MODESTO CITY COUNCIL
RESOLUTION NO. 2007-050

A RESOLUTION AUTHORIZING THE AWARD OF BID AND CONTRACT FOR THE PURCHASE OF FOUR (4) UTILITY TYPE TRUCKS FOR THE PUBLIC WORKS DEPARTMENT, FLEET SERVICES DIVISION, TO BROADWAY MOTORS FORD, OAKLAND, CA FOR A TOTAL ESTIMATED COST OF $185,587.

WHEREAS, on August 3, 2005, Council approved Resolution No. 2005-381 authorizing the Purchasing Manager to issue formal Request for Bids (RFB) for new vehicles and heavy equipment throughout FY 05/06 through various competitive processes, with the Purchasing Division coming back to Council for award authorization, and

WHEREAS, on April 26, 2006, The Purchasing Division issued formal bids for six (6) new current year/model utility trucks on RFB 0506-29, with a bid opening date of May 16, 2006, and

WHEREAS, twenty-eight (28) vendors were solicited of which five (5) were local vendors. One (1) bidder chose to respond to the RFB, and

WHEREAS, the bid received was for one (1), crew cab & chassis F550 truck with utility body, with the bid amount exceeding the budgeted amount of $70,000, and

WHEREAS, on July 5, 2006, Council approved Resolution No. 2006-418 authorizing the Purchasing Manager to reject the sole bid and re-issue formal RFB’s for the purchase of six new, current year/model utility truck for an estimated total cost of $332,000, and

WHEREAS, on September 12, 2006, Council approved Resolution No. 2006-573 authorizing the purchase of two (2) new, current year/model stencil paint trucks by
"accessing the terms" of a competitively bid contract through Line Master Engineering Inc., for a total estimated cost of $173,583, and

WHEREAS, on September 19, 2006, the Purchasing Division issued RFB No. 0607-21 for the purchase of four (4) Utility Type trucks to thirty (30) prospective bidders, twelve (12) of which were local companies, posted the bid on the City’s web site and formally advertised as required by law, and

WHEREAS, on October 24, 2006, RFB’s were formally opened in the City Clerk’s office, and

WHEREAS, of the thirty (30) prospective bidders, four (4) companies chose to respond, and

WHEREAS, based on being deemed the lowest responsive and responsible bidder, City staff recommends the award of bid and contract for the purchase of four (4) utility type trucks for the Public Works Department, Fleet Services Division, to Broadway Motors Ford, Oakland, CA, for the total estimated cost of $185,587, 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 four (4) utility type trucks for the Public Works Department, Fleet Services Division, conforms to code requirements.

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 four (4) utility type trucks for the Public Works Department, Fleet Services Division, to Broadway Motors Ford, Oakland, CA, for the total estimated cost of $185,587.
BE IT FURTHER RESOLVED that the Purchasing Manager is hereby authorized to issue a purchase order for the purchase of four (4) utility type trucks for the Public Works Department, Fleet Services Division, to Broadway Motors Ford, Oakland, CA, for the total estimated cost of $185,587.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-051

A RESOLUTION DECLARING AS SURPLUS FROM FEBRUARY 1, 2007 THROUGH JANUARY 31, 2008 THE FOLLOWING ITEMS: STOLEN, UNCLAIMED AND/OR SEIZED PROPERTY FROM THE POLICE DEPARTMENT, EXCESS PROPERTY ACCUMULATED BY THE CITY, AND SURPLUS CITY VEHICLES AND AUTHORIZING THE PURCHASING DIVISION TO SELL SAME BY SEALED BID, CONSIGNMENT, PUBLIC AUCTION, ONLINE AUCTION, OR AS SCRAP. THE AUCTION HOUSE, LOCATED AT 824 W. KIERNAN AVENUE IN ACCORDANCE WITH AUCTIONEERING AGREEMENT DATED AUGUST 14, 2001 WILL CONDUCT THE PUBLIC AUCTION. PUBLICSURPLUS.COM OF PROVO, UTAH WILL CONDUCT ONLINE AUCTIONS FOR SELECTED SURPLUS PROPERTY AS NEEDED.

WHEREAS, Section 801 of the City Charter authorizes the City Manager to sell obsolete, unclaimed, or surplus personal property of the City with the approval of the City Council, and

WHEREAS, the City’s surplus items consist of: (1), obsolete traffic signal equipment; (2), lost, stolen, unclaimed and/or seized property, and excess property accumulated by the City; unclaimed bicycles accumulated at the Police Department Evidence and Property Room; and (3), and surplus City vehicles, and

WHEREAS, the current auction agreement calls for auctioneering services to be provided by the Auction House (Resolution Number 2001-423); and

WHEREAS, public auctions are conducted at their facility located at 824 W. Kiernan Avenue in Modesto, and

WHEREAS, the Purchasing Division will sale selected surplus property online through PublicSurplus.com, and

WHEREAS, the items sold online would consist of surplus items that could possibly bring a higher price over use of a conventional auction, and
WHEREAS, from January 1, 2006 through December 14, 2006, the City had received $336,906.37 from the sale of surplus property, and

WHEREAS, revenues from the sale of surplus Fleet vehicles/equipment (less administrative fees) are deposited into the Fleet Replacement Fund, 7210, and

WHEREAS, all revenues received (less administrative fees) from the sale of non-rolling stock are deposited in the General Fund (per MCC 2-7.08), and

WHEREAS, by authorizing the Purchasing Division to process property, as items become surplus, from February 1, 2007 through January 31, 2008, without returning to City Council for subsequent approvals, the City will save substantial staff and processing time and be compliant with City Charter and Modesto Municipal Code (MMC), and

WHEREAS, the list of property to be sold will be on file with the City Clerk, and

WHEREAS, the City could sell all surplus as scrap or choose to donate it to charitable organizations, and

WHEREAS, after the auction, the Purchasing Division will prepare a recap memorandum to account for the items sold and the proceeds obtained from the auction,

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

SECTION 1. The City Council hereby authorizes the City Purchasing Division to seek City Council approval each year for the disposition of surplus property in accordance with Section 801 of the City Charter and Modesto Municipal Code (MMC), and hereby declares as surplus from February 1, 2007, through January 31, 2008, the property items set forth above.
SECTION 2. The City Manager, or his designated representative, is hereby authorized and directed to sell on consignment to the highest bidder any surplus properties as set forth on the list on file in the City Clerk’s office.

SECTION 3. If said property cannot be sold on consignment as listed above, the City Manager, or his designated representative, is hereby authorized and directed to sell on a sealed bid basis to the highest bidder any surplus properties as set forth on the list on file in the City Clerk’s office.

SECTION 4. If said property cannot be sold on consignment or on a sealed bid basis as provided, then said property may be sold online pursuant to Resolution No. 2006-192, adopted on April 4, 2006.

SECTION 5. If said property cannot be sold on consignment online or on a sealed bid basis as provided for above, then said property may be sold at public auction utilizing the current agreement with The Auction House which was entered into on August 14, 2001, and approved by Council Resolution No. 2001-423. Said resolution provides for auctioneering services to be provided by The Auction House, subject to the appropriate insurance being on file in the office of the City Clerk, and subject to at least five (5) days notice being given before the time fixed for the sale. The City Clerk shall cause notice thereof to be published in the Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and shall state that the list of items to be offered for sale can be inspected in the office of the City Clerk.

SECTION 6. If said property cannot be sold on consignment, on a sealed bid basis, online or through the public auction process, then said property may be sold for scrap.
SECTION 7. The City Central Stores Manager is hereby authorized to contact
The Auction House to coordinate pick-up for surplus property after the Purchasing
Division has approved the necessary surplus property forms.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 9th day of January, 2007, by Councilmember Dunbar,
who moved its adoption, which motion being duly seconded by Councilmember Hawn,
was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen,
    Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-052

A RESOLUTION APPOINTING 2007 BOND ISSUE AND REFINANCING TEAM CONSISTING OF SIDLEY AUSTIN, LLC, BOND COUNSEL; STRADLING YOCCA CARLSON & RAUTH, DISCLOSURE COUNSEL; PUBLIC FINANCIAL MANAGEMENT INC., FINANCIAL ADVISOR; BANC OF AMERICA SECURITIES LLC, UNDERWRITER, AND CITY STAFF WITH RESPECT TO THE PROPOSED ISSUANCE OF CERTAIN LEASE REVENUE BONDS AND LEASE REVENUE REFINANCING BONDS FOR FUTURE CONSIDERATION OF COUNCIL, AND AUTHORIZING SAID BOND FINANCING TEAM TO PROCEED WITH ACTIONS NECESSARY FOR BOND DOCUMENT DEVELOPMENT

WHEREAS, pursuant to the City of Modesto Municipal Code Section 301 of Chapter 4 of Article VIII, the City of Modesto, California (the “City”) is authorized to issue lease revenue bonds to provide funds to finance the costs for the design, construction and equipping of improvements to the John Thurman Stadium and for the purpose of refunding existing lease revenue bonds, and

WHEREAS, staff has identified the opportunity to refinance the existing 1997 and 1998 Lease Revenue bonds while generating debt service savings and borrowing $2.4 million in additional proceeds for use in constructing improvements at John Thurman Stadium, and

WHEREAS, the City desires to appoint certain professionals to assist the City in connection with such proposed issuance, and to authorize such professionals and City staff to take all actions necessary, including the preparation of documents to effect such issuance, for future consideration by this City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby appoints Sidley Austin, LLC of San Francisco, as Bond Counsel (“Bond Counsel”); Stradling Yocca Carlson & Rauth, A Professional Corporation of Newport
Beach, California, as the Disclosure Counsel; Public Financial Management Inc., San Francisco, California, as Financial Advisor ("Financial Advisor"), and Banc of America Securities LLC as the Underwriter.

BE IT FURTHER RESOLVED that City staff is hereby authorized and directed to proceed with any and all actions deemed necessary or advisable, including directing the finance professionals appointed pursuant to this Resolution, to begin preparation of documents in connection with the proposed issuance of the City’s lease revenue and lease revenue financing bonds, for future consideration by the City Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the Resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: __________________________
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: __________________________
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-053

A RESOLUTION APPROVING A BOND DISCLOSURE COUNSEL AGREEMENT WITH STRADLING YOCCA CARLSON & RAUTH FOR LEGAL SERVICES RELATED TO THE PROPOSED ISSUANCE OF CERTAIN LEASE REVENUE BONDS AND LEASE REVENUE REFINANCING BONDS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID AGREEMENT.

WHEREAS, Finance Department staff and the City’s Financial Advisor have identified opportunities to generate debt service savings by refinancing existing debt, and

WHEREAS, the City has entered into an agreement with the management of the Modesto Nuts which will require the City to issue $2.4 million in lease revenue bonds to construct improvements at John Thurman Stadium, and

WHEREAS, City staff desires the assistance of Stradling Yocca Carlson & Rauth in regard to the 2007 Lease Revenue and Lease Revenue Refinancing Bonds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves a Disclosure Counsel Agreement for legal services with Stradling Yocca Carlson & Rauth for the 2007 Lease Revenue and Lease Revenue Refinancing Bonds,

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th of January, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By ____________________________
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-054

A RESOLUTION APPROVING A BOND COUNSEL AGREEMENT WITH SIDLEY AUSTIN, LLC FOR LEGAL SERVICES RELATED TO THE PROPOSED ISSUANCE OF CERTAIN LEASE REVENUE BONDS AND LEASE REVENUE REFINANCING BONDS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE SAID AGREEMENT.

WHEREAS, Finance Department staff and the City’s Financial Advisor have identified opportunities to generate debt service savings by refinancing existing debt, and

WHEREAS, the City has entered into an agreement with the management of the Modesto Nuts which will require the City to issue $2.4 million in lease revenue bonds to construct improvements at John Thurman Stadium, and

WHEREAS, City staff desires the assistance of Stradling Yocca Carlson & Rauth in regard to the 2007 Lease Revenue and Lease Revenue Refinancing Bonds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves a Disclosure Counsel Agreement for legal services with Sidley Austin, LLC for the 2007 Lease Revenue and Lease Revenue Refinancing Bonds,

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th of January 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By ____________________________
SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-055

ADOPT A RESOLUTION AUTHORIZING THE MODESTO FIRE DEPARTMENT TO PARTICIPATE IN THE CENTER FOR PUBLIC SAFETY EXCELLENCE INCORPORATED’S (CPSE) SELF ASSESSMENT PROCESS, AND APPLY FOR ACCREDITATION.

WHEREAS, the Modesto Fire Department wishes to apply for accreditation which would measure the Modesto Fire Department’s administration and response system against internationally recognized standards, and

WHEREAS, the first step of the accreditation process is to participate in the CPSE self assessment process, and

WHEREAS, the Safety and Communities Committee approved this request on December 4, 2006, for recommendation to the full Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Modesto Fire Department to participate in the Center For Public Safety Excellence Incorporated’s (CPSE) self assessment process, and apply for accreditation.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: 
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:
By: Susana Alcala Wood, City Attorney
A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH COLE MANAGEMENT & ENGINEERING, INC., FOR ADDITIONAL WORK NOT INCLUDED IN THE ORIGINAL AGREEMENT AND FOR REIMBURSABLE EXPENSES TO PERFORM CONSTRUCTION MANAGEMENT SERVICES OF THE CELESTE/ROSE/SCENIC SANITARY SEWER IMPROVEMENTS PROJECT IN THE AMOUNT OF $56,800.00, CONTRACT TOTAL OF $262,584.00, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on March 7, 2006, by Resolution 2006-133, the City Council awarded a construction contract in the amount of $3,707,105.00 to California Trenchless, Inc., to construct the Celeste/Rose/Scenic Sanitary Sewer Improvements Project, and

WHEREAS, the Celeste/Rose/Scenic Sanitary Sewer Improvements Project is a large specialized project that will require augmentation of the City’s capacity to provide construction management and inspection, and

WHEREAS, on April 4, 2006, by Resolution 2006-213, Cole Management & Engineering, Inc. (CME), a construction management firm specializing in these types of inspections was selected and approved to assist with this project, and

WHEREAS, the City’s contractor, California Trenchless, Inc., should have completed the project on December 5, 2006, and is behind schedule, and

WHEREAS, the contractor, at times, has experienced slower drilling rates than our design consultant expected, including experiencing minor equipment breakdowns and vandalism, and

WHEREAS, the majority of the delay is due to the relatively new method of construction and our contractor’s experience with that method. Many adjustments to those methods were required during construction due to soil conditions other than what the contractor anticipated, and
WHEREAS, over the course of this project, Cole Management was required to expend $15,938 on overtime for inspection and project management. Due to the relatively new nature of the construction method more of their budget was consumed on submittal review and consultations with the City’s design consultant, and

WHEREAS, due to the size and complexity of this project, City Staff recommends that Cole Management continue to provide construction management services, as current workload and experience levels do not provide for timely in-house solutions/responses; and, in addition, integration of an additional item beyond the scope of the existing contract, such as, project closeout and assistance for extra work claims, if needed, and

WHEREAS, the City’s consultant agreement with CME is a time and materials contract. As part of this Amendment, CME will continue to provide full-time inspection for the Celeste/Rose/Scenic Sanitary Sewer Improvements Project, and

WHEREAS, the total cost of the Agreement with Cole Management, including this Amendment, is less than 7.1% of the cost of the construction contract, and no additional Change Order costs have been identified, and none are anticipated at this time.

WHEREAS, there are sufficient funds available in CIP Account 6210-430-A049 “Celeste/Rose/Scenic Sewer Improvements” to continue work on the ongoing and additional tasks to complete the additional work as follows: 1) Task 2: Schedule Review; 2) Task 3: Submittal and Request For Information, 3) Task 4: Construction Management, 4) Task 5: Administrative Duties, and 5) Task 6: Claims Assistance/Closeout, and

WHEREAS, the Original Agreement was for $205,784 and the additional work associated with this Amendment is $56,800, which will increase the total Agreement to an amount not-to-exceed $262,584, and
WHEREAS, the current budgeted amount of $56,800 for the Amendment to the Agreement is available in the CIP Account 6210-430-A049 “Celeste/Rose/Scenic Sewer Improvements” to cover the cost for these additional services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Agreement between City of Modesto and Cole Management & Engineering, Inc., for additional services related to the Celeste/Rose/Scenic Sanitary Sewer Improvements Project in the amount of $56,800.

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

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 9th day of January, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST

JEAN MORRIS, City Clerk
(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-057

A RESOLUTION REJECTING THE SOLE BID FOR THE PROJECT TITLED, “MERLE AVENUE AND MAID MARIANE LANE ROUNDABOUT IMPROVEMENTS,” AND AUTHORIZING STAFF TO REBID THE PROJECT

WHEREAS, the bids received for Merle Avenue and Maid Mariane Lane Roundabout Improvements were opened at 11:00 a.m. on November 14, 2006, and

WHEREAS, during the bid evaluation process, staff determined that the sole bid unreasonably exceeds the Engineer’s estimate; therefore, staff recommends the bid be rejected and the specifications be revised and re-solicitation for this service be conducted at a later date, and

WHEREAS, there will be no impact to the operating budget if the low bid is rejected and the project re-advertised,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Merle Avenue and Maid Mariane Lane Roundabout Improvements, opened in the office of the City Clerk on November 14, 2006, are hereby rejected.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that City staff is hereby authorized to rebid the project titled “Merle Avenue and Maid Mariane Lane Roundabout Improvements.”
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By: Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-058

A RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS, AWARDING THE BID, AND APPROVING A $235,600.00 CONSTRUCTION CONTRACT WITH JOHN D. BAKER CONSTRUCTION COMPANY FOR THE PROJECT ENTITLED "INSTALLATION OF DETECTOR LOOPS AT 7 INTERSECTIONS," AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT.

WHEREAS, City staff has reviewed the plans and specifications for the project entitled, "Installation of Detector Loops at 7 Intersections" and recommends approval to the City Council, and

WHEREAS, the bids received for the "Installation of Detector Loops at 7 Intersections" project were opened at 11:00 a.m., on November 21, 2006, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of $235,600.00 received from John D. Baker Construction Company be accepted as the lowest responsible bid, and the contract be awarded to John D. Baker Construction Company,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the plans and specifications for the “Installation of Detector Loops at 7 Intersections” project.

BE IT FURTHER RESOLVED that the Council accepts the bid of John D. Baker Construction Company in the amount of $235,600.00, and hereby awards John D. Baker Construction Company the contract for “Installation of Detector Loops at 7 Intersections.”
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 9th day of January, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:  

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

SUSANA ALCALA WOOD, City Attorney

WHEREAS, plans and specifications have been prepared for the project titled “Replace Manholes: 9th/J Streets and 9th/G Streets” and City staff recommends approval to the City Council, and

WHEREAS, the bids received for “Replace Manholes: 9th/J Streets and 9th/G Streets” were opened at 11:00 a.m. on October 31, 2006, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of $188,800.00 received from Rolfe Construction Co., LLC., be accepted as the lowest responsible bid and the contract be awarded to Rolfe Construction Co., LLC.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the “Replace Manholes: 9th/J Streets and 9th/G Streets” project, including the plans and specifications.

BE IT FURTHER RESOLVED that the Council hereby accepts the bid of Rolfe Construction Co., LLC., in the amount of $188,800.00, and hereby awards Rolfe Construction Co., LLC., the contract titled “Replace Manholes: 9th/J Streets and 9th/G Streets.”

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 9th day of January 2007, by Councilmember Marsh, who moved its adoption, which motion being duly seconded by Councilmember Keating, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

APPROVED AS TO FORM:

By ____________________________

SUSANÁ ALCALA WOOD, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-060

A RESOLUTION APPROVING THE PROJECT, INCLUDING PLANS AND
SPECIFICATIONS FOR THE PROJECT TITLED “COLLECTION SYSTEM
REHABILITATION 2006”, ACCEPTING THE BID AND APPROVING A
$620,019.70 CONTRACT WITH D.A. WOOD CONSTRUCTION, INC., FOR THE
PROJECT TITLED, “COLLECTION SYSTEM REHABILITATION 2006”, AND
AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE
THE CONTRACT.

WHEREAS, plans and specifications have been prepared for the project titled
“Collection System Rehabilitation 2006” and City staff recommends approval to the City
Council, and

WHEREAS, the bids received for “Collection System Rehabilitation 2006” were
opened at 11:00 a.m. on December 12, 2006, and later tabulated by the Public Works
Director for the consideration of the Council, and

WHEREAS, the Public Works Director has recommended that the bid of
$620,019.70 received from D.A. Wood Construction, Inc., be accepted as the lowest
responsible bid and the contract be awarded to D.A. Wood Construction, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the “Collection System Rehabilitation 2006” project, including
the plans and specifications.

BE IT FURTHER RESOLVED that the Council hereby accepts the bid of D.A.
Wood Construction, Inc., in the amount of $620,019.70, and hereby awards D.A. Wood
Construction, Inc., the contract titled “Collection System Rehabilitation 2006.”

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 9th day of January 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Keating

APPROVED AS TO FORM:

By

SUSANA ALCALA WOOD, City Attorney

ATTEST: JEAN MORRIS, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-061

A RESOLUTION REJECTING ALL BIDS FOR THE PROJECT TITLED “KING-KENNEDY MEMORIAL CENTER KITCHEN AND AUDITORIUM RENOVATION” AND AUTHORIZING STAFF TO RE-ADVERTISEMENT THE PROJECT AT A FUTURE DATE.

WHEREAS, the two bids received for “King-Kennedy Memorial Center Kitchen and Auditorium Renovation” were opened at 11:00 a.m. on December 12, 2006, and later tabulated by the Public Works Director for the consideration of the Council, and

WHEREAS, an apparent low bid by Menghetti Construction Inc., was 17.06% above the architect’s estimate, and

WHEREAS, the apparent low bid for the project exceeded the estimate by an excessive amount, and

WHEREAS, the plans included the renovation of the kitchen and auditorium at the King-Kennedy Memorial Center, and

WHEREAS, during the bid evaluation process staff determined that there were insufficient funds available for this project. Therefore, staff recommends all bids be rejected and staff be allowed to re-advertise the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all bids received for “King-Kennedy Memorial Center Kitchen and Auditorium Renovation,” opened in the office of the City Clerk on December 12, 2006, are hereby rejected.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project at a future date.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2007, by Councilmember Dunbar, who moved its adoption, which motion being duly seconded by Councilmember Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O'Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

APPROVED AS TO FORM:

By Susana Alcala Wood, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-062

A RESOLUTION VACATING AND ABANDONING AN ALLEYWAY LOCATED BETWEEN COFFEE ROAD AND SUNNYSIDE AVENUE BETWEEN LOCKE ROAD AND LUCERN AVENUE

WHEREAS, Sutter Gould Medical Foundation filed an application to vacate and abandon a 590-foot alleyway, located between Coffee Road and Sunnyside Avenue ("Proposed Abandonment"), and

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

WHEREAS, a title report was submitted by Sutter Gould Medical Foundation with the abandonment request which shows that fee title to the property underlying the proposed abandonment belongs to Sutter Gould Medical Foundation who are proponents of the abandonment, and

WHEREAS, the homes which the alleyway has served will be demolished to accommodate parking for the Sutter Gould Medical Facility renovation; and

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

WHEREAS, Government Code Section 65402(a) requires that prior to abandoning a public right-of-way, the Planning Commission shall make a determination as to whether the abandonment is consistent with the General Plan, and

WHEREAS, a hearing by the Planning Commission was scheduled for November 20, 2006, but was continued to December 4, 2006, due to incomplete documentation relating to the alley abandonment, and
WHEREAS, a hearing was held by the Planning Commission on December 4, 2006, in the Tenth Street Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing both oral and documentary was received and considered regarding the proposed vacation and abandonment, and

WHEREAS, by Planning Commission Resolution No. 2006-74, the Planning Commission rendered a report finding that the Proposed Abandonment is in conformance with the Modesto Urban Area General Plan and recommended that the Council vacate and abandon the said right-of-way, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Monday, January 9, 2007, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which time all persons interested in or objecting to the Proposed Abandonment were afforded the opportunity to appear, and

WHEREAS, three notices were posted at the site of the proposed right-of-way abandonment for two successive weeks prior to the hearing, and notice was published in the Modesto Bee for two successive weeks prior to the hearing, per Streets & Highways Code sections 8323 and 8332, respectively, and,

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

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto finds and determines as follows:

1. The alleyway is not necessary to serve present or future traffic needs in the area.
2. The alleyway abandonment provides for the improvements necessary for upgraded medical facilities to serve the community.

3. That the vacation and abandonment of the 590-foot long right-of-way is in conformance with the City of Modesto General Plan.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation and abandonment of a 590-foot long alleyway, located between Coffee Road and Sunnyside Avenue between Locke Road and Lucern Avenue.

Said right-of-way to be vacated and abandoned is more particularly described in Exhibit "A" attached hereto, and by this reference made a part hereof as though set forth in full herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2007, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers:  Dunbar, Keating, Marsh, O'Bryant, Olsen,
        Mayor Ridenour

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  Hawn

ATTEST:  

JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

SUSANNA ALCALA WOOD, City Attorney
EXHIBIT "A"
LEGAL DESCRIPTION

All that certain real property situate in the City of Modesto, County of Stanislaus, State of California, described as follows:

PARCEL ONE:

The alley in Block 1032, Downey Manor, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, on August 5, 1955 in Vol. 18 of Maps, Page 32, lying between the Easterly line of Lot 1, extended Southerly and the Westerly line of Lot 5, extended Southerly.

PARCEL TWO:

The alley in Block 1032, Downey Manor, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, on August 5, 1955 in Vol. 18 of Maps, Page 32, lying between the Easterly line of Lot 6, extended Southerly and the Westerly line of Lot 8, extended Southerly.

End of Legal Description

APN No: adjacent to 32-12-28 thru 35
PORTION SW\1/4 SECTION 22 T.38 S. R.36 E. MD. B. M.
Broughton Col. Lots 30 & 31
Downey Manor
Irons Court

This map for
assessment purposes only

12482328
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-063

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(30), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(30).

WHEREAS, the City Council by Ordinance No. 829-C.S., which became effective on June 21, 1967, granted Planned Development Zone, P-D(30), to allow expansion of an existing medical clinic, property located at the northeast corner of Coffee Road and Lucern Avenue, and

WHEREAS, City Council Resolution No. 67-352 adopted by the City Council on May 8, 1967, approved the development plan for Planned Development Zone, P-D(30), and contained conditions of approval thereof, and

WHEREAS, the City Council by Ordinance No. 1167-C.S., which became effective on January 26, 1972, and Resolution No. 71-1131 adopted by the City Council on December 20, 1971, amended Planned Development Zone, P-D(30), to permit additional uses, and

WHEREAS, an expansion of Planned Development Zone, P-D(30), was approved by the City Council by Ordinance No. 2096-C.S., which became effective on January 7, 1982, and Resolution No. 81-1031 adopted on November 24, 1981, approved additional medical/professional facilities including parking areas and ancillary buildings on property located east of Coffee Road and south of Locke Road, and

WHEREAS, Planning Commission Resolution No. 82-180 adopted November 15, 1982, approved a revised plot plan for Planned Development Zone, P-D(30), and

WHEREAS, the City Council by Ordinance No. 2403-C.S., which became effective on March 13, 1986, approved a 27,000 square-foot three-story addition atop an
existing one-story building, property located on the east side of Coffee Road, north of Lucern Avenue, and for an expansion of Planned Development Zone, P-D(30), to provide an off-street parking area that the southwest corner of Coffee Road and Lucern Avenue, and

WHEREAS, the City Council by Resolution No. 86-171 adopted February 4, 1986, approved an amended development plan for Planned Development Zone, P-D(30), and

WHEREAS, the City Council by Ordinance No. 2652-C.S., which became effective on April 6, 1989, approved an addition to Planned Development Zone, P-D(30), to allow a 272-space parking area property located on the west side of Sunnyside Avenue south of Lucern Avenue, and

WHEREAS, a verified application for an amendment to Sections 22-3-9 and 27-3-9 of the Zoning Map was filed by Sutter Gould Medical Foundation on July 27, 2005, to reclassify from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(30), as an addition to Planned Development Zone, P-D(30), for expansion of the Gould Medical Facility and relocation of the Medical Facility building located at 600 Coffee Road, described as follows:

R-1 to P-D(30)

BEING Lots 1, 2, 3, 4, 5, 6, and 7 of Block 1032 as shown on the Map of Downey Manor, recorded in Volume 18 of Maps, at Page 32, Stanislaus County Records, together with the South half of the 60' wide Locke Road, the West 30.0 feet of the 50 foot wide Sunnyside Avenue and the North half of the 20' wide alley adjacent to said lots, lying in the Southwest Quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California.

Containing 1.89 acres of land.
R-2 to P-D(30)

BEING a portion of Lot 43 of the “Broughton Colony Tract”, according to the Official Map thereof, filed in Volume 1 of Maps, at Page 78, Stanislaus County Records, lying in the Northeast Quarter of Section 28, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at a point 170.5 feet South of the Northeast corner of Section 28, Township 3 South, Range 9 East, Mount Diablo Base and Meridian according to the United States Government Township Plats, thence West 182 feet; thence South 192 feet; thence East 182 feet to the East line of Section 28; thence Northerly along the East line of Section 28, 192 feet to the Point of Beginning.

Containing 0.8 acres of land.

BEING a portion of Lots 2 and 3 of “Sunnyside Acres” according to the Official Map thereof, filed in Volume 5 of Maps, at Page 45, Stanislaus County Records, and a portion of Lot 31 of the “Broughton Colony Tract” according to the Official Map thereof, filed in Volume 1 of Maps, at Page 78, Stanislaus County Records, lying in the Southwest Quarter of Section 22, and the Northwest Quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

BEGINNING at the Southwest corner of Lot 31 of the “Broughton Colony Tract” said Southwest corner is also the center line intersection of Lucem Avenue and Sunnyside Avenue; thence North 00°08’52” West along the center line of Sunnyside Avenue, 82.09 feet; thence departing said center line South 89°33’19” East, 264.36 feet to a point on the West line of Lot “G” as per the Map filed in Book 6 of Surveys, at Page 16, Stanislaus County Records; thence South 00°11’16” East along said West line, 82.06 feet to a point on the South line of Lot 31 of the Broughton Colony Tract; thence South 89°33’41” East along said South line, 65.58 feet to the Northeast corner of Lot 2 of Sunnyside Acres; thence South 00°11’29” East, 164.71 feet to the Southeast corner of said Lot 2; thence North 89°33’22” West along the South line of Lot 2, 165.03 feet; thence departing said South line North 00°10’47” West, 74.84 feet; thence North 89°33’22” West, 165.01 feet to a point on the East line of said Lot 3 of Sunnyside Acres, said point lies on the center line of Sunnyside Avenue; thence South 00°10’47” East, 75.07 feet along said center line to the Southeast corner of Lot 3; thence North 89°35’13” West along the South line of said Lot 3, 300.0 feet to the Southwest corner of that certain parcel designated as Assessor’s parcel number 34-06-04; thence North 00°10’05” West along the West line of said parcel, 164.94 feet to a point on the center line of Lucem Avenue; thence South 89°34’42” East along said center line, 299.97 to the Point of Beginning.

Containing 2.61 acres of land.
WHEREAS, after a public hearing held on November 20, 2006, and continued to December 4, 2006, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2006-73, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. That the proposed amendment to the Planned Development Zone allows for the provision of expanded and upgraded medical facilities to serve the community.

2. That the proposed Planned Development Zone, by reason of its plot plan design and conditions of approval, will be compatible with the surrounding land uses, as the amendment is necessary to provide adequate parking for the existing medical facility. Parking is a compatible use within the mixed use and Residential zoning districts.

3. The proposed rezoning and P-D amendment are consistent with the Modesto Urban Area General Plan, as the existing facilities are within an existing development zone P-D(30) which allows for medical office uses. The medical office building will be relocated within the boundaries of this existing P-D zone. The proposed rezoning of parcels designated Residential would be used for surface parking, which is a conditional use in residential zones as adjunct to office or commercial uses. Parking is allowed in both R and P-D(30); however, the rezone provides consistency for the entire medical office building facilities within the P-D(30) zone. The Modesto Urban Area General Plan states that the zoning code and zoning map shall be the primary vehicle to guide future development in the Baseline Developed Area.

WHEREAS, said matter was set for a public hearing of the City Council to be held on January 9, 2007, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Sutter Gould Medical Foundation for an addition to Planned Development...
Zone, P-D(30), and an amendment to the development plan should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2006-73 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3431-C.S. on the 9th day of January, 2007, reclassifying the above-described property from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(30), as an addition to Planned Development Zone, P-D(30).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(30), is hereby approved subject to the following conditions:

1. All development shall conform to the site plan and elevations titled “Sutter Gould Medical Foundation 600 Coffee Road Replacement MOB Shell Package” stamped approved by the Planning Commission on December 4, 2006.

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

3. Walls shall be constructed as follows:

   a.) Prior to any construction above the foundation of the medical office building, a six-foot high masonry wall shall be constructed as shown on the site plan to buffer the parking area along the south side of Locke Road, between Coffee Road and Sunnyside Avenue. An emergency access through said wall shall be provided if required by the Fire Marshal. The location of the emergency access shall not damage or interfere with the existing street trees on Locke Road.

   b.) Prior to occupancy of the medical office building, a seven-foot high masonry wall shall be installed along the western property line of the parking lot (APN 34-006-004) at the southwest corner of Sunnyside Avenue and Lucern Avenue.
c.) Prior to a foundation inspection for the office building, a 6-foot high masonry wall shall be constructed and enhanced screen landscaping as approved by the Parks, Recreation and Neighborhoods Director shall be installed to provide an adequate screen during the construction period around the northern, eastern, and southern perimeters of the proposed construction staging area and future parking lot to be located on APN's 32-012-037, 34-007-021, 34-007-022 on the east side of Sunnyside Avenue. Alternative fencing materials may be approved by the Community and Economic Development Director or designee.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

5. Street Trees shall be preserved as follows:
   a.) All street trees located along the south side of Locke Road shall be preserved
   b.) Mature street trees within the public right-of-way on Sunnyside, Lucern, and Coffee shall be preserved unless removal is necessary for street, sidewalk or driveway improvements required to meet City standards. Preference shall be given to native oak species.
   c.) Prior to issuance of a building permit, all street trees to be preserved shall be fenced and otherwise protected during the construction period to ensure their survival. A tree preservation plan for trees to be preserved, and a tree removal and replacement plan for trees to be removed, shall be submitted and approved by the Parks, Recreation, and Neighborhoods Department Director and Public Works Department Directors, or their designee.

6. All street dedications consistent with Standard Specifications shall be made prior to the issuance of a building permit or at any time requested by the City Engineer or designee to alleviate a health, safety, or traffic problem in the area.

7. Street improvements consistent to Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the City Engineer or designee to alleviate a health, safety, or traffic problem in the area.

8. Prior to the issuance of Certificate of Occupancy, the developer shall install the following street dedication and improvements as shown on the stamped approved plan per City Standards:
   a. Dedicate and improve the intersection of Coffee Road and Lucern Avenue, per the City of Modesto Standard of Specification Detail 379. Dedications and all curbs shall be built at ultimate locations as per detail.
b. Dedicate and improve Coffee Road at the intersection with Locke Road, per the City of Modesto Standard of Specification Detail 379. Dedications and all curbs shall be built at ultimate locations as approved by the City Engineer.

c. Dedicate and improve the southwest intersection of Locke Road and Sunnyside Avenue, per the City of Modesto Standard Specification Detail 377. Dedications and all curbs shall be built at ultimate locations as per detail. Improvements shall be required on Sunnyside Road only.

d. Dedicate and improve the intersection of Lucern and Sunnyside, per the City of Modesto Standard Specification Detail 377. Dedications and all curbs shall be built at ultimate locations as per detail.

e. Five-foot-wide sidewalks shall be permitted along Locke Road, Sunnyside Avenue and the South side of Lucern. 10-foot wide side-walks shall be required along Coffee Road and the North side of Lucern.

f. A bus turnout shall be installed along the project’s frontage on Coffee Road north of Lucern Avenue.

g. A right-turn deceleration lane for the proposed driveway on Coffee Road shall be required. The deceleration lane must be at least 50 feet plus a taper.

h. The throat depth of the proposed driveway on Coffee Road shall be 100 feet to the first aisle or parking space on the site, measured from the new property line after right-of-way dedication.

i. The proposed driveway on Lucern Avenue shall be 240 feet from the signalized intersection of Coffee Road and Lucern Avenue measured from the new property line after the right-of-way dedication and the nearside of the proposed driveway.

j. The throat depth of the proposed driveway on Lucern Avenue shall be 50 feet measured from the property line to the first aisle on site. The inbound lane should be reduced to 15 feet and the outbound side should be 24 feet for two lanes.

k. The driveways along Coffee and Sunnyside located at the existing alley entrances shall have a throat width of 30’
1. The taper shown on the East side of Sunnyside Avenue shall start at the South end of the alley property line and tie into the existing north end of the alley.

9. Prior to issuance of any permit for the installation of parking lots on APN’s 32-0120-037, 34-007-21, 34-007-22, 34-002-002, and 34-002-003, plans for development shall be approved by the C&ED Director, or designee. If plans for these parcels are changed from the intended use solely as parking lots, the revised plans shall be subject to approval by the Planning Commission.

10. Demolition of the existing building shall begin within 6 months of issuance of Certificate of Occupancy for the new medical office building.

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

12. All weather, hard surfaced roadways shall be constructed and maintained free of obstructions prior to and at all times during construction.

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

14. Irrigation lines shall be removed, relocated, or protected as required by the Modesto Irrigation District and the City Engineer or designee. Easements for irrigation lines to remain shall be dedicated.

15. All outdoor lighting shall be shielded from adjacent residential properties as required by the City Engineer or designee.

16. Ten-foot-wide public utility easements, and six-foot-wide planting easements located within the ten-foot-wide public utility easements, as required by the City Engineer or designee shall be dedicated along all street frontages.

17. The developer must obtain coverage under the General Construction Activity Storm Water Permit (General Construction Permit) issued by the State Water Resources Control Board (SWRCB) including the following items:

   a. A Notice of Intent (NOI) filed with the SWRCB. One copy of the NOI must be submitted to Development Services, Stormwater.

   b. A Stormwater Pollution Prevention Plan (SWPPP) to be prepared and held on site. One copy of the SWPPP must be submitted to Development Services, Stormwater.
18. Provide treatment to remove pollutants from the first ½ inch of stormwater runoff from all impervious areas of the site, including parking lots and building rooftops. For details, refer to the City of Modesto Guidance Manual for New Development Stormwater Quality Control Measures.

19. Prior to obtaining a grading permit, the developer shall provide owner-signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Development Services, Stormwater, for recording.

20. All storm drainage shall be retained on-site.

21. Prior to issuance of a Certificate of Occupancy, the following water line improvements shall be installed:
   a. The water line in Sunnyside Avenue from Lucern Avenue to Locke Road shall be upsized to an 8 inch line.
   b. The 2 inch water line in the alley shall be abandoned and removed.
   c. The 8 inch water line in Lucern Avenue shall be extended to Coffee Road.
   d. The old water services along Locke Road shall be abandoned and removed.
   e. New water services shall be installed to serve the new facility. The service will need to be upsized from the existing size.
   f. The water line in Locke Road shall be field-verified for size.
   g. The development shall provide the City with water demands.
   h. The water line used for fire service shall be looped.

22. Prior to issuance of a Certificate of Occupancy, the following sewer improvements shall be installed:
   a. The sewer line in Locke Road is currently at capacity and there are minimal flows on Lucern and Sunnyside. The sewer line shall be designed as approved by the City Engineer following field verification of pipe size.
   b. New service connections shall be made at the manhole at Coffee and Lucern and the old services abandoned and removed.
   c. The sewer line shall be connected to the 15” trunk line on Coffee Road.
23. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Public Works Director or designee. Enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community and Economic Development Department Director or designee.

24. Trash enclosures shall be of a size and design to permit the storage and removal of required recyclable material receptacles, or a separate enclosure of the collection for recyclable materials shall be provided as approved by the Public Works Director or designee.

25. Trash enclosures shall be bermed to prevent stormwater run-on and graded to drain to adjacent landscape areas as required by the Public Works director or designee.

26. Trash enclosures shall be screened from view from any public street.

27. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building and Development Services all fire hydrants and FDC's required by the Fire Chief. All hydrants and FDC's required by the Fire Chief shall be installed and operable prior to construction of any structures.

28. Internal circulation shall provide adequate emergency services access as determined by the Fire Chief.

29. The fire department connection(s) shall be accessible and within 90 feet of a fire hydrant.

30. Details shall be shown of the underground fire main supplying the fire sprinkler system and fire hydrants on the plans. Type and size of pipes, associated underground valving, and location of FDC shall also be shown on the plans.

31. All signs shall comply with the sign requirements of the P-D(30) Zone.

32. The new entry sign on Lucern Avenue shall be moved 10 feet north from the location shown on the site plan to allow adequate sight distance.

33. The new entry sign on Coffee Road shall be moved 10 feet east of the location shown on the site plan to allow adequate sight distance.

34. Operations conducted on the premises shall not cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Chief Building Official.

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

36. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this development shall be based on the rates in effect at time of issuance of the building permit.

37. The developer shall implement pre- and post-construction best management practices (BMPs) to minimize pollutants entering the storm system.

38. Prior to the issuance of a building permit, the developer shall submit a plan for approval by the Operations and Maintenance Director to provide on-site treatment of storm water in accordance with the guidance manual for new development stormwater quality control measures. Storm drain improvements shall be constructed in accordance with the approved plans.

39. Prior to issuance of a building permit for each of the buildings within the development, the applicant shall pay the water connection fees at the rate in effect at the time of issuance of the building permit.

40. All conditions of Resolution No.’s 67-352, 71-1131, 81-1031, 86-171, 89-371 not in conflict with this action shall remain in full force and effect.

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

41. 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.

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

43. 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.

44. 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.

45. 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.

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

47. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

48. Suspend excavation and grading activity when winds exceed 20 mph.

49. Limit the area subject to excavation, grading and other construction activity at any one time.

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

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

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

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

c. A hand-powered saw.

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

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

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

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

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

51. If archaeological resources are discovered at any time during construction, all activity shall cease until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria as presented in Appendix K.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(30) as an addition to Planned Development Zone, P-D(30):

It is recommended that the construction program be accomplished in two phases as follows:

Phase I - Construction to begin on or before January 9, 2009 and completion to be no later than January 9, 2010.

Phase II - Construction to begin on or before January 9, 2010 and completion to be not later than January 9, 2011.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.
SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(30), as an addition to Planned Development Zone, P-D(30), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of January, 2007, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: 
SUSANA ALCALA WOOD, City Attorney

APPROVED AS TO LEGAL DESCRIPTION
By: Steve Mitchell
Community & Economic Development Department
Planning Division
A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 1999082041): AMENDMENT TO SECTIONS 22-3-9 AND 27-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, AND MEDIUM-DENSITY RESIDENTIAL ZONE, R-2, TO PLANNED DEVELOPMENT ZONE, P-D(30), AS AN ADDITION TO PLANNED DEVELOPMENT ZONE, P-D(30), FOR PROPERTIES LOCATED ON LOCKE ROAD, LUCERN AVENUE, AND THE SOUTHEAST CORNER OF COFFEE AND LUCERN AND TO AMEND P-D(30) TO ALLOW FOR THE REDEVELOPMENT OF THE SUTTER GOULD MEDICAL FACILITY INCLUDING A NEW RELOCATED MAIN BUILDING AT 600 COFFEE ROAD.

WHEREAS, on March 4, 2003, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 1999082041) for the Modesto Urban Area General Plan, and

WHEREAS, Sutter Gould Medical Foundation has proposed that the zoning designation for properties located on Locke Road, Lucern Avenue, and the Southeast corner of Coffee and Lucern be amended from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2 to Planned Development Zone, P-D(30), as an addition to Planned Development Zone, P-D(30), and to allow for the redevelopment of the Sutter Gould Medical Facility including a new relocated main building at 600 Coffee Road, 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

RESOLUTION NO. 2007-064

MODESTO CITY COUNCIL
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 2006-53 (“Initial Study”) reviewed the proposed Amendment to the Zoning Map from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2 to Planned Development Zone, P-D(30), and Amendment to Planned Development Zone, P-D(30) 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 December 19, 2006, 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 January 9, 2007, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed Rezone from Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2 to Planned Development Zone, P-D(30), and Amendment to Planned Development
Zone, P-D(30), 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. 1999082041) 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 9th day of January 2007, by Councilmember Keating, who moved its adoption, which motion being duly seconded by Councilmember Marsh, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: Jean Morris
JEAN MORRIS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: SUSANA ALCALA WOOD, City Attorney
Initial Study and Finding of Conformance to the Modesto Urban Area General Plan Master EIR

Sutter Gould Medical Foundation Medical Office Building Expansion and Amendment to Planned Development Zone 30 Project

C&ED No. 2006-53

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

November 1, 2006

EDAW | AECOM
Initial Study and Finding of Conformance to the Modesto Urban Area General Plan Master EIR

Sutter Gould Medical Foundation Medical Office Building Expansion and Amendment to Planned Development Zone 30 Project

C&ED No. 2006-53

Prepared for:
City of Modesto
Community & Economic Development Department
Planning Division
1010 Tent Street
Modesto, CA 95354
Contact:
Cindy Van Empel
209/577-5280

Prepared by:
EDAW
2022 J Street
Sacramento, CA 95814
Contact:
Suzanne Enslow
916/414-5600

November 1, 2006
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I. PURPOSE

Section 21157 of the California Environmental Quality Act (CEQA) and CEQA Guidelines Section 15177 allow for limited environmental review of subsequent projects under a Master Environmental Impact Report (EIR). This Initial Study Checklist is being used to determine whether the Sutter Gould Medical Foundation Medical Office Building Expansion and Amendment to Planned Development Zone 30 is "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 1999082041) (Public Resources Code Section 21157.1), most recently updated in March 2003. If the Initial Study determines the project is within the scope of the Master EIR analysis, the City will issue a finding of conformity.

Section 15177(b) of the CEQA Guidelines states that neither a new environmental document nor the preparation of findings pursuant to Section 15091 shall be required of a subsequent project when all the following requirements are met:

1. The lead agency for the subsequent project is the lead agency or any responsible agency identified in the Master EIR.

2. The lead agency for the subsequent project prepares an Initial Study on the proposal. The Initial Study shall analyze whether the subsequent project was described in the Master EIR and whether the subsequent project may cause any additional significant effect on the environment which was not previously examined in the Master EIR.

3. The lead agency for the subsequent project determines, on the basis of written findings, that no additional significant environmental effect will result from the proposal, no new additional mitigation measures or alternatives may be required, and that the project is within the scope of the Master EIR. "Additional significant environmental effect" means any project-specific effect which was not addressed as a significant effect in the Master EIR.

"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 of conformity 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).

The City of Modesto was the lead agency for the Master EIR and is the lead agency for this Initial Study. City staff consulted with appropriate Responsible Agencies and City Departments regarding potential environmental impacts associated with this project. Any significant comments or conditions are incorporated into this Initial Study. The City’s Master EIR was also consulted, which lists both Modesto Urban Area General Plan policies and mitigation measures for each area of environmental study.
## II. PROJECT DESCRIPTION

### PROJECT INFORMATION

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<td><strong>1. Project Title:</strong></td>
<td>Sutter Gould Medical Foundation Medical Office Building Expansion and Amendment to P-D (30)</td>
</tr>
<tr>
<td><strong>2. Lead Agency Name and Address:</strong></td>
<td>City of Modesto Community and Economic Development Department, Planning Division 1010 Tenth Street, Suite 3300, Modesto, CA 95353</td>
</tr>
<tr>
<td><strong>3. Contact Person and Phone Number:</strong></td>
<td>Steve Mitchell, Principal Planner (209)577-5276</td>
</tr>
<tr>
<td><strong>4. Project Location:</strong></td>
<td>Sutter Gould Medical Office Building 600 Coffee Road, Modesto, CA 95355 APN 032-12-33 through 38 APN 032-12-54 APN 032-12-21 and 22 APN 034-07-20 APN 034-06-01 through 05 APN 034-06-21 and 22 APN 032-12-28 through 32</td>
</tr>
<tr>
<td><strong>5. Project Sponsor's Name and Address:</strong></td>
<td>Sutter Gould Medical Foundation 600 Coffee Road, Modesto, CA 95355</td>
</tr>
<tr>
<td><strong>6. General Plan Designation:</strong></td>
<td>According to Figure II-1 on page 8 of the Modesto Urban Area General Plan, the project site is located in the Baseline Developed Area. In addition, Figure III-1 of the General Plan, the Adopted Land Use Diagram (revised June 19, 2003), designates the project site as Mixed Use (MU) and Residential (R).</td>
</tr>
<tr>
<td><strong>7. Zoning:</strong></td>
<td>Planned Development Zone (P-D [30]) Low Density Residential (R-1) Medium Density Residential (R-2)</td>
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<td><strong>8. Description of Project:</strong></td>
<td>See pages three through eight</td>
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<td><strong>9. Surrounding Land Uses and Setting:</strong></td>
<td>The medical office building is surrounded by single family residential and a parking lot to the north along Locke Road, single family residential and a parking lot to the east along Sunnyside Avenue, and single family residential and an office to the south along Lucern Avenue. In addition, John Muir elementary school and another parking lot are located to the west of the medical center, on the west side of Coffee Road. The surrounding land uses are shown on Exhibit 4.</td>
</tr>
<tr>
<td><strong>10. Other public agencies whose approval is required:</strong></td>
<td>City of Modesto (various departments) and utility will-serve letters</td>
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General Plan Master EIR
II. PROJECT DESCRIPTION (Continued)

Background
The Sutter Gould Medical Foundation (Sutter) proposes an on-site relocation and expansion of the existing medical office building located at 600 Coffee Road in the City of Modesto (City) (Exhibits 1 and 2). The existing facility was originally constructed in 1954 and currently consists of approximately 99,500 square feet (sf) of medical offices and associated medical and administrative uses (Exhibit 3). The existing building is four stories (61 feet in height) and constructed of wood, steel and concrete. There are currently a total of 779 parking spaces for staff and visitors. The main lot, located east of the medical office building and accessed from Lucern Avenue (Exhibit 3, site key “B”), provides 238 parking spaces for patients (including ten handicapped spaces). A second patient parking lot is located at the corner of Coffee Road and Locke Road (Exhibit 3, site key “D”) and provides an additional 17 parking spaces (including two handicapped spaces). Physician parking is provided in the 100-space parking lot on Sunnyside Avenue (Exhibit 3, site key “G”). Additional staff parking is provided in two lots, the lot located at the southwest corner of Coffee Road and Lucern Avenue provides 125 spaces (Exhibit 3, site key “Q”) and the lot located southeast of the medical office building on Sunnyside Avenue (Exhibit 3, site key “N”), provides 289 spaces. There are also ten parking spaces associated with the administration building located on Lucern Avenue, just south of the medical office building (Exhibit 3, site key “P”). The medical office building is surrounded by detached single family houses to the north along Locke Road, to the east along Sunnyside Avenue, and to the south along Lucern Avenue (zoned Low Density Residential [R-1] and Medium Density Residential [R-2]). In addition, John Muir Elementary School is located to the west of the medical center, on Coffee Road (Exhibit 4).

The current facility provides primary care (internal medicine and family practice), laboratory, imaging, clinical research, occupational medicine, same-day clinic, allergy, dermatology, endocrinology, oncology, rheumatology, neurology, ear-nose-throat, urology, audiology, pulmonology, and podiatry. The medical offices are open Monday through Friday from 8:00 AM to 5:00 PM The laboratory is open Monday through Friday from 7:00 AM to 5:30 PM and the same-day clinic is open from 8:00 AM to 8:00 PM Monday through Friday and 8:00 AM to 6:00 PM on Saturday, Sunday, and holidays (except Christmas and Thanksgiving). The facility has an estimated 387 staff on site during regular business hours. This estimate is based on the various work shifts that the departments have to best serve their patients. There are also approximately ten janitorial staff that work from 5:00 PM to 2:00 AM Monday through Friday. Between 9:00 AM and 5:00 PM, it is estimated that there are approximately 94 patients on site at any one time. After 5:00 PM, the patient population is estimated to drop to approximately 25 because the only department that is routinely open at this time is the prompt care clinic. Due to the volume of staff and patients and the age of the facility, the facility is experiencing over crowding and the facilities and equipment are out of date and need to be modernized.

Project Objectives
The project is intended to provide sufficient building space and a more modern and efficient medical facility with improved parking to serve the current numbers of staff and visitors. The specific objectives of the project are to:

- Rezone the project area through an amendment to the existing Planned Development Zone (P-D [30]) to allow expansion of the facility.
- Expand the medical office facilities as cost-effectively as possible to meet forecasted demand for medical services in the community.

City of Modesto Finding of Conformance
General Plan Master EIR
Initial Study
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November 2006
• Continue to provide the same level of medical service during construction.
• Provide adequate parking to serve the projected demand and prevent on-street parking in the surrounding neighborhood.
• Provide more efficient parking access via Coffee Road.

Project Characteristics

Amend Existing Planned Development Zone (P-D [30])

The project would involve rezoning the following parcels, which are owned by Sutter Gould, from Low Density Residential (R-1) and Medium Density Residential (R-2) to Planned Development Zone (P-D [30]) through an amendment to the P-D (30) zone boundaries:

• The single family houses along the northern portion of the project site on Locke Road (1306, 1310, 1314, 1318, 1322, 1326, and 1330 Locke Road, identified in Exhibit 3 as site key “E, F, S, T, U, V, and W”), currently zoned R-1;
• The vacant parcels near the intersection of Lucern Avenue and Sunnyside Avenue intersection, identified as Exhibit 3, site key “I” and “K,” currently zoned R-2;
• The two single family houses on Lucern Avenue, identified in Exhibit 3 as site key “L” and “M,” currently zoned R-2; and
• The vacant lot near the intersection of Coffee Road and Lucern Avenue, identified in Exhibit 3 as site key “R,” currently zoned R-2.

After the amendment to P-D (30), the single family houses along the northern portion of the project site on Locke Road would be demolished and replaced by surface parking for the medical office building. The vacant lots would also be used for surface parking. (Parking is described in detail below.) The two single family houses on Lucern Avenue (Exhibit 3, site key “L” and “M”) would not be redeveloped and would remain as single family houses.

Alley Abandonment

A request has been submitted to abandon the existing public alley that runs along the north side of the existing medical office building between Coffee Road and Sunnyside Avenue. If abandonment is approved, the alley would become a two-way driveway in the on-site medical office building parking lot. The alley would be reserved as a utility easement if the utility companies need to continue to service the corridor, and the utilities would be undergrounded so as not to conflict with the replacement medical office building.

Replacement Medical Office Building

As shown in Exhibit 5, the replacement medical office building would be located on-site directly adjacent and east of the existing facility on property owned by Sutter Gould that currently provides 238 surface parking spaces for patients (Exhibit 5, site key “B”). Because the replacement medical office building would be constructed on this parking lot, the 238-space patient parking lot would be demolished during construction. (Parking during and after construction is discussed in detail below.) The replacement building would be four stories in height (61 feet), would have a building footprint of approximately 47,000 sf, and would provide a total of approximately 144,000 sf of space. The exterior of the building would be stucco, curtain wall, and glazing and the colors would incorporate aspects of the natural materials in the surrounding areas (Exhibits 6 through 8). The proposed glazing would be an insulated glazing, which is tinted, heat absorbing, and light reducing. Lighting would be provided around the
building, along walkways, and in the parking lots. The primary Sutter Gould facility name exterior signage would be located on the corner of Coffee Road and Lucern Avenue, with secondary directional signage at the vehicle and pedestrian entrances.

The square footage of the replacement medical office building would increase by approximately 44,500 sf over the existing building to improve flow, comply with Americans with Disabilities Act (ADA) and City codes, and provide space for modernized equipment. The facility would continue to provide the same services as it currently provides and would provide the same hours of operation (described above). Sutter Gould anticipates that the number of staff at any one time would remain at approximately 387, but that the estimated patient load at any one time would increase to approximately 109.

Parking
Parking for the existing medical office building and for the replacement building would be provided in multiple parking lots throughout all phases of construction to facilitate the transition of operations to the replacement building. As described above, because the replacement medical office building would be constructed on the parking lot adjacent to the existing medical office building (Exhibit 5, site key “B”), the 238-space patient parking lot would be lost during construction. However, the existing staff parking lot at the southwest corner of Coffee Road and Lucern Avenue (Exhibit 5, site key “Q”) with 125 spaces and the two staff parking lots on Sunnyside Avenue, which would provide 100 spaces (Exhibit 5, site key “G”) and 282 spaces (Exhibit 5, site key “N”), would also be made available for patient parking during construction. To provide additional parking, a new 26-space surface parking lot would be constructed in the first phase of construction at the southwest corner of the Lucern Avenue and Sunnyside Avenue intersection (Exhibit 5, site key “K”). Furthermore, the ten spaces at the administration building on Lucern Avenue would remain in place.

The residences along the northern portion of the site (1306, 1310, 1314, 1318, 1322, 1326, and 1330 Locke Road, identified on Exhibit 5 as site key “E, F, S, T, U, V, and W”) would be rezoned to P-D (30) and would be demolished and replaced by surface parking for the replacement medical office building. During construction, a portion of this area would provide approximately 50 new surface parking spaces for patients. At buildout of the project, there would be a total of 110 spaces provided along the northern boundary of the project site. In addition, the vacant lot to the east of the Lucern Avenue and Sunnyside Avenue intersection, identified on Exhibit 5 as site key “I,” would be rezoned to P-D (30) and used for additional parking. During construction, the “I” lot would be used for construction staging; after construction is complete, it would be developed into a 135-space surface parking lot.

After the replacement medical office building is operational and the existing building is demolished, the new main patient parking lot would be constructed to the west of the replacement building. This surface parking lot would provide 150 parking spaces. The total parking spaces for the replacement medical office building would be 938 spaces, an increase of 159 spaces over the existing parking supply. All of the parking lots for the completed project are illustrated in Exhibit 5.

Site Access
The vehicular access points to/from the replacement medical office building would remain the same as the current access points. The primary patient access would continue to be provided from Lucern Avenue. During construction, service entry/exit would continue to occur via the alley that runs east-west between Coffee Road and Sunnyside Avenue. Under the project, the
alley would be abandoned and would become a two-way driveway in the on-site parking lot, but it would continue to act as a service entry/exit. A “No Left Turn” sign would be posted at the service exit on Coffee Road.

Public Improvements
A bus turnout would be constructed on the east side of Coffee Road in front of the medical office building. Road widening would also be implemented on Coffee Road approaching Locke Road, to provide a deceleration lane. The right-hand-turn from Lucern Avenue onto Coffee Road would also be improved to adjust to the road widening on Lucern Avenue and the bus turn out on Coffee Road. To accommodate the road widening, bus turnout, and deceleration lane, all of the curb, gutter, and sidewalks would be replaced on the east side of Coffee Road, the western portion of Locke Road along the northern boundary of the site, and the western side of Sunnyside Avenue bordering the medical office building. In addition, where necessary along portions of Lucern Avenue, portions of Locke Road, and the east side of Sunnyside Avenue, curb and gutters damaged due to construction would be replaced and new sidewalk easements would be dedicated to the City of Modesto as necessary.

Utilities
The City of Modesto would continue to serve the medical office building with water and wastewater. The water supply pipeline in Lucern Avenue would be upgraded from a six-inch line to an eight-inch line and the water supply pipeline in Sunnyside Avenue would be upgraded from a four-inch line to an eight-inch line. In addition, the wastewater pipeline in Lucern Avenue would be upgraded from a six-inch line to an eight-inch line and the wastewater pipeline in Sunnyside Avenue would be upgraded from a four-inch line to an eight-inch line. Both the water and wastewater line replacements are consistent with the City’s design criteria for such facilities and the replacements are being implemented to address existing water pressure problems.

The Modesto Irrigation District (MID) would continue to provide electricity to the replacement medical office building. If possible, the electrical lines would be undergrounded in the alley as part of the project. Natural gas would continue to be provided by PG &E. Telephone service would continue to be provided by AT&T.

In accordance with the City’s requirements, all stormwater would be retained and infiltrated on-site through special medial filtration drainage inlets, tied into rock-well drains that allow the water to percolate into the ground.

Tree Removal
The project site currently has 123 mature ornamental trees, which include a mix of species such as Eucalyptus sp., Podocarpus sp., oak (Quercus sp.), pistachio (Pistacia sp.), birch (Betula sp.), carob tree (Ceratonia sp.), sweet gum (Liquidambar sp.), elm (Ulmus parvifolia), locust (Robinia sp.), and maple (Acer sp). Construction of the replacement medical office building and associated parking would require the removal all of the trees located on the interior of the block bound by Coffee Road, Locke Road, Sunnyside Avenue, and Lucern Avenue. In addition, approximately 50 street trees would need to be removed along Coffee Road, Locke Road, Sunnyside Avenue, and Lucern Avenue to widen the roads and make street improvements. However, all street trees would be replaced as part of the project, as shown in Exhibit 9. The primary street trees to be preserved would be along the northeastern corner of the block on Locke Road, and emphasis would be placed on preserving native oak trees where feasible. All street trees to be preserved would be fenced during construction to protect them from construction disturbance.
Landscaping
The project landscaping would consist of preservation of limited street trees, with specific concern for native oak species, and the introduction of trees and shrubs suitable to site-specific conditions that require minimal maintenance but provide visual color and interest. Plantings would be massed, with variety showing up at entrances, seating areas, the fountain at the building entrance, and the Healing Garden at the southeast corner of the building (Exhibit 5). Turf areas would be limited to streetscape and functional zones. Meandering pedestrian paths would connect parking lots to the medical office building. Drought tolerant and hardy shrubs and ground covers are proposed for landscaping around the building and along the perimeter of the site. Shade trees would be planted in the parking lots and near walkways to cut down on the sun exposure to the asphalt and concrete. The tree planting plan for the new medical office building is shown in Exhibit 10.

Shrub plantings would include evergreens, consisting of species such as Abelia grandiflora, Escallonia, Phormium tenax, Ligustrum, Vibumum, Coleonema pulchrum, Lavatera maritima, Cistus purpureus, Xylosma congestum, and Rhaphiolepis indica. Ground covers and foreground accents would consist of species such as Hemerocallis hybridus, Lantana, Agapanthus africanus, Dieres vegeta, Tulbaghia violacea, Cotoneaster lowfast, Verbena, Rosa, Myoporum, and Ceanothus. Turf would be a dwarf fescue. Ornamental tree species would include Prunus sp., Pyrus calleryana, and Lagerstroemia indica. Shade trees in the parking lots may include Zelkova serrata, Pistacia chinensis, Ulmus parvifolia, Cinnamomum camphora, Quercus rubra, and Nyssa sylvatica. Mature perimeter trees would be preserved where possible and new perimeter trees may include Quercus sp., Pistacia chinensis, Liquidambar sp., Betula pendula, Eucalyptus sideroxylon, and Gledistia triacanthos. However, the final perimeter tree selections would be coordinated with the City of Modesto.

The landscaping would be irrigated. Plants having similar needs would be grouped in "hydrozones" so that the irrigation system can efficiently provide water. The system would be designed to minimize over spray onto impervious surfaces and the irrigation system would be programmed to be consistent with the days and hours established by the City of Modesto water conservation program. In addition, rain-sensing override devices would be installed on the irrigation system.

Construction Schedule and Phasing
Construction is estimated to begin early 2007 and to be completed in 2009. Because the existing medical office building would remain in operation while the replacement building is under construction, construction would occur in phases to provide sufficient parking, vehicular access, and pedestrian access. The construction phasing is summarized below and shown in Exhibits 11a through 11c.

Phase 1. New ADA accessible parking stalls would be provided at the existing medical office building front entry and the parking lot at Coffee Road and Locke Road would be restriped for ADA accessible stalls. The water and wastewater pipeline upgrades would be completed in Lucern Avenue and then in Sunnyside Avenue. The sidewalk along Lucern would be upgraded for improved pedestrian access and the entry/exit to the physician’s parking lot on Sunnyside (Exhibit 11a, site key “G”) would be reconstructed and new signage installed. All of the houses fronting Locke Road along the northern boundary of the project site would be demolished, and a landscape wall and landscaping would be constructed. Approximately 50 parking spaces would be constructed near the existing parking lot at the corner of Coffee Road and Locke Road (Exhibit 11a, site key “E” and “F”). Temporary construction access may be provided from Locke
Road. Finally, a new parking lot would be constructed at the southwest corner of the Lucern Avenue and Sunnyside Avenue intersection (Exhibit 11a, site key “K”) to provide an additional 26 spaces.

Phase 2. The area immediately east of the existing medical office building, including the existing parking lot and the demolished housing sites, would be fenced off to prepare for construction of the replacement medical office building. The fenced-off area would be cleared, graded, and the replacement medical office building would be constructed. As the medical office building is being completed, the parking would be constructed in the northeastern corner of the site (Exhibit 11b, site key “S, T, U, V, W”) and landscaping around the replacement building would be installed.

Phase 3. The fencing around the replacement building would be removed and the building would become operational. For approximately two months, the old building and the replacement building would both be operational as staff transition into the replacement building. Once the transition of all offices is complete, the old building would be demolished, which would take approximately four months to complete. The roadway improvements and bus turn out on Coffee Road would be completed, the new patient parking lot would be constructed, and final landscaping features would be installed. After construction staging is removed (Exhibit 11c, site key “I”), the final parking lot on Sunnyside Avenue would be constructed.

Construction staging would be provided in the lot located east of the Lucern Avenue and Sunnyside Avenue intersection (Exhibit 11c, site key “I”). If necessary, construction staging could also be provided at the northeast corner of the block (near Locke Road and Sunnyside Avenue). Temporary parking for construction workers would be provided in the vacant lot on Coffee Road near Lucern Avenue (Exhibit 11c, site key “R”), which would be graded and gravel.

Typical construction equipment may include backhoes, jackhammers, loaders, excavators, dozers, concrete pumpers, concrete batch trucks, delivery trucks, and haul trucks. No pile drivers would be used during construction.

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. The following items are found to be true:

   A. The type of project is 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 Master EIR and it has been determined that the project was described in the Master EIR as being within the scope of the Master EIR.

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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 Master EIR.
   b) No new or additional mitigation measures or alternatives are required.

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 items are found to be true:
   A. The type of project is 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. The following items are found to be true:
   A. The type of project is 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 permits projects to be found within the scope of the Master EIR if certain criteria are met. Basically, if the following statements are found to be true for all 20 sections of this Initial Study, then the project was covered by the Master EIR analysis and is within the scope of the Master EIR. Any "No" response must be discussed.

   YES NO

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

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(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 this document.

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

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

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

(6) Development within the project will comply with all applicable mitigation measures identified in the Modesto Urban Area General Plan Master EIR.

Discussion:

(1) The City of Modesto was the lead agency for the Master EIR and is the lead agency for this Initial Study. The City is also responsible for the P-D (30) zone amendment and processing the requested land use entitlements (building permits).

(2) As described throughout this Initial Study, all City policies that reduce, avoid, or mitigate environmental effects would be applied to the project where appropriate. Section V of this Initial Study presents the applicable mitigation measures from the Master EIR that will be applied as part of the project.

(3) The Master EIR was last updated in March 2003. Since that update, there have been no changes to Federal, State, Regional and County regulations that have resulted in less restrictive regulations.

(4) As analyzed in the "Project Specific Effects" for each resource area in Section IV, no known or potential presence of significant resources has been identified that would result in new or greater environmental effects than those identified and addressed in the Master EIR. In addition, review by responsible agencies, trustee agencies and the public did not identify significant resources or effects that had not been addressed in the Master EIR.

(5) The project site is located within the Modesto Urban Area General Plan in the Baseline Developed Area, as shown on Figure II-1 on page II-8 in the General Plan.

(6) A list of Modesto Urban Area General Plan policies and Master EIR mitigation measures was reviewed (which is attached to this document). Section V of this Initial Study presents the applicable mitigation measures from the Master EIR that will be applied as part of the project.
Surrounding Land Uses

Exhibit 4
Elevations of Proposed Building

Exhibit 7
Elevations of Proposed Building

Exhibit 8

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IV. ENVIRONMENTAL ANALYSIS

In accordance with Section 21157.1(b) of the Public Resources Code, this section documents that the Sutter Gould Medical Foundation Medical Office Building Expansion and Amendment to Planned Development Zone (P-D [30]) Project is within the scope of the Modesto Urban Area General Plan Final Master Environmental Impact Report (Master EIR) (most recently updated March 2003) and that the project would not result in any project-specific significant effect on the environment that was not examined in the Master EIR. The analysis identifies applicable Master EIR mitigation measures that would be implemented as part of the project and determines that no additional mitigation measures or project alternatives are required. All environmental effects in this Initial Study reflect 2025 build out of the Modesto Urban Area General Plan as identified in the Master EIR.

Project is within the Scope of the Master EIR

Chapter 2, Section C, of the Master EIR, “Anticipated Subsequent Projects,” identifies 18 types of projects that are declared to be within the scope of the Master EIR as defined by Public Resources Code 21157.1. Chapter 2, Section C.5, states that, “the City may undertake rezonings at the request of private applicants or on its own initiative for the purpose of implementing the Urban Area General Plan.” Chapter III-6, Land Use Polices (a) of the Modesto Urban Area General Plan states that the zoning code and zoning map shall be the primary vehicle to guide future development in the Baseline Developed Area. The project site is within the Baseline Developed Area. The existing medical office building facilities are within an existing planned development zone, P-D (30), which allows for the proposed uses. The medical office building would be relocated within the boundaries of the existing P-D (30) zone. The proposed rezoning of the P-D (30) would change a portion of the R zone, which would be used for surface parking, and incorporate it into the P-D (30) zone for consistency. Parking is allowed in both R and P-D [30]; however, the rezone provides consistency for the entire medical office building facilities within the P-D (30) zone. Therefore, the proposed project rezoning implements the General Plan and it is within the scope of the Master EIR. In addition, Chapter 2, Section C.6, “Miscellaneous Land Use Permits,” identifies a variety of City permits that facilitate development. The project would require a building permit from the City before construction could start. The building permit would establish that the project construction must take place in accordance with accepted building codes. Therefore, both the P-D (30) amendment and the construction of a replacement medical office building and associated parking are within the anticipated subsequent projects identified in the Master EIR and are within the declared scope of the Modesto Urban Area General Plan Master EIR.

Consistency Analysis with the Master EIR

The Master EIR impact analysis is organized into 18 resources areas. This Initial Study is organized in the same resource areas to address the project’s consistency with each. For cross-reference, the sections are numbered in the same order as Chapter V of the Master EIR. For each resource area, the applicable environmental impacts and associated mitigation measures (if necessary) identified in the Master EIR are listed and an analysis of any potential project-specific effects not identified in the Master EIR is completed. In addition to the 18 subject areas in the Master EIR, this Initial Study addresses land use/planning and aesthetics. These two issues are included to ensure that analysis of all the resources contained in Appendix G of the California Environmental Quality Act (CEQA) Guidelines is completed. The format for the land use/planning and aesthetics sections differs from that of the other 18 resource areas because these were not addressed in the Master EIR. At the end of the consistency analysis, in Section V, a list of all applicable Master EIR mitigation measures required for the project is provided.
1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

Section V-1 of the Master EIR provides an analysis of the Traffic and Circulation impacts related to development of the Modesto Urban Area General Plan. The Master EIR identified the following significant and unavoidable traffic and circulation impacts:

Effect: Increased traffic will result in certain roadway segments operating at level of service (LOS) D or worse.

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause violation, either individually or cumulatively, of a LOS standard established by the Stanislaus County Congestion Management Program (CMP) for designated roads and highways.

Effect: Creation of need for capacity-enhancing modifications to existing facilities.

Effect: Increase in energy consumption associated with the operation of highway projects, rail improvements, and aviation facilities.

Effect: Severe contrast with existing neighborhood or area character caused by highway and transit projects.

b. Master EIR Mitigation Measures Applied to the Project

Modesto Urban Area General Plan traffic and circulation policies that are pertinent to this project are found on pages V-1-15 through V-1-20 of the Master EIR. All feasible 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,” of this Initial Study.

c. Project-Specific Effects

This section analyzes whether the project would result in a significant project-specific traffic and circulation effect not previously analyzed in the Master EIR. The project would have a new significant traffic and circulation effect if it would:

YES NO

1. Contribute more than an additional 100 average daily trips (ADT) to adjoining roads and generate more trips than assumed for the General Plan land use category and zoning in the Master EIR. City Engineering & Transportation staff will review the project to determine whether the project contributes more than 100 ADT. Such projects are presumed to generate more trips than assumed by the Master EIR.

2. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

3. Result in inadequate emergency access.

4. Result in inadequate parking capacity.
Discussion:

The traffic analysis conducted for the proposed project is based on information presented in Transportation Impact Analysis for the Sutter Gould Medical Center (TIA) prepared by Fehr and Peers (September 1, 2006). Projected daily traffic volumes, both with and without the proposed project, were compared to daily roadway segment capacities. Volume-to-capacity ratios were calculated for "without project" and "with project" conditions to determine if the proposed project would significantly impact daily roadway segment operations in the vicinity of the project site.

The Master EIR traffic model accounted for employment growth in the project area. Traffic Analysis Zones (TAZ) were used in the model to define land uses and their associated traffic growth per the Modesto Urban Area General Plan. The Traffic Analysis Zones in the vicinity of the project site are 286, 290, and 293. The traffic model identified that these three TAZs would generate approximately 6,500 additional daily trips over the base model. Therefore, sufficient growth was assumed in the Master EIR traffic model to account for more than the 1,610 ADT that would be generated by the project (Table 1), and the replacement medical office building would not generate more trips than assumed by the Master EIR (Fehr and Peers 2006).

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Project Vehicle Trip Generation Summary</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Land Use</td>
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<tr>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Proposed Medical Office Building</td>
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<td></td>
<td>Existing Medical Office Building</td>
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<td>Net New Trips</td>
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</tbody>
</table>

1. Trip generation based on average rates for Medical Office Building (Land Use 720) in the Institute of Transportation Engineers' (ITE)

<table>
<thead>
<tr>
<th>Trip Generation (7th Edition), as presented below.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Daily Rate: T = 36.13 * (X)</td>
</tr>
<tr>
<td>AM Rate: T = 2.48 * (X) (inbound = 79 percent, outbound = 21 percent)</td>
</tr>
<tr>
<td>PM Rate: T = 3.72 * (X) (inbound = 27 percent, outbound = 73 percent)</td>
</tr>
<tr>
<td>Where: T = trip ends, and X = number of thousand square feet.</td>
</tr>
</tbody>
</table>

Level of Service (LOS)

Study Intersections

The following study intersections were selected as those most likely to experience traffic impacts from the proposed project:

1. Coffee Road/Orangeburg Avenue
2. Coffee Road/Locke Road
3. Coffee Road/Lucern Avenue
4. Coffee Road/East Morris Road  
5. Coffee Road/Scenic Drive  
6. Scenic Drive/Sunnyside Avenue  
7. Scenic Drive/Brighton Avenue  
8. Scenic Drive/Rose Avenue  
9. Locke Road/Rose Avenue

**Existing Conditions**

Under existing conditions, during the AM and PM peak hour, all of the study intersections operate at an overall acceptable LOS D or better. The side-street movements at three unsignalized intersections currently operate at LOS E or F during both peak hours: Coffee Road/East Morris Road, Scenic Drive/Sunnyside Avenue, and Scenic Drive/Brighton Avenue. Based on the peak hour volume, a traffic signal could be considered at the Coffee Road/Locke Road and Coffee Road/East Morris Road intersections to address current conditions prior to the addition of project traffic (Fehr and Peers 2006).

**Near-Term (2011) without Project Conditions**

Under near-term conditions (2011) without the project during the AM and PM peak hour, all study intersections are projected to continue operating at an overall acceptable LOS D or better. However, the side-street movement at one additional intersection, Coffee Road/ Locke Road, would degrade to LOS E during the AM peak hour, primarily due to traffic growth on Coffee Road. The side-street movements at the Coffee Road/East Morris Road, Scenic Drive/Sunnyside Avenue, and Scenic Drive/Brighton Avenue are projected to continue operating at a deficient service level during both peak hours. Based on the peak hour volume, a traffic signal could be considered at the Coffee Road/Locke Road and Coffee Road/East Morris Road intersections prior to the addition of project traffic (Fehr and Peers 2006).

**Near-Term (2011) with Project Conditions**

As shown in Table 2 below, the addition of project traffic would not result in any unacceptable operations at any study intersection, nor would it cause the need to consider a traffic signal at any of the unsignalized intersections. Therefore, project impacts are less than significant in the near-term condition (Fehr and Peers 2006).

Although no project-specific off-site intersection impacts were identified in the near-term condition, the project applicant shall be responsible for payment of the applicable Capital Facilities Fee (CFF) (Fehr and Peers 2006).

**Cumulative (2025) without Project Conditions**

Daily traffic volume forecasts for the roadways surrounding the project site were calculated based on information contained in the TIA. A comparison of existing daily to PM peak hour traffic on roadways surrounding the project site indicate that in the study area, the PM peak hour volume accounts for approximately 8.5% of daily traffic. The Cumulative PM peak hour turning movement forecasts as presented in the TIA were used to calculate Cumulative Daily roadway segment volumes based on the existing ratio of PM to daily traffic. The resulting traffic volumes under “without project” conditions are shown in Table 3 below.
<table>
<thead>
<tr>
<th>Intersection</th>
<th>Traffic Control</th>
<th>Peak Hour</th>
<th>Near-Term Without Project</th>
<th>Near-Term With Project</th>
<th>Significant Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Delay (in seconds)</td>
<td>LOS</td>
<td>Delay (in seconds)</td>
</tr>
<tr>
<td>1. Coffee Road/Orangeburg Avenue</td>
<td>Traffic Signal</td>
<td>AM</td>
<td>50</td>
<td>D</td>
<td>52</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>53</td>
<td>D</td>
<td>54</td>
</tr>
<tr>
<td>2. Coffee Road/Locke Road</td>
<td>Side-Street Stop¹</td>
<td>AM</td>
<td>3 (38)</td>
<td>A (E)</td>
<td>3 (41)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>1 (29)</td>
<td>A (D)</td>
<td>1 (31)</td>
</tr>
<tr>
<td>3. Coffee Road/Lucern Avenue</td>
<td>Traffic Signal</td>
<td>AM</td>
<td>11</td>
<td>B</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>7</td>
<td>A</td>
<td>8</td>
</tr>
<tr>
<td>4. Coffee Road/East Morris Road</td>
<td>Side-Street Stop¹</td>
<td>AM</td>
<td>7 (&gt;50)</td>
<td>A (F)</td>
<td>10 (&gt;50)</td>
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<tr>
<td></td>
<td></td>
<td>PM</td>
<td>26 (&gt;50)</td>
<td>D (F)</td>
<td>31 (&gt;50)</td>
</tr>
<tr>
<td>5. Coffee Road/Scenic Drive</td>
<td>Traffic Signal</td>
<td>AM</td>
<td>38</td>
<td>D</td>
<td>38</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>37</td>
<td>D</td>
<td>38</td>
</tr>
<tr>
<td>6. Scenic Drive/Sunnyside Avenue</td>
<td>Side-Street Stop¹</td>
<td>AM</td>
<td>1 (&gt;50)</td>
<td>A (F)</td>
<td>1 (&gt;50)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>2 (&gt;50)</td>
<td>A (F)</td>
<td>5 (&gt;50)</td>
</tr>
<tr>
<td>7. Scenic Drive/Brighton Avenue</td>
<td>Side-Street Stop¹</td>
<td>AM</td>
<td>1 (&gt;50)</td>
<td>A (F)</td>
<td>1 (&gt;50)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3 (&gt;50)</td>
<td>A (F)</td>
<td>3 (&gt;50)</td>
</tr>
<tr>
<td>8. Scenic Drive/Rose Avenue</td>
<td>Traffic Signal</td>
<td>AM</td>
<td>28</td>
<td>C</td>
<td>29</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>16</td>
<td>B</td>
<td>17</td>
</tr>
<tr>
<td>9. Locke Road/Rose Avenue</td>
<td>Side-Street Stop¹</td>
<td>AM</td>
<td>3 (18)</td>
<td>A (C)</td>
<td>3 (19)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>PM</td>
<td>3 (15)</td>
<td>A (C)</td>
<td>3 (16)</td>
</tr>
</tbody>
</table>

¹ For side-street stop-controlled intersections, delays for worst movement and average intersection delay are shown as follows: Intersection average (worst movement).
² Intersections operating at unacceptable levels (LOS E/LOS F) are shown in bold.
³ At a signalized intersection, project increases delay by more than 5.0 seconds or increases traffic by more than 5 percent at an intersection operating at LOS E or F.
⁴ At an unsignalized intersection, project traffic deteriorates a controlled movement to LOS F and volumes meet at least one of the traffic signal warrants.

Fehr & Peers, 2006
Table 3
Cumulative (2025) Daily Roadway Segment Volumes

<table>
<thead>
<tr>
<th>Roadway Segment</th>
<th>Cumulative Without Project</th>
<th>Cumulative With Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brighton Avenue, north of Scenic Drive</td>
<td>1,090</td>
<td>1,090</td>
</tr>
<tr>
<td>Coffee Road, north of Orangeburg Avenue</td>
<td>34,520</td>
<td>34,990</td>
</tr>
<tr>
<td>Coffee Road, between Orangeburg Avenue and Brighton Avenue</td>
<td>32,890</td>
<td>33,510</td>
</tr>
<tr>
<td>Coffee Road, between Brighton Avenue and Locke Road</td>
<td>30,310</td>
<td>30,930</td>
</tr>
<tr>
<td>Coffee Road, between Locke Road and Lucerne Avenue</td>
<td>29,640</td>
<td>30,220</td>
</tr>
<tr>
<td>Coffee Road, between Lucerne Avenue and E. Morris Avenue</td>
<td>28,830</td>
<td>29,570</td>
</tr>
<tr>
<td>Coffee Road, between E. Morris Avenue and Scenic Drive</td>
<td>28,970</td>
<td>29,570</td>
</tr>
<tr>
<td>E. Morris Avenue, west of Coffee Road</td>
<td>4,490</td>
<td>4,620</td>
</tr>
<tr>
<td>E. Orangeburg Avenue, east of Coffee Road</td>
<td>14,730</td>
<td>14,770</td>
</tr>
<tr>
<td>E. Orangeburg Avenue, west of Coffee Road</td>
<td>22,770</td>
<td>22,890</td>
</tr>
<tr>
<td>Locke Road, east of Coffee Road</td>
<td>2,250</td>
<td>2,300</td>
</tr>
<tr>
<td>Locke Road, west of Rose Avenue</td>
<td>2,240</td>
<td>2,420</td>
</tr>
<tr>
<td>Lucerne Avenue, east of Coffee Road</td>
<td>3,330</td>
<td>4,360</td>
</tr>
<tr>
<td>Lucerne Avenue, west of Coffee Road</td>
<td>5,090</td>
<td>5,180</td>
</tr>
<tr>
<td>Rose Avenue, north of Locke Road</td>
<td>8,500</td>
<td>8,650</td>
</tr>
<tr>
<td>Rose Avenue, between Scenic Drive and Locke Road</td>
<td>7,930</td>
<td>7,980</td>
</tr>
<tr>
<td>Scenic Drive, west of Coffee Road</td>
<td>44,430</td>
<td>44,850</td>
</tr>
<tr>
<td>Scenic Drive, between Coffee Road and Sunnyside Avenue</td>
<td>40,630</td>
<td>41,040</td>
</tr>
<tr>
<td>Scenic Drive, between Sunnyside Avenue and Brighton Avenue</td>
<td>40,760</td>
<td>41,280</td>
</tr>
<tr>
<td>Scenic Drive, between Brighton Avenue and Rose Avenue</td>
<td>41,120</td>
<td>41,640</td>
</tr>
<tr>
<td>Scenic Drive, east of Rose Avenue</td>
<td>39,690</td>
<td>40,230</td>
</tr>
<tr>
<td>Sunnyside Avenue, north of Scenic Drive</td>
<td>1,040</td>
<td>1,380</td>
</tr>
</tbody>
</table>

Fehr & Peers, 2006
Roadway Segment Operations

Operation of roadway segments was evaluated by comparing roadway segment volumes to capacities to develop volume-to-capacity (v/c) ratios. The capacity of each roadway segment was based on the type of facility (i.e., expressway, arterial, collector), number of lanes, type of traffic control at the downstream intersection, and maximum per-lane capacities provide in the Modesto General Plan. The Modesto General Plan defines arterials and collectors as major or minor according to the number of travel lanes, design speed, and right-of-way width. Roadway segment capacities remain constant within classes for each roadway facility and do not take into consideration the added capacity of turning lanes at intersections.

All roadway segments would operate at LOS D or better in the cumulative condition without the project. In cumulative conditions with the project, all roadway segments would continue to operate at the same LOS (LOS D or better) and the project would not cause a change in v/c ratio greater than 0.08 (Fehr and Peers 2006).

Intersection Operations

The Coffee Road/Orangeburg Avenue intersection is projected to degrade to an overall LOS E during the PM peak hour and the Scenic Drive/Rose Avenue intersection is projected to degrade to an overall LOS E during the AM peak hour in the cumulative condition without the addition of project traffic. All unsignalized intersections are projected to operate at an overall acceptable service level; although the side-street movements at the following intersections would operate at an unacceptable service level during both peak hours:

- Coffee Road/Locke Road
- Coffee Road/East Morris Road
- Scenic Drive/Sunnyside Avenue
- Scenic Drive/Brighton Avenue

Based on the peak hour volume, a traffic signal could be considered at the Coffee Road/Locke Road and Coffee Road/East Morris Road intersections under the cumulative condition without the project (Fehr and Peers, 2006).

Cumulative (2025) with Project Conditions

The addition of project traffic, indicated in Table 3, above, would not result in unacceptable operations along any study roadway segments, nor would it increase a v/c ratio by more than 0.08 along any roadway segment. In addition, the addition of project traffic would not result in unacceptable operations at any of the signalized study intersections, nor would it increase delay by more than five seconds at any signalized intersection projected to operate at an unacceptable service level prior to the addition of project traffic (Fehr and Peers, 2006).

Cumulative Traffic Impact 1: The addition of project traffic to the cumulative (2025) condition would result in an overall LOS E at the Coffee Road/East Morris Road intersection. This is potentially significant as the addition of project traffic degrades the...
overall operation of an intersection projected to operate at an acceptable service level prior to the addition of project traffic. However, the Master EIR (Section V-1) addressed the General Plan increase in traffic on roadway segments operating at LOS D or worse and determined the impact to be significant and unavoidable. The Master EIR (Section V-1) also addressed possible violations of a LOS standard established by the Stanislaus County Congestion Management Program and also found that General Plan growth would result in a significant and unavoidable impact.

Due to the close spacing of the East Morris Road/Coffee Road intersection with the currently signalized Lucern Avenue/Coffee Road intersection, signalization of the East Morris Road/Coffee Road intersection is not recommended. Connections to Lucern Avenue and Scenic Drive can be made from East Morris Road, where signalized left-turn access to Coffee Road is provided. Therefore, because alternative access to Coffee Road is available, this impact is considered less than significant and no improvements are recommended. The project applicant shall be responsible for payment of the applicable Capital Facilities Fee (CFF) (Fehr and Peers, 2006).

**Cumulative Traffic Impact 2:** The addition of project traffic would degrade the westbound controlled movement at the Locke Road/Coffee Road intersection from LOS E to LOS F. Peak hour volume traffic signal warrants would be satisfied prior to the addition of project traffic. This is a potentially significant impact. However, the Master EIR (Section V-1) addressed the General Plan increase in traffic on roadway segments operating at LOS D or worse and determined the impact to be significant and unavoidable. The Master EIR (Section V-1) also addressed possible violations of a LOS standard established by the Stanislaus County Congestion Management Program and also found that General Plan growth would result in a significant and unavoidable impact.

Due to the close spacing of the Locke Road/Coffee Road intersection with the currently signalized Lucern Avenue/Coffee Road intersection, signalization of the Locke Road/Coffee Road intersection is not recommended. Connections to Lucern Avenue and Scenic Drive via Sunnyside Avenue can be made from Locke Road, where signalized access to Coffee Road is provided. Therefore, as alternative access to Coffee Road is available, this impact is considered less than significant and no improvements are recommended. The project applicant shall be responsible for payment of the applicable Capital Facilities Fee (CFF) (Fehr and Peers, 2006).

(2) **Vehicle Access and On-site Circulation**

The new main parking area adjacent to the replacement medical office building would provide 260 parking spaces, which would be designated for patient/visitor use. Vehicle access to the current parking area is provided by three driveways: two on Sunnyside Avenue, and one on Lucern Avenue. With the expansion of the medical office building and reconfiguration of the site, an existing driveway on Sunnyside Avenue would be eliminated and a new driveway would be constructed on Coffee Road at the existing alley, approximately 150 feet south of Locke Road. This meets the minimum spacing for driveways on minor collector roadways. This driveway would be restricted to right-in/right-out operation, through signage and striping, due to the through volumes on Coffee Road and the proximity of the Locke Road/Coffee Road intersection. The remaining driveway on Sunnyside Avenue would be relocated to the existing alley intersection and would act as a service entry. The existing driveway on Lucern Avenue would remain, although it would be modified to provide improved access. Adequate
clearance would be provided at all the driveways serving the main parking area to prevent vehicles from stacking up on the property and out onto the public streets. Vehicular circulation through the main parking area would not result in misaligned or dead-end drive aisles. The designated patient drop-off area would be located on the western side of the replacement medical center within the main parking lot. This includes a circular drive aisle around a fountain plaza. To reduce conflicts, this would be striped for one-way vehicle traffic. In addition, sufficient width to accommodate two vehicles would be provided.

Access to the northern employee parking lot located on the east side of Sunnyside Avenue would be modified to eliminate an existing driveway and reconfigure the parking layout for greater efficiency. Angled parking is currently provided in this area with one-way circulation. Signage and pavement markings would be installed to indicate the travel way.

A new parking area is proposed for the east side of Sunnyside Avenue, containing 135 parking spaces. Access to this parking area is proposed from two driveways, one offset to the north side of Lucern Avenue, proposed to be exit only, and one offset to the south side of Lucern Avenue, proposed to be entry only. This offset would preserve an existing oak tree that would need to be removed should access be aligned with Lucern Avenue. This configuration would operate acceptably due to low traffic volumes on Sunnyside Avenue.

The existing parking lots at the southwest corner of Lucern Avenue/Sunnyside Avenue, on the south side of Lucern Avenue, and at the southwest corner of the Lucern Avenue/Coffee Road intersection would remain unchanged from their current configurations, which operate acceptably.

Pedestrian, Bicycle, and Transit Access

The project proposes to construct a bus pullout on the east side of Coffee Road, connecting to a pedestrian path that connects Coffee Road to the main entry of the replacement medical office building. This bus pullout would serve passengers on northbound buses. Southbound buses would continue to stop at the northwest corner of the Coffee Road/Lucern Avenue intersection. Crosswalks are provided on all legs of this intersection to facilitate pedestrian crossings from the southbound bus stop to the medical center. The transportation consultant recommends that a bus shelter and other transit amenities be provided at the new pullout to make transit usage a more appealing form of transportation to the medical office building (Fehr and Peers, 2006).

Bicyclists traveling to the medical office building can use either the Class II bike lanes on Coffee Road or the Class III bike route on Lucern Avenue to access the site. The proposed project is consistent with the City's Non-Motorized Transportation Plan. The proposed project would not disrupt any existing bicycle facilities nor would any proposed bicycle facilities be precluded with construction of the proposed project.

Sidewalks currently exist along all of the streets adjacent to the project site. The project proposes to provide pedestrian walkways along the Coffee Road, Lucern Avenue, and Sunnyside Avenue project frontages, with connections from Coffee Road through the parking lot to the patient drop-off area and main patient entry; and from Lucern Avenue and Sunnyside Avenue from the employee parking areas to the employee entrance.
Pedestrian crossing enhancements, such as directional curb ramps and crosswalks, would be provided at the Lucern Avenue/Sunnyside Avenue intersection.

The project would not substantially increase hazards or incompatible uses for vehicle, pedestrian, bicycle, or transit access.

(3) As described under (2), above, the project would provide adequate and safe vehicular, pedestrian, bicycle, and transit access to/from the replacement medical office building and the associated parking lots (Fehr and Peers, 2006). Sufficient access and parking would be maintained through all phases of construction. Therefore, the project would not result in inadequate emergency access.

(4) Construction Period Parking

Based on the size of the existing and proposed medical office building and Institute of Transportation Engineers (2004) peak parking demand rates, the proposed parking supply during each construction phase would satisfy peak parking demands, and would actually provide surplus parking, as shown on Table 4.

<table>
<thead>
<tr>
<th>Phase</th>
<th>Size (square feet [sf])</th>
<th>85th Percentile Peak Parking Demand Rate</th>
<th>Peak Demand Parking</th>
<th>Proposed Supply</th>
<th>Surplus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phase I</td>
<td>99,500 sf</td>
<td>4.30</td>
<td>428</td>
<td>755</td>
<td>327</td>
</tr>
<tr>
<td>Phase II</td>
<td>99,500 sf</td>
<td>4.30</td>
<td>428</td>
<td>554</td>
<td>126</td>
</tr>
<tr>
<td>Phase III</td>
<td>144,000 sf</td>
<td>4.30</td>
<td>619</td>
<td>651</td>
<td>32</td>
</tr>
</tbody>
</table>

1 Per 1,000 sf gross floor area. 85th Percentile parking demand rate was selected to provide a conservative assessment of potential parking demand.

Source: Parking Generation (3rd Edition) (Institute of Transportation Engineers, 2004), and Fehr and Peers, 2006

Operational Parking

The project would result in a total of 938 parking spaces for the replacement medical office building, as shown in Exhibit 5. This proposed parking supply was compared to both City Code parking requirements and Institute of Transportation Engineers parking demand rates, as explained below.

The City of Modesto requires one space for every 200 sf of medical office building. As shown in Table 5, based on this requirement, the project must provide 720 parking spaces. The proposed supply is 208 spaces greater than the City Code requirement (Fehr and Peers, 2006).

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Size</th>
<th>Parking Code Requirement</th>
<th>Parking Spaces Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Office Building</td>
<td>144,000 sf</td>
<td>1/200 sf</td>
<td>720</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Total Provided</td>
<td>938</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Surplus</td>
<td>218</td>
</tr>
</tbody>
</table>

Parking demand rates as presented in Institute of Transportation Engineers Parking Generation (3rd Edition), as shown on Table 6, were used to estimate peak parking demands for the project. Weekday parking demand rates were selected, as opposed to weekend rates when medical office building parking demand is minimal. Based on this assessment, a peak parking demand of 619 parking spaces can be expected at project buildout. This demand would be accommodated by the proposed supply of 938 parking spaces. Because this would result in a surplus of 319 spaces, the new 135-space parking lot on the eastside of Sunnyside Avenue would not be needed to satisfy City Code requirements or accommodate anticipated peak parking demands based on Institute of Transportation Engineers rates (Fehr and Peers, 2006).

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Size</th>
<th>85th Percentile Peak Parking Demand Rate¹</th>
<th>Peak Parking Demand</th>
<th>Proposed Supply</th>
<th>Surplus</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medical Office</td>
<td>144,000 sf</td>
<td>4.30</td>
<td>619</td>
<td>938</td>
<td>319</td>
</tr>
</tbody>
</table>

¹ Per 1,000 sf gross floor area. 85th Percentile parking demand rate was selected to provide a conservative assessment of potential project demand.


Americans with Disabilities Act (ADA) Accessible Parking

Based on City Code requirements, two percent of the total parking supply (equal to 18 spaces) must be ADA accessible spaces. One in eight ADA accessible spaces (equal to two spaces) should also be van accessible. The site plan (Exhibit 5) shows 18 ADA accessible spaces, two of which are for vans. Ten of these (including the two van spaces) are located west of the replacement medical office building near the patient drop-off, four are located in the parking aisle to the west of the drop-off area, and four are located in the employee lot on the southwest corner of the Coffee Road/Lucern Avenue intersection.

All ADA accessible spaces in the main parking lot have direct access to pedestrian ramps and walkways to the medical center. However, the transportation consultant recommends that the four ADA accessible spaces on the southwest corner of the Coffee Road/Lucern Avenue be relocated to the main parking area, adjacent to the medical office building, so that handicapped patients are not required to cross the Coffee Road/Lucern Avenue intersection to access the medical office building (Fehr and Peers, 2006).

Bicycle Parking

Although no formal bicycle parking requirement exists, the transportation consultant recommends that short term bicycle parking (i.e., bicycle racks) be provided near the main building entrance and the employee entrance, and long-term bicycle parking (i.e., a covered, secure parking area) be provided either in the building or in a parking lot to accommodate cyclists and encourage use of alternative modes (Fehr and Peers, 2006).
The Modesto Urban Area General Plan policies V-5 5.B and V-6 5.C encourage measures that support alternative modes of transportation, and the installation of bicycle parking would be consistent with these General Plan policies.

The project would not result in any new significant traffic or circulation effects and no new mitigation measures or alternatives are required for the project.

2. **AIR QUALITY**

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

Section V-2 of the Master EIR provides analysis of Air Quality impacts resulting from development projects envisioned in the Modesto Urban Area General Plan. The Master EIR identified the following significant and unavoidable environmental impacts relative to air quality:

**Effect:** Projected traffic levels will result in increased ambient carbon monoxide (CO) levels in the project area. This is a significant and unavoidable impact.

**Effect:** Projected traffic levels will result in increased reactive organic gases (ROG) and oxides of nitrogen (NOx) levels in the project area. This is a significant and unavoidable impact.

b. **Master EIR Mitigation Measures Applied to the Project**

Modesto Urban Area General Plan air quality policies pertinent to this project are found on pages V-2-11 through V-2-18 of the Master EIR. In addition, construction-related air quality impacts would be less than significant with implementation of Master EIR Mitigation Measures Air-1 and Air-2 (pages V-2-24 through V-2-25 of the Master EIR). The applicable Master EIR measures will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigation Measures Applied to Project," of this Initial Study.

c. **Project-Specific Effects**

This section analyzes whether the project would result in a significant project-specific air quality effect not previously analyzed in the Master EIR. The project would have a new significant air quality effect if it would:

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td></td>
<td>Exceed the emissions thresholds established for CO and NOx by the San Joaquin Valley Unified Air Pollution Control District's (SJVUAPCD) adopted CEQA Guidelines.</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td></td>
<td>Not incorporate the best management practices (BMPs) for suspended particulate matter (PM10) reduction established by the SJVUAPCD.</td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td></td>
<td>Not comply with the air quality policies of the Modesto Urban Area General Plan.</td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td></td>
<td>Expose sensitive receptors to substantial pollutant concentrations.</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td></td>
<td>Create objectionable odors affecting a substantial number of people.</td>
<td></td>
</tr>
</tbody>
</table>
Discussion:

(1, 3) The project site is located in San Joaquin Valley and in the jurisdiction of the SJVUAPCD, which administers local, state, and federal air quality management programs for San Joaquin Valley. The SJVUAPCD is in nonattainment for federal and state carbon monoxide (CO) standards and federal and state standards for particulate matter less than 10 microns in diameter (PM\textsubscript{10}).

As is typical of construction projects, movement of equipment and wind over bare soils could generate airborne dust. Construction equipment would emit exhaust, including ozone precursors, particulate matter, and air toxics. In addition, although the project results in only a minor increase in visitors and would take advantage of transit and bicycle lanes on Coffee Road, the project is expected to result in 1,610 additional daily vehicle trips (see Table 1, in Section IV.1).

One of the primary reasons for air quality regulations and standards is the protection of those members of the population who are the most sensitive to adverse health effects of air pollution, or “sensitive receptors.” The term “sensitive receptors” refers both to specific population groups and to the land uses where they would be located for long periods. Commonly identified sensitive population groups include children, the elderly, the acutely ill, and the chronically ill. Commonly identified sensitive land uses include residences, schools, playgrounds, child care centers, retirement or convalescent homes, hospitals, and clinics.

The project site is an existing medical office building. Nearby sensitive receptors include adjacent residential housing and the John Muir School. The project would result in short-term and long-term increases in mobile, stationary, and area source emissions.

Short-term Construction-Generated Emissions

Emissions produced during site preparation and construction are “short-term” because they occur only during the construction phase. Dust generation is normally the primary concern during demolition and initial site preparation. Because such emissions are not amenable to collection and discharge through a controlled source, they are called “fugitive emissions.” Fugitive dust emissions typically include emissions from on-site grading and excavation activities and from off-site truck and passenger car travel on unpaved roadways. Fugitive dust emission rates are affected by a variety of factors, including amount and type of exposed soil, amount of soil moisture, wind speed, number of vehicles and pieces of equipment operating at one time, depth of disturbance or excavation, and the number of vehicle miles traveled. Fugitive dust emissions are measured as PM\textsubscript{10}. Emissions of reactive organic gases (ROG) and nitrogen oxides (NO\textsubscript{X}) are generated primarily by the operation of gasoline- and diesel-powered motor vehicles. Construction-generated emissions vary from day to day, depending on the specific activities being conducted, the type of equipment, duration of equipment use, and the number of transport trips for construction workers and material.

Actual pollutant concentrations depend on various factors, including the location and type of activities performed, meteorological conditions, distances to nearby receptors, and the effectiveness of the mitigation measures employed. As shown in Table 7 below, the short-term construction generated emissions have been modeled based on the proposed demolition of the existing medical office building and single family houses on Locke Road, the site grading, and the construction of the new medical office building.
The short-term construction generated emissions for ROG, NOx, and PM10 would be less than the SJVUAPCD's established significance threshold of 10 tons/year and would not pose a significant effect on sensitive receptors or contribute to air quality violations. Nonetheless, per SJVUAPCD Rule 9510, Indirect Source Review (ISR), the applicant must reduce exhaust emissions for construction equipment greater than 50 horsepower by achieving a project-wide fleet average 20 percent NOx reduction and 45 percent PM10 reduction compared to the most recent Air Resources Board (ARB) fleet average. This requirement can be met through a combination of on-site emission reduction measures or payment of off-site fees.

### Table 7

<table>
<thead>
<tr>
<th>Source</th>
<th>ROG</th>
<th>NOx</th>
<th>PM10</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fugitive Dust</td>
<td>-</td>
<td>-</td>
<td>0.9</td>
</tr>
<tr>
<td>Off-Road Diesel</td>
<td>0.5</td>
<td>3.6</td>
<td>0.2</td>
</tr>
<tr>
<td>On-Road Diesel</td>
<td>&lt;.1</td>
<td>&lt;.1</td>
<td>-</td>
</tr>
<tr>
<td>Worker Trips</td>
<td>&lt;.1</td>
<td>&lt;.1</td>
<td>-</td>
</tr>
<tr>
<td>Total Unmitigated</td>
<td>0.5</td>
<td>3.6</td>
<td>1.1</td>
</tr>
<tr>
<td>Indirect Source Rule Reductions</td>
<td>No ISR</td>
<td>2.9</td>
<td>0.6</td>
</tr>
</tbody>
</table>

**SJVAPCD Significance Threshold:** 10 10 -

---

1 Emissions (from demolition, site grading, and building) modeled using the Urbemis2002 (v8.7) computer model and represent worst-case yearly conditions.

Source: Data modeled by EDAW 2006.

### Long-term Operational Emissions

No stationary source emissions are anticipated from operation of the medical office building. Therefore, long-term increases in regional emissions of criteria pollutants would be associated primarily with motor vehicle trips following completion of the replacement medical office building. "Criteria" pollutants are those pollutants (or their precursors) for which the U.S. Environmental Protection Agency (EPA) has established national ambient air quality standards (NAAQS). California has established its own ambient air quality standards, which are at least as stringent as the NAAQS. Although the proposed project includes various elements designed to reduce mobile source emissions (e.g., located along a transit line and Class II bike lane, and proposing an improved bus turn-out), implementation of the proposed project would result in the generation of mobile source emissions, including ROG and NOx, which are both precursors to ozone.

As shown in Table 8 below, the long-term operational emissions have been modeled based on the increase in vehicle trips associated with the replacement medical office building (see Table 1 in Section IV.1). The long-term operational emissions for ROG, NOx, and PM10 would be less than SJVUAPCD's established significance threshold of 10 tons/year and would not pose a significant effect on sensitive receptors or contribute to air quality violations. Nonetheless, per the Indirect Source Rule (ISR), the applicant shall reduce the project's operational baseline NOx emissions by 33.3 percent and PM10.
emissions by 50 percent. This requirement can be met through a combination of on-site emission reduction measures or payment of off-site fees.

<table>
<thead>
<tr>
<th>Source</th>
<th>Emissions (tons/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>ROG</td>
</tr>
<tr>
<td>Area Source</td>
<td>0.2</td>
</tr>
<tr>
<td>Mobile Source</td>
<td>2.1</td>
</tr>
<tr>
<td>Total Unmitigated</td>
<td>2.3</td>
</tr>
<tr>
<td>Indirect Source Rule Reductions</td>
<td>No ISR</td>
</tr>
</tbody>
</table>

SJVAPCD Significance Threshold: 10 10

1 Emissions modeled using the Urbemis2002 (v8.7) computer model, based on the net increase in daily trips and 2009 conditions.
Source: Data modeled by EDAW 2006.

Carbon monoxide (CO) concentration is a direct function of vehicle idling time and, thus, traffic flow conditions. Under specific meteorological conditions, CO concentrations near congested roadways and/or intersections may reach unhealthy levels with respect to local sensitive land-uses such as residential areas, schools, and hospitals. As a result, the SJVAPCD recommends analysis of CO emissions at a local rather than a regional level.

The Transportation Project-Level Carbon Monoxide Protocol (Garza et al. 1997) states that signalized intersections at level of service (LOS) E or F represent a potential for a CO violation, also known as a “hot spot.” Thus, modeling of CO concentrations is typically recommended for receptors located near signalized roadway intersections that are projected to operate at LOS E or F.

According to the traffic analysis prepared for the proposed project (Fehr and Peers 2006), during the AM and PM peak hour under near-term conditions (2011), all signalized study intersections are projected to continue operating at an overall acceptable LOS D or better. Further, under near-term conditions, the addition of project traffic would not result in unacceptable operations at any unsignalized study intersection projected to operate at acceptable levels without the project, nor does it cause the need to consider traffic signals at any of the unsignalized intersections.

Thus, the proposed project is not anticipated to result in or contribute to local CO concentrations that exceed the California 1-hour or 8-hour ambient air quality standards of 20 parts per million (ppm) or 9 ppm, respectively. As a result, the impact of long-term operational emissions of local CO associated with the proposed project is considered less than significant.

(2) The project would incorporate the best management practices (BMPs) for the reduction of suspended PM$_{10}$ established by the SJVUAPCD PM$_{10}$ Control Measure Candidate List. Applicable measures are described in Section V of this document under AQ-18, New Master EIR Mitigation Measure Air-1: PM$_{10}$ Control Measures. In addition, per the Indirect Source Rule (ISR), the applicant shall reduce the project’s operational baseline
NO\textsubscript{x} emissions by 33.3 percent and PM\textsubscript{10} emissions by 50 percent. This requirement can be met through a combination of on-site emission reduction measures or payment of off-site fees.

(4) Construction of the proposed project would result in short-term diesel exhaust emissions from on-site heavy duty equipment. Particulate exhaust emissions from diesel-fueled engines (diesel PM) were identified as a toxic air contaminant (TAC) by the ARB in 1998. Construction of the project would result in the generation of diesel PM emissions from the use of off-road diesel equipment required for demolition, site grading and excavation, and other construction activities. According to the ARB, the potential cancer risk from the inhalation of diesel PM, as discussed below, outweighs the potential non-cancer health impacts. The dose to which receptors are exposed (a function of concentration and duration of exposure) is the primary factor used to determine health risk (i.e., potential exposure to TAC emission levels that exceed applicable standards). Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the maximally exposed individual. Thus, the risks estimated for a maximally exposed individual are higher if a fixed exposure occurs over a longer period of time.

According to the Office of Environmental Health Hazard Assessment (OEHHA), health risk assessments, which determine the exposure of sensitive receptors to TAC emissions, should be based on a 70-year exposure period; however, such assessments should be limited to the period/duration of activities associated with the project (Salinas, pers. comm., 2004). Thus, because the use of mobilized equipment would be temporary in combination with the dispersive properties of diesel PM (Zhu and Hinds 2002), and the fact that the project would only require the use of a few pieces of equipment and not involve atypical construction activities (e.g., large amount of soil import/export with heavy-duty trucks, deep excavation), short-term construction activities would not expose sensitive receptors to substantial pollutant concentrations.

Before any demolition or renovation activities occur, SJVUAPCD Rule 4002, which is based on the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for asbestos, requires that a thorough inspection for asbestos be conducted before any facility is demolished or renovated (SJVUAPCD 2006). Asbestos Inspection Reports (Bovee Environmental Management, Inc., 2005 and 2006) for the existing Sutter Gould medical office building as well as six houses located on the northern boundary of the project site on Locke Road identified the presence of asbestos-containing building materials. Asbestos poses health hazards only when inhaled; therefore, friable (easily crumbled) asbestos is potentially hazardous if not encapsulated. Non-friable asbestos or encapsulated asbestos does not pose substantial health risks. During building demolition, asbestos fibers could be disturbed, released into the air, and inhaled by construction workers or the public unless proper precautions are taken. In addition, given the age of the structures (approximately 50 years old), there is a likelihood that lead-based paint may be present on-site as well, which could also become friable when the buildings are demolished. The Asbestos Inspection Reports (Bovee Environmental Management, Inc., 2005 and 2006) are available for review at the City of Modesto Community and Economic Development Planning Division.

Sutter Gould shall coordinate with all appropriate agencies, including the Stanislaus County Department of Environmental Resources Hazardous Materials Division (Stanislaus County HMD), the Central Valley Regional Water Quality Control Board (Central Valley RWQCB), the SJVUAPCD, Department of Toxic Substances Control
(DTSC), the EPA, California Occupational Safety and Health Administration (Cal/OSHA), and any other applicable federal, State, or local regulatory agencies, regarding appropriate methods to address asbestos and lead-based materials during demolition of the medical office building and single family houses. Methods for containment/removal of asbestos- and lead-containing materials would follow all regulatory standards. All contaminated asbestos- and lead-containing materials removed from the project site shall be disposed of in a manner consistent with applicable regulations at an appropriate off-site disposal facility. This would ensure that no improper handling of asbestos would occur and, thus, no receptors would be exposed to asbestos.

(5) The occurrence and severity of odor impacts depend on numerous factors, including the nature, frequency, and intensity of the source, wind speed and direction, and the sensitivity of the receptors. Although offensive odors rarely cause any physical harm, they can still lead to considerable distress among the public and often generate citizen complaints to local governments and regulatory agencies.

Construction activities for the project could potentially include the application of architectural coatings and asphalt paving materials that could generate localized temporary odors. The use of diesel-powered construction equipment could also generate localized temporary odors. However, no heavy industrial features, wastewater treatment facilities, or other large odor emitters are proposed. Therefore, the project would not be expected to create objectionable odors affecting a substantial number of people.

The project would not result in any new air quality effects and no new mitigation measures or alternatives are required for the project.

3. NOISE

a. Significant Effects Identified in the Master EIR

Section V-3 of the Master EIR provides analysis of noise impacts associated with development of the General Plan. The Master EIR identified the following significant and unavoidable noise impacts:

Effect: Traffic noise levels under future conditions in the plan area have the potential to result in exceedances of the City's Noise Significance Standards (see Table 3-3 Master EIR).

Effect: Projected future traffic noise levels, based on increased vehicular traffic anticipated in the Modesto Urban Area General Plan, will exceed the City's General Plan and noise ordinance standards.

b. Master EIR Mitigation Measures Applied to the Project

Modesto Urban Area General Plan Noise policies pertinent to this project are found on pages V-3-11 through V-3-15 of the Master EIR. The applicable measures will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigation Measures Applied to Project," of this Initial Study.
c. Project-Specific Effects

This section analyzes whether the project would result in a significant project-level noise effect not previously analyzed in the Master EIR. The project would have a new significant noise effect if it would:

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.</td>
<td>☐</td>
</tr>
<tr>
<td>2</td>
<td>Exceed the noise policies of or otherwise be inconsistent with the Modesto Urban Area General Plan.</td>
<td>☐</td>
</tr>
<tr>
<td>3</td>
<td>Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?</td>
<td>☐</td>
</tr>
<tr>
<td>4</td>
<td>Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.</td>
<td>☐</td>
</tr>
</tbody>
</table>

Discussion:

(1-4) Implementation of the proposed project would introduce temporary and permanent noise sources to the project area, including construction equipment, stationary sources, and increased traffic.

**Short-term Noise**

Depending on the activities being performed, as well as the duration and hours during which construction activity would occur, noise associated with demolition and construction activities could result in a temporary substantial increase in average daily ambient noise levels at on-site and nearby noise-sensitive receptors. The City of Modesto Noise Policy (N-5) limits the loud and raucous operation of equipment or any construction, demolition, excavation, erection, alteration, or repair activity to the hours between 7:00 AM and 9:00 PM on weekdays or between 9:00 AM and 9:00 PM on Saturday, Sunday, and State or federal holidays. All project construction activities will be restricted to these daytime hours. Further, because construction activities will not include pile driving or blasting, the proposed project is not expected to generate substantial amounts of groundborne vibration.

**Long-term Operational Noise**

Operational noise generated by the project would predominantly consist of traffic noise on area streets associated with vehicle trips generated by operation of the replacement medical office building. Long-term operation of the new facility would result in approximately 1,610 daily additional vehicle trips distributed on the local roadway system. Typically, traffic volumes have to double before there is an associated increase in noise levels that is considered noticeable (i.e., three A-weighted decibels or greater). However, as shown in Table 9, the addition of project-related daily trips on the local roadway system would be minor in comparison to existing, near-term, and cumulative volumes. None of the traffic volumes on local roadways, including Coffee Road, Locke...
Road, Sunnyside Avenue, or Lucern Avenue, would double. Consequently, operation of the project would not result in a noticeable change in the traffic noise contours of area roadways.

<table>
<thead>
<tr>
<th>Segment</th>
<th>Existing</th>
<th>Near-term Without Project</th>
<th>Near-term With Project</th>
<th>Cumulative Without Project</th>
<th>Cumulative With Project</th>
</tr>
</thead>
<tbody>
<tr>
<td>E Orangeburg west of Coffee</td>
<td>18,230</td>
<td>19,690</td>
<td>19,800</td>
<td>22,770</td>
<td>22,890</td>
</tr>
<tr>
<td>E Orangeburg, east of Coffee</td>
<td>12,150</td>
<td>12,730</td>
<td>12,770</td>
<td>14,730</td>
<td>14,770</td>
</tr>
<tr>
<td>Coffee, south of Orangeburg</td>
<td>25,460</td>
<td>28,570</td>
<td>29,190</td>
<td>32,890</td>
<td>33,510</td>
</tr>
<tr>
<td>Coffee, north of Orangeburg</td>
<td>26,960</td>
<td>29,990</td>
<td>30,460</td>
<td>34,520</td>
<td>34,990</td>
</tr>
<tr>
<td>Coffee, south of Locke (b/t Int 2 &amp; 3)</td>
<td>22,800</td>
<td>25,770</td>
<td>26,350</td>
<td>29,640</td>
<td>30,220</td>
</tr>
<tr>
<td>Coffee, north of Locke</td>
<td>23,360</td>
<td>26,360</td>
<td>26,980</td>
<td>30,310</td>
<td>30,930</td>
</tr>
<tr>
<td>Locke, east of Coffee</td>
<td>1,850</td>
<td>1,960</td>
<td>2,000</td>
<td>2,250</td>
<td>2,300</td>
</tr>
<tr>
<td>Coffee, south of Lucern (b/t Int 3 &amp; 4)</td>
<td>22,150</td>
<td>25,090</td>
<td>25,830</td>
<td>28,830</td>
<td>29,570</td>
</tr>
<tr>
<td>Lucern, west of Coffee</td>
<td>4,170</td>
<td>4,380</td>
<td>4,480</td>
<td>5,090</td>
<td>5,180</td>
</tr>
<tr>
<td>Lucern, east of Coffee</td>
<td>2,750</td>
<td>2,890</td>
<td>3,910</td>
<td>3,330</td>
<td>4,360</td>
</tr>
<tr>
<td>Coffee, south of E Morris (b/t Int 4 &amp; 5)</td>
<td>22,260</td>
<td>25,200</td>
<td>25,800</td>
<td>28,970</td>
<td>29,570</td>
</tr>
<tr>
<td>E Morris, west of Coffee</td>
<td>3,690</td>
<td>3,880</td>
<td>4,000</td>
<td>4,490</td>
<td>4,620</td>
</tr>
<tr>
<td>Scenic, west of Coffee</td>
<td>34,880</td>
<td>38,490</td>
<td>38,910</td>
<td>44,430</td>
<td>44,850</td>
</tr>
<tr>
<td>Scenic, east of Coffee (b/t Int 5 &amp; 6)</td>
<td>32,450</td>
<td>35,120</td>
<td>35,530</td>
<td>40,630</td>
<td>41,040</td>
</tr>
<tr>
<td>Scenic, east of Sunnyside (b/t Int 6 &amp; 7)</td>
<td>32,530</td>
<td>35,230</td>
<td>35,750</td>
<td>40,760</td>
<td>41,280</td>
</tr>
<tr>
<td>Sunnyside, north of Scenic</td>
<td>850</td>
<td>900</td>
<td>1,240</td>
<td>1,040</td>
<td>1,380</td>
</tr>
<tr>
<td>Brighton, north of Scenic</td>
<td>900</td>
<td>960</td>
<td>960</td>
<td>1,090</td>
<td>1,090</td>
</tr>
<tr>
<td>Scenic, west of Rose (b/t Int 7 &amp; 8)</td>
<td>32,850</td>
<td>35,560</td>
<td>36,080</td>
<td>44,120</td>
<td>41,640</td>
</tr>
<tr>
<td>Scenic, east of Rose</td>
<td>31,6680</td>
<td>34,310</td>
<td>34,850</td>
<td>39,690</td>
<td>40,230</td>
</tr>
<tr>
<td>Rose, north of Scenic (b/t Int 8 &amp; 9)</td>
<td>6,510</td>
<td>6,840</td>
<td>6,880</td>
<td>7,930</td>
<td>7,980</td>
</tr>
<tr>
<td>Locke, west of Rose</td>
<td>1,840</td>
<td>1,930</td>
<td>2,110</td>
<td>2,240</td>
<td>2,420</td>
</tr>
<tr>
<td>Rose, north of Locke</td>
<td>6,960</td>
<td>7,310</td>
<td>7,460</td>
<td>8,500</td>
<td>8,650</td>
</tr>
</tbody>
</table>

Source: Fehr and Peers 2006

The other operational noise source associated with the replacement medical office building that may affect the houses along Locke Road and other surrounding residences.
would be parking lot activity. Noise associated with parking lot activity typically consists of occasional slamming doors, car radios, and car alarms. The applicant has proposed to construct a masonry wall and landscaping around the parking area adjacent to Locke Road that would serve to buffer this parking area from the neighboring residences. Because the facility would operate during less-sensitive daylight hours and because a wall and landscaping would provide a buffer, noise generated by parking lot activity is not expected to impact nearby sensitive receptors.

Thus, the project would not result in any new noise effects and no new mitigation measures or alternatives are required for the project.

4. AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

Section V-4 of the Master EIR provides analysis of impacts to Agricultural Lands resulting from development projects envisioned in the General Plan. The Master EIR identified the following environmental impacts related to agricultural lands:

Effect: Development within the urbanized Baseline Developed Area and Redevelopment Area will have a less-than-significant impact on agricultural lands.

Effect: Conversion of agricultural land will occur as available developable land is occupied within the City. This is a significant and unavoidable impact.

Effect: Growth within Modesto’s planning area would contribute considerably to the loss of agricultural land within Stanislaus County. This is a significant and unavoidable cumulative impact.

b. Master EIR Measures Pertinent to the Project

Modesto Urban Area General Plan agricultural land policies pertinent to the project are found on pages V-4-4 through V-4-8 in the Master EIR. The project site is in an area identified as an urbanized area by the California Department of Conservation and identified as Baseline Developed Area, as shown on Figure V-4-1 of the Master EIR. Policy AL-17 (Master EIR, page V-4-7, General Plan Chapter VII, Section D.2) states that if a subsequent project is within the Baseline Developed Area, the project is considered to have a minimal effect on the conversion of agricultural land and no mitigation is required.

c. Project-Specific Effects

This section analyzes whether the project would result in a significant project-specific agricultural effect not previously analyzed in the Master EIR. The project would have a new significant agricultural lands effect if it would:

YES NO

(1) Be inconsistent with the Modesto Urban Area General Plan. ☐ ☒

(2) Directly result in the development of land outside the March 2003 planning area boundaries. ☐ ☒
Conflict with existing zoning for agricultural use, or a Williamson Act contract.

Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

Discussion:

The Modesto Urban Area General Plan designates the site as mixed use (MU) and residential (R) and the site is designated as an urbanized area by the California Department of Conservation. The site is also identified as Baseline Developed Area, as shown on Figure V-4-1 of the Master EIR. The site is currently developed with a medical office building, surface parking lots and single family houses. Construction of the proposed project would result in redevelopment of the existing urban use on the project site. There are no agricultural operations on the project site and there are no Williamson Act contracts on the project site. Therefore, the project would not result in conversion of farmland, conflict with agricultural zoning or Williamson Act contracts, nor result in other changes that could result in conversion or impacts to agriculture operations.

The project would not result in any new significant agricultural effects and no new mitigation measures or alternatives are required for the project.

5. WATER SUPPLY

a. Significant Effects Identified in the Master EIR

Section V-5 of the Master EIR analyzes Water Supply impacts resulting from development projects envisioned in the General Plan. The Master EIR identified the following environmental impacts relative to water supply:

**Effect:** Modesto Urban Area General Plan policies are established to limit groundwater extractions to the safe yield of the aquifer and thereby avoid aquifer overdraft. In addition, the Urban Water Management Plan (UWMP) requires that new urban development would proceed in conjunction with the availability of water supplies and distribution facilities. It is assumed that any increased entitlement of surface water supplies such as a water transfer from another water purveyor would undergo independent environmental review pursuant to CEQA. This is a less-than-significant impact.

**Effect:** Development to the future projected City population would require expansion of the Modesto Regional Water Treatment Plant (MRWTP) to its full 60 million gallons per day (mgd) capacity, development of additional groundwater wells, and construction of additional water distribution and treatment facilities. Construction of some of the required facilities would most likely require site-specific environmental impact assessments to be conducted under CEQA. Consequently, the potential environmental impacts of the Modesto Urban Area General Plan are considered less than significant.
Effect: During drought years, despite available options, significant water shortages are forecast for the San Joaquin River basin by 2020. Modesto will have a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions. This is a significant and unavoidable cumulative impact.

b. Master EIR Mitigation Measures Applied to the Project

Modesto Urban Area General Plan water supply policies pertinent to the project are found on pages V-5-7 through V-5-8 of the Master EIR. The applicable measures will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigation Measures Applied to Project,” of this Initial Study.

c. Project-Specific Effects

This section analyzes whether the project would result in a significant project-specific water supply effect not previously analyzed in the Master EIR. The project would have a new significant water supply effect if it would:

1. Be inconsistent with the Modesto Urban Area General Plan.
   - YES
   - NO

2. Require new or expanded water entitlements because sufficient water supplies are not available to serve the project from existing entitlements and resources.
   - YES
   - NO

Discussion:

(1-2) The project site is designated as mixed use (MU) and residential (R) in the Modesto Urban Area General Plan and is located in an area currently developed with urban land uses. The existing medical office building, parking, and single family houses that occupy the project site are consistent with the General Plan and the P-D (30), R-1 and R-2 zones. The proposed amendment to the existing P-D (30) zone would be consistent with the General Plan as would the replacement medical office building and associated parking. Furthermore, the project would be consistent with the policies of Chapter V, Section C, of the General Plan.

The existing water use for the medical office building, based on City of Modesto water meter readings, is 353,000 gallons per year and 13,100 gallons per day (0.02 cubic feet per second). The replacement medical office building would increase in square footage (approximately 44,500 sf) and the number of fixtures would increase. There would be 29 more faucets, 17 more toilets, and six more urinals, while water fountains would decrease by five. The new fixtures in the replacement building would be more efficient than the current fixtures. For example, the toilets are currently 3.5 gallon flush and would become 1.6 gallon flush in accordance with current code requirements. However, it is anticipated that the increase in building size and number of water fixtures in the replacement building would increase the annual average water use by approximately 50 percent. Therefore, the average water use for the replacement medical office building is anticipated to increase by 6,550 gallons per day (0.01 cubic feet per second) to 19,650 gallons per day. The total anticipated water usage of the proposed project (including
demolition of seven single family houses) corresponds to the water usage of 25 equivalent dwelling units.

The City currently has sufficient water supply to serve the existing building and could therefore continue to serve the replacement medical office building (Jakab 2006). No new or expanded water entitlements would be necessary to serve the project. Prior to issuance of the building permit, all applicable water fees must be paid.

All recommended system improvements, as required by the City of Modesto Public Works must be installed by the applicant. The project would include the upgrade of the water supply pipeline in Lucern Avenue from a 6-inch line to an 8-inch line and the water supply pipeline in Sunnyside Avenue would be upgraded from a 4-inch line to an 8-inch line. The water line replacements are consistent with the City's design criteria for such facilities and the replacements are being implemented to address existing water pressure problems.

The project would not result in any new significant effects on water supply and no new or additional mitigation measures or alternatives are required for the project.

6. **SANITARY SEWER SERVICES**

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

Section V-6 of the Master EIR analyzes Sanitary Sewer Service impacts resulting from development projects envisioned in the General Plan. The Master EIR identified the following environmental impacts relative to sanitary sewer services:

**Effect:** The City has already begun to implement the provisions of the Wastewater Master Plan (WMP) to meet future demand for sanitary sewer services. As City wastewater treatment facilities are expanded to meet the needs of the Baseline Developed, Redevelopment, and Planned Urbanizing Areas, the City will obtain the necessary wastewater discharge and National Pollution Discharge Elimination System (NPDES) permits from the Central Valley Regional Water Quality Control Board (RWQCB), as required under Urban Area General Plan Policy V-D.2.a(Master EIR mitigation SS-1, page V-6-2). Implementing the WMP, requiring the implementation of best management practices (BMPs) for post-construction activities, and Urban Area General Plan policy V-D.2(a), will avoid violation of wastewater discharge requirements. As a result, this impact would be less than significant.

**Effect:** The City has adopted the WMP specifically to ensure that sewer capacity will match the level of growth projected by the Modesto Urban Area General Plan. Development within the Baseline Developed and Planned Urbanizing Areas that is consistent with the Urban Area General Plan will not have a significant effect on capacity. Urban Area General Plan Policy III-D.1(d) will ensure that development in the Planned Urbanizing Area will fund the necessary improvements. This is a less-than-significant impact.

b. **Master EIR Mitigation Measures Applied to the Project**

Modesto Urban Area General Plan sewer service policies pertinent to the project are found on pages V-6-4 and V-6-5 of the Master EIR. The applicable measures will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigation Measures Applied to Project," of this Initial Study.
c. Project-Specific Effects

This section analyzes whether the project would result in a significant project-specific sewer service effect not previously analyzed in the Master EIR. The project would have a new significant sewer service effect if it would:

<table>
<thead>
<tr>
<th>YES NO</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
<tr>
<td>(1) Be inconsistent with the Modesto Urban Area General Plan. ☐ ☒</td>
</tr>
<tr>
<td>(2) 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. The project site is designated as mixed use (MU) and residential (R) in the Modesto Urban Area General Plan and is located in an area currently developed with urban land uses. The existing medical office building, parking, and single family houses that occupy the project site are consistent with the General Plan and the P-D (30), R-1 and R-2 zones. The proposed amendment to the existing P-D (30) zone would be consistent with the General Plan as would the replacement medical office building and associated parking. Furthermore, the project would be consistent with the policies of Chapter V, Section D, of the General Plan.

2. Based on the existing water use for the medical office building, 353,000 gallons per year and 13,100 gallons per day (0.02 cubic feet per second), the existing wastewater is 13,100 gallons per day. Because the replacement medical office building is anticipated to increase the annual average water use by approximately 50 percent, the associated wastewater is also anticipated to increase by 6,550 gallons per day (0.01 cubic feet per second) to 19,650 gallons per day. This would result in a flow increase of approximately 0.8 percent of the full sewer main capacity in Coffee Road, approximately 0.7 percent of the sanitary peak flow, and 0.57 percent of the peak wet weather flow in this main pipeline.

The medical office building is located in sewer service tributary Area 5. The project would include upgrading the water supply pipeline in Lucern Avenue from a 6-inch line to an 8-inch line and the water supply pipeline in Sunnyside Avenue would be upgraded from a 4-inch line to an 8-inch line. The wastewater line replacements are consistent with the City's design criteria for such facilities and the replacements are being implemented to mitigate existing water pressure problems. The main sewer line under Coffee Road changes in size from 10-inches to 15-inches just south of Locke Road. The City of Modesto Public Works recommends that the new sewer connection be made directly into this 15-inch sewer main. This sewer main becomes full under existing conditions at peak wet weather conditions, which is not consistent with the City's design criteria. However, as described above, the proposed replacement building would contribute less than one percent to the sewer flow in this main.

The replacement medical office building was considered in the City of Modesto Wastewater Collection System near term capacity study for sewer treatment and
disposal under the 1,016 equivalent dwelling units (EDU) of miscellaneous commercial, expected to develop in the near term (based on a five year average). The additional wastewater flows from the replacement medical office building could be served by the existing wastewater treatment plants and no plant upgrades would be necessary. Therefore, at project completion, there would be sufficient conveyance and treatment capacity to service the replacement medical office building (Jakab 2006). In addition, prior to issuance of a building permit, the applicant will be required to pay their fair-share contribution for required wastewater collection, treatment, and disposal.

The project would not result in any new significant effects on wastewater services and no new or additional mitigation measures or alternatives are required for the project.

7. SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

Section V-7 of the Master EIR analyzes wildlife and plant habitat impacts resulting from development project envisioned in the General Plan. The Master EIR identified the following environmental impacts relative to sensitive wildlife and plant habitat:

Effect: Although many sensitive species live in riparian habitats within the planning area, the policies of the plan will ensure that impacts of the Urban Area General Plan will be less than significant.

Effect: Requiring higher residential density than the suburban norm and a compact pattern of growth within the designated planning area to 2025 will minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR Mitigation Measures Applied to the Project

Modesto Urban Area General Plan wildlife and plant habitat policies pertinent to the project are found on page V-7-15 through V-7-21 of the Master EIR. The applicable measures will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigation Measures Applied to Project," of this Initial Study. The project site lies outside the Biological Resource Study Area, shown on Figure V-7-1d of the Master EIR. Policy SWPH-20 (Master EIR, page V-7-19) states that proposed development consistent with the General Plan in the Baseline Developed Area does not require further biological study unless specific information concerning the known presence of significant biological resources is identified by future California Natural Diversity Database (CNDDB), consultation, or other qualified sources.

c. Project-Specific Effects

This section analyzes whether the project would result in a significant project-specific effect not previously analyzed in the Master EIR. The project would have a new significant biological resources effect if it would:
(1) Be inconsistent with the Modesto Urban Area General Plan. □ ☒

(2) Per consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service, have a significant effect on special status species. □ ☒

(3) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. □ ☒

Discussion:
(1) The project site is designated as mixed use (MU) and residential (R) in the Modesto Urban Area General Plan and is located in an area currently developed with urban land uses. The existing medical office building, parking, and single family houses that occupy the project site are consistent with the General Plan and the P-D (30), R-1 and R-2 zones. The proposed amendment to the existing P-D (30) zone would be consistent with the General Plan as would the replacement medical office building and associated parking. Furthermore, the project would be consistent with the policies of Chapter VII, Section E, of the General Plan.

(2) The project site is developed and paved, and has been for nearly 50 years. The only vegetation is ornamental trees, shrubs, and ground-cover. A search of the California Native Plant Society (CNPS) Inventory of Rare and Endangered Plants resulted in no occurrences of rare or endangered plants for the following quadrangles that cover or surround the project site: Salida, Riverbank, Ceres, and Brush Lake (California Department of Fish and Game, 2006). However, the California Natural Diversity Database (CNDDB) RareFind 3 database search resulted in the occurrence of six Federal or State listed species within a five-mile radius (Department of Fish and Game, 2006). Some of these occurrences may be due to the presence of the Dry Creek riparian corridor located less than half a mile from the project site. The CNDDB species occurrences included:

- federally threatened California tiger salamander (*Ambystoma californiense*)
- federally endangered vernal pool tadpole shrimp (*Lepidurus packardi*)
- federally threatened vernal pool fairy shrimp (*Branchinecta lynchi*)
- state threatened Swainson’s hawk (*Buteo swainsoni*)
- federally threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*)
- federally endangered and state threatened San Joaquin kit fox (*Vulpes macrotis mutica*)

However, the project site, which is developed and surrounded by urban development, does not provide appropriate habitat to support the presence of any of these special status wildlife species. The site does not support any ground squirrel burrows, wetlands
or vernal pools and could therefore not support California tiger salamander, vernal pool tadpole shrimp or vernal pool fairy shrimp. Although there are mature ornamental trees on the project site, Swainson’s hawks require adjacent foraging areas (such as grasslands or grain fields) and there are no adjacent fields to support such foraging habitat for this species. There are no elderberry shrubs on the project site to support the valley elderberry longhorn beetle. Finally, San Joaquin kit fox requires open grasslands and loose-textured soils for burrowing, neither of which exists on or near the project site.

(3) The project site lies outside the Biological Resource Study Area, shown on Figure V-7-1d of the Master EIR.

There are 123 mature trees on the project site. These trees are located within an urban area and are not protected by a tree preservation policy or ordinance. However, the approximately 50 street trees that would be removed for street improvements would be replaced at a one to one ratio and the City has recommended planting 24-inch box trees if possible (Exhibit 9).

The project would not result in any new significant biological resource effects. No further study is required and no new or additional mitigation measures or alternatives are required for the project.

8. **ARCHAEOLOGICAL OR HISTORICAL SITES**

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

Section V-8 of the Master EIR provides analysis of Archaeological and Historical impacts resulting from development projects envisioned in the General Plan. The Master EIR identified the following environmental impacts relative to archaeological or historical sites:

**Effect:** If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years in age, then the impact will be significant.

**Effect:** Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. There is a low probability that archaeological resources will be uncovered in areas outside of the riparian corridors. However, should this occur, it would have a significant effect.

**Effect:** The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions such as parking or landscaping requirements. This could result in modifications to the structure, which substantially reduce its historical significance. No impact would be expected to occur, since the buildings to be removed or demolished are not considered to have historical significance. This would be a less-than-significant impact with implementation of Master EIR mitigation measure Cultural-1.

b. **Master EIR Mitigation Measures Applied to the Project**

Modesto Urban Area General Plan archaeological or historic policies pertinent to the project are found on pages V-8-11 through V-8-14 of the Master EIR. The applicable measures will be
incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigation Measures Applied to Project," of this Initial Study.

c. Project-Specific Effects

This section analyzes whether the project would result in a significant project-specific archaeological or historical resource effect not previously analyzed in the Master EIR. The project would have a new significant archaeological or historical resources effect if it would:

YES  NO
(1) Be inconsistent with the Modesto Urban Area General Plan. □  ✗
(2) 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. □  □

Discussion:

(1) The project site is designated as mixed use (MU) and residential (R) in the Modesto Urban Area General Plan and is located in an area currently developed with urban land uses. The existing medical office building, parking, and single family houses that occupy the project site are consistent with the General Plan and the P-D (30), R-1 and R-2 zones. The proposed amendment to the existing P-D (30) zone would be consistent with the General Plan as would the replacement medical office building and associated parking. Furthermore, the project would be consistent with the policies of Chapter VII, Section F, of the General Plan.

In compliance with CEQA and City of Modesto Policies AH-3 through AH-5 and AH-13, EDAW conducted a cultural resources survey of the proposed project area (EDAW, 2006, Appendix B). According to the files maintained by the CCIC, no prehistoric or historic resources have been identified within the project area. One isolated pestle (P-50-001835) has been recorded within a ½ mile radius of the project site. Although no historic resources within a ½ mile radius have been reported to the CCIC, their files indicate that historic resources in the immediate area may include: a cemetery complex, three monuments, the Downey High and John Muir Schools, and the Kewin and Thousand Oaks Parks. Each of these sites and objects were established more than 50 years ago, and could be considered cultural resources.

A field visit was made to the project area by EDAW cultural resource specialist Angel Tomes on August 4, 2006. The purpose of the visit was to conduct an assessment of the area to be impacted by construction activities during the proposed project. Vacant lots on Lucern and Sunnyside Avenues were surveyed for the presence of archaeological material. Trucks and machinery were parked on the lot fronting Sunnyside Avenue. Ground surface visibility on both parcels was generally greater than 90 percent. No archaeological resources were observed.

During the field visit, six historic-era residences on Locke Road, and the existing Sutter Gould medical building were recorded. Each of these buildings was constructed more than 45 years ago, and thus requires an assessment of their potential for listing on the California Register of Historical Resources (CRHR). These resources were
photographed and documented on the appropriate California Department of Parks and Recreation forms.

Locke Avenue Residences

Research did not indicate that any of the residences within the study area are associated with events or persons considered important in local history (CRHR criteria 1 and 2). The buildings themselves are typical examples of a common type of architecture, and do not embody distinguishing architectural characteristics, or represent the work of a master (CRHR Criterion 3). This type of architecture is well represented in both written and visual sources; therefore, these buildings do not appear likely to yield important new information on historic construction techniques or technologies (Criterion 4). Therefore, these residences are not eligible for listing on the CRHR.

Sutter Gould Medical Foundation Building

This building does not appear to be eligible for listing on the CRHR. Although it has no known important association to events or persons considered significant in local or statewide history (criterion 1 and 2), the primary reason for its ineligibility is its loss of historic integrity. This building was originally three-stories when it was first constructed. A fourth floor was added in the late 1970s, changing the configuration and the scale of the building. Over the years different physician groups utilizing the facility undertook various tenant modifications (Darci Hernandez, Pers. Comm. 2006). The most significant factor pertaining to the integrity issue is the addition of the fourth floor and the overall change it effected in the building’s appearance.

As outlined in the California Code of Regulations, Section 4852 (c), a resource must retain sufficient integrity to its original historical appearance. The changes to the subject property have affected its integrity of design, materials and workmanship, changing the original appearance of the structure. The modifications made to the building were undertaken less than 50 years ago and do not represent historical or architectural value.

The cultural resource investigation did not reveal the presence of archaeological material and determined that the residences and the medical office building are not eligible for listing on the CRHR. Therefore, the project would not result in any new significant archaeological or historical resource effects and no new or additional mitigation measures or alternatives are required for the project.

9.  STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

Section V-9 of the Master EIR provides analysis of storm drainage impacts of development of the Modesto Urban Area General Plan. The Master EIR identified the following environmental impacts relative to storm drainage:

Effect: The potential impacts on stormwater drainage that could occur from the Modesto Urban Area General Plan were qualitatively evaluated with respect to several factors including: extent of the projected increase in urban surface area compared to undeveloped ground; magnitude of projected changes to hydrologic and physical site characteristics of the study area compared to existing conditions; regulatory criteria and guidelines; and professional judgment. Because the Modesto Urban Area General Plan includes policies that require new development in all three
sections of the planning area to install approved drainage facilities, the potential impacts of the Modesto Urban Area General Plan on stormwater drainage are considered less than significant.

**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 areas and associated urban stormwater drainage. Cumulative hydrologic impacts of stormwater flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of Modesto Irrigation District (MID) and Turlock Irrigation District (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 stormwater 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 Mitigation Measures Applied to the Project**

Modesto Urban Area General Plan storm drainage policies pertinent to the project are found on page V-9-4 of the Master EIR. The applicable measures will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigation Measures Applied to Project," of this Initial Study.

**c. Project-Specific Effects**

This section analyzes whether the project would result in a significant project-specific storm drainage effect not previously analyzed in the Master EIR. The project would have a new significant storm drainage effect if it would:

- **YES**
- **NO**

(1) Be inconsistent with the Modesto Urban Area General Plan.

(2) Substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site.

(3) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

**Discussion:**

(1) The project site is designated as mixed use (MU) and residential (R) in the Modesto Urban Area General Plan and is located in an area currently developed with urban land uses. The existing medical office building, parking, and single family houses that occupy the project site are consistent with the General Plan and the P-D (30), R-1 and R-2 zones. The proposed amendment to the existing P-D (30) zone would be consistent with the General Plan as would the replacement medical office building and associated parking. Furthermore, the project would be consistent with the policies of Chapter V, Section E, of the General Plan.
Due to the conversion of single family houses and two vacant lots to paved surface parking for the medical office building, the total impervious surfaces on the project site would increase over existing coverage. However, in accordance with the City’s requirements, all stormwater would be retained and infiltrated on-site. All on-site stormwater would be collected in drainage inlets and would drain to a City-approved media filtration box (stormfilter by Contech), which would treat the stormwater and allow it to percolate into the ground. Therefore, the project would not contribute runoff that would exceed the capacity of the stormwater drainage system nor provide substantial additional sources of polluted runoff.

During project construction, best management practices would be implemented per the California Stormwater Quality Association Best Management Practices Handbook for Construction (January 2003). The Construction Handbook provides general guidance for selecting and implementing best management practices (BMPs) that will eliminate or reduce the discharge of pollutants from construction sites to waters of the state and developing and implementing stormwater pollution prevention plans (SWPPPs) that document the selection and implementation of BMPs for a particular construction project. The SWPPP would all potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site; describe BMPs to be used to reduce pollutants in storm water discharges from the construction site; and help assure compliance with the terms and conditions of the stormwater permit.

The project would not result in any new significant storm drainage effects and no new or additional mitigation measures or alternatives are required for the project.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

Section V-10 of the Master EIR analyzes flooding and water quality impacts of development projects envisioned in the Modesto Urban Area General Plan. The Master EIR identified the following environmental impacts relative to flooding and water quality:

Effect: Increased runoff can accelerate soil erosion, stream channel scouring and sedimentation of channels, and also increase pollutant transport to waterways. The potential impacts of the General Plan on flooding are considered less than significant because the Modesto Urban Area General Plan Update includes policies to restrict development in the floodplain and therefore would avoid exposing persons and property to flood hazards. In addition, new development under the Urban Area General Plan is required to install stormwater drainage facilities that restrict the amount of post-development runoff from exceeding pre-development conditions.

Effect: The potential impacts of the General Plan on surface water quality are considered less than significant because the City policies and capital improvement projects for stormwater drainage facilities would minimize discharges of urban pollutants to natural waterways. The City drainage program policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City’s implementation policies for the municipal NPDES stormwater permit require new development to implement an appropriate selection of permanent pollution control measures. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through...
vegetation, or otherwise reducing the off-site discharge of particulates and sediment are the most effective method of controlling off-site discharges of urban pollutants.

Effect: The City’s future development will contribute to cumulative water quality effects. The Environmental Protection Agency (EPA) regulations for NPDES stormwater permits and new proposed regulatory additions to the rules have become much more comprehensive in recent years and are being implemented to reduce pollutant runoff from both large- and small-scale activities. Implementation of NPDES-permitting programs throughout the County will reduce potential water quality impacts to a less-than-significant level.

b. Master EIR Mitigation Measures Applied to the Project

As shown on Figure V-10-1c of the Master EIR, the project site is not located in an area with the potential for flooding. Modesto Urban Area General Plan flooding and water quality policies pertinent to the project are found on pages V-10-7 through V-10-10 of the Master EIR. The applicable measures will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigation Measures Applied to Project,” of this Initial Study.

c. Project-Specific Effects

This section analyzes whether the project would result in a significant project-specific flooding or water quality effect not previously analyzed in the Master EIR. The project would have a new significant flooding or water quality effect if it would:

YES NO

(1) Be inconsistent with the Modesto Urban Area General Plan. [x]

(2) Not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act. [x]

(3) Not comply with Modesto’s Guidance Manual for New Development Stormwater Quality Control Measures. [x]

(4) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. [x]

Discussion:

(1) The project site is designated as mixed use (MU) and residential (R) in the Modesto Urban Area General Plan and is located in an area currently developed with urban land uses. The existing medical office building, parking, and single family houses that occupy the project site are consistent with the General Plan and the P-D (30), R-1 and R-2 zones. The proposed amendment to the existing P-D (30) zone would be consistent with the General Plan as would the replacement medical office building and associated parking. Furthermore, as shown on Figure V-10-1c of the Master EIR, the project site is not located in an area with the potential for flooding and the project would be consistent with the policies of Chapter VI, Section C, of the General Plan.
(2) Redevelopment of the project site would be required to comply with the Clean Water Act and the Porter-Cologne Act. The City will require adherence to any Clean Water Act requirements it deems appropriate.

(3) Redevelopment and expansion of the existing medical office building and surface parking lots on the project site must comply with the City's Guidance Manual for New Development Stormwater Quality Control Measures. Compliance would be ensured through City review of building plans and building inspection.

(4) Please refer to Section IV.9, "Storm Drainage," responses to questions two and three, of this Initial Study.

The project would not result in any new significant flooding or water quality effects and no new or additional mitigation measures or alternatives are required for the project.

11. PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

Section V-11 of the Master EIR analyzes parks and recreation impacts of development projects envisioned in the Modesto Urban Area General Plan. The Master EIR identified the following environmental impacts relative to parks and open space:

Effect: Within the Baseline Developed and Redevelopment Areas, the Urban Area General Plan does not propose any elimination of existing park and/or open space land. Impacts on parks and open space will be less than significant.

Effect: The projected population of the Planned Urbanizing Area is 148,600, requiring 149 acres of neighborhood parks and 298 acres of community parks. The required minimum acreages can be met through the application of existing policies and regulations, including Government Code Section 66474, which require developers to pay Parks Capital Facilities Fees to fund the acquisition of appropriate parkland acreage. This impact is less than significant.

b. Master EIR Mitigation Measures Applied to the Project

Modesto Urban Area General Plan parks and open space policies pertinent to the project are found on pages V-11-4 through V-11-8 of the Master EIR. The applicable measures will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigation Measures Applied to Project," of this Initial Study.

c. Project-Specific Effects

This section analyzes whether the project would result in a significant project-specific effect not previously analyzed in the Master EIR. The project would have a new significant parks and open space effect if it would:

YES NO

(1) Be inconsistent with the Modesto Urban Area General Plan. □ ☒
Discussion:

(1) The project site is designated as mixed use (MU) and residential (R) in the Modesto Urban Area General Plan and is located in an area currently developed with urban land uses. The existing medical office building, parking, and single family houses that occupy the project site are consistent with the General Plan and the P-D (30), R-1 and R-2 zones. The proposed amendment to the existing P-D (30) zone would be consistent with the General Plan as would the replacement medical office building and associated parking. Furthermore, the project would be consistent with the policies of Chapter V, Section G, and Chapter VII, Section B, of the General Plan.

The project site does not contain any parks or open space, nor would the project site after redevelopment of the replacement medical office building. The project would not affect parks or open space. In addition, appropriate Capital Facility Fees, including parks fees, must be paid before any building permits can be issued. Fees applied to new development on the project site would be those fees in effect at the time the building permit is issued.

The project would not result in any new significant parks and open space effects and no new or additional mitigation measures or alternatives are required for the project.

12. SCHOOLS

a. Significant Effects Identified in the Master EIR

Section V-12 of the Master EIR provides analysis of school impacts resulting from development envisioned in the Modesto Urban Area General Plan. The Master EIR identified the following environmental impacts relative to schools:

Effect: The estimated increase in population over 1994/1995 would generate an additional 29,200 elementary school students, 7,330 middle school students, and 14,640 high school students above those enrollments. Assuming that existing facilities cannot sufficiently accommodate this increase and that all of the new students would require new school facilities, build out of the General Plan would result in the need for approximately 37 elementary schools, eight middle schools, and seven high schools beyond 1994/1995 levels. This would result in a significant impact on schools in that increased enrollment would exceed current capacity. By statute, this impact is considered to be mitigated below a level of significance by payment of school impact fees and exercise of any or all of the financing options set out in Government Code Section 65997.

b. Master EIR Mitigation Measures Applied to the Project

Modesto Urban Area General Plan schools policies pertinent to the project are found in pages V-12-4 and V-12-5 of the Master EIR. The applicable measures will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigation Measures Applied to Project,” of this Initial Study.

c. Project-Specific Effects

This section analyzes whether the project would result in a new project-specific significant schools effect not previously analyzed in the Master EIR. The project would have a new significant effect on schools if it would:
(1) Be inconsistent with the Modesto Urban Area General Plan.  
☐ ☒

(2) Not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which provide that compliance results in less-than-significant impacts on schools.  
☐ ☒

Discussion:

(1) The project site is designated as mixed use (MU) and residential (R) in the Modesto Urban Area General Plan and is located in an area currently developed with urban land uses. The existing medical office building, parking, and single family houses that occupy the project site are consistent with the General Plan and the P-D (30), R-1 and R-2 zones. The proposed amendment to the existing P-D (30) zone would be consistent with the General Plan as would the replacement medical office building and associated parking. Furthermore, the project would be consistent with the policies of Chapter V, Section H, of the General Plan.

(2) The project site does not contain, nor would it contain, any school facilities and would not change or generate any new population in the City of Modesto. Therefore, the project would not have a direct impact on schools. However, redevelopment of the project site would be required to comply with the provisions of SB 50/Proposition 1A. The project applicant would be required to pay schools fees in effect at the time the building permit is issued. 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 project would not result in any new significant schools effects and no new or additional mitigation measures or alternatives are required for the project.

13. POLICE SERVICES

a. Significant Effects Identified in the Master EIR

Section V-13 of the Master EIR analyzes police service impacts resulting from development envisioned in the Modesto Urban Area General Plan. The Master EIR identified the following environmental impacts relative to police services:

Effect: The 1995 Master EIR identified two impacts on the demand for police services; however, it concluded that no significant impact, based on the mitigation measures identified in the 1995 Master EIR, would occur. Those mitigation measures are now policies of the Urban Area General Plan. The impact is less than significant.

Effect: Within the Planned Urbanizing Area, complying with the Urban Area General Plan policies, particularly the policy that requires a long-range financing strategy for each Comprehensive Plan Area, will allow the City to provide the resources necessary to extend service to the newly growing Planned Urbanizing areas. These policies reduce the impact to a less-than-significant level.
b. Master EIR Mitigation Measures Applied to the Project

Modesto Urban Area General Plan police services policies pertinent to the project are found on pages V-13-3 and V-13-4 of the Master EIR. The applicable measures will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigation Measures Applied to Project," of this Initial Study.

c. Project-Specific Effects

This section analyzes whether the project would result in a significant project-specific police services effect not previously analyzed in the Master EIR. The project would have a new significant effect on police services if it would:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
<th>(1)</th>
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<tr>
<td></td>
<td></td>
<td>Be inconsistent with the Modesto Urban Area General Plan.</td>
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<td>Result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.</td>
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Discussion:

(1) The project site is designated as mixed use (MU) and residential (R) in the Modesto Urban Area General Plan and is located in an area currently developed with urban land uses. The existing medical office building, parking, and single family houses that occupy the project site are consistent with the General Plan and the P-D (30), R-1 and R-2 zones. The proposed amendment to the existing P-D (30) zone would be consistent with the General Plan as would the replacement medical office building and associated parking. Furthermore, the project would be consistent with the policies of Chapter V, Section J, of the General Plan.

(2) The Modesto Police Department's current officers-to-residents ratio is approximately 1.3 per 1,000. The project would result in an increase in the size of the medical office building (approximately 44,500 sf increase). The estimated increase in the number of patients at any given time is from 94 to 109. Sutter Gould currently does not anticipate an increase in the number of staff. The project would also result in the removal of seven single family houses on Locke Road, which could result in a reduction in demand for police services. The Modesto Police Department stated that the new medical office building would not impact their ability to provide police services (pers. comm., Rhea 2006).

The project would not result in any new significant police service effects and no new or additional mitigation measures or alternatives are required for the project.
14. FIRE SERVICES

a. Significant Effects Identified in the Master EIR

Section V-14 of the Master EIR analyzes fire service impacts resulting from development envisioned in the Modesto Urban Area General Plan. The Master EIR identified the following environmental impacts relative to fire services:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. Impacts on fire services of development in these areas will be less than significant.

Effect: In the Planned Urbanizing Area, the Urban Area General Plan would result in the need for additional fire protection services due to increases in the number of employees, permanent population, and associated improvements. City policy requires that fire protection be in place concurrent with construction in the Planned Urbanizing Area. This policy will be implemented with the adoption of future Comprehensive Plans in the Planned Urbanizing Area. This impact would be less than significant.

b. Master EIR Mitigation Measures Applied to the Project

Modesto Urban Area General Plan fire services policies pertinent to the project are found on pages V-14-3 through V-14-5 of the Master EIR. The applicable measures will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigation Measures Applied to Project," of this Initial Study.

c. Project-Specific Effects

This section analyzes whether the project would result in a significant project-specific fire services effect not previously analyzed in the Master EIR. The project would have a new significant effect on fire services if it would:

YES NO

(1) Be inconsistent with the Modesto Urban Area General Plan. ☐ ☒

(2) Result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. ☐ ☒

Discussion:

(1) The project site is designated as mixed use (MU) and residential (R) in the Modesto Urban Area General Plan and is located in an area currently developed with urban land uses. The existing medical office building, parking, and single family houses that occupy the project site are consistent with the General Plan and the P-D (30), R-1 and R-2 zones. The proposed amendment to the existing P-D (30) zone would be consistent with the General Plan as would the replacement medical office building and associated parking. Furthermore, the project would be consistent with the policies of Chapter V, Section K, of the General Plan.
The project would result in a replacement medical office building that is the same height as the existing building, but approximately 44,500 sf larger. The replacement medical office building would be located directly adjacent to the existing building, which would be demolished, and would be constructed according to the Modesto Fire Department's code requirements. In addition, the project would result in the removal of seven single family houses on Locke Road, which could result in a reduction in demand for fire services. The Modesto Fire Department stated that they will be able to serve the proposed building, at its proposed location (pers. comm., Payton 2006).

The project would not result in any new significant fire services effects and no new or additional mitigation measures or alternatives are required for the project.

15. SOLID WASTE

a. Significant Effects Identified in the Master EIR

Section V-15 of the Master EIR analyzes solid waste impacts of development envisioned in the Modesto Urban Area General Plan. The Master EIR identified the following environmental impacts relative to solid waste:

Effect: Since Modesto Urban Area General Plan would exceed available landfill capacity, it is identified as a significant impact. The Fink Road Landfill may be closed by the time the City reaches build out, unless an expansion is approved by the County and the Integrated Waste Management Board. As the waste stream generated increases with population, additional landfills and methods for diversion would have to be utilized. The project will also generate the need for additional collection and transfer facilities. This impact is significant and unavoidable. The impact would be less than significant at such time as the Fink Road Landfill expansion is approved.

Effect: The Modesto Urban Area General Plan makes a considerable contribution to the cumulative impact on landfill capacity of development in Stanislaus County. This impact is significant and unavoidable.

b. Master EIR Mitigation Measures Applied to the Project

Modesto Urban Area General Plan solid waste policies pertinent to the project are found on pages V-15-5 and V-15-6 of the Master EIR. The applicable measures will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigation Measures Applied to Project," of this Initial Study.

c. Project-Specific Effects

This section analyzes whether the project would result in a significant project-specific solid waste effect not previously analyzed in the Master EIR. The project would have a new significant solid waste effect if it would:

YES NO

(1) Be inconsistent with the Modesto Urban Area General Plan. ☐ ☒

(2) Result in waste stream levels that exceed disposal capacity and the County is unable to expand its solid waste disposal capacity. ☐ ☒
Discussion:

(1) The project site is designated as mixed use (MU) and residential (R) in the Modesto Urban Area General Plan and is located in an area currently developed with urban land uses. The existing medical office building, parking, and single family houses that occupy the project site are consistent with the General Plan and the P-D (30), R-1 and R-2 zones. The proposed amendment to the existing P-D (30) zone would be consistent with the General Plan as would the replacement medical office building and associated parking. Furthermore, the project would be consistent with the policies of Chapter V, Section L, of the General Plan.

(2) Expansion of the medical facility would result in an increase of approximately 44,500 sf of building space. However, Sutter Gould anticipates that the expansion would not increase the number of staff and that there would be only a slight increase in the number of patients at any given time (from 94 to 109). The replacement medical office building would be constructed with the required recycling and garbage enclosures per the City of Modesto Garbage Enclosure Guidelines (as adopted by Resolution #2005-404). The expansion of the medical office building is not anticipated to result in a substantial increase in the generation of solid wastes. Therefore, the project would not create the need for expansion of solid waste disposal capacities. The City has stated that it can and will continue to provide solid waste services to the medical office building (pers. comm., Rodriguez 2006). As is currently the case, there would be medical waste bins (for materials such as syringes) on site adjacent to the trash enclosures. The medical waste bins would be locked and the medical waste would be picked up on a weekly basis by a medical waste company.

The project would not result in any new significant solid waste effects and no new or additional mitigation measures or alternatives are required for the project.

16. HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

Section V-16 of the Master EIR analyzes hazardous material impacts resulting from development envisioned in the Modesto Urban Area General Plan. The Master EIR identified the following environmental impacts relative to hazardous materials:

Effect: The impacts of the Modesto Urban Area General Plan relative to hazardous materials are less than significant, based on the existing regulatory framework. New development will be required to comply with regulations monitoring and controlling the handling and use of hazardous and toxic materials.

b. Master EIR Mitigation Measures Applied to the Project

Federal, State, County, and Modesto Urban Area General Plan hazardous materials policies pertinent to the project are found on pages V-16-5 through V-16-12 in the Master EIR. The applicable measures will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigation Measures Applied to Project,” of this Initial Study.
c. Project-Specific Effects

This section analyzes whether the project would result in a significant project-specific hazardous materials effect not previously analyzed in the Master EIR. The project would have a new significant hazardous materials effect if it would:

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<thead>
<tr>
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<th>YES</th>
<th>NO</th>
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<tbody>
<tr>
<td>(1) Be inconsistent with the Modesto Urban Area General Plan.</td>
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<tr>
<td>(2) Not comply with all applicable Federal, State, and County standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.</td>
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<tr>
<td>(3) Contains a contaminated site not identified as of March 2003.</td>
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<tr>
<td>(4) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.</td>
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<tr>
<td>(5) 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>
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</table>

Discussion:

(1) The project site is designated as mixed use (MU) and residential (R) in the Modesto Urban Area General Plan and is located in an area currently developed with urban land uses. The existing medical office building, parking, and single family houses that occupy the project site are consistent with the General Plan and the P-D (30), R-1 and R-2 zones. The proposed amendment to the existing P-D (30) zone would be consistent with the General Plan as would the replacement medical office building and associated parking. Furthermore, the project would be consistent with the policies of Chapter V, Section M, of the General Plan.

(2-5) The Master EIR lists hazardous materials sites located in the City. The project site is not located near any listed hazardous materials or contaminated sites. The project site is located within ¼-mile of John Muir Elementary School.

According to the Phase I Environmental Site Assessment (Bovee Environmental Management, Inc., March 2006) prepared for the project site, no environmental conditions were observed that would warrant further investigation. The federal, state, and local agencies environmental database review identified the project site six times. The six listings relate to the generation and disposal of medical and laboratory waste chemicals, previously closed emergency response cases and hazardous waste manifests relating to off-site asbestos disposal. However, none of the six listings warrants further investigation. In addition, the site history and land use review did not identify any environmental concerns with previous owners/tenants. The Phase I Environmental Site Assessment (Bovee Environmental Management, Inc., March 2006) is available for review at the City of Modesto Community and Economic Development Planning Division.
Asbestos Inspection Reports (Bovee Environmental Management, Inc., 2005 and 2006) for the existing Sutter Gould medical office building as well as six houses located on the northern boundary of the project site on Locke Road identified the presence of asbestos-containing building materials. Asbestos poses health hazards only when inhaled; therefore, friable (easily crumbled) asbestos is potentially hazardous if not encapsulated. Non-friable asbestos or encapsulated asbestos does not pose substantial health risks. During building demolition, asbestos fibers could be disturbed, released into the air, and inhaled by construction workers or the public unless proper precautions are taken. In addition, given the age of the structures (approximately 50 years old), there is a likelihood that lead-based paint may be present on-site as well, which could also become friable when the buildings are demolished. The Asbestos Inspection Reports (Bovee Environmental Management, Inc., 2005 and 2006) are available for review at the City of Modesto Community and Economic Development Planning Division.

Sutter Gould shall coordinate with all appropriate agencies, including the Stanislaus County Department of Environmental Resources Hazardous Materials Division (Stanislaus County HMD), the Central Valley Regional Water Quality Control Board (Central Valley RWQCB), the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD), Department of Toxic Substances Control (DTSC), the Environmental Protection Agency (EPA), California Occupational Safety and Health Administration (Cal/OSHA), and any other applicable federal, State, or local regulatory agencies, regarding appropriate methods to address asbestos and lead-based materials during demolition of the medical office building and single family houses. Methods for containment/removal of asbestos- and lead-containing materials would follow all regulatory standards. All contaminated asbestos- and lead-containing materials removed from the project site shall be disposed of in a manner consistent with applicable regulations at an appropriate off-site disposal facility.

In addition, the Stanislaus County HMD shall be notified if evidence of previously undiscovered soil or groundwater contamination (e.g., stained soil, odorous groundwater) is encountered during excavation activities. Any contaminated areas shall be remediated in accordance with recommendations made by the Stanislaus County HMD, Central Valley RWQCB, DTSC, or other appropriate federal, State, or local regulatory agencies. Compliance with these regulations would prevent the project from resulting in a significant risk to construction workers or the public from exposure to hazardous materials currently present on the site.

During the course of patient care and facility maintenance operations, the facility uses various materials, some of which pose potential hazards. Hazardous materials used or generated on-site include: refrigerant, elevator hydraulic oil, fire extinguisher charge (dry chemicals), and infectious wastes (sharps, biohazards). The medical office building does not handle, store, or use any acutely hazardous materials. The project would result in a minor increase of hazardous materials storage and handling at the medical office building due to the increase in building square footage. However, the continued use of the hazardous materials listed above would not increase risks of human and environmental exposure to hazardous materials. In addition, although the medical office building uses and stores only a small amount of hazardous substances, it still has a Hazardous Materials Business Plan (HMBP) on file with the Department of Environmental Resources.

The project would follow all applicable federal, state, and local regulations during construction and operation of the medical office building and would not result in any new
significant hazardous materials effects and no new or additional mitigation measures or alternatives are required for the project.

17. LANDSLIDES AND SEISMIC ACTIVITY

a. Significant Effects Identified in the Master EIR

Section V-17 of the Master EIR analyzes landslides and seismic impacts of development envisioned in the Modesto Urban Area General Plan. The Master EIR identified the following environmental impacts relative to landslides and seismic activity:

**Effect:** There are areas of known sand and gravel resources within the Baseline Developed Area and Redevelopment Area. Future development will be subject to Surface Mining and Reclamation Act (SMARA) requirements; therefore, the Modesto Urban Area General Plan impact will be less than significant.

**Effect:** There are areas of known sand and gravel resources within the Planned Urbanizing Area. Future development will be subject to SMARA requirements; therefore, the Modesto Urban Area General Plan impact will be less than significant.

b. Master EIR Mitigation Measures Applied to the Project

Modesto Urban Area General Plan policies pertinent to the project are found on pages V-17-6 and V-17-7 in the Master EIR. The applicable measures will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigation Measures Applied to Project," of this Initial Study.

c. Project-Specific Effects

This section analyzes whether the project would result in a significant project-specific seismic effect not previously analyzed in the Master EIR. The project would have a new significant seismic effect if it would:

- **YES NO**
- (1) Be inconsistent with the Modesto Urban Area General Plan. ☐ ☒
- (2) Be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. ☐ ☒

**Discussion:**

(1) The project site is designated as mixed use (MU) and residential (R) in the Modesto Urban Area General Plan and is located in an area currently developed with urban land uses. The existing medical office building, parking, and single family houses that occupy the project site are consistent with the General Plan and the P-D (30), R-1 and R-2 zones. The proposed amendment to the existing P-D (30) zone would be consistent with the General Plan as would the replacement medical office building and associated parking. Furthermore, the project would be consistent with the policies of Chapter VI, Sections B and E, of the General Plan.
According to the Master EIR's description of the General Plan study area, the project site is not located in an area subject to landslide, lateral spreading, subsidence, liquefaction, or collapse.

According to the project-specific geotechnical engineering investigation, there are no active fault traces in the project vicinity, the project site is not within an Earthquake Fault Zone (Special Studies Zone), and the site is located in Seismic Zone 3 (Krazan & Associates, Inc. 2005). (The earthquake hazard potential for the U.S., determined through a national program, has been generalized into four seismic zones, numbered Zone 1 through Zone 4. Zone 1 has the lowest earthquake danger and Zone 4 has the highest earthquake danger.)

Secondary hazards from earthquakes include rupture, seiche, landslides, liquefaction, and subsidence. Since there are no known faults in the project area, there is no risk of ground rupture from surface faulting. There is no risk of seiche because there is no large body of water in the vicinity of the project site. There is also no risk of landslides at the project site because the site and its surroundings are relatively level with no major changes in grade. Liquefaction potential (the sudden loss of shear strength in a saturated cohesionless soil) is low because ground shaking intensities are not strong enough to generate this type of failure. Finally, deep subsidence problems may be low to moderate; however, there are no known occurrences of structural or architectural damage due to deep subsidence in the Modesto area (Krazan & Associates, Inc. 2005).

The project would not result in any new significant seismic effects and no new or additional mitigation measures or alternatives are required for the project.

18. ENERGY

a. Significant Effects Identified in the Master EIR

Section V-18 of the Master EIR analyzes energy impacts of development envisioned in the General Plan. The Master EIR identified the following environmental impacts relative to energy:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. New development within the Redevelopment Area will comply with Title 24 standards as well as City Urban Area General Plan policies. Impacts on energy by development in these areas (i.e., changes in levels of use above the current baseline) will be less than significant.

Effect: Build out under the Urban Area General Plan will utilize an estimated 1,400 million cubic feet per month of natural gas, 1,300 million kilowatt hours (kwh) of electricity per year and 650,000 gallons of gasoline per day. PG&E has indicated that they have at the current time sufficient supplies of natural gas to serve the increased natural gas demands of the project. At present, gasoline supplies are apparently sufficient to serve the gasoline demands of the Modesto Urban Area General Plan. Title 24 of the California Code of Regulation ensures that the project will not exceed local, state, and federal energy standards. The impact is less than significant.

b. Master EIR Mitigation Measures Applied to the Project

Modesto Urban Area General Plan Energy Conservation Policies 1.a through 1.c are pertinent to the project and are found on pages V-16-5 through V-16-12 in the Master EIR. These policies would reduce direct impacts to less than significant by, among other measures,
promoting pedestrian-oriented development, the use of shade trees, and utilities coordination. The applicable measures will be incorporated into or made conditions of approval of this project and are listed in Section V, “Mitigation Measures Applied to Project,” of this Initial Study.

c. Project-Specific Effects

This section analyzes whether the project would result in a significant project-specific energy effect not previously analyzed in the Master EIR. The project would have a new significant energy effect if it would:

YES NO

(1) Be inconsistent with the Modesto Urban Area General Plan.

Discussion:

(1) The project site is designated as mixed use (MU) and residential (R) in the Modesto Urban Area General Plan and is located in an area currently developed with urban land uses. The existing medical office building, parking, and single family houses that occupy the project site are consistent with the General Plan and the P-D (30), R-1 and R-2 zones. The proposed amendment to the existing P-D (30) zone would be consistent with the General Plan as would the replacement medical office building and associated parking. Furthermore, the project would comply with Title 24 standards and would be consistent with the energy policies in the Modesto Urban Area General Plan, Chapter VII, Section I.

The project would not result in any new significant energy effects and no new or additional mitigation measures or alternatives are required for the project.

19. PLANNING AND LAND USE

The certified Modesto Urban Area General Plan Master EIR addressed significant effects in 18 resource areas. The analysis in the Master EIR is based on the planning policies and diagrams adopted as part of the General Plan. Planning and land use were not among the 18 subject areas analyzed in the Master EIR because they essentially defined the project being evaluated in the EIR. Therefore, this section examines only the potential for project-specific planning and land use effects.

a. Project-Specific Effects

The project would have a significant planning and land use effect if it would:

YES NO

(1) Be inconsistent with the Modesto Urban Area General Plan.

(2) Include a substantive amendment to the Modesto Urban Area General Plan.

(3) Physically divide an established community.
Discussion:

(1) Chapter 2, Section C, of the Master EIR, "Anticipated Subsequent Projects," identifies 18 types of projects that are declared to be within the scope of the Master EIR as defined by Public Resources Code 21157.1. Chapter 2, Section C.5, states that, "the City may undertake rezonings at the request of private applicants or on its own initiative for the purpose of implementing the Urban Area General Plan." Chapter III-6, Land Use Policies (a) of the Modesto Urban Area General Plan states that the zoning code and zoning map shall be the primary vehicle to guide future development in the Baseline Developed Area. The project site is within the Baseline Developed Area. The existing medical office building facilities are within an existing planned development zone, P-D (30), which allows for the proposed uses. The medical office building would be relocated within the boundaries of the existing P-D (30) zone. The proposed rezoning of the P-D (30) would change a portion of the R zone, which would be used for surface parking, and incorporate it into the P-D (30) zone for consistency. Parking is allowed in both R and P-D [30]; however, the rezone provides consistency for the entire medical office building facilities within the P-D (30) zone. Therefore, the proposed project rezoning implements the General Plan and it is within the scope of the Master EIR. In addition, Chapter 2, Section C.6, "Miscellaneous Land Use Permits," identifies a variety of City permits that facilitate development. The project would require a building permit from the City before construction could start. The building permit would establish that the project construction must take place in accordance with accepted building codes. Therefore, both the P-D (30) amendment and the construction of a replacement medical office building and associated parking are within the anticipated subsequent projects identified in the Master EIR and are within the declared scope of the Modesto Urban Area General Plan Master EIR.

(2) The project is consistent with the Modesto Urban Area General Plan designation for the project site; therefore, no General Plan amendment is necessary.

(3) Development of an expanded replacement medical office building and associated surface parking would occur on the site of the existing medical office building. Additional surface parking would be developed on adjacent Lots owned by Sutter Gould that are either vacant or are currently occupied by single family houses (Exhibits 4 and 5). The proposed amendment to P-D (30) from R-1 and R-2 would allow for the demolition of seven single family houses along the northern border of the project site and redevelopment of those parcels, as well as parcels at Sunnyside Avenue and Lucern Avenue, as surface parking. Although it would be allowed by the P-D (30) amendment, the removal of houses and redevelopment of parcels with surface parking would result in an intrusion on the existing neighborhood and eliminate houses that contribute to the residential community. Houses on Locke Road that currently have views across to other single family houses would end up with views of surface parking lots for the new medical office building. In addition, although there is a medical office building parking lot currently near Sunnyside Avenue and Lucern Avenue, the increase in surface parking lots at this intersection would also bring the medical facilities closer to the residential houses in this area.

The medical office building has been part of the neighborhood since the mid-1950s. Although the removal of homes would result in the intrusion of additional medical office facilities on the neighborhood, adjacent residences are already isolated and the project would not create a division in the neighborhood that does not already exist due to the existing medical office building. The additional parking lots would remain clustered at...
the current site and the surrounding neighborhood would not be rezoned; it would remain as R-1 or R-2. Therefore, project would not divide an established community.

20. AESTHETICS

The certified Modesto Urban Area General Plan Master EIR addressed significant impacts in 18 resource areas. The analysis in the Master EIR is based on the planning policies and diagrams adopted as part of the General Plan. At that level of detail, no effects on aesthetics were identified. Therefore, this section examines only the potential for project-specific aesthetic effects.

a. Project-Specific Effects

The project would have a significant aesthetic effect if it would:

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<td>(1)</td>
<td>Be inconsistent with the Modesto Urban Area General Plan.</td>
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<tr>
<td>(2)</td>
<td>Have a substantial adverse effect on a scenic vista.</td>
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<tr>
<td>(3)</td>
<td>Substantially degrade the existing visual character or quality of the project site and its surroundings.</td>
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<tr>
<td>(4)</td>
<td>Create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area.</td>
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Discussion:

(1) The project site is designated as mixed use (MU) and residential (R) in the Modesto Urban Area General Plan and is located in an area currently developed with urban land uses. The existing medical office building, parking, and single family houses that occupy the project site are consistent with the General Plan and the P-D (30), R-1 and R-2 zones. The proposed amendment to the existing P-D (30) zone would be consistent with the General Plan as would the replacement medical office building and associated parking. Furthermore, the project would be consistent with the policies of Chapter V, Section M, of the General Plan.

(2) The project site is surrounded by urban development such as single family housing and a school; the site is not located within a scenic vista. Therefore, redevelopment of the site with a replacement medical office building, additional surface parking, and the demolition of the existing medical office building and single family houses would not alter a scenic vista.

(3) The replacement medical office building would be constructed on the same site as the existing facility, which is illustrated in Exhibit 3. The replacement building would be a similar scale and size as the current building. It would have the same height, four stories (approximately 60 feet), but would have a larger total square footage (44,500 sf larger) (Exhibit 5). The replacement building would be located on the eastern portion of the block, next to where the current building is located (Exhibit 5). The current building would be demolished and surface parking would be constructed on the western portion...
of the site (Exhibit 5). The architectural rendering and building elevations of the replacement medical office building are provided in Exhibits 6, 7, and 8.

Views of the project site would change due to the redevelopment. From Coffee Road, the view of the medical office building would become less prominent and viewers would see surface parking in the foreground and the replacement medical office building in the background. Views from Sunnyside Avenue would change from viewing the surface parking lot to a prominent view of the replacement medical office building. The view from the south on Lucern Avenue would remain similar to existing conditions, but the medical office building would switch to the eastern portion of the site and the surface parking to the western portion. The view from the north on Locke Road would change due to the removal of the single family houses on the northern boundary of the project site; the view would change from single family houses to surface parking in the foreground and the medical office building in the background.

Although the redevelopment would change the surrounding views of the project site, the overall visual qualities of the project site would be retained. The overall scale, size, and form of the development would be similar to existing conditions, which include a medical office building and surface parking.

The project would result in the removal of all of the trees on the interior of the site for construction of the replacement medical office building and approximately 50 street trees along the perimeter of the project site for street improvements (Exhibit 9). The street trees that would remain are located in the northeastern portion of the project site nearest the intersection of Locke Road and Sunnyside Avenue. The approximately 50 street trees that would be removed would be replaced tree for tree, and the City has recommended planting 24-inch box trees. In addition, the project would include landscaping around the replacement building and throughout the parking lots as required in the Modesto Urban Area General Plan and the City's Municipal Code. The landscaping is described in Section II, “Project Description,” of this Initial Study.

Although landscaping requirements of the City would require replanting of trees as part of new landscaping (Exhibits 9 and 10), for a number of years the new trees planted on-site would not be fully grown, would not provide the same amount of shade, and would not be as visually appealing as compared to the existing trees growing on the project site. The trees are expected to mature within ten years and the shrubs would mature in three to five years. Although the trees would be different species than the existing trees, they would provide similar canopy and shade at maturity as currently exists. Because the loss of visual quality and shade would be temporary and the newly planted trees would over time grow to fully replace the existing trees on the project site, the removal of existing on-site trees is not considered significant.

(4) Glare is caused by light reflections from pavement, vehicles, and building materials, such as reflective glass and polished surfaces. During daylight hours, the amount of glare depends on the intensity and direction of sunlight. Glare can create hazards to motorists and nuisances for pedestrians, bicyclists, and surrounding land uses. At night, artificial lighting can cause problems similar to those described for daylight glare, and disturb nearby residents in their homes.

The exterior of the new medical office building would be stucco, curtain wall, and glazing and the colors would incorporate aspects of the natural materials in the surrounding areas (Exhibits 6 through 8). The stucco and curtain wall would not induce glare. The
proposed glazing would be an insulated glazing (Class 2), which is tinted, heat absorbing, and light reducing. The visible reflectance from the glazing would range from approximately eight percent to ten percent.

As with the existing facility, lighting would be required to promote safety and security. Because the medical office building would expand by approximately 44,500 sf, and because new parking lots would be constructed, lighting associated within the new building and exterior light fixtures would increase the amount of ambient light emanating from the site. However, exterior lighting would be limited to safety lighting placed on the buildings to light doorways and walkways, and lighting fixtures mounted on 20-foot poles in parking areas. More decorative fixtures would be used around the building. All exterior lighting would be shielded, focused downward, and focused away from the adjacent residential areas. In addition, all exterior lighting would be limited to non-sodium-vapor lighting.

Because the project would avoid the use of highly reflective architectural materials for exterior building finishes and because the exterior lighting would be limited and shielded, project implementation would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. This impact is considered less than significant.

V. MITIGATION MEASURES APPLIED TO THE PROJECT

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to CEQA Section 21157.1 (c), in order for a Finding of Conformance to be made, all feasible measures from the Master EIR appropriate to the project shall be incorporated into the project. As referenced in the resource sections, above, the complete list of Modesto Urban Area General Plan policies and Master EIR mitigation measures are provided in the Master EIR. Based on the project description and this consistency analysis, the following Modesto Urban Area General Plan policies and Master EIR mitigation measures are those that are directly applicable to the project and shall be made part of the project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

Traffic and Circulation Measures:

City of Modesto Policies

Redevelopment Area and Baseline Developed Area

TC-41: Designated City staff will review future development project proposals within the Baseline Developed Area, on a case-by-case basis. The following criteria will be applied to each proposal, and a determination made by the Public Works and Transportation [now, Engineering and Transportation] Director, regarding the acceptable or appropriate level of project impact on the circulation network.

(1) For proposed development projects that conform to the General Plan-approved land use for the site, it is assumed that the adopted performance standards for the circulation system within the area of impact will be maintained. For such projects, the designated City staff will establish and appropriate scope of study for a “Site Access Study”, which may address project impacts to adjacent or nearby intersections, as described in Policies 6-a through 6-c.
(2) The "Site Access Study" shall, at a minimum, analyze, and resolve the following:

(a) Impacts to roadway intersections that are adjacent to the project site.

(b) Impacts to other intersections considered to have a key role in regulating access to the project site or substantial traffic flow between the project site and a key arterial roadway.

(c) Impacts to and design needs for access between internal and off-site vehicular circulation, and linkages to off-site bicycle/pedestrian circulation systems, and transit services.

(d) On site parking needs and impacts to off-site parking, when applicable.

(e) Other operational or safety-related concerns and issues, including site access.

(3) The proposed development project will be designed to incorporate all recommendations of the "Site Access Study".

(4) If implementation of the definitive recommendations of the Site Access Study is impractical or infeasible, a Focused Environmental Impact Report, including a Comprehensive Traffic Study will be required. That study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

(5) For projects which do not conform to the General Plan-approved land use, further, supplemental environmental review may be necessary, in accordance with Section 21157.5(d) of the Public Resources Code. (General Plan Policy V-4.B.6[d])

TC-42: Data from the General Plan Traffic analysis, described in the Traffic Appendix of the Master EIR, shall be utilized to evaluate the effectiveness of the Policies presented above. (General Plan Policy V-4.B.6[e])

Air Quality Measures:

City of Modesto Policies

AQ-16: The City of Modesto should implement measures to reduce the temporary, yet potentially significant, local air quality impacts from construction activities. Potential measures to be implemented may include those measures listed in Table 2-6 in the Master Environmental Impact Report. (General Plan Policy VII-H.2[1])

AQ-17: Table 2-6. Air Quality Measures to Reduce Construction Impacts

(Note: In order to maintain consistency with the General Plan reference, this table does not follow the nomenclature used for tables elsewhere in this Master EIR.)
1. The following mitigation measures shall be implemented by the City of Modesto, and incorporated into development plans and public facility plans as appropriate:
   a. The City of Modesto shall work with the SJVUAPCD to reduce particulate matter emissions from construction, grading, excavation, and demolition to the maximum extent feasible.
   b. If required by Regulation VIII (Fugitive Dust Rules) of the San Joaquin Valley Unified Air Pollution Control District, the City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions and are appropriate to the scale and intensity of use.

2. The following measures should be strongly encouraged, and incorporated into development plans and public facility plans, when it is shown to be appropriate and feasible
   a. The City of Modesto should reduce PM$_{10}$ emissions from City-maintained roads to the maximum extent feasible
   b. The City of Modesto should adopt a standard set of construction-related mitigation measures that can be adapted to all new, non-emergency construction projects in the City.

AQ-18: The City of Modesto shall require residential development projects and projects categorized as sensitive receptors (hospitals, schools, convalescent homes, etc.) to be located an adequate distance from existing and potential sources of toxic and/or odorous emissions such as freeways, major arterials, industrial sites, refuse transfer or disposal sites and hazardous material locations. (General Plan Policy VII-H.2[m])

New Master EIR Mitigation Measure Air-1: PM10 Control Measures

a. SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM$_{10}$
   The following controls are required to be implemented at all construction sites:
   1. 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
   2. All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.
   3. 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.
   4. With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.
5. 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.

6. 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.)

7. 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.

8. 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.

9. Any site with 150 or more vehicle trips per day shall prevent carryout and trackout.

b. Enhanced Control Measures. The following measures should be implemented at construction sites when required to mitigate significant PM$_{10}$ impacts (note, the applicable measures are to be implemented in addition to Regulation VIII requirements):

1. Limit traffic speeds on unpaved roads to 15 mph; and

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

**New Mitigation Measure Air-2: Additional PM$_{10}$ Control Measures.**

The following measures are strongly encouraged at construction sites that are large in area, located near sensitive receptors, or which for any other reason warrant additional emissions reductions:

1. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;

2. Install wind breaks at windward side(s) of construction areas;

3. Suspend excavation and grading activity when winds exceed 20 mph; and

4. Limit the area subject to excavation, grading and other construction activity at any one time.

(Regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent (20 percent) opacity limitation.)
Noise Measures:

City of Modesto Policies

N-5: The noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 AM or after 9:00 PM daily (except Saturday and Sunday and State or federal holidays, when the prohibited time shall be before 9:00 AM and after 9:00 PM):

1. A hammer, or any other device or implement used to pound or strike an object.
2. An impact wrench, or other tool or equipment powered by compressed air.
3. A hand-powered saw.
4. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
5. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
6. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.
7. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

All development projects located within the Baseline Developed Area (and Redevelopment Area) are required to incorporate the policies listed below into the project.

N-6: The City of Modesto shall require 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;
1. 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.

2. Other proposed uses: the noise/land use compatibility guidelines (i.e., those noise levels which are "conditionally acceptable," "normally Unacceptable," or "clearly unacceptable," shown in Table 1 and the most recent noise contours for the City shown in Figure VII-1 [of the City's Urban Area General Plan]. (General Plan Policy VII-G.3[a])

N-7: During City review of a proposed project consistent with the updated General Plan, the City of Modesto shall use the following guidelines to decide whether to require additional study and/or mitigation:

1. Single family Residential uses: the Ldn 65 contour, as depicted on the most recent noise contours for the City, shown in Figure VII-1 [of the City's Urban Area General Plan].

2. Other proposed uses: the noise/land use compatibility guidelines (i.e., those noise levels which are "conditionally acceptable," "normally unacceptable," or "clearly unacceptable," shown in Table 1 and the most recent noise contours for the City shown in Figure VII-1 [of the City's Urban Area General Plan]. (General Plan Policy VII-G.3[b])

N-9: The City of Modesto shall use the most recent noise contour map to implement the requirements of Noise Insulation Standards contained in Title 24 of the California Code of Regulations. (Title 24 applies to multi-family housing, not single family.) Title 24 also specifies minimum values for the sound insulation afforded by interior partitions separating different dwelling units from each other and from interior common space. (General Plan Policy VII-G.3[d])

N-10: For proposed non-residential uses, where noise mitigation is deemed necessary for new developments to meet the exterior noise land use compatibility guidelines (Figure VII-2 [of the General Plan]), the City of Modesto shall require developers to demonstrate that the proposed development will incorporate measures to reduce noise impacts to a less-than-significant level, as follows:

1. Where feasible and consistent with General Plan policy, incorporate setbacks and/or locate less-sensitive uses between a noise source and noise-sensitive uses.

2. Provide (to the extent feasible and consistent with General Plan policy) berms, barriers, or other techniques to shield noise-sensitive uses from noise sources.

3. Incorporate construction techniques to achieve an interior noise limits. One source that can be used for such specifications is the "recommended Maximum Interior Noise Level Criteria for Intermittent Noise," (Table 2, Noise Insulation Problems in Buildings, Paul S. Veneklasen & Associates, January 1973). (General Plan Policy VII-G.3[e])
N-12: In recognition of the conservative methodology used to develop the noise contours shown on Figure VII-1 [of the City's Urban Area General Plan], builders, developers (for private development projects) and the City (for Capital projects) shall be allowed to demonstrate that detailed noise studies and/or mitigation are not necessary because future noise levels would be substantially less than depicted on Figure VII-1 due to, for example, natural shielding (e.g., from intervening topographical features or man-made structures) of a site or inapplicability of assumptions (shown on Table 3-3 of the Master Environmental Impact Report) used to develop the noise contours. (General Plan Policy VII-G.3[g])

**Agricultural Land Measures:**

None

**Water Supply Measures:**

City of Modesto Policies

**WS-6:** Each Comprehensive Plan should include a long-term financing strategy which provides reasonable estimates of costs of on- and off-site infrastructure to support the proposed development pattern. The strategy should generally address public-facility funding, including schools, for any development project which serves to implement the subject Comprehensive Plan. If new public facilities are required which will also serve the broader community, the Comprehensive Plan should include options for broad-based funding mechanisms. (Policy III-D.1[d])

Baseline Developed Area

**WS-7:** During review of all proposed development, the City shall require, as a condition of approval, that all developments reduce their potable water demand. The City should refer to Table V5-1 in the Final Master EIR for potential techniques to reduce potable water demand. (Policy V-C.2[a])

**WS-8:** The City of Modesto will encourage the optimum beneficial use of water resources within the City. The City shall strive to maintain an adequate supply of high-quality water for urban uses. (Policy V-C.2[b])

**WS-9:** The City of Modesto will strive to stabilize groundwater levels and eliminate groundwater overdraft, as part of a conjunctive groundwater-surface water management program. The City shall view regional water resources, such as groundwater, surface water, and recycled wastewater, as an integrated hydrologic system when developing water management programs. (Policy V-C.2[c])

**WS-10:** The City of Modesto will be the sole provider of municipal and industrial water services to the area within the City’s Sphere of Influence. The City will cooperate with the overlying agricultural water providers, MID and TID, and with adjacent municipal and industrial providers for the mutually beneficial management of the limited water resources. The City will also take into consideration its public trust duty with regard to environmental uses of water resources. (Policy V-C.2[d])
WS-11: Water facilities will be constructed, operated, maintained, and replaced in a manner that will provide the best possible service to the public, given the financial abilities and constraints of the City and of the private sector alike. (Policy V-C.2[e])

WS-12: The City will continue to establish guidelines, policies, and programs to implement water conservation to the maximum extent feasible. The City shall strive to maximize the utilization of water resources when developing and implementing its Economic Development Strategy. (Policy V-C.2[f])

WS-13: The City supports the local management of groundwater resources, rather than state regulation or adjudication. The City will adopt a Groundwater Management Plan in accordance with AB 3030 and in cooperation with the adjacent and overlying water providers within the groundwater basins the City occupies. (Policy V-C.2[g])

Sanitary Sewer Service Measures:

City of Modesto Policies

SS-4: Under its NPDES permit, Modesto is required to develop, administer, implement, and enforce a Comprehensive Stormwater Management Program to reduce pollutants carried in urban runoff to the maximum extent practicable. The City has adopted a guidance manual specifically to control post-construction urban runoff pollutants from newly developed and redeveloped areas. The manual describes Best Management Practices for source control and treatment control measures for commercial/industrial and multifamily residential sources.

Baseline Developed Area and Redevelopment Area

SS-5: To protect public health and the environment, the City of Modesto will maintain the standards for effluent water and biosolids, from Modesto's wastewater treatment facilities, as established by the Central Valley RWQCB, in compliance with the Federal Clean Water Act, the State Porter-Cologne Act, and their implementing regulations, current and future. (Policy V-D.2[a])

SS-6: Wastewater facilities will be constructed, operated, maintained and replaced in a manner that will provide the best possible service to the public, given the financial abilities and constraints of the City and of the private sector alike. In developing implementation plans, considerations shall be given to rehabilitation of essential existing facilities, expansion for current excess demand, and the timely expansion for future demand. (Policy V-D.2[b])

SS-7: The City’s wastewater system capacity will be allocated to existing and future residential, commercial and industrial customers. Discharges from environmental cleanup sites may be issued conditional discharges permits subject to the availability of excess treatment capacity. In accordance with federal and state regulations, all discharges to the wastewater system may not, or may not threaten to, upset, interfere, or pass through the wastewater system. (Policy V-D.2[c])

SS-8: Subject to the approval of the Stanislaus County LAFCO, the City of Modesto and the Salida Sanitary District will be the sole providers of wastewater services to the area within the City’s Sphere of Influence and sewer service area. (Policy V-D.2[d])
SS-9: The City will encourage the regional beneficial reuse of reclaimed water. The City is committed to development of a full reclamation program in the long term. (Policy V-D.2[e])

SS-10: The City should strive to use land application of biosolids as the most environmentally beneficial reuse of this resource, rather than the disposal options of landfiling or incineration. (Policy V-D.2[f])

SS-11: The City should establish odor buffer zones around primary and secondary wastewater plant, thereby minimizing the likelihood of odors impacting new residential or commercial development. (Policy V-D.2[g])

SS-12: The City should utilize source control and demand management among its tools for accomplishing the most cost-effective wastewater management, protective of public health and the environment. (Policy V-D.2[h])

Sensitive Wildlife and Plant Habitat Measures:

None

Archaeological or Historic Sites Measures:

City of Modesto Policies

Baseline Developed Area

AH-9: For proposed development outside an identified archaeological resource study area (as depicted on Figure 8-1 in the 1995 Master EIR), no further research for prehistoric deposits is warranted unless specific information concerning the known or potential presence of significant cultural resources is identified in future updates at the applicable cultural resource information repository or through formal or informal input received from a qualified source. If previously unknown subsurface cultural resources are discovered during excavation activities, excavation would be temporarily halted and an archaeologist consulted as to the importance of the resources. Should the archaeologist determine that the resources are important, the project sponsor would follow the procedure described in Policy 2(a), above. (General Plan Policy VII-F.2[b])

AH-12: If archaeological resources are discovered at any time during construction, all activity shall cease until the site is surveyed by a qualified archaeologist. The survey shall include mitigation measures, which shall be implemented before construction resumes. The survey shall follow the criteria presented in Appendix K of the State CEQA Guidelines. (General Plan Policy VII-F.2[e])

AH-13: When structures or areas of historical significance more than 50 years old are proposed for demolition or alteration or where construction is proposed within 100 feet of that structure, the applicant shall submit to the City data regarding the structure’s history or locations and prepared by a qualified architectural historian. The City shall evaluate the historical significance of the proposal and require measures be implemented to preserve all structures and places it deems historically significant. (General Plan Policy VII-F.2[g])
Mitigation Measure Cultural-1: The Modesto Urban Area General Plan shall be amended to include the following policy VII.F.2(g):

As an ongoing measure, the City of Modesto shall maintain professional standard inventories of historic resources, such as those conducted by Carey and Company in 1997, with the findings of those inventories concurred by the SHPO and kept on file with the State Office of Historic Preservation. The records will provide a preliminary assessment of eligibility at the initial study stage to indicate whether CEQA protections would apply in the case of a project application or whether the resource has previously been determined ineligible. When no previous survey has been conducted, buildings and structures older than 50 years must be evaluated by a professional historian or architectural historian prior to project approval to determine whether the resource is a historically significant resource, for purposes of CEQA.

When CEQA does apply, the character-defining elements of resources that will be affected should be identified by an architectural historian, city staff member, or other professional qualified under Secretary of Interior Standards to review such projects. It is these elements that are a crucial part of the ability of the resource to convey its historic significance. Projects that would alter character-defining elements would cause a compromise in historic integrity and would constitute a significant impact. Projects that follow Secretary of Interior Standards, in consultation with SHPO, can be considered mitigated to a level of less than significant.

The modification of historic structures and places can be mitigated through the application of existing regulations and consultation with the State Historic Preservation Officer, an interim procedure whereby the City evaluates proposals to modify historic structures and develops a program to reduce the impacts on an individual basis.

Storm Drainage Measures:

City of Modesto Policies

SD-4: Plans and specifications for new stormwater facilities within the City of Modesto are reviewed and approved by the Engineering and Transportation Department. Development of stormwater drainage facilities must be in compliance with the requirements for the installation of Best Management Practices (BMPs) as defined in the City's Comprehensive Stormwater Management Program (CSMP) and as outlined in the City of Modesto Design Standards for Dual Use Flood Control/Recreation Facilities, adopted December 12, 2000.

Baseline Developed Area

SD-5: Two-thirds of the Baseline Developed Area is served by underground injection of urban runoff, commonly termed "rockwells". New rockwells will be discouraged within the Baseline Developed Area. Instead, new storm drainage in the Baseline Developed Area shall be by means of positive storm drainage systems unless the proposed service area is so isolated from surface waters that it is infeasible to provide positive drainage.

The new storm drainage facilities shall consider the drainage facility requirements presented in Table 9-1 of the Master EIR. This policy applies to both positive storm
drainage systems and to new rockwells (which are generally discouraged) in the Baseline Developed Area. (General Plan Policy V-E.2[a])

SD-6: The Modesto Irrigation District shall be consulted during the preparation of drainage studies required by the Urban Area General Plan. (General Plan Policy V-E.2[b])

SD-7: The City of Modesto shall prevent water pollution from urban storm runoff as established by the Central Valley Regional Water Quality Control Board for surface discharges and Environmental Protection Agency for underground injection. (General Plan Policy V-E.2[c])

SD-8: Stormwater drainage facilities shall be constructed, operated, maintained, and replaced in a manner that will provide the best possible service to the public, given the financial abilities and constraints of the City and of the private sector alike. In developing implementation plans, consideration shall be given to rehabilitation of existing facilities, remediation of developed areas with inadequate levels of drainage service, and the timely expansion of the system for future development. (General Plan Policy V-E.2[d])

Flooding and Water Quality Measures:

City of Modesto Policies

Flooding – None

Water Quality

FWQ-13: The City is authorized to discharge wastewater and municipal stormwater under a municipal NPDES stormwater permit issued by the Central Valley RWQCB. The NPDES program requires the City to implement BMPs for construction activities, stormwater drainage systems, and municipal operations that effectively reduce pollutant transport in stormwater such as erosion control measures, preventive maintenance procedures, public education, and other, more complex, water quality treatment systems.

The City has developed a Comprehensive Stormwater Management Program (CSWMP) to reduce pollutants in stormwater to the maximum extent practicable with requirements for the appropriate use of BMPs. The program includes public awareness and participation, source control, regulatory restrictions, water quality monitoring, and treatment control. The City recently prepared a guidance manual for the New Development Management Program element of the CSWMP that includes design guidelines for source-control measures and treatment-control measures to specifically control urban-runoff pollutants from new development and redeveloped areas (City of Modesto 2000b).

The New Development Management Program includes BMP requirements based on four types of land use developments (i.e., single family residential, multi-family residential, commercial, and industrial), size of the lot (less than or greater than one acre), and whether the development is in an area served by rockwells and/or City treatment control basins (i.e., stormwater retention/detention basins). Source control measures are generally required for all new development and are defined as operational and/or structural practices that prevent or reduce pollutants at their source.
Source control measures typically consist of good housekeeping practices (spill prevention, proper storage methods, and proper waste cleanup procedures).

Treatment control measures are required when necessary to augment source control measures in preventing stormwater pollution. Treatment control measures capture and treat stormwater runoff through settling, filtration, adsorption, and/or biodegradation. Treated runoff is then either discharged to a surface channel or infiltrated into the groundwater. Several treatment control measures suited for the Modesto area include vegetated swales, vegetated filter strips, media sand filters, infiltration devices (e.g., basins, trenches, porous paving), and detention/retention basins. In addition, all new connections to rockwells must use improved catch basins for treatment control. Detention/retention basins are typically required for large developments and large regional facilities.

**FWQ-14:** The City requires that new development comply with the Guidance Manual for New Development Stormwater Quality Control Measures. These include the following:

1. **Single-family Residential:** Source control measures and modified catch basins in rockwell areas; source control measures in areas with treatment control basins; source control measures in areas with less than one acre of direct discharge to the city’s storm drainage system or surface waters; and source control measures and treatment control basin in areas with more than one acre of direct discharge.

2. **Multi-family Residential:** Source and treatment control measures and modified catch basins in rockwell areas; source control measures in areas with treatment control basins; source control measures in areas with less than one acre of direct discharge; and source control measures and treatment control basin in areas with more than one acre of direct discharge.

3. **Commercial:** Source and treatment control measures and modified catch basins in rockwell areas; source control measures in areas with treatment control basins; and source and treatment control measures in areas of direct discharge.

4. **Industrial:** Source and treatment control measures and modified catch basins in rockwell areas; source control measures in areas with treatment control basins; and source and treatment control measures in areas of direct discharge.

**Baseline Developed Area, Redevelopment Area, and Planned Urbanizing Area**

**FWQ-16:** The City of Modesto shall prevent water pollution from urban storm runoff as established by the Central Valley Regional Water Quality Control Board for surface discharges and the Environmental Protection Agency for underground injection. (General Plan Policy V.E.2.C)

**Parks and Open Space Measures:**

None
Schools Measures:

City of Modesto Policies

Public Schools Policies—Baseline Developed Area

S-7: The City shall continue to require that the developer pay, prior to issuance of any building permits, the maximum residential, commercial, and industrial development school fees in effect at the time building takes place. This requirement is in accordance with the provisions of Assembly Bill 2926. (General Plan Policy V-H.2[e])

Police Services:

None

Fire Services:

City of Modesto Policies

Baseline Developed Area, Redevelopment Area and Planned Urbanizing Area

FS-16: Peak Load Water Supply. The City shall ensure that adequate water fire flows are maintained throughout the City and shall regularly monitor fire flows to ensure adequacy. New development shall comply with the minimum fire-flow rates, as presented in Appendix III-A of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards. (General Plan Policy IV-D.1[a])

FS-17: Minimum Road Widths and Clearances around Structures. Minimum road widths and clearances around structures shall conform to Section 10.204(a) of the Uniform Fire Code. The Fire Chief is allowed by the Uniform Fire Code to alter any published standards. (General Plan Policy IV-D.1[b])

Generation of Solid Waste

None

Generation of Hazardous Materials

City of Modesto Policies

HM-13: The City shall comply with all existing federal and state laws, which regulate the generation, transportation, storage, and disposal of hazardous materials (General Plan Policy V-M.2[a]).

HM-14: The City of Modesto should require that businesses and industries using hazardous material provide mitigation measures commensurate with the hazards they bring to the community, in accordance with the applicable Articles and Sections of the most current adopted edition of the Uniform Fire Code (General Plan Policy V-M.2[b]).

HM-15: 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 (General Plan Policy V-M.2[c]).

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 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 enough to allow any use at the site. In practice, the technical feasibility of locating a specific use on a specific site may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA 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 (General Plan Policy V-M.2[c]).

HM-16: 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 material transportation program or, working with the applicant, modify it to the satisfaction of both parties (General Plan Policy V-M.2[d]).

HM-17: The City shall continue to participate in the existing Household Hazardous Waste Programs, including support of the drop-off facility, continued public information, and participation in the oil and battery collection programs.

HM-18: The City shall comply with Stanislaus County's Hazardous Waste Management Plan, to ensure proper treatment of possible contamination that could spread over City boundaries.

HM-19: 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 (General Plan Policy V-M.2[e]).
Stormwater Drainage Policies—Baseline Developed Area

HM-20: Two-thirds of the Baseline Developed Area is served by underground injection of urban runoff, commonly termed “rockwells”. New rockwells will be discouraged within the Baseline Developed Area. Instead, new storm drainage in the Baseline Developed Area shall be by means of positive storm drainage systems, unless the proposed service area is so isolated from surface waters that it is infeasible to provide positive drainage.

The new storm drainage facilities shall consider the drainage facility requirements presented in Table 9-1 of the Final Master Environmental Impact Report. This policy applies to both positive storm drainage systems, and to new rockwells (which are generally discouraged) in the Baseline Developed Area, and is subject to the standards listed in the City of Modesto Design Standards for Dual Use Flood Control/Recreation Facilities, adopted December 12, 2000, where applicable.

HM-21: The Modesto Irrigation District shall be consulted during the preparation of drainage studies required by this General Plan.

HM-22: The City of Modesto shall prevent water pollution from urban storm runoff as established by the CVRWCB for surface discharges and Environmental Protection agency for underground injection.

HM-23: Stormwater drainage facilities shall be constructed, operated, maintained and replaced in a manner that will provide the best possible service to the public, given the financial abilities and constraints of the City and of the private sector alike. In developing implementation plans, consideration shall be given to rehabilitation of existing facilities, remediation of developed areas with inadequate levels of drainage service, and the timely expansion of the system for future development.

Potential for Landslides and Seismic Activity

City of Modesto Policies

Baseline Developed Area and Planned Urbanizing Area

LSA-8: The City shall continue to use building codes as the primary tool for reducing seismic risk in structures. The Uniform Building Code, which has been adopted by Modesto, Stanislaus County, and other cities in the County, is intended to ensure that buildings resist major earthquakes of the intensity or severity of the strongest experience in California, without collapse, but with some structural as well as nonstructural damage. In most structures, it is expected that structural damage could be limited to repairable damage, even in a major earthquake. (General Plan Policy VI-B.2[a])

LSA-9: The City shall continue to require all new buildings in the City to be built under the seismic requirements of the Uniform Building Code, 1979 (or subsequent) edition. (General Plan Policy VI-B.2[b])

LSA-10: The City shall continue to explore measures to induce building owners to upgrade and retrofit structures to render them seismically safe. (General Plan Policy VI-B.2[c])
LSA-11: Any construction which occurs as a result of the Urban Area General Plan must conform to the current UBC regulations, which address seismic safety of new structures and slope requirements. As appropriate, the City will require a geotechnical analysis prior to tentative map review in order to ascertain site-specific subsurface information necessary to estimate foundation conditions. These geotechnical studies should reference and make use of the most recent regional geologic maps available from the California Department of Conservation Division of Mines and Geology. (General Plan Policy VI-E.1[a])

LSA-12: Fluvial erosion during construction shall be controlled by a construction erosion control program which shall be filed with the City Public Works & Transportation Department and kept current throughout any site development phase. (General Plan Policy VI­E.2[a])

LSA-13: The erosion control program shall include “best management practices” as appropriate, given the specific circumstances of the site and/or project. Table 9-2 in the Master Environmental Impact Report presents examples of best management practices. (General Plan Policy VI-E.2[b])

LSA-14: Sediment control basins to capture eroded sediments and contain them on the project sites shall be designed to take into consideration appropriate criteria as outlined in Table 9-3 in the Master Environmental Impact Report. (General Plan Policy VI-E.2[c])

Energy City of Modesto Policies

E-6: The City of Modesto shall require shade trees, where feasible and appropriate, in landscape plans for all new development proposals. The City shall develop shade-tree specifications for different land uses (residential, commercial, parking lots, etc.) including appropriate types of trees (size, deciduous or evergreen, absence of lower branches, etc.), locations (e.g., distance from structures), density (i.e., within a subdivision or parking lot), and orientation (trees on the west side of a building generally provide the most benefit) for use in landscape plans. (Energy Conservation, Policy 1.a)

Planning and Land Use

None

Aesthetics

None
VI. MANDATORY FINDINGS OF SIGNIFICANCE

<table>
<thead>
<tr>
<th>ENVIRONMENTAL ISSUES</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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<tbody>
<tr>
<td>a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory?</td>
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<td>b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)</td>
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<td>c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?</td>
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Authority: Public Resources Code Sections 21063 and 21087.

Discussion

a) Less-than-Significant Impact. As evaluated in this Initial Study, the proposed project would not substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare, or threatened species, or eliminate important examples of the major periods of California history or prehistory. However, the proposed project is consistent with the Master EIR impact analysis and the project would not result in any project-specific environmental effects that would substantially affect wildlife habitats or cultural resources beyond those previously described and considered in the Master EIR.

b) Less-than-Significant Impact. The proposed project would relocate and expand an existing medical office building through amendment of the project site land use designation to P-D (30). The proposed land use amendment is consistent within the scope of the Master EIR for the purpose of implementing the Urban Area General Plan because the proposed project is an anticipated subsequent project identified in the Master EIR and within the scope of the Modesto Urban Area General Plan Master EIR. All environmental impacts associated with implementation of the proposed project have been adequately and sufficiently analyzed in the Master EIR, including cumulatively considerable impacts (e.g., traffic, air quality). Therefore, the proposed project would
not add considerably to any cumulative impacts as discussed in each of the Environmental Checklist sections contained in this Initial Study.

c) **Less-than-Significant Impact.** The project would not result in environmental effects that would cause substantial adverse direct or indirect effects on human beings. The project would result in similar land uses for the project site. However, removal of existing houses for construction of parking areas would place vehicles in close proximity to existing residences, which are considered sensitive receptors, could degrade air quality, and increase safety hazards that could directly and indirectly effect human beings. However, the proposed project is consistent with the Master EIR impact analysis and the project would not result in any project-specific environmental effects that would substantially affect, directly or indirectly, human beings beyond the analysis of the Master EIR.
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Initial Study
C&ED No. 2006-53
November 2006

City of Modesto Finding of Conformance
General Plan Master EIR
96


MODESTO CITY COUNCIL
RESOLUTION NO. 2007-065

A RESOLUTION FINDING THAT THE PROPOSED AMENDMENT TO THE URBAN AREA GENERAL PLAN AND THE 2006 NON-MOTORIZED TRANSPORTATION PLAN ARE WITHIN THE SCOPE OF THE PREVIOUSLY CERTIFIED URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 19990820) AND THAT, PURSUANT TO SECTIONS 15168(C) AND 15182 OF THE CEQA GUIDELINES, NO NEW ENVIRONMENTAL REVIEW IS REQUIRED.

WHEREAS, a General Plan for the City of Modesto entitled “City of Modesto Urban Area General Plan”, was adopted by the City Council by Resolution No. 95-409, on August 15, 1995, and as amended by Resolution No. 2003-122 on March 4, 2003, in accordance with Section 65300 of the Government Code; and

WHEREAS, on March 4, 2003, the City Council of the City of Modesto recertified the Final Master Environmental Impact Report ("Master EIR") (SCH No. 1999082041) for the Modesto Urban Area General Plan by Resolution No. 2003-123; and

WHEREAS, Government Code Section 65358 permits the amendment of a General Plan up to four (4) times per calendar year; and

WHEREAS, the Modesto Urban Area General Plan has been further amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 2001-476, 2002-154, 2002-526, 2003-101, and 2003-122, copies of which are on file in the office of the City Clerk; and

WHEREAS, the General Plan has not been amended this calendar year; 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 Council of the City of Modesto has considered an Initial Study, Environmental Assessment No. EA/C&ED No. 2006-44, as described in Exhibit “1”, attached hereto and incorporated herein by reference, which concluded that the proposed Amendment to the Urban Area General Plan is within the scope of the previously certified Urban Area General Plan Master Environmental Impact Report (SCH No. 19990820) and that, pursuant to Sections 15168(c) and 15182 of the CEQA Guidelines, no new environmental review is required, and

WHEREAS, by an agenda report to the City Council from the Parks, Recreation and Neighborhoods Department dated December 21, 2006, City staff recommended finding that the proposed Amendment to the Urban Area General Plan and the 2006 Non-Motorized Transportation Plan are within the scope of the previously certified Urban Area General Plan Master Environmental Impact Report (SCH No. 19990820) and that, pursuant to Sections 15168(c) and 15182 of the CEQA Guidelines, no new environmental review is required, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m. on January 9, 2007, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed finding, and

WHEREAS, on January 9, 2007, the City Council of the City of Modesto held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary relating to the finding that the proposed Amendment to the Urban Area General Plan and the 2006 Non-Motorized Transportation Plan are within the scope of the previously certified Urban Area General Plan
Master Environmental Impact Report (SCH No. 19990820) and that, pursuant to Sections 15168(c) and 15182 of the CEQA Guidelines, no new environmental review is required,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby finds and determines as follows:

1. The proposed General Plan Amendment and Non-Motorized Transportation Master Plan are consistent with the Modesto Urban Area General Plan because they will further a goal of the Urban Area General Plan to promote alternative transportation.

2. A General Plan Amendment is needed to add the roadway designation of "Principal Arterial with Bike Lanes" so as to provide a more comprehensive and better-functioning bicycle transportation system within Modesto.

3. A 45-day public review period for the proposed General Plan Amendment was completed and ended November 8, 2006, pursuant to Government Code Section 65352.

4. The proposed General Plan Amendment and Non-Motorized Transportation Master Plan will help promote bicycling and walking as transportation modes in Modesto.

5. The proposed General Plan amendment and Non-Motorized Transportation Master Plan will reduce traffic by promoting bicycling and walking for transportation and by increasing convenience and safety for people who choose to bicycle and walk.

6. The proposed General Plan amendment and Non-Motorized Transportation Master Plan will improve air quality by increasing convenience and safety for people who choose to bicycle and walk within Modesto.

7. The Project is compatible with surrounding, existing and planned land uses; will reduce traffic impact as compared to the Master EIR; will improve air quality; will have no significant effect on existing and planned open space; and will have no significant effect on existing and planned public facilities and public services.

8. In accordance with Sections 15168(c) and 15182 of the California Environmental Quality Act ("CEQA") Guidelines, this Project is within the scope of the projects covered by the Modesto Urban Area General Plan, as amended, and no new environmental document or findings are required by CEQA.

9. There are no substantial changes proposed by the Project which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Master EIR are required.
10. No substantial changes have occurred with respect to the circumstances under which the Project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Master EIR are required.

11. There is no new information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence when the Master EIR was adopted, which shows any of the following:
   a. One or more significant effects which is not discussed in the Master EIR; or,
   b. Significant effects which were previously examined will be substantially more severe than previously shown; or,
   c. Previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the Project, but the Project proponents decline to adopt the mitigation measure or alternative; or,
   d. Mitigation measures or alternatives which are considerably different from those analyzed in the Master EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

12. The Initial Study, Environmental Assessment EA/C&ED No. 2006-44 provides the substantial evidence to support findings 3-11, noted above.
The foregoing resolution was introduced at the regular meeting of the Council of the City of Modesto held on the 9th day of January, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

Ayes: Councilmembers: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

Noes: Councilmembers: None

Absent: Councilmembers: None

ATTEST: Jean Morris

JEAN MORRIS, City Clerk

APPROVED AS TO FORM

By: Susana Acalia Wood, City Attorney
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study EA/C&ED No. 2006-44

For the proposed:

Amendment to the Modesto Urban Area General Plan to Add the Roadway Designation of "Principal Arterial with Bike Lanes" and Adopt the 2006 Updated Non-Motorized Transportation Master Plan

Prepared by:
City of Modesto
Parks, Recreation and Neighborhoods Department
September 21, 2006
City of Modesto
Master EIR Initial Study Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City’s Master EIR. This Initial Study Checklist is used in determining whether the Amendment to the Modesto Urban Area General Plan to Add the Roadway Designation of “Principal Arterial with Bike Lanes” and 2006 Updated Non-Motorized Transportation Master Plan is “within the scope” of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 1999082041) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformity.

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)

This analysis relies upon the City of Modesto’s Final Master Environmental Impact Report for the Urban Area General Plan and related amendments to the Urban Area General Plan, certified March 4, 2003 (SCH #1999082041).

II. PROJECT DESCRIPTION

A. Title: Amendment to the Modesto Urban Area General Plan to Add the Roadway Designation of “Principal Arterial with Bike Lanes” and adopt the 2005 Updated Non-Motorized Transportation Master Plan

B. Address or Location: This project is located within the City of Modesto

C. Applicant: City of Modesto Parks, Recreation and Neighborhoods Department

D. City Contact Person: Doug Critchfield, Manager, Parks Planning and Development

Project Manager: Robert Ford, Project Coordinator
Department: Parks, Recreation and Neighborhoods Department
Phone Number: 209.577.5437
E-mail address: bford@modestogov.com

City of Modesto Finding of Conformance
General Plan Master EIR

Initial Study
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27 April, 2006
E. Current General Plan Designation(s): Not applicable

F. Current Zoning Classification(s): Various Zones

G. Surrounding Land Uses: North: Existing urban and rural areas
   South: Existing urban and rural areas
   East: Existing urban and rural areas
   West: Existing urban and rural areas

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):

This project will consist of amending the Modesto Urban Area General Plan to add the roadway designation of "Principal Arterial with Bike Lanes" and adopt the 2006 updated Non-Motorized Transportation Master Plan. A Bike Lane is defined as a Class II Bikeway, which provides a striped and stenciled lane for one-way travel on a street or highway. Currently, the General Plan allows bike lanes on Collector and Minor Arterial streets but does not allow bike lanes on Principal Arterial Streets. An amendment to the General Plan is needed to provide a roadway designation that allows bike lanes on Principal Arterial Streets where bicycle facilities will be developed. The text of the General Plan Amendment is included as Exhibit "A" and is attached at the end of this document. The General Plan Amendment includes revisions to Chapter V, Section B: Circulation and Transportation, and includes revisions to Figure V-1 Circulation and Transportation Diagram. An update is needed to the 1996 Non-Motorized Transportation Master Plan in order to provide current information about existing conditions and needs. The updated plan will serve as a blueprint to be used by City staff and the development community with regard to the type and location of new bicycle and pedestrian facilities in Modesto. The 2006 Non-Motorized Transportation Master Plan is included as Exhibit "B" and is attached at the end of this document.

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. The following items are found to be true:

A. The type of project is 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 items are found to be true:

A. The type of project is 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. The following items are found to be true:

A. The type of project is 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

Title

Date

4. Within the Scope Analysis of this Document:

The Master EIR permits projects to be found within the scope of the MEIR if certain criteria are met. Basically, if the following statements are found to be true for all 20 sections of this Initial Study, then the project was covered by the MEIR analysis and is within the scope of the MEIR. Any “No” response must be discussed.

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

(2) City policies which reduce, avoid or mitigate environmental effects, will continue to be in effect and therefore would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template.

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

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

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

(6) Development within the project will comply with all mitigation measures identified in the 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 20 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 discussed.
(1) Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.  

(2) This project was 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:

(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) Policies remain in place that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this 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 a notice of conformity after completion of the Initial Study fulfills the City's obligation in that situation.

All environmental effects cited reflect year 2025 build-out of the Urban Area General Plan as identified in the MEIR.

The Master EIR for the General Plan organizes its analysis of environmental impacts into eighteen subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of cross-reference, the sections are numbered in the same order as the analyses in Chapter V.

In addition to the 18 Master EIR subject areas, the Initial Study checklist addresses the issues of land use/planning and aesthetics. The reason for including these additional issues is to ensure that consideration is being given to the full range of subjects of importance contained in Appendix G of the CEQA Guidelines. The format for the land use/planning and aesthetics sections differs from that of the other 18 subject areas since these two subjects were not addressed as distinct subjects in the Master EIR.
1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant and unavoidable traffic and circulation impacts:

Effect: Increased traffic will result in certain roadway segments operating at LOS D or worse.

Effect: The Substantial increase in traffic relative to the existing load and capacity of the street system will cause, violation, either individually or cumulatively, of an LOS standard established by the County CMP for designated roads and highways.

Effect: Creation of need for Capacity-enhancing modifications to existing facilities.

Effect: Increase in energy consumption associated with the operation of highway projects, rail improvements, and aviation facilities.

Effect: Severe contrast with existing neighborhood or area character caused by highway and transit projects.

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

Traffic and Circulation mitigation measures that are pertinent to this project are found on MEIR pages V-1-15 through V-1-21. All feasible measures appropriate to the project – including any new measures - will be incorporated into or made conditions of approval of this project and will be listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes: The project will add no significant impacts beyond those identified in the Master EIR, therefore no mitigation is required.

c. Project-Specific Effects

Section V-1.B of the MEIR 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 previously analyzed in the MEIR.

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

YES NO

(1) The project exceeds the Master EIRs traffic generation assumptions for this site and City Engineering and Transportation staff has determined that the project would have additional project-specific effects that are not avoided or reduced by the Master EIRs program of mitigation measures.

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27 April, 2006
(2) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment).

(3) Result in inadequate emergency access.

(4) Result in inadequate parking capacity.

Discussion:

General Plan Amendment (GPA):

(1) The City Public Works Department, Traffic Division has reviewed the project and determined that the project is within the scope of the Master EIR and no further traffic study is required. The design standard for Principal Arterial with Bike Lanes, as shown in Exhibit 1, provides for six travel lanes with a right-of-way width of 127 feet and a design speed of 45 mph. The design standard for Principal Arterial without bike lanes provides for six travel lanes with a right-of-way width of 114 feet and a design speed of 45 mph. This design standard for Principal Arterials with Bike Lanes follows the guidelines within Caltrans' Highway Design Manual (Chapter 1000) for high-speed, high-volume roads, with a five-foot-wide bike lane shown on either side of the roadway. AASHTO's "Guide for the Development of Bicycle Facilities" also recommends this bike lane width as a design standard for roadways that have the vehicle speeds and volumes. The amendment to the Modesto Urban Area General Plan to add the roadway designation of "Principal Arterial with Bike Lanes" will allow for a more complete bicycle transportation grid system, and is necessary and in line with the intent of the California State Legislature (Streets and Highway Code, Sec. 890) "to establish a bicycle transportation system designed and developed to achieve the functional commuting needs of the employee, student, business person, and shopper as the foremost consideration in route selection, to have the physical safety of the bicyclist and the bicyclist's property as a major planning component, and to have the capacity to accommodate bicyclists of all ages and skills. The capacity and efficiency of the Principal Arterial will not be degraded as a result of implementing this policy under the standards proposed.

(2) The project will not substantially increase hazards due to a design feature. However, it is assumed that the project will facilitate more bicycle traffic, and so, would require both drivers and bicyclists to share the road in a safe manner.

(3 & 4) The project would have not affect emergency access nor vehicle parking.

Updated 2006 Non-Motorized Transportation Master Plan (NMTMP):

(1) Adopting the updated NMTMP will continue the intent of the 1996 Non-Motorized Transportation Master Plan to designate certain existing and planned roadways as Class I, II or III bicycle facilities. The proposed adoption of this NMTMP has the potential to impact automobile traffic operations and with implementation, is intended to decrease the amount of automobile traffic by encouraging more pedestrian and bicycle trips within the City of Modesto. The proposed NMTMP will impact drivers in that greater attention will be required to accommodate a higher volume of bicycle riders on surface streets.

(2) The project will not substantially increase hazards due to a design feature. However, it is assumed that the project will facilitate more bicycle and pedestrian traffic, and so, would require drivers, pedestrians and bicyclists to share the road in a safe manner.
(3 & 4) The project would not affect emergency access nor vehicle parking.

The general plan amendment to provide for a new design standard for Principal Arterial with Bike Lanes and the proposed adoption of the NMTMP are consistent with the Traffic and Circulation needs section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are, therefore, still valid.

2. **AIR QUALITY**

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

The Master EIR identified the following significant environmental impacts relative to air quality:

**Effect:** Projected traffic levels will result in increased ambient carbon monoxide (CO) levels in the project area. This is a significant and unavoidable impact.

**Effect:** Projected traffic levels will result in increased ROG and NOX levels in the project area. This is a significant and unavoidable impact.

These are also cumulative impacts on air quality.

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

Air Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-2-11 through V-2-18 of the MEIR. All feasible 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 project will add no significant impacts beyond those identified in the Master EIR, therefore no mitigation is required.

c. **Project-Specific Effects**

Section V-2.B of the MEIR provides analysis of Air 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 MEIR.

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

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(1) The project exceeds the emissions thresholds established for CO and NOx by the San Joaquin Valley Unified Air Pollution Control District’s (SJVUAPCD) adopted CEQA Guidelines.
(2) The project does not incorporate the best management practices for PM$_{10}$ reduction established by the SJVUAPCD.

(3) The project does not comply with the air quality policies of the Modesto Urban Area General Plan.

(4) The project would expose sensitive receptors to substantial pollutant concentrations.

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

Discussion:

GPA:
(1) Based on the City Traffic Engineer's analysis of the proposed General Plan Amendment's effect on Principal Arterials and other roadways level of service and capacity, the proposed project will not increase vehicular volume or speed, will have minimal impact on vehicular traffic operations and will not cause additional traffic-related impacts to air quality beyond those described within the Degradation of Air Quality section of the MEIR.

(2) The project is intended to reduce vehicular traffic and resultant pollutant emissions. One-time impacts to air quality would occur during construction of facilities, and regulations for control of fugitive dust as dictated by the San Joaquin valley unified Air Pollution control District would be adhered to by the contractor.

(3, 4, 5) The project will not negatively affect air-quality policies of the Modesto Urban Area General Plan, will not create any objectionable odors or create any substantial pollutant concentrations. Instead, the project is intended to reduce pollutant concentrations

NMTMP:
(1) The proposed NMTMP has the potential to facilitate more non-motorized modes such as walking and biking, and therefore, would reduce auto trips and improve air quality.

(2) One-time impacts to air quality during construction would be mitigated as described in the paragraph, above.

(3, 4, 5) The project will not negatively affect air-quality policies of the Modesto Urban Area General Plan, will not create any objectionable odors or create any substantial pollutant concentrations. Instead, the project is intended to reduce pollutant concentrations

The existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-5) are, therefore, still valid.

3. NOISE

a. Significant Effects Identified in the Master EIR
The Master EIR identified the following significant and unavoidable environmental impacts relative to noise:

**Effect:** Traffic noise levels for future conditions in the plan area have the potential to result in exceedances of the City's Noise Significance Standards (see Table 3-3 of the MEIR).

**Effect:** Noise level projections based on the traffic levels anticipated in the General Plan indicate that noise will exceed the City's General Plan and noise ordinance standards.

**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-3-10 through V-3-15 of the MEIR. All feasible 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 project will add no significant impacts beyond those identified in the Master EIR, therefore no mitigation is required.

**c. Project-Specific Effects**

Section V-3.B of the MEIR provides analysis of noise 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 MEIR.

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

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**Discussion:**
GPA:
(1) The project will facilitate additional bicycle trips, resulting in lowering noise levels due to a reduction in automobile trips. The Modesto noise ordinance and its standards for noise level and hours of operation will not be exceeded due to this project.

(2) The project has the potential to reduce auto traffic noise and not contribute to any significant increase in noise. The Modesto noise ordinance and its standards for noise level and hours of operation will not be exceeded due to this project.

(3) The project will put more bicycles onto Principal Arterial streets, removing some vehicle trips from the same streets. There will be no increase in ambient noise levels in the project vicinity.

(4) Construction activity associated with bike lanes will result in a temporary increase in ambient noise levels in the project vicinity, but will be mitigated with controlled hours of construction, exhaust mufflers on equipment.

NMTMP:
(1) The project will result in lowering noise levels in that there will be a reduction in automobile trips because of the alternate trips taken by bicycle or by walking. The Modesto noise ordinance and its standards for noise level and hours of operation will not be exceeded due to this project.

(2) Since this is a master plan for non-motorized transportation, the net effect of the project will be to reduce auto traffic noise by a very small amount. With approval of the GPA, the NMTMP will be consistent with the Modesto Urban Area General Plan.

(3) The project will improve modes of transportation involving bicycling and walking. Therefore, there will not be a significant increase in ambient noise levels to the project vicinity above the existing levels.

(4) Construction activity associated with bike lanes will result in a temporary increase in ambient noise levels in the project vicinity, but will be mitigated with controlled hours of construction, exhaust mufflers on equipment.

Because the City's Traffic Engineer has determined that there would not be a significant increase in traffic impacts, the proposed amendment to the General Plan and adoption of the 2006 NMTMP will not cause an increase in the projected generation of traffic-related noise for this area. Therefore, the project will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

4. AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to agricultural lands:
Effect: Development within the urbanized Baseline Developed Area and Redevelopment Area will have a less-than-significant impact on agricultural lands.

Effect: Conversion of agricultural land will occur as available developable land is occupied within the City. This is a significant and unavoidable impact.

Effect: Growth within Modesto’s planning area would contribute considerably to the loss of agricultural land within Stanislaus County. This is a significant and unavoidable cumulative impact.

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

Agricultural Land mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-4-7 and V-4-8 of the MEIR. All feasible 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 project will add no significant impacts beyond those identified in the Master EIR, therefore no mitigation is required.

c. Project-Specific Effects

Section V-4.B of the MEIR provides analysis of Agricultural Lands 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 MEIR.

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

YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan.

(2) The project will directly result in the development of land outside the March 2003 planning area boundaries.

(3) The project will conflict with existing zoning for agricultural use, or a Williamson Act contract.

(4) The project will involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use.

Discussion:

City of Modesto Finding of Conformance
General Plan Master EIR

Initial Study
EA/C&ED No. 2006-44
27 April, 2006
GPA:
(1) The project will allow the installation of bike lanes to Principal Arterial streets within new or expanding areas of the Modesto Urban Area.
(2-3) The project will not result in development of land outside the March 2003 planning area boundaries and will not conflict with existing agricultural use or Williamson Act contract, due to project not being considered growth-inducing.
(4) The project will accompany the construction of paved roadways in planned growth areas, and will not directly result in conversion of farmland to non-farm uses.

NMTMP:
(1) The project will be consistent with the Modesto Urban Area General Plan, but could result in a small increase in development density, if adjacent densities remain consistent with current development densities, and additional roadway is required to be dedicated toward bike lanes or bike paths.
(2-4) The project will not directly result in any land development outside the March 2003 planning area boundaries and will not conflict with existing zoning or Williamson Act contracts. The project could involve the conversion of additional roadway area to non-motorized use, as compared with roadway, only.

The improvements proposed by the amendment to the General Plan and by the adoption of the 2006 NMTMP will not substantially change the size or configuration of roadway facilities, and will not remove any additional agricultural lands from production not already analyzed by General Plan Master EIR. Therefore, the Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages V-4-1 through V-4-16) are still valid.

5. WATER SUPPLY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to water supply:

Effect: Urban Area General Plan policies are established to limit groundwater extractions to the safe yield of the aquifer and thereby avoid aquifer over drafting. In addition, the UWMP requires that new urban development would proceed in conjunction with the availability of water supplies and distribution facilities. It is assumed that increased entitlement of surface water supplies such as a water transfer from another water purveyor would undergo independent environmental review pursuant to CEQA. This is a less-than-significant impact.

Effect: Development to the future projected City population would require expansion of the MRWTP to its full 60 mgd capacity, development of additional groundwater wells, and construction of additional water distribution and treatment facilities. Construction of some of the required facilities would most likely require site-specific environmental impact assessments to be conducted under CEQA. Consequently, the potential environmental impacts of the Urban Area General Plan are considered less than significant.
Effect: During drought years, despite available options, significant water shortages are forecast for the San Joaquin River basin by the year 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions. This is a significant and unavoidable cumulative impact.

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

Water Supply mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-5-7 through V-5-8 of the MEIR. All feasible 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 project will add no significant impacts beyond those identified in the Master EIR, therefore no mitigation is required.

c. Project-Specific Effects

Section V-5.B of the MEIR provides analysis of Water Supply 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 MEIR.

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

YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan. ☐ ☒

(2) Sufficient water supplies are not available to serve the project from existing entitlements and resources, new or expanded entitlements are needed. ☐ ☒

Discussion:

GPA & NMTMP:
(1 & 2) The improvements proposed by the amendment to the General Plan and by the adoption of the 2006 NMTMP would not result in any demand on existing water supplies. Thus the project would not require additional water supplies beyond that identified in the Increased Demand for Water Supplies section of the MEIR for the General Plan. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages V-5-1 through V-5-13) are, therefore, still valid.

6. SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR
The Master EIR identified the following significant environmental impacts relative to sanitary sewer services:

**Effect:** The City has already begun to implement the provisions of the Wastewater Master Plan (WMP) to meet future demand for sanitary sewer services. As City wastewater treatment facilities are expanded to meet the needs of the Baseline Developed, Redevelopment, and Planned Urbanizing Areas, the City will obtain the necessary wastewater discharge and NPDES permits from the Central Valley RWQCB, as required under Urban Area General Plan Policy V-D.2(a). Implementing the WMP, requirement of Best Management Practices for post-construction activities, as well as the Urban Area General Plan policy cited above, will avoid violation of wastewater discharge requirements. As a result, this impact would be less than significant.

**Effect:** The City has adopted the WMP specifically to ensure that sewer capacity will match the level of growth projected by the Urban Area General Plan. Development within the Baseline Developed and the Planned Urbanizing Areas that is consistent with the Urban Area General Plan will not have a significant effect on capacity. Urban Area General Plan Policy III-D.1(d) will ensure that development in the Planned Urbanizing Area will fund the necessary improvements. This is a less-than-significant impact.

*Note on the WMP Master EIR.* The WMP Master EIR identified a number of impacts and mitigation measures. Its mitigation measures have been adopted by the City and are being implemented by the City under the WMP. Those impacts are being independently addressed under that Master EIR and do not need to be considered under this Initial Study. Refer to the WMP Master EIR for details.

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

Sewer Service mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-6-4 through V-6-7 of the MEIR. All feasible 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 project will add no significant impacts beyond those identified in the Master EIR, therefore no mitigation is required.

**c. Project-Specific Effects**

Section V-6.B of the MEIR provides analysis of Sanitary Sewer Service 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 MEIR.

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

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(1) The project is inconsistent with the Modesto Urban Area General Plan.

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The project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

Discussion:

GPA & NMTMP:
(1 & 2) The improvements proposed by the amendment to the General Plan and by the adoption of the 2006 NMTMP will not increase the City population. Thus, the project will not create any increase in demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages V-6-1 through V-6-12) are, therefore, still valid.

7. SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to sensitive wildlife and plant habitat:

Effect: Although many sensitive species live in riparian habitats within the planning area, the policies of the plan will ensure that impacts of the Urban Area General Plan will be less than significant.

Effect: Requiring higher residential density than the suburban norm and a compact pattern of growth within the designated planning area to the year 2025 will 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 measure pertinent to the project being analyzed in this Initial Study are found on pages V-7-19 through V-7-21. All feasible 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 project will add no significant impacts beyond those identified in the Master EIR, therefore no mitigation is required.

c. Project-Specific Effects

Section V-7.B of the MEIR provides analysis of Wildlife and Plant Habitat 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 MEIR.
Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

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<td>The project is inconsistent with the Modesto Urban Area General Plan.</td>
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<td>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 special status species.</td>
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<td>(3)</td>
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<td>Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
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Discussion:

GPA:
(1) The improvements proposed by the amendment to the General Plan will not result in expansion of urban development. The proposed amendment will result in the roadway designation of Principal Arterial roadways with bike lanes being consistent with the General Plan.

(2 & 3) The project will not have a significant effect on special status species, nor conflict with any local policy or ordinance such as the General Plan Policy that protects riparian areas.

NMTMP:
(1) The project will provide for Class I and III bicycle improvements within new or expanded roadways, and will provide for off-roadway Class I Bike Pathways. The net result of these improvements may tend to decrease urban densities if Class I pathways and associated parks and green belts accompany the development. However, these improvements will tend to follow urban development and will be consistent with the Modesto Urban Area General Plan.

(2 & 3) The project would have no impact to sensitive wildlife or any plant habitat beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages V-7-1 through V-7-29) are, therefore, still valid.

8. ARCHAEOLOGICAL OR HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to archaeological or historical sites:

Effect: If a site-specific project involves the modification or demolition of a qualifying structure more than 50 years in age, then the impact will be significant.
Effect: Areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. There, the potential impact comes from earthmoving activities that could result in disturbance of resources or human remains. There is a low probability that archaeological resources will be uncovered in areas outside of the riparian corridors.

Effect: The City Zoning Ordinance requires that when substantial changes to a structure are proposed, the development will be required to comply with other Zoning Ordinance provisions such as parking or landscaping requirements. This could result in modifications to the structure, which substantially reduce its historical significance.

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-8-13 and V-8-14 of the MEIR. All feasible 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 project will add no significant impacts beyond those identified in the Master EIR, therefore no mitigation is required.

c. Project-Specific Effects

Section V-8.B of the MEIR provides analysis of Archaeological/Historical 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 MEIR.

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

YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan.

(2) 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.

Discussion:

GPA:
(1) & (2): The improvements proposed by the GPA are consistent with the General Plan policy to protect riparian areas along the Dry Creek and Tuolumne River Corridors. The project will not disturb any archaeological sites that have been identified in the Disturbance of

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Archaeological and Historic Sites section of the MEIR. The project does not propose to involve the modification or demolition of any qualifying structure over 50 years in age.

NMTMP:
(1) & (2): The improvements proposed by the NMTMP include bike and hiking trails along the creek and river corridors within the city. All improvements will be consistent with the General Plan policy to protect riparian areas along the Dry Creek and Tuolumne River Corridors. The project will not disturb any archaeological sites that have been identified in the Disturbance of Archaeological and Historic Sites section of the MEIR. The project is not expected to involve the modification or demolition of any qualifying structure over 50 years in age.

The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological and Historic Sites (pages V-8-1 through V-8-22) are, therefore, still valid.

9. STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to storm drainage:

Effect: The potential impacts on storm water drainage that could occur from the project were qualitatively evaluated with respect to several factors including: extent of the projected increase in urban surface area compared to undeveloped ground; magnitude of projected changes to hydrologic and physical site characteristics of the study area compared to existing conditions; regulatory criteria and guidelines; and professional judgment. Because the Urban Area General Plan includes policies that require new development in all three sections of the planning area to install approved drainage facilities, the potential impacts of the Urban Area General Plan on storm water drainage are considered less than significant.

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 areas and associated urban storm water drainage. 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 measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All feasible 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 project will add no significant impacts beyond those identified in the Master EIR, therefore no mitigation is required.

c. Project-Specific Effects

Section V-9.B of the MEIR provides analysis of Storm Drainage 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 MEIR.

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

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<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
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<tr>
<td>(2) The project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.</td>
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<td>(3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.</td>
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Discussion:

GPA:
(1) The improvements proposed by the GPA would not significantly increase the demand on the storm water drainage system, which is expected to accommodate the small increase in run-off associated with additional pavement.

(2& 3) All projects associated with the GPA will be required to meet local standards for storm drainage and will not result in an increase in the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.

NMTMP:
(1) The improvements proposed by the NMTMP would not significantly increase the demand on the storm water drainage system. Storm water drainage facilities are designed to accommodate run-off, based upon required improvements.

(2) All projects associated with the NMTMP will be required to meet local standards for storm drainage and will not result in a significant increase in the rate or amount of surface runoff that would result in flooding on- or off-site.
Projects associated with the 2006 NMTMP that involve paving for Class II or Class I facilities will result in a small increase in storm runoff, but new storm drainage facilities will be designed to accommodate run-off, based upon required improvements.

Improvement proposed by the GPA and the NMTMP would cause no significant increase in demand for storm drainage that was not already addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages V-9-1 through V-9-13) are, therefore, still valid.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to flooding and water quality:

Effect: Increased runoff can accelerate soil erosion, stream channel scouring, and sedimentation of channels, and also increase pollutant transport to waterways. The potential impacts of the project on flooding are considered less than significant because the Urban Area General Plan Update includes policies to restrict development in the floodplain and therefore would avoid exposing persons and property to flood hazards. In addition, new development under the Urban Area General Plan is required to install storm water drainage facilities that restrict the amount of post-development runoff from exceeding pre-development conditions.

Effect: The potential impacts of the project on surface-water quality are considered less than significant because the City policies and capital improvement projects for storm water drainage facilities would minimize discharges of urban pollutants to natural waterways. The City drainage program policies require new development to prepare drainage plans and implement urban runoff control measures; larger Specific Plan developments must have storm drainage systems designed to control pollutant runoff. The City’s implementation policies for the municipal NPDES storm water permit require new development to implement an appropriate selection of permanent pollution control measures. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants.

Effect: The City’s future development will contribute to cumulative water quality effects. EPA regulations for NPDES storm water permits and new proposed regulatory additions to the rules have become much more comprehensive in recent years and are being implemented to reduce pollutant runoff from both large- and small-scale activities. Implementation of NPDES-permitting programs throughout the county will reduce potential water-quality impacts to a less-than-significant level.

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

Flooding and Water Quality mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the MEIR. All feasible 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 project will add no significant impacts beyond those identified in the Master EIR, therefore no mitigation is required.

c. Project-Specific Effects

Section V-10.B of the MEIR 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 MEIR.

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

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Discussion:

GPA:

(1, 2) All projects associated with the GPA will be required to meet local standards for storm drainage and will not result in an increase in the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. The project complies with the requirements of the federal Clean Water Act.

(3) The GPA will comply with the City of Modesto’s Guidance Manual for New Development Storm Water Quality Control Measures and with the General Plan policies for handling storm water in Planned Urbanizing Areas, including Section 3.b. on page V-16, which requires storm water recharge to groundwater of 80 percent of average annual runoff.

(4) Runoff from paved areas carries some pollution from the pavement, none expected from bike and pedestrian traffic. The small increase is not expected to exceed the capacity of existing drainage facilities, and new facilities would be designed to accommodate expected run-off volumes.
NMTMP:
(1, 2) All projects associated with the NMTMP will be required to meet local standards for storm drainage and will not result in an increase in the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. The project complies with the requirements of the federal Clean Water Act.

(3) The NMTMP will comply with the City of Modesto’s Guidance Manual for New Development Storm Water Quality Control Measures and with the General Plan policies for handling storm water in Planned Urbanizing Areas, including Section 3.b. on page V-16, which requires positive storm drainage system for new development, and Section 3.c., which requires storm water recharge to groundwater of 80 percent of average annual runoff.

(4) Run-off from paved areas carries some pollution from the pavement, none expected from bike and pedestrian traffic. The small increase is not expected to exceed the capacity of existing drainage facilities, and new facilities would be designed to accommodate expected run-off volumes.

11. PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to parks and open space:

Effect: Within the Baseline Developed and Redevelopment Areas, the Urban Area General Plan does not propose any elimination of existing park and/or open space land. Impacts on parks and open space will be less than significant.

Effect: The projected population of the Planned Urbanizing Area is 148,600, requiring 149 acres of neighborhood parks and 298 acres of community parks. The required minimum acreages can be met through the application of existing policies and regulations, including Government Code Section 66474, which require developers to pay Parks Capital Facilities Fees to fund the acquisition of appropriate parkland acreage. This impact is less than significant.

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

Parks and Open Space Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-11-4 through V-11-19 of the MEIR. All feasible 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 the Project.

Discussion:

The project will add no significant impacts beyond those identified in the Master EIR, therefore no mitigation is required.
c. Project-Specific Effects

Section V-11.B of the MEIR provides analysis of Parks and Recreation 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 MEIR.

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

YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan.

Discussion:

GPA:
(1) The improvements proposed by the amendment to the General Plan would improve non-motorized access to the City’s parks and parkways, possibly resulting in an increase in park use. Impacts on parks and open space will be less than significant. The project is consistent with the Modesto Urban Area General Plan.

NMTMP:
(1) Class I facilities would contribute to recreational opportunities within the city. The project is consistent with the Modesto Urban Area General Plan.

12. SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to schools:

Effect: The estimated increase in population over 1994/1995 would generate an additional 29,200 elementary school students, 7,330 middle school students, and 14,640 high school students above those enrollments. Assuming that existing facilities cannot sufficiently accommodate this increase and that all of the new students would require new school facilities, build out of the General Plan would result in the need for approximately 37 elementary schools, 8 middle schools, and 7 high schools beyond 1994/1995 levels. This would result in a significant impact on schools in that it would exceed current capacity. By statute, this impact is considered to be mitigated below a level of significance by payment of school impact fees and exercise of any or all of the financing options set out in Government Code Section 65997.

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

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. )
long as all anticipated subsequent projects apply these policies, 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 proposed additional school policy will address the situation that would arise should AB 50 be repealed. It will authorize impact fees or other methods to finance additional school facilities.

The following schools mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See pages V-12-4 through V-12-7 of the MEIR. All feasible 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 project will add no significant impacts beyond those identified in the Master EIR, therefore no mitigation is required.

c. Project-Specific Effects

Section V-12.B of the MEIR provides analysis of Schools 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 MEIR.

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

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The project is inconsistent with the Modesto Urban Area General Plan.

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The project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which provide that compliance results in less-than-significant impacts on schools.

Discussion:

GPA:
(1, 2) Improvements shown on Figure V-1, would be developed in conjunction with new development proposals, but would not result in new development.

NMTMP:
(1, 2) Construction of any of the projects mentioned within the 2006 NMTMP within new development areas would generally be associated with the generation of new population that would increase demand for use of school facilities. The project improvements would not increase population, nor result in any significant increase to demand on school facilities. Thus the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages V-12-1 through V-12-11) are, therefore, still valid.
13. POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to police services:

Effect: The 1995 Master EIR identified two impacts on the demand for police services; however, it concluded that no significant impact, based on the mitigation measures identified in the 1995 Master EIR, would occur. Those mitigation measures are now policies of the Urban Area General Plan. The impact is less than significant.

Effect: Within the Planned Urbanizing Area, complying with the Urban Area General Plan policies, particularly the policy that requires a long-range financing strategy for each Comprehensive Plan Area, will allow the City to provide the resources necessary to extend service to the newly growing Planned Urbanizing areas. These policies reduce the impact to a less-than-significant level.

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

Police Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-13-3 and V-13-4 of the MEIR. All feasible 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 project will add no significant impacts beyond those identified in the Master EIR, therefore no mitigation is required.

c. Project-Specific Effects

Section V-13.B of the MEIR provides analysis of police services 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 MEIR.

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

YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan. □ ☒

(2) The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. □ ☒

Discussion:

GPA & NMTMP:
(1) The improvements proposed by the amendment to the General Plan and by the adoption of the 2006 NMTMP project are all within the current City boundaries and would not change
the gross acreage, land use designations or infrastructure of the General Plan. There will be a small increase to service demand for policing, due to the increase in trail and bike lane rider-ship, walking and other non-motorized means of transportation.

(2) The project will result in a small increase in demand for police services, associated with new growth areas. The Urban Area General Plan policy requiring a long-range financing strategy for each Comprehensive Plan Area will allow the City to provide for the resources and funding necessary to extend Police services. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages V-13-1 through V-13-7) are, therefore, still valid.

14. FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to fire services:

Effect: The Baseline Developed Area and Redevelopment Area are already developed. Impacts on fire services of development in these areas will be less than significant.

Effect: In the Planned Urbanizing Area, the Urban Area General Plan would result in the need for additional fire protection services due to increases in the number of employees, permanent population, and associated improvements. City policy requires that fire protection be in place concurrent with construction in the Planned Urbanizing Area. This policy will be implemented with the adoption of future Comprehensive Plans in the Planned Urbanizing Area. This impact would be less than significant.

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

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the MEIR. All feasible 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 project will add no significant impacts beyond those identified in the Master EIR, therefore no mitigation is required.

c. Project-Specific Effects

Section V-14.B of the MEIR provides analysis of fire services 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 MEIR.
Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:

1. The project is inconsistent with the Modesto Urban Area General Plan. ☑ 
2. The project would result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

Discussion:

GPA & NMTMP:

1. City policy requires that fire protection be in place concurrent with construction in the Planned Urbanizing Area. This policy will be implemented with the adoption of future Comprehensive Plans in the Planned Urbanizing Area. This impact would be less than significant.

2. The improvements proposed by the amendment to the General Plan and by the adoption of the 2006 NMTMP will result in a small increase in demand for Fire Protection services, associated with new growth areas. The Urban Area General Plan policy requiring a long-range financing strategy for each Comprehensive Plan Area will allow the City to provide for the resources and funding necessary to extend Fire Protection services. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages V-13-1 through V-13-7) are, therefore, still valid.

15. SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to solid waste:

Effect: Since the project would exceed available landfill capacity, it is identified as a significant impact. The Fink Road Landfill may be closed by the time the City reaches build out, unless an expansion is approved by the County and the Integrated Waste Management Board. As the waste stream generated increases with population, additional landfills and methods for diversion would have to be utilized. The project will also generate the need for additional collection and transfer facilities. This impact is significant and unavoidable. The impact would be less than significant at such time as the Fink Road Landfill expansion is approved.

Effect: The project makes a considerable contribution to the cumulative impact on landfill capacity of development in Stanislaus County. This impact is significant and unavoidable.
b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid Waste Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-15-5 and V-15-6 of the MEIR. All feasible 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.

c. Project-Specific Effects

Section V-15.B of the MEIR provides analysis of solid waste 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 MEIR.

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>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>The project is inconsistent with the Modesto Urban Area General Plan.</td>
</tr>
<tr>
<td>(2)</td>
<td>The County is unable to expand its solid waste disposal capacity and the project would result in waste stream levels that exceed disposal capacity.</td>
</tr>
</tbody>
</table>

Discussion:

GPA & NMTMP:
(1 & 2) The improvements proposed by the amendment to the General Plan and by the adoption of the 2006 NMTMP project are all within the current City boundaries and would not change the gross acreage, land use designations, infrastructure or circulation system of the General Plan, and would not cause any increase in generation of solid waste. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages V-15-1 through V-15-10) are, therefore, still valid.

16. HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to hazardous materials:
Effect: The impacts of the project relative to hazardous materials are less than significant, based on the existing regulatory framework. New development will be required to comply with regulations monitoring and controlling the handling and use of hazardous and toxic materials.

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

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under federal, state and county policies and regulations, and the Modesto Urban Area General Plan. These are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Hazardous Materials Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-16-9 through V-16-12 of the MEIR. All feasible 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.

c. Project-Specific Effects

Section V-16.B of the MEIR provides analysis of hazardous materials 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 MEIR.

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

YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan.

(2) The project does not comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.

(3) The project contains a contaminated site not identified as of March 2003.

(4) The 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.

(5) The 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.
Discussion:

GPA & NMTMP:

(1) The improvements proposed by the amendment to the General Plan and by the adoption of the 2006 NMTMP project are all within the current City boundaries and would not cause a significant increase in generation of Hazardous Materials. The Existing Conditions, Impacts analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages V-16-1 through V-16-14) are, therefore, still valid.

(2) Since any new development will be required to implement the policies in place under federal, state and county policies and regulations, and the Modesto Urban Area General Plan, the project does comply with all applicable federal, state and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes.

(3) The project does not contain a contaminated site as of May, 2006.

(4) The project will include construction with asphalt and asphaltic emulsion materials, typical with road paving activities, near residential, commercial and school facilities. Best practices will be employed by all paving contractors for the handling, storage, and disposal of these materials, as per City of Modesto Standard Specifications and the California Dept. of Transportation (Caltrans).

(5) The improvements proposed by the GPA and the adoption of the NMTMP project are all within the current City boundaries. The project will not be located on a site, which is included on a list of hazardous materials sites complied pursuant to Government Code Section 65962.5 and as a result, will not create a significant hazard to the public or the environment.

17. LANDSLIDES AND SEISMIC ACTIVITY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to landslides and seismic activity:

Effect: There are areas of known sand and gravel resources within the Baseline Developed Area and Redevelopment Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less than significant.

Effect: There are areas of known sand and gravel resources within the Planned Urbanizing Area. Future development will be subject to SMARA requirements, therefore, the project impact will be less than significant.

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

The Master EIR did not identify any new mitigation measures. Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. These
are identified and described in the list of policies in place and MEIR mitigation measures attached to the Initial Study template.

Landslide and Seismic Activity Mitigation Measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-17-6 and V-17-7 of the MEIR. All feasible 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.

c. Project-Specific Effects

Section V-17.B of the MEIR provides analysis of landslides and seismic 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 MEIR.

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

YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan. ☐ ☒

(2) The project would be located on soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. ☐ ☒

Discussion:

GPA & NMTMP:

(1 & 2) The improvements proposed by the amendment to the General Plan and by the adoption of the 2006 NMTMP project are all within the current City boundaries and would not change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. The MEIR analysis shows that because the land is essentially flat, Uniform Building Code requirements have been addressed, and the nearest earthquake fault line is over 15 miles west of the Modesto Urban Area, there will be no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Landslide and Seismic Activity (pages V-17-1 through V-17-12) are, therefore, still valid.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR identified the following significant environmental impacts relative to energy:
Effect: The Baseline Developed Area and Redevelopment Area are already developed. New development within the Redevelopment Area will comply with Title 24 standards as well as City Urban Area General Plan policies. Impacts on energy by development in these areas (i.e., changes in levels of use above the current baseline) will be less than significant.

Effect: Build out under the Urban Area General Plan will utilize an estimated 1,400 million cubic feet per month of natural gas, 1,300 million kilowatt hours (kwh) of electricity per year and 650,000 gallons of gasoline per day. PG&E has indicated that they have at the current time sufficient supplies of natural gas to serve the increased natural gas demands of the project. At present, gasoline supplies are apparently sufficient to serve the gasoline demands of the project. Title 24 of the California Code of Regulation, which ensures that the project will not exceed local, state, and federal energy standards. The impact is less than significant.

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

The following energy mitigation measure(s) are pertinent to the project being analyzed in this Initial Study. See page V-18-3 of the MEIR. All feasible 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.

c. Project-Specific Effects

Section V-18.B of the MEIR provides analysis of energy 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 MEIR.

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>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

GPA & NMTMP:
(1) The improvements proposed by the amendment to the General Plan and by the adoption of the 2006 NMTMP project are all within the current City boundaries and would not change the gross acreage, land use designations, infrastructure or circulation system of the General Plan. Thus, the project is consistent with the analysis in the General Plan MEIR. Utility companies serving the Modesto Urban Area indicated, during MEIR preparation, have stated that development of the urban area would result in a less than significant impact on demands for energy. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the
MEIR for Energy (pages V-18-1 through V-18-7) are, therefore, still valid. Mitigation Measures for air quality and traffic would also help to mitigate energy impacts.

19. PLANNING AND LAND USE

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR are based on the planning policies and diagrams adopted as part of the General Plan. Planning and land use were not among the 18 subject areas analyzed in the Master EIR because they essentially defined the project being evaluated in the EIR.

a. Project-Specific Effects

Determination of project effects will be based on the following threshold: A project-specific effect is less than significant unless:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>☐</td>
</tr>
<tr>
<td>(2) The project includes a substantive amendment to the Modesto Urban Area General Plan.</td>
<td>☐</td>
</tr>
<tr>
<td>(3) The project would physically divide an established community</td>
<td>☐</td>
</tr>
</tbody>
</table>

Discussion:

GPA & NMTMP:
(1-3) The proposed project is consistent with the General Plan and does require a minor amendment to the General Plan to add a road designation of 'Principal Arterial with Bike Lanes'. The project would not divide an established community.

20. AESTHETICS

The Master EIR was certified for the Modesto Urban Area General Plan. The significant effects described in the 18 subject areas contained in the Master EIR, are based on the planning policies and diagrams adopted as part of the General Plan. At that level of detail, no significant effects on aesthetics were identified.

a. Project-Specific Effects

Determination of project effects will be based on the following threshold. A project-specific effect is less than significant unless:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) The project is inconsistent with the Modesto Urban Area General Plan.</td>
<td>☐</td>
</tr>
</tbody>
</table>
(2) The project would have a substantial adverse effect on a scenic vista. ☐ ☒

(3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings. ☐ ☒

(4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area. ☐ ☒

Discussion:

GPA:
(1) The improvements proposed by the GPA are all within the current City boundaries and would be consistent with the Modesto Urban Area General Plan. The addition of bicycle lanes is consistent with the General Plan as a non-motorized form of transportation.

(2) The improvements proposed by the GPA may be adjacent to an existing scenic vista. Bike lanes would add bike riders to a roadway and would have minimal adverse impact to one’s visual experience of a scenic vista.

(3) The project will not substantially degrade the existing visual character or quality of the City of Modesto. Non-motorized transportation bike lanes are essentially flat surfaces, with occasional directional and informational signage above grade.

(4) Although the GPA will construct some additional paving associated with bicycle lanes, there will be no additional source of lighting beyond that of typical street lighting.

NMTMP:
(1) The improvements proposed by the NMTMP are all within the current City boundaries and would be consistent with the Modesto Urban Area General Plan. The addition of bicycle lanes is consistent with the General Plan as a non-motorized form of transportation.

(2) The improvements proposed by the NMTMP may pass through (bike path) or be adjacent to (bike lane) an existing scenic vista. The impact of a bike path within a scenic corridor, where a scenic vista may be enjoyed, would be considered a minimal adverse effect due to lack of many above-ground facilities associated with the path.

(3) The project will not substantially degrade the existing visual character or quality of the City of Modesto. Class I and Class II bike facilities are essentially flat surfaces, with occasional directional and informational signage above grade.

(4) The NMTMP will construct some additional paving for Class I and Class II bike facilities, street and pathway lighting. Pathway lighting would be under 12-feet in height, shielded and designed to prevent glare into surrounding neighborhoods. Street lighting would typically be mounted on 25-foot poles, would primarily serve the street and neighborhood, and would be equipped to prevent glare into the neighborhoods. Therefore, the project will not create substantial light and glare which could adversely affect day or nighttime views in the area.
V. MITIGATION MEASURES APPLIED TO THE 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 CEQA Section 21157.1(c), in order for a Finding of Conformance to be made, all feasible measures from the Master EIR appropriate to the project shall be incorporated into the project. The following adopted General Plan Policies and Master EIR Mitigation Measures shall be made part of the 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 specific thresholds defined for each environmental category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against those thresholds set forth in the Master EIR for all applicable categories in this Initial Study.

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

Traffic and Circulation Measures:

None.

Air Quality Measures:

None.

Noise Measures:

None.

Agricultural Land Measures:

None.

Water Supply Measures:

None.
Sanitary Sewer Service Measures:
None.

Sensitive Wildlife and Plant Habitat Measures:
None.

Archaeological or Historic Sites Measures:
None.

Storm Drainage Measures:
None.

Flooding and Water Quality Measures:
None.

Parks and Open Space Measures:
None.

Schools Measures:
None.

Police Services:
None.

Fire Services:
None.

Generation of Solid Waste
None.

Generation of Hazardous Materials
None.

Potential for Landslides and Seismic Activity
None.

Energy
None.

Planning and Land Use

None.

Aesthetics

None.
MODESTO CITY COUNCIL
RESOLUTION NO. 2007-066

A RESOLUTION APPROVING AN AMENDMENT TO CHAPTER V OF
THE MODESTO URBAN AREA GENERAL PLAN TO ADOPT CHANGES
TO THE CIRCULATION AND TRANSPORTATION ELEMENT AND
DIAGRAM.

WHEREAS, a General Plan for the City of Modesto entitled “City of Modesto Urban
Area General Plan”, was adopted by the City Council by Resolution No. 95-409, on August 15,
1995, and as amended by Resolution No. 2003-122 on March 4, 2003, in accordance with
Section 65300 of the Government Code; and

WHEREAS, on March 4, 2003, the City Council of the City of Modesto recertified the
Final Master Environmental Impact Report ("Master EIR") (SCH No. 1999082041) for the
Modesto Urban Area General Plan by Resolution No. 2003-123; and

WHEREAS, Government Code Section 65358 permits the amendment of a General Plan
up to four (4) times per calendar year; and

WHEREAS, the Modesto Urban Area General Plan has been further amended by
Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-
and 2003-122, copies of which are on file in the office of the City Clerk; and

WHEREAS, the General Plan has not been amended this calendar year; 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, on January 9, 2007, by Resolution No. 2007-065, the City Council of the City of Modesto considered an Initial Study, Environmental Assessment No. EA/C&ED No. 2006-44, which concluded that the proposed Amendment to the Urban Area General Plan (the “Project”) is within the scope of the previously certified Urban Area General Plan Master Environmental Impact Report (SCH No. 19990820) and that, pursuant to Sections 15168(c) and 15182 of the CEQA Guidelines, no new environmental review is required, and

WHEREAS, by an agenda report to the City Council from the Parks, Recreation and Neighborhoods Department dated December 21, 2006, City staff recommended approval of the proposed amendment to the Modesto Urban Area General Plan, as described in Exhibit “1”, attached hereto and incorporated herein by reference, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:30 p.m. on January 9, 2007, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed amendment to the Modesto Urban Area General Plan, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the proposed Amendment to the Urban Area General Plan as described in Exhibit “1”, attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the it hereby finds and determines as follows:

1. The proposed General Plan Amendment is consistent with the Modesto Urban Area General Plan because it will further a goal of the Urban Area General Plan to promote alternative transportation.

2. A General Plan Amendment is needed to add the roadway designation of “Principal Arterial with Bike Lanes” so as to provide a more comprehensive and better-functioning bicycle transportation system within Modesto.
3. The proposed General Plan Amendment will help promote bicycling and walking as transportation modes in Modesto.

4. The proposed General Plan amendment will reduce traffic by promoting bicycling and walking for transportation and by increasing convenience and safety for people who choose to bicycle and walk.

5. The proposed General Plan amendment will improve air quality by increasing convenience and safety for people who choose to bicycle and walk within Modesto.

6. The Project is compatible with surrounding, existing and planned land uses; will reduce traffic impact as compared to the Master EIR; will improve air quality; will have no significant effect on existing and planned open space; and will have no significant effect on existing and planned public facilities and public services.

The foregoing resolution was introduced at the regular meeting of the Council of the City of Modesto held on 9th day of January, 2007, by Councilmember Hawn, who moved its adoption, which motion being duly seconded by Councilmember Dunbar, was upon roll call carried and the resolution adopted by the following vote:

Councilmembers: Ayes: Dunbar, Hawn, Keating, Marsh, O’Bryant, Olsen, Mayor Ridenour

Councilmembers: Noes: None

Councilmembers: Absent: None

ATTEST: Jean Morris, City Clerk

APPROVED AS TO FORM

By: Susana Alcala Wood, City Attorney
CHAPTER V

COMMUNITY SERVICES AND FACILITIES

A. INTRODUCTION

Chapter V, Community Facilities and Services, describes the community services and infrastructure needed to support the physical community developed through Chapter III.

The policies in this Chapter provide guidance for conformance with Article 7 of the Government Code (Administration of General Plans), particularly Section 65401 (Review of Public Works Projects for conformity with the Plan) and Section 65402 (Acquisition and Disposal of Real Property).

The distinctions between Community Services and Community Facilities are not critically important; they are distinguished in this Chapter for categorical purposes only. The important issue is that both Services and Facilities, as Community Infrastructure, are provided concurrent with need, to support the physical development, and ongoing maintenance, of the community. For this reason each of the Sections below are tailored for use in either the Baseline Developed Area, or the Planned Urbanizing Area, as those concepts are defined in Chapter II, Community Growth Strategy.

B. CIRCULATION AND TRANSPORTATION

1. Overview

The Circulation Element was first required by state law in 1955 (Government Code Section 65302(b)). Its purpose was to develop a balanced, multi-modal transportation system, within local jurisdictions. Modesto has discussed circulation in the early General Plans of 1959 and 1965. In 1974 a combined Land Use and Circulation Elements to the Modesto Urban Area General Plan was adopted. In 1986, the Circulation Element updated the circulation portion of the 1974 Land Use and Circulation Elements.

This Section presents, as required by Section 65302(b) of the Government Code, "the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public utilities and facilities, all correlated with the land use element of the plan [Chapter III of this General Plan]."

2. Circulation and Transportation Diagram

Figure V-1 presents the Circulation and Transportation Diagram which describes the proposed general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other local public facilities within the Modesto Urban Area. The Diagram conforms to Section 65302(b) of the Government Code, and is hereby adopted and incorporated into the Modesto Urban Area General Plan.
Street designations outside the General Plan boundary shown in Figure V-1 are illustrative only, and subject to the other jurisdictions.

The word "Diagram" is distinguished from "Map" in the context of a California Attorney General Opinion (67 OPS.CAL.ATTY.GEN.75 (3/7/84), to provide a certain limited degree of flexibility in applying the Circulation and Transportation Designations to specific streets.

3. Circulation and Transportation Designations (shown on Diagram)

With the exception of local streets, the following Designations, along with typical right-of-way requirements, are presented on the Circulation and Transportation Diagram. These Designations conform to Section 65302(b) of the Government Code, and are hereby adopted and incorporated into the Modesto Urban Area General Plan.

a. Freeway - This classification defines the highest volume, total access-control highways with high design speeds (55-65 mph). Freeways are an important part of the transportation network for urban, inter-city, and inter-regional movement of people and goods.

b. Expressways - This classification defines high volume, access-controlled roadways which do not allow for pedestrian or bicycle movements in the traveled way. The location, class, and number of lanes for expressway alignments are shown in the Circulation and Transportation Diagram, Figure V-1. In addition, Figure V-2 presents expressway design features which should be incorporated into the construction of future expressways.

(1) "Class A" Expressway is an access-controlled roadway with design speeds of 50-55 mph. The typical right-of-way is 110 or 135 feet (4 or 6 lanes, respectively) between intersections and 175 or 300 feet at interchanges (4 or 6 lanes, respectively).

(2) "Class B" Expressway is defined as a partial access-controlled roadway with signalized intersections at major streets and right-turn-only access to collector streets. The design speed will be 45-50 mph. The typical right-of-way is 110 or 135 feet (4 or 6 lanes, respectively) between intersections and 134 or 159 feet at intersections (4 or 6 lanes, respectively).

State Highway 219 (Kiernan Avenue, between Highway 99 and McHenry Avenue) will be a Class B expressway, with a right-of-way of 181 feet as specified by Caltrans.

(3) "Class C" Expressway is defined as a limited access-controlled roadway. The design speed is 40-45 mph. The typical right-of-way is 110 or 135 feet between intersections (4 or 6 lanes, respectively) and 134 or 159 feet. Note: Class B or C Expressways on limited rights-of-way may be 100 feet for four lanes and 124 feet for six lanes, respectively.
c. **Arterial Streets** - This classification defines moderate-to high-volume streets with a primary function of providing mobility and a secondary function of land access. Arterial streets serve the major centers of activity of the urban area and provide mobility of people and goods. There are two classes of arterial streets:

1. **Principal Arterial streets** have six travel lanes with no bicycle lanes. The design speed is 45 mph. The typical right-of-way is 114 feet.
2. **Principal Arterial With Bike Lane streets** have six lanes with bicycle lanes. The design speed is 45 mph. The typical right-of-way is 127 feet.

3. **Minor Arterial streets** have four travel lanes. Minor arterials can provide for bicycle lanes. The design speed is the same as principal arterials. The typical right-of-way is 100 feet.

d. **Collector Streets** - This classification defines low-traffic-volume streets which can also serve pedestrian and bicycle traffic. Collector streets provide traffic circulation within residential neighborhoods, and commercial and industrial areas.

Collector streets distribute trips from the arterials through the area to their ultimate destination and collect traffic from local streets and channel it into the arterial streets. There are two classes of collector streets:

1. A major collector street is a four-lane facility, with a design speed of 25-35 mph on a typical right-of-way of 84 feet without bicycle lanes or 96 feet with two, 6-foot bicycle lanes.
2. A minor collector street is a two-lane facility, with a design speed of 25-30 mph on a typical right-of-way of 60 feet without bicycle lanes or 72 feet with two, 6-foot bicycle lanes.

e. **Local Streets** - This classification applies to low-volume streets which are two-lane roadways. Local streets primarily permit direct access to abutting land uses and connections to the higher order roadways. Local streets offer the lowest level of mobility and usually contains no bus routes. The right-of-way should be narrow enough, and design speeds low enough, to discourage through traffic.

4. **Policies Relating to Street Designations**

a. **State Highway** - This classification defines any street which is acquired, laid-out, constructed, improved or maintained as a state highway pursuant to constitutional or legislative authorization. The street can be a freeway, expressway, arterial or other roadway classification. The right-of-way, design and construction on a State Highway should follow state standards. The improvement and addition of freeway interchanges should be made when required by future traffic demands.
b. Streets in Comprehensive Plans - Any Comprehensive Plan may experiment with differing rights-of-way and cross sections for the five Circulation and Transportation Designations.

c. Expressways - The City's General Plan provides for a system of expressways throughout the City. The City will continue to include these expressways in its Circulation and Transportation plan and to implement them in cooperation with the development community according to applicable design standards.

1. The City shall regulate and limit the number and design of expressway access locations in order to ensure the overall operational viability of expressways in the community.

2. Any consideration of access to expressways shall be contingent on the ability of an applicant to provide a properly designed solution consistent with the adopted City standard specifications for access to Class B or Class C expressways. The City Engineer may approve variations and deviations from adopted standard specifications pursuant to section 7-1.701(1)(2) of the Municipal Code. Consideration of a variation and/or deviation from adopted standard specifications shall be subject to environmental review pursuant to the California Environmental Quality Act (CEQA).

3. Any access to expressways from private parcels shall be at the sole expense of the private party, including any reconstruction of the expressway which may be necessitated.

4. The City may allow expressway access along either Class B or Class C expressways to non-residential uses on a case-by-case basis when conditions A and B are met, or condition C is met or condition D is met as noted below:

   A. When an applicant demonstrates to the City Council's satisfaction that economic purposes are clearly restricted by denial of access to a particular parcel.

   B. When an applicant demonstrates to the City Council's satisfaction that there are either no or only highly restrictive alternative access solutions available to a particular parcel under consideration.

   C. For infill site developments, when an applicant demonstrates to the City Council's satisfaction that the economic benefits derived from development of the remnant parcel overrides the need to limit access to that parcel.

   D. It is recognized that City of Modesto emergency facilities, such as police and fire stations, will be located from time to time on expressways, and further, that direct access is desirable. In these cases, direct access is allowed and shall be designed in cooperation with the Engineering and Transportation Department. Said design shall have City Council approval prior to implementation.
5. The City shall adopt access management guidelines and design standards for expressway access. The purpose of the guidelines and design standards is to provide safe ingress and egress to adjacent parcels while at the same time not degrading the carrying capacity, flow and efficiency of the expressway. Such access management guidelines and design standards conform to design criteria and standards as set forth by the American Association of State Highway and Transportation Officials (AASHTO).

5. Circulation and Transportation Policies - Overall

a. The streets and highways system should be coordinated with Caltrans', the County's, and other jurisdictions' existing facilities and plans. The adoption of a regional expressway system by Stanislaus Council of Governments (StanCOG) should be supported, and the components of the regional system which lie within the City's Sphere Of Influence should be incorporated into the City's Circulation and Transportation Diagram. The expressway system should be designed to accommodate mass transit.

b. Transportation Control Measures (TCMs) should be implemented where feasible or mandated by other agencies, to reduce vehicle miles traveled, vehicle idling, or traffic congestion. Alternatives to the drive-alone auto mode, such as mass transit, ride sharing, non-motorized transportation, and telecommuting should be encouraged. In addition, the City should encourage innovative means to reduce traffic congestion and enhance air quality, such as teleconferencing centers, fiber optic communication networks, development of the Non-Motorized Transportation System as outlined in the 2006 Non-Motorized Transportation Plan figures 5.1 and 5.2 and trip reduction programs.

c. Transportation Demand Management (TDM) measures will be encouraged to directly affect trip makers' choice of travel mode and the routes and time of day for trips. Transportation Demand Management has as its purpose the reduction in the number of vehicle trips being made on the street network. Typical types of TDM measures would be promotion of transit, car pooling or van pooling, non-motorized transportation, and pricing of parking to make these alternative modes of transportation more attractive and cost competitive.

d. The City hereby defines and authorizes the use of a "Plan Line." The Plan Line is a process which specifically defines the location of center lines, alignments, rights-of-way, cross-sections and intersections for future or proposed roadways and non-motorized transportation right-of-ways. The purpose of a Plan Line is to provide adequate right-of-way for future growth needs and to protect the right-of-way from encroachment. Adopted Plan Lines shall be incorporated into development plans to define specific requirements for dedicating the right-of-way for street purposes and to implement Circulation and Transportation Policies of the General Plan.
e. The highest possible levels of traffic service should be maintained on City roadways, consistent with the financial resources reasonably available to the City and without unreasonably burdening property owners or developers with excessive roadway improvement costs.

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Data from the General Plan Traffic Analysis, described in The Traffic Appendix of the Master Environmental Impact Report, as updated from time-to-time, shall be utilized to evaluate the effectiveness of traffic mitigation measures adopted by the City Council.

f. Where safety and traffic operations are not compromised, in-fill and redevelopment projects will be exempted from the City's street width and right-of-way standards if those standards exceed the original standards under which the adjacent streets were constructed. This exemption shall not apply to other street improvement standards, such as, but not limited to, drainage, structural requirements, curbs, gutters, sidewalks, and lighting. This exemption shall not apply on State Highways or where Plan Lines have been adopted.

g. The City's circulation system should facilitate a rapid response by emergency vehicles and should accommodate school buses. Factors should include adequate road widths and corner radii in street designs to ensure that the appropriate fire equipment and school buses can negotiate City streets.

h. Development should be designed in a way that will encourage walking as an alternative mode to the automobile for transportation. Safe and convenient pedestrian facilities should be provided in residential, commercial and other areas when necessary.

i. The use of the bicycle
Non-motorized transportation, such as the bicycle, shall be promoted as an alternative mode of transportation. An adequate and safe bicycle non-motorized transportation system should be provided to connect residential areas with shopping and employment areas in and adjacent to the City for present and future transportation needs. Right-of-way for bicycle
non-motorized usage should be considered in the planning of new streets and in street improvements. Facilities for mode transfer from bicycle
non-motorized to park-and-ride lots, transit, and rail should be considered and provided when necessary.

j. The City should encourage the effort to make a safe, efficient and effective rail service possible by increasing the frequency, speed, and comfort of its passengers. The City recognizes and encourages a safe and convenient interface among rail, bus, automobile and non-motorized traffic. The following forms of rail service are particularly encouraged:
In the case of a conflict between motorized and non-motorized transportation modes, roadway and right-of-way features will be added or altered to protect pedestrians and bicyclists, as well as provide for improved safety for motorized traffic consistent with Urban Area General Plan goals.

1. Amtrak. The City supports the relocation of the Riverbank Station to Modesto on the north side of Parker Road.

2. Inter-regional Rail Service. The City supports the rerouting of the San Joaquin's rail service to serve the downtown area and the intermodal facilities and creation of passenger commute rail service from Modesto to San Joaquin County, then to Sacramento and over the Altamont Pass to the Bay Area.

3. Light Rail Transit. The City should support a light rail transit system when the urban form warrants it and where it is feasible. Mass transit, including light rail, should be considered for the Virginia Avenue corridor of the Union Pacific rail lines, to connect downtown with future commercial and industrial development in the northern portion of the Modesto Urban Area.

4. Freight Rail. The City encourages the extended and increased use of rail as an alternative transportation mode for the movement of goods. In addition, the City supports the intermodal linkage of "truck on rail" as a technique for reducing through-truck traffic on highway corridors.

5. Any necessary crossings of the Santa Fe Railroad corridor shall be closely coordinated with the Atchison, Topeka and Santa Fe Railway Company. In 1995, the AT&SF Company indicated that it would oppose at-grade crossings, but would cooperate fully with the construction of any grade separations over or under Santa Fe's rail line.

k. Neighborhood street networks will be provided in new development, which permit local trips to be completed as much as possible without the use of collector streets and arterial streets.

l. The City should carry out a citywide transportation improvement plan to accommodate peak hour traffic flow on arterial streets and major collector streets. This plan may include additional lanes, striping, and turning pockets.

m. The City will work with Caltrans to promote the application of advanced technology to help manage congestion, and enhance roadway capacity and safety. Known as "Intelligent Transportation Systems" (ITS), the program includes the following components:

1. Advanced Traffic Management Systems (ATMS), which maximize capacity of the transportation system, and involves using technology to manage traffic
flow, disseminate real-time travel information to travelers, improving emergency response, and coordinate inter-agency traffic management.

(2) Advanced Traveler Information Systems (ATIS), which provides on-board navigation that can provide congestion and accident information and alternative travel routes.

(3) Commercial Vehicle Operation (CVO), which restricts commercial vehicles from operating during commute peak hours, and helps transportation companies track their vehicles.

(4) Advanced Vehicle Control Systems (AVCS), which use on-board and in-road guidance systems to optimize vehicle speed and movement.

The City shall develop guidelines for private property access to the expressway, arterial and collector street system. These guidelines will provide for reasonable, safe and coordinated driveway access while maintaining smooth and safe traffic flow along the City's major streets. These guidelines will address the number, location, design and operation of driveways for each class of roadway.

The City shall provide a balanced, feasible and well-maintained system of transportation for motorized and non-motorized modes.

The City of Modesto Non-Motorized Transportation Master Plan (updated 2006) provides guidelines and policies that pertain to the development of the non-motorized transportation system, and is a critical reference document which should be relied upon in the development of the City's circulation system. The City of Modesto Non-Motorized Transportation Master Plan (updated 2006) figures 5.1 and 5.2 are hereby adopted and incorporated into the Modesto Urban Area General Plan as sheet numbers 3 & 4 of Figure V-1, Circulation and Transportation Diagram.

6. Circulation and Transportation Policies - Redevelopment Area and Baseline Developed Area

a. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to achieve LOS "D" or better in the year 2025 (as shown in the Traffic Appendix of the Master EIR) cannot cause, without further study, conditions to be worse than LOS "D" at any time prior to the year 2025. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

The subsequent environmental review may take the form of:

(1) A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards
presented in the Traffic Appendix of the Master EIR. (Section 21157.5(a) of CEQA.)

(2) A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in the Traffic Appendix of the Master EIR. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

b. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to achieve LOS "E" (as shown in the Traffic Appendix of the Master EIR) shall not, without further study, cause conditions on those facilities to exceed LOS "E" at any time prior to the year 2025. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

The subsequent environmental review may take the form of:

(1) A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in the Traffic Appendix of the Master EIR. (Section 21157.5(a) of CEQA.)

(2) A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in the Traffic Appendix of the Master EIR. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

c. Individual development projects that could affect conditions on traffic facilities predicted by the General Plan Traffic Analysis to achieve LOS "F" (as shown in the Traffic Appendix of the Master EIR) shall not, without further study, cause further substantial degradation of conditions. Further substantial degradation shall be defined as an increase in the peak hour vehicle/capacity (v/C) ratio of 0.05 or greater for roadway segments or intersections whose v/C ratio is estimated to be 1.00 or higher in 2025 by the traffic model. If implementation of this Level of Service is impractical or infeasible, subsequent environmental review, including a Comprehensive Traffic Study, will be required.

The subsequent environmental review may take the form of:
(1) A mitigated negative declaration, if feasible mitigation measures or alternatives will be incorporated to avoid the worsening of the LOS standards presented in the Traffic Appendix of the Master EIR. (Section 21157.5(a) of CEQA.)

(2) A Focused EIR, if mitigation measures cannot avoid the worsening of the LOS Standards presented in the Traffic Appendix of the Master EIR. (Section 21157.5(b) of CEQA.)

The Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

d. Designated City staff will review future development project proposals within the Baseline Developed Area, on a case-by-case basis. The following criteria will be applied to each proposal, and a determination made by the Engineering and Transportation Director, regarding the acceptable or appropriate level of project impact on the circulation network.

(1) For proposed development projects that conform to the General Plan-approved land use for the site, it is assumed that the adopted performance standards for the circulation system within the area of impact will be maintained. For such projects, the designated City staff will establish an appropriate scope of study for a "Site Access Study" which may address project impacts to adjacent or nearby intersections, as described in Policies 6-a through 6-c.

(2) The "Site Access Study" shall, at a minimum, analyze, and resolve the following:

(a) impacts to roadway intersection that are adjacent to the project site.

(b) impacts to other intersections considered to have a key role in regulating access to the project site or substantial traffic flow between the project site and a key arterial roadway.

(c) impacts to and design needs for access between internal and off-site vehicular circulation, and linkages to off-site bicycle/pedestrian circulation systems, and transit services.

(d) on-site parking needs and impacts to off-site parking, when applicable.

(e) other operational or safety-related concerns and issues, including site access.
(3) The proposed development project will be designed to incorporate all recommendations of the "Site Access Study."

(4) If implementation of the definitive recommendations of the Site Access Study is impractical or infeasible, a Focused Environmental Impact Report, including a Comprehensive Traffic Study will be required. That Study shall include appropriate measures to update the General Plan Traffic Analysis for all subsequent Comprehensive Plans, and for development within the affected Baseline Developed Area and Redevelopment Area.

(5) For projects which do not conform to the General Plan-approved land use, further, supplemental environmental review may be necessary, in accordance with Section 22157.1(d) of the Public Resources Code.

e. Data from the General Plan Traffic Analysis, described in the Traffic Appendix of the Master EIR, shall be utilized to evaluate the effectiveness of the Policies presented above.

7. **Circulation and Transportation Policies - Planned Urbanizing Area**

a. Prior to the adoption of each Comprehensive Plan, a "Comprehensive Traffic Study" shall be prepared, to the satisfaction of the Engineering and Transportation Director, and be included in a Focused EIR for each respective Comprehensive Plan.

b. The Comprehensive Traffic Study shall include the following components:

1. Sufficient analysis and mitigation measures to ensure that the Level of Service "D" Standard is maintained on all Comprehensive Plan area roadways and intersections. A determination of which external links and intersections require study and impact assessment shall be made by the Engineering and Transportation Director.

2. If the identified mitigation measures cannot feasibly achieve the traffic performance standard for internal and external roadways in the opinion of the Engineering and Transportation Director, then the Comprehensive Traffic Study shall include appropriate measures to update the General Plan Traffic Analysis and findings for all subsequent Comprehensive Plans, and for development within the Baseline Developed Area and Redevelopment Area.

c. For individual proposed projects that conform to a Comprehensive Plan's land use designations (for amount and type of land use) a subsequent, Site Access Study may be prepared. Each Site Access Study should, at a minimum, focus on the following issues:

1. Impacts to roadway intersections that are adjacent to the project site.
(2) Impacts to and design needs for access between internal and off-site vehicular circulation, and linkages to bicycle/pedestrian circulation systems and transit services.

(3) On-site parking needs.

(4) Other safety-related concerns.

Conceivably, the Comprehensive Traffic Study may contain sufficient detail to obviate some or all portions of a "Site Access Study."

d. Data from the General Plan Traffic Analysis, described in the Traffic Appendix of the Master EIR, shall be utilized to evaluate the effectiveness of the Policies presented above.

e. For projects which do not conform to the General Plan-approved land use, further, supplemental environmental review may be necessary, in accordance with Section 21157.1(d) of the Public Resources Code.

8. Implementation

a. From time to time, the City may adopt subsequent master plans, short-range transit plans, or other policy documents to implement some or all of the policies listed above. These subsequent policy documents, such as the Capital Improvement Program and individual street construction projects, will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

C. COMMUNITY FACILITIES - WATER

1. Overview

Water is probably the most critical natural resource in California. The City of Modesto has teamed up with the Modesto Irrigation District (MID) and Del Este Water Company to develop a new surface water supply, ultimately a 60 million-gallon-per-day (MGD) water treatment plant. This will be used to stabilize the groundwater overdraft the City was experiencing. This conjunctive groundwater-surface water management plan will allow Modesto to continue to serve current customers and plan for future expansion. A similar strategy is being developed with Turlock Irrigation District (TID) for the Modesto Urban Area south of the Tuolumne River.

The City is also participating in the drafting of a Regional Groundwater Management Plan for the two groundwater basins it straddles. The municipal and irrigation water purveyors are developing the groundwater management plans for the mutual beneficial management of the limited groundwater resources.
This Section addresses the requirements of Government Code Section 65302(d) pertaining to the "conservation, development, and utilization of ... water."

2. Water Policies - Baseline Developed Area

a. During review of all proposed development, the City shall require, as a condition of approval, that all developments reduce their potable water demand. The City should refer to Table 5-1 in the Final Master Environmental Impact Report for potential techniques to reduce potable water demand.

b. The City of Modesto will encourage the optimum beneficial use of water resources within the City. The City shall strive to maintain an adequate supply of high quality water for urban uses.

c. The City of Modesto will strive to stabilize groundwater levels and eliminate groundwater overdraft, as part of a conjunctive groundwater-surface water management program. The City shall view regional water resources, such as groundwater, surface water and recycled wastewater, as an integrated hydrologic system when developing water management programs.

d. The City of Modesto will be the sole provider of municipal and industrial water services to the area within the City's Sphere of Influence. The City will cooperate with the overlying agricultural water providers, MID and TID, and with adjacent municipal and industrial providers for the mutually beneficial management of the limited water resources. The City will also take into consideration its public trust duty with regard to environmental uses of water resources.

e. Water facilities will be constructed, operated, maintained and replaced in a manner that will provide the best possible service to the public, given the financial abilities and constraints of the City and of the private sector alike.

f. The City will continue to establish guidelines, policies and programs to implement water conservation to the maximum extent feasible. The City shall strive to maximize the utilization of water resources when developing and implementing its Economic Development Strategy.

g. The City supports the local management of groundwater resources, rather than state regulation or adjudication. The City will adopt a Groundwater Management Plan in accordance with AB 3030, and in cooperation with the adjacent and overlying water providers within the groundwater basins the City occupies.

3. Water Policies - Planned Urbanizing Area

a. All of the Water Policies for the Baseline Developed Area apply within the Planned Urbanizing Area.
b. The City of Modesto shall coordinate land development projects with the expansion of water treatment and supply facilities.

4. Implementation

From time to time, the City may adopt subsequent plans or policy documents such as a Groundwater Management Plan or a Water Master Plan to implement some or all of the policies listed above. These subsequent policy documents will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

D. COMMUNITY FACILITIES - WASTEWATER

1. Overview

Wastewater collection and treatment is an essential community service to protect the public health and environment and to foster economic vitality. The objective of the City's wastewater system is to meet increasingly strict wastewater regulations in a cost-effective manner. As water becomes increasingly scarce in California, reclaiming wastewater will create opportunities to optimize the region's water resources. Similar opportunities exist for the beneficial reuse of biosolids and methane, and other residuals of wastewater treatment.

This Section addresses the requirements of Government Code Sections 65302(a), relating to liquid waste disposal facilities and 65302(d), relating to the reclamation of water and the "prevention and control of the pollution of streams and other waters." Wastewater will be considered as one part of integrated regional water resource management.

2. Wastewater Policies - Baseline Developed Area

a. To protect public health and the environment, the City of Modesto will maintain the standards for effluent water and biosolids, from Modesto's wastewater treatment facilities, as established by the Central Valley Regional Water Quality Control Board, in compliance with the Federal Clean Water Act, the State Porter-Cologne Act, and their implementing regulations, current and future.

b. Wastewater facilities will be constructed, operated, maintained and replaced in a manner that will provide the best possible service to the public, given the financial abilities and constraints of the City and of the private sector alike. In developing implementation plans, consideration shall be given to rehabilitation of essential existing facilities, expansion for current excess demand, and the timely expansion for future demand.

c. The City's wastewater system capacity will be allocated to existing and future residential, commercial and industrial customers. Discharges from environmental cleanup sites may be issued conditional discharge permits subject to the availability of excess treatment capacity. In accordance with federal and state regulations, all
discharges to the wastewater system may not, or may not threaten to, upset, interfere, or pass through the wastewater system.

d. Subject to the approval of the Stanislaus Local Agency Formation Commission, the City of Modesto and the Salida Sanitary District will be the sole providers of wastewater services to the area within the City's Sphere Of Influence and sewer service area.

e. The City will encourage the regional beneficial reuse of reclaimed water. The City is committed to development of a full reclamation program in the long term.

f. The City should strive to use land application of biosolids as the most environmentally beneficial reuse of this resource, rather than the disposal options of landfilling or incineration.

g. The City should establish odor buffer zones around primary and secondary wastewater plants, thereby minimizing the likelihood of odors impacting new residential or commercial development.

h. The City should utilize source control and demand management among its tools for accomplishing the most cost-effective wastewater management, protective of public health and the environment.

3. Wastewater Policies - Planned Urbanizing Area

a. All of the Wastewater Policies for the Baseline Developed Area apply within the Planned Urbanizing Area.

b. The City of Modesto will require each new development project to be served with public sanitary sewers.

c. The City of Modesto will coordinate land development proposals with the expansion of wastewater facilities.

Figure V-3 presents a diagram that indicates the sanitary sewer trunks necessary to serve each Comprehensive Planning District listed in Chapter III.

4. Implementation

From time to time, the City may adopt subsequent plans or policy documents, such as a Wastewater Master Plan, to implement some or all of the policies listed above. These subsequent policy documents will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.
E. COMMUNITY FACILITIES - STORM WATER

1. Overview

Modesto's storm drainage facilities have had a unique history, but changing regulations require a change in how drainage is provided. In 1994, Modesto complied with new federal storm water runoff quality regulations by obtaining its first National Pollutant Discharge Elimination System (NPDES) storm water permit, which requires many new Best Management Practices to be implemented to control runoff quality. Two-thirds of the City is served by rockwells which are regulated by federal underground injection control regulations. Increasingly strict regulations and unacceptable life-cycle costs for rockwells have led the way to a new strategy for storm water management: positive pipe lines, detention and/or retention basins to maximize groundwater recharge and water quality; and limited discharge to surface streams. Rockwells will be allowed only in infill areas isolated from surface discharge routes.

This Section addresses the requirements of Government Code Section 65302(d) pertaining to the "conservation, development and utilization of natural resources, including water and its hydraulic forces..." and the "prevention and control of the pollution of streams and other waters." This section addresses the management of both the storm water quantity and quality as it relates to both surface waters and groundwater. Storm water will be considered as one part of integrated regional water resource management.

2. Storm Water Drainage Policies - Baseline Developed Area

a. Two-thirds of the Baseline Developed Area is served by underground injection of urban runoff, commonly termed "rockwells". New rockwells will be discouraged within the Baseline Developed Area. Instead, new storm drainage in the Baseline Developed Area shall be by means of positive storm drainage systems, unless the proposed service area is so isolated from surface waters that it is infeasible to provide positive drainage.

The new storm drainage facilities shall consider the drainage facility requirements presented in Table 9-1 of the Final Master Environmental Impact Report. This policy applies to both positive storm drainage systems, and to new rockwells (which are generally discouraged) in the Baseline Developed Area.

b. The Modesto Irrigation District shall be consulted during the preparation of drainage studies required by this General Plan.

c. The City of Modesto shall prevent water pollution from urban storm runoff as established by the Central Valley Regional Water Quality Control Board for surface discharges and Environmental Protection Agency for underground injection.
d. Storm water drainage facilities shall be constructed, operated, maintained and replaced in a manner that will provide the best possible service to the public, given the financial abilities and constraints of the City and of the private sector alike. In developing implementation plans, consideration shall be given to rehabilitation of existing facilities, remediation of developed areas with inadequate levels of drainage service, and the timely expansion of the system for future development.

3. Storm Water Drainage Policies - Planned Urbanizing Area

a. All of the Storm Water Drainage Policies for the Baseline Developed Area apply within the Planned Urbanizing Area.

b. The City of Modesto shall require each new development area to be served with positive storm drainage systems. A positive storm drainage system may be comprised of catch basins, pipe lines, channels, recharge/detention basins and pumping facilities which discharge storm water to surface waters of the state. The positive storm drainage facilities shall consider the requirements presented in Table 9-1 of the Final Master Environmental Impact Report.

c. The City of Modesto shall require positive storm drainage facilities in the Planned Urbanizing Area to accomplish storm water recharge to groundwater of 80% of the average annual runoff. Recharge shall be typically accomplished at recharge/detention basins, designed to be in compliance with applicable federal and state water quality regulations for both groundwater and surface water. The City shall update its Drainage Master Plan to cover the entire area within the City's Sphere of Influence.

d. New areas shall be designed so that runoff in excess of groundwater recharge in Policy 3.c. shall be discharged to waters of the state in a manner not exceeding the undeveloped storm hydrograph.

e. Dual-use flood control/recreation facilities shall be developed (dual-use facilities) as part of the storm drainage system. Dual-use facilities maximize efficient use of land and funds by satisfying needs for water quality, flood control, recreation and aesthetics within a single consolidated facility.

f. Dual-use facilities shall be designed and constructed in accordance with the standards in the “Design Standards for Dual Use Flood control/Recreation Facilities” manual.

g. New developments shall be required to implement an appropriate selection of permanent pollution control measures in accordance with the City’s implementation policies for the municipal NPDES stormwater permit. Permanent erosion control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, or otherwise reducing the offsite discharge of particulates and sediment are the most effective method of controlling offsite discharges of urban pollutants.
4. Implementation

A storm water management program (SWMP) should be prepared by the City, potentially incorporating those measures listed in Table 9-4 in the Master Environmental Impact Report. The storm water management program will be considered an "anticipated subsequent project" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

F. COMMUNITY FACILITIES - MODESTO CITY-COUNTY AIRPORT

1. Overview

Section 65302.3 of the Government Code requires the City's General Plan to be consistent with the Airport Land Use Plan for the Modesto City-County Airport. This Airport Land Use Plan was adopted by the Airport Land Commission on August 3, 1978, in accordance with Section 21675 of the Public Utilities Code.

2. Modesto City-County Airport Policies - Baseline Developed Area

Since the Airport is located in the Baseline Developed Area, the following policies apply to the Airport and the area surrounding it.

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a. The City encourages aviation services at the Modesto City/County Airport and promotes airline service that meets the present and future needs of the community. The City should pursue greater inter-regional air service to the extent that it is economically viable.

b. Land use around Modesto City-County Airport will be in accordance with the Stanislaus County's Airport Land Use Commission Plan (ALUC) adopted in accordance with Section 21676 of the Public Utilities Code. The ALUC plan provides for the orderly growth of the Airport and the area surrounding the Airport within the jurisdiction of the Airport Land Use Commission, and will safeguard the general welfare of the inhabitants within the boundary of influence and the public in general.

c. Mitigation measures suggested by the Airport Master Plan and related documents should be considered at the implementation of inter-regional air service, including a voluntary noise reduction program for residential units impacted by noise levels that exceed acceptable state standards.

3. Implementation

From time to time, the City may adopt subsequent development plans or policy documents to implement some or all of the policies listed above. These subsequent policy documents,
including revisions to the Airport Land Use Plan, the Airport Master Plan, and various development approvals in or near the Airport, will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

G. COMMUNITY FACILITIES - OPEN SPACE AND PARKS

1. Overview

An Open Space Plan is mandated by Section 65563 of the California Government Code. This mandate recognizes that open space is a limited and valuable resource that must be conserved wherever possible. In Modesto, open space is provided through a comprehensive network of regional, community, and neighborhood parks.

Community facility policies and standards should be considered flexible enough in order to adapt to new trends, take advantage of new or different recreation or open space opportunities, develop special facilities, recycle old parks and fine tune facilities and programs to unique circumstances and conditions. Standards may deviate from minimum when special opportunities or needs arise that would provide enhanced facilities or services to the community.

Regionalization and consolidation of the planning and management of Community Facilities and Services will be continually evaluated as all the communities in Stanislaus County continue to grow and require similar facilities and services.

The "Tuolumne River", "Dry Creek" and "Stanislaus River" Comprehensive Planning Districts described in Chapter III, present focused open space policies applicable in those open space areas. Additional Open Space Policies are presented in Chapter VII.

2. Open Space and Parks Policies - Baseline Developed Area

a) All acreage standards are expressed as net acreage. This means that additional acreage must be added to the net park acreage for off-site requirements, such as street right-of-way, in order to satisfy the minimum standard. Minimum acreage standards will be increased if necessary to accommodate the development standards for the park.

b) Figure V-5 presents Park Planning Areas for the Baseline Developed Area. With regards to acreage, service area, location and street frontage standards, the existing park system shown on Figure V-4 shall be considered adequate and acceptable, as is, with the following exceptions, by Park Planning Area designation:

- Bret Harte
- Shackleford
- Tide Water Industrial
- Burbank
- Maze Wren
Within these Park Planning Areas, the open space and parks system is NOT considered adequate and acceptable as is and the City will endeavor to develop facilities in accordance with all of the Open Space and Parks policies and Community and Neighborhood Park standards that apply to the Baseline Developed Area. However, the City recognizes and accepts that it may not be possible to conform precisely to all policies and meet all standards in total because of prior development patterns and policies that were not under the City’s control.

The City will endeavor to plan, acquire, and develop parks and recreation facilities adjacent to schools in order to maximize the potential for joint use of adjoining City and School District open space and recreation facilities.

d) With the exception of School District open space, only acreage owned or otherwise controlled exclusively by the City in perpetuity and planned to be developed and operated for the express and primary purpose of providing recreation facilities as set forth in the Neighborhood and Community Park standards outlined in the General Plan, will count toward minimum acreage standards. Acreage planned and developed primarily for other purposes such as trails and elements of drainage systems shall not count toward meeting minimum standards for Neighborhood and Community Parks.

e) Baseline Developed Area - Neighborhood Park Standards

The City will endeavor to provide at least one neighborhood park within each Park Planning Area. The park should be centrally located within the Park Planning Area and have a service radius of one half to three quarters of a mile. The park should have one collector street frontage and the remaining sides should front on residential streets.

The minimum size for a neighborhood park shall be SEVEN ACRES or the total acreage based on TWO ACRES OF PARK LAND PER ONE THOUSAND POPULATION within the Park Planning Area, whichever is greater.

When a public elementary or junior high school or schools are located within a Park Planning Area, up to five acres of open space, at each school which is developed, maintained and is accessible to the public for outdoor recreation activities, may count toward satisfying the Neighborhood Park standard of two acres of Neighborhood Park land per one thousand population within the Park Planning Area. However, regardless of the number of public school open space acres within a Park Planning Area, the City will provide a minimum of one City neighborhood park of seven acres.
f) **Baseline Developed Area - Community Park Standards**

The Community Park Service Area is that area within a radius of approximately one to one-and-one-half miles of the park site. The park should have major street frontage and the remaining sides should front on residential streets.

The minimum size for a community park should be TWENTY-FIVE ACRES or the total acreage based on ONE ACRE OF PARK LAND PER ONE THOUSAND POPULATION within the Community Park Service Area, whichever is greater.

When a public high school is located within the same service radius as the community park, up to 15 acres of school open space, which is developed, maintained and is accessible to the public for outdoor recreation activities, may count toward satisfying the overall standard of one acre of Community Park land per one thousand population within the Community Park Service Area. However, regardless of the number of public high school open space acres within the Community Park Service Area, the City will provide a minimum of one City community park of 25 acres.

3. **Open Space and Parks Policies - Planned Urbanizing Area**

a) The policies and standards for the development of the park system within the Planned Urbanizing Area differ in several respects from those in the Baseline Developed Area. These policies and standards will be implemented through each "Comprehensive Plan", in conjunction of the relevant "Comprehensive Planning District" policies presented in Chapter III.

b) The acreage standards related to Neighborhood and Community Parks are considered minimum. These acreage standards may be enhanced by additional open space to meet unique characteristics of the Specific Plans for each new Village.

c) All acreage standards are expressed as net acreage. This means that additional acreage must be added to the net park acreage for off-site requirements, such as street right-of-way, in order to satisfy the minimum standard. Minimum acreage standards will be increased if necessary to accommodate the development standards for the park.

d) The City will endeavor to plan, acquire, and develop parks and recreation facilities adjacent to schools in order to maximize the potential for joint use of adjoining City and School District open space and recreation facilities.
e) Dual-use flood control/recreation facilities shall be developed wherever feasible. Only acreage owned or otherwise controlled exclusively by the City in perpetuity will count toward minimum acreage standards. Park acreage credit for dual-use facilities shall be calculated in accordance with the standards and criteria contained in the “Design Standards for Dual Use Flood Control/Recreation Facilities” manual. In contrast to the Baseline Developed area, School District open space does NOT count towards minimum park acreage requirements within the Planned Urbanizing Area.

The City recognizes the community benefits of dual use flood control/recreation facilities (dual-use facilities) in that these facilities:

1) Reduce the total acreage purchased for stormwater detention.
2) Allow and encourage maximum recreational uses of detention lands.
3) Allow for periodic stormwater detention storage without significantly disrupting park uses.
4) Augment park facilities available to the local community.
5) Maximize public use of available open space.

f) Dual-use facilities shall be designed and constructed in accordance with the standards and criteria contained in the “Design Standards for Dual use Flood Control/Recreation Facilities” manual.

g) Planned Urbanizing Area - Neighborhood Park Standards

The City will endeavor to provide at least one neighborhood park within each residential neighborhood. The park should be centrally located within the neighborhood and have a service radius of one half to three quarters of a mile.

The park should have one connector street frontage and the remaining sides should front on residential streets.

The minimum size for a neighborhood park shall be SEVEN ACRES or the total acreage based on ONE ACRE OF PARK LAND PER ONE THOUSAND POPULATION within the neighborhood, whichever is greater.

h) Planned Urbanizing Area - Community Park Standards

The Community Park Service Area is that area within a radius of approximately one to one-and-one-half miles of the park site. The park should have one major street frontage and the remaining sides should front on residential streets. Parks should not back up to residential lots.

The minimum size for a community park should be FORTY ACRES or the total acres based on TWO ACRES OF COMMUNITY PARK LAND PER
ONE THOUSAND POPULATION within the Community Park Service Area.

4. Implementation

From time to time, the City may adopt subsequent plans or policy documents to implement some or all of the policies listed above. These subsequent policy documents will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Commonly used anticipated subsequent projects are listed and described in Chapter VIII.

H. COMMUNITY FACILITIES - PUBLIC SCHOOLS

1. Overview

Public schools, comprising both Community Facilities as well as Community Services, are a vital component of the City's infrastructure. In addition to their role of educating youth, they provide continuing education opportunities to all ages, prepare young adults for higher education or a vocation, and positively influence the community in many other ways. As of January 1995, the area covered by the Modesto Urban Area General Plan is served by fourteen public school districts.

School grounds are an integral part of the community's open space. Schools are physical focal points in the planned villages. They are also the focal point for recreational and social needs in the neighborhoods that they directly serve. Parochial and private schools are acknowledged as supplementary providers of education even though policies are not outlined in the General Plan for their facilities.

2. Public Schools Policies - Baseline Developed Area

a. For families in the child-rearing years, the proximity of a public elementary school within easy walking distance is a strong criterion in their evaluation of housing choices. Elementary school closure, a school district prerogative, has significant impacts on the surrounding neighborhood. School districts are encouraged to involve the city in deliberations regarding school closure, early in the process. Consistent with state statutes, school districts are encouraged to include extensive community participation in the process to close any existing schools.

b. Existing schools and proposed school facilities on property owned by any School District on January 1, 1995, are shown on Figure V-6. School districts are encouraged to share their facility plans for new schools with the City.

c. Changes in land use or intensity of development within the Baseline Developed Area may have an impact on school services which necessitate close communication between the City and the school district.
d. There are specific state law prohibitions against certain uses within close proximity to schools, such as hazardous material uses and alcohol sales. Developers should contact the appropriate school district to determine if there are any known constraints to future development.

e. The City shall continue to require that the developer pay, prior to issuance of any building permits, the maximum residential, commercial and industrial development school fees in effect at the time building takes place. This requirement is in accordance with the provisions of Assembly Bill 2926.

3. Public Schools Policies - Planned Urbanizing Area

a. Public School Districts should be directly involved in the lead time for planning of infrastructure. A lead time of 3-5 years is desirable.

b. Neotraditional Planning Principles, prescribed for residential development in the Planned Urbanizing Area, call for public schools as prominent, physical keystones to the connector street network. Schools, placed conveniently to the residents to be served, will maximize opportunities for students to walk and bike to school. Opportunities should be explored for joint school/park development when planning new neighborhoods or villages. The option for joint acquisition and development of school and park sites should be continued. School districts are encouraged to consider these design principles in their facility planning efforts.

c. Land for new school facilities should generally meet the following minimum space requirements:

   (1) Elementary schools - 10 acres (net).

   (2) Middle schools or junior high schools - 20 acres (net).

   (3) High schools - 50 acres (net).

d. All of the policies for "Public Schools - Baseline Developed Area" apply equally in the Planned Urbanizing Area.

e. Developers of residential projects that are subject to the following policies (3e through 3k, below) should contact each affected school district prior to submitting an application to the City of Modesto. This early consultation with the school district on such matters as housing mix, timing of development, phasing, etc., will assist both parties in reaching an agreement on the best method of mitigating school impacts, should the project later be found to have the potential for significant effects on school facilities.

f. Once an application for a residential project, which is not exempt from CEQA, has been determined to be complete, it will be referred to the appropriate school
district(s) for "review and comment" in conjunction with the preparation of the required Focused Environmental Impact Report.

g. Each school district will provide the City of Modesto with the information needed to evaluate the impact of the proposed residential project on their facilities, including background data necessary to document the impact that a residential project may have on that district's facilities. Such information shall be provided to the City of Modesto in a timely manner consistent with the City's responsibilities under CEQA.

h. If it is determined that a proposed residential project may have a significant effect on a school district's facilities, the Focused EIR shall analyze this impact. It shall be the responsibility of the project applicant and school district to resolve the appropriate method of mitigation. Mitigation may take several forms, including but not limited to one or more of the following: fees, land dedication, special taxes, etc.

i. The impact on public school capital facilities shall be considered fully mitigated by the City of Modesto when it receives written notification from the appropriate school district(s) that the school district(s) and project applicant have resolved school impacts and by what means.

If the City does not receive said written notification prior to a deadline set by the City, the City Council will review the final mitigation proposals by school district(s) and project applicant. This review will be done in light of the EIR (Focused or otherwise) completed for the project. The City Council may determine whether (a) the project impact on school capital facilities is fully mitigated based on any or all of the proposals, or (b) if specific economic, social, or other considerations make infeasible the mitigation measures or project alternatives identified in the EIR (Focused or otherwise), addressing the impact on public school capital facilities.

j. Policies 3e through 3k shall apply when:

(1) A residential project seeks the approval of a General Plan Amendment, rezoning, prezoning, annexation, Comprehensive Plan, or other legislative act;

(2) The project is located on property classified as Planned Urbanizing Area on the Growth Strategy Diagram;

(3) A school district has imposed school mitigation fees pursuant to Government Code Section 53080; and

(4) A school district has a valid application for the funding of public school capital facilities pending before the State unless it is not eligible for such State funding in which case the school district shall, within thirty (30) days after it has determined in good faith that it is so eligible, initiate a process leading to the filing of a valid application for such funding.
k. The above policies (3e through 3k) shall not apply to residential projects approved in conjunction with a General Plan Amendment, rezoning, prezoning, annexation, or other legislative act that have completed the CEQA process (certification of an environmental impact report, adoption of a negative declaration or adoption of an exemption determination) as of March 5, 1991.

4. Implementation

The construction, maintenance, and day-to-day operations of schools is not governed by the City of Modesto. School districts with elected Boards of Directors are responsible for the actual implementation of School Facilities. Therefore, the City's role in the implementation of the above policies would be limited to: coordination with the affected school districts; determining whether a development project's impacts on school capital facilities is fully mitigated; and making appropriate findings under CEQA if the impacts are not fully mitigated.

5. Proposition 1A and Senate Bill 50

Upon the passage of Proposition 1A on November 3, 1998, the provisions of Senate Bill 50 became effective. Senate Bill 50 alters the method by which school facilities made necessary by development are addressed in the State of California. To the extent that the provisions of the General Plan relating to school facilities do not conflict with Senate Bill 50, they are suspended. The language relating to school facilities will remain unaltered in the General Plan so that a history of school facility development under Senate Bill 50 can exist prior to GPA 03-01 (03/04/03) any further review and amendment of the General Plan provisions relating to school facilities. Should Senate Bill 50 be repealed, the provisions of the General Plan relating to school facilities which were suspended shall once again become effective.

1. COMMUNITY SERVICES - TRANSIT

1. Overview

In addition to the Circulation policies presented in this Chapter, the City should adopt a goal of improving public transportation that could include increased bus and light rail service. This could help mitigate some issues related to site-specific intersection operations or parking requirements, if combined with other trip reduction measures. The ability to add service may be determined by the availability of public sector funding sources, the extent of private sector participation or subsidy, and the overall feasibility of transit service.

2. Transit Policies - Baseline Developed Area and Planned Urbanizing Area

a. Public transit services shall be provided, using the most cost-effective methods available and based upon professional analysis of alternatives.
b. The City's transit system shall strive to provide a mix of headways dependent upon actual and anticipated ridership to reach a balance between cost-effectiveness and convenience.

c. The City's transit system shall strive to maintain farebox recovery ratios sufficient to meet state requirements.

d. The City should participate in regional public transit proposals to the extent economically feasible and that such systems benefit Modestans.

e. The City transit system shall strive to provide service on a one-half-mile grid where feasible to make the service as accessible as possible. Newly developing areas should provide a street pattern capable of accommodating transit service on a one-half-mile grid.

f. The City's transit system shall strive to provide two-way service on routes where feasible.

g. The City shall strive to safeguard options for future transit and mass transportation development, such as the Union Pacific railroad right-of-way.

3. Implementation

From time to time, the City may adopt subsequent plans or policy documents to implement some or all of the policies listed above. These subsequent policy documents will be

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considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

J. COMMUNITY SERVICES - POLICE

1. Overview

A primary goal of the City of Modesto Police Department is to maintain a sense of personal safety and security. Containing the level of crime at or below levels of other comparable cities will be accomplished through highly visible patrol services, coupled with effective investigations complimented by a very active education and crime prevention program. While maintaining law and order, the Police Department is active in participating in community involvement programs. There is a continuing effort at maintaining a high level of citizen satisfaction and providing high quality police services through caring and competent employees who are given a high level of personal and specialized education and technical training. Demographic and economic conditions will have tremendous influence on the demand for police services. The growing population, additional recreational facilities, increased traffic volumes, expanded City limits, new businesses and new residential areas all increase the importance of maintaining and supporting law enforcement services.
2. Police Policies - Baseline Developed Area and Planned Urbanizing Area

The following Policies apply in the Baseline Developed Area and, where relevant, in the Planned Urbanizing Area. In general, however, the Modesto Police Department is only authorized to provide services within its primary jurisdiction - the incorporated Modesto City limits.

a. The City of Modesto should maintain an adequate personnel level, to organize patrol areas and provide investigative responses to achieve a comfortable and safe community climate conducive to a high quality of life and to maintain an active and growing commercial and business environment. To the maximum economic extent feasible, police operations should include proactive law enforcement and administrative efforts, all to be expanded as the City's population grows.

b. The City of Modesto Police Department should strive to reduce the level of crime below levels of other progressive departments with comparable populations and demographics.

c. The City of Modesto should strive to provide sworn officers in sufficient numbers to support basic police services consistent with other progressive departments with comparable populations and demographic statistics.

d. The City of Modesto should strive to provide civilian staff in sufficient numbers to support sworn staff and to support continuing civilization of services such as Crime Prevention, Investigative Support, Crime Scene Investigation, Accident Reports, and other documentation of incidents.

e. The City of Modesto should maintain its efforts to educate the public about crime deterrence through programs like the Neighborhood Watch Program within residential neighborhoods, Traffic Watch Program on residential streets, and the Business Watch Program within commercial and industrial areas.

3. Implementation

From time to time, the City may adopt subsequent plans or policy documents to implement some or all of the policies listed above. These subsequent policy documents will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

K. COMMUNITY SERVICES - FIRE PROTECTION

1. Overview

The mission of the Fire Department is to provide efficient and effective fire and life safety protection to the community through control of hostile fire, fire prevention service, emergency medical services, emergency preparedness, and mitigation of hazardous materials
incidents. This commitment is intended to safeguard the general economy and welfare of Modesto.

The policies in this Section conform to Section 65302(g) of the Government Code as that section of the Code relates to urban fires.

2. Fire Protection Policies - Baseline Developed Area and Planned Urbanizing Area

The following policies apply in the Baseline Developed Area and, where relevant, the Planned Urbanizing Area. In general, however, the jurisdiction of the Modesto Fire Department is limited to the incorporated Modesto City limits.

a. The City of Modesto should strive to maintain adequate fire flows in relation to structure size, design, requirements for construction and/or built-in fire protection systems. Maintenance of adequate fire flows includes factors such as adequate storage, system gridding, hydrant spacing, and spacing and sizing of water mains.

b. The City of Modesto should ensure adequate ingress and egress to all structures for fire fighting and rescue purposes.

c. The City of Modesto should provide protection of life and property through the use of engineered fire protection systems and fire resistive roof systems.

d. The City of Modesto should practice timely adoption of the Uniform Fire Code, National Fire code, and State Codes. These codes and ordinances may be amended to suit local conditions.

e. The City of Modesto should strive to ensure that fire stations, apparatus, equipment and personnel are in place concurrent with construction in the Planned Urbanizing Area.

f. Future fire station sites and facilities should be closely coordinated with existing and planned public parks, libraries, and other activity centers in order to encourage maximum efficiency of public facilities.

g. The City of Modesto should promote fire-safe behaviors within the community through public fire education activities and programs.

h. The City should maintain its readiness to mitigate man-made or natural disasters through maintenance and implementation of the Multi-Hazard Functional Plan.

I. The Fire Department should maintain equipment, staffing and facilities to provide Emergency First Response level Emergency Medical Services, Urban Search and Rescue, and Hazardous Materials emergency response capabilities.
j. The City of Modesto should strive to provide adequate Fire Department facilities through the achievement of the following facilities and service standards:

(1) The City of Modesto should maintain an emergency response system capable of achieving the following standards in 95% of all cases.

(a) The first fire emergency response unit arrives within 6 minutes of dispatch.

(b) A full alarm assignment arrives within 10 minutes of dispatch.

(c) A second alarm assignment arrives within 15 minutes of dispatch.

(2) The City should maintain staffing levels adequate to achieve an Insurance Service Office (ISO) rating of Class 2.

3. Implementation

From time to time, the City may adopt subsequent plans or policy documents to implement some or all of the policies listed above. These subsequent policy documents will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

L. COMMUNITY SERVICES - SOLID WASTE

1. Overview

This section addresses the requirements of Government Code Section 65302(a) regarding solid waste disposal facilities.

2. Solid Waste Disposal Policies - Baseline Developed Area

a. The City of Modesto will comply with all the requirements of Assembly Bill 939 which mandates the diversion of solid waste of 25% by 1995 and 50% by 2000, by way of source reduction, recycling, composting, and transformation.

b. Source Reduction and Recycling Element (SRRE)

The state's placement of source reduction at the top of the integrated waste management hierarchy requires that the City implement source reduction programs. Some of the more critical program alternatives which may need to be implemented
include variable can rates, composting at the site of generation, waste efficient yard care, and source reduction education.

New recycling programs may also need to be implemented; these programs include initiating multi-family and commercial/industrial recycling programs; evaluating the current curbside collection method and making recommendations for modifications as necessary; initiating a comprehensive public education and information program; and applying for grant funding for program implementation.

A significant amount of the waste currently being disposed of by the City is potentially compostable. Because of this significant diversion potential, it is essential that yard waste composting (including co-composting yard waste with biosolids) and compost market development be initiated.

The success of the other programs outlined in the SRRE depends upon the cooperation and participation of a public that understands the importance of waste reduction and recycling objectives. The residential and business communities will be targeted for a comprehensive outreach effort, including multi-media campaigns, awards, and point of purchase information.

c. **Household Hazardous Waste Policies**

The City will continue to participate in the existing Household Hazardous Waste Programs, including support of the drop-off facility, continued public information, and participation in the oil and battery collection programs.

d. **County Hazardous Waste Management Plan**

The City will comply with Stanislaus County's Hazardous Waste Management Plan.

e. **Garbage Service**

The City shall provide for the safe collection and disposal of all solid waste generated in the City of Modesto and to provide for the appropriate disposal facilities for the City's long-term needs. Garbage service shall be provided to all residences and business within the City of Modesto.

f. **Landfills**

To meet the waste disposal demands of the growing population, the City shall support Stanislaus County's efforts to find an additional landfill site, expand capacity of the Fink Road Landfill, or find an alternative waste disposal method for solid waste.
3. Solid Waste Disposal Policies - Planned Urbanizing Area

a. In addition to the Solid Waste Disposal Policies in place for the Baseline Developed Area, as outlined above, the City should also consider implementing local land use incentives and zoning/building code modifications to encourage source reduction, recycling, and composting, and to provide adequate space for containers.

b. In conjunction with the processing of a Comprehensive Plan within the Planned Urbanizing Area, the city shall consult with the firms responsible for solid waste disposal to confirm that adequate capacity exists for solid waste that would be generated by the project.

4. Implementation

From time to time, the City may adopt subsequent plans or policy documents to implement some or all of the policies listed above. These subsequent policy documents, such as the Source Reduction Recycling Element and the Hazardous Waste Management Element, will be considered "anticipated subsequent projects" in the context of Section 21157.7 of CEQA. Chapter VIII of this General Plan presents a variety of other potential implementation tools.

M. COMMUNITY SERVICES - HAZARDOUS MATERIALS MANAGEMENT

1. Overview

The County has prepared a Hazardous Waste Management Plan which is the guideline for managing hazardous waste in Stanislaus County. The goals, objectives, conclusions, recommendations and implementation measures of that plan are hereby incorporated as a part of this document, along with any modifications which may result from state review of the Hazardous Waste Management Plan.


a. The City shall comply with all existing federal and state laws which regulate the generation, transportation, storage, and disposal of hazardous materials.

b. The City of Modesto should require that businesses and industries using hazardous material provide mitigation measures commensurate with the hazards they bring to the community, in accordance with the applicable Articles and Sections of the most current adopted edition of the Uniform Fire Code.

c. 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 OSHA 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.

d. 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 neighborhoods 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.

e. 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 (generally depicted on Figure 16-1 of the Master Environmental Impact Report) 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 Policy 2-c.