MODESTO CITY COUNCIL
RESOLUTION NO. 2004-201

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO
CANVASSING THE RESULTS OF THE APRIL 6, 2004, ELECTION HELD
WITHIN CITY OF MODESTO COMMUNITY FACILITIES DISTRICT
NO. 2004-1 (VILLAGE ONE #2)

WHEREAS, this Council is conducting proceedings pertaining to the formation of
City of Modesto Community Facilities District No. 2004-1 (Village One #2) (the
“District”), the authorization to incur a bonded indebtedness in an amount not to exceed
$75,000,000 within the District, the establishment of an appropriations limit for the
District, and the levy of a special taxes sufficient to pay all costs necessary to (i) finance
certain Facilities and Services, as described in the City's Resolution No. 2004-127,
adopted on March 2, 2004, and (ii) administer and pay debt service on the bonds of the
District issued to finance the Facilities, including any incidental expenses related thereto
as authorized by law; and

WHEREAS, the owners of all of the property in the District waived those
provisions related to the timing and conduct of the election referenced in Sections 13 and
14 of this Council's Resolution No. 2004-200 and Sections 9, 10 and 11 of this Council's
Resolution No. 2004-200, each adopted on April 6, 2004, and, as a result, this Council
called an election within the District (the “Election”) for April 6, 2004, relative to the
foregoing; and
WHEREAS, on April 6, 2004, the Election was held; and

WHEREAS, the City Clerk has certified that the proposition of incurring a bonded indebtedness, levying the special taxes, and establishing an appropriations limit for the District was approved by at least two-thirds (2/3) of the votes cast at the Election;

NOW, THEREFORE, BE IT RESOLVED, ORDERED AND FOUND, by the City Council of the City of Modesto, that:

1. The Election was duly and validly conducted in conformity with all applicable laws, rules and regulations pertaining thereto. It is hereby determined that the owners of the property in the District is as set forth in the Affidavit of City Clerk as to Distribution of Official Ballots, submitted to this Council and on file with the City Clerk.

2. The ballot proposition presented to the qualified electors of the District at the Election received at least two-thirds (2/3) of the votes cast at the Election. A copy of the City Clerk's certificate of election results is attached hereto as Exhibit A.

3. The City Clerk is directed to enter this resolution on the minutes of this City Council, which shall constitute the official declaration of the result of such election.

4. The City Clerk is further authorized and directed to record a notice of special tax lien with the County Recorder of the County of Stanislaus, within 15 days from the date hereof, in accordance with the provisions of Section 3114.5 of the California Streets and Highways Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________________________

JEAN ZAHR, City

Clerk

(SEAL)

APPROVED AS TO FORM:

By ________________________________

MICHAEL D. MILICH, City Attorney
EXHIBIT A

CERTIFICATE OF CITY CLERK

I, JEAN ZAHR, City Clerk of the City of Modesto, hereby certify that, pursuant to Resolution No. 2004-199, the Resolution of Formation, adopted on April 6, 2004 by the City Council of the City of Modesto, I did conduct a Special Tax and Bond Election for City of Modesto Community Facilities District No. 2004-1 (Village One #2) on April 6, 2004, and that the election was conducted by mail or in person at the City Hall of the City of Modesto.

I further certify that the following shows the full text of the measure submitted to the voters at the election and the full and true totals of all votes cast for and against the measure.

**Proposition A.** Shall an appropriations limit in the amount of $75,000,000 per fiscal year be established for City of Modesto Community Facilities District No. 2004-1 (the "District") of the City of Modesto ("the City"), and shall special taxes with the rates, method of apportionment, and manner of collection as provided in Exhibit A to the City's Resolution No. 2004-127 (the "Resolution of Intention") adopted by the City Council of the City of Modesto on March 2, 2004, including any amendments thereto up to, and including the election date, which are incorporated herein by this reference, be levied within the District in order to finance certain public facilities (the "Facilities") as set forth in the Resolution of Intention and services (the "Services") also set forth in the Resolution of Intention, including any incidental expenses related thereto, and shall a bonded indebtedness in the amount of not to exceed $75,000,000 be incurred within the District in order to finance the Facilities?

**TOTAL VOTES CAST:**  YES 23  NO 0

Jean Zahr
City Clerk of the City of Modesto
Dated: 4/17/2004
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-202

THIS RESOLUTION NUMBER
WAS NOT USED.
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-203

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); AMENDING SECTION 8-4-9 OF THE ZONING MAP TO PREZONE APPROXIMATELY 1.854 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF GLENN AVENUE WEST OF GUTHERIE STREET TO LOW DENSITY RESIDENTIAL ZONE, R-1 AND ANNEX SAID PROPERTY TO THE CITY OF MODESTO, THE MODESTO SEWER DISTRICT NO. 1 AND TO DETACH SAID PROPERTY FROM THE INDUSTRIAL FIRE PROTECTION DISTRICT (OWNER: MODESTO CITY SCHOOLS).

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

WHEREAS, Modesto City Schools is the owner of approximately 1.854 acres of real property, located on the north side of Glenn Avenue west of Gutherie Street ("Property"), and

WHEREAS, Becky Meredith on behalf of Modesto City Schools has proposed that the zoning designation for the Property be prezoned to Low-Density Residential Zone, R-1, in the City of Modesto to allow expansion of Bret Harte Elementary School ("Project"), and

WHEREAS, the City has received a written request from Modesto City Schools to initiate annexation of the Property to the City of Modesto under the Cortese-Knox-Hertzberg Local Reorganization Act of 2000, California Government Code Section 56000, et seq, 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 EIR and whether the subsequent project was described in the Master EIR 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 2003-89 ("Initial Study") reviewed the proposed amendment to the Zoning Map to R-1 and annexation to determine whether the Project is within the scope of the project covered by the Master EIR, and made the determination that the proposed Project will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed Project is within the scope of the project covered by the Master EIR, and

WHEREAS, in accordance with CEQA guidelines, beginning on January 30, 2004, the City caused to be published a 20-day notice of the City’s intent to make a finding that the proposed Project conforms with the Master EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on February 24, 2004, at 5:30 p.m., and continued to April 6, 2004, 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 amendment to the Zoning Map to prezone the Project area to R-1 and annex the subject Property to the City of Modesto and Modesto Sewer District No. 1 and detach it from the Industrial Fire Protection District, a copy of which is attached hereto as Exhibit “A”, and
incorporated herein by reference. Based on the substantial evidence included in said Initial Study, Council hereby 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 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 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: Jean Zahr

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2003-89
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study C&ED No. C&ED No. 2003-89

For the proposed:
Bret Harte Elementary School Expansion and Modernization Project (Modesto City Schools, Applicant)

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

December 10, 2003
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 Bret Harte Elementary School Expansion and Modernization Project 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. (State CEQA Guidelines Section 15384)

City staff consulted with appropriate Responsible Agencies and City Departments regarding potential environmental impacts associated with this project. Any significant comments and conditions are incorporated into this Initial Study. The City’s MEIR (SCH# 1999082041) was also consulted which lists both General Plan policies and mitigation measures for each area of environmental study.

II. PROJECT DESCRIPTION

A. Title: Bret Harte Elementary School Expansion and Modernization Project

B. Address or Location: 909 Bret Harte Place (North side of Glenn Avenue, west of Guthrie Street) Modesto, California, 95351.

C. Applicant: Modesto City Schools
   426 Locust Street
   Modesto, California, 95351-2699

D. Application Contact Person: Becky Meredith, Director of Planning and Research
E. Current General Plan Designation(s): R: Residential

F. Current Zoning Classification(s): Not Applicable, (presently unincorporated).

G. Surrounding Land Uses: North: Existing Bret Harte Elementary School
South, East & West: Developed single-family residences in the unincorporated area of Stanislaus County.

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):

Modesto City Schools proposes to expand and modernize Bret Harte Elementary School located at 909 Bret Harte Place, Modesto, California, refer to Exhibit A. This School presently serves over 1,000 students in grades, Kindergarten through Sixth grade, on a seven-acre school site. The school presently qualifies as a “Critically Overcrowded School.

The Bret Harte Elementary School expansion and modernization project involves adding to and reconfiguring the onsite parking and circulation area, adding and renovating structures on the school campus, refer to Exhibit B. To facilitate this expansion, the School District proposes to annex five adjoining school acquired properties, along with adjacent street and alley rights-of-way located south of the school site to the City of Modesto, refer to Exhibit C. The School District also proposes to prezone this subject area to P-R-1 (Low Density Residential), refer to Exhibit D. Two additional applications are also proposed and will be considered subsequently by the City of Modesto. One application proposes to abandon Bret Harte Place street right-of-way, a portion of Frazier Street right-of-way, and adjacent alley right-of-way, refer to Exhibit E. The other subsequent application is a Tentative Parcel Map proposing to merge the School acquired lots along with the proposed abandoned rights-of-way, refer to Exhibit F. Exhibits A through F are attached at the end of this document.

I. Other Public Agencies Whose Approval is Required:

State of California Division of State Architect
Local Agency Formation Commission
San Joaquin Valley Air Pollution Control District

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 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.

City of Modesto Finding of Conformance
General Plan Master EIR

Initial Study
C&ED No. 2003-89
December 10, 2003
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.

Discussion:

(1) The City of Modesto is the lead agency for processing the requested land use entitlements (i.e.: prezoning, annexation, parcel map and abandonment applications). Modesto City Schools is the Lead Agency for the expansion and modernization of the Bret Harte Elementary school site.

(2) The subject project proposes improvements to an existing developed site located within the Baseline Developed Area. The subject area includes five parcels, which each contained a single-family home. All appropriate City General Plan development policies will be continue to be in effect and appropriate mitigation measures will be applied.

(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) The subject site involves five residential lots. After the application proposals were referred to Trustee Agencies, no significant resources are identified in this proposal.

(5) The subject area is located within the Modesto Urban Area General Plan in the Baseline Developed Area, refer to Exhibit G, all appropriate mitigation measures as listed in the Master EIR are incorporated into the project.
A Global list of General Plan Policies and Mitigation Measures was reviewed (which is attached to the initial study) and appropriate Mitigation Measures will be required as part of the project's approval.

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. YES NO X □

(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, 4, 5, below). X □

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

(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. X □

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

Discussion:

No discussion is necessary.

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 IV, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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:

(1) The project would contribute more than an additional 100 average daily trips (ADT) to adjoining roads and generates more trips than assumed for their 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 thresholds. Such Projects are presumed to generate more trips than assumed by the Master EIR.

Where a project exceeds an additional 100 ADT contribution, a site access study will be conducted to determine to what extent the project would exceed the year 2025 level of service (LOS) expected for the adjoining roadways under the Master EIR. The site access study will recommend new, project-specific mitigation measures. Where the project also exceeds the Master EIR’s traffic generation assumption, as determined by Engineering & Transportation staff, a comprehensive traffic study will be required that will include off-site traffic impact analysis.

(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:**

(1) The project was referred to the Engineering and Transportation Department and the Transportation Division staff did not cite the need for a site access study.

(2) The project was referred to the Engineering and Transportation Department and the Transportation Division commented that City’s Standards Specifications require that the Glenn Avenue be dedicated and improved to full City Street Standards.

The proposed alley abandonment may affect vehicular access to adjacent residences and the Turlock Irrigation District lateral located west of the school site. The City recommends that a separate alley right-of-way be maintained immediately west and adjacent to the western access driveway. A vehicular access easement may serve to meet the access needs of the users of the alley.

All proposed fence and wall heights shall adhere to the City’s Clear Vision Triangle requirements.

(3) The project was referred to the City of Modesto Police and Fire Department as well as to the City of Modesto Engineering and Transportation Department. The City Fire Marshal cited the following California Fire Code requirements:
a) Fire Hydrants shall be spaced at 450-foot intervals along fire department access roads capable of providing 2,250 gallons per minute.

b) Fire department access roads shall extend within 150 feet of all portions of buildings. For buildings provided with an automatic fire sprinkler system this distance may be increased to 200 feet.

c) Fire department access roads shall be provided with an inside turning radius of 25 feet and outside 45 feet. Dead end fire department access roads that exceed 150 feet in length shall be provided with approved turnaround.

(4) The project will result in additional parking and better on-site circulation for the school site. The project also proposes street improvements along the adjoining streets improving the safety for both pedestrians and vehicular traffic. The proposed relocated alley right-of-way will need to be designed to provide an adequate turning radius for utility service vehicles.

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 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 IV, Mitigation Measures Applied to Project:

Discussion:

Mitigation measure Air-1 from the MEIR is required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards. In addition, the San Joaquin Valley Air Pollution Control District commented: “Because the project site contains a building needing renovation/demolition, the applicant will need to be in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS). Specifically, the primary air pollutant of concern is the asbestos. To ascertain whether this project is subject to the NESHAPS, the project applicant is advised to review the Asbestos – Compliance Assistance Bulletin, dated December 1994.
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:

1. The project exceeds the emissions thresholds established for CO and NOx by the San Joaquin Valley Unified Air Pollution Control District's (SJUAPCD) adopted CEQA Guidelines. YES NO ☐ X
2. The project does not incorporate the best management practices for PM10 reduction established by the SJUAPCD. ☐ X
3. The project does not comply with the air quality policies of the Modesto Urban Area General Plan. ☐ X
4. The project would expose sensitive receptors to substantial pollutant concentrations. ☐ X
5. The project would create objectionable odors affecting a substantial number of people. ☐ X

Discussion:

1. The project was referred to the San Joaquin Valley Air Pollution Control District and it commented that the project appears to have a less-than significant impact on the ambient air quality. It commented that the Project will need to be in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS).

2-3. See discussion under 1 above.

4. The project consists of expanding an existing elementary school and renovating some of the existing structures. The entitlement applications of pre-zoning, annexation, right-of-way abandonment, and a parcel map do not change or affect the quality of air in the area.

5. The project does not involve manufacturing or food processing – it is a minor expansion and improvement of an existing school site.

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 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 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 IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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-than significant unless:

(1) The project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance. □ X

(2) The project will exceed the noise policies of or otherwise be inconsistent with the Modesto Urban Area General Plan. □ X

(3) The project will result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? □ X

(4) The project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project. □ X

Discussion:

(1) The project involves an existing school site that operates between 7:00 am and 5:00 pm, within Modesto Noise Ordinance time limits. The project does not change the hours of operation.

(2) School operations generate mild levels of noise during normal business hours from children playing on the fields or in the playground. The existing school will not generate
higher levels of noise that are presently generated at the school site during regular hours of operation.

(3) See discussion above.

(4) To reduce temporary impacts on noise during construction, 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.

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 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 IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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-than significant unless:
(1) The project is inconsistent with the Modesto Urban Area General Plan. ☐ X

(2) The project will directly result in the development of land outside the March 2003 planning area boundaries. ☐ X

(3) The project will Conflict with existing zoning for agricultural use, or a Williamson Act contract. ☐ X

(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. ☐ X

Discussion:

(1) The Modesto Urban Area General Plan designates the site as R, Residential. Schools are permitted in this land use designation, thus the project is consistent with the General Plan.

(2) The project involves an existing school in an already that is already developed. Agricultural uses have not been in practice in this area for over 30 years.

(3) The existing school site is located in the R-1 zoning district. The expansion component is proposed to be annexed and prezoned as R-1. As the area has been developed for some time, there are no Williamson Act contracts in the neighborhood.

(4) See discussion above.

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 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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-than significant unless:

- (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:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City’s General Plan and the City’s Zoning Ordinance.

(2) The School expansion consist of additional parking, reconfigured on-site traffic circulation, additional school classrooms and auxiliary buildings, and renovation of some of the existing buildings. The expansion will take place on five parcels that were formally developed with single-family homes. The project was referred to the City’s Capital Planning staff and adequate water supply and delivery system is present to serve the project.

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 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

**Discussion:**

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**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-than significant unless:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td></td>
</tr>
<tr>
<td>☑</td>
<td></td>
</tr>
</tbody>
</table>

(1) The project is inconsistent with the Modesto Urban Area General Plan.

(2) 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:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City’s General Plan and the City’s Zoning Ordinance.

(2) The School expansion consist of additional parking, reconfigured on-site traffic circulation, additional school classrooms and auxiliary buildings, and renovation of some of the existing buildings. The expansion will take place on five parcels that were formally developed with single-family homes. The project was referred to the City’s Capital Planning staff and adequate wastewater treatment and delivery system is present to serve the project.

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 IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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:

<table>
<thead>
<tr>
<th>Threshold</th>
<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>
<td>X</td>
</tr>
<tr>
<td>(2) Consultation with the California Department of Fish and Game or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on special status species.</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(3) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

(2) The School expansion consist of additional parking, reconfigured on-site traffic circulation, additional school classrooms and auxiliary buildings, and renovation of some of the existing buildings. The expansion will take place on five parcels that were formally developed with single-family homes. As the subject property is located in an already developed area and not in a potential biological resource study area, as a result, the proposal was not referred to the U.S. Department of Fish and Game.

(3) See discussion above. In addition, there are no mature trees in the subject area.

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. This would be a less-than-significant impact with the imposition of new mitigation measure Cultural-1.

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 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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-than significant unless:

<table>
<thead>
<tr>
<th>Threshold</th>
<th>Description</th>
<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>
<td></td>
<td>X</td>
</tr>
<tr>
<td>(2)</td>
<td>The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources, or that is listed by the City of Modesto as a Designated Landmark Preservation Site.</td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

(2) The project involved the acquisition and demolition of five residentially developed parcels located in the County. None of these properties were designated as historical resources or as a Landmark Preservation Site in the Modesto Urban Area General Plan.

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 IV, Mitigation Measures Applied to Project:

**Discussion:**

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

**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:

| (1) The project is inconsistent with the Modesto Urban Area General Plan. | YES | NO |
| (2) The project would substantially increase the rate or amount of surface | | |
runoff in a manner that would result in flooding on- or offsite.

(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.

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City’s General Plan and the City’s Zoning Ordinance.

(2) The project includes the construction of an additional parking area for the school site. The project will be required to control storm drainage in accordance with the City’s Guidance Manual for New Development Stormwater Quality Control Measures.

(3) The neighborhood was developed to County standards and no storm drainage was installed at the time the area was developed. The project will be developed to City standards with the full street improvements along project’s frontage along the north half of Glenn Avenue.

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 MEIR. All feasible measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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-than significant unless:

(1) The project is inconsistent with the Modesto Urban Area General Plan. ☐ YES ☒ NO

(2) The project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act. ☒ YES ☐ NO

(3) The project does not comply with Modesto's Guidance Manual for New Development Storm water Quality Control Measures. ☐ YES ☒ NO

(4) The project would create or contribute runoff water, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff. ☒ YES ☐ NO

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.
The construction component of this project is subject to the review and approval of the State Architects Office. The reviewing agency will require adherence to any Clean Water Act requirements, as it deems appropriate.

The project includes the construction of an additional parking area for the school site. The project will be required to control storm drainage in accordance with the City's Guidance Manual for New Development Stormwater Quality Control Measures.

The neighborhood was developed to County standards and no storm drainage was installed at the time the area was developed. The project will be developed to City standards with the full street improvements along project's frontage along the north half of Glenn Avenue.

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 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

**Discussion:**

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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-than significant unless:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>X</td>
</tr>
</tbody>
</table>

(1) The project is inconsistent with the Modesto Urban Area General Plan.

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City’s General Plan and the City’s Zoning Ordinance.

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. As 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 SB 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 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 IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.
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:

YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan. □ X

(2) 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. □ X

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

(2) The project will result in accommodating the students in this already critically overcrowded school.

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 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project.
Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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-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:

1. The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City’s General Plan and the City’s Zoning Ordinance.

2. The project involves minor expansion of an existing school that is already served with adequate police services. The proposal was referred to the Modesto Police Department which did not comment on the need for additional facilities.

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 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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-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:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City’s General Plan and the City’s Zoning Ordinance.

(2) The project involves minor expansion of an existing school that is already served with adequate fire protection services. The project will be required to meet all City Fire safety requirements.

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 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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:

(1) The project is inconsistent with the Modesto Urban Area General Plan. YES NO □ X

(2) The County is unable to expand its solid waste disposal capacity and the project would result in waste stream levels that exceed disposal capacity. □ X

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

(2) This project was referred to the Solid Waste Division of the City's Engineering and Transportation Department and they had no comments regarding this project's impact on the solid waste impacts.
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 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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-than significant unless:

YES NO

(1) The project is inconsistent with the Modesto Urban Area General Plan. □ X

(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. □ X

(3) The project contains a contaminated site not identified as of March 2003. □ X

(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. □ X

(5) The project would be located on a site which is included on a list of □ X
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:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

(2-5) The City's Final Master Environmental Impact Report lists hazardous materials sites and this project is not near any those sites.

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 MEIR. All feasible measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section IV, Mitigation Measures Applied to Project:

Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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-than significant unless:

1. The project is inconsistent with the Modesto Urban Area General Plan. YES NO □ X

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. □ X

Discussion:

1. The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

2. The project involves property that was previously built-upon with single-family residences and road improvements. According to the MEIR's physical description of the General Plan's study area, the site is not located in an area subject to landslide, lateral spreading, subsidence, liquefaction or collapse.

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 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 IV, Mitigation Applied to Project:
Discussion:

No mitigation measures from the MEIR are required to be applied to the project. No new or additional mitigation measures or alternatives are required for the project. The project will incorporate appropriate conditions of approval that satisfy City development standards.

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-than significant unless:

(1) The project is inconsistent with the Modesto Urban Area General Plan. □ X

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

The proposed school parking lot should contain shade trees as required in the Modesto Municipal Code. The City suggests that applicant provide for nine shade trees in the parking areas, six in the parking lot fronting Glenn street, and three in the parking area along the east side of the project site.

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-than significant unless:

(1) The project is inconsistent with the Modesto Urban Area General Plan. □ X

(2) The project includes a substantive amendment to the Modesto Urban Area General Plan. □ X

(3) The project would physically divide an established community □ X
Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

(2) The project involves annexation to the City Limits and does not include an amendment to the Modesto Urban General Plan.

(3) The project will serve to strengthen the bonds of the neighborhood as the elementary school unites the children and parents in the neighborhood.

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>(1) The project is inconsistent with the Modesto Urban Area General Plan.</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
<td>✗</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(2) The project would have a substantial adverse effect on a scenic vista.</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(3) The project would substantially degrade the existing visual character or quality of the project site and its surroundings.</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(4) The project would create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area.</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐</td>
</tr>
</tbody>
</table>

Discussion:

(1) The subject site is designated as Residential in the Modesto Urban Area General Plan. It is located in an area that has already been developed with residential uses. The existing school and proposed school expansion and modernization project are consistent with the City's General Plan and the City's Zoning Ordinance.

(2-4) The project is located within an established residential neighborhood and there are no scenic vistas in the immediate area. The expansion of the existing school is consistent with the type of development in the area.
The applicant is encouraged to provide for screen planting and a CMU block wall between the parking area and the residential unit to the west of the proposed parking area. Provide for a climbing vine planning to cover the CMU block wall.

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. The following adopted General Plan Policies and Master EIR Mitigation Measures (also contained in Section III, "Global List") 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).

Traffic and Circulation Measures:

N/A

Air Quality Measures:

Mitigation Measure Air-1: PM10 Control Measures

1. SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM-10. The following controls are required to be implemented at all construction sites:

   a. 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.

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

   c. 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.

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

   e. 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.

   f. 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.)
g. 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.

h. 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.

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

**Noise Measures:**
N/A

**Agricultural Land Measures:**
N/A.

**Water Supply Measures:**
N/A

**Sanitary Sewer Service Measures:**
N/A

**Sensitive Wildlife and Plant Habitat Measures:**
N/A

**Archaeological or Historic Sites Measures:**
N/A

**Storm Drainage Measures:**
N/A

**Flooding and Water Quality Measures:**
N/A

**Parks and Open Space Measures:**
N/A

**Schools Measures:**
N/A

**Police Services:**
N/A.

**Fire Services:**
N/A

**Generation of Solid Waste**
N/A
**B. Recommended Conditions of Project Approval**

1. Glenn Avenue be dedicated and improved to full City Standards.

2. The proposed alley abandonment may affect vehicular access to adjacent residences and the Turlock Irrigation District lateral located west of the school site. The City recommends that a separate alley right-of-way be maintained immediately west and adjacent to the western access driveway. A vehicular access easement may serve to meet the access needs of the users of the alley.

3. All fences and walls heights shall adhere to the City’s Clear Vision Triangle requirements.

4. The City Fire Marshal cited the following California Fire Code requirements:
   
   a) Fire Hydrants shall be spaced at 450-foot intervals along fire department access roads capable of providing 2,250 gallons per minute.
   
   b) Fire department access roads shall extend within 150 feet of all portions of buildings. For buildings provided with an automatic fire sprinkler system this distance may be increased to 200 feet.
   
   c) Fire department access roads shall be provided with an inside turning radius of 25 feet and outside 45 feet. Dead end fire department access roads that exceed 150 feet in length shall be provided with and approved turnaround.

5. The project will result in additional parking and better on-site circulation for the school site. The project also proposes street improvements along the adjoining streets improving the safety for both pedestrians and vehicular traffic. The proposed relocated alley right-of-way will need to be designed to provide an adequate turning radius for utility service vehicles.

6. SJVUAPCD Regulation VIII Control Measures for Construction Emissions of PM-10. The following controls are required to be implemented at all construction sites:
a) 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.

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

c) 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.

d) With the demolition of buildings up to six stories in height, all exterior surfaces of the building shall be wetted during demolition.

e) 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.

f) 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.)

g) Following the addition of materials to, or the removal

h) 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.

i) 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.

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

k) The Project will need to be in compliance with the National Emission Standards for Hazardous Air Pollutants (NESHAPS).

7. 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.

8. The project will be required to control storm drainage in accordance with the City’s Guidance Manual for New Development Stormwater Quality Control Measures.

9. Fire Hydrants shall be spaced at 450-foot intervals along fire department access roads capable of providing 2,250 gallons per minute.

10. Fire department access roads shall extend within 150 feet of all portions of buildings. For buildings provided with an automatic fire sprinkler system this distance may be
increased to 200 feet.

11. Fire department access roads shall be provided with an inside turning radius of 25 feet and outside 45 feet. Dead end fire department access roads that exceed 150 feet in length shall be provided with and approved turnaround.

12. The proposed school parking lot should contain shade trees as required in the Modesto Municipal Code. The City suggests that applicant provide for nine shade trees in the parking areas, six in the parking lot fronting Glenn street, and three in the parking area along the east side of the project site.

13. The applicant is encouraged to provide for screen planting and a CMU block wall between the parking area and the residential unit to the west of the proposed parking area. Provide for a climbing vine planning to cover the CMU block wall.
PREZONE TO R-1
GLENN AVENUE NO. 1 REORGANIZATION TO THE CITY OF MODESTO

LOCATED IN A PORTION OF THE SOUTHWEST QUARTER
OF SECTION 8, T.4 S., R.9 E., M.D.B. & M.
STANISLAUS COUNTY, CALIFORNIA

PREPARED BY:
DELAMARE-FULTZ
ENGINEERING AND SURVEYING
4425 TULLY ROAD SUITE J MODESTO CA 95355
TELEPHONE (209) 339-7460

1 N. 89°10'00" W. 612.56'
2 S. 0°26'00" W. 50.00'
3 S. 89°10'00" E. 96.52'
4 S. 0°13'00" W. 165.51'
5 S. 89°20'00" E. 190.77'
6 N. 57°12'00" E. 388.08'
PREZONE TO R-1
GLEN AVE NO. 1 REORGANIZATION
TO THE CITY OF MODESTO

All that certain real property situate in portion of the southwest quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California described as follows:

Beginning at the intersection of the east-west quarter section line of said Section 8 with the centerline of 60 foot wide Glenn Avenue which is on the south line of Hatch Road No. 1 Government Reorganization; thence along said east-west quarter section line, being also said south line of Hatch Road No. 1 Government Reorganization, North 89°10'00" West 612.56 feet to the southeastern right-of-way of the Turlock Irrigation District Lateral No. 1; thence along said right-of-way of Lateral No. 1, South 0°26'00" West 50.00 feet to the north line of the alley in Block 9812 of the Rutherford Tract according to the official map thereof recorded in Volume 16 of Maps, Page 37 Stanislaus County Records; thence along said north line of alley South 89°10'00" East 96.62 feet to the northerly extension of the east line of Lot 10 of said Block 9812; thence along said northerly extension of the east line of Lot 10 and the southerly extension thereof, South 0°13'00" West 165.51 feet to the centerline of said 60 foot wide Glenn Avenue (formerly 5th Avenue on said Rutherford Tract); thence along said center line South 89°20'00" East 190.77 feet to an angle point; thence along said center line North 57°12'00" East 388.08 feet to the beginning.

Containing: 80,781 SF (1.854 AC)
EXHIBIT E-1

BRET HARTE
ELEMENTARY SCHOOL

T.I.D. RIGHT OF WAY
INST. NO. 94-0022871-60

CITY OF MODESTO
PUBLIC AREA TO
BE ABANDONED
EXHIBIT E-2

BRET HARTE
ELEMENTARY SCHOOL

T.I.D. RIGHT OF WAY,
INST. NO. 94-0022871-00

PROPOSED 20' WIDE
PUBLIC UTILITIES
AND ALLEY ACCESS
TO BE GRANTED TO
STANISLAUS CO.

STANISLAUS COUNTY
PUBLIC AREA TO
BE ABANDONED

BRET HARTE PLACE

SCALE: 1" = 100'

NEW PROPERTY LINE

10' WIRE FENCE

ALLEY

20' ALLEY

LEN N AVE.

RAZI ER STREET

GUTHRIE ST

BLK. 9827

LEN N AVE.

9812

5, 6

11

12

27

38.5'

113.35'

38.4'

30'

10'

10'

30'

30'

30'

30'

30'

30'
In conjunction with the submittal of this VESTING TENTATIVE PARCEL MAP, an application for annexation to the City of Modesto, pre-zoning, and abandonment of public rights-of-way is also being submitted to appropriate authorities for processing.

The intent of this VESTING TENTATIVE PARCEL MAP is to combine the seven individual lots and the public rights-of-way shown within the heavy border with the current BREIT HARTE ELEMENTARY SCHOOL SITE and create one parcel.

This VESTING TENTATIVE PARCEL MAP has been prepared in accordance with the requirements set forth by Sec. 4-4.502 of the City of Modesto Municipal Code.

1. ZONING: R-1
2. ASSESSOR'S PARCEL NO.: 056-33-09, 055-44-11, 12, 13, 14, 15, 16, 17, 18, 49 & 50
3. SANITARY SEWAGE DISPOSAL BY THE CITY OF MODESTO.
4. WATER SUPPLY BY THE CITY OF MODESTO.
5. STORM DRAINAGE BY PRIVATE ON-SITE SYSTEM.
6. GAS SERVICE BY PACIFIC GAS & ELECTRIC CO.
7. ELECTRICAL SERVICE BY TURLOCK IRRIGATION DISTRICT.
8. TELEPHONE SERVICE BY SBC.
9. CABLE TELEVISION BY COMCAST.
10. STREET IMPROVEMENTS SHALL BE DONE PER CITY OF MODESTO STANDARD SPECIFICATIONS.
11. ADDITIONAL PUBLIC UTILITIES REQUIRED WILL BE INSTALLED UNDERGROUND OR OVERHEAD IN PUBLIC UTILITY EASEMENTS.
12. SCHOOL BUILDINGS ARE EXISTING ON THIS SITE.
13. PUBLIC IMPROVEMENT PLANS TO BE PREPARED AND SIGNED BY A STATE OF CALIFORNIA REGISTERED CIVIL ENGINEER.
14. ALL IMPROVEMENTS TO BE INSTALLED IN ACCORDANCE WITH CITY OF MODESTO STANDARDS.
City of Modesto
General Plan Areas

Legend
- Redvelopment Area
- Planned Urbanizing Area
- Baseline Developed Area
- General Plan Boundary
- Sphere of Influence

Modesto
Ceres
Hughson
Oakdale
Riverbank

Source: 1995 Modesto Urban Area General Plan

October 9, 2003
RESOLUTION APPROVING THE FILING OF AN APPLICATION TO THE
STANISLAUS LOCAL AGENCY FORMATION COMMISSION TO ANNEX
APPROXIMATELY 1.854 ACRES OF PROPERTY LOCATED ON THE NORTH
SIDE OF GLENN AVENUE WEST OF GUTHERIE STREET TO THE CITY OF
MODESTO, THE MODESTO SEWER DISTRICT NO.1 AND TO DETACH
SAID PROPERTY FROM THE INDUSTRIAL FIRE PROTECTION DISTRICT
(OWNER INITIATED – UNINHABITED)

WHEREAS, Modesto City Schools ("MCS") is the owner of approximately 1.854
acres of real property, located on the north side of Glenn Avenue west of Gutherie Street
("Property"), and proposes that the Property be included as part of the Bret Harte
Elementary School Expansion Project ("Project"), and

WHEREAS, the City has received a written request from Modesto City Schools
to initiate annexation of the Property to the City of Modesto under the Cortese-Knox-
Hertzberg Local Reorganization Act of 2000, California Government Code Section
56000, et seq, and

WHEREAS, the Resolution of Application is proposed pursuant to California
Government Code Sections 56654 and 56700, and

WHEREAS, on or about April 6, 2004, a Notice of Intention to adopt said
Resolution of Application was given to the Stanislaus County Local Agency Formation
Commission ("LAFCO") and the following interested and subject agencies: Stanislaus
County, Industrial Fire Protection District, Turlock Irrigation District, Modesto City
Elementary School District, Modesto Union High School District, and
WHEREAS, the Property proposed to be annexed is uninhabited, and a description of the boundaries of the subject Property is set forth in Exhibits “A” and “B,” attached hereto and by this reference incorporated herein, and

WHEREAS, the subject Property proposed to be annexed is within Stanislaus County, contiguous to the existing City limits and within the current Sphere of Influence of the City of Modesto, as adopted by Stanislaus Local Agency Formation Commission, Resolution No. 97-11, on May 28, 1997, and

WHEREAS, before an annexation application may be heard by LAFCO, there must be an agreement with the County providing for the sharing of property taxes following an annexation, and

WHEREAS, the proposed Property is covered by the Master Property Tax Agreement entered into between the County of Stanislaus and City of Modesto, approved by Council Resolution No. 96-170 on April 9, 1996, and amended on March 23, 2004, to include the Property within its scope, and

WHEREAS, the proposed Property is not subject to a Williamson Act Contract pursuant to Government Code Sections 51200, et seq, and

WHEREAS, it is desired to provide that the proposed reorganization be subject to the following terms and conditions:

(a) The annexation of said Property, as set forth on Exhibit “A” attached hereto, to the City of Modesto and Modesto Sewer District No. 1.

(b) The detachment of said Property from the Industrial Fire Protection District.
WHEREAS, the reasons for this proposed reorganization to the City of Modesto are as follows:

(a) Staff has received a written request signed by the sole property owner, Modesto City Schools, to annex the Property to the City of Modesto.

(b) The proposed annexation is consistent with the Urban Area General Plan and can be served by City services.

(c) The proposed annexation will result in planned, orderly and efficient development of the area, and provision of services, and

WHEREAS, pursuant to Government Code Section 56653, a plan for providing services is set forth in Exhibit “C”, attached hereto and by this reference incorporated herein, and

WHEREAS, Planning Commission held a duly noticed public hearing to consider the proposed application for annexation on January 5, 2004, at 7:00 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, and recommended adoption of a Resolution of Application to annex the Property, and

WHEREAS, the Modesto City Council held a duly noticed public hearing to consider the proposed application for annexation on April 6, 2004, at 7:00 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

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

1. That application be made for reorganization of the Property and that LAFCO is hereby requested to undertake proceedings on the proposed reorganization of the Property pursuant to Government Code Section 56700, subject to the following terms and conditions:
(a) The annexation of said Property, as set forth on Exhibit "A" attached hereto, to the City of Modesto and Modesto Sewer District No. 1.

(b) The detachment of said Property from the Industrial Fire Protection District.

2. That future development of the Property shall be consistent with the Modesto Urban Area General Plan adopted by the Council of the City of Modesto on August 15, 1995, and subsequent amendments.

3. That all owners of land within the affected Property have given their written consent to the reorganization and therefore, pursuant to California Government Code Section 56663 (c)(1), the City Council consents to waiver of conducting authority proceedings.

4. That the Resolution of Application is consistent with the City of Modesto Urban Area General Plan, adopted by the Modesto City Council by Resolution No. 95-409 on August 15, 1995, and is within the City's Sphere of Influence.

5. That the proposed reorganization has received environmental review through an Initial Study EA/C&ED No. 2003-89, leading to a Finding of Conformance pursuant to Public Resources Code Section 21157.1 that the Project is within the scope of the Master Environmental Impact Report for the Modesto Urban Area General Plan (SCH No.1999082041).

BE IT FURTHER RESOLVED that MCS shall indemnify, defend, and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to attack, set aside, void, or annul, any approval by the City of Modesto and
its advisory agency, appeal board, or a legislative body concerning the Resolution of Application. The City of Modesto shall promptly notify MCS of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, MCS shall not thereafter be responsible to defend, indemnify, or hold City harmless.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

Attachments
Exhibit “A” Written Description
Exhibit “B” Annexation Proposal Map
Exhibit “C” Plan for Services
Exhibit "A"

WRITTEN LEGAL DESCRIPTION
PREZONE TO R-1
GLENN AVENUE NO. 1 REORGANIZATION
TO THE CITY OF MODESTO

All that certain real property situate in portion of the southwest quarter of Section 8, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California described as follows:

Beginning at the intersection of the east-west quarter section line of said Section 8 with the centerline of 60 foot wide Glenn Avenue which is on the south line of Hatch Road No. 1 Government Reorganization; thence along said east-west quarter section line, being also said south line of Hatch Road No. 1 Government Reorganization, North 89°10'00" West 612.56 feet to the southeastern right-of-way of the Turlock Irrigation District Lateral No. 1; thence along said right-of-way of Lateral No. 1, South 0°26'00" West 50.00 feet to the north line of the alley in Block 9812 of the Rutherford Tract according to the official map thereof recorded in Volume 16 of Maps, Page 37 Stanislaus County Records; thence along said north line of alley South 89°10'00" East 96.62 feet to the northerly extension of the east line of Lot 10 of said Block 9812; thence along said northerly extension of the east line of Lot 10 and the southerly extension thereof, South 0°13'00" West 165.51 feet to the centerline of said 60 foot wide Glenn Avenue (formerly 5th Avenue on said Rutherford Tract); thence along said center line South 89°20'00" East 190.77 feet to an angle point; thence along said center line North 57°12'00" East 388.08 feet to the beginning.

Containing: 80,781 SF (1.854 AC)
Exhibit "B"

ANNEXATION PROPOSAL MAP
PREZONE TO R-1
GLENN AVENUE NO. 1 REORGANIZATION
TO THE CITY OF MODESTO

LOCATED IN A PORTION OF THE SOUTHWEST QUARTER
OF SECTION 8, T.4 S., R.9 E., M.D.B.& M.
STANISLAUS COUNTY, CALIFORNIA

SCALE: 1" = 150'

BRET HARTE
ELEMENTARY
SCHOOL

HATCH ROAD NO. 1 GOVERNMENT
REORGANIZATION TO THE
CITY OF MODESTO

EXISTING CITY
LIMITS LINE

BRET HARTE PLACE

PREPARED BY:
DELAMARE-FULTZ
ENGINEERING AND SURVEYING
3431 TULLI ROAD SUITE 1 MODESTO CA. 95350
TELEPHONE (209) 536-3600

1. N. 89°10'00" W. 612.56'
2. S. 0°26'00" W. 50.00'
3. S. 89°10'00" E. 86.62'
4. S. 0°13'00" W. 165.51'
5. S. 89°20'00" E. 190.77'
6. N. 57°12'00" E. 388.08'
Exhibit "C"

PLAN FOR SERVICE
EXHIBIT “C”

GLEN AVENUE No. 1 REORGANIZATION
PLAN FOR PROVIDING SERVICES

Pursuant to Government Code Section 56653, the following Plan for Services to be extended to the affected territory has been prepared for the Glenn Avenue No. 1 Reorganization:

A. The project site is part of the Bret Harte School Expansion and Modernization Project

B. The City’s Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2003-89 reviewed the proposed amendment to the Zoning Map to R-1 and annexation to determine whether the project is within the scope of the project covered by the Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR, and further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR.

Said Initial Study analyzed community facilities and services. These services include traffic and circulation, waste water collection, water delivery, storm water drainage, solid waste disposal, energy, schools, parks, fire, police and other governmental services. The City of Modesto is a full-service municipal city and would provide the following services:

1. Fire Protection – Upon reorganization, the subject properties will be detached from the Industrial Fire Protection District, which presently contracts with Modesto Fire Department, and fire protection services will continue to be provided by the Modesto Fire Department. Primary response will come from Station No. 10 located approximately one (5/8) mile from the project site at 148 Imperial Avenue.

2. Police Protection – Modesto City Police would assume responsibility for police protection upon effective date of annexation.

3. Garbage and Garden Refuse Pickup – Regular pickup service would remain unchanged to the area upon the effective date of annexation.

4. Sanitary Sewer Service – There is an existing 8” sewer line along Glenn Avenue that serves the school site and proposed annexation properties. The existing sewer line servicing the school site will also serve the subject site. According to the City’s Engineering and Transportation Department, the increase in sewer service from the school will be offset from the elimination of sewer service from the five residential homes previously serviced by the sewer line.

5. Water Service – There is an existing City water line in Bret Harte Place that serves the schools and connects to fire hydrants on the Bret Harte Elementary School site. Service would continue to be provided by the City of Modesto upon annexation.
Exhibit “C” Plan for Services  
Glenn Avenue No. 1 Reorganization

6. **Storm Drainage** – The subject area is currently served by a rock well system. Upon annexation, the subject area will be required to collect and dispose of storm drainage on site.

7. **Streets** – Glenn Avenue already exists and will become the frontage street for the subject site. As part of Bret Harte School’s expansion and renovation project, the School District will be dedicating and constructing street improvements to the centerline to meet Minor Collector street standards. After completion of the road improvements this portion of Glenn Avenue will be the responsibility of the City.

C. **The level and range of services:**  
The City of Modesto is a full service provider of municipal services and would provide the full range of services for those areas listed above.

D. **When can the services be provided?**  
The above-described services can be provided upon the effective date of annexation.

E. **Improvements required as condition of reorganization.**  
No improvements will be required as a condition of reorganization. Improvements would be required as a condition of development.

F. **How will services be financed?**  
Services will be financed through a combination of City fees and Enterprise Fund.
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-205

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(565) (VALLEY ASSOCIATED UROLOGY MEDICAL GROUP)

WHEREAS, a verified application for an amendment to Section 3-3-9 of the Zoning Map was filed by Valley Associated Urology Medical Group on October 10, 2003, to reclassify from Specific Plan Overlay Zone, (SP-O), to Planned Development Zone, P-D(565), described as follows:

SP-O to P-D(565)

All that portion of the south ½ of the southwest ¼ of section 3, Township 3 South, Range 9 East, M.D.B.&M., City of Modesto, County of Stanislaus, State of California.

Parcel 1 of that certain Map filed in Vol. 22 of Parcel Maps at Page 21, Stanislaus County Records;

also including the Easterly ½ of the original 40-foot Coffee Road, and the Northerly ½ of the original 40-foot of Mable Avenue.

WHEREAS, after a public hearing held on March 1, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2004-13, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The project site is large enough to accommodate the proposed planned development zone for medical offices and associated off-street parking, and is located at the intersection of a minor arterial and a minor collector, and therefore will not result in adverse impacts to the adjacent residential neighborhood.
2. Due to the specifics of the proposed site design (masonry wall, driveway locations, etc.), the proposed planned development zone is compatible with existing and potential surrounding development.

WHEREAS, said matter was set for a public hearing of the City Council to be held on April 6, 2004, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Valley Associated Urology Medical Group for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2004-13 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3347-C.S. on the 6th day of April 2004, reclassifying the above-described property from Specific Plan Overlay Zone, (SP-O), to Planned Development Zone, P-D(565).

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(565), is hereby approved subject to the following conditions:

1. All development shall conform to the site plan and elevations titled “Valley Associated Urology Medical Group” as amended in red, stamped approved by the City Council.

2. Prior to development of the two 11,000-square-foot buildings along the Mable Avenue frontage of the project site, the applicant shall make a formal application to the
City for a revised development plan to be considered by the Planning Commission.

3. Fences or walls shall be constructed prior to occupancy and shall be as follows: Eight-foot-high masonry wall along the east property line as shown on the approved plan.

4. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Screen landscaping shall be installed along the east property line. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan. Prior to issuance of any Certificate of Occupancy, landscaping of the entire periphery of the project site, including building pad locations for future single story buildings, shall be installed.

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

6. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Operations and Maintenance Director. Enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community and Economic Development Director.

7. Prior to the issuance of a building permit, developer shall provide a study of the existing Rose Lane storm drainage basin to determine the percolation rate necessary to accommodate storm water runoff from the site in accordance with current City standards as of the date of issuance of the permit, and reconstruct the basin to ensure that it functions in a manner that will allow it to accommodate all storm water runoff from the site in accordance with current City standards as of the date of issuance of the permit. Alternatively, developer shall provide on-site containment and disposal of all storm water runoff in excess of two inches in a 24-hour period. Developer shall complete all required storm water improvements prior to connection to the off-site storm water collection system or prior to issuance of any Certificate of Occupancy, whichever occurs first.
8. Storm drainage control shall be in accordance with the City's Guidance Manual for New Development Storm Water Quality Control Measures. Storm drain improvements shall be constructed in accordance with plans approved by the Engineering and Transportation and Operations & Maintenance Directors.

9. Existing overhead and underground electric facilities shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Engineering and Transportation Director.

10. Street dedication consistent with Standard Specifications, and as shown on the approved site plan, shall be made prior to the issuance of a building permit or at any time requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

11. Street improvements consistent with Standard Specifications shall be provided prior to the occupancy of any structures or when requested by the Engineering and Transportation Director to alleviate a health, safety, or traffic problem in the area.

12. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a Registered Civil Engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

13. Ten-foot-wide public utility easements and four-foot-wide planting easements located within the ten-foot-wide public utility easements shall be dedicated along all street frontages as required by the Engineering and Transportation Director.

14. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.

15. All signs shall comply with the sign requirements of the P-O Zone.

16. All outdoor lighting shall be shielded from adjacent residential properties as required by the Engineering and Transportation Director.
17. 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.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(565):

The construction program be accomplished in two phases as follows:

Phase I – Construction to begin on or before March 1, 2005 and completion to be not later than March 1, 2007.

Phase II – Construction to begin on or before March 1, 2006 and completion to be not later than March 1, 2008.

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(565), becomes effective.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: [Signature]
MICHAEL D. MILICH, City Attorney

APPROVED AS TO LEGAL DESCRIPTION
By: [Signature]
Community & Economic Development Department Planning Division
A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE NORTH BEYER PARK SPECIFIC PLAN MITIGATED NEGATIVE DECLARATION (SCH NO. 96102053): AMENDING SECTION 3-3-9 OF THE ZONING MAP TO REZONE FROM SPECIFIC PLAN OVERLAY ZONE, (SP-O), TO PLANNED DEVELOPMENT ZONE, P-D(565), PROPERTY LOCATED AT THE NORTHEAST CORNER OF COFFEE ROAD AND MABLE AVENUE. (VALLEY ASSOCIATED UROLOGY MEDICAL GROUP)

WHEREAS, on November 26, 1996, by Resolution No. 96-640, the City Council of the City of Modesto certified a Mitigated Negative Declaration for the North Beyer Park Specific Plan (SCH No. 96102053), and

WHEREAS, Valley Associated Urology Medical Group has proposed that the zoning designation for the property located at the northeast corner of Coffee Road and Mable Avenue be amended to rezone from Specific Plan Overlay Zone, (SP-O), to Planned Development Zone, P-D(565), in the City of Modesto ("the Project"), to allow the development of a 55,000-square-foot medical office complex and associated off-street parking, and

WHEREAS, the City's Community and Economic Development Department reviewed the proposed Project to determine if said Project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/C&ED 2004-14, which concluded that the proposed project is within the scope of the North Beyer Park Specific Plan Mitigated Negative Declaration (SCH No. 96102053), and
WHEREAS, the Planning Commission, by Resolution No. 2004-13, adopted on March 1, 2004, and City staff, by a report dated March 1, 2004, from the Community & Economic Development Department, recommended to the City Council approval of the application of Valley Associated Urology Medical Group to rezone a 5.5-acre parcel from Specific Plan Overlay Zone, (SP-O), to Planned Development, P-D(565), located at the northeast corner of Coffee Road and Mable Avenue in the North Beyer Park Specific Plan, to allow the development of a 55,000-square-foot medical office complex and associated off-street parking as set forth in said Resolution No. 2004-13, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on April 6, 2004, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Environmental Assessment No. EA/C&ED 2004-14, entitled "City of Modesto Initial Study Proposed Rezone to Planned Development for Medical Offices at the Northeast Corner of Coffee Road and Mable Avenue", for the proposed Project, and the Council hereby makes the following findings:

1. The proposed Project is within the scope of the North Beyer Park Specific Plan Mitigated Negative Declaration (SCH No. 96102053), which analyzed the potential impacts of buildout of the Specific Plan area.

2. No substantial changes are proposed in the Project that will require major revisions of the North Beyer Park Specific Plan Mitigated Negative Declaration.

3. No substantial changes have occurred with respect to the circumstances under which the Project is being undertaken which will require major revisions in the North Beyer Park Specific Plan Mitigated Negative Declaration.
4. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the North Beyer Park Specific Plan Mitigated Negative Declaration was adopted shows any of the following:

a. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

b. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

c. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

1. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

2. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

3. Mitigation measures or alternatives previously found not to be feasible would in fact be 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

4. Mitigation measures or alternatives which are considerably different from those
analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

5. The Initial Study, Environmental Assessment EA/C&ED 2003-14, provides the substantial evidence to support findings 1-4, noted above.

Be it further resolved that a copy of said Environmental Assessment No. EA/C&ED 2004-14, entitled “City of Modesto Initial Study Proposed Rezone to Planned Development for Medical Offices at the Northeast Corner of Coffee Road and Mable Avenue,” is attached hereto as Exhibit “A”, and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

INITIAL STUDY

EA/C&ED NO. 2004-14
CITY of MODESTO
INITIAL STUDY

Proposed Rezone to Planned Development for Medical Offices at the Northeast Corner of Coffee Road and Mable Avenue

EA/CDD 2004-14
February 11, 2004

I. PURPOSE

On November 26, 1996, the Modesto City Council certified the Mitigated Negative Declaration for the North Beyer Park Specific Plan (SCH# 96102053). This document analyzed the impacts of buildout of the North Beyer Park Specific Plan area. Section 21166 of the Public Resources Code allows the North Beyer Park Specific Plan Mitigated Negative Declaration to be used for subsequent projects within the Specific Plan area, provided that the following findings can be made:

A. No substantial changes are proposed in the project that will require major revisions of the environmental impact report.

B. No substantial changes are occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the environmental impact report.

C. No new information, which was not known and could not have been known at the time the environmental impact report was certified as complete, has become available.

II. PROJECT DESCRIPTION

A. Project title:
Public Hearing – Application of Valley Associated Urology Medical Group for proposed medical offices at the northeast corner of Coffee Road and Mable Avenue

B. Lead agency name and address:
City of Modesto, PO Box 642, Modesto, CA 95353

C. Contact person, address and phone number:
Brad Wall
City of Modesto Community & Economic Development Department
1010 10th Street, Suite 3100
Modesto, CA 95353
(209) 577-5282

D. Project Location:
Northeast corner of Coffee Road and Mable Avenue
E. Project Sponsors:
Valley Associated Urology Medical Group
1541 Florida Avenue
Modesto CA 95350

F. General Plan Designation:
Mixed Use (MU)

G. Current Zoning:
Specific Plan Overlay (SP-O)

H. Description of Proposed Project:
This is an application to develop a vacant five-acre site with a medical office project totaling approximately 55,000 square feet via a rezone from Specific Plan Overlay (SP-O) to Planned Development (P-D).

I. Surrounding land uses:
Property to the east is developed with single-family residential land uses. The properties to the north and west (across Coffee Road) are designated for non-residential uses, but are currently vacant. A relatively new medical office development exists to the south, across Mable Avenue.

J. Other public agencies whose approval is required: None.

III. ANALYSIS OF CONFORMANCE WITH CEQA SECTION 21166 FINDINGS

A. Are substantial changes proposed in the project that will require major revisions of the environmental impact report?

Following is an analysis of whether there are substantial changes proposed in the project that would require major revisions of the North Beyer Park Specific Plan Mitigated Negative Declaration:

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

[ ] Aesthetics  [ ] Agriculture Resources  [ ] Air Quality
[ ] Biological Resources  [ ] Cultural Resources  [ ] Geology/Soils
[ ] Hazards & Hazardous Materials  [ ] Hydrology/Water Quality  [ ] Land Use/Planning
[ ] Mineral Resources  [ ] Noise  [ ] Population/Housing
[ ] Public Services  [ ] Recreation  [ ] Transportation/Traffic
[ ] Utilities/Service Systems  [ ] Mandatory Findings of Significance
DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

[ ] I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

[ ] I find that although the proposed project could have a significant effect on the environment, there will be not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

[ ] I find that the proposed project MAY have a significant effect on the environment, an ENVIRONMENT IMPACT REPORT is required.

[ ] I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. AN ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

[ X ] I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is requested.

Signature

Brad Hall

Date

2/13/04

Printed Name

BRAD WALL

For

EVALUATION OF ENVIRONMENTAL IMPACTS:

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cities in the parentheses following each questions. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operation impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. ”Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.

4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be crossed-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(d). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.

   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environment effects in whatever format is selected.

9) The explanation of each issue should identify:

   a) The significance criteria or threshold, if any, used to evaluate each question; and

   b) The mitigation measure identified, if any, to reduce the impact to less than significance.
<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. AESTHETICS – Would the project:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a) Have a substantial adverse effect on a scenic vista?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
<td></td>
</tr>
<tr>
<td>b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
<td></td>
</tr>
<tr>
<td>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
<td></td>
</tr>
<tr>
<td>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
<td></td>
</tr>
</tbody>
</table>

Discussion: The proposed project would have no impacts relative to scenic vistas nor resources, as none exist in the vicinity of the project site. Furthermore, as the proposed development consists of medical offices, there will be no activity at night. Any parking lot lighting will be required to be shielded and directed away from neighboring residences.
II. AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?  

   [ ]  [ ]  [ ]  [ X ]

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?  

   [ ]  [ ]  [ ]  [ X ]

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

   [ ]  [ ]  [ ]  [ X ]

Discussion: The project site is not zoned, used, nor designated for agricultural uses. It is not under Williamson Act contract.
III. AIR QUALITY — Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

d) Expose sensitive receptors to substantial pollutant concentrations?

e) Create objectionable odors affecting a substantial number of people?

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

Discussion: The proposed project will have no adverse effect relative to air quality.
IV. **BIOLOGICAL RESOURCES** - Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filing, hydrological interruption, or other means?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
</tbody>
</table>

**Discussion:** The proposed project will have no adverse effect relative to biological resources. The site is within the Modesto urban area and not near any riparian area nor migratory corridors.
V. CULTURAL RESOURCES – Would the project:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?  [ ]  [ ]  [ ]  [X]
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? [ ]  [ ]  [ ]  [X]
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? [ ]  [ ]  [ ]  [X]
- d) Disturb any human remains, including those interred outside of formal cemeteries? [ ]  [ ]  [ ]  [X]

Discussion: The proposed project will not have any effect on cultural nor historic resources. However, if any such resources are discovered during construction, then activities shall cease until the artifacts and site can be fully evaluated by a qualified archeologist.

VI. GEOLOGY AND SOILS – Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. [ ]  [ ]  [ ]  [X]
  - ii) Strong seismic ground shaking? [ ]  [ ]  [ ]  [X]
  - iii) Seismic-related ground failure, including liquefaction? [ ]  [ ]  [ ]  [X]
  - iv) Landslides? [ ]  [ ]  [ ]  [X]
VI. GEOLOGY AND SOILS, Continued:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>b) Result in substantial soil erosion or the loss of topsoil?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>c) Be located on a geologic unit or 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?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>d) Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial risks to life or property?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
</tbody>
</table>

Discussion: The project site is entirely flat, and not near any known seismic fault lines.

VII. HAZARDS AND HAZARDOUS MATERIALS -

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

[ ]                           | [ ]                           | [ ]                           | [ X ]                 | [ X ]     |
VII. HAZARDS AND HAZARDOUS MATERIALS, Continued:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>c) Emit hazardous emissions or handle hazardous with acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>d) 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 it create a significant hazard to the public or the environment?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
<tr>
<td>h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

Discussion: The proposed project would have no impacts whatsoever relative to hazards and hazardous materials.
<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Violate any water quality standards or waste discharge requirements.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on – or off-site?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on – or off-site?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>e) 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?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>f) Otherwise substantially degrade water quality?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
</tbody>
</table>
VIII. HYDROLOGY AND WATER QUALITY, Continued:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</th>
<th>Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>j) Inundation by seiche, tsunami, or mudflow?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion: The proposed project will be subject to all relevant and applicable City of Modesto requirements related to municipal water service and storm drainage. The site is not located within the 100-year flood plain.

IX. LAND USE AND PLANNING – Would the project:

a) Physically divide an established community? [ ] [ ] [ ] [X]

b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? [ ] [ ] [ ] [X]

c) Conflict with any applicable habitat conservation plan or natural community conservation plan? [ ] [ ] [ ] [X]

Discussion: The proposed project is consistent with all applicable and relevant City of Modesto plans, policies and regulations.
X. MINERAL RESOURCES – Would the project:

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?  

- Potentially Significant Impact
- Less Than Significant Impact
- With Mitigation
- Incorporation
- Less Than Significant Impact
- No Impact

[X]  

b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?  

- Potentially Significant Impact
- Less Than Significant Impact
- With Mitigation
- Incorporation
- Less Than Significant Impact
- No Impact

[X]  

Discussion: The proposed project would have absolutely no impacts whatsoever relative to mineral resources.

XI. NOISE – Would the project result in:

a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?  

- Potentially Significant Impact
- Less Than Significant Impact
- With Mitigation
- Incorporation
- Less Than Significant Impact
- No Impact

[X]  

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?  

- Potentially Significant Impact
- Less Than Significant Impact
- With Mitigation
- Incorporation
- Less Than Significant Impact
- No Impact

[X]  

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  

- Potentially Significant Impact
- Less Than Significant Impact
- With Mitigation
- Incorporation
- Less Than Significant Impact
- No Impact

[X]  

d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  

- Potentially Significant Impact
- Less Than Significant Impact
- With Mitigation
- Incorporation
- Less Than Significant Impact
- No Impact

[X]
XI. NOISE, Continued:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
</tbody>
</table>

Discussion: The proposed medical office development operations will result in no significant increase in noise levels associated with pre-project conditions.

XII. POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Discussion: Development of the proposed medical office project would result in no significant increase in population.
XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire Protection?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>Police protection</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>Schools</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>Parks</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>Other public facilities?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
</tbody>
</table>

Discussion: The proposed project will have absolutely no impacts relative to provision of public services.

XIV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

Discussion: The proposed medical office project would result in no recreation-related impacts.
XV. TRANSPORTATION/TRAFFIC - Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>e) Result in inadequate emergency access?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>f) Result in inadequate parking capacity?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
<tr>
<td>g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ X ]</td>
</tr>
</tbody>
</table>

Discussion: The proposed medical office development is located in an area with a well-established roadway network. The existing streets in the vicinity of the project site will easily accommodate both the existing traffic levels and the additional traffic generated as a result of the project. The site design conforms to all applicable City regulations related to traffic and parking.
XVI. Utilities and Service Systems – Would the project:

<table>
<thead>
<tr>
<th>Issues</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant With Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effect?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effect?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>e) 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?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>f) Be served by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
<tr>
<td>g) Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[X]</td>
</tr>
</tbody>
</table>

Discussion: The conditions of approval for the proposed medical office project will ensure that it can be served by all utilities and service systems, including storm drainage.
XVII. **MANDATORY FINDINGS OF SIGNIFICANCE**

a) Does the project have the potential to 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 a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

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 effect of other current projects, and the effects of probable future projects).

c) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?

**Discussion:** Based on the analysis provided above, it is certain that there would be no impacts related to the areas of concern included within these Mandatory Findings of Significance.
MODesto CItY COUNCIL
RESolution NO. 2004-207

A Resolution to Remove a Crosswalk and the Westbound Modesto Area Express Bus Stop on Scenic Drive Approximately 770 Feet East of Bodem Street, Relocate Said Bus Stop to the North Side of Scenic Immediately West of Bodem, Construct a Bus Turnout at That Location, Eliminate the Westbound Bus Stop on Scenic Immediately West of Melrose Street and Revise MAX Route 24 to Provide Service Between the Modesto Transportation Center and the Eastbound Bus Stop on Scenic Drive Adjacent to the Stanislaus County Health Services Agency.

Whereas, City staff has received complaints about the crosswalk and bus stop at the above-stated location, and

Whereas, Traffic Engineering staff has reviewed said crosswalk and determined that it should be eliminated, and

Whereas, the crosswalk exists primarily to enable Modesto Area Express (MAX) passengers to access the westbound bus stop at that location, and

Whereas, without the crosswalk the bus stop is difficult to access, and

Whereas, staff reviewed the potential of relocating the bus stop to the north side of Scenic Drive immediately west of Bodem Street, and

Whereas, staff determined that a bus turnout would be desirable at that location to allow traffic to move freely past buses that are stopped at the bus stop, and

Whereas, a westbound bus stop exists on the north side of Melrose Street approximately one block west of Bodem Street, and

Whereas, two bus stops located within one block of each other is not conducive to the free flow of traffic or the efficiency of the bus system, and

Whereas, to accommodate individuals wishing to take the MAX bus from the Stanislaus County Health Services Agency (HSA) to the Modesto Transportation Center,
MAX Route 24 would need to be revised so that it stops on the south side of Scenic Drive adjacent to the HSA, and

WHEREAS, there is a need to transport students attending the Elliot Alternative Education Center to the Transportation Center, and

WHEREAS, supplemental bus service of approximately three hours each school day is needed to provide the desired student transportation, and

WHEREAS, based on concerns expressed by citizens and councilmembers to increase pedestrian, bus user, and vehicle safety, staff recommends removal of the mid-block crosswalk on Scenic Drive, and

WHEREAS, the Safety and Communities Committee reviewed and approved the crosswalk removal resulting in the relocation of the existing bus stop at their meeting on September 02, 2003, and

WHEREAS, a public hearing was held on October 14, 2003, and by motion Council referred this item to the Economic Development Committee (EDC) to discuss alternatives, and

WHEREAS, at their meeting on December 8, 2003, the EDC reviewed the alternatives presented by staff and approved the alternative in the staff report to remove the crosswalk and the westbound bus stop located approximately 770 feet east of Bodem Street, relocate the bus stop to the north side of Scenic Drive immediately west of Bodem Street, construct a bus turnout at that location, remove the existing westbound bus stop on Scenic Drive immediately west of Melrose Street, and revise MAX Route 24 so that it provides service to the Transportation Center from the bus stop located on the south side of Scenic Drive adjacent to the HSA.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the removal of the crosswalk and the westbound bus stop located approximately 770 feet east of Bodem Street, relocation of the bus stop to the north side of Scenic Drive immediately west of Bodem Street, construction of a bus turnout at that location, removal of the existing westbound bus stop on Scenic Drive immediately west of Melrose Street, revision of MAX Route 24 so that it provides service to the Transportation Center from the bus stop located on the south side of Scenic Drive adjacent to the HSA and provides supplemental bus service of approximately three hours per day.

BE IT FURTHER RESOLVED that these changes be accomplished such that all are implemented during January 2005.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-208

A RESOLUTION APPROVING IN CONCEPT NEW MODESTO AREA EXPRESS (MAX) ROUTES TO START IN JANUARY 2005 AND APPROVE ADDITIONAL SHORT RANGE TRANSIT IMPROVEMENTS FOR THE MODESTO AREA EXPRESS (MAX) SERVICE.

WHEREAS, the Economic Development Committee met on March 8, 2004, and concurred with staff's recommendation to implement short-range improvements to the MAX system, including two new routes connecting the downtown Transportation Center with the Vintage Faire Mall and the Stanislaus County Community Services Agency in January 2005, and

WHEREAS, the staff report to the City Council dated March 22, 2004, recommends approval of various short range transit improvements to the MAX system and approval of conceptual plans to implement new routes connecting the downtown Transportation Center with the Vintage Faire Mall and the Stanislaus County Community Services Agency in January 2005, and

WHEREAS, these service improvements are necessary to ensure that the transit system grows as the City of Modesto grows and the transit system maintains its effectiveness, and

WHEREAS, staff must begin work immediately to allow lead-time necessary to implement the new routes proposed to begin operation in January 2005,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves in concept new Modesto Area Express (MAX) routes to start in
January 20005 connecting downtown Modesto with the Vintage Faire Mall and South Modesto.

BE IT FURTHER RESOLVED that the Council hereby approves additional short-range improvements to the MAX system as described in full in the Engineering and Transportation staff report dated March 22, 2004 on file in the Office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O’Bryan, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-209

A RESOLUTION COMMITTING FISCAL YEAR 2004-2005 OPERATING BASELINE BUDGET FUNDS IN THE AMOUNT OF $324,000 TO INCREASE MODESTO AREA EXPRESS (MAX) BUS SERVICE IN BUS FUND ORGANIZATIONS 1672 AND 5612.

WHEREAS, the City Council has been requested in the staff report from Peter Cowles, Acting Engineering & Transportation Director, to the City Council dated March 22, 2004, to approve the expansion of MAX Bus Service in fiscal year 2004-2005, and

WHEREAS, funds for this expansion are included in the fiscal year 2004-2005 Baseline Budget, and

WHEREAS, an eight-month lead-time is required to complete the community participation process and update informational materials necessary for such an expansion, and

WHEREAS, a commitment of Fiscal Year 2004-2005 Operating Baseline Budget Funds to increase the proposed transit services is necessary before work on said services begins,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby commits the funds presently identified in the Fiscal Year 2004-2005 Operating Baseline Budget in the amount of $324,000 to bus service expansion in Organizations 1672 and 5612.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION APPROVING AN AGREEMENT WITH HARRIS & ASSOCIATES FOR PROFESSIONAL SERVICES RELATED TO CONDUCTING PROPERTY OWNER PROTEST PROCEEDING FOR A PROPOSED INCREASE TO THE WATER RATES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the City Council accepted staff's recommendation for water rate increases and

WHEREAS, the City Council directed staff to take the necessary steps to initiate a Proposition 218 water rate increase process with the assistance of an outside firm, in order to complete the process within a designated timeframe and

WHEREAS, there is not sufficient City staff resources and expertise to conduct the election for the Water Rate Increase in-house and

WHEREAS, Harris & Associates has unique experience and knowledge of conducting property owner balloting,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Agreement in an amount not to exceed $100,000, with Harris & Associates, Inc., related to the property owner protest proceeding for the Water Rate Increase to include justifying the basis of rates complying with Proposition 218, preparation of the required notice, database development of the parcel information, printing, sorting, mailing and tabulating of the notice, and presenting the results to the City Council for certification.
NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Manager, or his authorized designee, is hereby authorized to execute the agreement and appropriate funds from 04-6100-800-8000-8003 in the amount of $100,000 to 04-0100-120-1205-0235.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, 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, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING ALLOCATION OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS OF $308,100 FOR PUBLIC SERVICES AND $109,443 FOR SERVICES FOR THE HOMELESS, AND EMERGENCY SHELTER GRANT (ESG) FUNDS OF $61,831 FOR FISCAL YEAR 2004-2005, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SIGN AND EXECUTE THE AGREEMENTS.

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the City receives a Community Development Block Grant (CDBG) and an Emergency Shelter Grant (ESG), and

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

WHEREAS, a maximum of fifteen percent (15%) of the City’s available CDBG entitlement plus an amount up to 15% of prior year’s program income, may be allocated for the purposes of providing assistance that is consistent with the functions of CDBG funding to very-low, low and moderate income persons and families residing within the city limits of Modesto, and

WHEREAS, in Fiscal Year 2004-2005, 15% of the City’s available CDBG entitlement plus prior year program income is $458,100, and 15% of prior year’s CDBG Revolving Loan Fund program income is $110,000, and

WHEREAS, the available ESG entitlement is $105,715, and
WHEREAS, in 2000, the City Council recommended that the Modesto Police Department be allocated funds for the Crime Free Multi-Housing Project (Crime Prevention Program) funded with CDBG Public Service funds for three years at $150,000 per year, and Fiscal Year 2003-2004 was the last year, and

WHEREAS, staff has reduced the amount of CDBG funding available to non-profit agencies by $150,000 in order to fund the Crime Prevention Program for one additional year, and

WHEREAS, the CH&CDC recommended allocation of $308,100 in available funds to qualified non-profit agencies as set forth in Exhibit A, attached hereto and incorporated by reference, and

WHEREAS, CH&CDC also recommended that $109,443 be allocated for services for the homeless as set forth in Exhibit B, attached hereto and incorporated by reference, and

WHEREAS, in Fiscal Year 2004-2005, the City’s ESG grant is $105,715, and

WHEREAS, the CH&CDC recommended allocation of $61,831 to local non-profit agencies for the purposes of providing assistance that is consistent with the functions of ESG funding to very-low, low and moderate income persons and families residing within the city limits of Modesto, as set forth in Exhibit C, attached hereto and incorporated by reference, and

WHEREAS, the CH&CDC recommended that the balance of $43,884 be allocated through a new RFP process, and
WHEREAS, at a public meeting on March 26, 2004, the Citizens Housing and Community Development Committee recommended funding as set forth in Exhibits A, B and C attached hereto and incorporated by reference,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the allocation of $308,100 in Community Development Block Grant (CDBG) funds for public services as set forth in Exhibit A.

BE IT FURTHER RESOLVED that the Council hereby approves the allocation of $109,443 in Community Development Block Grant (CDBG) funds for services for the homeless as set forth in Exhibit B.

BE IT FURTHER RESOLVED that the Council hereby approves the allocation of Emergency Shelter Grant (ESG) funds of $61,831 for Fiscal Year 2004-2005 as set forth in Exhibit C.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Council hereby approves the allocation of $150,000 to the Modesto Police Department for the Crime Prevention Program.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute any documents with respect to implementation of the allocation of Fiscal Year 2004-2005 CDBG and ESG Public Service Grant funding.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who
moved its adoption, which motion being duly seconded by Councilmember O’Bryant,
was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: ____________________________
JEAN JAHR, City Clerk

APPROVED AS TO FORM:

By: ________________________________
MICHAEL D. MILICH, City Attorney
<table>
<thead>
<tr>
<th>Agency</th>
<th>Program Name</th>
<th>Funding Request CDBG</th>
<th>Recommended Funding CDBG</th>
<th>Available CDBG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nirvana Drug and Alcohol Institute</td>
<td>Women Of Hope</td>
<td>19,200</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>United Way of Stanislaus County</td>
<td>Volunteer Connection</td>
<td>36,149</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Parent Resource Center</td>
<td>The &quot;ABC's of Childcare&quot; Expansion and Enhancement</td>
<td>32,325</td>
<td>21,747</td>
<td></td>
</tr>
<tr>
<td>United Way of Stanislaus County</td>
<td>UW Information and Referral Program</td>
<td>26,088</td>
<td>13,044</td>
<td></td>
</tr>
<tr>
<td>Victory Life Center/Modesto Love Center</td>
<td>Commodity Supplement Food Program</td>
<td>46,500</td>
<td>15,470</td>
<td></td>
</tr>
<tr>
<td>Stanislaus Community Assistance Project</td>
<td>Nutritional Supplement &amp; Education Program (NSEP)</td>
<td>81,065</td>
<td>41,485</td>
<td></td>
</tr>
<tr>
<td>Project Sentinel</td>
<td>Tenant-Landlord Services</td>
<td>57,000</td>
<td>24,569</td>
<td></td>
</tr>
<tr>
<td>Project Sentinel</td>
<td>Fair Housing Services</td>
<td>57,000</td>
<td>22,000</td>
<td>35,000 Admin</td>
</tr>
<tr>
<td>DRAI</td>
<td>Assistive Technology Services</td>
<td>20,000</td>
<td>18,000</td>
<td></td>
</tr>
<tr>
<td>Comm. Hsg. &amp; Shelter (CHSS)</td>
<td>Children's Supportive Services</td>
<td>44,811</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>The Salvation Army</td>
<td>Senior Meals (Home Delivered)</td>
<td>20,000</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Comm. Hsg. &amp; Shelter (CHSS)</td>
<td>Supportive Housing</td>
<td>38,732</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Second Harvest Food Bank</td>
<td>Food Assistance Program</td>
<td>35,000</td>
<td>35,000</td>
<td></td>
</tr>
<tr>
<td>Children's Crisis Center of Stanislaus County</td>
<td>Sawyer House Nursery Expansion Project</td>
<td>13,000</td>
<td>13,000</td>
<td>With Conditions</td>
</tr>
<tr>
<td>The Salvation Army</td>
<td>Hotel Food</td>
<td>10,000</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>Children's Crisis Center of Stanislaus County</td>
<td>Cricket's House Respite Childcare</td>
<td>18,720</td>
<td>18,720</td>
<td></td>
</tr>
<tr>
<td>The Salvation Army</td>
<td>Subsidized Childcare</td>
<td>20,000</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Stanislaus Literacy Center</td>
<td>Adult Literacy</td>
<td>31,785</td>
<td>31,785</td>
<td></td>
</tr>
<tr>
<td>Healthy Aging Association</td>
<td>&quot;Young at Heart&quot; Strength Training/Exercise and Fall Prevention</td>
<td>24,145</td>
<td>0</td>
<td></td>
</tr>
</tbody>
</table>

Total Requests/Recommendations

738,317 308,100 $308,100

Committee is recommending a total allocation of $308,100 in CDBG funding. Total CDBG funding available is $308,100.
REASONS FOR RECOMMENDATIONS, CDBG PROPOSALS NOT RECOMMENDED FOR FUNDING OR THOSE WITH SPECIAL CONDITIONS:

Nirvana, Women of Hope (Shelter beds): Not recommended for funding. Budget was inconsistent and vague. Proposal was conflicting. The proposal indicates that the cost per bed is $600 but the funds requested are for $800 per bed. There is no explanation why are they requesting an additional $200 per bed. The committee felt that the most recent audit should be at least from 2002. Nirvana submitted an audit dated August 2001.

United Way, Volunteer Connection: Not recommended for funding. Based upon the information in the proposal, the funding requested appears to be to replace staff that had been reduced last year. Not a new service.

Parent Resource Center, The “ABC” of Childcare Expansion: Recommended for funding for $21,747 for twenty five percent (25%) of the amount requested for two staff positions plus benefits and a small portion of the direct program costs.

United Way, Information and Referral: Recommended for funding for $13,044 or 50% of the amount requested.

Victory Life Center/Modesto Love Center, Commodity Supplement Food Program: Recommended for funding for $15,470. CDBG will fund seventy percent (70%) of half of the amount requested for two staff positions.

Stanislaus Community Assistance Project, Nutritional Supplement and Education Program: Recommended for funding for $41,485 for a delivery driver and fifty percent (50%) of the amount requested for food.

Project Sentinel, Tenant-Landlord Services: Recommended for funding for $24,569 for a case manager.
DRAIL, Assistive Technology Services: Recommended for funding for $18,000 for equipment only.

Community Housing & Shelter Services, Children’s Supportive Services: Not recommended for funding. The project description was not adequate for the review committee to establish the increase of services.

The Salvation Army, Senior Meals (Home Delivered): Not recommended for funding. Proposal was not descriptive enough in explaining an increase of services.

Community Housing & Shelter Services, Supportive Housing: Not recommended for funding. The review committee felt that the proposal did not indicate an increase of services.

Children’s Crisis Center, Sawyer House Nursery Expansion: Recommended for funding for $13,000 with the condition that the agency has to submit a copy of the conditional use permit and building permits.

The Salvation Army, Subsidized Childcare: Not recommended for funding. Proposal was not descriptive enough in explaining an increase of services. Also there is not information as to how the funds will be subsidized for each slot.

Community Housing & Shelter Services, Homeless Prevention Case Management: Recommended for funding for $43,280 for rental assistance and shelter vouchers.

Healthy Aging Association, “Young at Heart”: Not recommended for funding. The committee had questions about trainers certifications. The committee also felt that the need for this program is not as critical as others needed in the community.
<table>
<thead>
<tr>
<th>Agency</th>
<th>Program Name</th>
<th>Funding Request CDBG</th>
<th>Funding Request CDBG</th>
<th>Recommended Amounts CDBG</th>
<th>Recommended Amounts CDBG</th>
<th>Available CDBG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nirvana Drug and Alcohol Institute</td>
<td>Women Of Hope</td>
<td>$21,600</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Center for Human Services</td>
<td>Pathways Transitional Living Program</td>
<td>$22,484</td>
<td>16,860</td>
<td></td>
<td></td>
<td>16,860</td>
</tr>
<tr>
<td>Center for Human Services</td>
<td>Hutton House Runaway and Homeless Youth Shelter</td>
<td>$17,098</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Inter-Faith Ministries</td>
<td>Santa Fe Homeless Shelter -Rent and Food</td>
<td>$86,800</td>
<td>42,800</td>
<td></td>
<td></td>
<td>42,800</td>
</tr>
<tr>
<td>Stanislaus Community Assistance Project</td>
<td>Homeless Prevention &amp; Assistance Program (HPAP)</td>
<td>$64,852</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>The Salvation Army</td>
<td>Homeless Noon Meals Program</td>
<td>$10,000</td>
<td>10,000</td>
<td></td>
<td></td>
<td>10,000</td>
</tr>
<tr>
<td>Comm. Hsng. &amp; Shelter (CHSS)</td>
<td>Homeless Case Management</td>
<td>$106,797</td>
<td>29,720</td>
<td></td>
<td></td>
<td>29,720</td>
</tr>
<tr>
<td>Children's Crisis Center of Stanislaus County</td>
<td>Sawyer House Children's Homeless Shelter</td>
<td>$10,063</td>
<td>10,063</td>
<td></td>
<td></td>
<td>10,063</td>
</tr>
<tr>
<td><strong>Total Requests/Recommendations</strong></td>
<td></td>
<td>$339,494</td>
<td>109,443</td>
<td></td>
<td></td>
<td>$110,000</td>
</tr>
</tbody>
</table>

Committee is recommending a total allocation of $109,443 in CDBG funding. Total CDBG funding available is $110,000.
REASONS FOR RECOMMENDATIONS, CDBG SERVICES FOR THE HOMELESS PROPOSALS NOT RECOMMENDED FOR FUNDING OR THOSE WITH SPECIAL CONDITIONS:

**Nirvana, Women of Hope:** Not recommended for funding. Budget was inconsistent and vague. The committee felt that the most recent audit should be at least from 2002. Nirvana submitted an audit dated August 2001.

**Center for Human Services, Pathways:** Recommended for funding for $16,860 for seventy five percent (75%) of the staff position requested.

**Center for Human Services, Hutton House:** Not recommended for funding. Due to the limited funding resources we could not fund this project.

**Inter-Faith Ministries, Santa Fe Homeless Shelter:** Recommended for funding for $42,800 for rent only.

**Stanislaus Community Assistance Project, Homeless Prevention:** Not recommended for funding. The committee felt that the request for funds was a duplication of services.

**Community Housing & Shelter Services, Homeless Case Management:** Recommended for funding for $29,720 shelter vouchers and bus passes.
<table>
<thead>
<tr>
<th>ESG Applications</th>
<th>Program Name</th>
<th>Funding Request</th>
<th>Recommended Funding Amounts</th>
<th>Available ESG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nirvana Drug and Alcohol Treatment</td>
<td>Women of Hope House</td>
<td>$35,360</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Center for Human Services</td>
<td>Hutton House Runaway and Homeless Youth Shelter</td>
<td>$5,250</td>
<td>1,700</td>
<td></td>
</tr>
<tr>
<td>Center for Human Services</td>
<td>Pathways, Transitional Living Program (Food)</td>
<td>$17,690</td>
<td>16,848</td>
<td></td>
</tr>
<tr>
<td>Interfaith Ministries</td>
<td>Redwood Family Center</td>
<td>$3,476</td>
<td>2,243</td>
<td></td>
</tr>
<tr>
<td>Interfaith Ministries</td>
<td>Santa Fe Emergency Shelter Project (Salaries and Household)</td>
<td>$47,000</td>
<td>27,000</td>
<td></td>
</tr>
<tr>
<td>Stanislaus Community Assistance Project</td>
<td>Homeless Prevention Counseling Services</td>
<td>$22,252</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>CHSS</td>
<td>Housing/Supportive Services Case Management</td>
<td>$61,882</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Children's Crisis Center of Stanislaus County</td>
<td>Cricket's House Children's Homeless Shelter</td>
<td>$14,040</td>
<td>14,040</td>
<td></td>
</tr>
<tr>
<td>The Salvation Army</td>
<td>Emergency Shelter</td>
<td>$75,000</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Total Requests/Recommendations</td>
<td></td>
<td>$281,950</td>
<td>61,831</td>
<td>$105,715</td>
</tr>
</tbody>
</table>

Committee is recommending a total allocation of $61,831 in ESG funding. Total ESG funding available is $105,715.
The Committee also recommended to set aside the remaining balance or $43,884 for Winter Shelter proposals, and to release the proposals in June 2004.
REASONS FOR RECOMMENDATIONS, ESG PROPOSALS NOT RECOMMENDED FOR FUNDING OR THOSE WITH SPECIAL CONDITIONS:

Nirvana, Women of Hope: Not recommended for funding. Budget was inconsistent and vague. The committee felt that the most recent audit should be at least from 2002. Nirvana submitted an audit dated August 2001.

Center for Human Services, Hutton House: Recommended for funding for $1,700 for cabinets only. Bids for the replacement of the cabinets should be submitted to, and approved by, City staff, prior to execution of contract and reimbursement.

Center for Human Services, Pathways: Recommended for funding for $16,848 for direct services only.

Interfaith Ministries, Redwood Family Center: Recommended for funding for $2,243. The committee felt that the water softener was not critical.

Interfaith Ministries, Santa Fe Emergency Shelter: Recommended for funding for $27,000 for security employees only.

Stanislaus Community Assistance Project, Homeless Prevention: Not recommended for funding. The budget was unclear as to how the ESG funds would be matched. Also, the committee felt that the request for funds was a duplication of services.

Community Housing & Shelter Services, Housing/ Supportive Services Case Management: Not recommended for funding. The proposal does not indicate the number of low-income Modesto residents that will benefit from this program.

Salvation Army, Emergency Shelter: Not recommended for funding. The application was unclear as to where the emergency shelter will operate. There is no specified location to date. There was no commitment as to how the ESG funds would be matched.
A RESOLUTION AUTHORIZING STAFF TO ISSUE A NEW RFP FOR $43,884 OF ESG FUNDS FOR A WINTER SHELTER.

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (HUD), and

WHEREAS, the City receives a Community Development Block Grant (CDBG) and an Emergency Shelter Grant (ESG), and

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

WHEREAS, in Fiscal Year 2004-2005, the City’s ESG grant is $105,715, of which $61,831 is recommended for allocation by the Citizens Housing and Community Development Committee (CH&CDC) to local non-profit agencies for the purposes of providing assistance that is consistent with the functions of ESG funding to very-low, low and moderate income persons and families residing within the city limits of Modesto, and

WHEREAS, the CH&CDC recommended that the balance of $43,884 be allocated for a Winter Shelter through a new RFP process, and

WHEREAS, local non-profit agencies will be invited to submit applications for Request for Proposals (RFP) to be issued in May 2004, for a Winter Shelter for the balance of available ESG funds of $43,884.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to issue a new RFP for a Winter Shelter for the balance of available FY 2004-2005 ESG funds of $43,884.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of April, 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: ____________________________________________
MICHAEL D. MILICH, City Attorney

Attest: ________________________________
JEAN ZAHN, City Clerk
WHEREAS, Senate Bill 744 establishes, within the State Department of Housing and Community Development (HCD), a procedure to hear appeals from developers of affordable housing that have had a project denied or have had conditions placed on it that would make the project financially unfeasible, and

WHEREAS, Senate Bill 744 passed the Senate at the end of January 2004, and has currently been read for the first time in the Assembly on January 26, 2004. The bill has not been assigned to a policy committee as of this date, and

WHEREAS, there already exist remedies with the Anti-NIMBY Law, Section 65589.5 of the Government Code to protect developers of low and moderate-income housing development for arbitrary conditions or denials, and

WHEREAS, the legislation proposes to transfer local land use authority to the state, and

WHEREAS, the legislation permits a developer to override local zoning when the Department of Housing and Community Development has failed to certify a local housing element, and

WHEREAS, developers and redevelopment agencies have concern about the significant increase in development costs associated with the recently imposed prevailing wage requirements which have reduced the feasibility of many affordable housing projects. The legislation does not empower the state to consider establishing a panel with
the authority to grant affordable housing developers relief from the state’s prevailing wage requirements, and

WHEREAS, on October, 23, 2001, the Modesto City Council adopted a Strategic Plan and Vision to serve as the road map for the City’s future, and

WHEREAS, the Strategic Plan Action Item 3.10 states, “Support comprehensive long term reform efforts to return to local governments their historical discretionary use of local revenues,”

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby opposes Senate Bill 744, proposed legislation for HCD State Housing Accountability, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, 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, Jackman, Keating, Marsh, O’Bryant, Mayor Ridenour

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: [Signature]
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
An act to add Section 65585.4 to the Government Code, relating to planning.

LEGISLATIVE COUNSEL'S DIGEST

SB 744, as amended, Dunn. Planning: housing.
Existing law requires each city, county, or city and county to prepare and adopt a general plan for its jurisdiction that contains certain mandatory elements, including a housing element. One part of the housing element is an assessment of housing needs and inventory of resources and constraints relevant to meeting these needs. The assessment includes the locality's share of regional housing needs which is determined by the appropriate council of governments, subject to revision by the Department of Housing and Community Development.

This bill would establish within require the department-a Housing Accountability Committee consisting of 5 members, appointed as specified, to hear appeals of city, county, or city and county decisions on applications for the construction of housing developments that meet specified affordability requirements.
The people of the State of California do enact as follows:

SECTION 1. Section 65585.4 is added to the Government Code, to read:

65585.4. (a) There shall be within the department a Housing Accountability Committee consisting of five members. The director of the department and the Director of the Governor's Office of Planning and Research shall be ex officio members, except that either may designate an employee of his or her respective department or office to serve on the committee. The remaining three members shall be appointed by the Governor with the advice and consent of the Senate. One member shall be a member of a city council or board of supervisors, and one other member shall have extensive experience in the development of affordable housing. The appointed members shall serve for terms of two years each, and the director shall designate the chairperson. A member of the committee shall receive no compensation for his or her services, but shall be reimbursed by the department for all reasonable expenses actually or necessarily incurred in the performance of his or her official duties. The committee shall hear 65585.4. (a) The department shall hear appeals pursuant to this section at least quarterly or more often as necessary. The committee. The department shall conduct the hearings in accordance with rules and regulations established by the department. The department shall provide the space and clerical and other assistance that the committee may require. department. (b) Any applicant who proposes to construct a housing development that meets the criteria of subdivision (c) and whose application is either denied or approved with conditions that in his or her judgment render the provision of housing infeasible, may appeal the decision of the city, county, or city and county to the Housing Accountability Committee—department. However, conditions or mitigation measures impose pursuant to a local coastal permit or an environmental review required by the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) may not be appealed.
(c) An applicant may file an appeal with the department if both of the following criteria are met:

(1) The proposed housing development will meet any of the following affordability requirements:

(A) Five percent of the total housing of the housing development is available at affordable housing cost to extremely low income households whose household income is less than or equal to 30 percent of the area median income.

(B) Ten percent of the total housing of the development is available at affordable housing cost to very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) Twenty percent of the total housing of the development is available at affordable housing cost to lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(D) Fifty percent of the total housing of the development is available at affordable housing cost to moderate-income households, consistent with Section 50052.5 of the Health and Safety Code.

(2) Either of the following criteria is met as of the date on which the application to the city, county, or city and county is deemed complete:

(A) The city, county, or city and county has adopted a housing element that the department has determined pursuant to Section 65585 to be in substantial compliance with the requirements of this article, and the proposed housing development, exclusive of any density bonus granted pursuant to Section 65915, is consistent with both the density allowed by the jurisdiction’s zoning ordinance and the general plan land use designation as specified in any element of the general plan as of the date the application was deemed complete, provided that consistency shall not be required with the zoning ordinance or land use designation if the jurisdiction has not amended the ordinance or the designation to conform to the adopted housing element.

(B) The city, county, or city and county has not adopted a housing element that the department has determined pursuant to Section 65585 to be in substantial compliance with the requirements of this article, and the proposed housing development is located on a site that is designated for residential
or commercial uses in any element of the general plan as of the date
the application was deemed complete.

(d) An applicant may file an appeal with the committee
department within 20 days after the date of the decision by the
local agency to deny the application or approve the application
with conditions that render the provision of housing infeasible.
The committee-department shall notify the local agency of the
filing of such an appeal within 10 days, and the local agency shall,
within 10 days of the receipt of the notice, transmit a copy of its
decision and the reasons therefor to the committee-department.
The appeal shall be heard within 30 days after receipt of the request
for an appeal by the applicant. The appeal hearing may be
conducted by the board, a subcommittee of one or more members
of the board, or a hearing officer appointed by the chair of the
board—appeal hearing may be conducted by the department or a
hearing officer appointed by the director of the department. A
stenographic record of the proceedings shall be kept. At its next
full meeting, the committee—Within 30 days of the appeals hearing,
the department shall render a written decision, based upon a
majority vote, stating its findings of fact, its conclusions and the
reasons therefor. The hearing by the Housing Accountability
Committee-department shall be limited to the issue of whether, in
the case of the denial of an application, the decision of the city,
county, or city and county was reasonable and consistent with
meeting local housing needs as determined pursuant to Section
65584 and, in the case of an approval of an application with
conditions and requirements imposed, whether those conditions
and requirements render the provision of housing infeasible and
whether they are reasonable and consistent with meeting local
housing needs as determined pursuant to Section 65584. If the
committee-department finds, in the case of a denial, that the
decision of the local agency is not reasonable or consistent with
meeting local housing needs, it shall vacate the decision and shall
direct the local agency to issue any necessary approval or permit
to the applicant. If the committee-department finds, in the case of
an approval with conditions and requirements imposed, that the
decision of the board renders the provision of housing infeasible
and is not reasonable or consistent with meeting local housing
needs, it shall order the local agency to modify or remove any such
condition or requirement so as to make the project no longer
infeasible and to issue any necessary permit or approval. Decisions
or conditions and requirements imposed by a local agency that are
consistent with meeting local housing needs shall not be vacated,
modified, or removed by the committee—department
notwithstanding that those decisions or conditions and
requirements have the effect of rendering the provision of housing
infeasible.

(e) In any appeal before the committee—department, the
applicant shall have the initial burden of proof to show that it has
met the requirements of subdivision (c). In a case of approval with
conditions or requirements imposed, the applicant shall also have
the burden of proof to show that the conditions and requirements
render the provision of housing infeasible. If the applicant meets
the initial burden of proof, then the city, county, or city and county
shall have the burden of proof to show that its action was
reasonable in that denial of the project or the failure to implement
the conditions and requirements, as proposed, would have a
specific, adverse impact, as defined in Section 65589.5, upon the
public health or safety, the physical environment, or on any real
property that is listed in the California Register of Historical
Resources, that there is no feasible method to satisfactorily
mitigate or avoid the specific adverse impact without rendering the
project infeasible, and that the mitigation or avoidance of such
impacts outweigh local housing needs.

(f) The Housing Accountability Committee—department or the
applicant shall have the power to enforce the orders of the
committee—department at law or in equity in the superior court.
The city, county, or city and county shall carry out the order of the
Housing Accountability Committee—department within 30 days of
its entry and, upon failure to do so, the order of the committee
department shall for all purposes, be deemed to be the action of the
local agency, unless the applicant consents to a different decision
or order by the local agency.

(g) The department may charge a fee to cover actual costs
directly related to the activities of the Housing Accountability
Committee—department in administering this section. The fee shall
initially be paid by the applicant. If the committee—department
orders approval of the proposed development or modifies or
removes any conditions or requirements imposed upon the
applicant, the city, county, or city and county shall reimburse the
applicant for the fee paid pursuant to this subdivision.

(h) (1) For the purposes of this section, "housing
development" means a development project consisting of one or
more residential dwelling units or an emergency shelter facility.

(2) For the purposes of this section, an adopted housing
element that has been self-certified pursuant to Section 65585.1
shall be deemed to have been approved by the department, unless
a court finds that the jurisdiction's housing element does not
substantially comply with this article.

(i) The remedies provided in this section are in addition to any
other remedy provided by law.
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-214

A RESOLUTION APPROVING AN AMENDMENT TO THE CONTRACT FOR AUDIT SERVICES WITH MAZE & ASSOCIATES AT A COST NOT TO EXCEED $29,040, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT AMENDMENT.

WHEREAS, at its April 1, 2003, meeting the Modesto City Council adopted Resolution 2003-164 approving execution of a contract with Maze & Associates to perform the City's annual financial audits, and

WHEREAS, the City Manager executed said contract on behalf of the City of Modesto, and

WHEREAS, the audit firm was required as part of its work to perform additional work that was outside the scope of the original contract, at a price not to exceed $29,040, and

WHEREAS, the contract for these audit services requires Modesto City Council approval for such additional work, and

WHEREAS, at its March 12, 2004, meeting the Audit Committee recommended that the Council approve payment for the additional work,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an amendment to the contract for audit services with Maze & Associates, authorizing the additional work proposed, at a cost not to exceed $29,040.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said contract amendment.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman,
who moved its adoption, which motion being duly seconded by Councilmember
O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

APPROVED

By

MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHR, City Clerk

(SEAL)
A RESOLUTION APPROVING THE AWARD OF A $138,000 CONTRACT TO GDR ENGINEERING, INC. FOR ENGINEERING DESIGN SERVICES FOR THE PROJECT TITLED “SYLVAN/ROSELLE INTERSECTION IMPROVEMENTS” AND AUTHORIZING THE COMMUNITY FACILITIES DISTRICT ADMINISTRATOR TO EXECUTE THE CONTRACT.

WHEREAS, following a Request for Qualifications which was sent to all local engineering firms, six statements of qualifications were received for the Sylvan/Roselle Intersection Design Project and were submitted to the City, and

WHEREAS, a selection team decided all six firms were qualified to provide engineering design services, and

WHEREAS, the selection team decided that GDR Engineering, Inc., rated highest for the design of the Sylvan/Roselle Intersection Project, in accordance with Administrative Directive 3.1, and

WHEREAS, the District Engineer has recommended that GDR Engineering, Inc., be accepted as the most qualified engineering consulting firm for engineering design services for the “Sylvan/Roselle Intersection Improvement project”, and

WHEREAS, the District Engineer has recommended accepting the proposal of GDR Engineering, Inc., in an amount not to exceed $138,000.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of a contract for engineering design services for the project titled “Sylvan/Roselle Intersection Improvement Project.” to GDR Engineering, Inc., in an amount not to exceed $138,000.00.

BE IT FURTHER RESOLVED that the Community Facilities District Administrator, 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 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:
By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-216

A RESOLUTION RESTATING 2004 LOCAL GOVERNMENT TRANSPORTATION CONTROL MEASURES IN THE EXTREME OZONE ATTAINMENT DEMONSTRATION PLAN FOR THE SAN JOAQUIN VALLEY, ADDING MEASURE ST 8.4: CREDITS AND INCENTIVES FOR CARPOOLERS, AND RESCINDING RESOLUTION NO. 2004-101

WHEREAS, the San Joaquin Valley Air Pollution Control District (SJVAPCD) has been designated by the Governor of California as the regional air quality planning agency in San Joaquin Valley, and

WHEREAS, the San Joaquin Valley nonattainment area was initially classified as a Severe Area for ozone according to the Clean Air Act, and

WHEREAS, On February 5, 2002 the City of Modesto adopted Resolution Number 2002-43 that adopted the Modesto’s Reasonably Available Control Measures which were included in the SJVAPCD Severe Area Ozone Plan, and

WHEREAS, The San Joaquin Valley Air Pollution Control District (SJVAPCD) has reclassified the San Joaquin Valley as Extreme non attainment for the 1-hour ozone standard and is now developing an Extreme Ozone Attainment Demonstration Plan; and

WHEREAS, the Extreme Ozone Attainment Demonstration Plan is required to include Reasonably Available Control Measures from the City of Modesto, and

WHEREAS, the City of Modesto adopted updated Reasonably Available Control Measures on February 24, 2004, in Resolution No. 2004-101, and

WHEREAS, as described in the Staff Report from Peter Cowles, Acting Engineering and Transportation Director, presented at the April 27, 2004, meeting, the City of Modesto is required to add an additional Reasonably Available Control Measure to the Measures adopted in Resolution 2004-101,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it finds, determines, and orders as follows:

1. That the Council of the City of Modesto agrees to proceed with a good faith effort to implement the Transportation Control Measures (TCMs) identified in Exhibit A which is part of this resolution;

2. That the Council of the City of Modesto commits to implement the TCM’s as scheduled and with the funding sources identified. Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, the City of Modesto agrees to consider modifications of the funding or schedules for implementation actions, if necessary.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: ____________________________

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ____________________________

MICHAEL D. MILICH, City Attorney
Explanations for Commitment to the 2004 Control Measures

Measure Title: ST 1.1: Regional Express Bus Program

Measure Description: Purchase of buses to operate regional express bus services.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation, Operations and Maintenance

Implementation Schedule: Existing. Continuation of existing service dependent upon continued availability of revenue from federal and state sources and continued level of existing demand for service. Evaluation of service expansion contingent upon availability of funding from State and Federal sources specifically earmarked for public transit service.

Funding Allocated to Measure and Source: Service expansion contingent upon availability of funding from State and Federal sources specifically earmarked for public transit service. Potential funding sources include: Congestion Mitigation and Air Quality, Local Transportation Funds and passenger fares.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 1.2: Transit Access to Airports

Measure Description: Operation of transit to regional airports to serve air passengers.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation, Operations and Maintenance

Implementation Schedule: Existing. Continuation of service dependent upon continuation of existing level of state and federal transit revenue and in rider demand.

Funding Allocated to Measure and Source: Continuation of service dependent upon continuation of existing level of state and federal transit revenue. Potential funding sources include FTA Sec 5307, Local Transportation Funds, and passenger fares.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 1.5: Expansion of Public Transportation Systems

Measure Description: Expand and enhance existing public transit services. Monitor needs for increased frequencies on heavily used routes; implement as appropriate; implement service as appropriate for newly developed areas.
Responsible Agency for Implementation: City of Modesto: Engineering and Transportation, Operations and Maintenance

Implementation Schedule: Dependent upon available revenue and rider demand. Implementation of service subject to an increase in state and federal funding sources specifically available for public transit service.

Funding Allocated to Measure and Source: Potential funding sources include FTA Section 5307, Local Transportation Funds, and passenger fares.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 1.7 Free Transit During Special Events

Measure Description: Offer free transit during selected special events to reduce event related congestion and associated emissions increases. Includes Try Transit Week, Modesto’s International Festival, and service to the annual free Thanksgiving dinner at Modesto Centre Plaza.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation, Operations and Maintenance

Implementation Schedule: Dependent upon available revenue and rider demand.

Funding Allocated to Measure and Source: Potential funding sources include: FTA Section 5307, Local Transportation Funds and passenger fares.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 3.5: Preferential Parking for Carpools and Vanpools

Measure Description: This measure encourages public and private employers to provide preferential parking spaces for carpools and vanpools to decrease the number of single occupant automobile work trips. The preferential treatment could include covered parking spaces or close-in spaces.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation, Operations and Maintenance

Implementation Schedule: The feasibility of this strategy at Tenth Street Plan has been evaluated. This plan will be reviewed every 24 months to assess if the feasibility of this strategy has changed.
**Measure Title: ST 5.1: Develop Intelligent Transportation Systems**

**Measure Description:** “Intelligent Transportation Systems” includes various technological applications intended to produce more efficient use of existing transportation corridors.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** Three projects currently identified for this measure have been completed. These projects include an expansion of the ATMS Northeast completed by the end of 2002, an expansion of the ATMS Northwest completed by the end of 2003 and Phase III of the Closed Circuit Television completed by the end of 2002.

**Funding Allocated to Measure and Source:** The current projects are funded out of Congestion Mitigation and Air Quality funds.
ATMS Northeast $490,428  
Pelandale-ATMS/CCTV: $425,000
Expand ATMS – College $100,000  
ATMS Northwest: $805,000  
CCTV: $1,290,940

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

---

**Measure Title: ST 5.2: Coordinate Traffic Signal Systems**

**Measure Description:** This measure implements and enhances synchronized traffic signal systems to provide steady traffic flow at moderate speeds. In 2002 the City of Modesto won CATS award for best use of federal funds for the synchronizing the light outside the downtown core.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** Ongoing as long as Congestion Mitigation and Air Quality funds remain available for these projects. Current projects included: 1- synchronize downtown lights 2004; and 2- synchronize outside downtown core 2006.
Funding Allocated to Measure and Source: There is no specific funding associated with this measure. Future projects will be dependent upon Congestion Mitigation and Air Quality allocations.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

Measure Title: ST 5.3: Reduce Traffic Congestion at Major Intersections

Measure Description: This measure implements a wide range of traffic control techniques designed to facilitate smooth, safe travel through intersections. These techniques include signalization, turn lanes, roundabouts, or median dividers. The use of grade separations may also be appropriate for high volume or unusually configured intersections.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation (Traffic Engineering)

Implementation Schedule: On-going as long as Congestion Mitigation and Air Quality funding is available for these projects. Recent projects include roundabouts on Bowen and La Loma.

Funding Allocated to Measure and Source: Potential funding sources include Congestion Mitigation and Air Quality funds, Gas Tax funds and Capital Facilities Fees.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.
Measure Title: ST 5.4: Site-Specific Traffic Control Measures

Measure Description: This measure could include geometric or traffic control improvements at specific congested intersections or at other substandard locations. Another example might be programming left turn signals at intersections to lag, rather than lead, the green time for through traffic.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation (Traffic Engineering)

Implementation Schedule: On-going as long as Congestion Mitigation and Air Quality funds remain available. Recent projects include: 1 - Woodland / Carpenter to 9th Street; 2 - Scenic and Oakdale; 3 – Pelandale Dale to Tully; and, 4 – Kansas Needham Overpass.

Funding Allocated to Measure and Source: Potential funding sources include Congestion Mitigation and Air Quality funds, Capital Facilities Fees, and Gas Tax funds.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 5.9: Bus Pullouts in Curbs for Passenger Loading

Measure Description: Provide bus pullouts in curbs, or queue jumper lanes for passenger loading and unloading in new areas.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation (Traffic Engineering)

Implementation Schedule: The City of Modesto operates a program to install bus pullouts in new development through the City’s standard specifications for new development.

Funding Allocated to Measure and Source: This measure is to be paid from the Capital Facilities Fees program until such a time as the program is modified or discontinued.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 5.13: Fewer Stop Signs

Measure Description: Improve traffic flow by removing stop signs and implementing alternative intersection control devices such as roundabouts.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation (Traffic Engineering)
Implementation Schedule: This project is on-going as long as Congestion Mitigation and Air Quality funds remain available for utilization.

Funding Allocated to Measure and Source: Potential funding sources include Congestion Mitigation and Air Quality funds, Capital Facilities Fees, and Gas Tax funds.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

Measure Title: ST 7.16: Trip Reduction Oriented Development

Measure Description: The General Plan provides that all new Specific Plan areas are to incorporate walkability and include commercial, residential and schools in proximity to residential. Modesto’s development pattern is well above average density for the region.

Responsible Agency for Implementation: City of Modesto: Planning and Community Development Department

Implementation Schedule: On-going until revised by Council. As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional pedestrian-oriented and “smart growth” development policies or standards that would result in trip reduction oriented development.

Funding Allocated to Measure and Source: No funding source was identified.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 7.18: Sustainable Development

Measure Description: The General Plan provides that all new Specific Plan areas are to incorporate walkability and include commercial, residential and schools in proximity to residential. Modesto’s development pattern is well above average density for the region.

Responsible Agency for Implementation: City of Modesto: Planning and Community Development Department

Implementation Schedule: On-going until revised by Council. As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional pedestrian-oriented and “smart growth” development policies or standards that would result in trip reduction oriented development.

Funding Allocated to Measure and Source: No funding source has been identified for this measure.
Measure Title: ST 8.1: Financial Incentives, Including Zero Bus Fares

Measure Description: Provide financial incentives or other benefits, such as free or subsidized bus passes and cash payments for not driving, in lieu of parking spaces for employees who do not drive to the workplace.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation

Implementation Schedule: The City of Modesto currently provides free rides to work for all of its employees and will continue this program subject to evaluation/termination during the meet and confer process with City employee representatives.

Funding Allocated to Measure and Source: Currently, this program is funded with Local Transportation Funds.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 8.3: Preferential Parking for Carpoolers

Measure Description: Provide free, covered, near-building parking or similar incentives for carpoolers.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation

Implementation Schedule: The feasibility of this strategy at Tenth Street Place has been evaluated. This feasibility will be reviewed every 24 months.

Funding Allocated to Measure and Source: There is no cost involved with the evaluation.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 8.4: Credits and Incentives for Carpoolers

Measure Description: Self-explanatory- form depends on locality.

Responsible Agency for Implementation: City of Modesto: Engineering and Transportation
**Implementation Schedule:** The feasibility of this strategy at Tenth Street Place has been evaluated. This feasibility will be reviewed every 24 months.

**Funding Allocated to Measure and Source:** There is no cost involved with the evaluation.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

---

**Measure Title:** ST 9.2: Encouragement of Pedestrian Travel

**Measure Description:** This measure involves the use of pedestrian travel as an alternative to automobile travel. Pedestrian travel is quite feasible for short shopping, business, or school trips. Promotion of pedestrian travel could be included in air pollution public awareness efforts to remind people of this basic alternative. The City of Modesto encourages pedestrian travel by providing Class I trails that connect neighborhoods with schools, shopping and employment centers. The planned 4.2-mile Virginia Corridor bike/pedestrian trail will be a major north-south artery connecting downtown Modesto with residential neighborhoods, schools, parks and commercial areas. Other Class I trails include the 3-mile Hetch-Hetchy Trail in north Modesto, the 5-mile Mensinger Trail along Dry Creek between downtown and Claus Road at the eastern limits of Modesto. The 3-mile Bev Kilpatrick Trail along the Tuolumne River provides a recreational walking experience and will ultimately connect to the downtown Modesto. The City also has plans for Class I trails along the irrigation canals within the city limits and for the entire river and creek system in Modesto.

**Responsible Agency for Implementation:** The City of Modesto Parks, Recreation and Neighborhood Department.

**Implementation Schedule:** The City’s ongoing rideshare program that encourages alternative forms of transportation. In addition, as part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional pedestrian-oriented and “smart growth” development policies or standards that would result in pedestrian-oriented development. In addition the city’s Parks, Recreation and Neighborhood Department has an ongoing program for the development of walking trails.

**Funding Allocated to Measure and Source:** The City of Modesto will continue its rideshare program so long as CMAQ funds are available for that purpose.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

---

**Measure Title:** ST 9.3: Bicycle/Pedestrian program

**Measure Description:** Fund high priority projects in countywide plans consistent with funding availability. The Parks Recreation and Neighborhoods Department is aggressively
seeking State and Federal funding for Class I trail construction of the trails listed above in ST 9.2. The Virginia Corridor Trail is a high priority project for funding within the next 5 years. All 11 miles of existing Class I trails and those that are planned are to be multi-user trails and will support walking, biking jogging and skating.

**Responsible Agency for Implementation:** City of Modesto Parks Recreation and Neighborhoods Department

**Implementation Schedule:** As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional alternative transportation and “smart growth” development policies or standards that would result in development friendly to bicycle/pedestrian travel.

**Funding Allocated to Measure and Source:** Current funding includes Safe Routes to Schools funds for trail/street crossing improvements from College to Granger $440,000 grant; $44,000 City match; Proposition 40: $350,000; Federal RSTP: $400,000; State Bicycle Transportation Account (BTA): $697,000 to apply toward construction from Orangeburg to College. Rotary Centennial Project: Donation of Labor and funds by Modesto's 5 Rotary Clubs, with a value of $500,000 for construction from Roseburg to Orangeburg. Future funding may include CMAQ, LTF. All funding sources will be aggressively pursued.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

---

**Measure Title:** ST 9.5: Encouragement of Bicycle Travel

**Measure Description:** Promotion of bicycle travel to reduce automobile use and improve air quality. Bikeway system planning routes for inter-city bike trips to help bicyclists avoid other, less safe facilities. Another area for potential actions is the development and distribution of educational materials, regarding bicycle use and safety.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, City of Modesto Parks Recreation and Neighborhoods Department

**Implementation Schedule:** The City of Modesto will continue to hold the bike to work day and family cycling festival to encourage bicycle travel. In addition, as part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional “smart growth” development policies or standards that would result in neighborhood design to encourage connectivity, and linkages between residential and non-residential development to provide opportunities for non-motorized modes including bicycles.

**Funding Allocated to Measure and Source:** Congestion Mitigation and Air Quality has been identified as a potential funding source.
**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

---

**Measure Title: ST 9.11: Safe Routes to School**

**Measure Description:** Continue to apply for grants to improve pedestrian and bicycle travel for school trips. The current Safe Routes to Schools grant monies will fund construction of intersection improvements along the Virginia Corridor Trail between College Avenue and Granger Avenue. The improvements will include L.E.D. lights in crosswalks at five street crossings, sidewalk, curb ramp and street light improvements and is to be constructed Summer, 2004. See item 9.2 for more detail on the Virginia Corridor. Other projects and will be considered for funding applications as opportunities come available.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering), City of Modesto Parks Recreation and Neighborhoods Department

**Implementation Schedule:** On-going as long as funding remains available. In 2004 the City of Modesto received $698,798 of state department of transportation funds for a bicycle train along the Virginia Corridor. In 2003 $294,000 was received from the state to pay for flashing-light crosswalks, curb ramps, streetlights and sidewalks at the trail crossings on the corridor.

**Funding Allocated to Measure and Source:** Potential funding sources for this measure include the Safe Routes to School Program and Congestion Mitigation and Air Quality funds.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

---

**Measure Title: ST 10.2: Bicycle Racks on Buses**

**Measure Description:** Bicycle racks have been placed on all urban buses to increase bicycle travel.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation

**Implementation Schedule:** All City of Modesto urban transit buses have bicycle racks on them. Bicycle racks will be added to new buses as long as Federal and State funding remains available for the purchase of buses.

**Funding Allocated to Measure and Source:** Congestion Mitigation and Air Quality Funds as well as, Federal Transit Agency Section 5307 funds have been identified as potential funding sources.
**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

---

**Measure Title:** ST 11.8: Ban Cruising during Ozone Alert Days

**Measure Description:** Police enforced. Cruising is prohibited by ordinance in Modesto.

**Responsible Agency for Implementation:** City of Modesto Police Department

**Implementation Schedule:** On-going until such time as the measure is revisited/revoked.

**Funding Allocated to Measure and Source:** No specific funding source was identified.

---

**Measure Title:** ST 11.9: Discourage Drive-Thru’s in new development

**Measure Description:** Reduce the number of drive-thrus in new development or declare a moratorium on new development with drive-thrus until air quality standards are achieved.

**Responsible Agency for Implementation:** City of Modesto: Community and Economic Development Department

**Implementation Schedule:** As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of, or additional alternative transportation and “smart growth” development policies or standards that would result in development friendly to bicycle/pedestrian travel.

**Funding Allocated to Measure and Source:** No specific funding source was identified.

---

**Measure ST 13.1: Alternative Work Schedules**

**Measure Description:** Where appropriate, based on work requirements and employee availability for customer service, consider and implement limited pilot projects for alternative work schedules.

**Responsible Agency for Implementation:** City of Modesto: Personnel, Engineering and Transportation Department, Modesto Police Department, Modesto Fire Department, Operations and Maintenance Department
Implementation Schedule: In labor negotiations, alternative work schedules are options in each of the bargaining unit memorandums of understanding. Based on these MOU's alternative work schedules are utilized in several departments and are based on work requirements, employee scheduling and the needs of the department.

Currently there are employees in many departments including Police, Fire, Engineering and Transportation and Operations and Maintenance Departments who work alternative work schedules. This has been worked through any pilot stage issues and are part of the normal business practices for the departments. In the future, when appropriate, the City of Modesto will consider looking at other options for alternative work schedule projects.

Funding Allocated to Measure and Source: Funding for alternative work schedules are not available. Alternative work schedules projects will only be able to be accomplished if they work within existing funding availability.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

Measure Title: ST 13.5: Internet Commerce and Education

Measure Description: Encourage the use of the Internet to conduct public and private business and education.

Responsible Agency for Implementation: Various City departments in coordination with the City’s Information Services Department.

Implementation Schedule: Currently underway and on-going. Examples of City services available on the Internet are: business license forms, dog license applications, claim forms, personnel vacancy notices and applications forms, zoning maps and Assessor’s plats, utility information, City Standard Design and Construction Specifications, City Council Agendas, staff reports and minutes, Council Committee Agendas, the Modesto Municipal Code, Parks and Recreation Department recreational activity registration forms, and complaint/comment/suggestion forms.

Funding Allocated to Measure and Source: These activities are supported by the General Fund and various Utility Enterprise Funds, as may be appropriate.

Monitoring: The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

Measure Title: ST 14.3: Land Use/Development Alternatives

Measure Description: This measure includes encouraging land use patterns which support public transit and other alternative modes of transportation. In general this measure would
also encourage land use patterns designed to reduce travel distances between related land uses (e.g. Residential-commercial). Shorter trip lengths ultimately relieve traffic congestion and improve air quality. The Modesto General Plan provides that all new Specific Plan areas are to incorporate walkability and include commercial, residential and schools in proximity to residential. Modesto’s development pattern is well above average for density for the region.

**Responsible Agency for Implementation:** City of Modesto: Planning Economic and Development Department

**Implementation Schedule:** As part of the upcoming General Plan Update and future Specific Plans the Council will consider expansion of existing “neo-traditional” policies, or additional “smart growth” development policies and standards that would result in Specific Plan and neighborhood design to encourage connectivity and linkages between residential and non-residential uses and land-use patterns that would provide increased opportunities for non-motorized and alternative modes as well as reduce reliance on automobiles.

**Funding Allocated to Measure and Source:** No specific funding source was identified for this measure.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.

---

**Measure Title:** ST 15.2: Pedestrian and Bicycle Overpasses Where Safety Dictates

**Measure Description:** On-going implementation as development occurs. One current project is the 9th Street Bridge that will have pedestrian sidewalks on either side of the bridge, with a fog stripe delineating a shoulder area for stalled vehicles. This shoulder is approximately 7.5 feet wide and could facilitate bicycle travel. The Specific Plan for the Virginia Corridor Trail project includes pedestrian bridge over crossings at three road crossings: Brigsmore Avenue, Standiford Avenue and Pelandale Avenue. The over crossings are considered essential over these roads due to the high-speed and high-volume of vehicle traffic they experience. A future pedestrian over crossing at the new Enochs High School has been identified as a specific project. Pedestrian and Bicycle safety necessitate these over crossings.

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation (Traffic Engineering)

**Implementation Schedule:** On-going as funding is available. The Enochs High School over Crossing is funded through a combination of developer fees and school funding.

**Funding Allocated to Measure and Source:** Potential sources include developer funding, pedestrian safety funds and Congestion Mitigation and Air Quality funds.
**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District's Annual Report.

---

**Measure ST 17.15: Encourage the Purchase and Use of Alternative, Cleaner Vehicles.**

**Measure Description:** Encourage the purchase and use of alternative, cleaner vehicles in city operations where appropriate

**Responsible Agency for Implementation:** City of Modesto: Engineering and Transportation, Modesto Police Department

**Implementation Schedule:** This project is on-going as long as funds are available for purchase and operations of the vehicles. Current projects include the addition of hybrid vehicles to the city fleet, purchase of hybrid buses for the transit fleet and purchase and operation of electric vehicles for police parking control.

**Funding Allocated to Measure and Source:** Potential funding sources include Congestion Mitigation and Air Quality funds, Capital Facilities Fees, and Gas Tax funds.

**Monitoring:** The City of Modesto agrees to provide information to the Air Pollution Control District as requested to complete the Air District’s Annual Report.
Explanations for Non-Commitment to the 2004 Control Measures

**Measure ST 1.4: Mass Transit Alternatives**
The City of Modesto already operates a fixed route service as well as, a Dial-A-Ride service. As such, this measure is fiscally infeasible due to the expanded transit service already provided by the City of Modesto.

**Measure ST 3.1: Commute Solutions**
This measure would be better served by implementation at the regional level. As such, the City of Modesto does not find it to be fiscally feasible to implement this measure. However, it should be noted that the City of Modesto supports the StanCOG regional rideshare program.

**Measure ST 3.9: Encourage Merchants and Employers to Subsidize the Cost of Transit for Employees**
This measure would be better served by implementation at the regional level. As such, the City of Modesto does not find it to be fiscally feasible to implement this measure.

**Measure ST 5.16: Adaptive Traffic Signals and Signal Timings**
Modesto currently has deployed a closed loop system with flexibility to implement a traffic responsive mode. Conversion to an adaptive traffic signal system is not fiscally feasible for the City of Modesto to implement.

**Measure ST 7.14: Incentives for Cities with Good Development Practices**
This measure needs to be implemented on a larger scale to make it effective and would be best implemented on a regional or statewide scale. This measure is not fiscally feasible for the City of Modesto to implement.

**Measure ST 7.15: Cash Incentives to Foster Jobs/Housing Balance**
This measure needs to be implemented on a larger scale to make it effective and would be best implemented on a regional or statewide scale. This measure is not fiscally feasible for the City of Modesto to implement.

**Measure ST 7.17: Transit Oriented Development**
While with the upcoming General Plan Update and future Specific Plans the Council will consider expansion of existing “neo-traditional” policies, or additional “smart growth” development policies and standards to encourage alternate land-use patterns, there are limited opportunities within the Modesto Urban Area to plan and construct a true Transit-Oriented Development (TOD). The Amtrak station and the downtown rail station/transit center are the major opportunities for planning a TOD in Modesto. Typically, TODs are developed along rail or major transportation corridors in larger Metro areas with in excess of a million in population to support the associated rail/light rail/express bus systems (e.g. Laguna West in Sacto). Nonetheless, the opportunity could be explored for a mixed-use TOD at the Village One Amtrak site with future proposals in that area.
Measure ST 7.19: Establishment of Urban Growth Boundaries
Effective establishment of urban growth boundaries can only be accomplished in a regional setting. In the upcoming General Plan Update the Council will consider additional “smart growth” development policies and alternate growth patterns. There will also be opportunity to explore alternate growth boundaries for the General Plan. The General Plan Update will also provide an opportunity for Modesto to do its part in a regional effort by reexamining the Community Growth Policy process set forth in the General Plan including the potential for redefining or establishing Modesto’s permanent urban growth boundaries.

Measure ST 8.2: Internet Ride Matching Services
This measure would be better served by implementation at the regional level. As such, the City of Modesto does not find it to be fiscally feasible to implement this measure. However, it should be noted that the City of Modesto supports the StanCOG regional rideshare program.

Measure ST 15.1: Encouragement of Pedestrian Travel
This measure would be better served by implementation at the regional level through Commute Connection.
A RESOLUTION ACCEPTING THE WORK BY RICHARD A. HEAPS ELECTRICAL CONTRACTOR, INC. FOR THE “REWIRE 8 TRAFFIC SIGNALS” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $133,059.80 PER THE CONTRACT

WHEREAS, a report has been filed by the Acting Engineering & Transportation Director that the project titled “Rewire 8 Traffic Signals” has been completed by Richard A. Heaps Electrical Contractor, Inc., in accordance with the contract agreement dated August 12, 2003.

NOW, THEREFORE, BE IT RESOLVED that the “Rewire 8 Traffic Signals” project be accepted from said contractor, Richard A. Heaps Electrical Contractor, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $133,059.80 as provided in the contract, be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-218

A RESOLUTION ACCEPTING THE WORK BY D. A. WOOD CONSTRUCTION, INC., FOR THE "VARIOUS BORING AND JACKING FOR WATERLINES UNDER M&ET RAILROAD TRACKS" PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $325,020 PER THE CONTRACT

WHEREAS, a report has been filed by the Acting Engineering & Transportation Director that the project titled "Various Boring and Jacking for Waterlines Under M&ET Railroad Tracks" has been completed by D. A. Wood Construction, Inc., in accordance with the contract agreement dated October 28, 2003.

NOW, THEREFORE, BE IT RESOLVED that the "Various Boring and Jacking for Waterlines Under M&ET Railroad Tracks" project be accepted from said contractor, D. A. Wood Construction, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $325,020 as provided in the contract, be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: Hawn

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-219

A RESOLUTION ACCEPTING THE WORK BY WESTERN STATES SURFACING, INC. FOR THE “2003 SLURRY AND CAPE SEALS” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $2,244,433.34 PER THE CONTRACT

WHEREAS, a report has been filed by the Acting Engineering & Transportation Director that the project titled “2003 Slurry and Cape Seals” has been completed by Western States Surfacing, Inc., in accordance with the contract agreement dated June 10, 2003.

NOW, THEREFORE, BE IT RESOLVED that the “2003 Slurry and Cape Seals” project be accepted from said contractor, Western States Surfacing, Inc., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $2,244,433.34 as provided in the contract, be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-220

A RESOLUTION APPROVING AN AMENDMENT TO THE AGREEMENT WITH STANTEC CONSULTING, INC., FOR ADDITIONAL ENGINEERING DESIGN SERVICES IN THE AMOUNT OF $39,821, FOR THE PROJECT TITLED “REPLACEMENT OF THE ROSE/CELESTE SEWAGE LIFT STATION,” AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT TO THE AGREEMENT, INCREASING THE TOTAL ESTIMATED COST OF THE SERVICES TO $239,501

WHEREAS, the Operations and Maintenance Department has determined that an additional pressure discharge pipeline from the Rose/Celeste Sanitary Sewer Lift Station to the discharge manhole is necessary, and

WHEREAS, the redundant pipeline is required because of the length of the pipeline and the necessity to maintain a high reliability of the output of the lift station, and

WHEREAS, the reliability of the output of the lift station is necessary because of the 24-hour-a-day nature of the institutional use of the sewage system in that area, and

WHEREAS, the Acting Engineering & Transportation Director has recommended accepting the proposal of Stantec Consulting, Inc., for additional design services in an amount not to exceed $39,821,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to Agreement for additional engineering design services for the project titled “Rose/Celeste Lift Station” to Stantec Consulting, Inc., in an amount not to exceed $39,821.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment to Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-221

A RESOLUTION APPROVING A MITIGATED NEGATIVE DECLARATION (SCH #2003062058) FOR THE SHACKELFORD AREA SANITARY SEWER CROSSING IN THE CITY OF MODESTO AT THE TUOLUMNE RIVER

WHEREAS, Section 15064 (f)(2) of the CEQA Guidelines relating to Initial Study/Mitigated Negative Declarations permits a lead agency to prepare an Initial Study/Mitigated Negative Declaration on any proposed project to analyze whether the project may cause any significant effect on the environment, and

WHEREAS, ESA Associates, Inc., under contract with the City, prepared an Initial Study leading to a Mitigated Negative Declaration (SCH #2003062058) which reviewed the proposed Shackelford Area Sanitary Sewer Crossing Project and said Initial Study identified potential significant effects from the proposed project relating to Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, and

WHEREAS, feasible mitigation measures were incorporated to revise the subsequent project before the Initial Study/Mitigated Negative Declaration was released for public review pursuant to CEQA Section 21092 in order to avoid or mitigate the identified effects to a point where clearly no significant effect on the environment will occur, and

WHEREAS, CEQA Guidelines Section 15070 permits the adoption of Mitigated Negative Declarations when the project has been revised, so that potential significant adverse effects can be avoided or mitigated to a less than significant level.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto

that the Council has reviewed and considered the Initial Study/Mitigated Negative

Declaration prepared for the Shackelford Sewer Crossing Project, a copy of which is on

file in the City Clerk’s Office, and based on the substantial evidence included in said

Mitigated Negative Declaration makes the following findings:

1. An Initial Study/Mitigated Negative Declaration prepared pursuant to

CEQA Section 15064 (f)(2) has identified potential significant

environmental effects from the proposed project relating to Biological

Resources, Cultural Resources, Geology and Soils, Hazards and


Potential Significant Environmental Effects:

Biological Resources
a. Candidate, sensitive, or special status species
b. Federally protected wetlands
c. Movement of fish or wildlife species

Cultural Resources
a. Historical resource
b. Archaeological resource
c. Paleontological Resource
d. Human Remains

Geology and Soils
a. Exposure to adverse effects
b. Landslides

Hazards and Hazardous Materials
a. Hazardous materials release
b. Hazardous materials sites

Hydrology and Water Quality
a. Water quality standards
b. Deplete groundwater supplies
c. Existing drainage pattern
d. Exposure to flooding

2. Feasible mitigation measures were incorporated to revise the project

before the Mitigated Negative Declaration and Initial Study was released

for public review in order to avoid or mitigate the identified effects to a

point where clearly no significant effects on the environment will occur.

The City’s Community Development Department and Engineering and

Transportation Department reviewed the proposed project and determined

the mitigation measures below will address the identified impacts.
The 30-day public review period began on June 10, 2003 and ended on July 10, 2003. Following Public Review, there were no suggested technical revisions to be made to the mitigation document to clarify and amplify the efficiency of the mitigation. Therefore, the revised mitigation will avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.

Mitigation:
The following mitigation measures summarized below (see Attachment A for detailed mitigation measures) will avoid or mitigate adverse effects:

Biological Resources
b. Mitigation Measure BIO-2 – Nesting Raptors and California Species of Special Concern: Survey nesting areas within 500’ of the construction site, two weeks in advance.
c. Mitigation Measure BIO-3 – Special Status Fish: Stream Sedimentation and Habitat alteration will be minimized. Fish barriers, entrainment or stranding will be avoided.
d. Mitigation Measure BIO-4 – Special Status Reptiles: Barrier fencing shall be installed around the proposed project construction area.
e. Mitigation Measure BIO-5 – Timing: Confine work in streams, wetlands to the dry season between July 1 and October 15.

Cultural Resources
a. Mitigation Measure CUL-1: If any prehistoric or historic cultural resource is discovered, all work within 50 feet shall be halted until consultation with a qualified archaeologist is complete.
b. Mitigation Measure CUL-2: A qualified paleontologist shall be notified in the event of an unanticipated discovery.
c. In the event of the discovery of human remains, the City shall adhere to CEQA Guidelines Section 15064.5 (e)(1) by contacting the county coroner and the Native American Heritage Commission if the
person is believed to be a deceased Native American.

Geology and Soils
a. Mitigation Measure GEO-1: The contractor shall implement the recommendations of the Geotechnical Report as related to excavation slopes, shoring, bracing, pipe bedding and backfill.

Hazards and Hazardous Materials
a. Mitigation Measure HAZARDS-1: All construction-related hazardous materials shall be transported and stored in a manner consistent with relevant regulations and guidelines.
b. Mitigation Measure HAZARDS-2: Contractor shall immediately control any leak or spill.
c. Mitigation Measure HAZARDS-3: If contamination is encountered, work shall be halted, contamination identified, and removal consistent with the appropriate regulatory agencies.

Hydrology and Water Quality
a. Mitigation Measure HYDRO-1: The project is required to minimize the exposure of sediments to runoff, implement Best Management Practices that provide erosion and sediment control, insert a copy of the Regional Water Quality Control Board and NPDES permit as a part of the construction contract.

3. There is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment (CEQA Section 21064.5(2)).

4. Based on the above-referenced Initial Study and feasible mitigation measures incorporated to revise the proposed project in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, staff finds that a Mitigated Negative Declaration should be adopted pursuant to PRC Section 21157.5 for the proposed Shackelford Area Sanitary Sewer Crossing project.

5. Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described above have been added to the project. A MITIGATED NEGATIVE DECLARATION will therefore be adopted.
6. The cumulative impacts of this project are consistent with those set forth in the Wastewater Master Plan Master EIR. All appropriate mitigation measures from the Master EIR have been incorporated into the project, and no further evaluation of cumulative impacts is required as this project generates no significant cumulative impact.

7. As required by CEQA Section 21081.6 et seq., a mitigation monitoring program (see Exhibit A) will be adopted by incorporating the mitigation measures into the project plan (Section 21081.6(b)).

Therefore, pursuant to CEQA Guidelines Section 15070, a Mitigated Negative Declaration should be adopted for this project.

A copy of said Mitigated Negative Declaration (SCH NO. 2003062058) is on file with the City Clerk.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a notice 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 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004 – 222

A RESOLUTION APPROVING SUBMISSION OF AN APPLICATION TO THE DEPARTMENT OF TRANSPORTATION FOR A SMALL COMMUNITY AIR SERVICE PROGRAM GRANT IN THE AMOUNT OF $565,200 FOR AN AIRLINES STARTUP INCENTIVE PROGRAM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION ON BEHALF OF THE CITY

WHEREAS, the Federal Department of Transportation (DOT) has called for the submission of applications for a Small Community Air Service Program Grant not later than May 14, 2004, and

WHEREAS, communities that will be considered eligible for funding must either have insufficient air service or have unreasonably high airfares, and

WHEREAS, the Modesto City-County Airport meets the Department of Transportation’s definition of a small community that is lacking adequate air service and has unreasonably high airfares, and

WHEREAS, the City applied for a similar grant in 2003 and was unsuccessful in securing a grant at that time, and

WHEREAS, the DOT is encouraging communities such as Modesto who were not awarded grants in 2003 to resubmit their grant applications in 2004, and

WHEREAS, staff has prepared an application that encourages the participation of a public-private consortium of market area businesses and organizations in the program should the City be awarded a grant by DOT, and

WHEREAS, the application recommends a Regional Carrier to provide daily direct service from Modesto to Los Angeles International Airport, and
WHEREAS, the Council's Economic Development Committee considered the recommendation to submit an application for $565,200 to the DOT and endorsed the recommendation at their April 7, 2004 meeting.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submitting a grant application for $565,200 to the DOT for the Small Community Air Service Program.

BE IT FURTHER RESOLVED that Council authorizes the City Manager, or his designee, to execute the application on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April, 2004 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carrier and the resolution adopted by the following vote:

AYES: Councilmember: Dunbar, Jackman, Keating, Marsh, O'Bryant, Mayor Ridenour

NOES: Councilmember: None

ABSENT: Councilmember: Hawn

ATTEST: Jean Zahr
JEAN ZAHR City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004–223

A RESOLUTION APPROVING SUBMISSION OF A GRANT APPLICATION TO THE FEDERAL AVIATION ADMINISTRATION IN THE AMOUNT OF $500,000 FOR THE PREPARATION OF AN ENVIRONMENTAL DOCUMENT AND APPROVAL PROCESS FOR THE AIRPORT MASTER PLAN 2002, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION ON BEHALF OF THE CITY

WHEREAS, the City of Modesto contracted with Coffman Associates in December 2001 to prepare a 20-year Master Plan for the Modesto City-County Airport, and

WHEREAS, a part of Coffman’s scope of work included the preparation of an Initial Study to determine the extent of studies and documentation needed to clear the Master Plan from an environmental standpoint, and

WHEREAS, said Initial Study is at such a stage that it is clear that preparation and approval of both Federal and State environmental documents will be required as a part of the Master Plan process, and

WHEREAS, the preparation and approval of the Federal portion of said environmental documents are eligible for Federal participation through Grants administered by the Federal Aviation Administration (FAA), and

WHEREAS, the City of Modesto is required to prepare and submit an Application for Federal Assistance to the FAA in order to receive a Grant Offer for reimbursement of expenditures associated with the preparation and approval of the environmental documents, and
WHEREAS, the Council' Economic Development Committee considered the recommendation to submit an Application for $500,000 to the FAA and endorsed the recommendation at their April 7, 2004 meeting.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submitting an Application for $500,000 to the FAA for the preparation and approval of environmental documentation associated with the Airport Master Plan 2002.

BE IT FURTHER RESOLVED that Council authorizes the City Manager to execute the Application on behalf of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O'Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: JHAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

by MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING A REFUND OF MIL TAXES TO ALLCARE IN THE AMOUNT OF $23,686.86 DUE TO APPORTIONMENT AND AUTHORIZING THE FINANCE DIRECTOR, OR HER DESIGNEE, TO PROCESS SAID REFUND.

WHEREAS, by Resolution No. 2003-501, adopted by the City council on September 23, 2003, the City adopted Business License Tax Apportionment Guidelines pursuant to Section 6-1.436 of the Modesto Municipal Code, and

WHEREAS, on the basis of said Apportionment Guidelines, AllCare has submitted a request for business license tax refund for the period from January 1, 2002, to September 30, 2003, and

WHEREAS, the City Finance Department has verified said refund, and

WHEREAS, the Modesto City Council is required to approve all refunds of more than $5000.00,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a refund in the amount of $23,686.86 to AllCare.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to process said refund.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2004-225

A RESOLUTION APPROVING AN AMENDMENT TO AN AGREEMENT FOR PROFESSIONAL SERVICES WITH DECISION POINT ANALYTICS, INC., AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT

WHEREAS, on January 5, 2004, the City of Modesto entered into an Agreement for Professional Services with Decision Point Analytics, Inc., for a not-to-exceed amount of $50,000, and

WHEREAS, the City has determined that additional services will be needed after the expiration of the original Agreement, and

WHEREAS, all contracts over the amount of $50,000, are required to be approved by the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that an Amendment to Agreement for Professional Services with Decision Point Analytics, Inc. in the form attached hereto is hereby approved.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby authorized to execute said Amendment.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 27th day of April 2004, by Councilmember Jackman,
who moved its adoption, which motion being duly seconded by Councilmember
O’Bryant, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers None

ABSENT: Councilmembers Hawn

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
EXHIBIT A
SCOPE OF SERVICES

Project Goal

To assist the Finance Director in the planning and execution of the 2004-05 annual budget process.

Tasks & Deliverables

1. Design the overall outline of the 2004-05 annual budget process and calendar, subject to the approval of the Finance Director and City Manager.
   Deliverable(s): Decision memos authorizing the budget process outline, decision procedures, and key definitions for submission to the City Manager.

2. Plan the implementation of the process, once approved by the City Manager. Work with city budget staff to define concrete processes and procedures needed to carry out the process design. Revise forms used for decision packages and other submissions within the budget process.
   Deliverable(s): Updated annual budget manual, suitable for distribution to city staff. Updated forms.

3. Redesign materials to be presented to the City Council including the City Manager’s Recommended Operating Budget document. Meet with department managers to solicit input regarding budget document contents and format. Develop software to generate documents from data extracted from the City’s BRASS system.
   Deliverable(s): Budget document design memo, outlining the proposed design for the document and any related materials. Document generating software application, capable of generating applicable sections of the document(s) from data extracted from BRASS. Redesign, develop, complete, produce and deliver the Fiscal Year 2005 operating budget document to be adopted by Council in June 2004.

4. Targeted analysis of Employee Benefit Fund (EBF). Review the condition of the EBF, including audit results, the City’s actuarial studies, and current reserving policies. Develop a proposed reserve policy for the future, including the effect of the proposed policy on the 2004-05 annual budget.
   Deliverable(s): Analysis memo, presenting the results of the analysis and explaining the proposed future policy. Decision memo summarizing the analysis and presenting the proposed policy for ratification by the City Manager. Budget impact data, suitable for loading into BRASS for the 2004-05 annual budget.

5. Redevelopment Agency review. Review the condition of the Redevelopment Agency.
   Deliverable(s): Analysis memo, presenting results of the review.

6. Fleet Fund review. Review the financial status of the fleet fund, fleet capital replacement plans and cash-flow projections, as well as equipment replacement rate calculation methodology. Recommend a reserve level policy and a replacement rate calculation methodology for the future, and identify the results for the 2004-05 budget.
   Deliverable(s): Analysis memo, presenting the results of the analysis and explaining the recommended policy and calculation methodology. Decision memo, summarizing the proposed policy for ratification by the City Manager. Budget impact data, suitable for loading into BRASS for the 2004-05 annual budget.
EXHIBIT A
ADDITIONAL SCOPE OF SERVICES

7. Evaluation of the City’s Capital Improvement Projects.

Deliverable(s): Analysis memo presenting the results of the evaluation. The memo will identify the projects to be closed, proposed future expenditures for projects in progress, and new projects for Council consideration.


Deliverable(s): Revised CIP budget document with analysis memo describing the procedures for opening, amending and closing CIP projects. Complete and develop Capital Improvement Program budget for Fiscal Year 2005.