MODESTO CITY COUNCIL
RESOLUTION NO. 2003-216

A RESOLUTION AWARDING BID AND APPROVING A $388,200 CONSTRUCTION CONTRACT WITH SB CABLE, JOINT VENTURE FOR THE PROJECT ENTITLED “EXPAND ATMS NORTHWEST”

WHEREAS, the bids received for the “Expand ATMS Northwest” project were opened at 11:00 a.m., on April 8, 2003, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $388,200 received from SB Cable, Joint Venture be accepted as the lowest responsible bid,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of SB Cable, Joint Venture, be accepted and the execution of a contract for the completion of the project by the City’s designated officials be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of May, 2003, by Councilmember Frohman, who
moved its adoption, which motion being duly seconded by Councilmember Conrad, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating,
O’Bryant, Mayor Sabatino

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. 2003 - 217

A RESOLUTION PROCLAIMING MAY 12-17, 2003, “CALIFORNIA BIKE COMMUTE WEEK 2003.”

WHEREAS, bicycle commuting is an effective means to reduce air pollution, and
WHEREAS, bicycle commuting is an effective means to conserve energy, and
WHEREAS, bicycle commuting helps improve the “livability” of communities by reducing traffic noise and congestion, and
WHEREAS, bicycle transportation is an integral part of the “multi-modal” transportation system planned for by Federal, State, regional, and local transportation government agencies, and
WHEREAS, local bicycle commute promotions, often known as “Bike to Work Days” have been successful at encouraging bicycle commuting, and
WHEREAS, the California Bicycle Coalition, the American Lung Association of California and many public and private groups and individuals have worked together to promote a single week of bicycle commuting, and
WHEREAS, the month of May is “Clean Air Month” as part of the American Lung Association of California’s efforts to promote air quality, and
WHEREAS, the month of May is National Bike Month to promote the bicycle as a means of transportation and recreation, and
WHEREAS, The City is co-sponsoring Modesto Bike to Work Day on May 15, 2003, and
WHEREAS, May 17, 2003, will be celebrated with the Seventh Annual “Modesto Family Cycling Festival & Criterium,”
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto City Council urges all citizens to recognize the importance and benefits of bicycling as a zero-polluting transportation alternative, and hereby proclaims May 12-17, 2003, as “California Bike Commute Week 2003.”

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
A RESOLUTION AWARDING THE BID AND APPROVING A $458,711 CONTRACT WITH JAMES M. JOHNSON GENERAL ENGINEERING, INC., FOR THE PROJECT TITLED “CARPENTER ROAD WATERLINE”

WHEREAS, the bids received for the CARPENTER ROAD WATERLINE project, were opened at 11:00 a.m. on April 22, 2003, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $458,711 received from JAMES M. JOHNSON GENERAL ENGINEERING, INC., be accepted as the lowest responsible bid and the contract be awarded to JAMES M. JOHNSON GENERAL ENGINEERING, INC.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of $458,711, and hereby awards JAMES M. JOHNSON GENERAL ENGINEERING, INC., the contract titled “CARPENTER ROAD WATERLINE.”

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney
A RESOLUTION REJECTING THE BID FOR THE PROJECT TITLED “WASTEWATER COLLECTION MAINTENANCE BUILDING – INTERIOR IMPROVEMENTS” AND AUTHORIZING THE PROJECT BE RE-ADVERTISED AT A LATER DATE

WHEREAS, the bids received for Wastewater Collection Maintenance Building – Interior Improvements were opened at 11:00 a.m. on April 1, 2003, and

WHEREAS, during the bid evaluation process, staff determined that the sole bid unreasonably exceeds the Engineer’s estimate, therefore, staff recommends the bid be rejected and staff be allowed to re-advertise the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bids received for Wastewater Collection Maintenance Building – Interior Improvements, opened in the office of the City Clerk on April 1, 2003, are hereby rejected.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the project at later date.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 6th day of May, 2003, by Councilmember Frohman, who
moved its adoption, which motion being duly seconded by Councilmember Conrad, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating,
O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 2002-2003 ANNUAL BUDGET

WHEREAS, a monthly financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the City of Modesto for the Fiscal Year 2002-2003,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that appropriations, revenues, and transfers for the 2002-2003 budget have been adjusted as shown in Schedule A.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(seal)

APPROVED AS TO FORM:

By: MIKE MILICH, City Attorney
<table>
<thead>
<tr>
<th>Type of Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Org</th>
<th>Object/Revenue</th>
<th>App/Unit</th>
<th>Current Budget ($)</th>
<th>Adjustment Amount ($)</th>
<th>Revised Budget ($)</th>
<th>Document Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Appropriation</td>
<td>WO One-Time Facilities Tax</td>
<td>2600</td>
<td>020</td>
<td>0208</td>
<td>5900</td>
<td>2600C</td>
<td>3,283,575</td>
<td>395,000</td>
<td>2,888,575</td>
<td>2,888,575</td>
</tr>
<tr>
<td>2) Appropriation</td>
<td>Ustach Neighborhood Park - All</td>
<td>1350</td>
<td>310</td>
<td>0200</td>
<td>6040</td>
<td>1350C</td>
<td>0</td>
<td>395,000</td>
<td>395,000</td>
<td>395,000</td>
</tr>
</tbody>
</table>

Justification: Transfer funds from the Village One CFD one-time tax account to CIP Q200 for construction of Phases 1 & 2 of Ustach Park (FK-003A). This project is a Priority 1 project.

2) Appropriation | Construction Cost | 2600 | 020 | 0300 | 6040 | 0 | 899,000 | 899,000 | 899,000 |
| Engineering/Design | 2600 | 020 | 0300 | 6100 | 0 | 90,000 | 90,000 |
| Construction Contingency | 2600 | 020 | 0300 | 6050 | 0 | 135,000 | 135,000 |
| Construction Administration | 2600 | 020 | 0300 | 6060 | 0 | 90,000 | 90,000 |

2) Revenue | Reserve CAP Fees Facilities | 2600 | 080 | 0800 | 8408 | 2,893,714 | -395,000 | 2,498,714 |
| 2) Appropriation | Construction Cost | 2600 | 020 | 0301 | 6040 | 0 | 377,000 | 377,000 |
| Engineering/Design | 2600 | 020 | 0301 | 6100 | 0 | 38,000 | 38,000 |
| Construction Contingency | 2600 | 020 | 0301 | 6050 | 0 | 57,000 | 57,000 |
| Construction Administration | 2600 | 020 | 0301 | 6060 | 0 | 38,000 | 38,000 |

3) Revenue | Reserve CAP Fees Facilities | 2600 | 080 | 0800 | 8408 | 5,295,714 | -2,093,000 | 3,202,714 |
| 3) Appropriation | Construction Cost | 2600 | 020 | 0302 | 6040 | 0 | 1,549,000 | 1,549,000 |
| Engineering/Design | 2600 | 020 | 0302 | 6100 | 0 | 156,000 | 156,000 |
| Construction Contingency | 2600 | 020 | 0302 | 6050 | 0 | 232,000 | 232,000 |
| Construction Administration | 2600 | 020 | 0302 | 6060 | 0 | 156,000 | 156,000 |

4) Revenue | Reserve CAP Fees Facilities | 2600 | 080 | 0800 | 8408 | 5,295,714 | -2,093,000 | 3,202,714 |
| 5) Appropriation | Construction Cost | 2600 | 020 | 0309 | 6040 | 0 | 779,000 | 779,000 |
| Engineering/Design | 2600 | 020 | 0309 | 6100 | 0 | 78,000 | 78,000 |
| Construction Contingency | 2600 | 020 | 0309 | 6050 | 0 | 117,000 | 117,000 |
| Construction Administration | 2600 | 020 | 0309 | 6060 | 0 | 78,000 | 78,000 |

5) Revenue | Reserve CAP Fees Facilities | 2600 | 080 | 0800 | 8408 | 5,295,714 | -1,012,000 | 4,283,714 |
| 6) Appropriation | Engineering/Design | 2600 | 020 | 0310 | 6010 | 0 | 121,000 | 121,000 |

6) Revenue | Reserve CAP Fees Facilities | 2600 | 080 | 0800 | 8408 | 2,450,714 | -121,000 | 2,329,714 |

7) Appropriation | Engineering/Design | 2600 | 020 | 0311 | 6010 | 0 | 27,000 | 27,000 |
| Land Acquisition | 2600 | 020 | 0311 | 6010 | 0 | 409,000 | 409,000 |

7) Revenue | Reserve CAP Fees Facilities | 2600 | 080 | 0800 | 8408 | 2,329,714 | -409,000 | 1,920,714 |

Justification: Create a CIP account - acquire necessary ROW and construct the road improvements along the north side of Sylvan Ave. between Aria Wy. and Wood Sorrel.

Project Title: Sylvan Avenue - North side in front of Symphony Park (Wood Sorrel to Aria) (RD-002)
<table>
<thead>
<tr>
<th>Type of Account</th>
<th>Description</th>
<th>Fund</th>
<th>Agency</th>
<th>Org</th>
<th>Object/Revenue</th>
<th>App Unit</th>
<th>Current Budget ($)</th>
<th>Adjustment Amount ($)</th>
<th>Revised Budget ($)</th>
<th>Document Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>9) Appropriation</td>
<td>Engineering/Design</td>
<td>2600</td>
<td>001</td>
<td>021</td>
<td>620605</td>
<td>0</td>
<td>0</td>
<td>124,000</td>
<td>124,000</td>
<td></td>
</tr>
<tr>
<td>10) Appropriation</td>
<td>Reserve CAP Fees Facilities</td>
<td>2600</td>
<td>800</td>
<td>000</td>
<td>8401</td>
<td>0</td>
<td>1,775,214</td>
<td>-124,000</td>
<td>1,757,214</td>
<td></td>
</tr>
<tr>
<td>Justification</td>
<td>Acquire the necessary right of way and construct the ultimate improvement at the intersection of Roselle Ave. and Sylvan Ave. per the approved Facilities Master Plan.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 9) Appropriation | Engineering/Design                                                           | 2600 | 001    | 021 | 620605         | 0        | 0                 | 7,000               | 7,000             |                |
| 10) Appropriation| Reserve CAP Fees Facilities                                                  | 2600 | 800    | 000 | 8401            | 0        | 1,758,214         | -10,000             | 1,748,214         |                |
| Justification   | Construct approximately 700 feet of 30' RCP storm drainage overflow line along Merle Ave. 700' of 30' RCP from Merle to Central Basin (SD-212) |

| 11) Appropriation| Engineering/Design                                                           | 2600 | 001    | 021 | 620605         | 0        | 0                 | 111,000             | 111,000           |                |
| 11) Appropriation| Reserve CAP Fees Facilities                                                  | 2600 | 800    | 000 | 8401            | 0        | 1,758,214         | -111,000            | 1,647,214         |                |
| Justification   | Landscape the East Basin per plan prepared by FHAA.                          |

| 12) Appropriation| Engineering/Design                                                           | 2600 | 001    | 021 | 620605         | 0        | 0                 | 40,000              | 40,000            |                |
| 12) Appropriation| Reserve CAP Fees Facilities                                                  | 2600 | 800    | 000 | 8401            | 0        | 1,647,214         | -40,000             | 1,607,214         |                |
| Justification   | Construct full road improvements along the south side of Sylvan Ave. between Oakdale Rd. and Wood Sorrel. (SU-213A) |

| 13) Appropriation| Construction Cost                                                            | 2680 | 020    | 031 | 640605         | 0        | 0                 | 850,000             | 850,000           |                |
| 14) Appropriation| Engineering/Design                                                           | 2680 | 020    | 031 | 640605         | 0        | 0                 | 122,000             | 122,000           |                |
| 15) Appropriation| Construction Contingency                                                     | 2680 | 020    | 031 | 640605         | 0        | 0                 | 122,000             | 122,000           |                |
| 16) Appropriation| Construction Administration                                                  | 2680 | 020    | 031 | 640605         | 0        | 0                 | 87,000              | 87,000            |                |
| Justification   | Create a CAP account - Storm Drainage Basins and Pump Station on Prescott (Frandals to Snyder). |

| 13) Appropriation| Construction Cost                                                            | 2680 | 020    | 031 | 640605         | 0        | 0                 | 354,000             | 354,000           |                |
| 14) Appropriation| Engineering/Design                                                           | 2680 | 020    | 031 | 640605         | 0        | 0                 | 23,000              | 23,000            |                |
| 15) Appropriation| Construction Contingency                                                     | 2680 | 020    | 031 | 640605         | 0        | 0                 | 44,000              | 44,000            |                |
| 16) Appropriation| Construction Administration                                                  | 2680 | 020    | 031 | 640605         | 0        | 0                 | 45,000              | 45,000            |                |
| Justification   | Create a CAP account - construction of Prescott Road Improvements (Bags to Snyder). |

| 13) Appropriation| Transfer-Cost from Fd 3110                                                   | 1510 | 700    | M16  | 7230            | M16G     | 160,000           | -160,000           | 0               |                |
| 14) Appropriation| Revenue Transfer to Fd 1300                                                  | 1500 | 700    | M16  | 9331            | n/a      | 160,000           | -160,000           | 0               |                |
| Justification   | Move Transfer from 1310 to 0100. Project is not CPP eligible.                |

Department: City Manager's Office/CPD Division

Department Head ____________________________

Date ____________________________
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF MIKE BIRCH FROM THE PUBLIC EVENTS ADVISORY COMMITTEE

WHEREAS, MIKE BIRCH was appointed members of the Public Events Advisory Committee on June 25, 2002, and

WHEREAS, MIKE BIRCH has tendered his resignation from the Public Events Advisory Committee, and

WHEREAS, MIKE BIRCH has been devoted and sincere public servants and have contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of MIKE BIRCH from the Public Events Advisory Committee be, and hereby is, accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of the City, hereby expresses its sincere appreciation to MIKE BIRCH for their outstanding service.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2003 by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM: 

[Signature]
Michael D. Milich, City Attorney

ATTEST: 

[Signature]
JEAN ZAHR, City Clerk

05/06/03/CMO/K Espinoza 1 2003-222
A RESOLUTION CERTIFYING THAT THE VILLAGE ONE PROGRAM EIR
(SCH #90020181) WITH ADDENDUMS, PREPARED BY CAMP DRESSER &
MCKEE, FOR THE VILLAGE ONE STORM DRAINAGE MASTER PLAN
UPDATE (EA/CM 2003-02) AND BY JONES & STOKES FOR THE VILLAGE
ONE FACILITIES MASTER PLAN UPDATE (EA/CM 2003-03) IS ADEQUATE
FOR THE PROJECT; ADOPTING FINDINGS THAT NO SUBSEQUENT EIR IS
REQUIRED FOR THE PROJECT PURSUANT TO CEQA GUIDELINES
SECTIONS 15162 AND 15164, AND ADOPTING FINDINGS OF SIGNIFICANT
IMPACTS AND REJECTION OF ALTERNATIVES AND STATEMENT OF
OVERRIDING CONSIDERATIONS FOR THE PROJECT, PURSUANT TO
PUBLIC RESOURCES SECTION 21081 AND STATE CEQA GUIDELINES
SECTION 15091

WHEREAS, Section 15168 of the California Environmental Quality Act provides
for the preparation of Program Environmental Impact Reports (EIRs) on a series of
actions that can be characterized as one project; and

WHEREAS, in 1990, the Modesto City Council adopted Resolution No. 90-757
certifying that the Village One Final Program Environment Impact Report (“Village One
EIR”) (SCH# 90020181) was complete and adequate pursuant to California
Environmental Quality Act (“CEQA”) Guidelines Section 15090; and

WHEREAS, in 1994 the Modesto City Council adopted Resolution No. 94-297,
certifying that the Final Supplemental Environmental Impact Report (“Supplemental
EIR”) for the Village One EIR (SCH# 90020181) was complete and adequate, which
superseded and amended the original Village One Final Program EIR; and

WHEREAS, the City made certain findings regarding the environmental effects
disclosed in the 1990 Program EIR and the 1994 Supplemental EIR in accordance with
the requirements of Section 21081 of the California Environmental Quality Act (CEQA),
and adopted statements of overriding considerations regarding unavoidable significant
environmental impacts in accordance with CEQA prior to approving the Village One Specific Plan and SPA No. 4; and

WHEREAS, the City adopted a Mitigation Monitoring Plan as part of Resolution No. 90-757 and replaced that Mitigation Monitoring Plan through Resolution No. 94-298; and

WHEREAS, the development of the utility infrastructure for the Village One Specific Plan area is contemplated by, and acknowledged within, the Village One EIR, as amended by the Supplemental EIR; and

WHEREAS, the City proposes to update the Village One Facilities Master Plan and the Storm Drainage Master Plan for the Village One Community Facilities District; and

WHEREAS, the City has evaluated the potential environmental effects of the Village One Facilities Master Plan Update – May 2003, in light of the Village One EIR, as amended by the Supplemental EIR, as provided by Section 15168 of the CEQA Guidelines in a systematic fashion using a written checklist as encouraged by Section 15168(c)(4); and

WHEREAS, the City has evaluated the potential environmental effects of the Storm Drainage Master Plan Update for the Village One Community Facilities District (which is incorporated into and made a part of the Village One Facilities Master Plan Update – May 2003), in light of the Village One EIR, as amended by the Supplemental EIR, as provided by Section 15168 of the CEQA Guidelines in a systematic fashion using a written checklist as encouraged by Section 15168(c)(4); and
WHEREAS, the checklists completed by the City found that the environmental effects of the Village One Facilities Master Plan Update – May 2003 and the Storm Drainage Master Plan Update projects have been addressed by the Village One EIR, as amended by the Supplemental EIR or are less than significant; and

WHEREAS, the City has considered Section 15162 of the CEQA Guidelines and determined that (1) the Village One Facilities Master Plan Update – May 2003 and the Storm Drainage Master Plan Update do not represent a substantial change in the Village One Specific Plan project which would require major revisions of the Village One EIR as amended by the Supplemental EIR; (2) the Village One Facilities Master Plan Update – May 2003 and the Storm Drainage Master Plan Update do not result in new significant environmental effects and require revisions to the Village One EIR as amended by the Supplemental EIR; and (3) the Village One Facilities Master Plan Update – May 2003 and the Storm Drainage Master Plan Update would not generate new information of substantial importance that was not known in the Village One EIR, as amended by the Supplemental EIR; and

WHEREAS, CEQA Guidelines Section 15164(a) provides that lead agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in CEQA Guidelines Section 15162 calling for preparation of a subsequent EIR have occurred; and

WHEREAS, based on the above information, City staff prepared Addendums for the Village One Facilities Master Plan Update – May 2003 and the Storm Drainage Master Plan Update pursuant to CEQA Guidelines Section 15164. A copy of the Addendum for the Village One Facilities Master Plan Update - May 2003 is attached as
Exhibit “A” hereto, and a copy of the Addendum for the Storm Drainage Master Plan Update is attached as Exhibit “B” hereto.

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

SECTION 1. The City Council has reviewed and considered the information contained in the CEQA checklist completed for the Village One Facilities Master Plan Update – May 2003 and the Storm Drainage Master Plan Update and approves the information and analysis provided therein as an Addendum to the Village One EIR, as amended by the Supplemental EIR, pursuant to Section 15164 of the CEQA Guidelines;

SECTION 2. That the City Council hereby adopts the findings (attached hereto as Exhibit “C” and incorporated herein by reference) required by Section 15091 of the CEQA Guidelines, as specifically related to the Village One Facilities Master Plan Update – May 2003 and the Storm Drainage Master Plan Update, which are on file in the Office of the City Clerk;

SECTION 3. That the City Council hereby adopts a Statement of Overriding Considerations (attached hereto as Exhibit “D” and incorporated herein by reference) as required by Section 15093 of the CEQA Guidelines relative to an unavoidable adverse environmental effect that could be considered to be associated with the Village One Facilities Master Plan Update – May 2003 and the Storm Drainage Master Plan Update; and
SECTION 4. That the City Council hereby readopts the Village One Specific Plan Mitigation Monitoring Plan, previously adopted as Exhibit A to Resolution 94-298, in order to affirm that the mitigation measures, and monitoring thereof, that were previously approved would also apply to the Village One Facilities Master Plan Update – May 2003 and the Storm Drainage Master Plan Update.

SECTION 5. The City Council has reviewed and considered the information contained in the CEQA checklist completed for the Village One Facilities Master Plan Update – May 2003 and the Storm Drainage Master Plan Update for Village One Community Facilities District and approves the information and analysis provided therein as Addendum to the Village One EIR, as amended by the Supplemental EIR, pursuant to Section 15164 of the CEQA Guidelines;

SECTION 6. That the City Council hereby adopts the findings (attached hereto as Exhibit “C” and incorporated herein by reference) required by Section 15091 of the CEQA Guidelines, as specifically related to the Village One Facilities Master Plan Update – May 2003 and the Storm Drainage Master Plan Update for Village One Community Facilities District, which are on file in the Office of the City Clerk;

SECTION 7. That the City Council hereby adopts a Statement of Overriding Considerations (attached hereto as Exhibit “D” and incorporated herein by reference) as required by Section 15093 of the CEQA Guidelines relative to an unavoidable adverse environmental effect that could be considered to be associated with the Village One Facilities Master Plan Update – May 2003 and the Storm Drainage Master Plan Update for Village One Community Facilities District; and
SECTION 8. That the City Council hereby readopts the Village One Specific Plan Mitigation Monitoring Plan, previously adopted as Exhibit A to Resolution 94-298, in order to affirm that the mitigation measures, and monitoring thereof, that were previously approved would also apply to the Village One Facilities Master Plan Update – May 2003 and the Storm Drainage Master Plan Update for Village One Community Facilities District.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

Attest: ____________________________
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: ____________________________
MICHAEL D. MILICH, City Attorney
EXHIBIT "A"

Checklist for Village One Facilities Master Plan Update—May 2003
Addendum to the Village One Specific Plan
Program Environmental Impact Report for the
Village One Facilities Master Plan Update

Prepared for:

City of Modesto
P.O. Box 642.
Modesto, CA 95353
Contact: Rich Ulm
209/577-5215

Prepared by:

Jones & Stokes
2600 V Street
Sacramento, CA 95818-1914
Contact: Sally Zeff
916/737-3000

April 2003
## Contents

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Pages</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Introduction and Project Description</td>
<td>1-1</td>
</tr>
<tr>
<td></td>
<td>Introduction</td>
<td>1-1</td>
</tr>
<tr>
<td></td>
<td>CEQA Basis for Use of the Program EIR for this</td>
<td>1-1</td>
</tr>
<tr>
<td></td>
<td>Project</td>
<td></td>
</tr>
<tr>
<td></td>
<td>History of the Village One Specific Plan Program</td>
<td>1-4</td>
</tr>
<tr>
<td></td>
<td>EIR</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Checklist</td>
<td>1-4</td>
</tr>
<tr>
<td></td>
<td>Project Description</td>
<td>1-5</td>
</tr>
<tr>
<td></td>
<td>Project History and Need</td>
<td>1-5</td>
</tr>
<tr>
<td></td>
<td>Project Objective and Components</td>
<td>1-7</td>
</tr>
<tr>
<td></td>
<td>Surrounding Land Uses and Existing Conditions</td>
<td>1-11</td>
</tr>
<tr>
<td>2</td>
<td>Written Checklist</td>
<td>2-1</td>
</tr>
<tr>
<td></td>
<td>Aesthetics</td>
<td>2-3</td>
</tr>
<tr>
<td></td>
<td>Agricultural Resources</td>
<td>2-5</td>
</tr>
<tr>
<td></td>
<td>Air Quality</td>
<td>2-7</td>
</tr>
<tr>
<td></td>
<td>Biological Resources</td>
<td>2-9</td>
</tr>
<tr>
<td></td>
<td>Cultural Resources</td>
<td>2-11</td>
</tr>
<tr>
<td></td>
<td>Geology and Soils</td>
<td>2-13</td>
</tr>
<tr>
<td></td>
<td>Hazards and Hazardous Materials</td>
<td>2-15</td>
</tr>
<tr>
<td></td>
<td>Hydrology and Water Quality</td>
<td>2-17</td>
</tr>
<tr>
<td></td>
<td>Land Use and Planning</td>
<td>2-20</td>
</tr>
<tr>
<td></td>
<td>Mineral Resources</td>
<td>2-21</td>
</tr>
<tr>
<td></td>
<td>Noise</td>
<td>2-22</td>
</tr>
<tr>
<td></td>
<td>Population and Housing</td>
<td>2-24</td>
</tr>
<tr>
<td></td>
<td>Public Services</td>
<td>2-25</td>
</tr>
<tr>
<td></td>
<td>Recreation</td>
<td>2-26</td>
</tr>
<tr>
<td></td>
<td>Transportation/Traffic</td>
<td>2-27</td>
</tr>
<tr>
<td></td>
<td>Utilities and Service Systems</td>
<td>2-29</td>
</tr>
<tr>
<td></td>
<td>Mandatory Findings of Significance</td>
<td>2-31</td>
</tr>
<tr>
<td>3</td>
<td>References Cited</td>
<td>3-1</td>
</tr>
<tr>
<td>A</td>
<td>Cultural Resources Assessment</td>
<td></td>
</tr>
</tbody>
</table>

Addendum to the Village One Specific Plan  
Program Environmental Impact Report for the  
Village One Facilities Master Plan Update  
April 2003  
JLS 05-087
1 Village One Vacant Residential Properties ............... follows 1-6
2 Facilities Master Plan Area .................................. follows 1-6
Introduction

The City of Modesto (City) is proposing an update to the Village One Facilities Master Plan (FMP) (City of Modesto 1996). This document presents an evaluation of the proposed update (i.e., the proposed project) under the California Environmental Quality Act (CEQA). Previously, the City prepared and certified a program-level environmental impact report (EIR) for the Village One Specific Plan (City of Modesto 1990a, 1990b), The Village One Specific Plan was adopted, and its program EIR certified, in 1990. In 1994, the City certified a supplement to the program EIR (1994 Supplement) that incorporated by reference most of the analyses and determinations contained in the 1990 program EIR. The 1994 Supplement (City of Modesto 1994) addressed four revisions to the Village One Specific Plan and was intended, by its own terms, to "become the project EIR for the revised specific plan." It is this document that was used as the basis of analysis for the proposed update.

Specifically, this document assesses the extent to which the environmental effects of the Village One FMP Update are adequately addressed by the existing Village One Specific Plan program EIR. Because this document contains the evidence for determining whether the environmental effects of the proposed project are covered by the previously prepared program-level EIR, it is considered an "addendum" to that EIR.

A detailed description of the proposed project is presented starting on page 1-5 of this document.

CEQA Basis for Use of the Program EIR for this Project

Use of Program EIR for Subsequent Project

Section 15168(c) of the State CEQA Guidelines describes how a program-level EIR can be applied to subsequent actions, as follows.
Subsequent activities in the program must be examined in the light of the program EIR to determine whether an additional environmental document must be prepared.

(1) If a later activity would have effects that were not examined in the program EIR, a new Initial Study would need to be prepared leading to either an EIR or a Negative Declaration.

(2) If the agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.

(3) An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.

(4) Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.

(5) A program EIR will be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.

Findings that No Subsequent EIR is Required

Section 15162 of the State CEQA Guidelines describes the conditions under which a subsequent EIR must be prepared.

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) 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;

(2) 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

(3) 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:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) 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

(D) 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.

This Addendum includes information and analysis supporting the finding that the conditions set forth in Section 15162 are not met. The conclusions of the analysis are summarized below.

Substantial Changes to the Project

The proposed Village One FMP Update will not change the characteristics of the project as it was assessed in the Village One Specific Plan Program EIR as supplemented. The only changes resulting from the Village One FMP Update will be in the cost estimates for financing infrastructure and public improvements.

Substantial Changes in the Circumstances under Which the Project Is Undertaken

A great deal of construction has occurred in the Village One Specific Plan area. This construction has been implementation of the Specific Plan. The circumstances of the project are not substantially different.

New Information

As detailed in this document, no new information has become available that shows that the project will significant effects not discussed in the previous EIR; that significant effects previously examined will be substantially more severe than shown in the previous EIR; or that mitigation measures or alternatives
previously found infeasible or unacceptable are now feasible or could be implemented.

**Use of Addendum to the Previous EIR**

Section 15164(a) of the State CEQA Guidelines states that an addendum to the previous EIR can be prepared if none of the conditions described in Section 15162 are met. As described in Section 15164, the Addendum need not be circulated for public review, and must be considered with the Final EIR (in this case the Village One Specific Plan Program EIR) prior to making a decision on the project.

This addendum was prepared to present the evidence supporting the findings under Sections 15168(c)(2) and 15162 of the State CEQA Guidelines. The proposed project generally falls within the scope of the Program EIR, but, since the project consists of an update to the Facilities Master Plan, which was not specifically described in the Program EIR as one of the actions, an addendum was prepared to identify how the Program EIR covered the potential environmental effects of the proposed Village One FMP Update.

**History of the Village One Specific Plan Program EIR**

The Village One Specific Plan was adopted, and its program EIR certified, in 1990. In 1994, the City certified a supplement to the program EIR (1994 Supplement) that incorporated by reference most of the analyses and determinations contained in the 1990 program EIR. The 1994 Supplement (City of Modesto 1994) addressed four revisions to the Village One Specific Plan and was intended, by its own terms, to “become the project EIR for the revised specific plan.”

The 1994 Supplement examined each of the 145 mitigation measures adopted in the 1990 program EIR and eliminated those that were redundant or that were contained in city policies. The 1994 Supplement adopted a total of 40 mitigation measures that now apply to the Village One Specific Plan. It also included the results of updated specific plan traffic, noise, and air quality analyses undertaken for the specific plan.

**Checklist**

This document contains a checklist that was used to assess, for each of the potentially affected resources or topics, whether the proposed project would result in impacts beyond or greater than those identified in the program EIR (as supplemented in 1994) or require additional mitigation measures. The boxes checked in the checklist reflect the additional impacts resulting from implementation of the proposed project. The written discussion identifies the
impacts from the Village One Specific Plan and provides the basis for determining whether an additional impact would result from implementation of the proposed Village One FMP Update.

In this document, reference is made to the Village One Specific Plan Program EIR (program EIR). This reference is to the Village One Specific Plan EIR as certified in 1990 and supplemented and certified in 1994 (State Clearinghouse No. 90020181). Page number references to the 1994 Supplement document are provided to enable the reader to find the full text of the most recent version of impact and mitigation measures.

Project Description

Project History and Need

Village One Specific Plan

Village One is a planned community in the northeast area of the City of Modesto, California (Figure 1 shows the location of Village One). A specific plan was adopted for the project in 1990. The environmental document for the approval of the specific plan was a program EIR, which was certified in 1990. The program EIR addressed the overall impacts of the Village One Specific Plan, including impacts from development of the proposed land uses and construction of the infrastructure associated with the planned development.

Since 1990, more than half of the lands in Village One have been developed (Figure 1). Amendments to the specific plan were approved in 1994 and 1997. The environmental documents for these approvals were supplemental EIRs based on the 1990 program EIR. Also, Village One was included as one of the planning districts in the City’s Urban Area General Plan, adopted in 1995 (City of Modesto 1995).

Village One Facilities Master Plan

The Village One FMP was adopted in June 1996. The purpose of the FMP is to provide uniform guidelines for designing the roads, intersections, traffic signals, storm drainage, parks, and public facilities in Village One. The purpose of the proposed update is to update the cost estimates for the facilities in the master plan that have yet to be constructed. Figure 2 shows the area covered by the FMP. The current status of the facilities is described below.
Facilities Identified in the Facilities Master Plan

The FMP includes projects funded by both the Community Facilities District (CFD) for Village One and citywide Capital Facilities Fee (CFF) funds. Facilities identified in the FMP are listed below.

CFD Projects
- Arterial intersections
- Arterial roads
- Parks (partially funded by CFF and CFD)
- Public facilities—police substation
- Storm drainage

CFF Projects
- Expressways
- Traffic Control Devices
- Parks (partially funded by CFF and CFD)
- Public facilities—fire station

Utility Projects
- Sanitary sewer system
- Potable water system

Implementation Status

Traffic Improvements
During the past 12 years, a variety of road improvements have been constructed in the Village One area. For example, approximately 25% of Sylvan Avenue, 5% of Floyd Avenue, and 30% of Roselle Avenue have been constructed within Village One. No improvements have been constructed on Oakdale Avenue. No improvements have been constructed on Briggsmore Avenue or Claus Road. A portion of Briggsmore Avenue is currently under design. One traffic signal has been installed at the intersection of Roselle Avenue and Briggsmore Avenue. Three traffic signal modifications and 15 other traffic control devices have yet to be installed.

Parks and Trails
The Village One parks comprise Grogan Community Park, Ustach Neighborhood Park, Claus Neighborhood Park, and Merle Neighborhood Park. Although no park construction has occurred, the land has been acquired for all four parks. No construction has taken place, and only a small amount of land has been acquired for the Modesto Irrigation District (MID) Bike Trail and the Claus Urban Expressway Trail.
NOTE: THE FACILITIES HIGHLIGHTED ARE FUNDED BY THE CFD.
THE TRAFFIC CONTROL DEVICES ARE FUNDED BY THE CFD.
HOWEVER, THE INTERSECTION IMPROVEMENTS (AB, AC, SIDEWALK, ETC) ARE FUNDED BY CFF.

Figure 2
Facilities Master Plan Area
Police and Fire Facilities
Police and fire protection facilities included in the FMP consist of a police substation storefront lease and fire station improvements. No police substation or fire station improvements have been constructed.

Project Objective and Components

The purpose of the proposed FMP Update is to update the cost estimates for the facilities in the master plan that have yet to be constructed. The following sections describe in more detail the proposed modifications and enhancements to cost estimates.

General Updates

Acquisition of Right-of-Way

The estimated cost for land acquisition was increased from $40,000 per acre to $150,000 per acre. In addition to the land cost, a cost of $30,000 per affected parcel was added for potential condemnation costs. An estimated cost of $550,000 per acre was included for developed commercial areas. Estimated lump sum costs were added at several residential and commercial sites for house purchase costs, relocation costs, and effects on business.

Relocation of Power Poles

An estimated cost of $5,000 per pole was added to the arterial road costs to relocate approximately 200 poles owned by MID, Pacific Gas and Electric Company (PG&E), and Pacific Bell. It was initially assumed that these utility companies would relocate the poles at their cost. This is not the case, so the cost has been added to the arterial road costs.

Relocation of the PG&E Gas Line

Relocation of the PG&E gas transmission line had been treated as a separate project in the FMP; however, the proposed FMP Update includes this relocation as part of the Claus Road improvements.

Markups

Markups, which include project costs for administration, engineering, inspection, construction administration, and general contingencies, were increased from 25% to 35% to be more consistent with markups used by other public agencies.
Road Projects around Parks and Drainage Basins

The cost for roads adjacent to parks and drainage basins have removed from the arterial road plan and included with the concept plans for the parks and drainage basins. These roads are listed below.

- Hillglen Avenue
- Bear Cub Lane
- Litt Road
- Sharon Avenue
- Maid Marianne Lane
- Merle Avenue
- Kodiak Drive

Arterial Street Storm Drainage

A proposed storm drainage system, including 24-inch pipes, manholes, and drainage inlets, has been added to the development plans in the FMP Update for Sylvan Avenue, Floyd Avenue, Roselle Avenue, and Oakdale Avenue to better accommodate storm drainage runoff from the roads. This change affects how stormwater runoff is conveyed from these roads to the storm drain system, but does not increase or decrease the amount of stormwater runoff expected. An environmental analysis of the Storm Drain Master Plan Update that includes these changes was prepared separately from this project.

Prevailing Wages

In conformance with Mello Roos law, the project cost estimates have been increased to reflect construction labor costs at prevailing wages.

CFD Projects

Arterial Intersections

The proposed FMP Update does not include changes to the intersections identified in the 1996 master plan. However, the FMP Update includes updated cost estimates for intersections. As a part of the FMP Update, 11 intersections have been identified separately because it may be appropriate to construct the intersections as separate projects, apart from road improvements. This separate identification represents a change in the format of the FMP. The eleven intersections are listed below.
Chapter 1. Introduction and Project Description

Arterial Roads

The proposed FMP Update does not include changes to the roads or travel lanes identified in the 1996 master plan. However, the FMP Update includes updated cost estimates for roads and travel lanes. In addition, a two-phase construction plan for Sylvan Avenue is proposed.

Parks

The proposed FMP Update does not include changes to the park or trail improvements identified in the 1996 master plan. However, the FMP Update includes updated cost estimates for park and trail improvements. In addition, Grogan Community Park has been divided into two separate projects: Phases 1 and 2 and Phases 3 and 4. The funding for the park improvements is still split between CFD and CFF funds. Parks and recreational facilities from the plan, as updated, are listed below.

- Grogan Community Park—Phases 1 and 2
- Grogan Community Park—Phases 3 and 4
- Buffer land
- Ustach Neighborhood Park
- Claus Neighborhood Park
- Merle Neighborhood Park
- MID Bike Trail
- Claus Urban Expressway Trail
Storm Drainage

As a separate project, the City has prepared a Storm Drainage Master Plan and an addendum to the program EIR that covers storm drainage improvements. These documents are available for review at the Planning Division office in the Community and Economic Development Department, located at 1010 Tenth Street, Suite 3300, Modesto, California, 95353.

Police Facilities

The proposed FMP Update does not include changes to the police station improvements identified in the 1996 master plan. Funding for these facilities would not be changed by the FMP Update.

CFF Projects

Expressways

The proposed FMP Update does not include changes to the expressways identified in the 1996 master plan, including Briggsmore Avenue and Claus Road. However, the FMP Update includes updated cost estimates for expressways.

Traffic Control Devices

The proposed FMP Update does not include changes to the traffic control devices identified in the 1996 master plan. However, the FMP Update includes updated cost estimates for traffic control devices. The two options for new traffic control devices consist of installing either traffic signals or roundabouts.

Parks

As discussed above, the proposed FMP Update does not include changes in park or trail improvements identified in the 1996 master plan. However, the FMP Update includes updated cost estimates for park and trail improvements. In addition, Grogan Community Park has been divided into two separate projects.

Fire Facilities

The FMP Update does not include changes to the fire station improvements identified in the 1996 master plan. The fire station serving Village One has not been sited or constructed. Ultimately, the fire station may or may not be located in the Village One development area.
Utility Projects

Sanitary Sewer System

Funding for the Village One sanitary sewer system is not part of the FMP Update. Village One is subject to the conditions and requirements of the City's "Wastewater Master Plan."

Potable Water System

Funding for the Village One potable water system is not part of the FMP Update. Village One is subject to the conditions and requirements of the City's "Water Master Plan."

Surrounding Land Uses and Existing Conditions

The Village One Specific Plan Area is more than half built, as planned and approved under the 1990 Village One Specific Plan. The project area is surrounded by rural, agricultural, and open space land uses to the north and east, and by residential and commercial uses to the south and west. A Union Pacific Railroad (UPRR) line runs along the eastern boundary of the plan area.

Existing development in the Village One Specific Plan Area primarily consists of single-family residences. A middle school has been constructed in the area. Areas developed with housing are described below and shown on Figure 1.

- The area south of Sylvan Avenue and north of Hillglen Avenue, between Wood Sorrel Drive on the west and Roselle Avenue on the east
- The area south of Sylvan Avenue and north of Sharon Avenue, between Esta Avenue on the west and Fine Avenue on the east
- The area north of Briggsmore Avenue and south of Merle Avenue, between Roselle Avenue and Claus Road
- The area south of BelHarbour Drive and north of Merle Avenue, between Roselle Avenue and Derrmond Road
EXHIBIT “B”

Checklist for Storm Drainage Master Plan Update to the Village One Community Facilities District
Chapter 2
Written Checklist

1. Project Title: Village One Facilities Master Plan Update

2. Lead Agency Name and Address: City of Modesto

3. Contact Person and Phone Number: Rich Ulm, Deputy Director
Modesto Engineering and Transportation Department
209/577-5215

4. Project Location: The project would be located in the City of Modesto Village One Specific Plan Area. The area is bounded on the north by Sylvan Avenue, on the east by UPRR tracks, on the south by Briggsmore Avenue and Floyd Avenue, and on the west by Roselle Avenue and Oakdale Road.

5. Project Sponsor's Name and Address: City of Modesto
P.O. Box 642
Modesto, CA 95353

6. General Plan Designation: The General Plan land use designations include Village Residential (VR) which allows predominantly single-family residential uses; Multi-Family Residential; Senior Housing; School/Park/Basin site; Commercial; and Business Park (BP) which allows light industrial manufacturing, office, associated service retail (and, in Village One, regional commercial) uses.

7. Zoning: Specific Plan Overlay S-P-O

8. Description of Project: See Chapter 1 for a complete project description

9. Surrounding Land Uses and Setting: See Chapter 1 for a description of surrounding land uses and setting.
10. Other Public Agencies whose Approval is Required: None
### AESTHETICS.

Would the project:

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
<th>Potential Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a</td>
<td>Have a substantial adverse effect on a scenic vista?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>b</td>
<td>Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>c</td>
<td>Substantially degrade the existing visual character or quality of the site and its surroundings?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
<tr>
<td>d</td>
<td>Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>□</td>
</tr>
</tbody>
</table>

Aesthetic and visual impacts are analyzed on pages III-100 through III-101 of the 1994 Supplement.

### Responses to Checklist Questions

a. The Village One Specific Plan program EIR found that, as the Village One project is built, it will eliminate views of the valley and the distant mountains from adjacent areas and reduce the area's visual open space. However, the program EIR found the effects of the Village One project on scenic vistas to be less than significant because views from the project area are minimal. The proposed FMP Update project would not change the extent or nature of construction in the specific plan area, or cause any other changes in the project area. Impacts on scenic vistas would therefore remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.

b. The Village One Specific Plan program EIR found that there are no scenic resources in the project area, and that the Village One project would therefore not result in significant impacts on scenic resources. This finding would not be affected by the proposed FMP Update project because the project area remains the same. There would be no impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that the Village One project would have a less-than-significant impact on the visual character of the area. The proposed FMP Update project would not change the design or layout of the construction proposed under the Village One Specific Plan. For this reason, impacts on the visual character of the area would remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.
The Village One Specific Plan program EIR found that night lighting proposed as a part of the Village One Village Center might result in undesirable light and glare at adjacent residences, but that plans for public street lighting and private parking lot lighting are routinely reviewed by the City's Public Works department to ensure proper wattage and direction of lighting fixtures, thereby avoiding conflicts with nearby residential areas. This review will reduce the impact of night lighting to a less-than-significant level. The proposed FMP Update project would not change the proposed lighting for the Village Center. For this reason, impacts associated with additional light and glare would remain the same as those identified in the program EIR. There would be no additional impact. No mitigation is required.
### AGRICULTURAL RESOURCES

In determining whether impacts on 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 Department of Conservation.

Would the project:

- 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?

- Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract?

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

Impacts on agricultural resources are analyzed on pages III-80 through III-94 of the 1994 Supplement.

### Responses to Checklist Questions

**a.** The Village One Specific Plan program EIR found that approximately 670 acres of land designated as Prime Farmland and 588 acres of land designated as Unique on the State Important Farmlands Inventory would be lost as a result of the Village One project. This impact was determined to be significant and not mitigable. The proposed FMP Update would not affect this finding because the project area would remain the same. There would be no additional impact. No mitigation is required.

**b.** The Village One Specific Plan program EIR presented information showing that any Williamson Act contracts in the project area would be automatically cancelled on annexation of the land to the City of Modesto, which has occurred, or would expire within 10 years of the time the original program EIR was prepared. The last Williamson Act contract covering land in the project area expired in 2001. There are now no lands in the project area under Williamson Act contract. The project area has also been rezoned consistent with the specific

---

Addendum to the Village One Specific Plan Program Environmental Impact Report for the Village One Facilities Master Plan Update 2-5 April 2003 JAE 03-087
plan, and no lands in the project area are now zoned for agricultural use. There would be no additional impact. No mitigation is required.

c. The Village One Specific Plan program EIR identified a potential land use conflict between new residential uses in the specific plan area and adjacent agricultural uses. Such conflicts can lead to conversion of adjacent farmlands to other uses. The program EIR proposed mitigation measures for this potential impact that would reduce the impact's significance, although the EIR noted that the mitigation measure might not fully mitigate the impact. No additional mitigation measures are available for this impact. This finding would not be affected by the proposed FMP Update project because the project area and proposed land uses would remain the same. There would be no additional impact. No mitigation is required.
III. AIR QUALITY. When 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:

<table>
<thead>
<tr>
<th>Potential</th>
<th>Mitigation</th>
<th>Less-than-Significant Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Significant Impact</td>
<td>Incorporated</td>
<td>Impact</td>
</tr>
</tbody>
</table>

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 a nonattainment area for an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?

d. Expose sensitive receptors to substantial pollutant concentrations?

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

Impacts on air quality are analyzed on pages III-45 through III-54 of the 1994 Supplement.

Responses to Checklist Questions

a., b. The Village One Specific Plan program EIR found that air pollution from project-related construction traffic, project-related industrial/business park and urban area traffic, and fireplaces and wood stoves in planned residential areas would violate air quality standards and contribute to an existing air quality violation. Construction traffic emissions would contribute to violation of the state and federal 8-hour carbon monoxide (CO) and particulate matter (PM10) standards and the federal ozone standard in the Modesto Urban Area and the San Joaquin Valley Air Basin. Urban traffic pollution would contribute to violations of the state ozone, CO, and PM10 standards in the Modesto Urban Area and San Joaquin Valley Air Basin. Residential pollution would contribute to violations of the pollutant standard index in the Modesto Urban Area. Partial mitigation for these impacts is included in the program EIR (Mitigation Measures 3–5), and the City of Modesto adopted a statement of overriding consideration for each impact.
The proposed FMP Update would not change the amount of development and construction in the project area, so trips generated by the project would not be affected and the types of land uses would not change. There would be no additional impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that air pollutant emissions associated with traffic at buildout of Village One would exacerbate the existing ozone, PM10, and CO violations in the Modesto area and cause a significant cumulative impact. Partial mitigation for these emissions is included in the program EIR (Mitigation Measures 4.5.3[a] and 4.5.3[b]), and the City of Modesto made a statement of overriding consideration for each impact. The proposed FMP Update would not change the amount of traffic associated with buildout of Village One or the types of land uses, so trips generated by the project would not be affected. There would be no additional impact. No mitigation is required.

d. The Village One Specific Plan program EIR found that PM10 generated during construction would aggravate the respiratory problems of people living and working nearby, therefore exposing sensitive receptors in the area to pollutant concentrations and causing a significant impact. However, the program EIR outlines mitigation measures that will be implemented to reduce the impact to an acceptable level (Mitigation Measure 40). The proposed FMP Update would not change the level of construction emissions. There would be no additional impact. No mitigation is required.

e. The Village One project consists of residential and commercial development and does not contain any components that would create odors. The proposed FMP Update would not change planned uses of the project area. There would be no impact. No mitigation is required.
IV. BIOLOGICAL RESOURCES. Would the project:

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?

b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

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, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?

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?

e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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?

Impacts on biological resources are analyzed on pages III-68 through III-79 of the 1994 Supplement.

**Responses to Checklist Questions**

a. The Village One Specific Plan program EIR found that the Village One project could result in the loss of foraging habitat for Swainson’s hawk, a state-listed...
threatened species, but found that mitigation measures identified in the program EIR would reduce the impact to a less-than-significant level. The proposed FMP Update would not change project area boundaries. There would be no additional impact. No mitigation is required.

b. The Village One Specific Plan program EIR did not find that any riparian habitat or other designated sensitive natural community was present in the Village One project area, and so found that the project would have a less-than-significant impact. The proposed FMP Update would not change project area boundaries. There would be no impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that the Village One project would result in the loss of lands that might be classified as wetlands by the U.S. Army Corps of Engineers, but that, with mitigation, the impact would be less than significant. The proposed FMP Update would not change the project area boundaries or the areas that would be disturbed. There would be no additional impact. No mitigation is required.

d. The Village One Specific Plan program EIR did not identify any migratory corridors in the Village One project area, nor did it find that the project would interfere with the movement of any species. The proposed FMP Update would not change the project area boundaries. There would be no impact. No mitigation is required.

e., f. No local biological resource protection policies, ordinances, habitat conservation plans, or natural community conservation plans apply to the Village One Specific Plan area. There would be no impact. No mitigation is required.
V. CULTURAL RESOURCES. Would the project:

a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d. Disturb any human remains, including those interred outside of formal cemeteries?

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>b.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>c.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>d.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

Responses to Checklist Questions

a.-d. Impacts on cultural resources resulting from the Village One project (e.g., from construction of associated infrastructure) are addressed in the Opportunities/Constraints Report prepared for the Modesto Planning Commission (December 1, 1989). The report concluded that there are no known historic, archaeological, or paleontological resources in the Village One Specific Plan area. Based on the results of this report, (Cultural and Historic Resources Report, page 3) it was determined that the likelihood that the Village One project would change or disturb human remains or significant historic, archaeological, or paleontological resources was low.

The proposed FMP Update would not change the locations or types of construction in the project area nor the boundaries of the project area. Construction of roadway improvements will result in effects on scattered existing structures, including five structures older than 45 years old. A Cultural Resources Assessment was prepared to determine if any of these affected structures are considered historic resources. The Cultural Resources Assessment is attached to this document as Appendix A. Qualified architectural historians assessed the five structures and concluded that none of them appear to meet the criteria for listing in the California Register of Historic Resources. Therefore, effects to these properties would not be considered significant, and no mitigation measures are necessary.

Since no archaeological, or paleontological resources were found in the previous document to be located in the project area, and since the proposed project would
not have a significant impact on historic structures, there would be no impact.
No mitigation is required.
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:

   1. 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.

   2. Strong seismic groundshaking?

   3. Seismic-related ground failure, including liquefaction?

   4. Landslides?

b. Result in substantial soil erosion or the loss of topsoil?

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 an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?

d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater?

   Impacts associated with geology and soils are analyzed on pages III-105 through III-108 of the 1994 Supplement.

Responses to Checklist Questions

a.–d. The program EIR, as supplemented, found that the project area is not subject to geologic or soil-related hazards that cannot be adequately mitigated through the
implementation of existing city regulations, such as the building code. No significant impacts were identified, and no mitigation measures were required. The proposed FMP Update would not change the locations or types of construction in the project area nor the boundaries of the project area. There would be no additional impact. No mitigation is required.

e. The Village One Specific Plan included provisions for the project to be served by public sewers. No septic tanks or alternative wastewater systems were proposed. The proposed FMP Update project would not change the proposed method of wastewater disposal. There would be no impact. No mitigation is required.
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? ☐ ☐ ☐ ☐ ☐

c. Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ☐ ☐ ☐ ☐ ☐

d. Be located on a site that 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? ☐ ☐ ☐ ☐ ☐

e. Be located within an airport land use plan area or, where such a plan has not been adopted, be within two miles of a public airport or public use airport, and result in a safety hazard for people residing or working in the project area? ☐ ☐ ☐ ☐ ☐

f. Be located within the vicinity of a private airstrip and result in a safety hazard for people residing or working in the project area? ☐ ☐ ☐ ☐ ☐

g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ☐ ☐ ☐ ☐ ☐

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? ☐ ☐ ☐ ☐ ☐

Impacts associated with hazards and hazardous materials are analyzed on pages III-80 through III-94 and III-109 through III-119 of the 1994 Supplement.
Responses to Checklist Questions

a.-c. The Village One Specific Plan does not allow any land uses that would use hazardous materials. The proposed FMP Update would not change land uses or project area boundaries. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR, as supplemented, found that, although hazardous materials were stored at the former Pure-Gro plant, this potential hazard would be adequately mitigated by implementing City regulations (e.g., requiring the owners of the former Pure-Gro site to file a Hazardous Materials Emergency Response Plan with the City of Modesto Fire Department). No significant impacts were identified, and no mitigation measures were required. The proposed FMP Update would not change the locations or types of construction in the project area nor the boundaries of the project area. There would be no additional impact. No mitigation is required.

e. The Village One Specific Plan program EIR found that the Village One project would not be located in an airport land use plan area or within 2 miles of a public airport. The proposed FMP Update would not change the project area boundaries. There would be no impact. No mitigation is required.

f. The Village One Specific Plan program EIR found that a private airstrip, the Eastside Mosquito Abatement District Airstrip, is located next to the eastern border of the Village One project area. However, take-offs and landings were found to take place parallel to and outside the area’s border, and flight patterns are generally situated to the east of the project area. The proposed FMP Update would not change the project area boundaries. There would be no additional impact. No mitigation is required.

g. Since the adoption of the Village One Specific Plan, the Modesto General Plan has been updated to include development of Village One consistent with the specific plan. City emergency plans are developed with the assumption that the Village One Specific Plan will be implemented. The proposed FMP Update would not change construction, land use, or other physical attributes of the Village One project. There would be no additional impact. No mitigation is required.

h. The Village One project is located in an area of the City of Modesto planned for buildout of an urban neighborhood. Currently, less than 50% of the project area remains undeveloped, with a covering of dry brush and vegetation. The potential for wildland fires is low, and this potential will decrease as buildout continues. Adoption of the proposed FMP Update would not change the schedule or amounts of development. There would be no additional impact. No mitigation is required.
VIII. HYDROLOGY AND WATER QUALITY.

Would the project:

<table>
<thead>
<tr>
<th>Would the project:</th>
<th>Potentially Significant Impact</th>
<th>Less-than-Significant Impact with Mitigation Incorporated</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>☐</td>
</tr>
<tr>
<td>b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge, resulting in 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 that would not support existing land uses or planned uses for which permits have been granted)?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</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 that would result in substantial erosion or siltation onsite or offsite?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</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 that would result in flooding onsite or offsite?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e. Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>f. Otherwise substantially degrade water quality?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</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>☐</td>
</tr>
<tr>
<td>h. Place within a 100-year flood hazard area structures that would impede or redirect floodflows?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</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>☐</td>
</tr>
</tbody>
</table>
### Responses to Checklist Questions

**a.** The Village One Specific Plan program EIR did not find that the Village One project would violate any water quality standards or waste discharge requirements. The proposed FMP Update would not change water use or discharge associated with the Village One project. There would be no additional impact. No mitigation is required.

**b.** The Village One Specific Plan program EIR found that the Village One project might interfere with local groundwater recharge. However, the impact was found to be less than significant because the project area is not a major groundwater recharge area and the project includes a recharge/discharge plan for disposal of stormwater runoff and recharge of groundwater. The proposed FMP Update would not change the amount of impervious surface in the project area or the proposed storm drain facilities. There would be no additional impact. No mitigation is required.

**c.-e.** The Village One Specific Plan program EIR found that the Village One project will substantially alter the existing drainage pattern of the area but, because the project will incorporate an urban storm drain system, will not result in any erosion impacts. The proposed FMP Update would not change the amount of impervious surface or the proposed storm drain facilities. There would be no additional impact. No mitigation is required.

**f.** The Village One Specific Plan program EIR did not find that the Village One project would otherwise substantially degrade water quality. The proposed FMP Update would not change water use or discharge associated with the Village One project. There would be no additional impact. No mitigation is required.

**g.-i.** According to the Village One Specific Plan program EIR, the Village One project is not situated in a 100-year flood hazard area or downstream from a levee or dam. The proposed FMP Update would not change the project area boundaries. There would be no impact. No mitigation is required.

---

<table>
<thead>
<tr>
<th>j. Contribute to inundation by seiche, tsunami, or mudflow?</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☑</td>
</tr>
</tbody>
</table>

Impacts associated with hydrology are analyzed on pages III-109 through III-119 of the 1994 Supplement.
j. The Village One project area is located in a flat, inland area not susceptible to seiche, tsunami, or mudflow. There would be no impact. No mitigation is required.
## IX. LAND USE AND PLANNING

Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>Physically divide an established community?</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>b.</td>
<td>Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to, a general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>c.</td>
<td>Conflict with any applicable habitat conservation plan or natural community conservation plan?</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

Impacts associated with land use and planning are analyzed on pages III-80 through III-94 of the 1994 Supplement.

### Responses to Checklist Questions

**a.** The proposed FMP Update would not result in any physical changes to the environment beyond those proposed as a part of the Village One project. Village One would continue to be developed as a planned community; therefore, the FMP Update would not divide an established community. There would be no impact, and no mitigation is required.

**b., c.** The Village One Specific Plan has been adopted by the City of Modesto and has been incorporated into the Modesto General Plan. The proposed FMP Update would be consistent with the Village One Specific Plan. There are no other applicable land use or conservation plans for the project area. There would be no impact. No mitigation is required.
X. **MINERAL RESOURCES.** Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Impact with Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b.</td>
<td>Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

**Responses to Checklist Questions**

a., b. No known mineral resources or important recovery sites are located in the Village One Specific Plan Area. There would be no impact. No mitigation is required.
## XI. NOISE

Would the project:

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>a.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
<tr>
<td>b.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
<tr>
<td>c.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
<tr>
<td>d.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
<tr>
<td>e.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
<tr>
<td>f.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
</tbody>
</table>

Impacts associated with noise are analyzed on pages III-55 through III-67 of the 1994 Supplement.

### Responses to Checklist Questions

a., c. The Village One Specific Plan program EIR found that traffic associated with the Village One project would expose existing residential uses on Lakewood Avenue, Sylvan Avenue, and Floyd Avenue to noise levels exceeding the general plan thresholds for residential uses. Mitigation measures identified in the program EIR were determined to reduce the level of impact, but not to a less-than-significant level. The City made a statement of overriding considerations when it certified the 1994 Supplement.

The program EIR also found that proposed residential housing in the project area would be exposed to noise levels exceeding general plan thresholds, but mitigation measures were incorporated to reduce the impact to a less-than-
significant level. The proposed FMP Update would not change project-related noise-generating activities. There would be no additional impact. No mitigation is required.

b. The Village One Specific Plan program EIR found that the Village One project would not expose people to, or generate excessive, groundborne vibration or groundborne noise levels. The proposed FMP Update would not change project-related noise-generating activities. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR found that construction of the Village One project would result in a substantial temporary increase in ambient noise levels for residential housing. However, mitigation measures were incorporated into the program EIR to reduce the impact to a less-than-significant level. The proposed FMP Update would not change construction activities. There would be no additional impact. No mitigation is required.

e. The Village One Specific Plan program EIR found that the Village One project would not be located in an airport land use plan area or within 2 miles of a public airport. The proposed FMP Update would not change the project area. There would be no impact. No mitigation is required.

f. The Village One Specific Plan program EIR found that a private airstrip, the Eastside Mosquito Abatement District Airstrip, is located next to the eastern border of the Village One project area. However, take-offs and landings take place parallel to and outside the area’s border, and flight patterns are generally situated east of the project area. The adjacent land use would be a business park, which would not be significantly affected by the limited noise generated at the airstrip. The proposed FMP Update would not change land use designations or the boundaries of the project area. There would be no additional impact. No mitigation is required.
XII. POPULATION AND HOUSING. Would the project:

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

b. Displace a substantial number of existing housing units, necessitating the construction of replacement housing elsewhere?

c. Displace a substantial number of people, necessitating the construction of replacement housing elsewhere?

Impacts on population and housing are analyzed on pages III-95 through III-99 of the 1994 Supplement.

Responses to Checklist Questions

a.–c. The Village One Specific Plan program EIR found that the Village One project would result in no significant impacts on population and housing units. The proposed FMP Update would not change the amount of housing or employment in the specific plan area. There would be no impact. No mitigation is required.
XIII. PUBLIC SERVICES. Would the project:

a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or a 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 following public services:

<table>
<thead>
<tr>
<th>Service</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Mitigation</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>⊗</td>
</tr>
<tr>
<td>Police protection?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>⊗</td>
</tr>
<tr>
<td>Schools?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>⊗</td>
</tr>
<tr>
<td>Parks?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>⊗</td>
</tr>
<tr>
<td>Other public facilities?</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>⊗</td>
</tr>
</tbody>
</table>

Impacts on public services are analyzed on pages III-120 through III-158 of the 1994 Supplement.

Responses to Checklist Questions

a. The Village One Specific Plan program EIR found that the only significant impact the Village One project would have on public services would be in the areas of fire protection and law enforcement. Mitigation measures were identified in the program EIR to reduce the level of this impact to a less-than-significant level. No other significant impacts on public services were identified. The FMP is an element of City policies and practices that ensures that adequate public services are available. The proposed FMP Update would ensure that cost estimates for funding public service improvements are up to date. The FMP Update would not change the provision of public services. There would be no additional impact. No mitigation is required.
XIV. RECREATION. Would the project:

a. 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. Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?

Impacts on recreation are analyzed on pages III-120 through III-158 of the 1994 Supplement.

Responses to Checklist Questions

a., b. No significant impacts on recreation were identified in the program EIR. The FMP is an element of City policies and practices that ensures that adequate public services, including parks and recreation, are available. The proposed FMP Update would ensure that cost estimates for funding parks and recreation facilities are up to date. The FMP Update would not change the provision of parks and recreation facilities. There would be no additional impact. No mitigation is required.
Impacts on transportation and traffic are analyzed on pages m-40 - m-44 of the 1994 Supplement.

Responses to Checklist Questions

a., b. The Village One Specific Plan program EIR found that the Village One project would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?

b. Cause, either individually or cumulatively, exceedance of a level-of-service standard established by the county congestion management agency for designated roads or highways?

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?

d. Substantially increase hazards because of a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

e. Result in inadequate emergency access?

f. Result in inadequate parking capacity?

g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?
the time it certified the 1994 Supplement. The proposed FMP Update would not alter traffic patterns in the project area or result in additional trips. There would be no additional impact. No mitigation is required.

c. The Village One Specific Plan program EIR did not find that the Village One project would result in a change in air traffic patterns. The proposed FMP Update does not include any elements that would affect air traffic patterns. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR did not find that the Village One project included any hazardous design features or increased any incompatible uses for roads in the project area. The proposed FMP Update would not change roadway design or land uses. There would be no impact. No mitigation is required.

e. The Village One Specific Plan program EIR did not find that the Village One project would result in inadequate emergency access in the project area. Project design included provision of adequate roadways to serve the Village One development. The proposed FMP Update would not change roadway design or land uses. There would be no impact. No mitigation is required.

f. The Village One Specific Plan program EIR did not find that the Village One project would result in inadequate parking capacity in the project area. The provision of parking, consistent with zoning requirements for all land uses, will be required. The proposed FMP Update would not change land use standards related to parking or amounts or intensity of development. There would be no impact. No mitigation is required.

g. The Village One Specific Plan has been adopted by the City of Modesto. Policies of the specific plan are coordinated with the policies of the general plan, including those applicable to transportation. The proposed FMP Update does not include any changes related to transportation policies, and would have no impact. No mitigation is required.
XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Mitigation Incorporated</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>
</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 could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e. Result in a determination by the wastewater treatment provider that 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>
</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>
</tr>
<tr>
<td>g. Comply with federal, state, and local statutes and regulations related to solid waste?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

Impacts on utilities and service systems are analyzed on pages III-120 through III-158 of the 1994 Supplement.

Responses to Checklist Questions

a. The City provides sewer services to the Village One area. All wastewater would be directed to city wastewater treatment facilities. No wastewater discharges would occur in the project area. The proposed FMP Update would not increase the amount of wastewater that will be generated at buildout of the Village One project. There would be no additional impact. No mitigation is required.
b., e. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed for the Village One project. The EIR found that, with mitigation, there would be no significant impact on water or wastewater infrastructure. The proposed FMP Update would not change the project demand for water or wastewater service. There would be no additional impact. No mitigation is required.

c. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed for the Village One project. The EIR found that, with mitigation, there would be no significant impact on stormwater drainage facilities. An update to the Storm Drainage Master Plan has been prepared and is under consideration by the City. An addendum to the Village One program EIR for the Storm Drainage Master Plan has also been prepared and is under consideration by the City. The proposed FMP Update would not change the project drainage plans or expected volume of stormwater. The project would not result in any additional impacts or the need for any additional mitigation beyond that assessed in the Addendum to the Village One Program EIR for the Storm Drainage Master Plan.

d. The Village One Specific Plan program EIR found that, with mitigation, the effects of the Village One project on water supply would be less than significant. The proposed FMP Update would not change the Village One project’s demand for water. There would be no additional impact. No mitigation is required.

f., g. The Village One Specific Plan program EIR found that the area’s landfills have sufficient permitted capacity to accommodate the Village One project’s solid waste disposal needs. The proposed FMP Update would not result in any physical changes in the environment or the generation of any additional solid waste. There would be no impact. No mitigation is required.
**XVII. MANDATORY FINDINGS OF SIGNIFICANCE.**

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less than Significant Mitigation Incorporated</th>
<th>Less-than-Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

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 effects 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? □ □ □ □

Cumulative impacts are analyzed on page III-161 of the 1994 Supplement.

**Responses to Checklist Questions**

a. As described above, the proposed FMP Update would not result in any significant impacts on the environment over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.

b. As described above, the proposed FMP Update would not result in any significant impacts, either on a project or on cumulative level, over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.

c. As described above, the proposed FMP Update would not result in any significant impacts affecting humans over and above those associated with implementation of the Village One Specific Plan and as analyzed in the Village One Specific Plan program EIR.


Cultural Resources

Introduction

This section discusses properties within the project area that are more than 45 year old. In compliance with CEQA, these properties were evaluated for eligibility for inclusion in the California Register of Historic Resources (CRHR).

Regulatory Setting

CEQA requires that public or private projects financed or approved by public agencies be assessed to determine the effects of the projects on historical resources. CEQA uses the term “historical resources” to include buildings, sites, structures, objects or districts, each of which may have historical, pre-historical, architectural, archaeological, cultural, or scientific importance.

CEQA states that if implementation of a project results in significant effects on historical resources, then alternative plans or mitigation measures must be considered; however, only significant historical resources need to be addressed (CCR 15064.5, 15126.4). Therefore, before impacts and mitigation measures can be identified, the significance of historical resources must be determined.

CEQA guidelines define three ways that a property may qualify as a historical resource for the purposes of CEQA review:

1) if the resource is listed in or determined eligible for listing in the California Register of Historic Resources,

2) if the resource is included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of section 5024.1(g) of the Public Resources Code unless the preponderance of evidence demonstrates that it is not historically or culturally significant, or

3) the lead agency determines the resource to be significant as supported by substantial evidence in light of the whole record (California Code of Regulations, Title 14, Division 6, Chapter 3, section 15064.5(a)).

Each of these ways of qualifying as an historical resource for the purpose of CEQA is related to the eligibility criteria for inclusion in the CRHR (PRC 5020.1(k), 5024.1, 5024.1(g)). A historical resource may be eligible for inclusion in the CRHR if it:

1) is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage,

2) is associated with the lives of persons important in our past;
Government land was considered ideal as any government grants secured by the railroad in exchange for completion of the route could be located directly along the route's right-of-way. Sales of this granted land by the railroad helped finance the overall construction costs. (Bean and Rawls 1993: 168)

In September of 1869, John James Atherton purchased 160 acres of land near the center of Stanislaus County from Robert Kirkland and David Monroe to use as the site for the new railroad town of Modesto. The total purchase price paid by Atherton for the two 80-acre parcels was $1,800. Subsequently, Contract and Finance Company, the company responsible for actually constructing the railroad, purchased the property from Atherton. As was common for speculators of the time, Atherton received $1,400 over the amount he paid in 1869. (Maino 1970: 10)

The town of Modesto became the terminus of the Southern Pacific railroad in 1870 but did not officially incorporate until 1884. Initially, the station from which the town took its name was to be named after William C. Ralston, one of the board of directors of the Central Pacific Railroad (the parent company of SP at the time). When Ralston modestly declined the honor, with no little irony the Spanish adjective meaning "modest" was used instead. During its formative years the town attracted residents of nearby communities including Empire City, Paradise, and Tuolumne City, all of which lacked a coveted rail connection. (Gooch 1988: 32) The wheat boom of California which began in the early 1860s and lasted until 1893 played a key role in the success of Modesto as a commercial and transportation center. Wheat was a rich business that demanded high finances and a strong labor pool throughout the season, both of which were found in Modesto. Given its proximity to the railroad for the shipping of wheat, and the flood of new residents, the success of Modesto as a wheat center was assured until the agricultural changes brought about by the widespread use of irrigation. (Maino 1970: 17)

Modern Modesto Following the Establishment of Irrigation in 1903

As the wheat bonanza came to a close in Stanislaus County during the early 1890s, the residents realized that a dependable system of irrigation was necessary to insure a more stable farm economy. Although irrigation was in use on a limited basis during the last half of the 19th Century, it was not until the early 20th Century that the system, as imagined by the residents of Modesto area, was completed. In June of 1903 irrigation water that had been promised more than 16 years earlier, when the Wright Act (authorizing the creation of irrigation districts) was signed into law, finally arrived. Following years of court battles, many farmers along the main canal accessed irrigation water for the first time. (Barnes 1987: 39)

The Modesto area changed rapidly after the implementation of the new irrigation system. The local population exploded, land prices rose, and the subdivision of larger ranches increased. Almost immediately alfalfa became the dominant crop as its demand increased to supply a new interest in dairying. Another significant change to the area was the cultivation of orchard crops such as peaches, apricots, almonds, and oranges. As the cultivation of alfalfa, orchard, and other crops increased, the processing segment of the agriculture industry, including canning, construction, and financing also grew. (Barnes 1987: 48)
None of the properties appear to be representative of a particular style or method of construction, nor are any of the structures the work of a master. Therefore, none of the properties appear to meet the requirements for inclusion in the CRHR under criterion 3. Only one of the residences, located at 3016 Oakdale Road, maintained enough integrity to convey any significance that it might have had. The remaining properties have been moved or modified to a considerable extent.

Criteria of Effects

According to the California Environmental Quality Act, a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment (CEQA rev. 1998 Section 15064.5(b)). CEQA further states that a substantial adverse change in the significance of a resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. Actions that would materially impair the significance of a historic resource are any actions that would demolish or adversely alter those physical characteristics of an historical resource that convey its historical significance and qualify it for inclusion in the CRHR or in a local register or survey that meet the requirements of sections 5020.1(k) and 5024.1(g) of the Public Resources Code.

Effects and Mitigation

None of the five properties addressed in this study appear to meet the criteria for listing in the CRHR. Therefore effects to these properties would not be considered significant and no mitigation measures are necessary.

References Cited


http://www.ci.modesto.ca.us/localInfo/modesto.html

http://www.cityofturlock.com/modesto/hist.htm
EXHIBIT "B"

Checklist for Storm Drainage Master Plan Update to the Village One Community Facilities District
ADDENDUM TO THE
1990 PROGRAM ENVIRONMENTAL IMPACT REPORT
FOR THE VILLAGE ONE SPECIFIC PLAN (SCH # 90020181)

January 22, 2003

TO: Interested Parties/Responsible Agencies
FROM: City of Modesto Community Development Department
SUBJECT: ADDENDUM TO THE 1990 PROGRAM EIR FOR THE CITY OF
MODESTO STORM DRAINAGE MASTER PLAN UPDATE FOR THE
VILLAGE ONE COMMUNITY FACILITIES DISTRICT

Attached is a written checklist prepared pursuant to Section 15168(c)(4) of the California
Environmental Quality Act (CEQA) Guidelines addressing the impacts of a proposed update to
the Village One Storm Drainage Master Plan to implement improvements to the existing storm
drainage system within the context of the previously certified Program EIR for the Village One
Specific Plan. Included in this transmittal is the written checklist. Supporting documents are
incorporated by reference and include:

1. City of Modesto Storm Drainage Master Plan Update for the Village One Community
   Facilities District (April 2002) prepared by CDM.
2. City of Modesto Preliminary Design Report for Storm Drainage Improvements Village
   One Community Facilities District (May 2002) prepared by CDM.

All documents are available for review by the public at the Planning Division office within the
Community and Economic Development Department, located at 1010 Tenth Street, Suite 3300;
Modesto, California 95353.
TABLE OF CONTENTS

Project Description ........................................................................................................................... 5
Aesthetics ....................................................................................................................................... 11
Agricultural Resources ............................................................................................................ 12
Air Quality ..................................................................................................................................... 13
Biological Resources ...................................................................................................................... 14
Cultural Resources ......................................................................................................................... 17
Geology and Soils .......................................................................................................................... 18
Hazards and Hazardous Materials .................................................................................................. 19
Hydrology and Water Quality ........................................................................................................ 22
Land Use and Planning .................................................................................................................... 24
Mineral Resources ........................................................................................................................... 25
Noise .............................................................................................................................................. 26
Population and Housing ................................................................................................................. 27
Public Services ............................................................................................................................... 28
Recreation ...................................................................................................................................... 29
Transportation/Traffic .................................................................................................................... 30
Utilities and Service Systems ......................................................................................................... 32
Mandatory Findings of Significance .............................................................................................. 33
Conclusions ..................................................................................................................................... 34
Determination ................................................................................................................................. 35

LIST OF FIGURES

Figure 1 – Project Location ............................................................................................................. 4
Figure 2 – Modeled Stormwater System for Previous Storm Drain Master Plan ......................... 7
Figure 3 – Stormwater System for Currently Proposed Storm Drain Master Plan Update ........ 8

LIST OF TABLES

Table 1 – Village One Sites Listed in Hazardous Waste Lists and Databases ............................... 21

Addendum to the PEIR for Village One Specific Plan

January 2003
WRITTEN CHECKLIST

1. **Purpose of the written checklist:**
   This written checklist evaluates the proposed Storm Water Master Plan Update as part of the Modesto Village One Planned Community, which was previously evaluated in the Village One Final Environmental Impact Report (SCH# 90020181). The project addressed in this written checklist is a proposed update to the storm drainage system master plan planned for Village One, as originally proposed in the 1996 Facilities Master Plan Study. As described in greater detail below, the currently proposed Master Plan Update is intended to provide a greater level of flood protection for Village One through certain enhancements to the original design. Such enhancements generally include proposing new pipelines in certain areas to better accommodate runoff during major storm events, installing two pump stations and associated force mains, to better convey the captured runoff, and increasing the number and/or capacity of onsite detention basins to reduce the potential for localized flooding during major storm events. For the most part, the overall storm drain system for Village One remains as originally proposed and addressed in the Village One Final Environmental Impact Report. This written checklist will review the proposed modifications to the storm drainage master plan to determine whether there are any environmental impacts that have not already been previously contemplated and addressed in the Village One Final Environmental Impact Report. This written checklist will review the proposed Storm Drainage Master Plan Update pursuant to CEQA Guidelines Section 15168(c)(4).

2. **Project title:**
   Addendum to the Program EIR for the City of Modesto Storm Drainage Master Plan Update for the Village One Community Facilities District

3. **Lead agency name and address:**
   City of Modesto
   P.O. Box 642
   Modesto, CA 95353

4. **Contact person and phone number:**
   Vickey Dion, Senior Civil Engineer
   City Manager’s Office
   (209) 571-5542

5. **Project location:**
   The project would be located within the City of Modesto Village One Specific Plan area. The Specific Plan area, as shown in Figure 1, Project Location, is generally bound on the north by Sylvan Avenue, on the east by the Union Pacific Railroad tracks, on the south by Briggsmore Avenue and Floyd Avenue, and on the west by Roselle Avenue and Oakdale Road. Specific components of the project are proposed throughout the Plan area and are discussed in “Project Description” below.
6. **Project sponsor's name and address:**
   City of Modesto  
   P.O. Box 642  
   Modesto, CA 95353

7. **General plan designation:**
   The General Plan land use designations include Low Density Residential, Single Family Residential, Multi-Family, Multi-Family Senior, School/Park/Basin, Commercial, and Industrial uses. Designations at proposed detention basin locations include School/Park/Basin land uses.

8. **Zoning:**
   Village One Specific Plan

9. **Description of the project:**

   **Project History and Need**
   Village One is a planned community in the northeast area of the City of Modesto. A Program Environmental Impact Report was prepared for the Village One Specific Plan in 1990, with a Supplement to the Environmental Impact Report completed in 1994, and Village One was included as one of the planning districts in the City’s Urban Area General Plan adopted in 1995. The Village One plan area consists of approximately 1,800 acres, with an ultimate build-out population of 20,000. The Program Environmental Impact Report addressed the overall impacts of the Village One Project, including impacts from development of the proposed land uses and construction of associated infrastructure.

   Since adoption of the 1990 Final Environmental Impact Report for the Village One Specific Plan, approximately 50% of the lands within Village One have been developed. Over the past twelve years, storm drainage pipes and temporary and permanent detention basins have been installed. The City’s current specifications require that storm water improvements convey run-off from a 5-year storm event. However, elsewhere storm drainage systems are typically designed to accommodate run-off flows from a 10-year storm event. Based on the results of an analysis to determine the existing storm drainage system’s capacity to convey storm water flows from a 10-year storm event under ultimate land use conditions, the determination was made that certain modifications and enhancements to the current storm drainage system presented in the Facilities Master Plan of June 1996 are necessary to provide an improved level of flood control and drainage management during major storm events (i.e., 10-year design storm).

   **Project Objectives**
   The purpose of the proposed Master Plan Update is to improve storm drainage system capacity infrastructure to ensure adequate capacity for existing and future users, and to provide uniform guidelines for designing the remaining storm drainage facilities in Village One.

   **Project Components**
   Components of the proposed Storm Drainage Master Plan Update for the Village One Communities Facilities District (April 2002) would include:
• Design of the West Basin;
• West Basin Pump Station;
• Force main from the West Basin to the Central Basin;
• Central Basin Improvements;
• Central Basin Pump Station;
• Force main from the Central Basin Pump Station to Modesto Irrigation District (MID) Lateral No. 3;
• Detention basin with 7 acre-feet of storage capacity north of Sylvan Avenue near Esta Avenue;
• Detention basin with 5 acre-feet of storage capacity near the intersection of Merle Avenue and Fine Avenue;
• Detention basin with 6 acre-feet of storage capacity north of Merle Avenue near Litt Road;
• 60-inch pipe on Hillglen Avenue from Roselle Avenue to Esta Avenue;
• 36-inch and 48-inch pipe on Kodiak Drive west of Roselle Avenue;
• 30-inch pipe at the west end of Hillglen Avenue;
• 36-inch pipe west of Fine Avenue to the new detention basin north of Merle Avenue near Litt Road;
• 24-inch pipe on Litt Road north of Merle Avenue, and
• 60-inch pipe from Merle Avenue to the Central Basin.

Figure 2, Modeled Stormwater System for Previous Storm Drain Master Plan, and Figure 3, Stormwater System for Currently Proposed Storm Drain Master Plan Update, present the Village One storm drainage system as originally proposed and as currently proposed in the Master Plan Update, respectively. The following describes more fully the modifications and enhancements that are proposed as part of the Master Plan Update.

West Basin Improvements
The previously approved and graded West Basin would receive and detain stormwater for the purpose of reducing the peak rate of run-off to the downstream storm drainage system. Run-off waters would enter the 65 acre-foot basin via a 78-inch pipe from Hillglen Avenue on the north. Once improved, waters would also enter the basin via pipes located in Kodiak Drive and Bear Cub Lane to the south and west. The basin has three tiers with bottom elevations of 86-feet, 92-feet and 96-feet. The shallowest, or highest, tier is located at the north end of the basin, along Hillglen Avenue, and the deepest, or lowest, tier is at the south end of the basin, along Kodiak Drive. Recreational use, following trimming and improvement activities at the basin, will be available for the two highest tiers at times when run-off volumes are low; however, all three tiers will hold run-off water during periods of significant rainfall and run-off.

A 12-foot wide asphalt concrete access road will be located on the east side of the West Basin, and an access path will be provided on the west and south side of the lowest tier of the basin to allow for maintenance. A 12-foot wide access road will also be provided down into the bottom of the lowest tier of the basin. Fencing will be placed around the lowest tier of the basin to keep people out of this tier of the dual-use park/basin.

West Basin Pump Station
Run-off waters would be removed from the West Basin, and directed toward the Central Basin, by a pump station located at the south side of the lowest tier. Some infiltration of stored run-off water would also be recharged into the groundwater basin. To allow maintenance vehicles to enter
Locations where there will be ponding in the street during a 10-year storm. Ponding volume will be less than 4,000 cubic feet.

- Detention Basin
- Detention at Planned Locations.

Legend

Proposed Pipes

Proposed Force Mains

Future Pipes

Figure 3
Stormwater System for Currently Proposed Storm Drain Master Plan Update
and service the pump station, a gate in the fence around the lowest tier and an asphalt concrete access path would be provided.

Similar to the pump system at the Chapman Road detention basin, the three proposed pumps would be below grade in the sump, and the discharge pipes would be above grade. Water in the West Basin would flow to the basin outlet, enter a 30-inch suction pipe, and flow into the pump sump. The water would then be pumped from the sump and discharged into a 24-inch force main. Three 7.5 cubic feet per second (cfs) pumps, each driven by a 60 horsepower electric motor, would be included in the design. Two of the three pumps operating together would meet the peak outflow requirement of 15 cfs. The third pump would serve as a standby unit. The motor control center, meter, and SCADA equipment would be housed in waterproof enclosures adjacent to the pump station.

**Force Main from the West Basin Pump Station**
Run-off water pumped from the West Basin by the West Basin Pump Station would be conveyed in a 24-inch force main, a PVC water pipe capable of withstanding internal water pressure, south approximately 60 feet, turning east along Kodiak Drive to Roselle Avenue, turning south along Roselle Avenue to Belharbour Drive, turning east along Belharbour Drive to Dermond Road, turning south along Dermond Road, turning west on Merle Avenue, and finally turning south into the Central Basin. In sum, the complete length of the force main would be approximately 7,000 feet.

**Central Basin**
The previously approved and graded Central Basin has a bottom elevation of 90 feet and covers approximately 7.3 acres at elevation 110 feet. The Central Basin has a storage capacity of 50 acre-feet and has side slopes of 4 horizontal to 1 vertical.

The existing basin receives run-off from the north via a 60-inch pipe and a 24-inch pipe. Run-off also enters the basin via a 42-inch pipe from the east. These three basin inflow pipes will continue to convey run-off to the enlarged Central Basin. Additional waters would also enter the basin from the north via a proposed future pipe and the proposed 240-inch force main from the West Basin Pump Station.

**Central Basin Pump Station**
Run-off waters would be removed from the Central Basin by a pump station that would be located near the southeast corner of the Central Basin. This pump station would be similar to the West Basin Pump Station. The pumps would be below grade in the pump sump, and the discharge pipes would be above grade.

Water in the Central Basin would flow to the basin outlet, enter a 30-inch suction pipe, and flow into the pump sump. The water would be pumped from the sump and discharged into a 24-inch force main. Three 7.5 cfs pumps, each driven by a 25 horsepower electric motor, would be included in the design. Two of the three pumps operating together would meet the peak outflow requirement of 15 cfs. The third pump would serve as a standby unit. The motor control center, meter, and SCADA equipment would be housed in waterproof enclosures adjacent to the pump station.

**Force Main from the Central Basin Pump Station**
Waters pumped from the Central Basin by the Central Basin Pump Station would be conveyed in a 24-inch force main south approximately 300 feet to the Modesto Irrigation District Lateral No.
3 open canal. The force main would be 24-inch PVC water pipe capable of withstanding internal water pressure.

**Three New Detention Basins**

Three new detention basins are proposed to collect storm water run-off throughout additional areas of the Village One project. As depicted in Figure 3, the proposed basin north of Sylvan Avenue near Esta Avenue would have a storage capacity of 7 acre-feet, the basin proposed near Merle Avenue and Fine Avenue would have a storage capacity of approximately 5 acre-feet, and the basin proposed north of Merle Avenue near Litt Road would have a storage capacity of 6 acre-feet. Currently, the land at each of the three proposed detention basin locations is not in productive use. In the recent past, the proposed detention basin sites were for agricultural production.

**Pipeline Installation**

The Master Plan Update proposes the installation of additional pipelines in Hillglen Avenue, Kodiak Drive, Litt Road, north of Merle Avenue, and along Merle Avenue into the Central Basin as existing roads undergo improvements, and new roads are constructed. Figure 3 shows the exact locations of the proposed pipelines. Installation of the additional pipelines would assist in draining storm water run-off throughout the Village One Specific Plan area. Currently constructed roads in the project area that would be affected by pipeline installation include Kodiak Drive and Merle Avenue. The proposed pipelines in Hillglen Avenue, portions of Kodiak Drive, Litt Road, and north of Merle Avenue between Litt Road and Fine Avenue would be installed at the time of roadway construction.

10. **Surrounding land uses and environmental setting:**

The Village One Specific Plan area is approximately 50% built-out, as planned and approved in the 1990 Village One Specific Plan. The project area is surrounded by rural, agricultural, and open space land uses to the north and east, and by residential and commercial uses to the south and west. A Union Pacific Railroad line runs along the eastern boundary of the Plan area.

Existing development in the Village One Specific Plan area primarily consists of single-family residences and two schools. Housing communities developed and occupied are generally bound by:

- South of Sylvan Avenue and north of Hillglen Avenue, between Wood Sorrel Drive of the west and Roselle Avenue on the east;
- South of Sylvan Avenue and north of Sharon Avenue, between Esta Avenue on the west and Fine Avenue on the east;
- North of Brigsmore Avenue and south of Merle Avenue, between Roselle Avenue and Claus Road; and
- North of Merle Avenue and south of Belharbour Drive, between Roselle Avenue and Dermond Road.

The remainder of the Village One Specific Plan area is occupied by open grasslands, rural homes with lots at least one acre in size, small farms, and graded land undergoing preparations for development. One middle school is in operation in Village One, and another middle school, located at the intersection of Fine Avenue and Sharon Avenue is in the final stages of construction. The operating middle school is located between Kodiak Drive and Hillglen Avenue, immediately west of the excavated, but unimproved, West Basin.
Impacts Associated with the Storm Water Master Plan Update

<table>
<thead>
<tr>
<th></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>
</table>

I. AESTHETICS -- Would the project:

a) Have a substantial adverse effect on a scenic vista?  
   | ☐ | ☐ | ☐ | ☑ |

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?  
   | ☐ | ☐ | ☐ | ☑ |

c) Substantially degrade the existing visual character or quality of the site and its surroundings?  
   | ☐ | ☐ | ☑ | ☐ |

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?  
   | ☐ | ☐ | ☐ | ☑ |

Impacts to Aesthetics occurring as the result of implementing the Village One Project, including associated infrastructure, are addressed in Section 4.3, Urban Design and Visual Quality, of the 1990 Program EIR. The following provides additional information specific to the currently proposed Storm Water Master Plan Update, based on questions presented above.

a-b) No Impact: The proposed project involves installing storm water drainage pipelines in existing and proposed streets, excavating three detention basins, and installing pumps and force mains to convey storm water towards and into MID Lateral No.3 within the Village One Specific Plan area. Scenic vistas from the project area on clear days include the Coastal Range Mountains to the west and the Sierra Nevada Mountains to the east. Installing and operating pipelines below streets and excavating three detention basins on currently undeveloped land below ground level will not affect scenic vistas to the east or west, damage scenic resources within a state scenic highway, or degrade the existing visual character or quality of the project area.

c) Less Than Significant Impact: The proposed storm water drainage system improvements would include pumps located above grade at both the Central Basin and the West Basin, and fencing around the lowest tier of the West Basin. The above-grade pumps and the fencing and the West Basin would slightly conflict with the aesthetics of the adjacent recreational uses; however, this is considered a less than significant.

d) No Impact: The installation of storm water drainage pipelines and the excavation and operation of three detention basins would not introduce new sources of light or glare affecting day and night-time views in the Village One area. Lighting of the infrastructure improvements would not be included in the project.
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?  

Potential Significant Impact: ☑  Less Than Significant with Mitigation Incorporation: ☐  Less Than Significant Impact: ☐  No Impact: ☐

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

No Impact: ☐  Possible Impact: ☑  Less Than Significant Impact: ☐  Mitigation Incorporation: ☐  Significant Impact: ☐

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?

Potential Significant Impact: ☐  No Impact: ☑  Less Than Significant With Mitigation Incorporation: ☒  Significant Impact: ☐

Impacts to Agricultural Resources occurring as the result of implementing the Village One Project, including associated infrastructure, are addressed in Section 4.1, Land Use, Planning, and Zoning Context, of the 1990 Program EIR. The following provides additional information specific to the currently proposed Storm Water Master Plan Update, based on questions presented above.

a) Potentially Significant Impact: The proposed project involves installing storm water drainage pipelines in existing and proposed streets, excavating three detention basins, and installing pumps and force mains to convey storm water towards and into MID Lateral No. 3 within the Village One Specific Plan area. Currently prime and unique farmland remains undeveloped at several proposed pipeline and detention basin locations, including: the west end of Hillglen Avenue; the planned extension of Kodiak Drive west of Roselle Avenue; the planned extension of Hillglen Avenue between Esta Avenue and Millbrook Drive; and the proposed detention basin and pipeline east of the planned Litt Road. The subject areas are within the Village One Specific Plan boundary and were proposed and approved for conversion from farmland to planned community uses in 1990. The 1990 Environmental Impact Report for the Village One Specific Plan acknowledged that conversion of prime and unique agricultural land in the Village One project area as a significant unavoidable impact. The City subsequently made the required findings under Section 21081 of CEQA and Section 15091 of the CEQA Guidelines and adopted a Statement of Overriding Considerations for this specific impact. The improvements proposed as part of the Storm Drainage Master Plan do not increase or otherwise change the impacts to prime and unique farmlands that have already been addressed in the Program EIR.
b) **No Impact**: The installation and operation of storm water drainage system improvements would not conflict with existing zoning for agricultural use or a Williamson Act contract. Through the adoption of the Village One Specific Plan in 1990, any land previously zoned for agricultural use was rezoned to allow residential, commercial, school, park, open space, industrial and business park uses. All Williamson Act contracts in the project area have expired, the latest of which expired in 2001. Therefore, no impact to agricultural zoning or Williamson Act contracts would occur.

c) **Less Than Significant Impact**: The installation and operation of storm water drainage pipelines in existing and proposed streets and the excavation and use of the three detention basins within the Village One Specific Plan area would not directly or indirectly result in the conversion of farmland beyond the immediately affected project areas.

### Impacts Associated with the Storm Water Master Plan Update

<table>
<thead>
<tr>
<th>Impact Level</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>
</table>

### 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?

Impacts to Air Quality occurring as the result of implementing the Village One Project, including associated infrastructure, are addressed in Section 4.5, Climate and Air Quality, of the 1990 Program EIR. The following provides additional information specific to the currently proposed Storm Water Master Plan Update, based on questions presented above.

**a-b) Less Than Significant Impact with Mitigation Incorporated**: The proposed project involves installing storm water drainage pipelines in existing and proposed streets, excavating three small...
detention basins (i.e., the larger basins, Central and West Basins, associated with the Village One drainage system have already been graded), and installing pumps and force mains to convey storm water towards and into MID Lateral No. 3 within the Village One Specific Plan area. Construction of the proposed storm water infrastructure improvements has the potential to result in a conflict with, or obstruction to, implementation of air quality plans. This impact would be short-term, but could be reduced to a less than significant level through implementation of the mitigation measure below, as approved by the City of Modesto in the 1994 Final Supplement to an Environmental Impact Report.

AQ-1: During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 1.8, Dust Control, and when necessary, Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District to control the generation of PM$_{10}$ from construction related dust and emissions.

Operation and use of the proposed storm water drainage infrastructure improvements would not generate any air emissions, and therefore, would not conflict with, or obstruct, implementation of applicable air quality plans.

c) Less Than Significant Impact with Mitigation Incorporated: Construction of the proposed storm water drainage infrastructure improvements could contribute to a cumulative net increase in the presence of a criteria air pollutant, PM$_{10}$, through grading the 5-, 6- and 7-acre feet detention basins. However, implementation of mitigation measure AQ-1 above would reduce this project’s contribution of PM$_{10}$ to the region. Operation of storm water drainage pipelines and use of detention basins during storm events would not generate any criteria air pollutants; thus, the project would not result in a cumulatively considerable net increase of any criteria air pollutants.

d) Less Than Significant Impact: Construction of the proposed storm water drainage infrastructure improvements would generate short-term concentrations of criteria air pollutants. However, due to the short-term nature of this impact, and the minimal amount of grading that would be required for the three new detention basins, the impact remains less than significant. Operation of storm water drainage pipelines and use of detention basins would not expose nearby sensitive receptors to pollutant concentrations.

e) Less Than Significant Impact: Installation of storm water drainage pipelines and excavating detention basins may generate odors from diesel construction equipment. This impact would be short-term in nature. Operation of the pipelines and use of the detention basins during storm events would not generate odors; pumps and force mains would keep water flowing and prevent pooling of water following storm events.

<table>
<thead>
<tr>
<th>Impacts Associated with the Storm Water Master Plan Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially Significant Impact</td>
</tr>
</tbody>
</table>

IV. BIOLOGICAL RESOURCES -- Would the project:

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?

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 US Fish and Wildlife Service?

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, filling, hydrological interruption, or other means?

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?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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?

Impacts to Biological Resources occurring as the result of implementing the Village One Project, including associated infrastructure, are addressed in Section 4.9, Vegetation and Wildlife, of the 1990 Program EIR. The following provides additional information specific to the currently proposed Storm Water Master Plan Update, based on questions presented above.

a) **Less Than Significant Impact:** Field surveys were conducted, as part of the Final EIR for the Village One Specific Plan, for threatened, endangered, and candidate species found in the vicinity of the Village One area. These species include the Tricolored blackbird, California tiger salamander, Swainson’s hawk, Yellow-billed cuckoo, Valley elderberry longhorn beetle, and Moestan blister beetle. The proposed project would involve installing and operating storm water pipelines and force mains in existing and planned streets, excavating and using three detention basins ranging in size from 5 to 7 acre-feet, and installing and using pumps at the existing West Basin and Central Basin to convey storm water towards, and into, MID Lateral No. 3 within the vicinity of potential habitat for these
species. As stated in Response to Comment 7.12 of the 1990 Final EIR, these surveys concluded the following:

• "No impact to any Swainson's hawk nesting territory will occur.
• Suitable Swainson’s hawk foraging habitat does occur on the project site. However the nearest DFG recorded nesting territory is greater than 10 miles away from the project site. Therefore, current DFG mitigation guidelines do not apply and potential impacts to Swainson's hawk foraging habitat will be at a less than significant level.
• No impact to the moestan blister beetle will occur.
• No impact to the beaked clarkia will occur."

It should be noted that while the loss of Swainson's hawk foraging habitat has already been acknowledged and addressed in the previous EIR, as an impact associated with development of the Village One Planned Community, the detention basins proposed as part of the Storm Drainage Master Plan Update would be retained as open grass fields which may be suitable as raptor foraging area. Therefore, less than significant impacts would occur in the Village One area as a result of the proposed infrastructure improvements.

b) Less Than Significant Impact: One sensitive plant species, the Beaked clarkia, is located within the vicinity of the project area. The proposed project would involve installing and operating storm water pipelines and force mains in existing and planned streets, excavating and using three detention basins ranging in size from 5 to 7 acre-feet, and installing and using pumps at the existing West Basin and Central Basin to convey storm water towards, and into, MID Lateral No. 3. -In July 1990, a field survey was conducted in the Village One project area to determine the presence or absence of Beaked clarkia. Based upon the results of the field survey, Beaked clarkia was not observed within the project area.

c) Less Than Significant Impact: Throughout the Village One Specific Plan area, several locations in the eastern end of the Plan area could be classified as wetlands; however, no federally protected wetlands exist on the project site. Installing and operating storm water drainage pipelines and force mains and excavating and using the three proposed detention basins would not affect the eastern end of the Plan area, and would therefore result in a less than significant impact on wetlands.

d) Less Than Significant Impact: Construction of the proposed storm water drainage system would involve installing and operating pipelines and force mains in existing and planned streets, and excavating and using three proposed detention basins on currently undeveloped, natural land. While development of the proposed project would result in lost habitat for wildlife species, this habitat has not been identified or designated as a migratory wildlife corridor. Impacts from the proposed project would be limited to the pipeline and force main locations and the 5-, 6- and 7-acre-feet detention basins. Lands to the north and east of the Village One Specific Plan area would remain in their undeveloped and natural conditions; therefore, impacts to migratory corridors would remain less than significant.

e) Less Than Significant Impact: Installation and operation of the proposed pipelines, pumps, and force mains, and excavation and use of the three proposed detention basins would not conflict with any local policies or ordinances protecting biological resources. In 1990, the City of Modesto adopted the Village One Specific Plan, thus authorizing the build-out of the Plan area. No policies or ordinances protecting biological resources currently apply to the Village One area.

f) Less Than Significant Impact: Installation and operation of the proposed pipelines, pumps, and force mains, and excavation and use of the three proposed detention basins would not conflict with any
Habitat Conservation Plans, Natural Community Plans, or other approved local, regional or state habitat conservation plans. In 1990, the City of Modesto adopted the Village One Specific Plan, thus authorizing the build-out of the Plan area. No Habitat Conservation Plans, Natural Community Plans, or other approved local, regional or state habitat conservation plans currently apply to the Village One area.

<table>
<thead>
<tr>
<th>Impacts Associated with the Storm Water Master Plan Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially Significant Impact</td>
</tr>
</tbody>
</table>

V. CULTURAL RESOURCES -- Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?  
☐ ☐ ☑ ☐

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?  
☐ ☐ ☑ ☐

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?  
☐ ☐ ☑ ☐

d) Disturb any human remains, including those interred outside of formal cemeteries?  
☐ ☐ ☑ ☐

Impacts to Cultural Resources occurring as the result of implementing the Village One Project, including associated infrastructure, are addressed in the Opportunities/Constraints Report prepared for the Modesto Planning Commission (December 1, 1989). The following provides additional information specific to the currently proposed Storm Water Master Plan Update, based on questions presented above.

a-d) Less Than Significant Impact: The proposed project involves installing storm water drainage pipelines in existing and proposed streets, excavating three detention basins, and installing pumps and force mains to convey storm water towards, and into, MID Lateral No. 3 within the Village One Specific Plan area. Based on the Opportunities/Constraints Report prepared for the Village One area in December 1998, the likelihood that pipeline installation and detention basin excavation would change or disturb a significant historical, archaeological, unique paleontological or geological resource, or human remains is low.
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.

ii) Strong seismic ground shaking?

iii) Seismic-related ground failure, including liquefaction?

iv) Landslides?

b) Result in substantial soil erosion or the loss of topsoil?

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?

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

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?

Impacts to Geology and Soils occurring as the result of implementing the Village One Project, including associated infrastructure, are addressed in Section 4.7, Geology and Soils, of the 1990 Program EIR. The following provides additional information specific to the currently proposed Storm Water Master Plan Update, based on questions presented above.

a) Less Than Significant Impact: The proposed project involves installing storm water drainage pipelines in existing and proposed streets, excavating three detention basins, and installing pumps and
force mains to convey storm water towards, and into, MID Lateral No. 3 within the Village One Specific Plan area. Construction and operation of these infrastructure improvements would not expose people or structures to potential substantial adverse effects from a rupture of a known earthquake fault, strong seismic groundshaking, seismic-related ground failure, or landslides.

b) **Less Than Significant Impact**: Installation of the proposed storm water drainage improvements would result in minimal loss of topsoil. During storm events, storm water would flow to detention basins and water would then be pumped to the Central Basin for discharge into MID Lateral No. 3. The design and ground cover of the basins would prevent soil erosion from occurring.

c) **Less Than Significant Impact**: The proposed storm water drainage system improvements would not be located on a geological, unit or soil that is unstable. Therefore, impacts associated with on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse are unlikely to occur.

d) **Less Than Significant Impact**: The proposed storm water drainage system improvements would be located in an area classified by the Soil Conservation Service as soil having a slight to moderate shrink-swell potential, which could affect foundations of structures. However, the proposed project would not include foundations or buildings, and therefore, would not be susceptible to the expansive soils. Therefore, less than significant impacts would occur.

e) **No Impact**: The proposed project would not include septic tanks or alternative waste water disposal systems; therefore, the proposed storm water drainage system improvements would not be affected by soils incapable of supporting alternative waste water disposal systems.

### Impacts Associated with the Storm Water Master Plan Update

<table>
<thead>
<tr>
<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>☐</td>
<td>☐</td>
<td>☐</td>
<td>✓</td>
</tr>
</tbody>
</table>

**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?

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to

---

1 Final Supplement to an Environmental Impact Report for the Proposed Village One Specific Plan Amendment #4, April 1994, page III-106.

*Addendum to the PEIR for Village One Specific Plan*  
*January 2003*
Impacts to Hazards and Hazardous Materials occurring as the result of implementing the Village One Project, including associated infrastructure, are addressed in Section 4.8, Hydrology, of the 1990 Program EIR. The following provides additional information specific to the currently proposed Storm Water Master Plan Update, based on questions presented above.

<table>
<thead>
<tr>
<th>Question</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant Impact</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 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>

Impacts Associated with the Storm Water Master Plan Update

Impacts to Hazards and Hazardous Materials occurring as the result of implementing the Village One Project, including associated infrastructure, are addressed in Section 4.8, Hydrology, of the 1990 Program EIR. The following provides additional information specific to the currently proposed Storm Water Master Plan Update, based on questions presented above.

a) **No Impact:** The proposed project involves installing storm water drainage pipelines in existing and proposed streets, excavating three detention basins, and installing pumps and force mains to convey storm water towards, and into, MID Lateral No. 3 within the Village One Specific Plan area. Construction and operation of the proposed project would not result in significant hazards to the public or environment since use of hazardous materials would not be part of the project.

b) **Less Than Significant Impact:** Installation and operation of the proposed storm drainage improvements would not create a hazard through upset or accident conditions involving the release of hazardous materials. No hazardous materials would be included as part of the project.

c) **Less Than Significant Impact:** Installation and operation of the proposed project is not anticipated to emit hazardous emissions or handle hazardous or acutely hazardous materials within one-quarter mile of a school. The West Basin is located less than one-quarter mile from an existing middle school, but nothing in the design of the West Basin would involve use of hazardous materials, substances, or waste. The proposed detention basin located near the intersection of Sharon Avenue and Litt Road.
would also be located within one-quarter mile from a school; however the basin would not rely upon or generate hazardous materials, substances, or waste.

d) **Less Than Significant Impact:** The proposed storm water drainage system improvements in the Village One Specific Plan area would be located within close proximity to listed hazardous materials sites, pursuant to Government Code Section 65962.5. Per the EDR Radius Map Search (November 5, 2002), the following indicates the number of sites in the Village One Specific Plan area listed on each database:

**TABLE 1**

<table>
<thead>
<tr>
<th>Hazardous Waste List</th>
<th>Number of Sites Listed Within Approximately 1-Mile of Village One Property</th>
</tr>
</thead>
<tbody>
<tr>
<td>RCRIS (Resource Conservation and Recovery Act Inventory)</td>
<td>2</td>
</tr>
<tr>
<td>ERNS (Emergency Response Notification System)</td>
<td>6</td>
</tr>
<tr>
<td>Cal Sites</td>
<td>2</td>
</tr>
<tr>
<td>CHMIRS (California Hazardous Material Incident Report System)</td>
<td>2</td>
</tr>
<tr>
<td>Cortese</td>
<td>1</td>
</tr>
<tr>
<td>LUST (Leaking Underground Storage Tanks)</td>
<td>1</td>
</tr>
<tr>
<td>UST (Underground Storage Tanks)</td>
<td>1</td>
</tr>
<tr>
<td>CA FID (California Facility Inventory Database)</td>
<td>8</td>
</tr>
<tr>
<td>HIST UST (Historical Underground Storage Tanks)</td>
<td>7</td>
</tr>
<tr>
<td>FINDS (Facility Index System)</td>
<td>3</td>
</tr>
<tr>
<td>SSTS</td>
<td>2</td>
</tr>
<tr>
<td>AST (Above-ground Storage Tanks)</td>
<td>2</td>
</tr>
<tr>
<td>Dry Cleaners</td>
<td>2</td>
</tr>
<tr>
<td>CA SLIC</td>
<td>1</td>
</tr>
<tr>
<td>HAZNET</td>
<td>11</td>
</tr>
</tbody>
</table>

Based upon the results of the EDR, five sites are located within the immediate vicinity of proposed infrastructure improvements. All five of these sites are listed on the California Facilities Inventory Database (CA FID) and Historical Underground Storage Tank (HIST UST) database lists. The CA FID lists active and inactive underground storage tank locations, and the HIST UST lists registered underground storage tank locations. While sites within the project area are listed on hazardous material databases, the likelihood of these hazardous sites creating a significant hazard to the public or environment through the proposed storm water drainage system improvements is minimal. Installation of closed system pipelines and excavation of detention basins for holding storm water run-off and
allowing groundwater recharge would not expose people or the environment to new hazards. However, in the unexpected event that contaminated materials are encountered, the materials would be evaluated and, if necessary, remediated in accordance with applicable local, state, and federal regulatory requirements.

e) **No Impact:** The proposed project would not be located within an airport land use plan or within two miles of a public or public use airport; therefore, no impacts would occur.

f) **No Impact:** The proposed project would not be located within the vicinity of a private airstrip; therefore, no impacts would occur.

g) **Less Than Significant Impact:** The proposed storm water drainage infrastructure improvements would not interfere with an adopted emergency response plan or emergency evacuation plan. Pipelines and force mains would be placed within existing and planned streets. During construction, roadways may be temporarily closed, however, additional roadways and evacuation/response routes exist in the Village One Specific Plan area. Excavation and use of detention basins would not interfere with excavation or response routes since the three basins would be limited to 5, 6 and 7 acre-feet in size.

h) **Less Than Significant Impact:** The proposed project would be located in an area of the City of Modesto planned for build-out of an urban neighborhood. Currently, approximately 50% of the construction has occurred, however, some areas of the project area remain undeveloped with dry brush and vegetation covering the site. The potential for wildland fires is low, and this potential will continue to decrease as build-out of the Village One Specific Plan area occurs.

### Impacts Associated with the Storm Water Master Plan Update

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

VIII. HYDROLOGY AND WATER QUALITY

Would the project:

a) Violate any water quality standards or waste discharge requirements?

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)?

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?

d) Substantially alter the existing drainage pattern

*Addendum to the PEIR for Village One Specific Plan*

January 2003
Impacts to Hydrology and Water Quality occurring as the result of implementing the Village One Project, including associated infrastructure, are addressed in Section 4.8, Hydrology, of the 1990 Program EIR. The following provides additional information specific to the currently proposed Storm Water Master Plan Update, based on questions presented above.

a) **Less Than Significant Impact**: The proposed project involves installing storm water drainage pipelines in existing and proposed streets, excavating three detention basins, and installing pumps and force mains to convey storm water towards and into MID Lateral No. 3 within the Village One Specific Plan area. Design of the project takes all water quality standards into consideration, and construction and operation of the project would not violate any water quality standards or waste discharge requirements.

b) **No Impact**: The proposed project would positively affect groundwater recharge through the West Basin, Central Basin, and the three additional proposed detention basins. Pumps would convey most of the storm water in the West Basin and Central Basin towards, and into, MID Lateral No. 3; however, small amounts of storm water would remain in these two basins for groundwater recharge. No pumps would be included in the three new detention basins. Therefore, the project would neither deplete groundwater supplies nor interfere with groundwater recharge.
c) **Less Than Significant Impact:** The proposed project would alter the storm water drainage patterns by installing storm water drainage pipelines, detention basins, pumps and force mains. These infrastructure improvements, however, would not result in substantial erosion or siltation on- or off-site.

d) **Less Than Significant Impact:** The proposed project would alter the storm water drainage patterns by installing storm water drainage pipelines, detention basins, pumps and force mains. These infrastructure improvements, however, would not result in flooding on- or off-site since the improvements are intended to control storm water run-off, gradually direct run-off into MID Lateral No. 3, and ultimately prevent on- and off-site flooding.

e) **Less Than Significant Impact:** The infrastructure improvements of the proposed project are intended to increase storm water runoff and drainage capacity in the Village One area. During 10-year storm events, not all water may be accommodated in the proposed system. Short-term localized ponding of water would occur in eight locations, as pictured in Figure 3.

f) **Less Than Significant Impact:** The proposed infrastructure improvements are intended to accommodate storm water drainage and direct flows to the MID Lateral No. 3. The intent of the project is to control storm water run-off through a system separate from the existing and future Village One water and wastewater systems. Therefore, no impacts to the water quality would occur as a result of these infrastructure improvements.

g-h) **No Impact:** The Village One Specific Plan area is not located within a 100-year floodplain, and the proposed infrastructure improvements would not be placed within a 100-year floodplain. Therefore, no impacts would occur.

i) **Less Than Significant Impact:** The proposed project is intended to improve storm water drainage infrastructure to prevent flooding through directing storm water away from homes; thus, the project is unlikely to expose people or structures to risks associated with flooding.

j) **No Impact:** The proposed infrastructure improvements would be located in a flat and inland area not susceptible to seiche, tsunami, or mudflow; therefore, no impacts related to seiche, tsunami, or mudflow would occur.

<table>
<thead>
<tr>
<th>Impacts Associated with the Storm Water Master Plan Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<td>a) Physically divide an established community?</td>
</tr>
<tr>
<td>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</td>
</tr>
</tbody>
</table>

**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 ]
Impacts to Land Use and Planning occurring as the result of implementing the Village One Project, including associated infrastructure, are addressed in Section 4.1, Land Use, Planning, and Zoning Context, of the 1990 Program EIR. The following provides additional information specific to the currently proposed Storm Water Master Plan Update, based on questions presented above.

a) **No Impact:** The proposed project involves installing storm water drainage pipelines in existing and proposed streets, excavating three detention basins, and installing pumps and force mains to convey storm water towards, and into, MID Lateral No. 3 within the Village One Specific Plan area. Pipelines would be located beneath streets, and the three 5, 6 and 7 acre-feet detention basins would be at three individual locations throughout the 1,775-acre area. Construction and operation of this infrastructure would not divide an established community.

b) **No Impact:** Installing storm water drainage pipelines and excavating three detention basins would not conflict with the City of Modesto’s General Plan or the adopted Village One Specific Plan. Construction and operation of this infrastructure would allow development consistent with these plans to continue, as approved by the City in 1990.

c) **No Impact:** No habitat conservation plans or natural community conservation plans apply to the project area. The City of Modesto General Plan and the Village One Specific Plan assume full build-out of the project area; therefore, no impacts would occur.

---

Impacts Associated with the Storm Water Master Plan Update

<table>
<thead>
<tr>
<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>
</table>

---

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?

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?

---

Addendum to the PEIR for Village One Specific Plan

January 2003

-25-
Impacts to Mineral Resources occurring as the result of implementing the Village One Project, including associated infrastructure, are addressed in Section 4.1, Land Use, Planning and Zoning, of the 1990 Program EIR. The following provides additional information specific to the currently proposed Storm Water Master Plan Update, based on questions presented above.

a-b) **No Impact**: No known mineral resources exist or are delineated in the project area. Installation and operation of storm water drainage infrastructure improvements would not affect any known mineral resources in the Village One Specific Plan area.

<table>
<thead>
<tr>
<th>Impacts Associated with the Storm Water Master Plan Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially Significant Impact</td>
</tr>
</tbody>
</table>

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?  
   - □  □  □  □

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

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

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

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?  
   - □  □  □  □

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?  
   - □  □  □  □

Impacts to Noise occurring as the result of implementing the Village One Project, including associated infrastructure, are addressed in Section 4.6, Noise, of the 1990 Program EIR. The following provides additional information specific to the currently proposed Storm Water Master Plan Update, based on questions presented above.
a) **Less Than Significant Impact with Mitigation Incorporated:** The proposed project involves installing storm water drainage pipelines in existing and proposed streets, excavating three detention basins, and installing pumps and force mains to convey storm water towards, and into, MID Lateral No. 3 within the Village One Specific Plan area. Construction of the proposed storm water drainage system improvements could generate noise levels in excess of those allowed in the City’s Noise ordinance at adjacent residences, schools, and parks. Incorporation of the following mitigation measure, as approved by the City of Modesto in the 1994 Final Supplement to an Environmental Impact Report for the proposed Village One Specific Plan Amendment #4, would reduce this impact to a less than significant level.

N-1: Construction noise is regulated by the City’s Noise ordinance, Section 4.9-103. Construction noise is generally permitted during the hours of 7:00 AM to 9:00 PM. To avoid complaints from nearby residents, and possible citations, the full text of the ordinance should be reviewed by builders prior to construction. City construction projects will be monitored by Construction Inspection Division for conformance with the City’s Noise ordinance.

b) **Less Than Significant Impact:** Installing and operating the proposed infrastructure improvements would not result in excessive groundborne vibration or noise levels. During installation of pipelines and excavation of the detention basins, construction equipment may generate slight groundborne vibration, however this would be on a short-term basis. Operation of the pipelines and use of the basins would not generate any groundborne vibration.

c) **Less Than Significant Impact:** Construction of the proposed project may result in a short-term increase in ambient noise levels. Operation of the pipelines and use of the detention basins would occur only during storm events and would not result in a substantial permanent increase in ambient noise levels in the surrounding project area.

d) **Less Than Significant Impact:** Construction of the proposed project could periodically result in an increase in noise within the vicinity of pipeline and force main installations and detention basin excavations. However, the noise levels in the Village One area would not increase over a long-term basis, as construction equipment use would cause temporary peaks in the noise levels that would end when equipment is turned off.

e) **No Impact:** The proposed project would not be located within an airport land use plan or within two miles of a public or public use airport; therefore, no noise impacts would occur.

f) **No Impact:** The proposed project would not be located within the vicinity of a private airstrip; therefore, no noise impacts would occur.

---

### Impacts Associated with the Storm Water Master Plan Update

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

---

XII. POPULATION AND HOUSING -- **Would the project:**

a) Induce substantial population growth in an area, either directly (for example, by proposing | ☐ | ☐ | ☑ | ☐ |

---

*Addendum to the PEIR for Village One Specific Plan*  
*January 2003*
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?

Impacts to Population and Housing occurring as the result of implementing the Village One Project, including associated infrastructure, are addressed in Section 4.2, Population, Employment, and Housing, of the 1990 Program EIR. The following provides additional information specific to the currently proposed Storm Water Master Plan Update, based on questions presented above.

a) Less Than Significant Impact: The proposed project involves installing storm water drainage pipelines in existing and proposed streets, excavating three detention basins, and installing pumps and force mains to convey storm water towards, and into, MID Lateral No. 3 within the Village One Specific Plan area. The intent of this Master Plan Update to the 1996 storm water drainage master plan is to increase the drainage system capacity for the existing Village One area and the proposed future development. Additional population growth would likely occur following installation of the pipelines and excavation of the detention basin. This growth, however, is planned as stated in the 1990 Village One Specific Plan and would not occur solely because the storm water drainage system capacity would be increased.

b-c) Less Than Significant Impact: Installation of storm water drainage pipelines and excavation of detention basins would displace less than five existing housing units and the associated residents. Within Village One, at full build-out, between 4,000 and 5,000 new housing units would be constructed; therefore, displaced residents could be absorbed by the new housing units included in the Village One development.

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

Impacts Associated with the Storm Water Master Plan Update

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

Addendum to the PEIR for Village One Specific Plan

January 2003
Impacts Associated with the Storm Water Master Plan Update

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant with Mitigation Incorporation</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Fire protection? ☐ ☐ ☐ ☑
- Police protection? ☐ ☐ ☐ ☑
- Schools? ☐ ☐ ☐ ☑
- Parks? ☐ ☐ ☐ ☑
- Other public facilities? ☐ ☐ ☐ ☑

Impacts to Public Services occurring as the result of implementing the Village One Project, including associated infrastructure, are addressed in Section 4.10, Public Services and Utilities, of the 1990 Program EIR. The following provides additional information specific to the currently proposed Storm Water Master Plan Update, based on questions presented above.

a) No Impact: The proposed project involves installing storm water drainage pipelines in existing and proposed streets, excavating three detention basins, and installing pumps and force mains to convey storm water towards, and into, MID Lateral No. 3 within the Village One Specific Plan area. Public services, including emergency services, fire protection, police protection, schools and parks, would not be affected by the construction and operation of the proposed infrastructure improvements.

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 physical effect on the environment? ☐ ☐ ☑ ☐

Addendum to the PEIR for Village One Specific Plan

January 2003

-29-
Impacts to Recreation occurring as the result of implementing the Village One Project, including associated infrastructure, are addressed in Section 4.10, Public Services and Utilities, of the 1990 Program EIR. The following provides additional information specific to the currently proposed Storm Water Master Plan Update, based on questions presented above.

a) No Impact: The proposed project involves installing storm water drainage pipelines in existing and proposed streets, excavating three detention basins, and installing pumps and force mains to convey storm water towards, and into, MID Lateral No. 3 within the Village One Specific Plan area. Construction and operation of these infrastructure improvements would not result in an increase in the use of Village One recreational facilities.

b) Less Than Significant Impact: Improvements to the excavated, but unimproved, West Basin would include recreational components. During storm events, portions of, or all of the West Basin would be inundated with water. Pumps would direct water out of the Basin to the Central Basin and MID Lateral No. 3, and the recreational facilities would be available again for use. This impact would be intermittent and short-term in nature, occurring only during and immediately following storm events.

<table>
<thead>
<tr>
<th>Impacts Associated with the Storm Water Master Plan Update</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially Significant Impact</td>
</tr>
</tbody>
</table>

XV. TRANSPORTATION/TRAFFIC -- Would the project:

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)?

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

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?

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

e) Result in inadequate emergency access?

f) Result in inadequate parking capacity?

Addendum to the PEIR for Village One Specific Plan

January 2003
Impacts to Transportation and Traffic occurring as the result of implementing the Village One Project, including associated infrastructure, are addressed in Section 4.4, Traffic and Circulation, of the 1990 Program EIR. The following provides additional information specific to the currently proposed Storm Water Master Plan Update, based on questions presented above.

a) **Less Than Significant Impact:** The proposed project involves installing storm water drainage pipelines in existing and proposed streets, excavating three detention basins, and installing pumps and force mains to convey storm water towards, and into, MID Lateral No. 3 within the Village One Specific Plan area. Construction of these storm water drainage infrastructure improvements would cause additional construction truck traffic on roadways; however, this impact would be short-term. Operation and use of these storm water drainage infrastructure improvements would not result in an increase in traffic on roadways in the project area.

b) **Less Than Significant Impact:** Construction and operation of the proposed infrastructure improvements would result in a minor, short-term, increase in construction truck traffic; however, the increase in traffic would not exceed an established level of service standard.

c) **No Impact:** Construction and operation of the proposed infrastructure improvements would not cause a change in air traffic patterns since all improvements would occur at or below ground level and are not proposed at or near public or public use airport or private airstrip locations.

d) **Less Than Significant Impact:** Construction of the proposed storm water drainage infrastructure improvements would result in additional construction truck traffic along roadways during the short construction period. Any incompatibilities would be short-term in nature and end once construction of the improvements is complete. Operation of the proposed storm water infrastructure improvements would not increase transportation and traffic hazards.

e-f) **Less Than Significant Impact:** Installation of the proposed storm water drainage pipelines in existing streets could result in short-term closures to existing roads. Road closures could slow emergency access to the existing community and prevent parking along roadsides; however, additional emergency access routes and parking options do exist in the Village One area.

g) **No Impact:** Construction and operation of the proposed storm water drainage infrastructure improvements would not affect alternative transportation means, adopted alternative transportation policies, plans, or programs.
XVI. UTILITIES AND SERVICE SYSTEMS -

Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

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 effects?

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

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?

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Impacts to Utilities and Service Systems occurring as the result of implementing the Village One Project, including associated infrastructure, are addressed in Section 4.10, Public Services and Utilities, of the 1990 Program EIR. The following provides additional information specific to the currently proposed Storm Water Master Plan Update, based on questions presented above.

a) Less Than Significant Impact: The proposed project involves installing storm water drainage pipelines in existing and proposed streets, excavating three detention basins, and installing pumps and force mains to convey storm water towards, and into, MID Lateral No. 3 within the Village One Specific Plan area. Construction and operation of storm water drainage pipelines, force mains, and three additional detention basins would occur as a separate system from the waste water treatment system. As such, improvement of the existing storm water drainage infrastructure would not exceed treatment requirements of the Regional Water Quality Control Board.
b) **No Impact**: Construction and operation of the proposed storm water drainage infrastructure improvements would not result in the need to construction new water or wastewater treatment facilities. The storm water drainage system is currently, and would remain, separate from the existing water and wastewater systems.

c) **No Impact**: The project involves improving existing and planned storm drainage facilities to accommodate a higher volume of storm water run-off from large storm events. The need for additional storm water drainage facilities beyond those proposed in the Master Plan Update is not anticipated following the construction and operation of the proposed facilities in Village One.

d) **No Impact**: The project would not require any water supplies to serve the storm water drainage system improvements; therefore, no impacts to the existing water supply would occur.

e) **No Impact**: Project construction and operation would not generate any wastewater. The storm water drainage system is currently, and will remain, separate from the City of Modesto’s wastewater system.

f) **Less Than Significant Impact**: Excavation of the proposed 5, 6 and 7 acre-feet detention basins would generate dirt that would need to be either transported to a landfill or reused on the project site. Fill generated from the Central Basin and West Basin was reused through the Village One area; therefore, to continue with build-out of the area, fill could likely be reused, thus minimizing impacts to landfills.

g) **Less Than Significant Impact**: Construction and operation of the proposed infrastructure improvements would generate minimal amounts of solid waste, as discussed in f) above. Therefore, no federal, state or local statutes or regulations related to solid waste would be violated.

### Impacts Associated with the Storm Water Master Plan Update

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

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
effects of other current projects, and the effects of probable future projects)?

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

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

a) **Less Than Significant Impact**: Construction and operation of the proposed storm water drainage system improvements may result in isolated impacts to habitat for wildlife species. However, since these impacts are localized and surrounding areas maintain conditions for this habitat, less than significant impacts would occur.

b) **Less Than Significant Impacts**: Construction and operation of the proposed infrastructure improvements would not result in a cumulatively considerable impact. Many of the projects occurring in the vicinity of the proposed infrastructure improvements could be timed to allow for coordinated pipeline installation and roadway improvements, and/or detention basin excavation and grading for residential construction. Coinciding timing for these projects would further reduce any potential cumulative impacts to a level of insignificance.

c) **Less Than Significant Impacts**: Construction and operation of the proposed storm water drainage system improvements would not result in any known environmental effects that would cause direct or indirect substantial adverse effects on human beings. Any resulting environmental impacts related to human health and/or safety are either less than significant or can be reduced to a less than significant level through mitigation.

**Conclusions**

Based on the above, the Program EIR, as amended with the information and analysis presented herein as an Addendum, adequately addresses the potential impacts of the Storm Drainage Master Plan Update.

Section 15162 of the CEQA Guidelines indicates that when an EIR has been certified for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines one or more of the following:

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

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

3. 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,
shows any of the following:

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

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

c. 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

d. 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.

Determination

The information and analysis presented herein provides substantial evidence for the City of Modesto to make the following findings:

1. The proposed project would not result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects requiring revisions to the previous EIR (see checklist answers and associated explanations above);

2. The proposed project would not have circumstances that would result in new significant environmental effects and require revisions to the previous EIR (the only significant impact identified - loss of agricultural land - was previously addressed and acknowledged in the Program EIR); and

3. The proposed project would not generate new information not known in the previous EIR that would result in:

   a. One or more new significant effects (see items 1 and 2 directly above);

   b. Increase the severity of a previous significant effect (see item 2 directly above and item II.(a) in Checklist); or

   c. Find new feasible mitigation measures or alternatives that the project proponents decline to adopt (mitigation measures previously adopted with the Program EIR and Supplement will be implemented for the currently proposed Storm Drain Master Plan Update - no new mitigation measures or alternatives are proposed or needed); or

   d. Find new mitigation measures or alternatives different than those in the previous EIR that would reduce significant effects that the project proponents decline to adopt (see above).
EXHIBIT “C”

FINDINGS OF FACT IN SUPPORT OF FINDINGS FOR SIGNIFICANT ENVIRONMENTAL EFFECTS OF THE PROJECT
(Storm Drainage Master Plan Update for Village One Community Facilities District)

In accordance with Section 21081 of the California Environmental Quality Act (CEQA) and Section 15091 of the CEQA Guidelines, the City of Modesto has provided documentation that addresses potential significant impacts that would result from the implementation of the Village One Facilities Master Plan Update – May 2003 and the Storm Drainage Master Plan Update.

The following potential significant impacts have been separated into two categories: (1) those potential impacts that could be mitigated to a level that is considered less than significant with the implementation of existing City policies and standards and the recommended mitigation measures, and (2) those potential impacts that would remain significant (e.g. cannot be reduced to a level less than significant). In addition to identifying potential significant impacts, each of the two categories identify one of the following three findings for each potential significant impact and provides facts in support of each finding.

♦ Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

♦ Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

♦ Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for high trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
MITIGATED ADVERSE IMPACTS

The adverse environmental impacts that would be mitigated are listed below. The Modesto City Council finds that these adverse impacts would be mitigated to a level that is considered less than significant after implementation of the mitigation measures previously identified and adopted in conjunction with the Village One EIR, as amended by the Supplemental EIR.

AIR QUALITY

Although significant air quality impacts are not anticipated as a result of the proposed Village One Facilities Master Plan Storm Drainage Master Plan Update - May 2003 and the Storm Drainage Master Plan Update, mitigation measures as adopted and required through the Village One EIR, as amended by the Supplemental EIR would be followed, and impacts would remain at a less than significant level.

Finding

Changes, alterations, or requirements have been incorporated into the project which would avoid or substantially lessen the adverse environmental effects as identified in the Village One EIR, as amended by the 1994 Supplemental EIR and the Addendum prepared for the currently proposed project.

Facts in Support of Findings

Implementation of the following mitigation measure will serve to lessen or avoid project impacts, and the potential effects will be reduced to a level that is considered less than significant.

AQ-1. During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 1.8, Dust Control, and when necessary, Regulation VIII of the San Joaquin Valley Unified Air Pollution Control District to control the generation of PM$_{10}$ from construction related dust and emissions.
NOISE

Although significant impacts are not anticipated as a result of the proposed Village One Facilities Master Plan Update – May 2003 and Storm Drainage Master Plan Update, mitigation measures as adopted and required through the Village One EIR, as amended by the Supplemental EIR documents would be followed, and impacts would remain at a less than significant level.

Finding
Changes, alterations, or requirements have been incorporated into the project which would avoid or substantially lessen the adverse environmental effects as identified in the Village One EIR, as amended by the Supplemental EIR and the Addendum prepared for the currently proposed project.

Facts in Support of Findings
Implementation of the following mitigation measure will serve to lessen or avoid project impacts, and the potential effects will be reduced to a level that is considered less than significant.

N-1. Construction noise is regulated by the City’s Noise ordinance, Section 4.9-103. Construction noise is generally permitted during the hours of 7:00 AM to 9:00 PM. To avoid complaints from nearby residents, and possible citations, the full text of the ordinance should be reviewed by builders prior to construction. City construction projects will be monitored by Construction Inspection Division for conformance with the City’s Noise ordinance.

SIGNIFICANT UNAVOIDABLE ADVERSE IMPACTS

The one potential significant unavoidable adverse impact associated with the implementation of the Storm Drainage Master Plan Update is listed below. The Modesto City Council will be required to adopt a Statement of Overriding Consideration per Section 15093 of the CEQA Guidelines.
AGRICULTURAL RESOURCES

Significant Impact
Grading of retention basins in the implementation of the Storm Drainage Master Plan Update for Village One Community Facilities District would result in the loss of existing farmland. The loss of prime and unique farmland was previously anticipated and accounted for in the 1990 Program EIR and the 1994 Supplemental EIR for the Village One Specific Plan. The eminent loss of farmland may occur more immediately and directly as a result of the Storm Drainage Master Plan Update for Village One Community Facilities District’s project than would otherwise ultimately occur with build-out of the Village One Specific Plan.

Finding
Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for high trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR for the Village One Specific Plan project, as amended by the 1994 Supplemental EIR and the Addendum prepared for the currently proposed project.

Facts in Support of Findings
There are no feasible mitigation measures available to mitigate the loss of prime and unique farmland on the project site. The loss of prime and unique farmland on the project site was acknowledged by the City of Modesto during approvals of the Village One Specific Plan and the 1990 Program EIR and 1994 Supplemental EIR for the Village One Specific Plan, which established urban uses within the Village One Specific Plan area.
EXHIBIT “D”

STATEMENT OF OVER RIDING CONSIDERATIONS
(Storm Drainage Master Plan Update for Village One Community Facilities District)

As stated in the findings, the City of Modesto has determined that a certain impact of the project will potentially be significant; that being the loss of farmlands. As directed by Section 15093 of the CEQA Guidelines, the City of Modesto has considered this significant unavoidable adverse impact in balance with the benefits of the project, and finds that the benefits of the project, summarized below, render the significant unavoidable environmental impact acceptable.

1. Implementation of the Storm Drainage Master Plan Update will provide a greater level of flood protection to the residents of the Village One Specific Plan area.

2. Implementation of the Storm Drainage Master Plan Update will bring the storm drainage capacity up to date with current industry standards by increasing the capacity of the system to accommodate 10-year rainfall events. This standard is used for metropolitan areas in California.

3. Updating the Storm Drainage Master Plan at this time will provide for cost-effective upgrades to the storm drainage system in those areas of Village One where the storm drainage system and other supporting infrastructure has not yet been installed.
A RESOLUTION ADOPTING THE VILLAGE ONE FACILITIES MASTER PLAN UPDATE – MAY 2003 WHICH REPLACES THE VILLAGE ONE FACILITIES MASTER PLAN ADOPTED IN JUNE 1994, AS AMENDED IN JUNE 1996

WHEREAS, the Village One Facilities Master Plan is required by the Village One Specific Plan, and

WHEREAS, the City Council adopted the Village One Facilities Master Plan in June of 1994, and

WHEREAS, the City Council updated the Village One Facilities Master Plan in June of 1996, and

WHEREAS, City staff has recommended to the City Council, by a staff report dated April 29, 2003, a copy of which is on file in the office of the City Clerk, that the Village One Facilities Master Plan Update (May 2003) ("VI FMP May 2003") be adopted, and

WHEREAS, the VI FMP May 2003 is not a finance plan, a separate finance plan will be a companion document to the Village One Specific Plan recommending a funding strategy, and

WHEREAS, a duly noticed public hearing was scheduled and held before the City Council on May 6, 2003 at 5:30 p.m. in the Chambers, Basement Level, Tenth Street Place, 1010 – 10th Street, Modesto, California, to consider adoption of the proposed Village One Facilities Master plan (May 2003) that establishes base requirements and guidelines for roads, water, sanitary sewer, storm drainage
facilities and other public utilities and which provides the basis for design of
construction plans,

WHERAS, staff has recommended that periodic review of the VI FMP
occur to assure that the base requirements, guidelines and cost estimates remain
current.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council
hereby adopts the Village One Facilities Master Plan Update (May 2003) ("VI
FMP May 2003") that establishes base requirements and guidelines for roads,
water, sanitary sewer, storm drainage facilities and other public utilities and
which provides the basis for design of construction plans. A copy of the VI FMP
May 2003 is on file in the office of the City Clerk. The VI FMP May 2003
replaces the Village One Facilities Master Plan adopted in June of 1996.

BE IT FURTHER RESOLVED that periodic review of the VI FMP shall
occur to assure that the base requirements, guidelines and cost estimates remain
current.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

Attest: [Signature]

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: [Signature]

MICHAEL D. MILICH, City Attorney
A RESOLUTION APPOINTING ERNIE FOOTE TO THE PUBLIC EVENTS ADVISORY COMMITTEE

WHEREAS, on June 25, 2002, the Mayor and each Councilmember appointed one member to the Public Events Advisory Committee, and

WHEREAS, Councilmember Frohman’s appointment has since resigned, and

WHEREAS, Councilmember Frohman has nominated ERNIE FOOTE to serve as a member of the Public Events Advisory Committee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby appoints ERNIE FOOTE to the Public Events Advisory Committee.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM: 

Michael D. Milich, City Attorney

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-227

A RESOLUTION APPROVING THE TUOLUMNE RIVER AND TRIBUTARIES FEASIBILITY STUDY COST-SHARING AGREEMENT AMONG THE MODESTO IRRIGATION DISTRICT (MID), TURLOCK IRRIGATION DISTRICT (TID), STANISLAUS COUNTY (COUNTY), AND THE CITY OF MODESTO (CITY), AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the floods of January 1997 resulted in the United States Army Corps of Engineers (Corps) conducting a Reconnaissance Study for flood control improvements along the Tuolumne River, and

WHEREAS, the Reconnaissance Study contained a recommendation that a Feasibility Study (Study) for the project was needed, and

WHEREAS, the estimated cost of the Study is $1,800,000, and

WHEREAS, the Corps and the State of California Reclamation Board entered into a cost-sharing agreement to pay for a major portion ($1,350,000 or three-quarters) of the Study, and

WHEREAS, the four “local” agencies of MID, TID, the County, and City have agreed in concept to participate in the Study by entering into a cost-sharing agreement (Agreement) with each other and equally funding the remaining portion ($450,000 or one-quarter) of the Study’s cost, and

WHEREAS, this item was discussed at the Economic Development Committee meeting on April 7, 2003, and a favorable recommendation was made to forward the Agreement to the Council for consideration,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Tuolumne River and Tributaries Feasibility Study Cost-Sharing Agreement among the four "local" agencies for the purpose of funding a portion of the Study's cost and that the City of Modesto's share will be an amount not to exceed $112,500.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By ____________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-228

A RESOLUTION REJECTING THE BID FOR THE PROJECT TITLED
"CENTRE PLAZA ELEVATOR EXTENSION" AND AUTHORIZING STAFF TO
RE-ADVERTISE THE PROJECT AT A FUTURE DATE

WHEREAS, the bids received for Centre Plaza Elevator Extension were opened
at 11:00 a.m. on March 25, 2003, and

WHEREAS, during the bid evaluation process, staff determined that the bids
unreasonably exceed the Consultant’s estimate; therefore, staff recommends the bids be
rejected, and staff be allowed to re-advertise the project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the bids received for the Centre Plaza Elevator Extension, opened in the office of the
City Clerk on March 25, 2003, are hereby rejected.

BE IT FURTHER RESOLVED that staff is hereby authorized to re-advertise the
project at a future date.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 13th day of May, 2003, by Councilmember Frohman,
who moved its adoption, which motion being duly seconded by Councilmember
Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating,
O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By ____________________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 1 FOR DRY CREEK MEADOWS SUBDIVISIONS NOS. 1-6.

WHEREAS, Resolution No. 88-935, adopted by the Council of the City of Modesto on December 13, 1988, initiated proceedings for the formation of Landscape Assessment District No. 1 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 1-6, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Street and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 1, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Street and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:
a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in the annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by the Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 1 during the fiscal year 2003-04.

2. There are no proposed new improvements or any substantial changes in existing improvements in Dry Creek Meadows Subdivisions Nos. 1-6 and
that the existing improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive
b. Areas adjacent to the access control walls along Creekwood Drive
c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 1 is located in the County of Stanislaus, within the City Limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lost and parcels of land within Landscape Maintenance Assessment District No. 1.

5. On Tuesday, the 1st day of July, 2003, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.
6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution are exempt from the procedural and substantive requirements of Proposition 218 pursuant to Article XIII, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahri, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-230

A RESOLUTION OF INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT NO. 2 FOR DRY CREEK MEADOWS SUBDIVISION NOS. 7-10, CREEKWOOD MEADOWS SUBDIVISION AND YOSEMITE MEADOWS SUBDIVISION UNITS 1 & 2.

WHEREAS, Resolution No. 89-460 adopted by the Council of the City of Modesto on April 4, 1989, initiated proceedings for the formation of Landscape Assessment District No. 2 for the purpose of administering the maintenance of landscaping in the public right of way within the street medians and adjacent to the access control walls in Dry Creek Meadows Subdivisions Nos. 7-10, Creekwood Meadows Subdivision and Yosemite Meadows Subdivision Units No. 1 & 2, and

WHEREAS, said assessment district was formed in accordance with the Landscaping Act of 1972, (Streets and Highways Code Sections 22500 through 22679), and

WHEREAS, Section 22623 of the Streets and Highways Code requires the City Engineer, the person designated by this Council as Engineer of Work for Assessment District No. 2, to prepare and file an annual report, and

WHEREAS, the City Engineer, said Engineer of Work, has prepared and filed said annual report with the City Clerk, and

WHEREAS, the Council has approved said annual report by motion, and

WHEREAS, Section 22623 of the Streets and Highways Code requires the legislative body (the City Council) to adopt a resolution of intention which shall include the following:
a. Declaration of intention of the legislative body (the City Council) to levy and collect assessments within the assessment district for the fiscal year stated in said annual report.

b. General description of the existing improvements and proposed improvements and any substantial changes proposed to be made in the existing improvements.

c. Reference to the assessment district by its distinctive designation and indication of the general location of the district.

d. Reference to said annual report, on file with the City Clerk, for a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the district.

e. Notice of the time, as fixed by Streets and Highways Code Section 22625, and the place for hearing by the legislative body (the City Council) on the levy of the proposed assessment.

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

1. The City Council intends to levy and collect assessments within Landscape Maintenance Assessment District No. 2 during the fiscal year 2003-04.

2. There are no proposed new improvements or any substantial changes in the existing improvements within the existing Landscape Maintenance Assessment District No. 2, and the existing
improvements to be made in said assessment district are generally described as follows:

The City shall provide maintenance, in perpetuity, of landscaping and any and all improvements required for such maintenance including, but not limited to landscape irrigation systems in the following locations:

a. Street medians in Creekwood Drive
b. Areas adjacent to the access control walls along Creekwood Drive
c. Areas adjacent to the access control walls along Claus Road

3. Landscape Maintenance Assessment District No. 2 is located in the County of Stanislaus, within the City limits of the City of Modesto and is more specifically located on the west side of Claus Road, between Modesto Irrigation District Lateral No. 2 and State Route 132 (Yosemite Boulevard).

4. Said annual report filed with the City Clerk and approved by the Council by motion does provide a full and detailed description of the improvements, the boundaries of the assessment district and any zones therein, and the proposed assessments upon assessable lots and parcels of land within Landscape Maintenance Assessment District No. 2.

5. On Tuesday, the 1st day of July, 2003, at the hour of 5:30 p.m., the City Council will conduct a public hearing on the question of the levy of the proposed annual assessment. The hearing will be held at the meeting place of the City Council located in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California.
6. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

7. The levy and collection of assessments as set forth in this resolution shall follow the procedural and substantive requirements of Proposition 218 pursuant to Article 13D, Section 5(a) of the California Constitution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

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. 2003-231

WAS NOT USED
A RESOLUTION AWARDING THE BID FOR PRINTING OF THE MONTHLY UTILITY BILL INSERT TO METRO MAILING SERVICES INC., SACRAMENTO, CA FOR A PERIOD OF THREE (3) YEARS WITH TWO (2) ONE-YEAR EXTENSION OPTIONS

WHEREAS, the City Manager’s Department Communications and Marketing Division requests the printing of the monthly utility bill insert, and

WHEREAS, the utility bill insert has been included with the monthly billing statement since 1987, and

WHEREAS, the utility bill insert provides the City an economical means of reaching all households and businesses in the City with important City information, and

WHEREAS, the monthly utility bill insert will be printed to a standard size of 17” x 11”, folded to 8-1/2” x 11”, then folded in thirds for mailing, whereas in the past the utility bill insert was cut to a custom size of 16” x 9-3/4”. By printing to a standard size of 17” x 11” the City will save $804.00 annually, and

WHEREAS, by Resolution No. 2003-71A, Council authorized the solicitation of formal bids for the printing of the monthly utility bill insert, and

WHEREAS, the Purchasing Division solicited formal bids for the printing of the monthly utility bill insert from eighteen (18) vendors and seven (7) chose to respond, and

WHEREAS, Metro Mailing Service Inc. met all of the bid specifications and was deemed to be the lowest responsive and responsible bidder with a bid of $24,120.00, and

WHEREAS, staff recommends that the City award the bid for the printing of the monthly utility bill insert to Metro Mailing Service Inc. for a three (3) year agreement, with two (2) one-year extension options,
NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby awards the bid for the printing of the monthly utility bill insert to Metro Mailing Service Inc., Sacramento, CA, for an approximate annual cost of $24,120.00.

BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to issue a price agreement for a three (3) year period to Metro Mailing Service Inc., with the option of two (2) one-year contract extensions.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

BY: Michael D. Milich, City Attorney
AMENDED FOR CLERICAL ERROR

MODESTO CITY COUNCIL
RESOLUTION NO. 2003-233

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO ISSUE REQUEST FOR BID FOR SIX (6) UTILITY VEHICLES FOR A TOTAL ANTICIPATED COST OF $540,000.00

WHEREAS, the Operations and Maintenance Department-Fleet Services has requested the purchase of six (6) utility vehicles, and

WHEREAS, the six utility vehicles consist of three (3) crane truck, 33,000 GVW w/crane & flatbed, one (1) current model year truck with sewer rodder body; one (1) service truck with utility body and crane, and one (1) truck with 6/7 yard dump body, and

WHEREAS, two of the new crane trucks will be utilized by Water Division and the third one by Waste Water Collections Division, and

WHEREAS, one of the units will replace an existing crane truck that has become unreliable and is costly to keep operational, and

WHEREAS, this unit has met its life expectance, and

WHEREAS, this unit is fully funded for replacement from the funds set aside out of the Fleet Enterprise Fund, and

WHEREAS, the second crane truck is an additional crane truck to the Water Division vehicle equipment pool, and

WHEREAS, the third truck is an upgrade replacement to a service truck which has met its life expectancy and will provide partial funding for the crane truck from replacement funds set aside out in the Fleet Enterprise fund, and

WHEREAS, the remaining funds for the increased cost are budgeted in the Wastewater Collections funds, and
WHEREAS, reliable, properly equipped crane trucks are needed to handle the heavy work on the water construction crews, and

WHEREAS, the existing crane truck is a 1989 truck obtained when the City bought the Del Este’s water operations, and

WHEREAS, this truck is old and inadequate to be lifting heavy loads, and it’s reach is too short for many projects, and

WHEREAS, the second truck is needed by the Water Division due to the large increase in construction projects, and

WHEREAS, currently the division rents a crane truck on a full time basis at a significantly higher cost than ownership will offer, and

WHEREAS, the third truck, a Storm Water crane truck, will be used for storm water construction and maintenance projects, and

WHEREAS, the Storm water construction crews does not have a crane to lift heavy concrete manholes and catch basins, and

WHEREAS, the crane must be capable of lifting heavy pipe, valves, maters, and backflows and construction checks in and out of the trenches and in ground vaults, and

WHEREAS, the estimated total cost of this purchase is $540,000.00, and

WHEREAS, the current model year truck with sewer rodder body is a replacement for an existing truck for the Water Department, and

WHEREAS, the service truck with utility body and crane is a replacement for exiting equipment, which has met it life expedience, and
WHEREAS, the current model year truck with sewer rodder body is a replacement for an existing piece of equipment, and will be used by the Water Collections for the maintenance and repair of sewer lines, and

WHEREAS, the Modesto Municipal Code generally requires all purchases exceeding $50,000 for materials and equipment of this type to be formally bid, and

WHEREAS, per MMC 8-3.204 (d) the Purchasing Supervisor may determine that a process other than the formal bid procedure set forth in Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto that formal solicitation of bids for six (6) utility vehicles is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for six (6) utility vehicles to be opened in the City Clerk, 1010 10TH Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:
By: Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO ISSUE REQUEST FOR BIDS FOR T-SHIRTS, JACKETS AND COVERALLS WHICH ARE REQUIRED TO FULLFILL MOU OBLIGATIONS, AND FOR A THREE YEAR CONTRACT PERIOD, WITH THE OPTION OF TWO (2) ADDITIONAL ONE-YEAR CONTRACT EXTENSIONS. THE ANTICIPATED COST FOR T-SHIRTS AND OVERALLS IS $20,000.00 ANNUALLY.

WHEREAS, the Operations and Maintenance Department has requested the purchase of t-shirts and coveralls, and

WHEREAS, the estimated annual cost for t-shirts and coveralls is $20,000.00,

and

WHEREAS, the purchase of t-shirts and coveralls will allow the City of Modesto to fulfill contractual obligations between the City and the Modesto City Employees Association (MCEA) regarding dress and grooming for the miscellaneous group, and

WHEREAS, the City does not provide jackets, but did agree in negotiations to allow for bids to be received with the t-shirts/coveralls contract in the event that City employees wanted to purchase jackets on their own, and

WHEREAS, this request for bid for t-shirts, jackets, and coveralls addresses the uniform requirements of employees with both the Operations and Maintenance Department and the Engineering and Transportation Department, and

WHEREAS, uniforms provide a consistent image and make it easy for residents to identify City employees that they meet during the performance of their work, and

WHEREAS, by soliciting competitive bids for t-shirts, jackets, and coveralls, the Finance Department- Purchasing Division will comply with the Modesto Municipal Code, Section 8-3.204, regarding formal bid procedures,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that formal solicitation of bids for t-shirts, jackets, and coveralls is hereby approved as follows:

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for t-shirts, jackets, and coveralls to be opened in the City Clerk, 1010 10TH Street, in the City of Modesto. The City Clerk shall be directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to Council.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ________________

JEAN ZAHR, City Clerk

APPROVED AS TO FORM: ________________

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-235

A RESOLUTION ACCEPTING A FEMA GRANT IN THE AMOUNT OF $17,739.00 TO FUND THE “CERT” PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH THE GOVERNOR’S OFFICE ON SERVICE AND VOLUNTEERISM FOR $17,739.00 IN GRANT FUNDS.

WHEREAS, the Federal Emergency Management Agency Region IX (FEMA) has notified the governors’ offices of California, Hawaii, and Nevada that their states will receive grants from a total of $2.7 million available to support local homeland security efforts, and

WHEREAS, the grant application for Modesto for the Citizen Corps and CERT was approved by the Governor’s Office on Service and Volunteerism in the amount of $17,739.00,

WHEREAS, the funds are available to support Citizen Corps activities, including the formation of Citizen Corps Council and expansion of FEMA’s Community Emergency Response Teams (CERT), and

WHEREAS, the Citizen Corps’ mission is to make communities safer, stronger and better prepared to respond to threats of terrorism, public health issues, and disasters of all kinds by engaging individuals in emergency preparedness and response education, training, volunteer service, and

WHEREAS, the Community Emergency Response Teams (CERT) program trains individual citizens in emergency response skills, and

WHEREAS, the purpose is to have all citizens better prepared to respond to disasters of all kinds and a nation prepared, and

05/13/03/Fire/D Grant 1 2003-235
WHEREAS, the City desires to provide CERT training which will consist of both classroom and hands-on instruction to citizens in the community, and

WHEREAS, the Safety and Communities Committee met on January 6, 2003, to review this recommendation, and

WHEREAS, the Council on January 14, 2003, adopted Resolution No. 2003-29 approving the formation of Citizen Corps and Community Emergency Response Teams (CERT), and

WHEREAS, the Council at the same meeting on January 14, 2003, adopted Resolution No. 2003-30 approving the application for Federal Emergency Management Agency, Office of National Preparedness FY 2002 Supplemental Appropriation Grant for Citizen Corps and CERT Application for Assistance, and

WHEREAS, the City is required to enter into a contract with the Governor’s Office on Service and Volunteerism for the $17,739.00.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts a grant for $17,739.00 from the Federal Emergency Management Agency, Office of National Preparedness FY 2002 Supplemental Appropriations Grant for Citizen Corps and CERT Application for Assistance.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager or his designee, as the agent of the City, is hereby authorized to execute and submit all documents which may be necessary for the completion of the grant.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

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. 2003-236

A RESOLUTION AMENDING THE FY 2002-03 ANNUAL BUDGET TO ESTIMATE REVENUE OF $17,739.00 AND APPROPRIATE FUNDS FOR THE “CERT” PROGRAM.

WHEREAS, the Governor’s Office on Service and volunteerism has notified the City of Modesto of acceptance of its grant application for Citizen Corps and Community Emergency Response Teams (CERT) in the amount of $17,739.00, and

WHEREAS, said funding will provide necessary training to the public in emergency response skills and disasters preparedness,

NOW, THEREfore, BE IT RESOLVED by the Council of the City of Modesto that the 2002-03 Annual Budget is hereby amended to recognize additional revenue and appropriations of $17,739.00 as follows:

<table>
<thead>
<tr>
<th>Funds Provided From</th>
<th>Account Number</th>
<th>Account Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Est. Cost: $17,739.00</td>
<td>0410-180-1851-3550</td>
<td>Community Emergency Response Team (CERT)</td>
</tr>
</tbody>
</table>

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(Seal)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH IBM FOR HARDWARE MAINTENANCE FOR A PERIOD OF FIVE YEARS IN THE AMOUNT OF $49,928 PER YEAR

WHEREAS, the City began using IBM equipment in 1992 through a competitively bid process including the maintenance of the equipment, and

WHEREAS, in 1997 the City began transitioning off of an IBM mainframe to a client/server environment using IBM’s Unix computer systems, and

WHEREAS, the process included a renewed five year maintenance contract with IBM on their client/server platform, and

WHEREAS, said maintenance contract is up for renewal on May 14th 2003, and

WHEREAS, City staff recommends the maintenance contract be renewed for a period of five years in the amount of $49,928 per year; and

WHEREAS, said five year contract provides the City with an 8% discount over their standard one-year contract, and

WHEREAS, said five year contract will save the City approximately $4,000 per year or $20,000 over the life of the contract, and

WHEREAS, said contract will also include the Police Department’s IBM equipment, and

WHEREAS, IBM was the lowest responsive and responsible bidder to the formal bid process, and

WHEREAS, City is desirous of entering into a contract with IBM for Information Technology hardware maintenance for a period of five years, and
WHEREAS, Information Technology staff views said contract as a cost effective measure for the City, and the Information Technology and Police Departments worked together to take advantage of economies of scale savings,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the maintenance contract in the amount of $49,928 per year with IBM for Information Technology hardware maintenance for a period of five years.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute a contract.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-238

A RESOLUTION APPROVING ALLOCATION OF $69,888 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDING AND $26,400 IN EMERGENCY SHELTER GRANT (ESG) FUNDING TO COMMUNITY HOUSING AND SHELTER SERVICES FOR FISCAL YEAR 2003-2004 AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO SIGN AND EXECUTE THE NECESSARY DOCUMENTS TO IMPLEMENT SAID ALLOCATIONS.

WHEREAS, the City of Modesto receives several Federal grants from the United States Department of Housing and Urban Development (H.U.D.), 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, local non-profit organizations were invited to submit Requests for Proposals (RFPs) for CDBG Public Service funds and for ESG funds, and

WHEREAS, a maximum of fifteen percent of the City’s available CDBG entitlement grant 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 2003-2004, fifteen percent of the City’s available CDBG entitlement is $433,500, of which $150,000 was previously committed to the Modesto Police Department for the Crime Free Multi-Housing Program and $260,633 was recommended for allocation by the Citizens Housing & Community Development Committee (CH&CDC) at its March 21, 2003, meeting, with the balance of $22,867 to be allocated through a second RFP process, and

05/13/03/PR&NS Velarde 1 2003-238
WHEREAS, the City allocates one hundred percent of its annual ESG to local non-profit organizations 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, in Fiscal Year 2003-2004, the City's ESG grant is $88,261, of which $70,250 was recommended for allocation by the CH&CDC at its March 21, 2003, meeting, with the balance of $18,011 to be allocated through a second RFP process, and

WHEREAS, on April 8, 2003, by Resolution No. 2003-184, the City Council approved allocation of $190,745 in CDBG Public Service Grant funding to local non-profits, $150,000 to the Modesto Police Department for the Crime Free Multi-Housing Program and $43,850 in Emergency Shelter Grant funds, and

WHEREAS, at that time, staff has had cause to recommend that the $69,888 in CDBG and $26,400 in ESG funding recommended for allocation to Community Housing and Shelter Services be withheld pending further review of this organization, and

WHEREAS, staff has since found all allegations against Community Housing and Shelter Services to be unfounded and is now recommending approval of the recommendation of the CH&CDC to allocate $69,888 in CDBG funds and $26,400 in ESG funds to Community Housing and Shelter Services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the allocation of $69,888 in Fiscal Year 2003-2004 Community Development Block Grant funding and $26,400 in Emergency Shelter Grant funding to Community Housing and Shelter Services.
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 the necessary documents with respect to implementation of the allocation of Fiscal Year 2003-2004 CDBG/ESG Public Service Grant funding to Community Housing and Shelter Services.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: 
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney
A RESOLUTION DISCONTINUING THE CITY'S SMALL BUSINESS LOAN PROGRAM AND REMOVING THE ECONOMIC DEVELOPMENT LOAN COMMITTEE FROM THE CITY'S LIST OF ACTIVE COMMITTEES

WHEREAS, the City of Modesto has operated a Small Business Loan Program from funds available through Community Development Block Grant (CDBG), and

WHEREAS, of the 48 loans originated for $1.8 million between 1988 and 1999, 33 loans have been repaid, and

WHEREAS, last year, the Small Business Loan Program was formally transitioned from C&ED to the Parks, Recreation and Neighborhoods Department (PR&N), and

WHEREAS, at the time of this transition, 15 loans were outstanding with a total dollar value of $424,509; which equates to a 23% default rate on dollars spent in the Small Business Loan portfolio, and

WHEREAS, staff believes that the Small Business Loan Program has served its purpose and is no longer an effective program to offer to the residents of Modesto, and

WHEREAS, the City is meeting HUD's economic development objective by funding and supporting the Workforce Development Program, and

WHEREAS, the Citizen's Housing and Community Development Committee (CH&CDC) met on February 28, 2003, and supported and recommended discontinuing the City's Small Business Loan Program and removing of the Economic Development Loan Committee (EDLC) from the City's list of active committees,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves discontinuing the City’s Small Business Loan Program.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Council hereby removes the Economic Development Loan Committee (EDLC) from the City’s list of active committees.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: 
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-240

A RESOLUTION APPROVING ACCEPTANCE OF THE REPORTS ON THE FINANCIAL STATEMENT AUDITS AND THE PERFORMANCE AUDITS OF THE CITY OF MODESTO COMMUNITY FACILITIES DISTRICTS PRESENTED BY VAVRINEK, TRINE, DAY & CO.

WHEREAS, by motion, the City Council on June 11, 2002, directed that the City Manager, with assistance from the City Clerk & Auditor, obtain proposals for audits of the City of Modesto Community Facilities Districts, to be performed under oversight of the Audit Committee, and

WHEREAS, by Resolution No. 2002-521, on October 22, 2002, the City Council approved an Agreement for Auditor Services with the audit firm of Vavrinek, Trine, Day & Co. to perform the audits, and

WHEREAS, the audit firm met regularly with the Audit Committee to discuss its work, and

WHEREAS, the audit firm has presented its final audit reports to the Audit Committee, which accepted the financial statement audit and the performance audit reports, including the related management letters, on May 2, 2003, and on May 9, 2003, respectively, and

WHEREAS, the Audit Committee recommends that Council accept the audit reports,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the financial statement audit reports and the performance audit reports for the Community Facilities Districts as presented by Vavrinek, Trine, Day & Co.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

BY: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-241

A RESOLUTION APPROVING THE CITY OF MODESTO DRAFT 2003-2004 HUD ANNUAL ACTION PLAN AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED NECESSARY DOCUMENTS

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), a HOME Investment Partnership Grant, 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 line, and the number of housing units that are considered substandard, and

WHEREAS, the Citizens Housing and Community Development Committee recommended support of this item at its May 5, 2003 meeting, and

WHEREAS, a duly noticed public hearing was held by the City Council at its meeting of May 13, 2003, to consider submission of an application to the U.S. Department of Housing and Development (HUD) pertaining to the 2003-2004 Fiscal Year Annual Action Plan, which describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2003-2004 Fiscal Year Annual Action Plan as presented to the Council for the Community Development Block Grant (CDBG), HOME Investment Partnership Program
and the Emergency Shelter Grant (ESG) is hereby approved, a copy of said Annual Action Plan is on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute any and all documents necessary in relation to grant agreements, and City staff is hereby authorized to submit an application to the U.S. Department of Housing and Urban Development (HUD) pertaining to the 2003-2004 Annual Action Plan which describes how the City intends to spend Federal assistance received from HUD in the areas of Community Development, Housing Production and Homeless Assistance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, by Councilmember Frohman, 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: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: JEAN AHR, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-242

A RESOLUTION ESTABLISHING CHARGES FOR POLICE DEPARTMENT SERVICES RELATING TO FALSE ALARMS.

WHEREAS, Section 3-11.16 of the Modesto Municipal Code authorizes the Council, by resolution, to establish service charges relating to false alarms, and

WHEREAS, Section 3-11.16 provides that a service charge will be charged by the City for false alarms or failure to respond to alarms by alarm owners or their designated representative, and

WHEREAS, Section 3-11.16 provides that multiple false alarms occurring in any twenty-four (24) hour period may be charged as one (1) call, if shown that the owner was not notified and provided the opportunity to correct the defect, and

WHEREAS, Section 3-11.16 provides that service charges will be based on an escalating scale determined by the frequency of false alarms, and,

WHEREAS, Section 3-11.16 provides that the Police Chief or his/her designee may suspend law enforcement response or revoke the alarm user permit if it is determined that the alarm user has five (5) false alarms in a twelve (12) month period excluding holdup or panic alarms, and

WHEREAS, Section 3-11.16 provides that the Police Chief of his/her designee may waive a service fee if the alarm owner/operator successfully completes a “False Alarm Reduction Class” presented by the Police Department,

WHEREAS, the Community Qualities Forum met on February 12, 2003 and reviewed the proposed fees, and the Safety and Communities Committee met on March 3, 2003 and unanimously approved the recommended fees, and
WHEREAS, the City Council held a public hearing at its regular meeting held on May 13, 2003, to consider the establishing of fees and charges as recommended by the Modesto Police Department,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto Police Department False Alarm Service Charges are hereby established in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Alarm User Permit</th>
<th>NO CHARGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charge for No Alarm User Permit</td>
<td>$200</td>
</tr>
<tr>
<td><strong>First Response</strong> in a twelve (12) month period</td>
<td>no charge</td>
</tr>
<tr>
<td><strong>Second Response</strong> in a twelve (12) month period</td>
<td>$50</td>
</tr>
<tr>
<td><strong>Third Response</strong> in a twelve (12) month period</td>
<td>$100</td>
</tr>
<tr>
<td><strong>Fourth Response</strong> in a twelve (12) month period</td>
<td>$200</td>
</tr>
<tr>
<td><strong>Fifth Response</strong> in a twelve (12) month period</td>
<td>$400</td>
</tr>
<tr>
<td>Failure of Owner or Representative to Respond</td>
<td>$100</td>
</tr>
<tr>
<td>Administrative Appeals Hearing</td>
<td>no charge</td>
</tr>
</tbody>
</table>

BE IT FURTHER RESOLVED, that this resolution shall become effective ninety (90) days from the date of adoption.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, 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: Fisher, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Conrad

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk

(SEAL)
APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney
A RESOLUTION ADOPTING THE VILLAGE ONE INFRASTRUCTURE FINANCING PLAN WHICH REPLACES THE VILLAGE ONE FINANCE PLAN ADOPTED IN OCTOBER 1990, AS PREVIOUSLY AMENDED

WHEREAS, the Village One Infrastructure Financing Plan is required by the Village One Specific Plan, and

WHEREAS, on October 16, 1990, the City Council adopted the Village One Finance Plan (Resolution No. 90-828A), and

WHEREAS, on June 18, 1006, the City Council adopted a revised Village One Finance Plan (Resolution No. 96-346), and

WHEREAS, on August 13, 1996, the City Council adopted amendments to the Village One Finance Plan (Resolution No. 96-463), and

WHEREAS, a duly noticed public hearing was scheduled and held before the City Council on May 6, 2003 at 5:30 p.m. in the Chambers, Basement Level, Tenth Street Place, 1010 – 10th Street, Modesto, California, to consider adoption of the proposed Village One Infrastructure Financing Plan (April 2003) ("VI IFP") that utilizes a combination of debt financing and one-time tax revenues to pay for the remaining CFD-funded infrastructure needed for the Village One area, and

WHEREAS, staff has recommend that periodic review of the VI IFP occur to assure that sufficient revenues will be collected to fund the remaining CFD-funded infrastructure,
NOW, THEREFORE, BE IT HEREBY RESOLVED that the City Council hereby adopts the Village One Infrastructure Financing Plan (April 2003) ("VI IFP") that utilizes a combination of debt financing and one-time tax revenues to pay for the remaining CFD-funded infrastructure needed for the Village One area. A copy of the VI IFP is on file in the office of the City Clerk. The VI IFP replaces the Village One Financing Plan adopted in October 1990, as previously amended.

BE IT FURTHER RESOLVED that periodic review of the VI IFP shall occur to assure that sufficient revenues will be collected to fund the remaining CFD-funded infrastructure.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zah, City Clerk

(seal)

By: Mike Milich, City Attorney
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $35,000 FROM GENERAL FUND RESERVES TO THE VILLAGE ONE CFD #2 (FUND 2690) FOR THE CREATION OF THE NEW VILLAGE ONE COMMUNITY FACILITIES DISTRICT AND ESTABLISHING A BUDGET FOR FUND 2690

WHEREAS, City Council is desirous of establishing a new Community Facilities District ("CFD") in the Village One area to fund certain infrastructure remaining to be constructed, and

WHEREAS, the City of Modesto’s CFD Policies & Procedures provide that the costs associated with the formation of a CFD are to be paid from a deposit posted by the developer(s) initiating the formation of a CFD, and

WHEREAS, formation of the new CFD for the Village One area will not occur until the first unvested development project proceeds, and

WHEREAS, a moratorium is currently in effect in Village One and the City Council would like the first unvested development project to proceed as expeditiously as possible,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the following appropriation is hereby approved to provide the funding for staff time and miscellaneous expenses associated with the formation of Village One CFD #2:

Transfers Between Funds

<table>
<thead>
<tr>
<th>FROM:</th>
<th>TO:</th>
</tr>
</thead>
<tbody>
<tr>
<td>0100-701-7001-7269</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>2690-701-7001-9010</td>
<td>$35,000.00</td>
</tr>
</tbody>
</table>

Appropriations

<table>
<thead>
<tr>
<th>FROM:</th>
<th>TO:</th>
</tr>
</thead>
<tbody>
<tr>
<td>0100-800-8000-8003</td>
<td>$35,000.00</td>
</tr>
<tr>
<td>2690-020-0206-0230</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>2690-020-0206-0201</td>
<td>$100.00</td>
</tr>
<tr>
<td>2690-020-0206-0205</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>2690-020-0206-0245</td>
<td>$1,000.00</td>
</tr>
<tr>
<td>2690-020-0206-0255</td>
<td>$31,900.00</td>
</tr>
</tbody>
</table>
BE IT FURTHER RESOLVED that the amounts expended on the formation of the new Village One CFD shall be reimbursed to the City of Modesto, with simple interest of six (6%) percent, from the proceeds of the first bond sale authorized by the new Village One CFD.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-245

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(559) (DR. JAMES YIP)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Dr. James Yip on October 18, 2002, to reclassify from Low-Density Residential Zone, R-1, and Professional Office, P-O, to Planned Development Zone, P-D(559), to allow a two-story medical office development, and associated off-street parking, property located at the southeast corner of Briggsmore Avenue and Coffee Road described as follows:

R-1 to P-D(559)

A portion of northwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, situate in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

Beginning at the northwest corner of said Section 22; thence North 89°52'00" East along the north line of said Section 22, a distance of 274.00 feet to the centerline of Water Street; thence South 00°27'00" East along said centerline, a distance of 342.05 feet to the easterly prolongation of the south line of the north half of Lot 5, Block 1212 of Garden Acres Tract recorded in Book 14 of Maps, Page 9, Stanislaus County Records; thence South 89°39'00" West, a distance of 274.00 feet to the west line of said Section 22; thence North 00°27'00" West along said west line, a distance of 95.25 feet to the westerly prolongation of the south line of Lot 3 of said Block 1212; thence North 89°39'00" East along said prolongation and the south line of said Lot 3, a distance of 249.00 feet to the southeast corner of said Lot 3; thence North 00°27'00" West along the east line of said Lot 3, a distance of 63.50 feet; thence South 89°39'00" West along the north line of said Lot 3 and its westerly prolongation, a distance of 249.00 feet to said west line for Section 22; thence North 00°27'00" West along said west line, a distance of 184.31 feet to the point of beginning.
Containing 78,051 square feet or 1.79 acres, more or less. 
P-O to P-D(559)

A portion of northwest quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, situate in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

Beginning at the southeast corner of Lot 3, Block 1212 as shown on Garden Acres Tract recorded in Book 14 of Maps, Page 9, Stanislaus County Records; thence North 00°27'00" West along the east line of said Lot 3, a distance of 63.50 feet; thence South 89°39'00" West along the north line of said Lot 3 and its westerly prolongation, a distance of 249.00 feet to said west line of Section 22; thence South 00°27'00" East along said west line, a distance of 63.50 to the westerly prolongation of the south line of said Lot 3; thence North 89°39'00" East along said prolongation and the said south line of Lot 3, a distance of 249.00 feet to the point of beginning.

Containing 15,812 square feet or 0.36 acres, more or less.

WHEREAS, after a public hearing held on April 7, 2003, 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. 2003-22, 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 surrounded on three sides by an expressway, arterial, and residential street, 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, access gate, 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 May 13, 2003, 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 Dr. James Yip 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. 2003-22 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3297-C.S. on the 13th day of May, 2003, reclassifying the above-described property from Low-Density Residential, R-1, and Professional Office, P-O, to Planned Development Zone, P-D(559).

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

1. All development shall conform to the site plan and elevations titled “Proposed Office Building for Dr. James Yip” as amended in red, stamped approved by the City Council.

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

3. 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 lines. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
5. Trash bins shall be kept in enclosures in accordance with the approved plan and in accordance with plans approved by the Operations and Maintenance Department Director. Enclosures shall be constructed of building materials consistent with those used in the major buildings as approved by the Community and Economic Development Department Director.

6. Prior to the issuance of a building permit, the developer shall submit a plan to provide on-site treatment of storm water, as approved by the Operations and Maintenance Director. Storm drain improvements shall be constructed in accordance with the approved plans.

7. 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.

8. 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.

9. Street improvements consistent to 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.

10. 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.

11. Ten-foot-wide public utility easements and four-foot 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.

12. 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.

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

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

15. 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.

16. Prior to issuance of any certificate of occupancy for the property, developer shall install a gate at the entrance to the driveway on Water Street, as shown on the site plan in red, stamped approved by the City Council. The gate shall be closed and locked during non-business hours, except that it shall provide for emergency vehicle access at all times as required by the Fire Marshall. The gate shall be maintained in proper working order at all times.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(559):

The entire construction program be accomplished in one phase, construction to begin within two years of approval by the City Council, and completion to be not later than three years from this same date.

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(559), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 13th day of May, 2003, by Councilmember Fisher, who
moved its adoption, which motion being duly seconded by Councilmember Jackman, was
upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Jackman, Keating, O’Bryant,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Frohman

ATTEST:

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL MILICH, City Attorney

By: Community & Economic Development Department
Planning Division
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-246

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN
THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN
AREA GENERAL PLAN FINAL MASTER ENVIRONMENTAL IMPACT
REPORT UPDATE (SCH NO. 1999082041): AMENDING SECTION 22-3-9 OF
THE ZONING MAP TO REZONE FROM LOW-DENSITY RESIDENTIAL
ZONE, R-1, AND PROFESSIONAL OFFICE ZONE, P-O, TO PLANNED
DEVELOPMENT ZONE, P-D(559), PROPERTY LOCATED AT THE
SOUTHEAST CORNER OF BRIGGSMORE AVENUE AND COFFEE ROAD
(DR. JAMES YIP)

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

WHEREAS, Dr. James Yip has proposed that the zoning designation for property
located at the southeast corner of Briggsmore Avenue and Coffee Road, be amended to
rezone from Low Density Residential, R-1, and Professional Office, P-O, to Planned
Development Zone, P-D(559), in the City of Modesto ("the project"), to allow for a two-
story medical office development, and associated off-street parking, and

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

WHEREAS, the City's Community & Economic Development Department by
Environmental Assessment Initial Study EA/C&ED 2003-23 ("Initial Study"), reviewed
the proposed amendment to the Zoning Map and rezone to P-D(559) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan FMEIR Update, and concluded that the proposed project is within the scope of the FMEIR Update and will have no additional significant effect on the environment that was not identified in the FMEIR Update, 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 FMEIR Update, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on May 13, 2003, 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 and rezone to P-D(556) project, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the FMEIR Update (SCH No. 1999082041) as being within the scope of the FMEIR Update report.

2. That the project will have no new additional significant effects on the environment not identified in the FMEIR Update, 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 that are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the FMEIR Update will be sufficient for this project.

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2003-23
I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 1999082041), adopted March 4, 2003, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:
Public Hearing – P-PDZ-02-008: Application of Dr. James Yip for rezone from R-1 (Low-Density Residential Zone) and P-O (Professional Office) to P-D (Planned Development Zone) to allow a 17,800 square-foot medical office building and associated off-street parking.

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

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

D. Project Location:
Southeast corner of Briggsmore Avenue and Coffee Road

E. Project Sponsor:
Dr. James Yip

F. General Plan Designation:
Mixed Use (MU)

G. Current Zoning:
Low-Density Residential (R-1), and Professional Office (P-O)
H. Description of Proposed Project:
This is an application to rezone four parcels, totaling approximately one acre in size, from R-1 (Low-Density Residential Zone) and P-O (Professional Office) to P-D (Planned Development Zone), to allow a medical office building and associated off-street parking, located at the southeast corner of Briggsmore Avenue and Coffee Road. The proposed development consists of a two-story, 17,800 square-foot, medical office building and off-street parking. Some of the parking for the project is proposed to be located in a basement garage. Two driveways for vehicular access to Coffee Road are proposed, and one additional driveway to Water Street.

I. Surrounding land uses:
Residential land uses exist to the east of the subject property, with commercial / office uses between Coffee Road and Water Street to the south. Memorial Hospital is across Briggsmore Ave. to the north, and commercial uses exist to the west, across Coffee Road.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR
There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms to the analysis contained within the Master EIR.

A. Traffic and Circulation
The General Plan designates the project site as mixed use. The project is consistent with this designation and will not generate greater traffic volumes than those projected by the MEIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages V-1-1 through V-1-33) are still valid.

B. Degradation of Air Quality
The air quality impacts for this project are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages V-2-1 through IV-2-26) are therefore still valid.

C. Generation of Noise
The General Plan MEIR assumed that there would be further development within the Baseline Developed Area. Therefore, the Mitigation Measures listed in the MEIR for Generation of Noise (pages V-3-1 through V-3-22) are still valid.

D. Loss of Productive Agricultural Land
This area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages V-4-1 through IV-4-12) are still valid.
E. Increased Demand for Water Supplies

The General Plan MEIR assumed that there would be additional development and increased demand for Water Supplies within the Baseline Developed Area. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages V-5-1 through IV-5-13) are still valid.

F. Increased Demand for Sanitary Sewer Services

The project is consistent with the General Plan Designation for the site in land use and intensity and will therefore not increase demand for sanitary sewer service beyond that projected by the MEIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages V-6-1 through V-6-12) are still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure V-7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. Therefore, the Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages V-7-1 through V-7-29) are still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the 1995 MEIR, as cited in the 2003 MEIR. Figure 8-1 of the 1995 MEIR, as cited in the 2003 MEIR, indicates that this project is also outside the Archaeological Resource Study Area, which shows areas that may require additional site-specific investigations. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages V-8-1 through V-8-22) are still valid.

I. Increased Demand for Storm Drainage

The General Plan MEIR assumed that there would be further development and increased demand for Storm Drainage within the Baseline Developed Area. This project is consistent in land use and intensity with the General Plan designation for the project site. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Storm Drainage (pages V-9-1 through V-9-13) are still valid.

J. Flooding and Water Quality

The General Plan designates the project site as mixed use. The project is consistent with this designation and will not generate flooding or water quality problems greater than projected by the MEIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages V-10-1 through V-10-16) are still valid.
K. Increased Demand for Parks and Open Space

The General Plan MEIR assumed that there would be further development and increased demand for Parks and Open Space within the Baseline Developed Area. This project is consistent with the General Plan in terms of land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages V-11-1 through V-11-14) are still valid.

L. Increased Demand for Schools

This project will not generate any additional demand for schools beyond that anticipated in the General Plan MEIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages V-12-1 through V-12-11) are still valid.

M. Increased Demand for Police Services

The General Plan MEIR assumed that there would be further development and increased demand for police services within the Baseline Developed Area. The proposed project is consistent with the General Plan with regard to land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages V-13-1 through V-13-7) are still valid.

N. Increased Demand for Fire Services

The General Plan MEIR assumed that there would be further development and increased demand for fire services within the Baseline Developed Area. The MEIR concludes that adopted policies in the City of Modesto and County of Stanislaus would reduce the impact of new projects on Fire Services to a less than significant level. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages V-14-1 through V-14-9) are still valid.

O. Generation of Solid Waste

The General Plan MEIR assumed that there would be further development and increased generation of solid waste within the Baseline Developed Area. This project is consistent in land use and intensity with the General Plan designation for the site. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages V-15-1 through V-15-10) are still valid.

P. Generation of Hazardous Materials

This project is consistent in land use and intensity with the General Plan designation for the site. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages V-16-1 through V-16-15) are still valid.

Q. Landslides and Seismic Activity

This project will not result in additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The
Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages V-17-1 through V-17-12) are therefore still valid.

R. **Energy**

The MEIR concludes that adopted policies in the City of Modesto and County of Stanislaus would reduce the impact of new projects on Energy to a less than significant level. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages V-18-1 through IV-18-7) are still valid.

IV. **CONCLUSIONS / DETERMINATIONS OF FINDINGS**

A. The proposed planned development zone for a 17,800 square-foot professional office building and associated off-street parking is within the scope of the General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Baseline Development Area.

B. No additional significant environmental effects will occur as a result of the proposed planned development zone that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed planned development zone that were not previously considered in the General Plan Master EIR.

D. There are no specific features unique to this proposed planned development zone that require specific mitigation measures. All certified mitigation measures identified in the General Plan Master EIR will apply Citywide, including this project as appropriate.

E. This Initial Study provides substantial evidence to support findings A, B, C, and D above.

Signature:

Brad Wall,
Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-247

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(560) (BAINS)

WHEREAS, a verified application for an amendment to Section 23-3-9 of the Zoning Map was filed by Rena Bains on December 30, 2002, to reclassify from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(560) to allow for two dental offices and a sign package for the First Church of the Nazarene, property located between Briggsmore Avenue and St. Paul’s Way, east of Oakdale Road, described as follows:

R-1 to PD(560)

All that certain real property situate in a portion of the Northwest quarter of Section 23, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying within the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

“Parcel 2” as shown and designated on that certain Parcel Map file in the Office of the County Recorder of Stanislaus County, California, on May 4, 1972, in Book 14 of Parcel Maps, at Page 20;

Also including the Southerly one-half of East Briggsmore Avenue and the Northerly 40 feet of St. Paul’s Way; all being immediately adjacent to the above-described property.

WHEREAS, after a public hearing held on April 7, 2003, 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. 2003-23, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed office development is consistent with the current land use designation for the site.
2. Dental Offices are compatible with the adjacent land uses along St. Paul’s Way.

WHEREAS, said matter was set for a public hearing of the City Council to be held on May 13, 2003, 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 Rena Bains 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. 2003-23 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 2003-C.S. on the 13th day of May, 2003, reclassifying the above-described property from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(560).

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

1. All development shall conform to the plot plan and elevations titled “First Church of the Nazarene/Dental Office St. Paul’s Way” as amended in red, stamped approved by the City Council.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
3. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

4. 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.

5. Prior to occupancy of any building, irrigation, electrical, gas and domestic water lines shall be removed, relocated, or protected as required by the Engineering and Transportation Director and/or the utility companies, and easements for utility lines to remain shall be dedicated.

6. All existing street and property monuments within or abutting this project site shall be preserved. If, during construction of on-site or off-site improvements, monuments are damaged or destroyed, the applicant/developer shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per City Standards and file the necessary information with the County Recorder’s Office as required by AB1414.

7. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

8. Ten-foot-wide public utility easements, and 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.

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

10. 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.

11. The developer shall implement pre- and post-construction Best Management Practices (BMPs) to minimize pollutants entering the storm system.

12. All signs for the office portion of the Planned Development shall comply with the sign requirements of the P-O Zone.

13. Signs for the church shall be constructed in accordance with the approved plans and are as follows:

   a. Along the Brigsmore Avenue frontage: A sign of a maximum of 72 square feet and 20 feet in height.

   a. Along the western end of the parcel, facing the reciprocal accessway: A five-foot-high, approximately 20-square-foot sign.

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

15. Prior to the issuance of a building permit the developer shall execute a Reciprocal Easement Agreement which shall provide for vehicular and pedestrian access and vehicular parking for all three parcels. Said agreement shall be in a form to be approved by the City Attorney.

16. The Capital Facilities Fees payable at the time of the issuance of a building permit for any construction in this parcel map shall be based on the rates in effect at time of issuance of the building permit.
SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(560):

The construction program be accomplished in two phases as follows:

Phase I – Construction to begin on or before May 13, 2006, and completion to be not later than May 13, 2007.

Phase II – Construction to begin on or before May 13, 2007, and completion to be not later than May 13, 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(560), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

APPROVED AS TO LEGAL DESCRIPTION

By: Community & Economic Development Department
Planning Division
A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN FINAL MASTER ENVIRONMENTAL IMPACT REPORT UPDATE (SCH NO. 1999082041): AMENDMENT TO SECTION 23-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL ZONE, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(560), PROPERTY LOCATED BETWEEN BRIGGSMORE AVENUE AND ST. PAUL’S WAY, EAST OF OAKDALE ROAD (RENA BAINS).

WHERAS, on March 4, 2003, the City Council of the City of Modesto certified the Final Master Environmental Impact Report Update (“FMEIR Update”) (SCH No. 1999082041) for the Modesto Urban Area General Plan, and

WHERAS, Rena Bains has proposed that the zoning designation for property located between Briggsmore Avenue and Saint Paul’s Way, east of Oakdale Road be amended to rezone from Low-Density Residential Zone, R-1, to Planned Development Zone, P-D(560), in the City of Modesto, (“the project”) to allow for two dental offices and a sign package for the First Church of the Nazarene, and

WHERAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Master EIR, states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report and whether the subsequent project was described in the master environmental impact report as being within the scope of the project, and
WHEREAS, the City's Community & Economic Development Department by Environmental Assessment Initial Study EA/C&ED 2003-25 ("Initial Study") reviewed the proposed amendment to the Zoning Map and rezone to P-D(560) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan FMEIR Update and concluded that the proposed project is within the scope of the FMEIR Update and will have no additional significant effect on the environment that was not identified in the FMEIR Update, 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 FMEIR Update, and

WHEREAS, in accordance with CEQA guidelines beginning on ?, 2003, 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 FMEIR Update, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on May 13, 2003, 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 and rezone to P-D (560) project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:
1. That the proposed project is contemplated and described in the FMEIR Update (SCH No. 1999082041) as being within the scope of the FMEIR Update.

2. That the project will have no new significant effects on the environment not identified or examined in the FMEIR Update, 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 FMEIR Update will be sufficient for this project.

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the thirteenth day of May, 2003, by Councilmember
Jackman, who moved its adoption, which motion being duly seconded by
Councilmember Fisher, was upon roll call carried and the resolution adopted by the
following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating,
O’Bryant, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City

Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2003-25
I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 1999082041), adopted March 4, 2003, allows such limited review for projects in the Baseline Developed Area that are consistent with the General Plan and existing zoning.

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:
Nazarene P-D

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

C. Contact person and phone number:
Josh Bridegroom, Community and Economic Development Department, (209) 571-5540

D. Project Location:
East of Oakdale Road, between St. Paul's Way and Brigsgmore Avenue

E. Project Sponsor:
Rena Bains, 1113 Mandarin Court, Modesto CA. 95350

F. General Plan Designation:
Mixed Use

G. Current Zoning:
Single Family Residential (R-1)

H. Description of Proposed Project:
This is an application to rezone 4.9 acres from R-1 to P-D to allow for the development of two single-story dental offices along the St. Paul's Way frontage and a sign package for the First Church of the Nazarene that includes one interior sign and one sign oriented toward Brigsgmore Avenue.
I. Surrounding land uses:
The project is surrounded by Briggsmore Avenue to the north, professional offices to the east, St. Paul's Way to the south and a church to the west.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

A. Traffic and Circulation

The General Plan designates the project site as mixed-use. The project is consistent with this designation in land use and intensity and will therefore not generate traffic greater than projected by the MEIR. Therefore, there would be no change needed in the Traffic and Circulation section of the EIR. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages V-1-1 through V-1-33) are still valid.

B. Degradation of Air Quality

The air quality impacts for this project are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages V-2-1 through IV-2-26) are therefore still valid.

C. Generation of Noise

The General Plan MEIR assumed that there would be further mixed-use development and thus, noise generation within the Baseline Developed Area. Therefore, the Mitigation Measures listed in the MEIR for Generation of Noise (pages V-3-1 through V-3-22) are still valid.

D. Loss of Productive Agricultural Land

This area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages V-4-1 through IV-4-12) are still valid.

E. Increased Demand for Water Supplies

The General Plan MEIR assumed that there would be further development and thus, increased demand for Water Supplies within the Baseline Developed Area. Beyond this, professional offices do not generally use much water and the necessary water supply infrastructure already exists. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages
F. Increased Demand for Sanitary Sewer Services

The project is consistent with the General Plan Designation for the site in land use and intensity and will therefore not increase demand for sanitary sewer service beyond that projected by the MEIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages V-6-1 through V-6-12) are still valid.

G. Loss of Sensitive Wildlife and Plant Habitat

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure V-7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. Therefore, the Existing Conditions, Impact Analysis, and the Mitigation Measures listed in this section of the MEIR (pages V-7-1 through V-7-29) are still valid.

H. Disturbance of Archaeological and Historic Sites

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the 1995 MEIR, as sited in the 2003 MEIR. Figure 8-1 of the 1995 MEIR, as sited in the 2003 MEIR, indicates that this project is also outside the Archaeological Resource Study Area, which shows areas that may require additional site-specific investigations. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages V-8-1 through V-8-22) are still valid.

I. Increased Demand for Storm Drainage

The General Plan MEIR assumed that there would be further development and thus, increased demand for Storm Drainage within the Baseline Developed Area. This project is consistent in land use and intensity with the General Plan designation for the site, and the project complies with the adopted storm drainage policies from the various agencies listed in the MEIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Storm Drainage (pages V-9-1 through V-9-13) are still valid.

J. Flooding and Water Quality

The General Plan designates the project site as mixed-use. The project is consistent with this designation in land use and intensity and will therefore not generate drainage, flooding or water quality problems greater than projected by the MEIR. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages V-10-1 through V-10-16) are still valid.
K. Increased Demand for Parks and Open Space

The General Plan MEIR assumed that there would be further development and thus, increased demand for Parks and Open Space within the Baseline Developed Area. This project is consistent with the General Plan in terms of land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages V-11-1 through V-11-14) are still valid.

L. Increased Demand for Schools

This project, being non-residential, would not generate any additional demand for schools. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages V-12-1 through V-12-11) are still valid.

M. Increased Demand for Police Services

The General Plan MEIR assumed that there would be further development and thus, increased demand for police services within the Baseline Developed Area. The proposed project is consistent with the General Plan with regard to land use and intensity. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages V-13-1 through V-13-7) are still valid.

N. Increased Demand for Fire Services

The General Plan MEIR assumed that there would be further development and thus, increased demand for fire services within the Baseline Developed Area. The MEIR concludes that adopted policies in the City of Modesto and County of Stanislaus would reduce the impact of new projects on Fire Services to a less than significant level. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages V-14-1 through V-14-9) are still valid.

O. Generation of Solid Waste

The General Plan MEIR assumed that there would be further development and thus, increased generation of solid waste within the Baseline Developed Area. This project is consistent in land use and intensity with the General Plan designation for the site. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages V-15-1 through V-15-10) are still valid.

P. Generation of Hazardous Materials

The General Plan MEIR assumed that there would be further development and thus, increased generation of hazardous materials within the Baseline Developed Area. This project is consistent in land use and intensity with the General Plan designation for the site. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages V-16-1 through V-16-15) are still valid.
Q. Landslides and Seismic Activity

This project will result in no additional potential for exposing people to landslides or earthquake related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages V-17-1 through V-17-12) are therefore still valid.

R. Energy

The MEIR concludes that adopted policies in the City of Modesto and County of Stanislaus would reduce the impact of new projects on Energy to a less than significant level. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages V-18-1 through IV-18-7) are still valid.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed project is within the scope of the General Plan Master EIR (SCH No. 1999082041).

B. No additional significant environmental effects will occur as a result of the proposed project that were not previously examined in the General Plan Master EIR.

C. No new mitigation measures or alternatives will be required as a result of the proposed project that were not previously considered in the General Plan Master EIR.

D. There are not specific features unique to this project that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.

E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:

Josh Bridegroom,
Assistant Planner
RESOLUTION NO. 2003-249

A RESOLUTION DENYING THE APPEAL OF JAYNA HAMEL TO A PLANNING COMMISSION DECISION APPROVING THE REVISED MIRA LOMA VESTING TENTATIVE SUBDIVISION MAP

WHEREAS, Modesto Municipal Code Section 4-4.404 authorizes the Planning Commission to take action on proposed subdivision maps, and

WHEREAS, on April 29, 2002, Ridge Sutter submitted a vesting tentative subdivision map, Mira Loma, and

WHEREAS, the Planning Commission considered the application at their regularly scheduled meeting on August 26, 2002, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which meeting evidence both oral and documentary was received and considered, and

WHEREAS, on August 26, 2002, the Planning Commission denied the Mira Loma vesting tentative subdivision map due to inconsistency with the General Plan, because it did not provide for the connection of Encina Avenue, a designated collector street in the General Plan, and

WHEREAS, on September 3, 2002, Ridge Sutter filed a revised vesting tentative subdivision map, Mira Loma, that provided a connection of Encina Avenue via Julian Avenue, and

WHEREAS, the Planning Commission considered the application at their regularly scheduled meeting on November 18, 2002, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which meeting evidence both oral and documentary was received and considered, and
WHEREAS, the Planning Commission approved the revised vesting tentative subdivision map, Mira Loma, because it provided for an indirect connection of Encina Avenue, a designated collector street, and

WHEREAS, an appeal to the Planning Commission’s approval of the revised Mira Loma vesting tentative subdivision map was filed with the Office of the City Clerk by Paul and Sue Thorpe on December 2, 2002, and

WHEREAS, on January 7, 2003, the City Council by Resolution No. 2003-16 granted the appeal of Paul and Sue Thorpe for the following reasons:

1. Encina is intended to be a collector street pursuant to the General Plan.

2. The Map would have the effect of making Julian Street and a portion of Fusco Street into collector streets that are not so designated by the General Plan.

3. Policy III-C.2.e. (1) of the General Plan states that collector streets should provide direct linkages from the residences within a neighborhood to neighborhood facilities within the same neighborhood, such as schools, parks, etc., and a connection to peripheral arterials. The Map is inconsistent with the General Plan because the redirection of traffic from Encina to Fusco, Julian and Conejo Streets does not provide (1) a direct linkage via Encina from the residences to the east of Encina Avenue through the project site, and

WHEREAS, on January 23, 2003, Sutco Construction filed a second revised vesting tentative subdivision map, Mira Loma, that provided a direct connection of Encina Avenue through the project site, and

WHEREAS, a public hearing on the second revised vesting tentative subdivision map was held by the Planning Commission on April 7, 2003, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and
WHEREAS, by Resolution No. 2003-20 the Planning Commission approved the revised vesting tentative subdivision map, Mira Loma, for the following reasons:

1. The proposed subdivision map, together with the provisions for its design and improvements, is consistent with the Subdivision Map Act of the State of California and the Modesto Urban Area General Plan, because it provides for a direct connection of Encina Avenue.

2. The discharge of waste as a result of the proposed subdivision into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.

3. An exception to the subdivision regulations of the City of Modesto is hereby granted to reduce the minimum 20-foot dimension at the front lot line to 15 feet for the two flag lots for the following reason:
   a. The granting of the exception will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent and purpose of the General Plan or the subdivision regulations, because sufficient parking is provided in the alley at the rear of the flag lots.

4. Creation of the two flag lots will enable use of the project site to its permitted density.

5. The project site is of a size and shape that does not allow the creation of standard lots.

6. A plot plan for creation of the flag lots has been approved by the Planning Commission.

7. The proposed subdivision is within the scope of the General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Baseline Development Area, because it provides a direct connection of Encina Avenue.

8. No additional significant environmental effects will occur as a result of the proposed subdivision that were not previously examined in the General Plan Master EIR.

9. No new mitigation measures or alternatives will be required as a result of the proposed subdivision that were not previously considered in the General Plan Master EIR.
10. There are no specific features unique to this subdivision that require specific mitigation measures. All certified mitigation measures identified in the General Plan Master EIR will apply Citywide, including this project as appropriate.

11. The Initial Study, Environmental Assessment No. EA/C&ED 2003-22, provides the substantial evidence to support finding numbers 7-10, noted above.

WHEREAS, an appeal to the April 7, 2003, decision of the Planning Commission's was filed with the Office of the City Clerk by Jayna Hamel on April 21, 2003, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council at its regular meeting place located in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at 5:30 p.m. on May 13, 2003, and

WHEREAS, after said public hearing the Council of the City of Modesto found and determined that the appeal to the decision of the Planning Commission should be denied and the decision of the Planning Commission should be affirmed for the following reasons:

1. The approved vesting tentative subdivision map, Mira Loma, is consistent with the General Plan.

2. The approved vesting tentative subdivision map, Mira Loma, provides a direct connection of Encina Avenue.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Jayna Hamel to the decision of the Planning Commission approving the revised Mira Loma vesting tentative subdivision map is denied and the decision of the Planning Commission is hereby affirmed for the reasons set forth in Planning Commission Resolution No. 2003-20 and quoted above.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

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
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-250

A RESOLUTION APPROVING ISSUANCE OF A WRITTEN REPORT DESCRIBING THE MEASURES TAKEN TO ALLEVIATE THE CONDITION WHICH LEAD TO THE ADOPTION OF AN ORDINANCE (ORDINANCE NO. 3265-C.S.) WHICH PROHIBITED NEW DEVELOPMENT APPROVALS ON UNVESTED LAND IN VILLAGE ONE.

WHEREAS, on June 4, 2002, the Modesto City Council adopted an emergency interim ordinance (Ordinance No 3263-C.S.), and

WHEREAS, on July 9, 2002, the Modesto City Council adopted Ordinance No. 3265-C.S. extending Ordinance 3263-C.S., and

WHEREAS, Interim Ordinance No. 3263-C.S. and Ordinance No. 3265-C.S. were adopted pursuant to the authority conferred upon the City by California Government Code Section 65858, and

WHEREAS, subdivision (d) of California Government Code Section 65858 requires the City Council to issue a written report describing the measures taken to alleviate the condition which lead to the adoption of the interim ordinance ten (10) days prior to the expiration of interim ordinance, and

WHEREAS, the Community and Economic Development Department of the City of Modesto has prepared such a report for issuance by the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the issuance of the attached written report which describes the measures taken by the City to alleviate the conditions which lead to the adoption of Ordinance No. 3265-C.S.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 2003, by Councilmember Frohman, 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: Conrad, Frohman, Jackman, Keating, O’Bryant Mayor Sabatino

NOES: Councilmembers None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney