr>
<td>Digester Gas Treatment System</td>
<td>6210-480-B463-6010</td>
</tr>
<tr>
<td>Digester Gas Treatment System</td>
<td>6210-480-B463-6040</td>
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<tr>
<td>Digester Gas Treatment System</td>
<td>6210-480-B463-6050</td>
</tr>
<tr>
<td>Digester Gas Treatment System</td>
<td>6210-480-B463-6060</td>
</tr>
</tbody>
</table>
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-168

A RESOLUTION ACCEPTING THE WORK BY ANGELO UTILITIES FOR THE “INSTALLATION OF TRAFFIC SIGNALS AT 4 LOCATIONS: CLAUS/SYLVAN, FLOYD/LINCOLN OAK, TULLY/STODDARD & SISK/VINTAGE FAIRE DRIVEWAY PROJECT” AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $727,230.92

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the Installation of Traffic Signals at 4 Locations: Claus/Sylvan, Floyd/Lincoln Oak, Tully/Stoddard & Sisk/Vintage Faire Driveway Project has been completed by Angelo Utilities in accordance with the contract agreement dated November 12, 2008,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “Traffic Signals at 4 Locations: Claus/Sylvan, Floyd/Lincoln Oak, Tully/Stoddard & Sisk/Vintage Faire Driveway Project” is hereby accepted as complete from said contractor Angelo Utilities, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, and that payment of amounts totaling $727,230.92 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, 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: Mayor Ridenour

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2010-169

A RESOLUTION ACCEPTING THE PRELIMINARY DESIGN REPORT  
DATED FEBRUARY 2010 FOR THE WELLHEAD TREATMENT WELL #3 -  
PCE PROJECT AS COMPLETE

WHEREAS, the City owns and operates domestic Well No. 3, located at the  
intersection of 8th and K Streets near downtown Modesto, and

WHEREAS, this well has been impacted by tetrachloroethylene (PCE)  
contamination, and

WHEREAS, PCE levels in the well water have reached the California Department  
of Public Health (CDPH) maximum contaminant level and the City believes that the  
levels will rise when pumping resumes due to a nearby groundwater PCE plume, and

WHEREAS, since the well contributes an important part to the water distribution  
system, City staff is seeking professional services to recommend the most efficient and  
cost effective method of removing PCE from the water, and

WHEREAS, on May 26, 2009, by Resolution No. 2009-221, the City Council  
approved an agreement with AECOM USA, Inc. to complete the 35% design services for  
the Wellhead Treatment Well #3-PCE project and summarize the project scope and cost  
estimates in a Preliminary Design Report (PDR), and

WHEREAS, the PDR reviewed three methods of PCE removal, detailed proposed  
project elements, presented preliminary engineering drawings, and provided estimated  
cost and schedule projections for construction and life-cycle costs, and

WHEREAS, the 35% PDR has been successfully completed and will serve as the  
basis for the final design of the Wellhead Treatment Well #3-PCE project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Preliminary Design Report dated February 2010 for the Wellhead Treatment Well #3 - PCE project as complete.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, 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: Mayor Ridenour

ATTEST: 

SEAL

APPROVED AS TO FORM:

By: 

SEAL

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-170

A RESOLUTION APPROVING AN AGREEMENT WITH AECOM TECHNICAL SERVICES, INC. FOR FINAL DESIGN SERVICES FOR WELLHEAD TREATMENT WELL #3 - PCE IN AN AMOUNT NOT TO EXCEED $105,582 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $10,558 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $116,140, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City owns and operates domestic Well No. 3, located at the intersection of 8th and K Streets near downtown Modesto, and

WHEREAS, this well has been impacted by tetrachloroethylene (PCE) contamination, and

WHEREAS, PCE levels in the well water have reached the California Department of Public Health (CDPH) maximum contaminant level and the City believes that the levels will rise when pumping resumes due to a nearby groundwater PCE plume, and

WHEREAS, since the well contributes an important part to the water distribution system, City staff is seeking professional services to recommend the most efficient and cost effective method of removing PCE from the water, and

WHEREAS, on May 26, 2009, by Resolution No. 2009-221, the City Council approved an agreement with AECOM USA, Inc. to complete the 35% design services for the Wellhead Treatment Well #3-PCE project and summarize the project scope and cost estimates in a Preliminary Design Report (PDR), and

WHEREAS, the PDR reviewed three methods of PCE removal, detailed proposed project elements, presented preliminary engineering drawings, and provided estimated cost and schedule projections for construction and life-cycle costs, and
WHEREAS, the 35% PDR has been successfully completed and will serve as the basis for the final design of the Wellhead Treatment Well #3-PCE project, and

WHEREAS, this Final Design Services Agreement will allow for the final design, development of biddable documents, and assistance during the bid period for the project, and

WHEREAS, City staff recommends approving an Agreement with AECOM Technical Services, Inc. as the City does not have the staffing level or subject matter expertise to complete the Final Design Services for the Wellhead Treatment Well #3-PCE project, and current workload levels do not provide for timely in-house solutions/responses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with AECOM Technical Services, Inc. for final design services for the Wellhead Treatment Well #3-PCE project an amount not to exceed $105,582 for the identified scope of services, plus $10,558 for additional services (if needed), for a maximum total amount of $116,140.

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 4th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, 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: Mayor Ridenour

ATTEST: ___________________________

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

SUSANA ALCALA WOOD, City Attorney
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): CITY OF MODESTO WATER WELL #3 PCE REMOVAL SYSTEM PROJECT

WHEREAS, on October 14, 2008, the City Council, by Resolution No. 2008-582, certified the Master Environmental Impact Report (“EIR”) for the Modesto Urban Area General Plan (SCH No. 2007072023), and

WHEREAS, the City of Modesto proposes to construct PCE Removal facilities in conjunction with the existing City Water Well #3 as a adjunct to the existing water system identified in the Urban Area General Plan and in the General Plan Master EIR, and

WHEREAS, Section 15177 of the CEQA Guidelines, relating to reviewing subsequent projects within the scope of 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 EIR, whether any new additional mitigation measures or alternatives will be required in conjunction with the project, and whether the subsequent project was described in the Master EIR as being within the scope of the project, and

WHEREAS, the City’s Utility Planning and Projects Department by Environmental Assessment Initial Study EA/UP&P 2010-06 reviewed the proposed Water Well #3 PCE Removal System project to determine whether the project is within the scope of the project covered by the General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the
environment that was not identified in the Master EIR and, further, that no new or 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 on April 1, 2010, the City caused to be published a 30-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 regular meeting on May 4, 2010, at 5:30 p.m., in the Tenth Street Place Chambers, 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it has reviewed and considered the Initial Study prepared for the proposed Project, a copy of which it 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. The proposed project is of a type described in Chapter II of the Master EIR.

2. All applicable policies, regulations, and mitigation measures identified in the MEIR have been applied to the project.

3. 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. It has been determined that the project was described in the MEIR and is within the scope of the MEIR (SCH No. 2007072023).

4. Based on the Initial Study, the City of Modesto finds and determines:
   a. That the proposed subsequent project will have no additional significant effect that was not identified in the MEIR.
   b. That no new or additional mitigation measures or alternatives are required.
5. The criteria for currency of the Master EIR were reviewed and the Master EIR is current for all areas of the Initial Study.

6. The Initial Study, Environmental Assessment No. EA/UP&P 2010-06, provides the substantial evidence to support findings 1 through 5, above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Public Works Director is hereby authorized and directed to file a notice of 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 4th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, 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: Mayor Ridenour

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
Exhibit "A"

INITIAL STUDY
EA/UP&P 2010-06
City of Modesto

Finding of Conformance to
General Plan Master EIR:

Initial Study Environmental Checklist
UP&P No. 2010-06

For the proposed
City of Modesto Water Well #3
PCE Removal System Project

Prepared by:
City of Modesto
Utility Planning and Projects Department

April 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 the City of Modesto Water Well #3 PCE Removal System Project 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 based upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

Project analysis is based on the Well 3 PCE Removal Preliminary Design Report dated February 2010 and prepared by AECOM for the City of Modesto.

II. PROJECT DESCRIPTION

A. Title: City of Modesto Water Well #3 PCE Removal System Project

B. Address/Location: 8th and K Streets, Modesto, California 95354, Stanislaus County. Figure 1 depicts the site location. The site is at Latitude 37.64 N, Longitude 121.00 W

C. Applicant: City of Modesto Department of Utility Planning and Projects

D. City Contact Person: Dean Phillips, Senior Civil Engineer
   Project Manager: Dean Phillips, Senior Civil Engineer
   Department: Utility Planning and Projects
   Phone Number: 209-577-5260
   E-mail address: dphillips@modestogov.com

E. Current General Plan Designation: Redevelopment Planned District

F. Current Zoning Classification(s): M-1, Light Industrial
G. Location: The proposed project is within the existing City of Modesto Well #3 Site located at the west corner of the intersection of 8th and K Streets in downtown Modesto, Stanislaus County, California.

H. Surrounding Land Uses: The project is surrounded by commercial-industrial uses on all sides.

I. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR:

Addition of PCE treatment/removal equipment to existing City domestic water well site #3. Water from well #3 will be treated using an activated carbon process. This process will entail the installation of two cylindrical treatment vessels, each approximately 12 feet in diameter and 15 feet in height, each containing 20,000 pounds of granulated activated carbon (GAC). Space will be provided for future installation of two additional vessels and the project includes this potential future expansion. The vessels will be installed on concrete pads measuring 15 feet by 35 feet for each pair of vessels. In addition, an 8' x 8' sodium hypochlorite storage building will be constructed and the existing chlorine enclosure removed, and the site will be enclosed by a 6’ high decorative masonry wall. Existing chain link fencing and gate will be removed. The setback area adjacent to the street will be landscaped. Figure 2 presents the site plan.

J. Other Public Agencies Whose Approval is Required:

- California Department of Public Health
Figure 1 – Location of Project

City of Modesto
General Plan Master EIR

Initial Study EA-UP&P No. 2010-06
April 2010
Figure 2 – Site Plan
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—Dean Phillips  Senior Civil Engineer  Date

City of Modesto
General Plan Master EIR

Initial Study EA-UP&P No. 2010-06
April 2010
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.

<table>
<thead>
<tr>
<th></th>
<th>Statement</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>2</td>
<td>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.</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>3</td>
<td>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).</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>4</td>
<td>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.</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>5</td>
<td>The development will occur within the boundaries of the City’s planning area as established in this Urban Area General Plan.</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>6</td>
<td>Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

Discussion:

1. The lead agency for the project is the City of Modesto Department of Utility Planning and Projects.

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

3. No Federal, State, regional, or Stanislaus County regulations have changed in a manner that is less restrictive and would not offer the same level of protection assumed under the Master EIR.

4. No new information has been identified regarding the known or potential presence of significant resources. The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site.

5. The project is within the City Limits of the City of Modesto.

6. Development of 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.

<table>
<thead>
<tr>
<th></th>
<th>Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>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:</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(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.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(c) Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.</td>
<td></td>
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</tr>
</tbody>
</table>

Discussion:

(1) The General Plan Master EIR was certified October 2008

(2) The project is a part of the operation of the City of Modesto Water system.

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

(4) 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.

(5) All policies and mitigation of the General Plan Master EIR which are applicable to the project remain in effect and will be applied to the project.

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 appropriate mitigation to be applied to this project includes (none) 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>Additional Mitigation needed</th>
<th>Significant Impact with Mitigation</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>
</tr>
<tr>
<td>(2) The proposed project would substantially increase hazards due to a design feature, such as sharp curves, or the development of incompatible uses in close proximity to one another.</td>
<td>❌</td>
<td>❌</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>
</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>
</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>
</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>
</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 excess of that considered in the Urban Area General Plan.</td>
<td>❌</td>
<td>❌</td>
</tr>
</tbody>
</table>
Discussion:

(1-7) The proposed project is addition of equipment within the confines of an existing well site. The project will have no effect on the generation of traffic or the operation of transportation facilities.

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\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{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-42, 44, and 46-49** 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>
</tr>
</thead>
<tbody>
<tr>
<td>No</td>
</tr>
<tr>
<td>----</td>
</tr>
</tbody>
</table>

1. The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{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.

2. The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{2.5}.

3. The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.

4. 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.

5. The proposed project would create objectionable odors affecting a substantial number of people.

Discussion:

1. The project is consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.

2. The project will incorporate the best management practices established by the SJVAPCD for CO, ROG, NO\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{2.5} as applicable.

3. The project will be in compliance with all air quality policies in the Modesto Urban Area General Plan.

4. The proposed project is within a commercial/industrial district and is not in proximity to any sensitive receptors. The project does not include any new pollutant-emitting components.

5. The proposed project is within a commercial/industrial district and is not in proximity to any sensitive receptors. The project does not include any odor-emitting components.

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:

The appropriate 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 is based on the following thresholds. Project-specific effects will be less than significant unless:

<table>
<thead>
<tr>
<th>GENERATION OF NOISE</th>
<th>Additional Mitigation needed</th>
<th>Significant Impact with Mitigation</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>☒ No</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>
</tr>
</tbody>
</table>
The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.

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.

Discussion:

(1) The proposed project will result in no change to the noise levels or hours of operation of the existing facility.

(2) The project will comply with the noise policies of, and be consistent with, the Modesto Urban Area General Plan.

(3) The proposed project will result in no change to the noise levels or hours of operation of the existing facility.

(4) The proposed project will result in no change to the noise levels or hours of operation of the existing facility. Construction of the project will be in compliance with the City of Modesto Noise Ordinance and policies.

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:

The appropriate mitigation to be applied to this project includes (none) 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-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>SIGNIFICANT EFFECTS IDENTIFIED IN THE MASTER EIR</th>
<th>Additional Mitigation needed</th>
<th>Significant Impact with Mitigation</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>
</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>
</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>
</tr>
<tr>
<td>(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.</td>
<td>☑</td>
<td>☑</td>
</tr>
</tbody>
</table>

**Discussion:**

(1-4) The proposed project is addition of equipment within the confines of an existing well site. The project will have no effect, either directly or indirectly, on agricultural land.

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:

The appropriate mitigation to be applied to this project includes (none) 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-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>
</tr>
</thead>
<tbody>
<tr>
<td>(1)  The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</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>
</tr>
<tr>
<td>(3)  The proposed project would deplete groundwater supplies to a greater</td>
</tr>
</tbody>
</table>

City of Modesto
General Plan Master EIR

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April 2010
degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.

Discussion:

(1-3) The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site. The project will have no effect on water demand nor will it change the rate at which water is withdrawn from groundwater sources.

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:

The appropriate mitigation to be applied to this project includes (none) 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-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>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The proposed project is inconsistent with the policies in the Modesto Urban Area General Plan.</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>
</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>
</tr>
</tbody>
</table>

Discussion:

(1-3) The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site. The project will have no effect on water demand or wastewater generation.

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 plant 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:
The appropriate mitigation to be applied to this project includes (none) 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-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>(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>
</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>
</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>
</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>
</tr>
<tr>
<td>(5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
</tr>
<tr>
<td>(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.</td>
</tr>
</tbody>
</table>
### Discussion:

1. The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site. The project is in the context of an existing developed site within a fully urbanized commercial-industrial district. The project will not entail loss of sensitive wildlife and plant habitat.

2. The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site. The project is in the context of an existing developed site within a fully urbanized commercial-industrial district. The project will not affect any candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.

3. The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site. The project is in the context of an existing developed site within a fully urbanized commercial-industrial district. No wetland will be affected.

4. The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site. The project is in the context of an existing developed site within a fully urbanized commercial-industrial district. The project will not 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.

5. The project will not conflict with local policies or ordinances protecting biological resources.

6. No adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan is applicable to the site.

### 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: (none) 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>DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES</th>
<th>Additional Mitigation needed</th>
<th>Significant Impact with Mitigation</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>
</tr>
<tr>
<td>(2) The proposed project would modify a historic resource, resulting in a substantial adverse change in its significance or would demolish a listed or eligible historic resource.</td>
<td>☑️</td>
<td>☐️</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>
</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, or that is listed by the City of Modesto as a Designated Landmark Preservation site.</td>
<td>☑️</td>
<td>☐️</td>
</tr>
<tr>
<td>(5) The project site is in a riparian zone (see Figure V-7-1 in the MEIR), where archaeological resources are most likely to be discovered, or is otherwise located in an area of high archaeological sensitivity.</td>
<td>☑️</td>
<td>☒️</td>
</tr>
</tbody>
</table>

Discussion:

(1) The proposed project is not inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.

(2-3) The project will not involve demolition, modification, or removal of any building or structure.
4. No listed/eligible cultural resources exist within the project site. No excavation to depths greater than existing foundations, roads and/or trenches in the immediate vicinity is proposed as a part of this project.

5. The project will not conflict with local policies or ordinances protecting cultural 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:

The appropriate mitigation to be applied to this project includes: (none) 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-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:

### INCREASED DEMAND FOR STORM DRAINAGE

| (1) | The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan. | No | Additional Mitigation needed | Significant Impact with Mitigation |
| (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. | ☑ | ☐ | ☐ |
| (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. | ☑ | ☐ | ☐ |

Discussion:

(1-3) The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site. The project will have no effect on storm water runoff.

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:

The appropriate mitigation to be applied to this project includes: (none) 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-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>
</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>
</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>
</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>
</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>
</tr>
<tr>
<td>(5) The proposed project does not comply with Modesto’s Guidance Manual for New Development Storm Water Quality Control Measures.</td>
</tr>
<tr>
<td>(6) The proposed project would violate water quality standards or waste discharge requirements.</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>
</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>
</tr>
</tbody>
</table>

**Discussion:**

(1) The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site. The project will have no effect on storm water runoff.
Development of the proposed project will comply with the regulatory requirements of the federal Clean Water Act and the State Porter-Cologne Act as applicable.

Housing is not a part of the proposed project.

No part of the proposed project is within the 100-year flood hazard area.

The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site. The project will have no effect on storm water 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:

The appropriate mitigation to be applied to this project includes (none) 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-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:
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:

(1-3) The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site, and will have no effect on parks or their use.

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:

The appropriate mitigation to be applied to this project includes (none) 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-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>INCREASED DEMAND FOR SCHOOLS</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>
</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>
</tr>
</tbody>
</table>

Discussion:

(1-2) The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site, and will have no effect on 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:
The appropriate mitigation to be applied to this project includes (none) 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-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>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.</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>
</tr>
</tbody>
</table>

Discussion:

(1-2) The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site, and will have no effect on demand for police services.

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: The appropriate mitigation to be applied to this project includes (none) 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-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>Additional Mitigation needed</th>
<th>Significant Impact with Mitigation</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>No</td>
<td></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>
</tr>
<tr>
<td>(3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services.</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Discussion:

(1-2) The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site, and will have no effect on demand for fire services.

(3) The proposed project is entirely within the confines of the Modesto City Limits and will have no effect on adjoining fire protection districts.
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-1S-4 through V-1S-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:

The appropriate mitigation to be applied to this project includes (none) 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-1S.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>No Mitigation needed</th>
<th>Significant Impact with Mitigation</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>
</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>
</tr>
</tbody>
</table>

Discussion:

(1-2) The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site, and will have no effect on generation of solid waste.
6. 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:

The appropriate mitigation to be applied to this project includes HM-3, 5, 6, 9, and 17 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-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>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>(1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.</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>
</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>
</tr>
</tbody>
</table>
The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.

Discussion:

(1) The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site. The project will comply with all policies of the General Plan related to hazardous materials.

(2) The proposed Project is an existing well site and will continue to use chlorinating agents in conformance with applicable State law and pursuant to permit. The Project will remove PCE from groundwater. PCE laden carbon substrate will be returned for recycling by the manufacturer.

(3) The proposed project will withdraw and treat PCE contaminated groundwater. The site itself is not listed pursuant to Government Code Section 65962.5. Construction and operation of the project will not create any new hazard to the public or the environment.

(4) The proposed project will not be constructed on a contaminated site not known to the State of California as of March 2008.

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:

The appropriate mitigation to be applied to this project includes (none) 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-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>Additional Mitigation needed</th>
<th>Significant Impact with Mitigation</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>No</td>
<td>√</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>
</tr>
</tbody>
</table>

Discussion:

(1-2) The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site, and will have no effect on soils or mineral resources.

(2) The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site, and will have no effect on mineral resources. The proposed project will not expose people or structures to potential substantial adverse effects including the risk of loss, injury, or death involving fault rupture, strong seismic activity; is not located on an expansive soil; will not result in the loss of topsoil; and does not require disposal of wastewater.

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:
The appropriate mitigation to be applied to this project includes (none) 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-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>Additional Mitigation needed</th>
<th>Significant Impact with Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.</td>
<td>No</td>
</tr>
<tr>
<td>(2)</td>
<td>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>
</tr>
</tbody>
</table>

Discussion:

(1-2) The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site and is a part of the operation of the existing domestic water supply system.
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:
The appropriate mitigation to be applied to this project includes (none) 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-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>EFFECTS ON VISUAL RESOURCES</th>
<th>Additional Mitigation needed</th>
<th>Significant Impact with Mitigation</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>
</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>
</tr>
</tbody>
</table>
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.

Discussion:

The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site and within an existing commercial-industrial district. The development of the site and its visual characteristics will be consistent with the surrounding uses.

The proposed project site is not in proximity to any riverside area or park.

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:

The appropriate mitigation to be applied to this project includes (none) 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-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:
**LAND USE AND PLANNING**

| (1) | The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan. |
| (2) | The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan. |
| (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. |
| (4) | The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan. |

**Discussion:**

(1-3) The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site and within an existing commercial-industrial district. No change to land use is proposed or will occur as a result of the project.

(4) No habitat conservation plan or natural community conservation plan is applicable to the project site.

---

**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:

The appropriate mitigation to be applied to this project includes CL-3 and 6 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-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>CLIMATE CHANGE</th>
<th>Additional Mitigation needed</th>
<th>Significant Impact with Mitigation</th>
</tr>
</thead>
<tbody>
<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>
</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>
</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>
</tr>
</tbody>
</table>

Discussion:

(1-3) The proposed project is addition of equipment for the removal of PCE within the confines of an existing well site and within an existing commercial-industrial district. No change to automobile trips or CO₂ emissions is proposed or will occur as a result of the project.

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.

No new or additional mitigation beyond that found in the Master EIR is required. For reference, the following measures from the MEIR are applicable to the project:

**Degradation of Air Quality:**

**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. (General Plan Policy VII-H.2[kk])

**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. (General Plan Policy VII-H.2[mm])

**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. (General Plan Policy VII-H.2[oo])

**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.) (General Plan Policy VII-H.2[pp])

**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. (General Plan Policy VII-H.2[qq])

**AQ-49:** Within urban areas, trackout shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday. (General Plan Policy VII-H.2[rr])

**Generation of Noise:**

**N-3:** The City of Modesto shall require construction activities to comply with the City’s noise ordinance (Title 4, Chapter 9), and noise-reducing construction practices to be implemented as conditions of approval for development projects where substantial construction-related noise impacts would be likely to occur (e.g., where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.). The city should consider potential mitigation measures, including, but not limited to, the following:

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. (UAGP VIIG. 3[a])

**Generation of Hazardous Materials:**

**HM-3:** The City shall comply with all existing federal and state laws which regulate the generation, transportation, storage, and disposal of hazardous materials. (UAGP Policy V-M.2[a])

**HM-5:** In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan shall be prepared by the project applicant. The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, state, and local requirements. Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.
If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to levels sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may require restriction to industrial use or a use that involves complete paving and covering of the parcel. In accordance with [Occupational Safety and Health Administration] requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record. (UAGP Policy V-M.2[c])

**HM-6:** For each specific project that would generate hazardous waste, the City shall require as a condition of building permit and/or business license approval that the project sponsor prepare a hazardous material transportation program. The transportation program shall identify the location of the new facility or use and designate either (1) specific routes to be used for transport of hazardous materials and wastes to and from the facility, or (2) specific routes to be avoided during transport of hazardous materials and wastes to and from the facility. Routes would be selected to minimize proximity to sensitive receptors to the greatest practical degree. Passage through residential streets should be minimized and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the applicant’s hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties. (UAGP Policy V-M.2[d])

**HM-9:** Prior to the issuance of all building permits, the City shall identify the site in relation to all CERCLIS sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities shall conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program would be developed and implemented as in [UAGP Policy V-M.2(c)]. (UAGP Policy V-M.2[e])

**HM-17:** Construction activities shall comply with the requirements of the City’s Storm Water Management Plan under its municipal NPDES stormwater permit, and the State
Climate Change:

**CL-3:** Removal of street trees shall be strenuously discouraged unless they are badly diseased and have become a threat to public safety. If a tree must be removed, it should be replaced no later than the end of the next planting season with a large-canopy species. (UAGP Policy VII-H.2[c]) [This will be implemented through review of individual development projects.]

**CL-6:** The goal of the street tree maintenance program is to maintain trees in the best possible health by ensuring that newly planted trees are cared for in such a way as to prevent or minimize sidewalk and street damage (including, but not limited to, deep watering until roots are well established, proper fertilizers, root barriers, and structured soils), pruning to remove mistletoe as often as necessary, pruning to prevent the tree from leaning, and using measures to control disease. (UAGP Policy VII-I.1[d])
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-172

A RESOLUTION AUTHORIZING CHANGE ORDERS FOR THE PROJECT TITLED “2007-2008 PAVEMENT REHABILITATION PROGRAM, H STREET RECONSTRUCTION FROM 17TH ST. TO SCENIC AVE. AND BURNEY ST. INTERSECTION” PROJECT IN THE AMOUNT OF $31,650.70

WHEREAS, the City Council, on May 5, 2009, by Resolution No. 2009-202, awarded a $824,466.20 contract to George Reed, Inc., to construct the 2007-2008 Pavement Rehabilitation Program, H Street Reconstruction from 17th St. to Scenic Ave. and Burney St. Intersection Project, 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 $31,650.70, 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 $82,462.20,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes change orders in the amount of $31,650.70 for the 2007-2008 Pavement Rehabilitation Program, H Street Reconstruction from 17th St. to Scenic Ave. and Burney St. Intersection Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, 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: Mayor Ridenour

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
WHEREAS, due to lower award costs, the Federal Regional Surface Transportation Program (RSTP) grant funds were deobligated, and
WHEREAS, a budgetary transaction is necessary to reduce departmental revenues in the amount of $594,021 and reduce offsetting expenditures for the 2007-2008 Pavement Rehabilitation Program, H Street Reconstruction from 17th St. to Scenic Ave. and Burney St. Intersection Project, and
WHEREAS, certain budgetary transactions are necessary in the amount of $33,845, in order to fully fund the shortfall of City match funds for the construction contract and change order expenses administered by City staff for the 2007-2008 Pavement Rehabilitation Program, H Street Reconstruction from 17th St. to Scenic Ave. and Burney St. Intersection Project, and
WHEREAS, the Fiscal Year 2009-2010 Capital Improvement Program budget must be amended 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 the amendment of the Fiscal Year 2009-2010 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 4th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, 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: Mayor Ridenour

ATTEST:

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
### Exhibit A

**FUND:**

Capital Grants-Gas

**REVENUES:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
<th>Increase/(Decrease)</th>
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<tr>
<td>Federal RSTP Grant</td>
<td>2370-430-H151-3532</td>
<td>($594,021)</td>
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<td>Gas Tax Reserves</td>
<td>0700-800-800-8003</td>
<td>33,845</td>
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**EXPENDITURES:**

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<tr>
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<tr>
<td>Fed Funded Pvmnt H 19th Streets</td>
<td>2370-430-H151-6040</td>
<td>($531,923)</td>
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<td>Fed Funded Pvmnt H 19th Streets</td>
<td>2370-430-H151-6060</td>
<td>($31,672)</td>
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<td>2370-430-H151-6016</td>
<td>$97</td>
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<td>Fed Funded Pvmnt H 19th Streets</td>
<td>2370-430-H151-6050</td>
<td>$3,323</td>
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MODESTO CITY COUNCIL  
RESOLUTION NO. 2010-174

A RESOLUTION AMENDING THE FISCAL YEAR 2009-2010 CAPITAL IMPROVEMENT PROGRAM BUDGET IN ORDER TO FULLY FUND THE CONSTRUCTION CONTRACT AND CHANGE ORDER EXPENSES ADMINISTERED AND SUPPORTED BY CITY STAFF FOR THE H STREET SEWER CAPACITY REHAB PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $6,100, in order to fully fund the shortfall of wastewater funded share of costs for the construction contract and change order expenses administered by City staff for H Street Sewer Capacity Rehab Project, and

WHEREAS, the Fiscal Year 2009-2010 Capital Improvement Program budget must be amended 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 Year 2009-2010 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 4th day of May 2010, by Councilmember Hawn, who
moved its adoption, which motion being duly seconded by Councilmember Muratore,
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: Mayor Ridenour

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
**Exhibit A**

**FUND:**

Wastewater Fund

**EXPENDITURES:**

<table>
<thead>
<tr>
<th>Description</th>
<th>Code</th>
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<tr>
<td>Wastewater Reserves</td>
<td>6210-800-8000-8003</td>
<td>($6,100)</td>
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<tr>
<td>H Street Sewer Capacity Rehab</td>
<td>6210-480-B016-6060</td>
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<td>$65</td>
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<tr>
<td>H Street Sewer Capacity Rehab</td>
<td>6210-480-B016-6050</td>
<td>10,816</td>
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A RESOLUTION ACCEPTING THE WORK BY GEORGE REED, INC., FOR THE PROJECT TITLED “2007-2008 PAVEMENT REHABILITATION PROGRAM, H STREET RECONSTRUCTION FROM 17TH ST. TO SCENIC AVE. AND BURNEY ST. INTERSECTION” AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $938,295.52

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the project titled “2007-2008 Pavement Rehabilitation Program, H Street Reconstruction from 17th St. to Scenic Ave. and Burney St. Intersection Project” has been completed by George Reed, Inc., in accordance with the contract agreement dated May 5, 2009,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “2007-2008 Pavement Rehabilitation Program, H Street Reconstruction from 17th St. to Scenic Ave. and Burney St. Intersection Project” is hereby accepted as complete from said contractor George Reed, Inc., that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, and that payment of amounts totaling $938,295.52 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, 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: Mayor Ridenour

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-176

A RESOLUTION ACCEPTING THE WORK BY D.A. WOODS CONSTRUCTION FOR THE “EL RIO SEWER REPLACEMENT PROJECT” AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $998,551.82

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the El Rio Sewer Replacement Project has been completed by D.A. Woods Construction in accordance with the contract agreement dated July 14, 2009,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “El Rio Sewer Replacement Project” is hereby accepted as complete from said contractor D.A. Woods Construction, that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling $998,551.82 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of May, 2010, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Muratore, 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: Mayor Ridenour

ATTEST: 

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF A UTILITY TRUCK WITH A CRANE FOR THE PUBLIC WORKS DEPARTMENT, WASTEWATER QUALITY CONTROL SERVICES DIVISION, THROUGH THE FLEET SERVICES DIVISION, TO WONDRIES FORD, ALHAMBRA, CA; AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $68,114

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment, throughout FY 09/10 through various competitive processes, with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, the utility truck with crane is a replacement for the Public Works Department, Wastewater Quality Control Services Division, through the Fleet Services Division and were included in the FY 09/10 new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the California Air Resources Board (CARB) requires a progressive replacement program that removes older diesel trucks from service. This truck falls under the City’s compliance program approved by the CARB and has reached the end of its useful life. The current truck does not meet CARB emission requirements and must be replaced, and

WHEREAS, the Purchasing Division issued RFB No. 0910-19, for the purchase of a utility truck with crane to twenty-four (24) prospective bidders, one of which was a local vendor, posted the bid on the City’s website and formally advertised as required by law, and
WHEREAS, RFB’s were formally opened in the City Clerk’s office. Of the twenty-four (24) prospective bidders, seven (7) companies chose to respond, one of which was a local vendor. All companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid and contract for the purchase of a utility truck with crane to Wondries Ford, Alhambra, CA, for the total estimated cost of $68,114, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid and contract for the purchase of a utility truck with crane to Wondries Ford, Alhambra, CA, for the Public Works Department, Wastewater Quality Control Services Division, through Fleet Services Division, conforms to the Modesto Municipal Code, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2009-10 in appropriation unit: 7210-480-5814-5518 for $68,114,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for the purchase of a utility truck with crane for the Public Works Department, Wastewater Quality Control Services Division, through the Fleet Services Division, to Wondries Ford, Alhambra, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for an estimated total cost of $68,114.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF A CRANE TRUCK FOR THE PUBLIC WORKS DEPARTMENT, WASTEWATER QUALITY CONTROL SERVICES DIVISION, THROUGH THE FLEET SERVICES DIVISION, TO ALTEC INDUSTRIES, DIXON, CA; AND AUTHORIZING THE PURCHASING MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED TOTAL COST OF $185,686

WHEREAS, the City Manager authorized the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment throughout FY 09/10 through various competitive processes, with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, the crane truck is a replacement for the Public Works Department, Wastewater Quality Control Services Division, through the Fleet Services Division, and was included in the FY 09/10 new vehicles and heavy equipment list authorized by the City Manager, and

WHEREAS, the California Air Resources Board (CARB) requires a progressive replacement program that removes older diesel trucks from service. This truck falls under the City’s compliance program approved by the CARB and has reached the end of its useful life. The current truck does not meet CARB emission requirements and must be replaced, and

WHEREAS, the Purchasing Division issued RFB No. 0910-20, for the purchase of a crane truck to twenty-one (21) prospective bidders, none of which were local companies, posted the bid on the City’s website and formally advertised as required by law, and
WHEREAS, RFB's were formally opened in the City Clerk's office. Of the twenty-one (21) prospective bidders, six (6) companies chose to respond, none of which were local companies. All companies provided responsive and responsible bids, and

WHEREAS, based on providing the lowest responsive and responsible bid, City staff recommends the award of bid and contract for the purchase of a crane truck to Altec Industries, Dixon, CA, for the total estimated cost of $185,686, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed $50,000 for material, equipment or contractual services to be formally bid. The award of bid and contract for the purchase of a crane truck to Altec Industries, Dixon, CA, for the Public Works Department, Wastewater Quality Control Services Division, through Fleet Services Division, conforms to the Modesto Municipal Code, and

WHEREAS, sufficient funds are budgeted in Fiscal Year 2009-10 in appropriation unit: 7210-480-5814-5519 $185,686,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of bid and contract for the purchase of a crane truck for the Public Works Department, Wastewater Quality Control Services Division, through the Fleet Services Division, to Altec Industries, CA.

BE IT FURTHER RESOLVED that the Purchasing Manager, or his designee, is hereby authorized to issue a purchase order for an estimated total cost of $185,686.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2010-179  

A RESOLUTION ACCEPTING THE ANTI-DRUG ABUSE ENFORCEMENT TEAM RECOVERY ACT PROGRAM GRANT, IN THE AMOUNT OF $313,492, FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY, TO COMBAT MAJOR DRUG TRAFFICKING; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY PROGRAM DOCUMENTS

WHEREAS, the Modesto Police Department applied for funding from the California Emergency Management Agency (Cal EMA) for the Anti-Drug Abuse (ADA) Enforcement Team Recovery Act Program, and

WHEREAS, the ADA Enforcement Team Recovery Act Program is part of the Stanislaus Drug Enforcement Agency (SDEA), and

WHEREAS, this Program will integrate federal, state, and local law enforcement agencies, prosecutors, and probation officers for the purpose of enhancing inter-agency coordination and intelligence and facilitating multi-jurisdictional investigations to combat major drug trafficking and manufacturing, and

WHEREAS, this funding will add an additional task force member (a Police Officer from the City of Oakdale), in addition to providing essential training and equipment needed by the task force, and

WHEREAS, the SDEA is responsible for compliance with all regulations pertaining to the Cal EMA grant, including all reporting requirements, and

WHEREAS, the City of Modesto is responsible for the financial reporting requirements (see budget adjustment attached), and

WHEREAS, there is no match required for this grant, and
WHEREAS, the term of the ADA Enforcement Team Recovery Act Program is from March 1, 2010, through February 28, 2012,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the the Anti-Drug Abuse Enforcement Team Recovery Act Program Grant, in the amount of $313,492, from the California Emergency Management Agency.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the necessary program grant documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: Hawn

ATTEST: [Signature]

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

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<tr>
<th>Fund-Agency-Organ-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/ (Decrease)</th>
<th>Revised Budget</th>
<th>Description of Object</th>
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<td>2104-C</td>
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<td>2104-C</td>
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DEPARTMENTAL REVENUES
FROM
MY-8850-190-2104-3490  $313,492  $313,492 Anti-Drug Enforcement Team Recovery Act Program State Grants

APPROPRIATIONS
FROM
TO
MY-8850-190-2104-0207  2104-C  $20,799  $20,799 Training Expenses
MY-8850-190-2104-0240  2104-C  $253,993  $253,993 Intergovernmental Services
MY-8850-190-2104-0350  2104-C  $9,700  $9,700 Computer Equipment <$5,000
MY-8850-190-2104-0352  2104-C  $4,000  $4,000 Video Equipment <$3,000
MY-8850-190-2104-5700  2104-C  $25,000  $25,000 Non-CIP Vehicle

TRANSFERS BETWEEN FUNDS
FROM
TO

COMMENTS/JUSTIFICATION
This budget adjustment is being made to: 1) Budget estimated revenue received from the award of a State Grant in the amount of $313,492 from the Anti-Drug Abuse Enforcement Team Recovery Act Program and; 2) Program offsetting expenses as outlined in the grant program document. These actions will officially establish a new Multi-Year Operating Organization for Fund 8850 - Stanislaus Drug Enforcement Agency in the FY 2009-10 Budget.

AUTHORIZATION (check if required)
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)
CFD/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: ________________

PW: AT winterfund Template 7/28/2005
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-180

A RESOLUTION AMENDING THE FISCAL YEAR 2009/2010 OPERATING AND MULTI-YEAR BUDGETS TO REFLECT REVENUE AND EXPENSES IN THE AMOUNT OF $313,492, FROM THE CALIFORNIA EMERGENCY MANAGEMENT AGENCY, TO COMBAT MAJOR DRUG TRAFFICKING

WHEREAS, the Modesto Police Department applied for funding from the California Emergency Management Agency (Cal EMA) for the Anti-Drug Abuse (ADA) Enforcement Team Recovery Act Program, and

WHEREAS, the ADA Enforcement Team Recovery Act Program is part of the Stanislaus Drug Enforcement Agency (SDEA), and

WHEREAS, this program will integrate federal, state, and local law enforcement agencies, prosecutors, and probation officers for the purpose of enhancing inter-agency coordination and intelligence and facilitating multi-jurisdictional investigations to combat major drug trafficking and manufacturing, and

WHEREAS, this funding will add an additional task force member (a Police Officer from the City of Oakdale), in addition to providing essential training and equipment needed by the task force, and

WHEREAS, the SDEA is responsible for compliance with all regulations pertaining to the Cal EMA grant, including all reporting requirements, and

WHEREAS, the City of Modesto is responsible for the financial reporting requirements, and

WHEREAS, there is no match required for this grant, and

WHEREAS, the term of the ADA Enforcement Team Recovery Act program is from March 1, 2010, through February 28, 2012,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2009/2010 Operating and Multi-Year Budgets are shown on the Budget Adjustment Form attached.

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 11th 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
REQUEST FOR BUDGET ADJUSTMENT

**Contact Person:** Julie Hendee
**Telephone No.:** 572-9518
**Department:** Police Department
**Resolution Number:**
**FY:** 09-10

**Fund Title:** 8850 - SDEA

<table>
<thead>
<tr>
<th>Fund-Agent-Object-Object</th>
<th>Appr Unit</th>
<th>Current Budget</th>
<th>Increase/ (Decrease)</th>
<th>Revised Budget</th>
<th>Description of Object</th>
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<td><strong>FROM</strong></td>
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<td></td>
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<tr>
<td><strong>TO</strong></td>
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**APPROPRIATIONS**

**FROM**

**TO**

- MY_8850-190-2104-0207
- MY-8850-190-2104-0240
- MY-8850-190-2104-0350
- MY-8850-190-2104-0352
- MY-8850-190-2104-5700

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<th>$20,799</th>
<th>Training Expenses</th>
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<td>Computer Equipment &lt;$5,000</td>
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<td>$25,000</td>
<td>Non-CIP Vehicle</td>
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**TRANSFERS BETWEEN FUNDS**

**FROM**

**TO**

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<td>2104-C</td>
<td>$25,000</td>
<td>$25,000</td>
<td>Non-CIP Vehicle</td>
</tr>
</tbody>
</table>

**COMMENTS/JUSTIFICATION**

This budget adjustment is being made to: 1) Budget estimated revenue received from the award of a State Grant in the amount of $313,492 from the Anti-Drug Abuse Enforcement Team Recovery Act Program and; 2) Program offsetting expenses as outlined in the grant program document. These actions will officially establish a new Multi-Year Operating Organization for Fund 8850 - Stanislaus Drug Enforcement Agency in the FY 2009-10 Budget.

**AUTHORIZATION (check if required)**

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)
(CIP 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:**

PW: AT w/interfund Template 7/28/2005
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-181

A RESOLUTION ACCEPTING THE WORK BY MODESTO EXECUTIVE ELECTRIC, INC. FOR THE “PARK LIGHTING AT 6 SITES PROJECT” AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION WITH THE STANISLAUS COUNTY RECORDER, AND TO RELEASE SECURITIES UPON EXPIRATION OF STATUTORY PERIODS, AND AUTHORIZING PAYMENT OF AMOUNTS TOTALING $254,679.76

WHEREAS, a report has been filed by the Director of Utility Planning and Projects that the “Park Lighting at 6 Sites Project” has been completed by Modesto Executive Electric, Inc., in accordance with the contract agreement dated September 22, 2009,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the project titled “Park Lighting at 6 Sites Project” is hereby accepted as complete from said contractor Modesto Executive Electric, Inc.

BE IT FURTHER RESOLVED that the City Clerk is authorized to file a Notice of Completion with the Stanislaus County Recorder, release securities upon expiration of statutory periods, and that payment of amounts totaling $254,679.76 is authorized as provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-182

A RESOLUTION APPROVING A PURCHASE AGREEMENT WITH NELLIE M. SANDERS, FOR A 0.03-ACRE (1,322 SQ. FT.) PARCEL IN FEE, AND A 0.03-ACRE (1,350 SQ. FT.) PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT OF A PARCEL LOCATED AT 3324 ROSELLE AVENUE (APN 085-001-021), IN THE AMOUNT OF $27,541, FOR THE ROSELLE AVENUE WIDENING PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, on June 9, 2009, the City Council, by Ordinance No. 3516-C.S., approved proceeding with the Proposed Operating and Multi-year budgets and the Capital Improvement Program, and

WHEREAS, as part of the Capital Improvement Program, certain City streets have been identified for widening, and

WHEREAS, staff has identified eight parcels along the east side of Roselle Avenue for a widening project to widen Roselle Avenue, between Floyd and Sylvan Avenues, from 2 lanes to 4 lanes, to include curb, gutter, sidewalks, median, landscaping and street lighting, to improve traffic flow and reduce congestion, and

WHEREAS, the property needs to be acquired for this street widening project, and

WHEREAS, an Agreement is needed for the acquisition of the property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Nellie M. Sanders, for a 0.03-acre (1,322 sq. ft.) parcel in fee, and a 0.03-acre (1,350 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 3324 Roselle Avenue (APN 085-001-021), in the amount of $27,541, for the Roselle Avenue Widening Project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN CERTIFICATE OF ACCEPTANCE FORMS FOR THE GRANT DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE ACQUISITION OF A PORTION OF A PARCEL OF LAND LOCATED AT 3324 ROSELLE AVENUE, OWNED BY NELLIE M. SANDERS, (APN 085-001-021 TO BE PURCHASED BY THE CITY OF MODESTO FOR THE ROSELLE AVENUE WIDENING PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 0.03-acre (1,322 sq. ft.) portion of a 3.1-acre parcel of land located on Roselle Avenue within the project area, owned by Nellie M. Sanders (APN 085-001-021), to be purchased by the City of Modesto for the Roselle Avenue Widening Between Floyd and Sylvan Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign Certificate of Acceptance Forms for the Grant Deed and the Grant for Temporary Construction Easement for the acquisition of a property located on Roselle Avenue, owned by Nellie M. Sanders, a surviving joint tenant, (APN 085-001-021) to be purchased by the City of Modesto for the Roselle Avenue Widening Between Floyd and Sylvan Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-184

A RESOLUTION APPROVING A PURCHASE AGREEMENT WITH BILLY J. OSBORN AND JUDY A. OSBORN, FOR A 0.03-ACRE (1,322 SQ. FT.) PARCEL IN FEE, AND A 0.03-ACRE (1,102 SQ. FT.) PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT OF A PARCEL LOCATED AT 3342 ROSELLE AVENUE (APN 085-001-037), IN THE AMOUNT OF $24,546, FOR THE ROSELLE AVENUE WIDENING PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, on June 9, 2009, the City Council, by Ordinance No. 3516-C.S., approved proceeding with the Proposed Operating and Multi-year budgets and the Capital Improvement Program, and

WHEREAS, as part of the Capital Improvement Program, certain City streets have been identified for widening, and

WHEREAS, staff has identified eight parcels along the east side of Roselle Avenue for a widening project to widen Roselle Avenue, between Floyd and Sylvan Avenues, from 2 lanes to 4 lanes, to include curb, gutter, sidewalks, median, landscaping and street lighting, to improve traffic flow and reduce congestion, and

WHEREAS, the property needs to be acquired for this street widening project, and

WHEREAS, an Agreement is needed for the acquisition of the property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Billy J. Osborn and Judy A. Osborn, for a 0.03-acre (1,322 sq. ft.) parcel in fee, and a 0.03-acre (1,102 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 3342 Roselle Avenue (APN 085-001-037), in the amount of $24,546, for the Roselle Avenue Widening Project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to execute the Agreement, and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 11th 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, Lopez, Marsh, Muratore, Olsen,
Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: [Signature]

(SH) PHANIE LOPEZ, City Clerk

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-185

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN CERTIFICATE OF ACCEPTANCE FORMS FOR THE GRANT DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE ACQUISITION OF A PORTION OF A PARCEL OF LAND LOCATED AT 3342 ROSELLE AVENUE, OWNED BY BILLY J. OSBORN AND JUDY A. OSBORN, (APN 085-001-037) TO BE PURCHASED BY THE CITY OF MODESTO FOR THE ROSELLE AVENUE WIDENING PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 0.03-acre (1,322 sq. ft.) portion of a 3.1-acre parcel of land located on Roselle Avenue within the project area, owned by Billy J. Osborn and Judy A. Osborn (APN 085-001-037), to be purchased by the City of Modesto for the Roselle Avenue Widening Between Floyd and Sylvan Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign Certificate of Acceptance Forms for the Grant Deed and the Grant for Temporary Construction Easement for the acquisition of a property located on Roselle Avenue, owned by Billy J. Osborn and Judy A. Osborn, husband and wife, (APN 085-001-037) to be purchased by the City of Modesto for the Roselle Avenue Widening Between Floyd and Sylvan Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-186

A RESOLUTION APPROVING A PURCHASE AGREEMENT WITH DARRELL W. WRIGHT AND CAROL WRIGHT, FOR A 0.01-ACRE (322 SQ. FT.) PARCEL IN FEE, AND A 0.02-ACRE (795 SQ. FT.) PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT OF A PARCEL LOCATED AT 2906 ROSELLE AVENUE (APN 085-050-002), IN THE AMOUNT OF $3,355, FOR THE ROSELLE AVENUE WIDENING PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, on June 9, 2009, the City Council, by Ordinance No. 3516-C.S., approved proceeding with the Proposed Operating and Multi-year budgets and the Capital Improvement Program, and

WHEREAS, as part of the Capital Improvement Program, certain City streets have been identified for widening, and

WHEREAS, staff has identified eight parcels along the east side of Roselle Avenue for a widening project to widen Roselle Avenue, between Floyd and Sylvan Avenues, from 2 lanes to 4 lanes, to include curb, gutter, sidewalks, median, landscaping and street lighting, to improve traffic flow and reduce congestion, and

WHEREAS, the property needs to be acquired for this street widening project, and

WHEREAS, an Agreement is needed for the acquisition of the property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Darrell W. Wright and Carol Wright, for a 0.01-acre (322 sq. ft.) parcel in fee, and a 0.02-acre (795 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 2906 Roselle Avenue (APN 085-050-002), in the amount of $3,355, for the Roselle Avenue Widening Project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSAN ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-187

A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN CERTIFICATE OF ACCEPTANCE FORMS FOR THE GRANT DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE ACQUISITION OF A PORTION OF A PARCEL OF LAND LOCATED AT 2906 ROSELLE AVENUE, OWNED BY DARRELL W. WRIGHT AND CAROL WRIGHT, (APN 085-050-002) TO BE PURCHASED BY THE CITY OF MODESTO FOR THE ROSELLE AVENUE WIDENING PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 0.01-acre (322 sq. ft.) portion of a 1.0-acre parcel of land located on Roselle Avenue within the project area, owned by Darrell W. Wright and Carol Wright (APN 085-050-002), to be purchased by the City of Modesto for the Roselle Avenue Widening Between Floyd and Sylvan Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign Certificate of Acceptance Forms for the Grant Deed and the Grant for Temporary Construction Easement for the acquisition of a property located on Roselle Avenue, owned by Darrell W. Wright and Carol Wright, husband and wife, (APN 085-050-002) to be purchased by the City of Modesto for the Roselle Avenue Widening Between Floyd and Sylvan Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-188

A RESOLUTION APPROVING A PURCHASE AGREEMENT WITH CENTRAL CALIFORNIA DEVELOPMENT, LLC, FOR A 0.05-ACRE (2,144 SQ. FT.) PARCEL IN FEE, AND A 0.04-ACRE (1,787 SQ. FT.) PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT OF A PARCEL LOCATED AT 3220 ROSELLE AVENUE (APN 085-001-047) IN THE AMOUNT OF $13,682, FOR THE ROSELLE AVENUE WIDENING PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, on June 9, 2009, the City Council, by Ordinance No. 3516-C.S., approved proceeding with the Proposed Operating and Multi-year budgets and the Capital Improvement Program, and

WHEREAS, as part of the Capital Improvement Program, certain City streets have been identified for widening, and

WHEREAS, staff has identified eight parcels along the east side of Roselle Avenue for a widening project to widen Roselle Avenue, between Floyd and Sylvan Avenues, from 2 lanes to 4 lanes, to include curb, gutter, sidewalks, median, landscaping and street lighting, to improve traffic flow and reduce congestion, and

WHEREAS, the property needs to be acquired for this street widening project, and

WHEREAS, an Agreement is needed for the acquisition of the property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Central California Development, LLC, for a 0.05-acre (2,144 sq. ft.) parcel in fee, and a 0.04-acre (1,787 sq. ft.) portion for a Temporary Construction Easement of a parcel located at 3220 Roselle Avenue (APN 085-001-047) in the amount of $13,682, for the Roselle Avenue Widening Project.
BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST:

[Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN CERTIFICATE OF ACCEPTANCE FORMS FOR THE GRANT DEED AND GRANT OF TEMPORARY CONSTRUCTION EASEMENT FOR THE ACQUISITION OF A PORTION OF A PARCEL OF LAND LOCATED AT 3220 ROSELLE AVENUE, OWNED BY CENTRAL CALIFORNIA DEVELOPMENT, LLC, (APN 085-001-047) TO BE PURCHASED BY THE CITY OF MODESTO FOR THE ROSELLE AVENUE WIDENING PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to acquire a 0.05-acre (2,144 sq. ft.) portion of a 8.43-acre parcel of land located on Roselle Avenue within the project area, owned by Central California Development, LLC, (APN 085-001-047), to be purchased by the City of Modesto for the Roselle Avenue Widening Between Floyd and Sylvan Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign Certificate of Acceptance Forms for the Grant Deed and the Grant for Temporary Construction Easement for the acquisition of a property located on Roselle Avenue, owned by Central California Development, LLC, (APN 085-001-047) to be purchased by the City of Modesto for the Roselle Avenue Widening Between Floyd and Sylvan Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature] SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-190

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): ZONING CODE AMENDMENT TO IMPLEMENT THE NEIGHBORHOOD COMPATIBILITY GUIDELINES (INITIATED BY CITY OF MODESTO)

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, City of Modesto has initiated the proposed Zoning Code amendment to implement the Neighborhood Compatibility Guidelines, 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 2010-01 ("Initial Study") reviewed the proposed Zoning Code amendment to implement the Neighborhood Compatibility Guidelines to determine 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 April 14, 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 11, 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 Zoning Code amendment to implement the Neighborhood Compatibility Guidelines, 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 11th day of May, 2010, by Councilmember Muratore, 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: ____________________________

(SEAL)

APPROVED AS TO FORM:

By: ____________________________

SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2010-01
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2010 - 01

For the proposed:

CODE-09-002 Code Amendment to Implement the Neighborhood Compatibility Guidelines

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

1-25-10
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 CODE-09-002, Code Amendment to Implement the Neighborhood Compatibility Guidelines 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: CODE-09-002, Code Amendment to Implement the Neighborhood Compatibility Guidelines

B. Address or Location: City of Modesto, 1010 Tenth Street, Modesto, CA 95353

C. Applicant: City of Modesto

D. City Contact Person: Paul Liu, Senior Planner

Project Manager: Paul Liu
Department: Community and Economic Development Department
Phone Number: 209 577 5282
E-mail address: pliu@modestogov.com

E. Current General Plan Designation(s): Not Applicable

F. Current Zoning Classification(s): Not Applicable

G. Surrounding Land Uses:
   North: Not Applicable
   South: Not Applicable
   East: Not Applicable
   West: Not Applicable
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):

In recent years, there have been increasing concerns about second-story projects to homes located in established neighborhoods to ensure that privacy and massing issues are addressed relating to immediately adjacent residences. There have also been concerns expressed the scale and architectural compatibility of some of these second-story projects.

The Neighborhood Compatibility Guidelines was prepared to address the compatibility of new homes and additions to homes with the surrounding homes in existing neighborhoods. This effort focused primarily on providing more effective guidance for second story review, and secondarily upon lot pattern and neighborhood layout issues. The Neighborhood Compatibility Guidelines was adopted by the City Council on April 28, 2009. In addition to approving the Guidelines, the City Council directed staff to prepare the appropriate Code amendments to implement the Guidelines.

A summary of the changes to the Zoning Code are as follows:

1. Clarify and update existing second-story review provisions to reflect the new role of these Guidelines in the review process.
2. Modify the provisions in the residential zoning districts to indicate the required compliance to the Guidelines where applicable in the review process.
3. Modify setback requirements for side and rear yards to provide a greater setback for second story portion of residential buildings to address scale and massing issues and to establish appropriate setbacks.
4. Authorize larger lot size in the Low Density Residential District where necessary to maintain “compatibility” with existing lots in the neighborhood in accordance with the Guidelines.
5. Require public notification for the review of second story projects.
6. Miscellaneous revisions and clarifications to the code.

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 and dates]
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.

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>(1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.</td>
<td>□</td>
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<tr>
<td>(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.</td>
<td>□</td>
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<tr>
<td>(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).</td>
<td>□</td>
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<td>(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.</td>
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<tr>
<td>(5) The development will occur within the boundaries of the City’s planning area as established in this Urban Area General Plan.</td>
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<tr>
<td>(6) Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.</td>
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</table>

**Discussion:**

(5) The proposed code amendment does not involve a development project. However, applicable future development projects subject to the code amendment will be within the planning area.

(6) Applicable future development projects will be subject to appropriate mitigation measures in the 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.
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-1-28 to V-1-31) 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 StanCOC’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-1-28).

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-1-24. 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:
No mitigation is applied to this project 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-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:
### 1. TRAFFIC AND CIRCULATION

<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>
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<td>7)</td>
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</table>

**Discussion:**

1. The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on traffic generation assumptions.
The project will have no effect on the level of service standard established by the county congestion management.

The project will have no effect on traffic and circulation issues.

The project will have no effect on emergency response time.

The project will have no effect on parking requirements.

The project will have no effect on alternative transportation policies.

The project will have no effect on automobile vehicle miles traveled.

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-2-26).

Effect: Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM10) and 2.5 microns or less in diameter (PM2.5) (see MEIR Table 2-8, page V-2-26).

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-2-26).

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, NOx, PM10, and PM2.5.

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-2-14 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:

No mitigation is applied to this project 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-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>2. 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\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{2.5} by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) 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>
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<tr>
<td>2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{2.5}.</td>
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</tr>
<tr>
<td>3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.</td>
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</tr>
<tr>
<td>4) 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>
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<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>5) The proposed project would create objectionable odors affecting a substantial number of people.</td>
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</tbody>
</table>

Discussion:

(1) The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on emissions thresholds.

(2) The project will have no effect on best management practices established by the SJVAPCD.

(3) The project will have no effect on air quality policies.

(4) The project will have no effect on sensitive receptors.

(5) The project will not result in the creation of 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-3-11, and Figure V-3-2 and Table 3-6, pages V-3-19 and V-3-20).

**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-3-12 through V-3-16 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:**

No mitigation is applied to this project 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:
### 3. GENERATION OF NOISE

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<thead>
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<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 will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.</td>
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<td></td>
</tr>
<tr>
<td>2)</td>
<td>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>
</tr>
<tr>
<td>3)</td>
<td>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></td>
</tr>
<tr>
<td>4)</td>
<td>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>□</td>
<td>□</td>
<td></td>
</tr>
</tbody>
</table>

**Discussion:**

1. The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on noise level standards.

2. The project will have no effect on noise policies.

3. The project will not result in an increase of ambient noise levels.

4. The project will not result in a temporary or periodic increase of ambient noise levels.

### 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 is applied to this project 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-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>4. 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>
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</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>
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</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>
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<tr>
<td>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.</td>
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</tr>
</tbody>
</table>
Discussion:

(1) The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on agricultural land policies.

(2) The project will have no effect on development outside the Modesto planning area.

(3) The project will have no effect on land zoned for agricultural use or with Williamson Act contract.

(4) The project will have no effect on the conversion of farmland to non-agricultural 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 is applied to this project 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-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>5. 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>✗</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>✗</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>
<td>✗</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on the water supply.

(2) The project will have no effect on water demand.

(3) The project will have no effect on groundwater supply.

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-6-2 through V-6-7 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 is applied to this project 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-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:
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

<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>1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☒</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>
</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>
</tr>
</tbody>
</table>

Discussion:

(1) The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on wastewater policies.

(2) The project will have no effect on sewage flows.

(3) The project will have no effect on wastewater capacity.

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 plant 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-7-18 through V-7-25 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 is applied to this project 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-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></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>7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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>☑</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>☑</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>☑</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>☑</td>
</tr>
</tbody>
</table>
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

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.

Discussion:

1. The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on wildlife and plant habitat policies.

2. The project will not result in significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.

3. The project will have no effect on federally protected wetlands.

4. The project will have no effect on native resident or migratory fish or wildlife species.

5. The project will have no effect on local policies or ordinances protecting biological resources.

6. The project will have no effect on 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-8-15 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:**

No mitigation is applied to this project 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>8. DISTURBANCE 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>☒</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>☒</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>☒</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>☒</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>☒</td>
</tr>
</tbody>
</table>
Discussion:

(1) The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on archaeological/historical resource policies.

(2) The project will have no effect on historical buildings or landmarks.

(3) The project will have no effect on structures.

(4) The project will have no effect on cultural resources.

(5) The project will have no effect on 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 is applied to this project 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-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>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>9. 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 an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on storm drainage policies.

(2) The project will have no effect on surface runoff.

(3) The project will have no effect on Low Impact Development strategies to reduce runoff.
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-10-10 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 is applied to this project 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-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>10. FLOODING AND WATER 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 is inconsistent with the flooding and water quality policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</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>☐</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>☐</td>
</tr>
<tr>
<td><strong>4)</strong> The proposed project would place structures 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>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>5)</strong> The proposed project does not comply with Modesto’s Guidance Manual for New Development Storm Water Quality Control Measures.</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>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>6)</strong> The proposed project would violate water quality standards or waste discharge requirements.</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>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>7)</strong> 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.</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>
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<td>☐</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>8)</strong> 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.</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>
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</tbody>
</table>

**Discussion:**

1. The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on flooding and water quality policies.

2. The project will have no effect on federal Clean Water Act or the State Porter-Cologne Act.

3. The project will not result in more housing within a 100-year flood hazard zone.

4. The project will have no effect on flooding.

5. The project will have no effect on Modesto’s Guidance Manual for New Development Storm Water Quality Control Measures.

6. The project will have no effect on water quality standards or waste discharge requirements.

7. The project will have no effect on existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation.

8. The project will have no effect on 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 is applied to this project 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-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>11. 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></td>
</tr>
<tr>
<td>2) The proposed project would eliminate parks or open space.</td>
<td></td>
<td></td>
<td></td>
<td></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>
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</tr>
</tbody>
</table>

Discussion:

(1) The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on parks and open space policies.

(2) The project will have no effect on parks and open space.

(3) The project will have no effect on parks and recreation facilities.

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-12-3 through V-12-8 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 is applied to this project 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-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>12. INCREASED 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>☒</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>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on school policies.

(2) The project will have no effect on SB 50/Proposition 1A funding provisions.
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 is applied to this project 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-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>13. 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>☒</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>☒</td>
</tr>
</tbody>
</table>
Discussion:

(1) The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on policies relating to police services.

(2) The project will not result in the need for more police facilities.

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 is applied to this project 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-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:
14. INCREASED DEMAND FOR FIRE SERVICES

<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) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</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>☒</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>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on fire service policies.

(2) The project will not result in the need for more fire service facilities.

(3) The project will have no effect on fire protection services in adjoining fire protection districts.

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 is applied to this project 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-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>15. 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>☑</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>☑</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on solid waste policies.

(2) The project will have no effect on the County solid waste facility.
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 is applied to this project 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-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>16. 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>☐</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>☐</td>
</tr>
</tbody>
</table>
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.

<table>
<thead>
<tr>
<th>Potential Significance</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>☒</td>
</tr>
</tbody>
</table>

4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.

Discussion:

(1) The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on hazardous materials policies.

(2) The project will not result in emitting hazardous emissions or handling hazardous materials.

(3) The project will not result in locating projects on hazardous materials sites.

(4) The project will not result in locating projects on contaminated sites.

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 is applied to this project 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-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>17. 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>☒</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>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on geology, soils, and mineral resources policies.

(2) The project will not result in exposing people or structure to seismic activities, location on expansive soils, or loss of mineral resources.
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-18-7 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 is applied to this project 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-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:
18. ENERGY

<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) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</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>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on energy policies.

(2) The project will not result in wasteful energy consumption during future construction activities.

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 is applied to this project 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-19.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual 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>19. EFFECTS ON VISUAL 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 proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</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>☒</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>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on visual resources policies. The proposed code amendment will not affect scenic vistas, scenic resources, or light and glare.

(2) The project will have no effect on views from riverside areas and parks.

(3) The project will have no effect on views from public roadways.
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-20-18 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 is applied to this project 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-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>No</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>20. LAND USE AND PLANNING</td>
<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>
</tr>
<tr>
<td></td>
<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>
</tr>
</tbody>
</table>
(1) The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and is consistent land use and planning policies. General Plan Policy V-C.1.h. that states, “Establish and maintain an orderly and compatible land use pattern. Evaluate land use compatibility, noise, traffic, and other environmental hazards when making land use decisions”. The proposed code amendment help implement this policy by addressing the compatibility of new homes and additions to homes with the surrounding homes in existing neighborhoods.

(2) The project will not result in the physical division of an established community.

(3) The project will have no effect on a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact.

(4) The project will have no effect on applicable habitat conservation plan or natural community conservation plan.

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-21-6 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 is applied to this project 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-21.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>21. CLIMATE CHANGE</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 climate change in the Urban Area General Plan.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</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>□</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is an amendment to the Zoning Code development regulations focused primarily on addressing compatibility of new second story dwellings or additions in existing neighborhoods and will have no effect on climate change policies.

(2) The project will have no effect on automobile trip lengths or CO₂ emissions.

(3) The project will have no effect on the Sustainable Communities Strategy or Alternative Planning Strategy.
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: Not Applicable (N/A)

Degradation of Air Quality: N/A

Generation of Noise: N/A

Effects on Agricultural Lands: N/A

Increased Demand for Long-Term Water Supplies: N/A

Increased Demand for Sanitary Sewer Services: N/A

Loss of Sensitive Wildlife and Plant Habitat: N/A

Disturbance of Archaeological/Historic Sites: N/A

Increased Demand for Storm Drainage: N/A

Flooding and Water Quality: N/A
Increased Demand for Parks and Open Space: N/A
Increased Demand for Schools: N/A
Increased Demand for Police Services: N/A
Increased Demand for Fire Services: N/A
Generation of Solid Waste: N/A
Generation of Hazardous Materials: N/A
Geology, Soils, and Mineral Resources: N/A
Energy: N/A
Effects on Visual Resources: N/A
Land Use and Planning: N/A
Climate Change: N/A
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-191

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): OMNIBUS ZONING CODE TEXT AMENDMENT (INITIATED BY CITY OF MODESTO)

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 has proposed Omnibus Zoning Code Text Amendments, 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 2010-05 ("Initial Study"), reviewed the proposed Omnibus Zoning Code Text Amendment to determine 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 April 14, 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 11, 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 Omnibus Zoning Code Text Amendment, 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 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 11th day of May, 2010, by Councilmember Lopez, who moved its adoption, which motion being duly seconded by CouncilmemberMarsh, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2010-05
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2010-05

For the proposed:

CODE-10-001
Omnibus Zoning Code Text Amendment

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

2-24-10
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 CODE-09-002, Code Amendment to Implement the Neighborhood Compatibility Guidelines 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: CODE-10-001, Omnibus Zoning Code Text Amendment

B. Address or Location: City of Modesto, 1010 Tenth Street, Modesto, CA 95353

C. Applicant: City of Modesto

D. City Contact Person: David Wage, Associate Planner

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

E. Current General Plan Designation(s): Not Applicable

F. Current Zoning Classification(s): Not Applicable

G. Surrounding Land Uses:
   North: Not Applicable
   South: Not Applicable
   East: Not Applicable
   West: Not Applicable
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):

Significant amendments included in this update are as follows:

Non-Conforming Uses, Structures and Sites, and Lots: The Municipal Code currently includes limited language regarding non-conforming uses. Additional language was added to include criteria for the expansion of a non-conforming use and the replacement of one non-conforming use with another. The Municipal Code does not address non-conforming developments (e.g., buildings and sites that don’t meet setback, parking and other development standards). The amendment includes language to address proposed expansions, as well as, the maintenance, and reconstruction of a non-conforming structure or site. Language was also added to expand on the provisions regarding non-conforming lots which do not meet code requirements for lot area and dimensions.

Manufactured Homes: There are currently no regulations in the Municipal Code regarding Manufactured Homes. The proposed code update is intended to ensure all new Manufactured Homes installed meet the minimum building safety requirements established in the National Manufactured Housing Construction and Safety Standards of June 15, 1976. In addition to building safety, the proposed code update is also intended to encourage Manufactured Homes to maintain residential compatibility with existing neighborhoods by requiring siding materials that are in keeping with the character of the neighborhood, a minimal roof pitch and overhang and the placement of units on a permanent foundation.

Wall Sign Height: The current code language requires wall signs to be located below the main ridgeline of a building. This requirement was written during a time when the majority of commercial buildings had flat rooflines. Buildings with parapet roofs and minor architectural projections that vary in height have become increasingly common. Many of the minor architectural projections were designed to accommodate wall signage but due to the ridgeline limitations of the current code, are not allowed to have signs mounted on them. The proposed code change would allow signs to be located below the top of the roof, parapet or wall, of which the sign is to be affixed.

Churches: Churches are currently a conditional use in the Professional Office (P-O) and Commercial (C-1, C-2, C-3, C-M) Zones. The proposed code change would allow churches as a permitted use in the Professional Office and Commercial Zones.

Commercial Condominiums: Commercial condominiums are currently required to be located in Planned Development Zones. The proposed code change would allow commercial condominiums in the Professional Office (P-O) and Commercial (C-1, C-2, C-3, C-M) and Industrial (M-1, M-2) Zones.

Planned Development Zone: Planned Development Zones are currently required to maintain a minimum area of one acre, except for developments in the Downtown Area. The proposed code change would eliminate the minimum area requirement.

The other proposed change to Planned Development Zone code section would remove theatre (indoor) as a permitted use in the P-D Zone and relocate it as a permitted use in the C-2 Zone.

Miscellaneous: In addition to the code changes described above, other miscellaneous changes include: Eliminating reference to “Downtown P-D Zone” for parking and adding a definition for “Downtown Area”; Removing the definition for “Kitchen” and adding a definition for “Dwelling Unit”; adding a definition for “Nonconforming Structure and Site”; Removing an antiquated section in the Off-Street Parking Requirements regarding Temporary Parking Lots Downtown.

I. Other Public Agencies Whose Approval is Required:

None
III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. **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.
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.

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>(1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.</td>
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<tr>
<td>(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.</td>
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<td>(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).</td>
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<td>(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.</td>
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<td>(5) The development will occur within the boundaries of the City’s planning area as established in this Urban Area General Plan.</td>
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<td>(6) Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR.</td>
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Discussion:

(5) The proposed code amendment does not involve a development project. However, applicable future development projects subject to the code amendment will be within the planning area.

(6) Applicable future development projects will be subject to appropriate mitigation measures in the 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.
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-1-28 to V-1-31) 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-1-28).

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-1-24. 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:

No mitigation is applied to this project 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-1.8 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:
1. TRAFFIC AND CIRCULATION

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<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>
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</thead>
<tbody>
<tr>
<td>1)</td>
<td>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>
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<td>2)</td>
<td>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>
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<tr>
<td>3)</td>
<td>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>
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<tr>
<td>4)</td>
<td>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>
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<td>5)</td>
<td>The proposed project would result in less parking than required by the Municipal Code or as determined by staff.</td>
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<td>6)</td>
<td>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>
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<td>7)</td>
<td>The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.</td>
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</table>
Discussion:

(1) The project is an minor update to the Zoning Code regulations to reflect changes in state law, current practices, changes to policies, and to correct technical issues and will have no effect on traffic generation assumptions.

(2) The project will have no effect on the level of service standard established by the county congestion management.

(3) The project will have no effect on traffic and circulation issues.

(4) The project will have no effect on emergency response time.

(5) The project will have no effect on parking requirements.

(6) The project will have no effect on alternative transportation policies.

(7) The project will have no effect on automobile vehicle miles traveled.

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-2-26).

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-2-26).

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-2-26).

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\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{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-2-14 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:

No mitigation is applied to this project 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-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>2. 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>
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</thead>
<tbody>
<tr>
<td>1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{2.5} by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.</td>
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<td>2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{2.5}.</td>
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<td>3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.</td>
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<tr>
<td>4) 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>
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<tr>
<td>5) The proposed project would create objectionable odors affecting a substantial number of people.</td>
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Discussion:

1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on emissions thresholds.

2) The project will have no effect on best management practices established by the SJVAPCD.

3) The project will have no effect on air quality policies.

4) The project will have no effect on sensitive receptors.

5) The project will not result in the creation of 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-3-11, and Figure V-3-2 and Table 3-6, pages V-3-19 and V-3-20).

**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-3-12 through V-3-16 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:**

No mitigation is applied to this project 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:
3. GENERATION OF NOISE

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<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>
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</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>
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<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>
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<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>
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<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>
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</table>

Discussion:

(1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on noise level standards.

(2) The project will have no effect on noise policies.

(3) The project will not result in an increase of ambient noise levels.

(4) The project will not result in a temporary or periodic increase of ambient noise levels.

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 is applied to this project 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-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></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>4. EFFECTS ON AGRICULTURAL LANDS</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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>✓</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>✓</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>✓</td>
</tr>
<tr>
<td>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.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>✓</td>
</tr>
</tbody>
</table>
Discussion:

(1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on agricultural land policies.

(2) The project will have no effect on development outside the Modesto planning area.

(3) The project will have no effect on land zoned for agricultural use or with Williamson Act contract.

(4) The project will have no effect on the conversion of farmland to non-agricultural 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 is applied to this project 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-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>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>5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES</td>
<td></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>
<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>
<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>
<td>☐</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on the water supply.

(2) The project will have no effect on water demand.

(3) The project will have no effect on groundwater supply.
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 caused 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-6-2 through V-6-7 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 is applied to this project 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-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:
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

<table>
<thead>
<tr>
<th>Effect</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 wastewater policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</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>☒</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>☒</td>
</tr>
</tbody>
</table>

Discussion:

1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on wastewater policies.

2) The project will have no effect on sewage flows.

3) The project will have no effect on wastewater capacity.

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 plant 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-7-18 through V-7-25 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 is applied to this project 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-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>7. 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>☒</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>☒</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>☒</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>☒</td>
</tr>
</tbody>
</table>
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

<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>
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</thead>
<tbody>
<tr>
<td>5)</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

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.

<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>6)</td>
<td></td>
<td></td>
<td></td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on wildlife and plant habitat policies.

(2) The project will not result in significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.

(3) The project will have no effect on federally protected wetlands.

(4) The project will have no effect on native resident or migratory fish or wildlife species.

(5) The project will have no effect on local policies or ordinances protecting biological resources.

(6) The project will have no effect on 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-8.15 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:

No mitigation is applied to this project 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>8. DISTURBANCE 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>☒</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>☒</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>☒</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>☒</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>☒</td>
</tr>
</tbody>
</table>
Discussion:

(1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on archaeological/historical resource policies.

(2) The project will have no effect on historical buildings or landmarks.

(3) The project will have no effect on structures.

(4) The project will have no effect on cultural resources.

(5) The project will have no effect on 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 is applied to this project 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-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>9. 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>☒</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>☒</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>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on storm drainage policies.

(2) The project will have no effect on surface runoff.

(3) The project will have no effect on Low Impact Development strategies to reduce runoff.
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-10-10 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 is applied to this project 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-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>10. FLOODING AND WATER 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 is inconsistent with the flooding and water quality policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</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>☒</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>☒</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>
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<tr>
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</tr>
<tr>
<td>4)</td>
<td>The proposed project would place structures 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 a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on flooding and water quality policies.

(2) The project will have no effect on federal Clean Water Act or the State Porter-Cologne Act.

(3) The project will not result in more housing within a 100-year flood hazard zone.

(4) The project will have no effect on flooding.

(5) The project will have no effect on Modesto’s Guidance Manual for New Development Storm Water Quality Control Measures.

(6) The project will have no effect on water quality standards or waste discharge requirements.

(7) The project will have no effect on existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation.

(8) The project will have no effect on 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 is applied to this project 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-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>11. 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>☒</td>
</tr>
<tr>
<td>2) The proposed project would eliminate parks or open space.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</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>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></td>
<td></td>
<td></td>
<td>☐</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on parks and open space policies.

(2) The project will have no effect on parks and open space.

(3) The project will have no effect on parks and recreation facilities.

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-12-3 through V-12-8 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 is applied to this project 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-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>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>12. INCREASED DEMAND FOR SCHOOLS</td>
<td></td>
<td></td>
<td></td>
</tr>
<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>
</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>
</tr>
</tbody>
</table>

Discussion:

(1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on school policies.

(2) The project will have no effect on SB 50/Proposition 1A funding provisions.
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 is applied to this project 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-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>13. 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>☒</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>☒</td>
</tr>
</tbody>
</table>
Discussion:

(1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on policies relating to police services.

(2) The project will not result in the need for more police facilities.

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 is applied to this project 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-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:
14. INCREASED DEMAND FOR FIRE SERVICES

<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>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>☑</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>☑</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>☑</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on fire service policies.

(2) The project will not result in the need for more fire service facilities.

(3) The project will have no effect on fire protection services in adjoining fire protection districts.

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 is applied to this project 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-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>15. 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>☒</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>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on solid waste policies.

(2) The project will have no effect on the County solid waste facility.
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 is applied to this project 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-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>16. 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>☒</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>☒</td>
</tr>
</tbody>
</table>
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.

4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.

Discussion:

(1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on hazardous materials policies.

(2) The project will not result in emitting hazardous emissions or handling hazardous materials.

(3) The project will not result in locating projects on hazardous materials sites.

(4) The project will not result in locating projects on contaminated sites.

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 is applied to this project 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-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>17. GEOLOGY, SOILS, AND MINERAL RESOURCES</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>
</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>
</tr>
</tbody>
</table>

Discussion:

(1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on geology, soils, and mineral resources policies.

(2) The project will not result in exposing people or structure to seismic activities, location on expansive soils, or loss of mineral resources.
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-18-7 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 is applied to this project 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-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>18. 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>☒</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>☒</td>
</tr>
</tbody>
</table>
Discussion:

(1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on energy policies.

(2) The project will not result in wasteful energy consumption during future construction activities.

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 is applied to this project 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-19.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual 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:
19. EFFECTS ON VISUAL RESOURCES

<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>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>☒</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>☒</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>☒</td>
</tr>
</tbody>
</table>

Discussion:

1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on visual resources policies. The proposed code amendment will not affect scenic vistas, scenic resources, or light and glare.

2) The project will have no effect on views from riverside areas and parks.

3) The project will have no effect on views from public roadways.

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-20-18 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 is applied to this project 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-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></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>20. LAND USE AND PLANNING</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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>☐</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>☑</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>☑</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>☑</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices and policies and is consistent land use and planning policies. General Plan Policy V-C.1.h. that states, “Establish and maintain an orderly and compatible land use pattern. Evaluate land use compatibility, noise, traffic, and other environmental hazards when making land use decisions”. The proposed code amendment help implement this policy by addressing the compatibility non-conforming uses, structures and sites, lot and manufactured home homes with the surrounding homes in existing neighborhoods.

(2) The project will not result in the physical division of an established community.

(3) The project will have no effect on a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact.

(4) The project will have no effect on applicable habitat conservation plan or natural community conservation plan.
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-21-6 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 is applied to this project 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-21.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>Condition</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 climate change in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

City of Modesto

Initial Study EA No. 2010-05

2-24-10
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<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>2) The proposed project would result in average automobile trip lengths or CO$_2$ emissions higher than those assumed in the Master EIR.</td>
<td></td>
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<td></td>
</tr>
<tr>
<td>3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is a minor update to the Zoning Code regulations to reflect changes in state law, current practices, and policies and will have no effect on climate change policies.

(2) The project will have no effect on automobile trip lengths or CO$_2$ emissions.

(3) The project will have no effect on the Sustainable Communities Strategy or Alternative Planning Strategy.
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:** Not Applicable (N/A)

**Degradation of Air Quality:** N/A

**Generation of Noise:** N/A

**Effects on Agricultural Lands:** N/A

**Increased Demand for Long-Term Water Supplies:** N/A

**Increased Demand for Sanitary Sewer Services:** N/A

**Loss of Sensitive Wildlife and Plant Habitat:** N/A

**Disturbance of Archaeological/Historic Sites:** N/A

**Increased Demand for Storm Drainage:** N/A
Flooding and Water Quality: N/A

Increased Demand for Parks and Open Space: N/A

Increased Demand for Schools: N/A

Increased Demand for Police Services: N/A

Increased Demand for Fire Services: N/A

Generation of Solid Waste: N/A

Generation of Hazardous Materials: N/A

Geology, Soils, and Mineral Resources: N/A

Energy: N/A

Effects on Visual Resources: N/A

Land Use and Planning: N/A

Climate Change: N/A
RESOLUTION APPROVING THE CITY OF MODESTO FISCAL YEAR 2010-2011 U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ANNUAL ACTION PLAN FOR THE USE OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME), AND EMERGENCY SHELTER GRANT (ESG) FUNDS; AUTHORIZING SUBMISSION OF AN APPLICATION TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PERTAINING TO THE FISCAL YEAR 2010-2011 ANNUAL ACTION PLAN; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE REQUIRED CERTIFICATIONS AND DOCUMENTS FOR SUBMITTAL TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, as an entitlement community for Housing and Urban Development, the City of Modesto is required to develop an Annual Action Plan (AAP) that describes anticipated uses of Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG) and HOME Investment Partnerships Program (HOME) funds, and

WHEREAS, the City receives these grants annually because of its population size, number of households living below the poverty line, and the number of housing units that are considered substandard, and

WHEREAS, submittal of an AAP is required to receive the City’s entitlement grants from the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, the Citizens’ Housing and Community Development Committee recommended support of this item at its April 21, 2010 meeting, and

WHEREAS, a duly noticed public hearing was held by the City Council on May 11, 2010, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, to consider submission of an application to HUD pertaining to the Fiscal Year 2010-2011 HUD Annual Action Plan, which describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing...
Production and Homeless Assistance, and

WHEREAS, preparation of the AAP requires a citizens participation element, including a 30-day public comment period, and

WHEREAS, the 30-day public comment period began on March 23, 2010, and concluded with a public hearing scheduled for the Council meeting of May 11, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the City of Modesto Fiscal Year 2010-2011 U.S. Department of Housing and Urban Development Annual Action Plan for the use of $2,531,823 in Community Development Block Grant (CDBG) funds, $1,311,710 in HOME Investment Partnerships Program (HOME) funds, and $103,064 in Emergency Shelter Grant (ESG) funds, a copy of which is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that City staff is hereby authorized to submit an application to the U.S. Department of Housing and Urban Development pertaining to the Fiscal Year 2010-2011 Annual Action Plan which describes how the City intends to spend Federal assistance received from the U.S. Department of Housing and Urban Development.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is authorized to execute the required certifications and documents for submittal to the U.S. Department of Housing and Urban Development.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: 

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2010-193

RESOLUTION APPROVING THE ALLOCATION OF FUNDING IN THE AMOUNTS OF $373,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICES, APPROXIMATELY $98,000 IN NEW ENTITLEMENT FUNDS AND $3,760 IN CARRYOVER FUNDS TOTALING $101,760 FOR EMERGENCY SHELTER GRANT, AND UP TO $40,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT ADMINISTRATION FUNDS FOR FAIR HOUSING SERVICES IN FISCAL YEAR 2010-11; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, as an entitlement community for Housing and Urban Development, the City of Modesto is required to develop an Annual Action Plan (AAP) that describes anticipated uses of Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG) and HOME Investment Partnerships Program (HOME) funds, and

WHEREAS, the City is obligated to allocate up to fifteen percent (15%) of the CDBG entitlement funds (plus fifteen percent 15% of program income received during the prior year), to provide a wide range of public service activities to benefit low- and moderate-income residents, and

WHEREAS, the City allocates ninety-five percent (95%) of ESG funding to non-profit agencies for emergency shelter activities on a matching fund basis, and

WHEREAS, these allocations are detailed in the City’s AAP, and

WHEREAS, the City released the Fiscal Year 2010-11 CDBG Public Services and ESG Requests for Proposals (RFPs) on January 11, 2010, and the proposals were due on February 19, 2010, and

WHEREAS, technical assistance workshops were held on January 22 and February 2, 2010, and
WHEREAS, twenty-two (22) public service grant proposals were recommended for either full or partial funding (see Attachment 1) totaling $293,000, and

WHEREAS, staff also recommends that $80,000 in CDBG public service funding be utilized to support eligible City recreational services, and

WHEREAS, all seven (7) proposals received for ESG funding for emergency shelter grants were recommended for either full or partial funding (see Attachment 2), and

WHEREAS, in accordance with the Fair Housing Act, HUD requires that the City, as a CDBG grantee, administer all programs and activities related to housing and community development in a manner to affirmatively further the policies of the Fair Housing Act, and

WHEREAS, staff further recommends up to $40,000 in funding for fair housing services through Project Sentinel for Fiscal Year 2010-11 under the CDBG Administration program area, and

WHEREAS, preparation of the AAP requires a citizens participation element, including a 30-day public comment period, and

WHEREAS, the 30-day public comment period began on March 23, 2010, and concluded with a public hearing scheduled for the Council meeting of May 11, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the allocation of funding in the amounts of $373,000 in Community Development Block Grant (CDBG) Public Services, $101,760 in Emergency Shelter Grant (ESG), and up to $40,000 in CDBG Administration funds for fair housing services in Fiscal Year 2010-11.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to sign the required certifications and documents for submittal to the U.S. Department of Housing and Urban Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
## Fiscal Year 2010-2011 Award Recommendations for Public Services ($373,000)

<table>
<thead>
<tr>
<th>AGENCY</th>
<th>REQUEST</th>
<th>AWARD</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Category: Persons Experiencing Homelessness</strong></td>
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</tr>
<tr>
<td>Second Harvest Food Bank – Food Assistance</td>
<td>$164,103</td>
<td>$126,060</td>
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<tr>
<td>The Salvation Army, Modesto Citadel – Berberian Emergency Shelter</td>
<td>$20,000</td>
<td>$20,000</td>
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<tr>
<td>United Samaritans Foundation – Daily Bread Mobile Lunch Program, Modesto Truck</td>
<td>$19,992</td>
<td>$20,000</td>
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<tr>
<td>American Red Cross, Stanislaus County Chapter – Emergency Response Shelter Services</td>
<td>$16,000</td>
<td>$16,000</td>
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<tr>
<td>Center for Human Services – Pathways</td>
<td>$19,415</td>
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<tr>
<td>Family Promise of Greater Modesto – Case Management</td>
<td>$20,000</td>
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<tr>
<td>Stanislaus Multi-Cultural Health Collaborative/West Modesto King-Kennedy Neighborhood Collaborative – Refresh Program</td>
<td>$11,116</td>
<td>$11,000</td>
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<tr>
<td>Habitat for Humanity, Stanislaus – Windows of Hope*</td>
<td>$17,500</td>
<td>$10,000</td>
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<tr>
<td>Project Sentinel – Tenant-Landlord Services*</td>
<td>$20,000</td>
<td>$14,000</td>
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<tr>
<td><strong>Category: Children</strong></td>
<td>$100,000</td>
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<td>Second Harvest Food Bank – Food 4 Thought</td>
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<tr>
<td>Children’s Crisis Center of Stanislaus County – Homeless At Risk Children of Marsh’s House</td>
<td>$20,000</td>
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<td>Children’s Crisis Center of Stanislaus County – Homeless At Risk Children of Sawyer House</td>
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<td>Children’s Crisis Center of Stanislaus County – Homeless At Risk Children of Cricket’s House</td>
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<td>Parent Resource Center – ABCs of Childcare*</td>
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<td><strong>Category: Youth</strong></td>
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<tr>
<td>Center for Human Services – Hutton House</td>
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<tr>
<td><strong>Category: Adults</strong></td>
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<td>Healthy Start Family Resource Center at Orville Wright Elementary – Community Liaison</td>
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<tr>
<td>Community Housing and Shelter Services – Laura’s House</td>
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<tr>
<td>Stanislaus Literacy Center – ReadingWorks Adult Literacy</td>
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<tr>
<td><strong>Category: Older Adults</strong></td>
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<tr>
<td>Howard Training Center – Senior Meals Program</td>
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<td>Healthy Aging Association – Young at Heart Strength Training, Exercise, Fall Prevention, and Health Education Outreach*</td>
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<td><strong>Category: Persons with Special Needs</strong></td>
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<tr>
<td>Stanislaus Community Assistance Project – Nutritional Supplement and Education Program</td>
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<td>Disability Resource Agency for Independent Living – Assistive Technology Program</td>
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<td>National Alliance for the Mentally Ill, Stanislaus – Beth and Joanna Friends in Recovery</td>
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<td><strong>Category: Community-wide</strong></td>
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<tr>
<td>Recreation Division</td>
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*Not recommended for funding
## Fiscal Year 2010-2011 Award Recommendations for Emergency Shelter Grants ($101,760)

<table>
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<tr>
<th>AGENCY</th>
<th>REQUEST</th>
<th>AWARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Salvation Army, Modesto Citadel – Berberian Emergency Shelter</td>
<td>$20,000</td>
<td>$20,000</td>
</tr>
<tr>
<td>Children’s Crisis Center of Stanislaus County – Infant Shelter at Marsha’s House</td>
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<td>Center for Human Services – Pathways</td>
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<tr>
<td>Center for Human Services – Hutton House</td>
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<tr>
<td>Community Housing and Shelter Services – Homeless Prevention</td>
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<td>$13,887</td>
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<tr>
<td>Children’s Crisis Center of Stanislaus County – Second Floor Emergency Exit at Cricket’s House</td>
<td>$14,200</td>
<td>$14,200</td>
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<tr>
<td>Family Promise of Greater Modesto – Shelter Services for Homeless Families</td>
<td>$3,015</td>
<td>$3,015</td>
</tr>
</tbody>
</table>
RESOLUTION APPROVING THE ALLOCATION OF $10,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICES FUNDING IN FISCAL YEAR 2010-11 TO COURT-APPOINTED SPECIAL ADVOCATES OF STANISLAUS COUNTY AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, as an entitlement community for Housing and Urban Development, the City of Modesto is required to develop an Annual Action Plan (AAP) that describes anticipated uses of Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG) and HOME Investment Partnerships Program (HOME) funds, and
WHEREAS, the City is obligated to allocate up to fifteen percent (15%) of the CDBG entitlement funds (plus fifteen percent 15% of program income received during the prior year), to provide a wide range of public service activities to benefit low- and moderate-income residents, and
WHEREAS, the City allocates ninety-five percent (95%) of ESG funding to non-profit agencies for emergency shelter activities on a matching fund basis, and
WHEREAS, these allocations are detailed in the City’s AAP, and
WHEREAS, the City released the Fiscal Year 2010-11 CDBG Public Services and ESG Requests for Proposals (RFPs) on January 11, 2010, and the proposals were due on February 19, 2010, and
WHEREAS, technical assistance workshops were held on January 22 and February 2, 2010, and
WHEREAS, Court-Appointed Special Advocates of Stanislaus County submitted a public service grant proposal and was recommended for $10,000 in funding, and
WHEREAS, preparation of the AAP requires a citizens participation element, including a 30-day public comment period, and

WHEREAS, the 30-day public comment period began on March 23, 2010, and concluded with a public hearing scheduled for the Council meeting of May 11, 2010,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the allocation of funding in the amounts of $10,000 in Community Development Block Grant (CDBG) Public Services funding to Court-Appointed Special Advocates of Stanislaus County in Fiscal Year 2010-11.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager, or his designee, to sign the required certifications and documents for submittal to the U.S. Department of Housing and Urban Development.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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, Lopez, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn, Marsh

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
RESOLUTION APPROVING MODIFICATIONS TO MODESTO AREA EXPRESS (MAX) ROUTE 28 TO PROVIDE NEW BUS SERVICE TO GREGORI HIGH SCHOOL AND THE MODESTO INSTITUTE OF TECHNOLOGY, AND INCREASE SERVICE TO SALIDA AND KAISER PERMANENTE'S MODESTO MEDICAL CENTER AT A COST OF APPROXIMATELY $156,000 ANNUALLY, EFFECTIVE AUGUST 2010

WHEREAS, the City of Modesto’s Strategic Plan includes Strategy III.B.1: “Develop an efficient, well coordinated, county-wide, multi-modal transportation system”, and

WHEREAS, Modesto Area Express (MAX) is a critical component of the transportation system for the City of Modesto, and

WHEREAS, to make the MAX system more efficient and productive, staff recommends modifications to Route 28 to provide new bus service to Gregori High School and the Modesto Institute of Technology and increase service to Salida and Kaiser Permanente’s Modesto Medical Center at a cost of approximately $156,000 annually, effective August 2010, and

WHEREAS, the Economic Development Committee approved this item at its April 12, 2010 meeting, and

WHEREAS, said matter was set for a duly noticed public hearing of the City Council of the City of Modesto to be held on May 11, 2010, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves modifications to Modesto Area Express (MAX) Route 28 to provide new bus service to Gregori High School and the Modesto Institute of
Technology, and increase service to Salida and Kaiser Permanente's Modesto Medical Center, effective August 2010,

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-196

RESOLUTION ADOPTING RULES AND PROCEDURES FOR ADMINISTERING LAND SUBJECT TO A WILLIAMSON ACT CONTRACT

WHEREAS, the State of California has established administrative procedures for property under Williamson Act contracts (Government Code §51200, et seq) and requires that all municipalities that include Williamson Act-contracted properties adopt procedures for administering those contracts consistent with State law, and

WHEREAS, the Stanislaus County Local Agency Formation Commission at its meeting of June 25, 2008, imposed on the annexation of the Tivoli Specific Plan pursuant to its Resolution No. 2008-19, condition of approval 6g, requiring the City of Modesto to adopt rules and procedures required by the Williamson Act, including but not limited to the rules and procedures required by Government Code Sections 51231, 51237, and 51237.5, and

WHEREAS, on November 16, 2009, the Planning Commission, by Resolution No. 2009-28, recommended the City Council adopt rules and procedures for administering land subject to a Williamson Act Contract, and

WHEREAS, on April 12, 2010, the Economic Development Committee recommended forwarding the Williamson Act Contract Rules and Procedures to the full City Council, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 11, 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,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Rules and Procedures for Administering Land Subject to a Williamson Act Contract as shown in Exhibit “A” attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May, 2010, by Councilmember Muratore, 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
Exhibit “A”

Rules and Procedures for Administering Land Subject to a
Williamson Act Contract
City of Modesto Williamson Act Rules and Procedures

Introduction

Statewide concern over the rapid conversion of agricultural land to urban uses led to enactment of the Land Conservation Act of 1965, commonly referred to as the Williamson Act. This Act enabled the County of Stanislaus to establish an Agricultural Preserve. Once the preserve was established, property owners could contract with the County to preserve the property and qualify for a property tax assessment based upon use and economic yield rather than the full market value of the property.

These Rules and Procedures for the administration of agricultural preserves and land conservation contracts are adopted pursuant to Government Code Section 51231, in order to implement the Williamson Act (Government Code Section 51200 and following). These Rules and Procedures shall be interpreted and applied in conformance with state law. All statutory references are to the Government Code unless otherwise indicated. The purposes of the Agricultural and Open Space Preserve Program are to protect agricultural lands for the continued production of agricultural commodities and to protect certain other lands devoted to certain open space uses.

The City of Modesto hereinafter referred to as the “City”, has within its existing boundaries several properties under active Williamson Act contracts on which agricultural operations continue. Because the City boundaries continue to expand outward, the City is constantly at risk of planning development on or adjacent to Williamson Act-contracted properties.

Applicability

These rules provide standards and procedures for:

1. Application by landowners for the inclusion of land within agricultural or open space preserves;

2. The review of preserve applications by the City, including determination of the eligibility of property for preserve status, and preserve contract preparation and content;

3. Limitations on the land uses allowed on properties subject to preserve contracts, and requirements for landowners to maintain preserve status;

4. The termination of preserve contracts by either the landowner or the City; and

5. The monitoring of the Agricultural and Open Space Preserve program and enforcement of these Rules.
I. AGRICULTURAL PRESERVES

A. General

Agricultural preserves are established for the purpose of defining the boundaries within which the City is willing to enter into Williamson Act contracts. All land zoned A-2 within the boundaries of Stanislaus County is part of Stanislaus County's agricultural preserve, in accordance with Government Code Section 51230. Only land within an agricultural preserve is eligible for a Williamson Act contract.

However, the City Council may, by resolution, establish agricultural preserves for the purpose of defining the boundaries of those areas within which the City will be willing to enter into contracts pursuant to the Williamson Act and these Rules and Procedures. An agricultural preserve shall consist of no less than 100 acres, provided that in order to meet this requirement two or more parcels may be combined if they are contiguous or if they are in common ownership; unless the City Council finds as follows:

1. That a smaller preserve is necessary due to the unique characteristics of the agricultural enterprises in the area, and

2. That the establishment of the preserve is consistent with the City's General Plan. (§51230)

B. Annexed Land

An agricultural preserve shall continue in full effect following annexation of the land within the preserve. Once the City acquires jurisdiction over land in a preserve by annexation, it has all the rights and responsibilities specified in the Act for cities and these Rules and Procedures, including the right to enlarge, diminish, or disestablish the preserve, and the responsibilities to administer and enforce Williamson Act contracts. (§51235)

II. CONTRACTS

A. General

1. Williamson Act contracts constitute enforceable restrictions as required by Revenue and Taxation Code Section 422.

2. The City shall not enter into a Williamson Act contract with respect to any land which is not devoted to agricultural use and located within a designated agricultural preserve. (§51243)

3. If a contract is made with any landowner, the City shall offer such a contract under similar terms to every other owner of agricultural land within the same agricultural preserve within the City's jurisdiction. (§51241)

4. Contracts shall be approved by resolution of the City Council and signed by the Mayor.
B. Annexed Land

Upon the annexation by the City of any land under contract with the County of Stanislaus not protested by the City in accordance with the provisions of Government Code Section 51243.5, the City shall succeed to all rights, responsibilities, and powers of the County under such contract. (§51243)

C. Division of Land Under Contract

Any division of land under contract must conform with the provisions of the state Subdivision Map Act (§66410 et seq.), including but not limited to section 66474.4, relating to properties subject to the Williamson Act, which states that the Planning Commission or City Council shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it finds that either the resulting parcels following a subdivision of that land would be too small to sustain their agricultural use or the subdivision will result in residential development not incidental to the commercial agricultural use of the land.

Whenever land under a contract is divided, the owner of any parcel may exercise, independent of any other owner of a portion of the divided land, the rights of the owner in the original contract, including the right to give notice of non-renewal and to petition for cancellation. The effect of any such action by the owner of a parcel created by the division of land under contract shall not be imputed to the owners of the remaining parcels and shall have no effect on the contract as it applies to the remaining parcels of the divided land. (§51243)

D. Application and Fee

An application to process a Williamson Act contract shall be on a form prescribed by the Community and Economic Development Department. The application fee shall be established by resolution. (§51247)

E. Form of Contract

All contracts shall be substantially similar to the form contained in Appendix A.

F. Recordation

All Williamson Act contracts shall be recorded on the property at the Stanislaus County Clerk/Recorder's Office and shall be binding upon the parties to the contract and upon their successor-in-interest.

G. Term

Each contract shall be for an initial term of 10 years and shall provide that on the anniversary date of the contract, or such other annual date as specified by the contract, a year shall be added automatically to the initial term unless notice of nonrenewal is given. (§51244)
H. Nonrenewal

If either the landowner or the City desires in any year not to renew a contract, that party shall serve written notice of nonrenewal of the contract upon the other party in advance of the annual renewal date of the contract. Unless such written notice is served by the landowner at least 90 days prior to the renewal date or by the City at least 60 days prior to the renewal date the contract shall be considered renewed. Upon receipt by the owner of a notice from the City of nonrenewal, the owner may file a written protest of the notice of nonrenewal with the City Clerk. The City may, at any time prior to the renewal date, withdraw the notice of nonrenewal. Upon request by the owner, the City Council may authorize the owner to serve a notice of nonrenewal on a portion of the land under a contract (§51245). If the City or the landowner serves notice of intent in any year not to renew the contract, the existing contract shall remain in effect for the balance of the period remaining since the original execution or the last renewal of the contract, as the case may be. (§51246)

I. Rescission for Lot Line Adjustments

1. Application and Fee

A landowner may petition the City Council to rescind a contract and simultaneously enter into a new contract to facilitate a lot line adjustment. An application to rescind a contract shall be on a form prescribed by the Community Development Department and may be granted subject to certain specific findings. The application fee shall be established by resolution. (§51257)

2. Notice and Public Hearing

Rescission agreements pursuant to this section may only be entered into after a public hearing (§51284). The City Clerk shall publish notice of the hearing once pursuant to Government Code Section 6061.

3. Findings

The City Council may by resolution, enter into a rescission agreement pursuant to this section only if it makes all of the findings in Government Code Section 51257.

J. Cancellation

1. Application and Fee

A landowner may petition the City Council for cancellation of any contract as to all or any part of the land subject to the contract. An application to cancel a contract shall be on a form prescribed by the Community Development Department. The application shall be accompanied by a proposal for a specified alternative use of the land. The proposal for the alternative use shall also list those governmental agencies known by the landowner to have permit authority related to the proposed alternative use. The application fee shall be established by resolution. (§§51281.1, 51287, 51282.)
2. Notice and Public Hearing

No contract may be canceled until after the City has given notice of, and has held, a public hearing on the matter (§51284). The City Clerk shall publish notice of the hearing pursuant to Government Code section 6061 and shall mail such notice to every owner of land under contract, any portion of which is situated within one mile of the exterior boundary of the land upon which the contract is proposed to be canceled. In addition, at least 10 working days prior to the hearing, the City Clerk shall mail a notice of the hearing and a copy of the landowner’s petition to the Director of Conservation. Within 30 days of the tentative cancellation of the contract, the City Clerk shall publish a notice of the City Council’s decision, including the date, time, and place of the public hearing, a general explanation of the decision, the findings made, and a general description, in text or by diagram, of the land under contract, as a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the City. In addition, within 30 days of the tentative cancellation of the contract, the City Clerk shall deliver a copy of the published notice of the decision, as described above, to the Director of Conservation. The publication shall be for informational purposes only, and shall create no right, standing, or duty that would otherwise not exist with regard to the cancellation proceedings. (§51248)

3. Determination of Cancellation Fee

Prior to any action by the City Council giving tentative approval to the cancellation of any contract, pursuant to Government Code Section 51283, the Director of Community and Economic Development hereinafter referred to as the "Director", shall request that the Stanislaus County Assessor’s Office determine the full cash value of the land as though it were free of the contractual restriction and certify to the City Council the cancellation valuation of the land for the purposes of determining the cancellation fee. The City Council shall then determine and certify to the Stanislaus County Auditor’s Office the amount of the cancellation fee which the landowner shall pay the County Treasurer as deferred taxes upon cancellation. That fee shall be an amount equal to 12 1/2 percent of the cancellation value of the property unless otherwise established by state law.

4. Protests

The owner of any property located in the City may protest a contract cancellation by filing a written protest with the City Clerk prior to the public hearing. (§51285)

5. Findings

The City Council may, by resolution, grant tentative approval for cancellation of a contract only if it makes one of the following findings, pursuant to Government Code Section 51282:

(a) That the cancellation is consistent with the purposes of the Williamson Act, meaning that the Council makes all of the following findings:
• That the cancellation is for land on which a notice of nonrenewal has been served;

• That the cancellation is not likely to result in the removal of adjacent lands from agricultural use;

• That the cancellation is for an alternative use which is consistent with the applicable provisions of the City's General Plan;

• That there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

(b) The cancellation is in the public interest, meaning that the City Council makes all of the following findings:

• That other public concerns substantially outweigh the objectives of the Williamson Act; and

• That there is no proximate non-contracted land which is both available and suitable for the use to which it is proposed the contracted land be put, or, that development of the contracted land would provide more contiguous patterns of urban development than development of proximate non-contracted land.

6. Certificate of Tentative Cancellation

Upon tentative approval of a cancellation application, the City Clerk shall record a certificate of tentative cancellation with the County Recorder. The certificate of tentative cancellation shall set forth the name of the landowner requesting the cancellation, the fact that a certificate of cancellation of contract will be issued and recorded at such time as specified conditions and contingencies are satisfied, a description of the conditions and contingencies which must be satisfied, and a legal description of the property. Conditions to be satisfied shall include payment in full of the amount of the fee computed under the provisions set forth above, together with a statement that unless the fee is paid, or a certificate of cancellation of contract is issued within one year from the date of the recording of the certificate of tentative cancellation, such fee shall be recomputed as of the date of notice from the landowner that he or she has satisfied the conditions and contingencies, described below. Any provisions related to the waiver of such fee or portion thereof shall be treated in the manner provided for in the certificate of tentative cancellation: Contingencies to be satisfied shall include a requirement that the landowner obtain all permits necessary to commence the project. The City Council may, at the request of the landowner, amend a tentatively approved specified alternative use if it finds that such amendment is consistent with the required findings for cancellation described above. (§51283.4)
7. Certificate of Cancellation

The landowner shall notify the Director in writing when he or she has satisfied the conditions and contingencies enumerated in the certificate of tentative cancellation. Within 30 days of receipt of such notice, and upon a determination that the conditions and contingencies have been satisfied, the City Council shall by resolution adopt a certificate of cancellation of contract. The City Clerk shall record the certificate of cancellation of contract with the County Recorder and send a copy to the Director of Conservation. (§51283.4)

8. Certificate of Withdrawal

If the landowner has been unable to satisfy the conditions and contingencies enumerated in the certificate of tentative cancellation, the landowner shall notify the Director in writing of the particular condition or contingencies he or she is unable to satisfy. Within 30 days of receipt of such notice, and upon a determination that the landowner is unable to satisfy the conditions and contingencies listed, the City Council shall by resolution adopt a certificate of withdrawal of tentative approval of a cancellation of contract. The City Clerk shall record the certificate of withdrawal with the County Recorder. If a notice of withdrawal is approved, the landowner shall not be entitled to the refund of any cancellation fee. (§51283.4)

K. Environmental Review

The making or renewing of a contract under the Williamson Act is categorically exempt from review under CEQA. (14 Cal. Code Regs. §15317) Additionally, nonrenewals initiated by the property owner are unilateral private actions that are not subject to CEQA review.

However, any action taken by the City to file a notice of nonrenewal or cancel a contract is a potential discretionary action subject to CEQA review. Therefore, prior to taking any such action, the City shall perform a review under CEQA.

Cancellation of a contract for any parcel of 100 or more acres is deemed to be of statewide, regional or areawide significance for the purposes of CEQA. Therefore, any draft EIR or Negative Declaration prepared for such an action must be submitted to the State Clearinghouse and the appropriate metropolitan area council of governments. (14 Cal. Code Regs. §15206)
APPENDIX A
SAMPLE WILLIAMSON ACT CONTRACT

Recording requested by: City of Modesto
When recorded return to: City of Modesto
Attn.: Stephanie Lopez, City Clerk
1010 10th Street
Modesto, CA 95354

LAND CONSERVATION CONTRACT

CONTRACT NO. ______

THIS LAND CONSERVATION CONTRACT made and entered into this day of ______, 200__, by and between _____________________________________________  
__________________________________________ hereinafter referred to as the "Owner" and the City of Modesto hereinafter referred to as the "City";

WITNESSETH:

WHEREAS, the Owner possesses real property in the City hereinafter referred to as the "Subject Property" which is described in EXHIBIT "A" attached hereto; and

WHEREAS, the Subject Property is located within Agricultural Preserve No. 1 which was established by the Board of Supervisors of the County of Stanislaus by Resolution No. ______ and/or within Agricultural Preserve No. ______ which was established by the City Council of the City of Modesto by Resolution No. _______, authorized by the California Land Conservation Act of 1965, hereinafter referred to as the "Act"; and

WHEREAS, the City has determined that the Subject Property is Agricultural Land, as defined by the Act, and eligible to be placed under contract; and

WHEREAS, the Owner and the City desire to limit the use of the Subject Property to agricultural uses and uses compatible thereto in order to preserve a maximum amount of agricultural land, to conserve California's resources, to maintain the agricultural economy of the City, to assure a supply of food and fiber for future residents of the State, to discourage the premature and unnecessary conversion of agricultural land to incompatible uses, recognizing that such land has public value as open space and constitutes an important physical, social, aesthetic, and economic asset to the Owner and the City; and

WHEREAS, the Owner and the City recognize that the highest and best use of the Subject Property, during the term of this contract or any renewal thereof, is agriculture or agriculture compatible uses; and
WHEREAS, the Owner and the City desire to enter into this contract that enforceably restricts the Subject Property to open space land as defined in the California Revenue and Taxation Code.

NOW, THEREFORE, IT IS AGREED as follows:

1. CONTRACT SUBJECT TO THE CALIFORNIA LAND CONSERVATION ACT OF 1965. This Contract is made and entered into pursuant to the California Land Conservation Act of 1965 (Title 5, Part 1, Division 1, Chapter 7, of the California Government Code commencing with Section 51200) and all of the provisions of said Act including all amendments thereto hereafter are incorporated by reference.

2. CONTRACT SUBJECT TO THE CITY OF MODESTO LAND CONSERVATION (WILLIAMSON) ACT RULES AND REGULATIONS. This Contract is made and entered into pursuant to the City of Modesto Williamson Act Rules and Regulations adopted by the City Council of the City of Modesto by Resolution No. _____ and all of the provisions of said Rules and Regulations including all amendments thereto hereafter are incorporated by reference.

3. ENFORCEABLE RESTRICTION ON THE USE OF SUBJECT PROPERTY. During the term of this Contract the Subject Property shall not be used by the Owner or any successor in interest for any use other than commercial agriculture uses and agriculture compatible uses as specified for Contract Land in EXHIBIT ___, Uniform Compatible Use Rules for Agricultural Preserves, made part hereof and by this reference included herein, which was adopted by the City Council of the City of Modesto by Resolution No. ___. From time to time the City Council may modify, by Resolution, the compatible uses set forth in EXHIBIT ___. During the term of this Contract the City shall not eliminate a use, as specified in EXHIBIT ___, allowed on the Subject Property without the written consent of the Owner.

4. INITIAL TERM OF CONTRACT The initial term of this Contract is ten (10) years, commencing on the 1st day of January, 20__. The anniversary date of the contract is the 1st of January of any subsequent year.

5. CONTRACT TERM - AUTOMATIC ANNUAL RENEWAL On the anniversary date of this Contract beginning in the year when this Contract will have an unexpired term of nine (9) years, one (1) year shall be automatically added to the initial term of this Contract unless a notice of nonrenewal is given in the manner prescribed by the City of Modesto Williamson Act Rules and Regulations and the California Land Conservation Act of 1965. In the event a notice of nonrenewal is filed, the remaining term of this Contract shall be no less than 9 years or the number of years remaining on the initial contract term, whichever is greater.

6. CONTRACT BINDING This Contract runs with the Subject Property, and any portion thereof, and is binding on, and inures to the benefit of, all successors in interest, heirs, executors, trustees, and assigns of the parties.
7. CONTRACT CANCELLATION This Contract may not be cancelled except pursuant to a petition filed by the Owner in the manner prescribed by the City of Modesto Williamson Act Rules and Regulations and the California Land Conservation Act of 1965. The City may not approve cancellation of this Contract unless the City Council can make specific findings required by the California Land Conservation Act of 1965.

8. CONTRACT CANCELLATION FEE Prior to any action by the City Council giving tentative approval to the cancellation of this Contract, the County Assessor shall determine the current fair market value of the Subject Property as though it were free of the contractual restriction. The Assessor shall certify to the City Council the cancellation valuation of the Subject Property for the purpose of determining the cancellation fee. The City Council shall determine and certify to the County Auditor the amount of the cancellation fee which the landowner shall pay the County Treasurer upon cancellation. That fee shall be an amount equal to twelve and one-half percent (12½ %) of the cancellation valuation of the property as prescribed by the California Land Conservation Act.

9. CONDEMNATION In the event the Subject Property, or any portion thereof, is subject to any condemnation or eminent domain action where a public entity acquires a fee title or a less than fee interest in the Subject Property, or any portion thereof, or upon acquisition of such title by a public entity in lieu of condemnation, this Contract shall become null and void as it applies to that portion of the Subject Property acquired by a public entity.

10. COMPENSATION The Owner shall receive no payment or remuneration from the City in consideration for the obligations imposed by this contract. The Owner and the City agree that this Contract provides a mutual benefit; the Owner recognizes a substantial benefit in that the Subject Property is eligible for special assessment as open space land under the California Revenue and Taxation Code, and the City recognizes that restricting the Subject Property to agriculture and agricultural compatible uses provides a substantial public benefit.

11. CITY AUTHORITY Nothing in this Contract shall supercede or limit the planning authority, zoning powers, or other police powers of the City and the right of the City to exercise such powers with regard to the Subject Property.

12. NOTICES Any notice required by this Contract or the Land Conservation Act of 1965 shall be in a written form in accordance with the provisions of the City of Modesto Williamson Act Rules and Regulations. Any required notice to the City shall be delivered to the City Clerk of the City of Modesto. Any required notice to the Owner shall be mailed first class to the address of the Owner as it is shown on latest equalized assessment roll for the County of Stanislaus.

13. SPECIAL RESTRICTIONS Land under contract is subject to special provisions found in the California Subdivision Map Act (Government Code 66474.4) for subdividing and creating homesite parcels which are smaller than minimum parcel size required to be eligible for a contract. A homesite parcel may only be created where a residence has existed on the property for at least five years and the property has been under same ownership for ten years. One single-family dwelling is allowed per executed Land Conservation Contract regardless of the number of parcels covered by the contract or the residential density allowed by the General Plan designation or zoning district.
Where a single family dwelling currently exists on contracted land, a secondary mobile home for a caretaker or on-site living assistance may be allowed subject to the provisions of Title X of the City of Modesto Municipal Code. Where more than one dwelling unit currently exists on land under a contract, including secondary mobile homes for caretakers, assisted living, and agricultural employees, such dwellings shall be allowed to continue as compatible uses; however, no additional dwelling units shall be developed. When a portion of land under contract is transferred to a new owner, and a single family dwelling already exists on the land covered by the original contract, no new dwellings shall be developed on the transferred land. Where a portion of land under contract is transferred to a new owner, and a single family dwelling does not currently exist on any of the land covered by the original contract, the landowner named in the original contract may transfer the right to develop a single family dwelling to the new owner or reserve the right to develop a residence on the land remaining.

14. ASSESSMENTS Land covered by this Contract is subject to special assessment procedures described in the California Revenue and Taxation Code Section 421 et seq. The Owner shall provide the Stanislaus County Assessor with any financial records and data directly related to income generated from agricultural production or allowed compatible uses on the Subject Property. The City agrees that any financial information gathered for assessment purposes shall remain confidential and is not open for public inspection.

IN WITNESS WHEREOF, the undersigned parties have executed this Contract as of the date written above.

CITY OF MODESTO

By: ______________________________________________________
    Mayor of the City of Modesto

ATTEST

By: ______________________ __
    Stephanie Lopez, City Clerk

APPROVED AS TO FORM:

By: ______________________ __
    Susana Alcala Wood, City Attorney

[Attach Notary Certificate(s)]
Appendix B
Complete Nonrenewal Submittal Checklist

(All items must be included at the time of filing)

The following items will facilitate expeditious processing of an action for Non-renewal of Williamson Act Contracts in the City of Modesto. The following items must be filed with the Community and Economic Development Department for the application to be deemed complete. If the following items are not submitted at the time of filing, the City of Modesto will not verify the accuracy of the Notice of Nonrenewal.

- Nonrenewal Submittal Form to include:
  - Property owner and applicant information (name, address, etc.).
  - Description of the property location (indicate property address, if any).
  - Existing zoning designation and land use for the property.
  - A precise legal description of the property to be prepared by an engineer or surveyor, or provided by a title company.
  - A complete legal description of the area to be non-renewed prepared by a civil engineer or surveyor.
  - Assessor's parcel numbers for each parcel affected.

- 8 ½” x 11” map showing subject properties and reflecting portion of property subject to the Notice of Nonrenewal

- Williamson Act Contract that pertains to the subject property

- Filing Fee

- Photos of the site
Appendix C
Williamson Act Contract
Nonrenewal Submittal Form

GENERAL INFORMATION

Property Owner: ________________________________
Address: ______________________________________
Telephone No.: __________________ Fax No.: ________________

Applicant: ________________________________
Address: ______________________________________
Telephone No.: __________________ Fax No.: ________________

Applicant’s Representative: ________________________________
Address: ______________________________________
Telephone No.: __________________ Fax No.: ________________

LOCATION

Subject property is generally located (indicate address if any): ________________________________

________________________________________

________________________________________

ZONING

Existing Zoning: ________________________________

Existing Land Use: ________________________________

LAND CONSERVATION CONTRACT NO.: ________________
Williamson Act Contract
Nonrenewal Submittal Form (Con’t)

PRECISE LEGAL DESCRIPTION (attach separate sheet if necessary)

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

DOES THIS NOTICE COVER THE ENTIRE CONTRACT AREA OR A PORTION THEREOF?:

________________________________________________________________________

PARCEL NUMBER(S)

County Assessor’s Book, Block and Lot Number(s): ______________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________

________________________________________________________________________
Appendix D
Notice of Nonrenewal of
A Land Conservation Contract

This Notice of Nonrenewal of a Land Conservation contract is executed on _________, 20__ regarding the Land Conservation Contract Number(s) __________. This contract was recorded with the Stanislaus County Recorder on ________________, 20__ in Book _____, Page _____ of the public records (or as Instrument No. ).

WHEREAS, ___________________________ 

Hereinafter referred to as “OWNER” are all the known current owners of the ________ acres of real property described in Exhibit “A”, (see attached map and legal description), attached hereto and made a part thereof, which is in the City of Modesto and which is all of the property subject to the provisions of the above referenced contract; and

WHEREAS, the OWNER either made and entered into this contract on the __________ day of ______, 20__, or accepted same as an heir, successor or assign of the previous OWNER; and

WHEREAS, the subject property was annexed to the City of Modesto on ____________; and

WHEREAS, the OWNER has filed this notice with the City of Modesto for Nonrenewal of a Land Conservation Contract on ____________, 20__, and by so doing the OWNER understands and accepts the resulting change in property tax assessments under the provisions of the California Revenue and Taxation Code Section 426 and such other sections as are applicable; and

NOW, THEREFORE, the Nonrenewal of Land Conservation Contract Number(s) __________ is deemed effective as of the 1st day of January, 20_____ and the termination date will be the 31st day of December, 20____ as to that property described in Exhibit “A”.

______________________________
Owner (signature)

State of California
County of Stanislaus

On _______________ before me, __________________________________________________________________________
personally appeared __________________________________________________________________________________

☐ personally known to me -or- ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

__________________________________________________________________________
I, Stephanie Lopez, City Clerk of the City of Modesto, do hereby certify that this Notice of Nonrenewal of Land Conservation Contract _______ was received by the City on the ___ day of ____________.

IN WITNESS HEREOF, I have hereunto set my hand and affixed the official seal of the City of Modesto this _____ day of ____________.

By: ________________________________ Date: ______

STEFANIE LOPEZ, CITY CLERK
Appendix E
Partial Nonrenewal Submittal Checklist

(All items must be included at the time of filing)

The following items will facilitate expedient processing of an action for partial Nonrenewal of Williamson Act Contracts in the City of Modesto. The following items must be filed with the Community and Economic Development Department to determine the application complete. If the following items are not submitted at the time of filing, the City of Modesto will not verify the accuracy of the Partial Notice of Nonrenewal.

- Partial Non-renewal Submittal Form to include:
  - Property owner and applicant information (name, address, etc.).
  - Description of the property location (indicate property address, if any).
  - Existing zoning designation and land use for the property.
  - A precise legal description of the property to be prepared by an engineer or surveyor, or provided by a title company.
  - A complete legal description of the area to be non-renewed prepared by a civil engineer or surveyor.
  - Assessor’s parcel numbers for each parcel affected.
  - Landowner’s statement of facts, including the reason for partial Nonrenewal, and the agricultural viability of the portion remaining under contract.

- 8 ½" x 11" map showing subject properties and reflecting portion of property subject to the Notice of Non-renewal

- Williamson Act Contract that pertains to the subject property

- Filing Fee

- Photos of the site
Appendix F
Williamson Act Contract
Partial Nonrenewal Submittal Form

GENERAL INFORMATION

Property Owner: ____________________________________________________________

Address: ___________________________________________________________________

Telephone No.: __________________ Fax No.: ________________________________

Applicant: ______________________________________________________________

Address: __________________________________________________________________

Telephone No.: __________________ Fax No.: ________________________________

Applicant’s Representative: ______________________________________________

Address: __________________________________________________________________

Telephone No.: __________________ Fax No.: ________________________________

LOCATION

Subject property is generally located (indicate address if any): _______________________
____________________________________________________________________________
____________________________________________________________________________
____________________________________________________________________________

ZONING

Existing Zoning: __________________________________________________________________

Existing Land Use: __________________________________________________________________

LAND CONSERVATION CONTRACT NO.: __________________________________________
Williamson Act Contract
Partial Nonrenewal Submittal Form (cont.)

PRECISE LEGAL DESCRIPTION (attach separate sheet if necessary)


DOES THIS NOTICE COVER THE ENTIRE CONTRACT AREA OR A PORTION THEREOF?:


PARCEL NUMBER(S)
County Assessor’s Book, Block and Lot Number(s): ________________________________


LANDOWNER’S STATEMENT OF FACTS:


Page 19 of 38
Appendix G

Notice of Partial Nonrenewal of A Land Conservation Contract

This Notice of Partial Nonrenewal of a Land Conservation contract is executed on _______ 20---- regarding the Land Conservation Contract Number(s) __________. This contract was recorded with the Stanislaus County Recorder on ____________ 20____ in Book ______, Page __________ of the public records (or as Instrument No. ).

WHEREAS, __________________________________________________________

Hereinafter referred to as “OWNER” are all the known current owners of the _______ acres of that portion of real property described in Exhibit “A”, (see attached map and legal description), attached hereto and made a part thereof, which is in the City of Modesto and which is all of the property subject to the provisions of the above referenced contract; and

WHEREAS, the OWNER either made and entered into this contract on the __________ day of ______, 20____, or accepted same as an heir, successor or assign of the previous OWNER; and

WHEREAS, the subject property was annexed to the City of Modesto on ___________;

and

WHEREAS, the OWNER has filed this notice with the City of Modesto for Nonrenewal of a Land Conservation Contract on ____________, 20____, and by so doing the OWNER understands and accepts the resulting change in property tax assessments under the provisions of the California Revenue and Taxation Code Section 426 and such other sections as are applicable; and

NOW, THEREFORE, the Nonrenewal of Land Conservation Contract Number(s) ______________ is deemed effective as of the 1st day of January, 20____ and the termination date will be the 31st day of December, 20____ as to that portion of property described in Exhibit “A”.

__________________________
Owner (signature)

__________________________
State of California
County of Stanislaus

On ____________ before me, ______________________________________
personally appeared _____________________________________________

☐ personally known to me -or- ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

__________________________
I, Stephanie Lopez, City Clerk of the City of Modesto, do hereby certify that this Notice of Nonrenewal of Land Conservation Contract ______ was received by the City on the ___ day of ________________.

IN WITNESS HEREOF, I have hereunto set my hand and affixed the official seal of the City of Modesto this _____ day of _____________.

By: _______________________________ Date: ________

STEPHANIE LOPEZ, CITY CLERK
Appendix H
Cancellation Submittal Checklist

(All items must be included at the time of filing.)

The following items are necessary for Modesto’s processing of a Petition for Cancellation of Williamson Act Contracts restricting property in the City of Modesto. The following items must be filed with the Community and Economic Development Department for the application to be deemed complete.

- Completed City of Modesto Application
- Completed Environmental Assessment
- Completed Petition for Cancellation
- Completed Proposal of Specified Alternative Use
- Vesting Deed (legible copy)
- 8 1/2” x 11” map showing subject properties
- Legal Description of property (must be consistent with area covered under Non-renewal)
- Williamson Act Contract that pertains to the subject property
- Property Owner’s list for contracted properties within one (1) mile, envelopes, radius map (include envelopes for the property owner, applicant and representative)
- Concurrent filing of Notice of Nonrenewal of the Williamson Act Contract or verification that a Notice of Nonrenewal of the Williamson Act Contract has been filed
- Filing Fee
- Photos of site
Appendix – I
Williamson Act Contract
Petition for Cancellation

GENERAL INFORMATION

Property Owner: ____________________________________________________________

Address: ________________________________________________________________

Telephone No.: __________________ Fax No.: ________________________________

Applicant: ________________________________________________________________

Address: ________________________________________________________________

Telephone No.: __________________ Fax No.: ________________________________

Applicant’s Representative: ______________________________________________

Address: ________________________________________________________________

Telephone No.: __________________ Fax No.: ________________________________

LOCATION

Subject property is generally located (indicate address if any): ________________

_______________________________________________________________________

ZONING

Existing Zoning: __________________________________________________________

Existing Land Use: _________________________________________________________

Land Conservation Contract No.: _____________________________________________
Williamson Act Contract
Petition for Cancellation (cont.)

PRECISE LEGAL DESCRIPTION (attach separate sheet if necessary)

_________________________ _______________________

_________________________ _______________________

_________________________ _______________________

PARTIAL OR COMPLETE NON RENEWAL FILED? _______________________

DATE NON RENEWAL FILED: _______________________

DOES THIS CANCELLATION COVER THE ENTIRE CONTRACT AREA OR A PORTION THEREOF? _______________________

PARCEL NUMBER(S)

County Assessor’s Book, Block and Lot Number(s): _______________________

_________________________ _______________________

_________________________ _______________________

_________________________ _______________________

_________________________ _______________________

Page 24 of 38
Williamson Act Contract
Petition for Cancellation (cont.)

PETITIONER’S STATEMENT OF FACTS

Please provide a statement of facts demonstrating how the Petition for Cancellation meets the specified cancellation criteria of the Williamson Act (This statement must include sufficient factual information to allow planning staff, the City Attorney and the City Council to determine whether the necessary findings can be supported. This statement should be as detailed as possible and include reference to supporting evidence and law where appropriate. Please be advised that a petition consisting of conclusory statements, unfounded opinions, or unsupported assumptions will be inadequate for the City Council to make the appropriate findings and may result in non-issuance of a Certificate of Tentative Cancellation):

1. Provide a statement of how the cancellation is consistent with the purposes of the Williamson Act; (i.e., a Notice of Nonrenewal has been served, cancellation is not likely to result in the removal of adjacent lands from agricultural uses; cancellation is for an alternative use which is consistent with the applicable provisions of the City of Modesto Urban Area General Plan; cancellation will not result in discontinuous patterns of urban development; and there is no proximate non-contracted land which is both available and suitable for the alternative proposed use or that development of the subject property would provide more contiguous patterns of urban development than development of the proximate non-contracted land). (Use additional sheets as necessary).

2. Provide a statement of how cancellation is in the public interest. (i.e., other public concerns substantially outweigh the objectives of the Williamson Act; and there is no proximate non-contracted land which is both available and suitable for the alternative use currently proposed for the subject property or that development of the subject property would promote more contiguous patterns of urban development than development of proximate non-contracted land). (Use additional sheets as necessary)
PROPOSED SPECIFIED ALTERNATIVE USE

Please provide a statement of the proposed specified alternative use for the property. (Suggest attaching Specific Plan documents or Planned Development application.) Ultimate development of the property should be consistent with the proposed specified alternative use; however, this statement is for informational purposes only. Cancellation of a Williamson Act Contract does not constitute approval of a specified alternative land use, site plan or other entitlement. Include a list of public agencies known to the landowner to have permit authority with respect to the specified alternative use.
APPENDIX J
Example of Certificate of Cancellation

Recording requested by:
City of Modesto

When recorded return to:
City of Modesto
Attn.: Stephanie Lopez, City Clerk
1010 10th Street
Modesto, CA 95354

CERTIFICATE OF TENTATIVE CANCELLATION OF THE
WILLIAMSON ACT LAND CONSERVATION CONTRACT NO. XX-XXX

In accordance with Article 5, Chapter 7, Division 1 of Title 5 (beginning with Section 51280) of the Government Code of the State of California, the City Council of the City of Modesto has granted tentative approval of a petition by ________________, hereinafter referred to as LANDOWNER, for cancellation of the following described Land Conservation Contract:

Land Conservation Contract No.______
For Assessor Parcel Nos. _____________ totaling approximately ____ acres.

LEGAL DESCRIPTION:

See Attached.

The petition for cancellation was accompanied by a proposal for a specific alternative use of the land, which has been approved by the Modesto City Council by Agricultural Contract No. XXXX adopted by the City Council on______________________.

The City Council of the City of Modesto will, in accordance with Government Code Section 51283.4(b), within thirty (30) days of receipt of written notice from landowner that the conditions and contingencies hereinafter set forth have been satisfied, make its determination whether or not such conditions and contingencies are in fact satisfied and, if it determines that they are satisfied, will execute, by its Mayor, a Certificate of Cancellation of that portion of the Agricultural Preserve Contract covering the land described above and cause the same to be recorded.

The conditions and contingencies which must be satisfied prior to execution of a Certificate of Cancellation by the Mayor of the City of Modesto are as follows:

A. The cancellation fee determined in accordance with Government Code Section 51283 to be in the amount of $__________ shall be paid in full; provided, however, that should a Certificate of Cancellation not be issued within one year from the date of the recording of this
Tentative Certificate of Cancellation, said cancellation fee shall be recomputed as of the date of notice described in subdivision (b) of Government Code Section 51283.4 or the date the landowner requests a recomputation, provided that the City Council concurs that all conditions and contingencies contained herein have been satisfied.

B. The applicant shall obtain all necessary approvals and permits to commence the project as required in Government Code Section 51283.4.

If the landowner has been unable to satisfy the above conditions and contingencies, they shall so notify the City Council of the particular conditions or contingencies which they are unable to satisfy. Within thirty (30) days after receipt of such notice, and upon a determination that the landowner is in fact unable to satisfy such conditions and contingencies, the Modesto City Council, by its Mayor, shall execute a Certificate of Withdrawal of this Certificate of Tentative Cancellation and cause such certificate to be recorded.

APPROVED AND ADOPTED THIS _____ DAY OF _____ _____.

______________________________
JIM RIDENOUR, MAYOR

ATTEST:

______________________________
STEPHANIE LOPEZ, CITY CLERK
I, Stephanie Lopez, City Clerk of the City of Modesto, do hereby certify that at a regular meeting of the City Council of the City of Modesto, held on the ___ day of ___________, the foregoing Certificate of Tentative Cancellation was passed and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

IN WITNESS HEREOF, I have hereunto set my hand and affixed the official seal of the City of Modesto this ___ day of ___________.

By: ________________________________ Date: _____________________

STEPHANIE LOPEZ, CITY CLERK
APPENDIX K
Example of Certificate of Final Cancellation

Recording requested by:
City of Modesto

When recorded return to:
City of Modesto
Attn.: Stephanie Lopez, City Clerk
1010 10th Street
Modesto, CA 95354

CERTIFICATE OF FINAL CANCELLATION OF
WILLIAMSON ACT LAND CONSERVATION CONTRACT NO. XX-XXX

In accordance with Article 5, Chapter 7, Division 1 of Title 5 (beginning with Section 51280) of the Government Code of the State of California, the City Council of the City of Modesto has granted final approval of a petition by__________________________, hereinafter referred to as the landowner, for cancellation of the following described Land Conservation Contract:

Land Conservation Contract No. ________
For Assessor Parcel Nos. _____ totaling approximately ____ acres.

LEGAL DESCRIPTION:

See Attached.

On ____________, the Modesto City Council approved a Certificate of Tentative Cancellation for Land Conservation Contract No. _________. The petition for cancellation was accompanied by a proposal for a specific alternative use of the land.

On ____________, the City of Modesto received written notice from the landowner that the conditions and contingencies set forth in the Certificate of Tentative Cancellation for Land Conservation Contract No. _________ were satisfied. The City Council of the City of Modesto has determined that they are satisfied, and by it Mayor, executes a Final Certificate of Cancellation for Williamson Act Contract No. _________.

The conditions and contingencies that have been satisfied in order to execute a Certificate of Cancellation by the Mayor of the City of Modesto are as follows:

A. The cancellation fee determined in accordance with Government Code Section 51283 to be in the amount of $__________ has been paid in full ________________; and
B. All permits necessary to commence the project as required by Government Code Section 51283.4 have been obtained.

APPROVED AND ADOPTED THIS ___ DAY OF ____ ___.

____________________________
JIM RIDENOUR, MAYOR

ATTEST:

____________________________
STEPHANIE LOPEZ, CITY CLERK
I, Stephanie Lopez, City Clerk of the City of Modesto, do hereby certify that at a regular meeting of the City Council of the City of Modesto, held on the _____ day of _______________, the foregoing Certificate of Final Cancellation was passed and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS: (INSERT NAMES)

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Modesto this _____ day of _______________.

By: ____________________ Date: ______________

STEPHANIE LOPEZ, CITY CLERK CITY
APPENDIX L

Notice to Department of Conservation of Application Acceptance and Public Hearing for Tentative Cancellation

Date

Ms. Bridgett Luther
California Department of Conservation
801 K Street, MS 24-01
Sacramento, CA 95814

Subject: Cancellation of Williamson Act Land Conservation Contract No. ______

Dear Ms. Luther:

In accordance with Government Code Section 51284.1, I am forwarding to you the notice of our acceptance of a Williamson Act Petition For Cancellation Of Contract No. ______ from the ______. Included are copies of the petition, the contract, and description of the land proposed for cancellation. The petition includes, as required by law, a description of the proposed specific alternative uses, the government agencies known by the landowner to have permitting authority over those uses, and a preliminary discussion of the necessary findings.

The tentative cancellation request is scheduled to be heard by the Modesto City Council on ______________. The deadline for submitting comments to the City of Modesto on the proposed cancellation pursuant to Section 51284.1(a) is ______________. Please address any comments to ______________, City of Modesto, Community and Economic Development Department, 1010 10th Street, Modesto, CA 95354.

We look forward to receiving any comments as we prepare for the cancellation of the land contract listed above. If you have any questions or need additional information, please contact the project planner, ______________ at ______________.

Sincerely,

H. Brent Sinclair, AICP
Director of Community and Economic Development

cc: Dennis O’Bryant, Acting Assistant Director, Division of Land Resource Protection
    Susanna Wood, City Attorney
APPENDIX M
Letter to County Assessor Requesting Fair Market Value

Date

Doug Harms
Stanislaus County Office of the Assessor
1010 10th Street
Modesto, CA 95354

RE: Cancellation of Land Conservation Contract _____, _____ acres
APNs: ___________

Dear Mr. Harms:

The City of Modesto is requesting the cancellation value and fee amount for the above referenced parcel(s). The property owner(s), ________________, have submitted a petition to cancel the existing Land Conservation Contract. The parcel(s) are currently assessed under the terms of the Williamson Act.

Please provide the valuation and fee to the landowner and the Department of Conservation as well as to the City, and inform them of their rights to request formal reviews.

Thank you very much for your assistance. If you have any questions or concerns, please contact ______________ at (209) ____________.

Sincerely,

H. Brent Sinclair, AICP
Director of Community and Economic Development

cc: Property Owner
APPENDIX N
Letter to County Treasurer Providing Notice of Final Certificate of Cancellation

Date

Gordon B. Ford, Treasurer-Tax Collector
Stanislaus County
1010 10th Street
Modesto, CA 95354

RE: Cancellation of Land Conservation Contract No. _____

Dear Mr. Ford:

The City of Modesto has accepted and recorded the Final Certification of Cancellation of Land Conservation Contract No. _______ on behalf of the landowner.

A copy of the cancellation that the City of Modesto has recorded is enclosed with this letter. Please forward the __________ cancellation fee to the State.

If you have any questions regarding this notice, please contact me at (209) ________.

Sincerely,

H. Brent Sinclair, AICP
Director of Community and Economic Development

Enclosures
APPENDIX O
Letter to Notify Director of Department of Conservation of Certificate of Final Cancellation

Date

Dennis O’Bryant, Acting Assistant Director
Division of Land Resource Protection
California Department of Conservation
801 K Street, MS 18-01
Sacramento, CA 95814

Subject: Final Cancellation of Williamson Act Land Conservation Contract No. ______

Dear Mr. O’Bryant:

Please find the attached Certificate of Final Cancellation for Contract No. _________, approved by the Modesto City Council on ________________, and recorded with the Stanislaus County Recorder on ________________. Also, please find the Landowner’s Statement of Compliance with the material breach provisions of the Williamson Act, also recorded.

If you have any questions or need additional information, please contact me at (209)______.

Sincerely,

Project Planner
APPENDIX P
Statement of Compliance with the
Material Breach Provisions of the Act

Recording requested by:
City of Modesto

When recorded return to:
City of Modesto
Attn.: Stephanie Lopez, City Clerk
1010 10th Street
Modesto, CA 95354

LANDOWNER’S STATEMENT OF COMPLIANCE WITH SECTIONS 51250(s)(4) and (5) OF THE
GOVERNMENT CODE RELATIVE TO MATERIAL BREACH AND WILLIAMSON ACT CONTRACT
TERMINATIONS FOR THE CANCELLATION OF WILLIAMSON ACT CONTRACT NO. ____________

To the Mayor and City Council of the City of Modesto:

On __________, __________ acquired the fee title ownership of the real property
encumbered by the above referenced Williamson Act Land Conservation Contract on
___________. I ___________________, owner of the real property encumbered by the
above referenced Williamson Act Land Conservation Contract make the following Statement of
Compliance with Sections 51250(s)(4) and (5) of the Government Code relative to material
breach and Williamson Act Contract Terminations:

1) I am aware of the provisions of the Williamson Act (Section 51250 of the Government
Code) relating to material breach of contracts, contained in AB 1492 (Laird) enacted by
the legislature in 2003 and effective January 1, 2004.

2) I further understand that the exemption from possible material breach proceedings and
penalties contained in Section 51250(s)(2) for specified contract terminations (by
cancellation, annexation, protest, or acquisition) does not apply if the land nevertheless
continues to be subject to the contract for any reason, including rescission of the
terminating action by its maker or permanent invalidation by a court.

Finally, I understand that for the exemption granted by Section 51250(s)(2) to be applicable to
my terminated contract, pursuant to Sections 51250(s)(4) and (5), I must sign this statement
under penalty of perjury, have it notarized, and file it with the county recorder either:

a) For contract terminations occurring after January 1, 2004, within 30 days after
the termination, or
b) For contract terminations having occurred prior to January 1, 2004, prior to the
approval of a building permit necessary for the construction of a commercial,
industrial, or residential building. No statement is necessary for a building
constructed, or permitted by a city or county, prior to January 1, 2004.
Attached hereto is a copy of the code subsection (51250)(s) describing the requirement, along with a copy of a letter from the Department of Conservation approving the required form of the acknowledgement letter.

Sincerely,

Date

State of California
County of Stanislaus

On _________________ before me, _________________________________ personally appeared _________________________________ to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.
MODESTO CITY COUNCIL
RESOLUTION NO. 2010-197

RESOLUTION APPROVING THE PAYMENT OF CAPITAL FACILITIES FEES BASED ON THE 2003 CAPITAL FACILITIES FEES RATES AND THE PAYMENT OF SEWER BOND REDEMPTION CHARGES IN LIEU OF WASTEWATER CAPACITY CHARGES FOR BUILDING PERMITS ISSUED BY AUGUST 22, 2010, FOR NEW SINGLE-FAMILY HOMES ON THE ELEVEN REMAINING UNDEVELOPED LOTS OF ANDREA ESTATES SUBDIVISION, AND AUTHORIZING A REFUND OF $15,228 FROM THE CAPITAL FACILITIES FEES REVENUE FUND AND $17,624 FROM THE WASTEWATER FUND

WHEREAS, Roger Preston ("applicant") filed an application for a vesting tentative subdivision map, Andrea Estates, to divide approximately 4.38 acres, located on the west side of Walnut Way north of Mimi Way, into 20 single-family residential lots, and

WHEREAS, said vesting tentative map was received in the office of the Secretary of the Planning Commission on November 21, 2005, and was accepted for filing and deemed complete on January 9, 2006, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code, and

WHEREAS, said vesting tentative map is vested against the 2006 Capital Facilities Fees (CFF) program and the 2007 Wastewater Capacity Charges, which were adopted on January 25, 2006 and May 8, 2007, respectively, and

WHEREAS, the City of Modesto Planning Commission approved said vesting tentative map on February 6, 2006, and

WHEREAS, a final map of Andrea Estates Subdivision was recorded on August 22, 2007, and
WHEREAS, under Section 4-4.405(c)(1) of the Modesto Municipal Code, the development rights conferred by a vesting tentative map remain in effect for two years following the recording of a final map, and

WHEREAS, Section 4-4.405(c)(1) also provides for a single one-year extension of vesting rights if applied for by the subdivider prior to expiration of the two-year period and if approved by the Planning Commission, and

WHEREAS, the applicant did not apply for an extension of vesting rights for the Andrea Estates subdivision, and therefore the vesting rights expired on August 22, 2009, two years from the date of recordation of the map, and

WHEREAS, prior August 22, 2009, the applicant paid CFF and wastewater fees based on the map’s vesting and received building permits for the development of five of the lots in the subdivision, and

WHEREAS, subsequent to the vesting expiring the applicant paid CFF and Wastewater Capacity Charges at current rates and received building permits for four lots in the subdivision, said four lots being 753, 757, 761 and 801 Walnut Way, and

WHEREAS, on March 9, 2010, the applicant submitted a request for an extension of vesting rights for the Andrea Estates subdivision to August 22, 2010, citing the hardships created by the higher CFF fees and Wastewater Capacity Charges, and

WHEREAS, applicant also requests a refund of the difference between the CFF and wastewater fees currently in effect and the equivalent charges that he would have paid had his vesting remained in effect for the four lots where current fees were paid, and

WHEREAS, California Government Code Section 66498.5 does not allow for an extension of vesting rights after the initial two-year period prescribed by the Modesto
Municipal Code has expired, but does not prevent the City from allowing the applicant to pay CFF fees and wastewater connection fees based on the fees in effect at the time the map was vested until August 22, 2010, and granting the requested refund, which would have the same effect as an extension of vesting as it relates to the application of said fees, and

WHEREAS, said request was by the City Council on May 11, 2010, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and

WHEREAS, after consideration of the request the Council finds and determines that the request to allow the payment of CFF based on the 2003 CFF program and the payment of Sewer Bond Redemption Charges in lieu of payment Wastewater Capacity Charges for the eleven remaining lots in the Andrea Estates subdivision until August 22, 2010, and the refund of the difference between the 2006 and 2003 CFF fees, and the difference between the Wastewater Connection Charges and the Sewer Bond Redemption charges, for four previously-developed lots in the subdivision, will not negatively impact the 2006 CFF and Wastewater Capacity Charge programs, because both programs took into account that the Andrea Estates subdivision was vested against these fee programs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. All building permits for development of new single-family dwellings on Lots 10 – 20 of Block 3047 of the Andrea Estates Subdivision (Map No. 43-M-69) for which a complete application for a building permit has been submitted prior to August 22, 2010, shall be allowed to pay Capital Facilities Fees based on the 2003 Capital Facilities Fees program and to pay the Sewer Bond Redemption charges in lieu of payment of Wastewater Capacity Charges.

2. A refund of $15,228 from the Capital Facilities Fees Revenue Account and $17,624 from the Wastewater Connection Account, as detailed in
Exhibit A, be issued to Roger Preston for 753, 757, 761 and 801 Walnut Way.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of May, 2010, by Councilmember Marsh, 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, Lopez, Marsh, Muratore, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: [Signature]

APPROVED AS TO FORM:

By: [Signature]

SUSANA ALCALA WOOD, City Attorney
Exhibit A: Revenue Fund Sources for Refund of CFF and Wastewater Connection Fees

Andrea Estates: BLD 2009-72346, BLD 2009-72257, BLD 2010-80519, & BLD 2010-80521  
Land Use Category: Single-Family Home  
CFF Program: 2006

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Wastewater Connection Account  
6211-440-5205-4352  
$17,624.00