MODESTO CITY COUNCIL
RESOLUTION NO. 2003-559

A RESOLUTION DECLARING THE CITY COUNCIL’S INTENTION TO INCUR BONDED INDEBTEDNESS IN THE AMOUNT NOT TO EXCEED $25,000,000 WITHIN PROPOSED CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2003-1 (FAIRVIEW VILLAGE)

WHEREAS, pursuant to a resolution adopted on the date hereof (the “Companion Resolution”), this City Council has instituted proceedings for the possible formation of the City of Modesto Community Facilities District No. 2003-1 (Fairview Village) (the “Community Facilities District”) pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the “Act”) in order to finance (i) the cost of purchasing, constructing, expanding, improving or rehabilitating the facilities listed in Appendix A to the Companion Resolution, and all appurtenances and appurtenant work associated with the foregoing (collectively, the “Facilities”) and (ii) the incidental expenses to be incurred in connection with financing the Facilities, including costs associated with the creation of the Community Facilities District and the issuance of bonds, the establishment and replenishment of bond reserve and special reserve funds (the “Incidental Expenses”) and to pay the costs of the services listed in Appendix A to the Companion Resolution (collectively, the “Services”); and

WHEREAS, this City Council estimates that the amount of bond proceeds required to finance the Facilities and Incidental Expenses is approximately $25,000,000; and

WHEREAS, in order to finance the Facilities and Incidental Expenses, subject to the formation of the Community District and to the satisfaction of all applicable requirements of law, this City Council intends to authorize the issuance of bonds in the maximum aggregate principal amount of $25,000,000, the repayment of which is to be secured by special taxes levied in accordance with the Act on all property in the Community Facilities District, other than those properties exempted from taxation in the rate and method of apportionment set forth in Appendix B to the Companion Resolution;
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby finds and determines as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. It is necessary to incur bonded indebtedness within the boundaries of the Community Facilities District in an amount not to exceed $25,000,000 to finance certain of the costs of the Facilities and Incidental Expenses, as permitted by the Act.

SECTION 3. The indebtedness will be incurred for the purpose of financing the costs of the Facilities and the Incidental Expenses, including, but not limited to, the funding of reserve funds for the bonds, the financing of costs associated with the issuance of the bonds and all other costs and expenses necessary to finance the Facilities which are permitted to be financed pursuant to the Act.

SECTION 4. It is the intent of this City Council to authorize the sale of bonds in one or more series, in the maximum aggregate principal amount specified in Section 2, and at a maximum interest rate not in excess of 12 percent per annum, or a higher rate not in excess of the maximum rate permitted by law at the time that the bonds are issued. The term of the bonds of each series shall be determined pursuant to a resolution of this City Council authorizing the issuance of the bonds of such series, but such term shall in no event exceed 40 years from the date of issuance of the bonds of such series, or such longer term as is then permitted by law.

SECTION 5. A public hearing (the "Hearing") on the proposed debt issue shall be held at 5:30 p.m., or as soon thereafter as practicable, on December 2, 2003, in the Modesto City Council Chamber, 1010 Tenth Street, Modesto, California 93535.

SECTION 6. At the time and place set forth in this Resolution for the Hearing, any interested persons, including all persons owning land or registered to vote within the Community Facilities District, may appear and be heard.
SECTION 7. The City Clerk is hereby directed to publish a notice (the “Notice”) of the Hearing pursuant to Section 6061 of the Government Code in a newspaper of general circulation published in the area of the Community Facilities District. Such publication shall be completed at least seven days prior to the date of the Hearing.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2003, by Councilmember Frohman, 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

APPROVED AS TO FORM:
By Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN ADVANCED FUNDING AGREEMENT FOR
CITY OF MODESTO COMMUNITY FACILITIES DISTRICT NO. 2003-1
(FAIRVIEW VILLAGE)

WHEREAS, Del Valle Capital Corporation, Inc. (the “Developer”) has filed with
this City Council a petition requesting the formation of a community facilities district and
the issuance of bonds to finance and maintain certain infrastructure; and

WHEREAS, in connection therewith there has been presented to this City Council
the form of an Advanced Funding Agreement by and between the City and the Developer
relating to advances made and to be made by the Developer to the City (the “Advanced
Funding Agreement”);

NOW, THEREFORE, BE IT HEREBY RESOLVED that the Council of the City
of Modesto that the Advanced Funding Agreement between the City of Modesto and Del
Valle Capital Corporation, Inc., be hereby approved and that the City Manager is hereby
authorized to execute the Advanced Funding Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of October, 2003, by Councilmember Frohman,
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

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE AGREEMENT BETWEEN THE CITY OF MODESTO AND TURNSTONE CONSULTING FOR PRELIMINARY WORK TO ASSIST IN THE PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR A PROPOSED KAISER MEDICAL CAMPUS PROJECT, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT IN AN AMOUNT NOT TO EXCEED $635,768.00

WHEREAS, Kaiser Permanente has applied for an amendment to the Kiernan Business Park Specific Plan, prezoning to a planned development zone, a development agreement, annexation and sphere of influence amendment to allow a 1.2 million square-foot medical campus and the annexation of 39 acres of adjacent business park land located on the west side of Dale Road north of Bangs Avenue ("Kaiser Medical Campus"), and

WHEREAS, Section 21080.1 of the California Public Resources Code requires the City of Modesto, as lead agency, to make a determination of whether an environmental impact report is required for projects, and

WHEREAS, the City has determined that an environmental impact report is required for the proposed Kaiser Medical Campus project, and

WHEREAS, on December 10, 2002, the City Council approved a list of environmental service providers, including the firm of Turnstone Consulting, to assist with the preparation of environmental impact reports and other environmental documents for the Kaiser Medical Campus project, and

WHEREAS, City staff selected Turnstone Consulting to prepare the environmental impact report for the Kaiser Medical Campus because of their extensive experience on similar projects in other jurisdictions, and
WHEREAS, City Staff anticipates that the EIR work will involve three contract phases, and

WHEREAS, on June 24, 2003, the City Council adopted Resolution No. 2003-298, approving an agreement with Turnstone Consulting for preliminary work to assist in the preparation of an environmental impact report for the proposed Kaiser Medical Campus in an amount not to exceed $130,793 ("Agreement"), and

WHEREAS, City staff have negotiated a scope of work for the second phase of the contract, involving preparation of the Draft EIR, for an amount not to exceed $635,768.00, and now recommend that the Agreement be amended to add this work to the contract.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Amendment No. 1 to the Agreement between the City of Modesto and Turnstone Consulting Corporation to add Phase II of the environmental work, preparation of the Draft EIR, in an amount not to exceed $635,768.00 is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute Amendment No. 1 to the Agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2003, by Councilmember Frohman, 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
Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:
BY: 

Michael D. Milich, City Attorney
A RESOLUTION APPROVING AND ADOPTING THE WATER SUPPLY ASSESSMENT (WSA) PREPARED FOR THE PROPOSED VILLAGE ONE PRECISE PLAN AREAS 2, 15, 16, AND 17, LOCATED WITHIN THE VILLAGE ONE SPECIFIC PLAN, WHICH HAS DETERMINED THAT AN ADEQUATE SUPPLY OF WATER IS AVAILABLE TO MEET THE DEMANDS OF THE PROPOSED PROJECT

WHEREAS, Senate Bill 610 (SB 610) requires water suppliers to conduct Water Supply Assessment (WSA) studies for projects meeting the legislative criteria to determine if a sufficient water supply is available to meet the demands of the project, and requires the governing legislative body to approve and adopt such assessments, and

WHEREAS, the City of Modesto received a request to conduct a WSA for the proposed approval of Village One Precise Plan Areas 2, 15, 16 and 17 ("Project"), and

WHEREAS, Engineering and Transportation staff completed a WSA for the Project, and

WHEREAS, a determination was made that an adequate water supply is available to meet the demands of the proposed Project, located within the Village One Specific Plan, and

WHEREAS, this item was discussed at the Economic Development Committee meeting on October 13, 2003, and a favorable recommendation was made to forward the WSA to the Council for approval and adoption,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Water Supply Assessment for the proposed Village One Precise Plan Areas 2, 15, 16 & 17 is hereby approved and adopted. It is further determined that an adequate water supply is available to meet the demands of the proposed Village One Precise Plan Areas 2, 15, 16 & 17.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2003, by Councilmember Frohman, 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

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-563

A RESOLUTION APPROVING A SECOND AMENDMENT TO THE AGREEMENT WITH WEST YOST AND ASSOCIATES (WYA) IN THE AMOUNT OF $150,000 FOR ADDITIONAL UNFORESEEN WORK IN INTEGRATING THE MID PHASE II PROJECT WITH THE DISTRIBUTION SYSTEM, DEVELOPING A GROUNDWATER MANAGEMENT PROGRAM, AND ON-CALL ENGINEERING SUPPORT SERVICES RELATED TO THE HYDRAULIC MODEL

WHEREAS, on July 23, 2002, the City Council approved a professional services agreement with West Yost and Associates to prepare the Water System Hydraulic Model Update and Associated System Analysis (Study), and

WHEREAS, on June 24, 2003, the City Council approved an amendment to the professional services agreement with West Yost and Associates in the amount of $92,500 for additional unforeseen work in developing the detailed Water System Hydraulic Model, and

WHEREAS, the Study will perform critical infrastructure planning tasks, including identifying improvements for existing and future services and identifying improvements needed for the Modesto Regional Water Treatment Plant (MRWTP) planned expansion, and

WHEREAS, additional work efforts are needed for the Study in the amount of $150,000 to integrate the MID Phase II Project with the distribution system, engineering support to develop a Groundwater Management Program and for on-call engineering support services related to the hydraulic model, and

WHEREAS, this second amendment to agreement, identifying additional work efforts for an amount of $150,000, will enable the Study to proceed as planned with the remaining tasks,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the second amendment to agreement with West Yost Associates in the amount of $150,000 for additional services for the Study.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2003, by Councilmember Frohman, 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

APPROVED AS TO FORM:

By  
MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET TO 1) APPROPRIATE $105,000.00 FROM THE WATER ENTERPRISE RESERVE FUND 6100-800-8000-8003 TO 6100-430-N639-6010-13; 2) APPROPRIATE $36,000.00 FROM THE WATER ENTERPRISE RESERVE FUND 6150-800-8000-8003 TO 6150-430-N637-6010-13; 3) APPROPRIATE $9,000.00 FROM THE WATER ENTERPRISE RESERVE FUND 6160-800-8000-8003 TO 6160-480-Q225-6010-13

WHEREAS, on July 23, 2002, the City Council approved a professional services agreement with West Yost and Associates to prepare the Water System Hydraulic Model Update and Associated System Analysis (Study), and

WHEREAS, on June 24, 2003, the City Council approved an amendment to the professional services agreement with West Yost and Associates in the amount of $92,500 for additional unforeseen work in developing the detailed Water System Hydraulic Model, and

WHEREAS, the Study will perform critical infrastructure planning tasks, including identifying improvements for existing and future services and identifying improvements needed for the Modesto Regional Water Treatment Plant (MRWTP) planned expansion, and

WHEREAS, additional work efforts are needed for the Study in the amount of $150,000 to integrate the MID Phase II Project with the distribution system, engineering support to develop a Groundwater Management Program and for on-call engineering support services related to the hydraulic model, and

WHEREAS, this budget augmentation, for an amount of $150,000 for a total revised Study cost of $538,900, will enable the Study to proceed as planned with the remaining tasks, and
WHEREAS, the Water Enterprise Reserve Fund has sufficient funds to cover the additional amount of $150,000,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Capital Improvement Budget to 1) appropriate $105,000.00 from Water Enterprise Reserve Fund 6100-800-8000-8003 to 6100-430-N639-6010-13; 2) appropriate $36,000.00 from Water Enterprise Reserve Fund 6150-800-8000-8003 to 6150-430-N637-6010-13; 3) appropriate $9,000.00 from Water Enterprise Reserve Fund 6160-800-8000-8003 to 6160-480-Q225-6010-13.

BE IT FURTHER RESOLVED that the Finance Director, or her designee, is hereby authorized to take the steps necessary to amend the Capital Improvement Budget.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2003, by Councilmember Frohman, 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

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

ATTEST: Jean Zahr, City Clerk
RESOLUTION APPROVING A SEWER SERVICE AGREEMENT WITH THE MEMORIAL HOSPITALS ASSOCIATION RELATED TO FURTHER DEVELOPMENT OF THE HOSPITAL'S PROPERTY, GENERALLY LOCATED AT THE CORNER OF BRIGGSMORE AVENUE AND COFFEE ROAD, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the Memorial Hospitals Association ("Hospital") has proposed expansion plans on file with the City which include 2 additional Towers, and

WHEREAS, in March 2003, Black & Veatch completed a wastewater system capacity study that identified the improvements needed to provide adequate sewer service for the planned expansion of the Hospital’s existing site, and

WHEREAS, the results of the study indicate there is adequate capacity to accommodate the short-term expansion plans of the Hospital, but not the long-term expansion plans without significant improvements to the existing wastewater system, and

WHEREAS, after determining the total cost of the needed improvements to be approximately $4,100,000, the Hospital will pay its fair share of $439,000 to the City as a mitigation fee for the impacts to the wastewater collection system resulting from their proposed facility expansions, and

WHEREAS, the design and construction of the required wastewater system improvements for additional discharge capacity to accommodate two additional Tower buildings will be completed by the City prior to the Hospital occupancy of either additional Tower, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Sewer Service Agreement with the Memorial Hospitals
Association relating to the design and construction of certain wastewater system
improvements necessary for the Hospital's long-term expansion plans.

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 28th day of October, 2003, by Councilmember Frohman,
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
JEAN ZAHNR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-566

A RESOLUTION ACCEPTING THE PELANDALE AVENUE STREET IMPROVEMENTS FROM THE SOUTHEAST CORNER OF PELANDALE AVENUE AND DALE ROAD TO 600 FEET EAST OF DALE ROAD, AUTHORIZING THE CITY CLERK TO RECORD A NOTICE OF COMPLETION AND AUTHORIZING RELEASE OF BONDS

WHEREAS, O'BRIENS DEVELOPMENT, a California Partnership, entered into a CFF Reimbursement Agreement on September 10, 2002 for improvements to Pelandale Avenue ("Improvements"), and

WHEREAS, HUFF CONSTRUCTION COMPANY, INC., the general contractor for O'BRIENS DEVELOPMENT has filed irrevocable bonds to secure faithful performance and payment for labor and materials in the amount of $198,600.00 and $198,600.00, respectively, and

WHEREAS, HUFF CONSTRUCTION COMPANY, INC., on behalf of O'BRIENS DEVELOPMENT, has filed a warranty bond in the amount of $15,060.00 to guarantee the Improvements, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Reimbursement Agreement was completed to the satisfaction of the Engineering & Transportation Department as of March 19, 2003, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the Improvements as complete, and authorize the City Clerk to file a Notice of Completion and release the performance and
labor and materials securities upon expiration of the statutory periods and to release the warranty security on March 20, 2004.

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

1. The Pelandale Avenue improvements are hereby accepted and the City Clerk is hereby authorized to file a Notice of Completion for the Improvements.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $198,600.00 upon recordation of the Notice of Completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $198,600.00 sixty (60) days after the recordation of the Notice of Completion, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $15,060.00 on March 20, 2004, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2003, by Councilmember Frohman, 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

APPROVED AS TO FORM:

By ALISON BARRATT-GREEN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-567

A RESOLUTION ACCEPTING THE WORK BY INDUSTRIAL ELECTRICAL CO., FOR THE “INSTALL EMERGENCY GENERATORS AT WELL 57, AND TANKS 6, 7, & 8” PROJECT AS COMPLETE, AUTHORIZING THE CITY CLERK TO FILE A NOTICE OF COMPLETION, AND AUTHORIZING PAYMENT OF AMOUNTS DUE TOTALING $332,895 PER THE CONTRACT.

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled “Install Emergency Generators at Well 57, and Tanks 6, 7, & 8” has been completed, in accordance with the contract agreement dated October 22, 2002.

NOW, THEREFORE, BE IT RESOLVED that the “Install Emergency Generators at Well 57, and Tanks 6, 7, & 8” project be accepted from said contractor, Industrial Electrical Co., that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due totaling $332,895 as provided in the contract, be authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2003, by Councilmember Frohman, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-568

A RESOLUTION ACCEPTING THE BID OF D.A. WOOD CONSTRUCTION, INC., FOR THE PROJECT TITLED “VARIOUS BORING AND JACKING FOR WATERLINES UNDER M&ET RAILROAD TRACKS” AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the bids received for the Various Boring and Jacking For Waterlines Under M&ET Railroad Tracks were opened at 11:00 a.m. on September 30, 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 $316,609.00 received from D.A. Wood Construction, Inc., be accepted as the lowest responsible bid and the contract be awarded to D.A. Wood Construction, Inc.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of $316,609.00, and hereby awards D.A. Wood Construction, Inc. the contract titled “Various Boring And Jacking For Waterlines Under M&Et Railroad Tracks.”

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 26th day of October, 2003, by Councilmember Frohman, 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
A RESOLUTION AWARDING THE BID AND APPROVING A $330,785.00 CONTRACT WITH CYLDE WHEELER PIPELINE, INC., FOR THE PROJECT TITLED “HILLGLEN AVENUE STORM DRAIN,” AND AUTHORIZING THE DISTRICT ADMINISTRATOR TO EXECUTE THE AGREEMENT

WHEREAS, the bids received for the HILLGLEN AVENUE STORM DRAIN project were opened at 11:00 a.m. on September 30, 2003, and later tabulated by the Community Facilities District Engineer for the consideration of the Council, and

WHEREAS, the Community Facilities District Engineer has recommended that the bid of $330,785.00 received from CYLDE WHEELER PIPELINE, INC., be accepted as the lowest responsible bid and the contract be awarded to CYLDE WHEELER PIPELINE, INC.,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the bid of $330,785.00, and hereby awards CYLDE WHEELER PIPELINE, INC., the contract titled “HILLGLEN AVENUE STORM DRAIN.”

BE IT FURTHER RESOLVED that the District Administrator, or his designee, is hereby authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2003, by Councilmember Frohman, 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

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION OF INTENTION TO CONSIDER OPTIONS FOR PENALTIES FOR THE SUBSTANDARD PERFORMANCE OF WASTE MANAGEMENT IN MEETING THE REQUIREMENTS OF THEIR SERVICE AGREEMENT, AND OPTIONS FOR PROVIDING SERVICE IN WASTE MANAGEMENT'S PRESENT SERVICE AREA, AND SETTING A PUBLIC HEARING ON NOVEMBER 13, 2003, TO CONSIDER SAID MATTER.

WHEREAS, on November 1, 1997, the City executed a Service Agreement with Modesto Garbage Company, Inc., D.B.A. Modesto Disposal Service, which was then a subsidiary of USA Waste of California, which later acquired Waste Management and changed the name of the corporate parent to Waste Management, for a term through January 1, 2007, and

WHEREAS, while the term of this Service Agreement with Waste Management was for 10 years, due to concerns about the corporation’s problems in other cities, the City Council added a provision to the Service Agreement to allow the City to terminate the agreement on January 1, 2004, if the City found the company did not meet certain performance standards to the satisfaction of the City, and

WHEREAS, Section b.1. of the Service Agreement states the following performance standards must be met to get to the full 10-year term: Timely payment of fees and charges; Delivery of all waste or recyclables to the facilities specified by the City; Satisfactory resolution of complaints; Compliance with all provisions of the Modesto Municipal Code, the Service Agreement, and state, federal, and local laws pertaining to the collection operations; and Service Agreement provisions regarding recycling and yard waste diversion programs, and
WHEREAS, staff notified the company on multiple occasions that substandard performance was occurring and of the need to meet the requirements of the Service Agreement, and

WHEREAS, staff believes the company has violated multiple provisions of Section b.1. of their Service Agreement, and

WHEREAS, on October 13, 2003, the Economic Development Committee met and supported staff’s recommendation to proceed to a full Council hearing to consider penalties and options for providing service in Waste Management’s present service area, and

WHEREAS, pursuant to Modesto Municipal Code Section 5-5.33, the City Council shall hear said matter at a public hearing, on Thursday, November 13th, 2003, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Thursday, November 13th, 2003, at 5:30 p.m., in the Tenth Street Chambers located at 1010 10th Street, Modesto, California, is hereby set as the date, time and place for a public hearing to be held to consider options for penalties for the substandard performance of Waste Management in meeting the requirements of their Service Agreement, and options for providing service in Waste Management’s present service area.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2003, by Councilmember Frohman, 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

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION OF INTENTION TO CONSIDER THE REQUEST OF BERTOLOTTI DISPOSAL, INC. FOR AN ASSIGNMENT AND EXTENSION OF THEIR SERVICE AGREEMENT WITH THE CITY OF MODESTO FOR THE COLLECTION OF COMMERCIAL/RESIDENTIAL GARBAGE/RECYCLABLES, CONTAINERIZED YARD WASTE, AND INDUSTRIAL GARBAGE, SALVAGEABLE WASTE, AND RECYCLABLES, AND SETTING A PUBLIC HEARING ON NOVEMBER 13, 2003, TO CONSIDER SAID MATTER.

WHEREAS, on September 25, 2003, the City Clerk received a request from Bertolotti Disposal, Inc. for an Assignment and Extension of their Service Agreement to collect commercial/residential garbage/recyclables, containerized yard waste, and industrial garbage, salvageable waste, and recyclables in the City of Modesto, and

WHEREAS, Bertolotti Disposal, Inc., wishes to assign its rights and interests under said agreement to its newly formed affiliate company, Bertolotti Modesto Disposal, Inc., and

WHEREAS, on October 13, 2003, the Economic Development Committee met and supported the request of Bertolotti Disposal, Inc., and

WHEREAS, Modesto Municipal Code section 5-5.32 requires that collection companies obtain written consent from the City Council after a public hearing is held, prior to an Assignment of a Service Agreement, and

WHEREAS, pursuant to Modesto Municipal Code Section 5-5.24, the City Council shall hear such requests at a public hearing, on Thursday, November 13th, 2003, at 5:30 p.m. in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Thursday, November 13th, 2003, at 5:30 p.m., in the Tenth Street Chambers located at 1010 10th Street, Modesto, California, is hereby set as the date, time and place for a public hearing to be held to consider the request of Bertolotti Disposal, Inc., for an Assignment and Extension of their Service Agreement with the City of Modesto for the collection of commercial/residential garbage/recyclables, containerized yard waste, and industrial garbage, salvageable waste, and recyclables.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2003, by Councilmember Frohman, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2003-572

A RESOLUTION APPROVING THE APPLICATION FOR FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), OFFICE OF NATIONAL PREPAREDNESS FY 2003 SUPPLEMENTAL APPROPRIATION GRANT FOR THE COMMUNITY EMERGENCY RESPONSE TEAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT APPLICATION AND NECESSARY DOCUMENTS.

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

WHEREAS, grant funding in the amount of $16,147 is available for the Operational Area of Stanislaus County, and

WHEREAS, the funds are available for continued support of, the Community Emergency Response Teams (CERT), and

WHEREAS, the CERT program trains individual citizens in emergency response skills, and

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

WHEREAS, the City desires to apply for grant funding 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 October 6, 2003, and approved the recommendation to apply for the grant
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the filing of an application for a Federal Emergency Management Agency Office of National Preparedness FY 2003 CERT allocation grant.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute and submit the grant application and all documents which may be necessary for the completion of the grant application.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2003, by Councilmember Frohman, 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 ZAHN, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-573

A RESOLUTION APPROVING AN AGREEMENT TO PROVIDE UP TO $40,000 IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO THE SALVATION ARMY IN ORDER TO IMPLEMENT A DAY FACILITY FOR HOMELESS INDIVIDUALS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, on June 26, 2001, by Resolution No. 2001-313, the City Council approved the designation of the Stanislaus Housing and Support Services Collaborative (SHSSC) as the planning and coordinating body for homeless issues in Stanislaus County, and

WHEREAS, representatives from the Parks, Recreation and Neighborhoods Department participate in this collaborative, and

WHEREAS, the SHSSC is composed of public and private entities concerned with providing safe, affordable housing access and supportive services for people who are homeless or at risk for homelessness, and

WHEREAS, the Homeless Day Facility Committee, a sub-committee of SHSSC, recommended on August 18, 2002, the authorization and distribution of a Request for Qualifications (RFQs) to identify an agency that would take the lead to develop a business plan for a Homeless Day Facility, and

WHEREAS, on October 1, 2002, by Resolution No. 2002-487, the City Council authorized staff to solicit RFQs for the acquisition and implementation of a Day Facility for homeless individuals, and

WHEREAS, the Salvation Army was the only organization to submit a proposal, and
WHEREAS, on December 20, 2002, the Homeless Day Center Review Committee, consisting of a member of the Stanislaus Housing and Support Services Collaborative, County staff, a member from the CH&CDC and City staff met and reviewed the application submitted by The Salvation Army, and

WHEREAS, the Review Committee agreed that The Salvation Army is a well-qualified and capable organization to complete the Homeless Day Facility project, and

WHEREAS, the Citizens Housing and Community Development Committee met on April 25, 2003, and supported the recommendation to accept the Salvation Army, Modesto Corps, as the non-profit agency to implement a day facility for homeless individuals and for staff to develop a $40,000 pay for performance contract, and

WHEREAS, on August 6, 2003, by Resolution No. 2003-426, the City Council designated the Salvation Army as the non-profit agency to implement a day facility for homeless individuals in Modesto, and authorized staff to work with the Salvation Army to develop a $40,000 pay for performance contract to begin operation of the Homeless Day Facility, and

WHEREAS, the Salvation Army has developed a four phase plan as follows:

- Phase I: Create networking channels for Homeless Day Facility and other agencies to centralize services targeted specifically for homeless individuals. Preparation of MOU’s with each agency.
- Phase II: Completion of Client Assessment/Plan/Referral
- Phase III: Provide communication services to homeless persons (Mail, telephone, computers, staff salaries).
- Phase IV: Showers, laundry facilities, capital improvements.

and,

WHEREAS, the first year, the City will fund up to $40,000 in CDBG funds to include start-up funding for completion of each phase of said plan,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an agreement to provide up to $40,000 in CDBG funds to the Salvation Army in order to implement a day facility for homeless individuals in Modesto.

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 28th day of October, 2003, by Councilmember Frohman, 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

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION APPROVING THE APPLICATION FOR $250,000 IN GRANT FUNDING FROM THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT, EXTERIOR ACCESSIBILITY GRANTS FOR RENTERS (EAGR) PROGRAM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE A STANDARD CONTRACT AND INSTRUMENTS REQUIRED FOR EAGR PROGRAM PARTICIPATION.

WHEREAS, funding for the Exterior Accessibility Grants for Renters (EAGR) Program has been made available by the California Department of Housing and Community Development (HCD), pursuant to the Housing and Emergency Shelter Trust Fund of 2002 (Proposition 46), Notice of Funding Availability (NOFA) released October 6, 2003, and

WHEREAS, pursuant to the statute, the HCD is authorized to approve funding allocations for the program, subject to the terms and conditions of the statute and the EAGR Program Guidelines adopted by HCD on October 1, 2003, and

WHEREAS, the City of Modesto, Parks, Recreation and Neighborhood (PR&N) Department wishes to apply for and receive an allocation of $250,000 in funds through the EAGR Program, and

WHEREAS, the application in full is incorporated as part of the Contract and any and all activities funded, information provided and timelines represented in the application are enforceable through the Contract, and

WHEREAS, if the application for funding is approved, the PR&N Department shall be subject to the terms and conditions as specified in the standard agreement (Contract), and agrees to use the EAGR funds for eligible activities in the manner
presented in the application as approved by HCD and in accordance with the program guidelines,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the application for $250,000 in grant funding under the California Department of Housing and Community Development, Exterior Accessibility Grants for Renters (EAGR) Program.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager, or his designee, to execute the Contract, and any and all instruments required by the Department for participation in the EAGR Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2003, by Councilmember Frohman, 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

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-575

A RESOLUTION DECLARING ONE (1) PARCEL AS EXCESS LAND TO
CITY’S NEEDS AND AUTHORIZING STAFF TO TAKE ALL APPROPRIATE
ACTIONS TO COMPLETE THE SALE OF SAID PARCELS BY FOLLOWING
THE PROCEDURE SET FORTH IN THE GOVERNMENT CODE FOR SALE OF
EXCESS LAND AND AUTHORIZING THE CITY MANAGER TO EXECUTE
ALL REQUIRED DOCUMENTS RELATED TO THE PROPERTY SALE.

WHEREAS, the City of Modesto acquired 12.6 gross acres of property for
purposes of a neighborhood park, which is located as shown on the attached map which is
incorporated herein by reference, and

WHEREAS, 4.22 acres of said property are excess to the City’s needs, and

WHEREAS, the Council of the City of Modesto desires the property be sold to
the Sylvan Union School District,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby declares that a portion of the parcel which was originally acquired and
utilized for a City of Modesto neighborhood park and which has since been determined to
be surplus to the City’s future needs, is excess property to the City.

BE IT FURTHER RESOLVED that the Council hereby authorizes and directs
staff to sell the property pursuant to Government Code Section 54220, et seq.

BE IT FURTHER RESOLVED that the City Manager or his designee is hereby
authorized to execute the necessary documents related to said property sale.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2003, by Councilmember Frohman, 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

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-576

A RESOLUTION VACATING AND ABANDONING THE SIX-FOOT-WIDE WALKWAY BETWEEN DOWNEY HIGH SCHOOL AND LOCKE ROAD (COLLINS)

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

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

WHEREAS, Stanley and Carole Collins have filed an application to vacate and abandon the six-foot-wide walkway between Downey High School and Locke Road, located between 1333 and 1401 Locke Road, and

WHEREAS, a title report was submitted with the abandonment request which vests fee title to the walkway in the adjacent land owners who are proponents of the abandonment, and

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

WHEREAS, a public hearing was held by the Planning Commission on September 22, 2003, in the Tenth Street Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing both oral and documentary was received and considered regarding the proposed vacation and abandonment, and
WHEREAS, by Planning Commission Resolution No. 2003-58, the Planning Commission recommended approval of the proposed vacation and abandonment, and

WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Tuesday, October 28, 2003, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

WHEREAS, all things and acts necessary to be done as required by the State of California Streets and Highways Code, Section 8300 through 8363: Public Streets, Highways and Service Easements Vacation Law, in order to vacate and abandon the subject walkway have been done and accomplished (hearing notice published in the Modesto Bee and posted in the walkway for two successive weeks prior to the Council hearing), and

WHEREAS, on October 28, 2003, the Council of the City of Modesto reviewed the Initial Study (EA/C&ED 2003-80) for the proposed walkway abandonment and adopted Resolution No. 2003-?, thereby providing a determination that the project is within the scope of the Modesto Urban Area General Plan Master Environmental Impact Report.
NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto finds and determines as follows:

1. That the walkway to be abandoned is unnecessary for present or future pedestrian or vehicular use.

2. That Environmental Assessment No. EA C&ED 2003-80 judged this project to be within the scope of the General Plan Master EIR.

3. That the vacation and abandonment of the six-foot-wide walkway between Downey High School and Locke Road, and located between 1333 and 1401 Locke Road, is in conformance with the City of Modesto General Plan.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation and abandonment of the six-foot-wide walkway between Downey High School and Locke Road, located between 1333 and 1401 Locke Road. Said walkway to be vacated and abandoned is more particularly described in Exhibit “A” attached hereto, and by this reference made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2003, by Councilmember Jackman, 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, Frohman, Jackman, Keating, O’Bryant, Mayor Sabatino

NOES: Councilmembers: Fisher

ABSENT: Councilmembers: None

ATTEST: [Signature]

JHAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

MICHAEL D. MILICH, City Attorney
The 6-foot Pedestrian Walk in Block 1033 as shown on that certain map filed for record on August 5, 1955 of Downey Manor in Book 18 of Maps, Page 32, situated in the City of Modesto, County of Stanislaus, State of California, and being a portion of the Southwest Quarter of the Southwest Quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

starting at the southwest corner of said section 22-3-9, being also the centerline intersection of original 50 foot Coffee Road and original 40 foot Lucern Avenue; thence along the west line of said section 22-3-9 and the centerline of Coffee Road, N0°14'W, 659.2 feet, to a point on said centerline; thence leaving said centerline, S89°43'E, 25.0 feet, to the northwest corner of said Downey Manor subdivision; thence S0°14'E, 20.0 feet to a point on the west line of said Downey Manor subdivision; thence leaving said west line, S89°43'E, 20.0 feet, to the northwest corner of Lot 18 in Block 1033 of said Downey Manor subdivision; thence S89°43'E, 623.22 feet, to the northeast corner of Lot 10 in Block 1033 of said Downey Manor subdivision, said point being the True Point of Beginning; thence S0°20'E, 114.82 feet to the southeast of said Lot 10; thence S89°42'E, 6 feet to the southwest corner of Lot 9 in Block 1033 of said Downey Manor subdivision; thence N0°20'W, 114.82 feet to the northwest corner of said Lot 9; thence N89°43'W, 6.0 feet to the northeast corner of said Lot 10 and the True Point of Beginning.
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-577

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN
THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN
AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT
(SCH NO. 1999082041): VACATION AND ABANDONMENT OF THE SIX-
FOOT-WIDE WALKWAY BETWEEN DOWNEY HIGH SCHOOL AND LOCKE
ROAD (STANLEY & CAROLE COLLINS)

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

WHEREAS, Stanley and Carole Collins have proposed that the six-foot-
wide walkway between Downey High School and Locke Road, located between 1333
and 1401 Locke Road, be vacated and abandoned, 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 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 2003-80 reviewed the
proposed project to determine whether the project is within the scope of the project
covered by the Modesto Urban Area General Plan Master EIR, and made the
determination that the proposed project will have no additional significant effect on the
environment that was not identified in the Master EIR, and
WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on October 28, 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 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. The proposed walkway abandonment is within the scope of the General Plan Master EIR (SCH No. 1999082041), which analyzed the potential impacts of buildout of the Baseline Developed Area.

2. 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.

3. 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.

4. There are no specific features unique to this proposed project that require specific mitigation measures. All certified mitigation measures identified in the General Plan Master EIR will apply Citywide, including this project as appropriate.

5. The Initial Study, EA/C&ED No. 2003-80, provides substantial evidence to support findings 1 through 4, above.
BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file a notice of determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 2003, by Councilmember Jackman, 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, Frohman, Jackman, Keating, O'Bryant, Mayor Sabatino

NOES: Councilmembers: Fisher

ABSENT: Councilmembers: None

ATTEST: JEAN AR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
EXHIBIT A

Initial Study

EA/C&ED 2003-80
City of Modesto
Initial Study

Walkway Abandonment (Stanley & Carole Collins)

EA/C&ED 2003-80
September 3, 2003

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 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:
P-ABD-03-001 / Application of Stanley and Carole Collins for abandonment of the walkway between Downey High School and Locke Road

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

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

D. Project Location: 1401 Locke Road, Modesto CA

E. Project Sponsor:
Stanley & Carole Collins
1401 Locke Road
Modesto CA 95355

F. General Plan Designation: Residential (R)

G. Current Zoning: Low Density Residential (R-1)

H. Description of Proposed Project: Abandonment of the walkway
I. Surrounding land uses:
Residential land uses surround the project site, with the exception of Downey High School to the north.

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 for Commercial land uses. 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 project 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 V-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 V-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 V-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 site 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 for Commercial land uses. 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 V-18-7) are still valid.

IV. CONCLUSIONS / DETERMINATIONS OF FINDINGS

A. The proposed walkway abandonment 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 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 no specific features unique to this proposed project 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. 2003-578

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 2 AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED AT THE SOUTHEAST CORNER SYLVAN AVENUE AND OAKDALE ROAD IN THE VILLAGE ONE SPECIFIC PLAN AREA (RONALD L. LAFORCE ET AL, MODESTO VENTURE 168, AND CHRIS & PAULINE GIANULIAS)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, an application has been filed by Ronald L. LaForce et al., Modesto Venture 168, and Chris & Pauline Gianulias, for a Precise Plan for Area No. 2, property located at the southeast corner of Sylvan Avenue and Oakdale Road, and

WHEREAS, the applicant has applied for approval of a rezoning from Specific Plan-Holding Zone, SP-H, to a Specific Plan-Overlay, SP-O, and

WHEREAS, the City's Community & Economic Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and
WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/C&ED 2003-78, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2003-54, adopted on September 8, 2003, and City staff, by a report dated October 1, 2003, from the Community and Economic Development Department, recommended to the City Council approval of Precise Plan No. 2 of the Village One Specific Plan, and recommended approval of an Amendment to Section 11-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay, SP-O, property located at the southeast corner of Sylvan Avenue and Oakdale Road, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on October 28, 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 Environmental Assessment No. EA/C&ED No. 2003-78, entitled “Projects Within the Scope of the Village One Specific Plan Program Environmental Impact Report for Precise Plans 2, 15, 16, & 17,” for the proposed project, and the Council hereby makes the following findings:

1. The proposed Precise Plan and rezoning are consistent with the Village One Specific Plan and Modesto Urban Area General Plan.

2. There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR, are required.
3. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously-identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR, are required.

4. There is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence when the Village One Program EIR, as amended by the 1994 Supplemental EIR, was adopted which shows any of the following:
   a. one or more significant effects which is not discussed in the Village One Program EIR, as amended by the 1994 Supplemental EIR; or,
   b. significant effects which were previously examined will be substantially more severe than previously shown; or,
   c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,
   d. mitigation measures or alternatives which are considerably different from those analyzed in the Village One Program EIR, as amended by the 1994 Supplemental EIR, would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

5. The Initial Study, Environmental Assessment EA/C&ED 2003-78, provides the substantial evidence to support findings 2-4 noted above.

BE IT FURTHER RESOLVED that a copy of said Environmental Assessment No. EA/C&ED No. 2003-78, entitled "Projects Within the Scope of the Village One Specific Plan Program Environmental Impact Report for Precise Plans 2, 15, 16, & 17," is attached hereto as Exhibit "A", and incorporated herein by this reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 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
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT "A"

INITIAL STUDY

EA/C&ED NO. 2003-78
Determination:
Projects within the Scope of the Village One Specific Plan
Program Environmental Impact Report for Precise Plans 2, 15, 16, & 17

Prepared for:

City of Modesto
P.O. Box 642
Modesto, CA 95353
Contact: Brad Wall
(209) 577-5282

Prepared by:

Brad Wall, Associate Planner
City of Modesto
Community & Economic Development Department
(209) 577-5267

August 22, 2003
EA/C&ED No. 2003-78

I. PURPOSE

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Section 15182 of the CEQA Guidelines allows the approval of subsequent residential projects within the scope of the Project EIR without further environmental review, provided the following findings are made:

(1) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because the project will not involve new significant environmental effects or increase severity of effects previously identified, and

(2) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because no substantial changes to circumstances have occurred that involve new significant environmental effects or increase severity of effects previously identified, and

(3) No new information of substantial importance that was not known has become available that shows:

   a. one or more significant effects is not discussed in the Village One Program EIR as amended by the 1994 Supplement,
   b. identified significant effects will be more severe,
   c. previously infeasible mitigation measures are now feasible,
   d. project proponents have declined to adopt mitigation measures that would substantially reduce significant effects.

The purpose of this initial study is to provide the substantial evidence to support the above findings.
The 1994 Supplemental EIR that amended and superseded the 1990 Program EIR is the document reviewed for projects within the Village One Specific Plan area. A summary of significant impacts and their mitigation measures from the 1994 Supplemental EIR is attached as Exhibit “A.” Where appropriate those feasible mitigation measures developed in the Supplement to the program EIR shall be incorporated into the proposed project.

II. PROJECT INFORMATION

1. Project Title: Precise Plan Areas 2, 15, 16, & 17

2. Lead Agency Name and Address: City of Modesto

3. Contact Person and Phone Number: Brad Wall, Associate Planner Modesto Community & Economic Development Department (209) 577-5267

4. Project Location: Between Sylvan and Floyd Avenues east of Oakdale Road - Modesto, California

5. Project Sponsor’s Name and Address: Ronald L. LaForce (et al) P.O. Box 814 Modesto CA 95353

6. General Plan Designation: The General Plan land use designation for the project site is: Village Residential (VR). This designation allows the zoning & land uses described within the proposed Precise Plans.

7. Zoning: Specific Plan Holding (SP-H)

8. Description of Project: Pursuant to the adopted Village One Specific Plan, the project applicant proposes a total of approximately 625 single-family lots within the four Precise Plans (see attached diagram).

9. Surrounding Land Uses and Setting: The Village One Specific Plan Area is over half built, as planned and approved by the 1990 Village One Specific Plan. The project area is surrounded largely by undeveloped land, which is designated by the Specific Plan for
residential development. A mix of residential and commercial zoning and land surround the project site.

10. Other Public Agencies whose Approval Is Required: None.

III. DETERMINATION:

Based on the analysis contained in this document, staff finds that pursuant to Guidelines Section 15182 the following is true for the proposed project:

(1) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because the project will not involve new significant environmental effects or increase severity of effects previously identified, and

(2) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because no substantial changes to circumstances have occurred that involve new significant environmental effects or increase severity of effects previously identified, and

(3) No new information of substantial importance that was not known has become available that shows:
   a. one or more significant effects is not discussed in the Village One Program EIR as amended by the 1994 Supplement,
   b. identified significant effects will be more severe,
   c. previously infeasible mitigation measures are now feasible,
   d. project proponents have declined to adopt mitigation measures that would substantially reduce significant effects.

[Signature]
August 22, 2003

Project Manager
Date
IV. PROJECT EVALUATION:

The following written Checklist based on Appendix G of the CEQA Guidelines serves to document the evaluation of the site and activity of the proposed project pursuant to CEQA Guidelines Section 15168 (c) (4) to determine whether the environmental effects of the operation were covered in the Program EIR.

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<th>Less-than-Significant Impact</th>
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I. AESTHETICS. Would the project:

a. Have a substantial adverse effect on a scenic vista?

   - [ ] Potentially Significant Impact
   - [ ] Less than Significant Impact
   - [ ] Less-than-Significant Impact
   - [x] No Impact

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?

   - [ ] Potentially Significant Impact
   - [ ] Less than Significant Impact
   - [ ] Less-than-Significant Impact
   - [x] No Impact

c. Substantially degrade the existing visual character or quality of the site and its surroundings?

   - [ ] Potentially Significant Impact
   - [ ] Less than Significant Impact
   - [ ] Less-than-Significant Impact
   - [x] No Impact

d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?

   - [ ] Potentially Significant Impact
   - [ ] Less than Significant Impact
   - [ ] Less-than-Significant Impact
   - [x] No Impact

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 Specific Plan area is developed, 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 buildout of Village One on scenic vistas to be less than significant because views from the project area are minimal. The proposed residential development 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 development within the Specific Plan area would therefore not result in significant impacts on scenic resources. This
finding would not be affected by the proposed residential projects. There would be no impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that the development within the Specific Plan area would have a less-than-significant impact on the visual character of the area. The proposed residential development would not change the design or layout of the development proposed within 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.

d. The proposed residential development is consistent with the Village One Specific Plan. 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.

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II. 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:

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?

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

c. 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 land designated as Prime Farmland would be lost as a result of development in the Village One Specific Plan area. This impact was determined to be significant and not mitigable. The proposed residential development 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 Village One Specific Plan 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 Village One Specific Plan area expired in 2001. There are no lands in the project area under Williamson Act contract. The Village One Specific Plan area has also been rezoned consistent with the specific 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 project because the project area and proposed land uses would remain the same. There would be no additional impact. No mitigation is required.

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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:

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)?

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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 and fireplaces & 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 residential projects 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 residential development 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 residential development would not change the level of construction emissions. There would be no additional impact. No additional mitigation is required.

e. The proposed residential development would not create odors. There would be no impact. No mitigation is required.

### IV. BIOLOGICAL RESOURCES

Would the project:

- 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?

  - ( ) Potentially Significant Impact
  - ( ) Less than Significant with Mitigation Incorporated
  - ( ) Less-than-Significant Impact
  - ( ) No Impact

- 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?

  - ( ) Potentially Significant Impact
  - ( ) Less than Significant with Mitigation Incorporated
  - ( ) Less-than-Significant Impact
  - ( ) No Impact

- 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?

  - ( ) Potentially Significant Impact
  - ( ) Less than Significant with Mitigation Incorporated
  - ( ) Less-than-Significant Impact
  - ( ) No Impact

- 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?

  - ( ) Potentially Significant Impact
  - ( ) Less than Significant with Mitigation Incorporated
  - ( ) Less-than-Significant Impact
  - ( ) No Impact
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

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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?

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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 buildout 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 project applicant has hired a qualified biologist to survey the project site in order to determine whether the project site contains foraging habitat for the Swainson’s Hawk. The biologist’s report is attached. There would be no additional impact. No additional 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 project area, and so found that the project would have a less-than-significant impact. The proposed residential development would not change the boundaries of the Specific Plan area. There would be no impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area 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 residential development would not change the Specific Plan 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 project area, nor did it find that the project would interfere with the movement of any species. The proposed residential development would not change the Specific Plan 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.
Responses to Checklist Questions

a.-d. Impacts on cultural resources resulting from the buildout of Village One (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 proposed residential development would change or disturb human remains or significant historic, archaeological, or paleontological resources was low.

The proposed project would not change the locations or types of construction in the project area nor the boundaries of the project area. Development of the proposed project will not result in effects on scattered existing structures. 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. No historic structures are located within the project area boundaries. Therefore, 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:

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<td>a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:</td>
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<td>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.</td>
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<td>2. Strong seismic ground shaking?</td>
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<td>3. Seismic-related ground failure, including liquefaction?</td>
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<td>4. Landslides?</td>
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<td>b. Result in substantial soil erosion or the loss of topsoil?</td>
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<td>c. Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project and potentially result in an onsite or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?</td>
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<td>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?</td>
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<td>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?</td>
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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 residential development 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 residential project would not change the proposed method of wastewater disposal. There would be no impact. No mitigation is required.

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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?

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

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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?

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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 residential development would not change land uses contemplated by the Specific Plan. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR, as supplemented, found no hazardous materials were stored at or near the project site. No significant impacts were identified, and no mitigation measures were required. There would be no additional impact. No mitigation is required.

e. The Village One Specific Plan area is not located in an airport land use plan area or within 2 miles of a public airport. 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 to the east of the Village One Specific Plan area. However, take-offs and landings were found to take place parallel to and outside the Specific Plan area boundaries, and flight patterns are generally situated to the east of the Specific Plan area. 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 residential development would not change construction, land use, or other physical attributes.
of the Right-of-Way Acquisition. There would be no additional impact. No mitigation is required.

h. The project site is located in an area of the City of Modesto planned for buildout of an urban neighborhood. Approximately 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 further as buildout continues. There would be no additional impact. No mitigation is required.

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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, 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)?

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?

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?

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?

f. Otherwise substantially degrade water quality?
| 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? | □ | □ | □ | ☑ |

| h. Place within a 100-year flood hazard area structures that would impede or redirect floodflows? | □ | □ | □ | ☑ |

| 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? | □ | □ | □ | ☑ |

| j. Contribute to inundation by seiche, tsunami, or mudflow? | □ | □ | □ | ☑ |

Impacts associated with hydrology are analyzed on pages III-109 through III-119 of the 1994 Supplement.

**Responses to Checklist Questions**

**a.** The Village One Specific Plan program EIR did not find that residential development would violate any water quality standards or waste discharge requirements. The proposed project is consistent with the Village One Specific Plan, so there would be no additional impacts. No mitigation is required.

**b.** The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area might interfere with local groundwater recharge. However, the impact was found to be less than significant because the Specific Plan area is not a major groundwater recharge area and it includes a recharge/discharge plan for disposal of stormwater runoff and recharge of groundwater. The proposed project would not change the amount of impervious surface in the Specific Plan 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 development 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 project 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 development would substantially degrade water quality. The proposed project would not change water use or discharge associated with the buildout of the Village One Specific Plan area. There would be no additional impact. No mitigation is required.
g. According to the Village One Specific Plan program EIR, the project site is not situated in a 100-year flood hazard area or downstream from a levee or dam. There would be no impact. No mitigation is required.

j. The project site is located in a flat, inland area not susceptible to seiche, tsunami, or mudflow. There would be no impact. No mitigation is required.

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<td>Mitigation Incorporated</td>
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**IX. LAND USE AND PLANNING.** Would the project:

a. Physically divide an established community? ☐ ☐ ☑ ☑

b. 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? ☐ ☐ ☑ ☑

c. Conflict with any applicable habitat conservation plan or natural community conservation plan? ☐ ☐ ☑ ☑

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 project would not result in any physical changes to the environment beyond those described in the Village One Specific Plan. Village One would continue to be developed as a planned community; therefore, the project would not divide an established community. There would be no impact, and no mitigation is required.

b. The Village One Specific Plan has been adopted by the City of Modesto and has been incorporated into the Modesto General Plan. The proposed project 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:

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? □ □ □ □ □

**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:

c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? □ □ □ □ □

d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? □ □ □ □ □

e. Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels? □ □ □ □ □

f. Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels? □ □ □ □ □

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 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 project 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 buildout of Village One would not expose people to, or generate excessive, groundborne vibration or groundborne noise levels. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR found that construction of the proposed 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 project 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 Specific Plan area is not located in an airport land use plan area or within 2 miles of a public airport. 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 east of the Village One Specific Plan area. However, take-offs and landings take place parallel to and outside the Specific Plan boundaries, and flight patterns are generally situated east of the project area. There would be no additional impact. No mitigation is required.

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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 buildout of the Village One Specific Plan area would not result in significant adverse impacts on population and housing units. No mitigation is required.

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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:

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

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 that buildout of the Village One Specific Plan area 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 proposed project 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 proposed project would not change the provision of parks and recreation facilities. There would be no additional impact. No mitigation is required.

XV. TRANSPORTATION/TRAFFIC. Would the project:

a. 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 LOS standard established by the county congestion management agency for designated roads or highways?

c. Result in a change in air traffic patterns, including 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)?
Responses to Checklist Questions

a., b. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system and would affect level of service at several intersections. Mitigation measures identified in the program EIR were identified to reduce impacts to a less-than-significant level for all intersections except the Briggsmore Avenue/Oakdale Avenue intersection. For that intersection, the impact was determined to be significant and not mitigable. The City of Modesto made a statement of overriding considerations for that impact at the time it certified the 1994 Supplement. The proposed project would not alter traffic patterns in the Specific Plan 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 buildout of the Village One Specific Plan area would result in a change in air traffic patterns. The proposed project 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 buildout of the Village One Specific Plan area included any hazardous design features or increased any incompatible uses for roads in the project area. The proposed project 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 buildout of the Village One Specific Plan area would result in inadequate emergency access in the Specific Plan area. The Specific Plan includes provision of adequate roadways to serve the Village One development. The proposed project would not change roadway design or land uses contained within the Specific Plan. There would be no additional impact. No mitigation is required.

f. The Village One Specific Plan program EIR did not find that buildout of the Village One Specific Plan area would result in inadequate parking capacity in the Specific Plan area. The provision of parking, consistent with zoning
requirements for the proposed project, is included in the project design. There
would be no impact. No mitigation is required.

g. The proposed project does not include any changes related to transportation
policies, and would have no impact. No mitigation is required.

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**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 stormwater 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 would new or expanded entitlements be needed?

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?

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 on utilities and service systems are analyzed on pages III-120 through III-158 of the 1994 Supplement.
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 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 project 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 project 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 project 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.
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 project would not increase the amount of wastewater that will be generated at buildout of the Specific Plan area. 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 to accommodate buildout of the Village One Specific Plan area. The EIR found that, with mitigation, there would be no significant impact on water or wastewater infrastructure. There would be no additional impact as a result of the proposed project. No mitigation is required.

c. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed in order to accommodate buildout of the Village One Specific Plan area. 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 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 buildout of the Village One Specific Plan area on water supply would be less than significant. There would be no additional impact resulting from the proposed project. 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 project’s solid waste disposal needs. The proposed project 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.
V. MITIGATION APPLIED TO PROJECT

The following mitigation measures developed in the 1994 Village One Specific Plan Supplement to the Program EIR are appropriate to the project and will be incorporated into the project. Therefore, the environmental effects of the project were covered by the program EIR.

1. "All deeds for lots sold in this subdivision shall contain the following statement:

   'This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various chemicals through spraying, spreading or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses.'"

2. The following statement shall be placed in all Precise Plans for Residential Development:

   Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

3. Noise mitigation for residential dwellings is required along the following streets up to the indicated distance:

   Without acoustical treatment, noise levels inside proposed residential housing along the following project area major streets would exceed 45 dBA, the City’s General Plan standard. The street segments and distances in feet from centerline these impacts would occur are:

   Floyd Avenue (from Oakdale Road to Roselle Avenue): 106 ft.
   Oakdale Road (from Sylvan Avenue to Floyd Avenue): 214 ft.

   Source: Brown-Buntin Associates Noise Study, April 1993

4. "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 for conformance with the City's Noise Ordinance."
5. During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 2.07(A)(5), 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.
SWAINSON'S HAWK FORAGING HABITAT SURVEY
VILLAGE ONE
Precise Plan Areas 2, 15, 16, and 17

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Professor Emeritus of Biology
Department of Biological Sciences
California State University, Stanislaus
801 W. Monte Vista Ave.
Turlock, CA 95382

July 25, 2003
INTRODUCTION

Swainson's Hawk, *Buteo swainsoni*, is a species of large hawk which nests in the Central Valley of California. It is a California state listed threatened species and thus it is protected, as is its nesting and foraging habitat. The large Village One development in Modesto, California has been divided into 35 “Precise Plan Areas”. An earlier study had identified, in general terms, possible Swainson's Hawk foraging habitat within this development. This study was undertaken to assess the foraging habitat for Swainson's Hawk in four of the Precise Plan Areas (2, 15, 16, and 17). Swainson's Hawks forage for food in a prescribed manner. As is typical of a number of other large hawks, they forage during the daylight hours by soaring high above the ground and watching for suitable prey (mostly small mammals such as mice and ground squirrels, but also large insects like grasshoppers). Once prey is spotted the bird dives to the ground to capture it. Thus suitable foraging habitat must be relatively clear of high vegetation for two reasons: to allow the hawk to see the prey; and to allow the hawk to swoop down upon it without hitting branches or other high vegetation. Thus, open fields and low growing croplands are suitable but orchards, vineyards, and tall crops (mature corn) are not. Corn fields thus present different situations at different stages. Until the corn plants exceed a certain height (1-2 feet) the fields are suitable for foraging. Taller than that, they are not, but once cut down, they are suitable again. Since the Swainson's Hawk is only present in the Central Valley during Spring and Summer and nesting occurs predominantly from April through July, it is the condition of the fields at that time which is most important.

QUALIFICATIONS

My Curriculum Vita (resume) is attached. In summary, I have a Ph.D. in Zoology with over 30 years of university teaching experience in ecology and ornithology and appropriate research experience in each including conducting numerous wildlife surveys in Stanislaus County. I am also an ardent bird watcher who has spent many hours observing Swainson's Hawks both in California and throughout its range in the United States.

FIELD WORK

I visited the area on July 21 and 25, 2003 to both assess Swainson's Hawk foraging habitat and to determine the extent of that habitat individually, as well as collectively, in each of the four Precise Plan Areas.

DESCRIPTION OF THE AREA(S)

The four Precise Plan Areas are located at the western end of Village One, areas 2 and 17 ordering Oakdale Road to the west and extending from Sylvan Avenue on the north (area 2) to Floyd Avenue on the south (area 17). Areas 16 and 15 continue east from the eastern edge of areas 2 and 17 to the eastern boundary of Ustach Middle School, occupying approximately the middle third of the land between Sylvan and Floyd.
Swainson's Hawk Foraging Habitat Survey - Precise Plan Areas 2, 15, 16, 17

Avenues. Table 1 indicates the acreage of each of the areas, the amount of acreage which is Swainson's Hawk foraging habitat, and the proportion of the area which is Swainson's Hawk foraging habitat. Overall, the four Precise Plan Areas include just over 176 acres of which about 116 acres (66%) is potential Swainson's Hawk foraging habitat. Below, I will discuss the specifics of each of the areas, including the apparent "quality" of the foraging habitat.

Table 1 - Total Acreage and Swainson's Hawk Foraging Habitat for Precise Plan Areas 2, 15, 16, and 17

<table>
<thead>
<tr>
<th>Precise Plan Area</th>
<th>Total Acreage</th>
<th>Foraging Acreage*</th>
<th>% Foraging Acreage</th>
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<tr>
<td>2</td>
<td>45.8</td>
<td>23.6</td>
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<tr>
<td>15</td>
<td>46.6</td>
<td>26.6</td>
<td>57%</td>
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<tr>
<td>16</td>
<td>33.5</td>
<td>28.2</td>
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<tr>
<td>17</td>
<td>50.3</td>
<td>37.8</td>
<td>75%</td>
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<tr>
<td>Total</td>
<td>176.2</td>
<td>116.2</td>
<td>66%</td>
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* Foraging acreage includes fallow fields and low crop growth.

Precise Plan Area 2

This area contains the least amount of foraging acreage. The non-foraging areas include a block of commercial establishments at the corner of Sylvan Avenue and Oakdale Road, house lots further east along Sylvan Avenue and south along Oakdale Road, and a small vineyard (@3.3 acres) on Oakdale Road. All of the foraging area is fallow land at the present time with low scrubby grasses.

Precise Plan Area 15

This area has the next least amount of foraging acreage, due mainly to the presence of Ustach Middle School (@15.5 acres), but there is also a vineyard (@4.3 acres) to the west of the school. The potential foraging habitat includes the area to the north of the school (@6 acres) which is currently being developed as a city park. The rest of the area is currently planted in corn with the area north of the vineyard about 2 1/2 feet tall (@13 acres) and that to the south of the vineyard about 6 inches tall (@ 13 acres).
Precise Plan Area 16

Just to the west of area 15, this is the only one of the four areas that does not have any human development at the present time. It is entirely agricultural with a vineyard (8.3 acres) being the only non foraging habitat, and the rest of the land planted in corn.

Precise Plan Area 17

The northern portion of this parcel is developed as a house, outbuildings, yard, and garden (12.5 acres). The rest of the land is recently disked fallow cropland which is Swainson's Hawk foraging habitat.

ASSESSMENT OF THE SWAINSON'S HAWK FORAGING HABITAT

Simply presenting the numbers above does not give an adequate picture of the value of this land as foraging habitat for the Swainson's Hawk. On the one hand, I have seen Swainson's Hawks in the vicinity of this land engaged in foraging behavior in the past so this land has probably been used. On the other hand, I would assess the quality of this land as Swainson's Hawk foraging habitat as low for the following reasons.

First, the preferred food of this hawk is small mammals, the predominant one in this area being the California ground squirrel. This species is present in these areas in low numbers but only on higher ground (such as the dirt track running from Hillglen Avenue south on the west side of Ustach Middle School to the south end of the school and then turning east as the southern boundary of areas 15 and 16) because their burrows are destroyed in the lower areas that are plowed and flood irrigated. In less intensively cultivated areas, ground squirrels occur at much higher densities.

Second, since this land is surrounded by urban areas including housing developments, schools, and commercial establishments with a lot of automobile traffic on the roads and people walking through the area, the hawks are much more likely to be disturbed while foraging and feeding which may drastically reduce the foraging efficiency for the species. Such reductions in foraging efficiency have been shown to result in nest failure or nest abandonment by the parents.

Finally, the close proximity to many humans and their activities establishes the possibility of inadvertent poisoning of the hawks if people are intentionally or even unintentionally introducing toxic substances into the food chain. Poisons put out for rats, mice, and squirrels have been shown to be ingested by raptors causing illness, sterility, and/or death (this was one of the major causes of the decline in California condors in the 1980’s). Substances like antifreeze, while not meant to kill anything, may also be ingested by the hawks be fatal.
Thus, in summary, although almost two-thirds of the acreage of these four Precise Plan Areas is technically foraging habitat for the Swainson’s Hawk at one time or another, the quality of this foraging habitat is so low that its loss to the hawks will have no significant impact on the species’ population. I do not think that mitigation is called for.

Sincerely,

[Signature]

Walter Fordoff, Ph.D.
Professor Emeritus of Biology

Curriculum Vitae attached
CURRICULUM VITAE

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(209) 667-3480 or 667-3476
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Professional Expertise


Academic Degrees


B.A. - University of Massachusetts, Amherst. 1965. Major: Zoology

Professional Experience

Professor Emeritus of Biology, Department of Biological Sciences, California State University, Stanislaus, 2001 to present.

Professor of Biology, Department of Biological Sciences, California State University, Stanislaus, 1981-2001. Department Chairman 1981-1990.
Associate Professor of Biology, Department of Biological Sciences, California State College, Stanislaus, 1975-1981.

Assistant Professor of Biology, Department of Biological Sciences, California State College, Stanislaus, 1970-1975.

Papers Presented or Published


1981. Tordoff, W. III. Population and habitat surveys of the limestone salamander in Mariposa County. Presented at the annual meeting of the Western Section of the Wildlife Society, San Luis Obispo, CA.


Papers Presented or Published (continued)


Wildlife Surveys Completed


Wildlife Surveys Completed (continued)


Wildlife Surveys Completed (continued)


MODESTO CITY COUNCIL
RESOLUTION NO. 2003-579

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 15 AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED AT THE NORTHWEST CORNER OF KODIAK DRIVE AND BEAR CUB LANE IN THE VILLAGE ONE SPECIFIC PLAN AREA (RONALD L. LaFORCE ET AL., MODESTO VENTURE 168, AND CHRIS & PAULINE GIANULIAS)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report (“EIR”) (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act (“CEQA”) Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, an application has been filed by Ronald L. LaForce et al., Modesto Venture 168, and Chris & Pauline Gianulias for a Precise Plan for Area No. 15, property located at the northwest corner of Kodaik Drive and Bear Cub Lane, and

WHEREAS, the applicant has applied for approval of a rezoning from Specific Plan-Holding Zone, SP-H, to a Specific Plan-Overlay, SP-O, and

WHEREAS, the City’s Community and Economic Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and
WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/C&ED 2003-78, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2003-52, adopted on September 8, 2003, and City staff, by a report dated October 1, 2003, from the Community and Economic Development Department, recommended to the City Council approval of Precise Plan No. 15 of the Village One Specific Plan, and recommended approval of an Amendment to Section 11-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay, SP-O, property located at the northwest corner of Kodiak Drive and Bear Cub Lane, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on October 28, 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 Environmental Assessment No. EA/C&ED No. 2003-78, entitled “Projects Within the Scope of the Village One Specific Plan Program Environmental Impact Report for Precise Plans 2, 15, 16, & 17,” for the proposed project, and the Council hereby makes the following findings:

1. The proposed Precise Plan and rezoning are consistent with the Village One Specific Plan and Modesto Urban Area General Plan.

2. There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR, are required.
3. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously-identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR, are required.

4. There is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence when the Village One Program EIR, as amended by the 1994 Supplemental EIR, was adopted which shows any of the following:
   a. one or more significant effects which is not discussed in the Village One Program EIR, as amended by the 1994 Supplemental EIR; or,
   b. significant effects which were previously examined will be substantially more severe than previously shown; or,
   c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,
   d. mitigation measures or alternatives which are considerably different from those analyzed in the Village One Program EIR, as amended by the 1994 Supplemental EIR, would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

5. The Initial Study, Environmental Assessment EA/C&ED 2003-78, provides the substantial evidence to support findings 2-4 noted above.

BE IT FURTHER RESOLVED that a copy of said Environmental Assessment No. EA/C&ED No. 2003-78, entitled “Projects Within the Scope of the Village One Specific Plan Program Environmental Impact Report for Precise Plans 2, 15, 16, & 17,” is attached hereto as Exhibit “A”, and incorporated herein by this reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 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
JEAN ZAHR, City Clerk

(SEAL)
APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT "A"

INITIAL STUDY

EA/C&ED NO. 2003-78
Determination:
Projects within the Scope of the
Village One Specific Plan
Program Environmental Impact Report for
Precise Plans 2, 15, 16, & 17

Prepared for:

City of Modesto
P.O. Box 642
Modesto, CA 95353
Contact: Brad Wall
(209) 577-5282

Prepared by:

Brad Wall, Associate Planner
City of Modesto
Community & Economic Development Department
(209) 577-5267

August 22, 2003
EA/C&ED No. 2003-78

I. PURPOSE

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Section 15182 of the CEQA Guidelines allows the approval of subsequent residential projects within the scope of the Project EIR without further environmental review, provided the following findings are made:

(1) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because the project will not involve new significant environmental effects or increase severity of effects previously identified, and

(2) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because no substantial changes to circumstances have occurred that involve new significant environmental effects or increase severity of effects previously identified, and

(3) No new information of substantial importance that was not known has become available that shows:

   a. one or more significant effects is not discussed in the Village One Program EIR as amended by the 1994 Supplement,

   b. identified significant effects will be more severe,

   c. previously infeasible mitigation measures are now feasible,

   d. project proponents have declined to adopt mitigation measures that would substantially reduce significant effects.

The purpose of this initial study is to provide the substantial evidence to support the above findings.
The 1994 Supplemental EIR that amended and superseded the 1990 Program EIR is the document reviewed for projects within the Village One Specific Plan area. A summary of significant impacts and their mitigation measures from the 1994 Supplemental EIR is attached as Exhibit “A.” Where appropriate those feasible mitigation measures developed in the Supplement to the program EIR shall be incorporated into the proposed project.

II. PROJECT INFORMATION

1. Project Title: Precise Plan Areas 2, 15, 16, & 17

2. Lead Agency Name and Address: City of Modesto

3. Contact Person and Phone Number: Brad Wall, Associate Planner
   Modesto Community & Economic Development Department
   (209) 577-5267

4. Project Location: Between Sylvan and Floyd Avenues east of Oakdale Road - Modesto, California

5. Project Sponsor’s Name and Address: Ronald L. LaForce (et al)
   P.O. Box 814
   Modesto CA 95353

6. General Plan Designation: The General Plan land use designation for the project site is: Village Residential (VR). This designation allows the zoning & land uses described within the proposed Precise Plans.

7. Zoning: Specific Plan Holding (SP-H)

8. Description of Project: Pursuant to the adopted Village One Specific Plan, the project applicant proposes a total of approximately 625 single-family lots within the four Precise Plans (see attached diagram).

9. Surrounding Land Uses and Setting: The Village One Specific Plan Area is over half built, as planned and approved by the 1990 Village One Specific Plan. The project area is surrounded largely by undeveloped land, which is designated by the Specific Plan for
residential development. A mix of residential and commercial zoning and land surround the project site.

10. Other Public Agencies whose Approval Is Required: None.

III. DETERMINATION:

Based on the analysis contained in this document, staff finds that pursuant to Guidelines Section 15182 the following is true for the proposed project:

(1) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because the project will not involve new significant environmental effects or increase severity of effects previously identified, and

(2) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because no substantial changes to circumstances have occurred that involve new significant environmental effects or increase severity of effects previously identified, and

(3) No new information of substantial importance that was not known has become available that shows:

   a. one or more significant effects is not discussed in the Village One Program EIR as amended by the 1994 Supplement,
   b. identified significant effects will be more severe,
   c. previously infeasible mitigation measures are now feasible,
   d. project proponents have declined to adopt mitigation measures that would substantially reduce significant effects.

[Signature]

Project Manager

August 22, 2003

Date
IV. PROJECT EVALUATION:

The following written Checklist based on Appendix G of the CEQA Guidelines serves to document the evaluation of the site and activity of the proposed project pursuant to CEQA Guidelines Section 15168 (c) (4) to determine whether the environmental effects of the operation were covered in the Program EIR.

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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 along a 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 that would adversely affect daytime or nighttime views in the area?
   - ☐ ☐ ☐ ☑

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 Specific Plan area is developed, 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 buildout of Village One on scenic vistas to be less than significant because views from the project area are minimal. The proposed residential development 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 development within the Specific Plan area would therefore not result in significant impacts on scenic resources. This
finding would not be affected by the proposed residential projects. There would be no impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that the development within the Specific Plan area would have a less-than-significant impact on the visual character of the area. The proposed residential development would not change the design or layout of the development proposed within 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.

d. The proposed residential development is consistent with the Village One Specific Plan. 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.

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II. 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:

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? Yes/No

b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract? Yes/No

c. Involve other changes in the existing environment that, due to their location or nature, could result in conversion of Farmland to non-agricultural use? Yes/No

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 land designated as Prime Farmland would be lost as a result of development in the Village One Specific Plan area. This impact was determined to be significant and not mitigable. The proposed residential development 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 Village One Specific Plan 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 Village One Specific Plan area expired in 2001. There are no lands in the project area under Williamson Act contract. The Village One Specific Plan area has also been rezoned consistent with the specific 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 project because the project area and proposed land uses would remain the same. There would be no additional impact. No mitigation is required.

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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:

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)?

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d. Expose sensitive receptors to substantial pollutant concentrations?

c. 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 and fireplaces & 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 residential projects 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 buildup 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 residential development would not change the amount of traffic associated with buildup 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 residential development would not change the level of construction emissions. There would be no additional impact. No additional mitigation is required.

e. The proposed residential development would not create odors. 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? ☐ ☐ ☐ ☑
Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  

Conflicts 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 buildout 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 project applicant has hired a qualified biologist to survey the project site in order to determine whether the project site contains foraging habitat for the Swainson's Hawk. The biologist's report is attached. There would be no additional impact. No additional 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 project area, and so found that the project would have a less-than-significant impact. The proposed residential development would not change the boundaries of the Specific Plan area. There would be no impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area 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 residential development would not change the Specific Plan 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 project area, nor did it find that the project would interfere with the movement of any species. The proposed residential development would not change the Specific Plan 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? ☐ ☐ ☐ ☑

Responses to Checklist Questions

a.-d. Impacts on cultural resources resulting from the buildout of Village One (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 proposed residential development would change or disturb human remains or significant historic, archaeological, or paleontological resources was low.

The proposed project would not change the locations or types of construction in the project area nor the boundaries of the project area. Development of the proposed project will not result in effects on scattered existing structures. 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. No historic structures are located within the project area boundaries. Therefore, 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 residential development 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 residential project would not change the proposed method of wastewater disposal. There would be no impact. No mitigation is required.

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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? ☐ ☐ ☐ ☑
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 residential development would not change land uses contemplated by the Specific Plan. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR, as supplemented, found no hazardous materials were stored at or near the project site. No significant impacts were identified, and no mitigation measures were required. There would be no additional impact. No mitigation is required.

e. The Village One Specific Plan area is not located in an airport land use plan area or within 2 miles of a public airport. 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 to the east of the Village One Specific Plan area. However, take-offs and landings were found to take place parallel to and outside the Specific Plan area boundaries, and flight patterns are generally situated to the east of the Specific Plan area. 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 residential development would not change construction, land use, or other physical attributes
of the Right-of-Way Acquisition. There would be no additional impact. No mitigation is required.

h. The project site is located in an area of the City of Modesto planned for buildout of an urban neighborhood. Approximately 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 further as buildout continues. There would be no additional impact. No mitigation is required.

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, 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)? ☐ ☐ ☐ ☑

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? ☐ ☐ ☐ ☑

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? ☐ ☐ ☐ ☑

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? ☐ ☐ ☐ ☑

f. Otherwise substantially degrade water quality? ☐ ☐ ☐ ☑
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? [Table]

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</table>

h. Place within a 100-year flood hazard area structures that would impede or redirect floodflows? [Table]

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<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation</th>
<th>Less-than-Significant Impact</th>
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</table>

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? [Table]

<table>
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<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation</th>
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j. Contribute to inundation by seiche, tsunami, or mudflow? [Table]

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<tr>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation</th>
<th>Less-than-Significant Impact</th>
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Impacts associated with hydrology are analyzed on pages III-109 through III-119 of the 1994 Supplement.

Responses to Checklist Questions

a. The Village One Specific Plan program EIR did not find that residential development would violate any water quality standards or waste discharge requirements. The proposed project is consistent with the Village One Specific Plan, so there would be no additional impacts. No mitigation is required.

b. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area might interfere with local groundwater recharge. However, the impact was found to be less than significant because the Specific Plan area is not a major groundwater recharge area and it includes a recharge/discharge plan for disposal of stormwater runoff and recharge of groundwater. The proposed project would not change the amount of impervious surface in the Specific Plan 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 development 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 project 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 development would substantially degrade water quality. The proposed project would not change water use or discharge associated with the buildout of the Village One Specific Plan area. There would be no additional impact. No mitigation is required.
g.-i. According to the Village One Specific Plan program EIR, the project site is not situated in a 100-year flood hazard area or downstream from a levee or dam. There would be no impact. No mitigation is required.

j. The project site is located in a flat, inland area not susceptible to seiche, tsunami, or mudflow. There would be no impact. No mitigation is required.

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

**IX. LAND USE AND PLANNING.** Would the project:

a. Physically divide an established community? ☑ ☐ ☐ ☐

b. 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? ☑ ☐ ☐ ☐

c. Conflict with any applicable habitat conservation plan or natural community conservation plan? ☑ ☐ ☐ ☐ ☐

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 project would not result in any physical changes to the environment beyond those described in the Village One Specific Plan. Village One would continue to be developed as a planned community; therefore, the project 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 project 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:

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<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation</th>
<th>Less-than-Significant Impact</th>
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<tbody>
<tr>
<td>a.</td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>b.</td>
<td></td>
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</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>
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<tr>
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<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation</th>
<th>Less-than-Significant Impact</th>
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<tr>
<td>c.</td>
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<td>f.</td>
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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 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 project 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 buildout of Village One would not expose people to, or generate excessive, groundborne vibration or groundborne noise levels. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR found that construction of the proposed 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 project 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 Specific Plan area is not located in an airport land use plan area or within 2 miles of a public airport. 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 east of the Village One Specific Plan area. However, take-offs and landings take place parallel to and outside the Specific Plan boundaries, and flight patterns are generally situated east of the project area. There would be no additional impact. No mitigation is required.

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</table>

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 buildout of the Village One Specific Plan area would not result in significant adverse impacts on population and housing units. No mitigation is required.

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<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation Incorporated</th>
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</table>

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>Fire protection</th>
<th>Police protection</th>
<th>Schools</th>
<th>Parks</th>
<th>Other public facilities</th>
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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 that buildout of the Village One Specific Plan area 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 proposed project 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 proposed project would not change the provision of parks and recreation facilities. There would be no additional impact. No mitigation is required.

XV. TRANSPORTATION/TRAFFIC. Would the project:

a. 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 LOS standard established by the county congestion management agency for designated roads or highways? ☐ ☐ ☐ ☜

c. Result in a change in air traffic patterns, including 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)? ☐ ☐ ☐ ☜
**Responses to Checklist Questions**

a., b. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system and would affect level of service at several intersections. Mitigation measures identified in the program EIR were identified to reduce impacts to a less-than-significant level for all intersections except the Briggsmore Avenue/Oakdale Avenue intersection. For that intersection, the impact was determined to be significant and not mitigable. The City of Modesto made a statement of overriding considerations for that impact at the time it certified the 1994 Supplement. The proposed project would not alter traffic patterns in the Specific Plan 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 buildout of the Village One Specific Plan area would result in a change in air traffic patterns. The proposed project 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 buildout of the Village One Specific Plan area included any hazardous design features or increased any incompatible uses for roads in the project area. The proposed project 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 buildout of the Village One Specific Plan area would result in inadequate emergency access in the Specific Plan area. The Specific Plan includes provision of adequate roadways to serve the Village One development. The proposed project would not change roadway design or land uses contained within the Specific Plan. There would be no additional impact. No mitigation is required.

f. The Village One Specific Plan program EIR did not find that buildout of the Village One Specific Plan area would result in inadequate parking capacity in the Specific Plan area. The provision of parking, consistent with zoning
requirements for the proposed project, is included in the project design. There would be no impact. No mitigation is required.

g. The proposed project does not include any changes related to transportation policies, and would have no impact. No mitigation is required.

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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 stormwater 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 would new or expanded entitlements be needed?

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?

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 on utilities and service systems are analyzed on pages III-120 through III-158 of the 1994 Supplement.
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 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 project 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 project 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 project 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.
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 project would not increase the amount of wastewater that will be generated at buildout of the Specific Plan area. There would be no additional impact. No mitigation is required.

b., c. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed to accommodate buildout of the Village One Specific Plan area. The EIR found that, with mitigation, there would be no significant impact on water or wastewater infrastructure. There would be no additional impact as a result of the proposed project. No mitigation is required.

c. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed in order to accommodate buildout of the Village One Specific Plan area. 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 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 buildout of the Village One Specific Plan area on water supply would be less than significant. There would be no additional impact resulting from the proposed project. 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 project’s solid waste disposal needs. The proposed project 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.
V. MITIGATION APPLIED TO PROJECT

The following mitigation measures developed in the 1994 Village One Specific Plan Supplement to the Program EIR are appropriate to the project and will be incorporated into the project. Therefore, the environmental effects of the project were covered by the program EIR.

1. “All deeds for lots sold in this subdivision shall contain the following statement:

‘This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various, chemicals through spraying, spreading or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses.’”

2. The following statement shall be placed in all Precise Plans for Residential Development:

Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

3. Noise mitigation for residential dwellings is required along the following streets up to the indicated distance:

Without acoustical treatment, noise levels inside proposed residential housing along the following project area major streets would exceed 45 dBA, the City’s General Plan standard. The street segments and distances in feet from centerline these impacts would occur are:

- Floyd Avenue (from Oakdale Road to Roselle Avenue): 106 ft.
- Oakdale Road (from Sylvan Avenue to Floyd Avenue): 214 ft.

Source: Brown-Buntin Associates Noise Study, April 1993

4. “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 for conformance with the City’s Noise Ordinance.”
5. During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 2.07(A)(5), 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.
SWAINSON'S HAWK FORAGING HABITAT SURVEY
VILLAGE ONE
Precise Plan Areas 2, 15, 16, and 17

Prepared for:
ASSOCIATED ENGINEERING GROUP, INC.
4206 Technology Drive
Modesto, CA 95356

Prepared by:
WALTER TORDOFF, Ph.D.
Professor Emeritus of Biology
Department of Biological Sciences
California State University, Stanislaus
801 W. Monte Vista Ave.
Turlock, CA 95382

July 25, 2003
INTRODUCTION

Swainson’s Hawk, *Buteo swainsoni*, is a species of large hawk which nests in the Central Valley of California. It is a California state listed threatened species and thus it is protected, as is its nesting and foraging habitat. The large Village One development in Modesto, California has been divided into 35 “Precise Plan Areas”. An earlier study had identified, in general terms, possible Swainson’s Hawk foraging habitat within this development. This study was undertaken to assess the foraging habitat for Swainson’s Hawk in four of the Precise Plan Areas (2, 15, 16, and 17). Swainson’s Hawks forage for food in a prescribed manner. As is typical of a number of other large hawks, they forage during the daylight hours by soaring high above the ground and watching for suitable prey (mostly small mammals such as mice and ground squirrels, but also large insects like grasshoppers). Once prey is spotted the bird dives to the ground to capture it. Thus suitable foraging habitat must be relatively clear of high vegetation for two reasons: to allow the hawk to see the prey; and to allow the hawk to swoop down upon it without hitting branches or other high vegetation. Thus, open fields and low growing croplands are suitable but orchards, vineyards, and tall crops (mature corn) are not. Corn fields thus present different situations at different stages. Until the corn plants exceed a certain height (1-2 feet) the fields are suitable for foraging. Taller than that, they are not, but once cut down, they are suitable again. Since the Swainson’s Hawk is only present in the Central Valley during Spring and Summer and nesting occurs predominantly from April through July, it is the condition of the fields at that time which is most important.

QUALIFICATIONS

My Curriculum Vita (resume) is attached. In summary, I have a Ph.D. in Zoology with over 30 years of university teaching experience in ecology and ornithology and appropriate research experience in each including conducting numerous wildlife surveys in Stanislaus County. I am also an ardent bird watcher who has spent many hours observing Swainson’s Hawks both in California and throughout its range in the United States.

FIELD WORK

I visited the area on July 21 and 25, 2003 to both assess Swainson’s Hawk foraging habitat and to determine the extent of that habitat individually, as well as collectively, in each of the four Precise Plan Areas.

DESCRIPTION OF THE AREA(S)

The four Precise Plan Areas are located at the western end of Village One, areas 2 and 17 ordering Oakdale Road to the west and extending from Sylvan Avenue on the north (area 2) to Floyd Avenue on the south (area 17). Areas 16 and 15 continue east from the eastern edge of areas 2 and 17 to the eastern boundary of Ustach Middle School, occupying approximately the middle third of the land between Sylvan and Floyd.
Swainson’s Hawk Foraging Habitat Survey - Precise Plan Areas 2, 15, 16, 17  page 2

Avenues. Table 1 indicates the acreage of each of the areas, the amount of acreage which is Swainson’s Hawk foraging habitat, and the proportion of the area which is Swainson’s Hawk foraging habitat. Overall, the four Precise Plan Areas include just over 176 acres of which about 116 acres (66%) is potential Swainson’s Hawk foraging habitat. Below, I will discuss the specifics of each of the areas, including the apparent “quality” of the foraging habitat.

Table 1 - Total Acreage and Swainson’s Hawk Foraging Habitat for Precise Plan Areas 2, 15, 16, and 17

<table>
<thead>
<tr>
<th>Precise Plan Area</th>
<th>Total Acreage</th>
<th>Foraging Acreage*</th>
<th>% Foraging Acreage</th>
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<tbody>
<tr>
<td>2</td>
<td>45.8</td>
<td>23.6</td>
<td>52%</td>
</tr>
<tr>
<td>15</td>
<td>46.6</td>
<td>26.6</td>
<td>57%</td>
</tr>
<tr>
<td>16</td>
<td>33.5</td>
<td>28.2</td>
<td>84%</td>
</tr>
<tr>
<td>17</td>
<td>50.3</td>
<td>37.8</td>
<td>75%</td>
</tr>
<tr>
<td>Total</td>
<td>176.2</td>
<td>116.2</td>
<td>66%</td>
</tr>
</tbody>
</table>

* Foraging acreage includes fallow fields and low crop growth.

Precise Plan Area 2

This area contains the least amount of foraging acreage. The non-foraging areas include a block of commercial establishments at the corner of Sylvan Avenue and Oakdale Road, house lots further east along Sylvan Avenue and south along Oakdale Road, and a small vineyard (@3.3 acres) on Oakdale Road. All of the foraging area is fallow land at the present time with low scrubby grasses.

Precise Plan Area 15

This area has the next least amount of foraging acreage, due mainly to the presence of Ustach Middle School (@15.5 acres), but there is also a vineyard (@4.3 acres) to the west of the school. The potential foraging habitat includes the area to the north of the school (@6 acres) which is currently being developed as a city park. The rest of the area is currently planted in corn with the area north of the vineyard about 2 ½ feet tall (@13 acres) and that to the south of the vineyard about 6 inches tall (@ 13 acres).
Precise Plan Area 16

Just to the west of area 15, this is the only one of the four areas that does not have any human development at the present time. It is entirely agricultural with a vineyard (@5.3 acres) being the only non foraging habitat, and the rest of the land planted in corn.

Precise Plan Area 17

The northern portion of this parcel is developed as a house, outbuildings, yard, and garden (@12.5 acres). The rest of the land is recently disked fallow cropland which is Swainson’s Hawk foraging habitat.

ASSESSMENT OF THE SWAINSON’S HAWK FORAGING HABITAT

Simply presenting the numbers above does not give an adequate picture of the value of this land as foraging habitat for the Swainson’s Hawk. On the one hand, I have seen Swainson’s Hawks in the vicinity of this land engaged in foraging behavior in the past so this land has probably been used. On the other hand, I would assess the quality of this land as Swainson’s Hawk foraging habitat as low for the following reasons.

First, the preferred food of this hawk is small mammals, the predominant one in this area being the California ground squirrel. This species is present in these areas in low numbers but only on higher ground (such as the dirt track running from Hillglen Avenue south on the west side of Ustach Middle School to the south end of the school and then turning east as the southern boundary of areas 15 and 16) because their burrows are destroyed in the lower areas that are plowed and flood irrigated. In less intensively cultivated areas, ground squirrels occur at much higher densities.

Second, since this land is surrounded by urban areas including housing developments, schools, and commercial establishments with a lot of automobile traffic on the roads and people walking through the area, the hawks are much more likely to be disturbed while foraging and feeding which may drastically reduce the foraging efficiency for the species. Such reductions in foraging efficiency have been shown to result in nest failure or nest abandonment by the parents.

Finally, the close proximity to many humans and their activities establishes the possibility of inadvertent poisoning of the hawks if people are intentionally or even unintentionally introducing toxic substances into the food chain. Poisons put out for rats, mice, and squirrels have been shown to be ingested by raptors causing illness, sterility, and/or death (this was one of the major causes of the decline in California condors in the 1980’s). Substances like antifreeze, while not meant to kill anything, may also be ingested by the hawks be fatal.
Thus, in summary, although almost two-thirds of the acreage of these four Precise Plan Areas is technically foraging habitat for the Swainson’s Hawk at one time or another, the quality of this foraging habitat is so low that its loss to the hawks will have no significant impact on the species’ population. I do not think that mitigation is called for.

Sincerely,

[Signature]

Walter Jordon, Ph.D.
Professor Emeritus of Biology

Curriculum Vitae attached
CURRICULUM VITAE

WALTER TORDOFF III
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Department of Biological Sciences
California State University, Stanislaus

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FAX (209) 667-3694
e-mail: wally@chem.csustan.edu

Professional Expertise


Academic Degrees


B.A. - University of Massachusetts, Amherst. 1965. Major: Zoology

Professional Experience

Professor Emeritus of Biology, Department of Biological Sciences, California State University, Stanislaus, 2001 to present.

Professor of Biology, Department of Biological Sciences, California State University, Stanislaus, 1981-2001. Department Chairman 1981-1990.
Associate Professor of Biology, Department of Biological Sciences, California State College, Stanislaus, 1975-1981.

Assistant Professor of Biology, Department of Biological Sciences, California State College, Stanislaus, 1970-1975.

Papers Presented or Published


1981. Tordoff, W. III. Population and habitat surveys of the limestone salamander in Mariposa County. Presented at the annual meeting of the Western Section of the Wildlife Society, San Luis Obispo, CA.


Papers Presented or Published (continued)


Wildlife Surveys Completed


Wildlife Surveys Completed (continued)


Wildlife Surveys Completed (continued)


MODESTO CITY COUNCIL
RESOLUTION NO. 2003-580

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 16 AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED IMMEDIATELY EAST OF THE CONVERGENCE OF HILLGLEN AVENUE AND KODIAK DRIVE IN THE VILLAGE ONE SPECIFIC PLAN AREA (RONALD L. LAFORCE ET AL., MODESTO VENTURE 168, AND CHRIS & PAULINE GIANULIAS)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report (“EIR”) (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act (“CEQA”) Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, an application has been filed by Ronald L. LaForce, Modesto Venture 168, and Chris & Pauline Gianulias, et al, for a Precise Plan for Area No. 16, property located immediately east of the convergence of Hillglen Avenue and Kodiak Drive, and

WHEREAS, the applicant has applied for approval of a rezoning from Specific Plan-Holding Zone, SP-H, to a Specific Plan-Overlay, SP-O, and
WHEREAS, the City’s Community and Economic Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/C&ED 2003-78, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2003-53, adopted on September 8, 2003, and City staff, by a report dated October 1, 2003, from the Community and Economic Development Department, recommended to the City Council approval of Precise Plan No. 16 of the Village One Specific Plan, and recommended approval of an Amendment to Section 11-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay, SP-O, property located immediately east of the convergence of Hillglen Avenue and Kodiak Drive, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on October 28, 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 Environmental Assessment No. EA/C&ED No. 2003-78, entitled “Projects Within the Scope of the Village One Specific Plan Program Environmental Impact Report for Precise Plans 2, 15, 16, & 17,” for the proposed project, and the Council hereby makes the following findings:

1. The proposed Precise Plan and rezoning are consistent with the Village One Specific Plan and Modesto Urban Area General Plan.
2. There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR, are required.

3. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously-identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR, are required.

4. There is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence when the Village One Program EIR, as amended by the 1994 Supplemental EIR, was adopted which shows any of the following:

   a. one or more significant effects which is not discussed in the Village One Program EIR, as amended by the 1994 Supplemental EIR; or,

   b. significant effects which were previously examined will be substantially more severe than previously shown; or,

   c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,

   d. mitigation measures or alternatives which are considerably different from those analyzed in the Village One Program EIR, as amended by the 1994 Supplemental EIR, would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

5. The Initial Study, Environmental Assessment EA/C&ED 2003-78, provides the substantial evidence to support findings 2-4 noted above.
BE IT FURTHER RESOLVED that a copy of said Environmental Assessment No. EA/C&ED No. 2003-78, entitled "Projects Within the Scope of the Village One Specific Plan Program Environmental Impact Report for Precise Plans 2, 15, 16, & 17," is attached hereto as Exhibit "A", and incorporated herein by this reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of October, 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
EXHIBIT “A”

INITIAL STUDY

EA/C&ED NO. 2003-78
Determination:
Projects within the Scope of the
Village One Specific Plan
Program Environmental Impact Report for
Precise Plans 2, 15, 16, & 17

Prepared for:
City of Modesto
P.O. Box 642
Modesto, CA 95353
Contact: Brad Wall
(209) 577-5282

Prepared by:
Brad Wall, Associate Planner
City of Modesto
Community & Economic Development Department
(209) 577-5267

August 22, 2003
WRITTEN CHECKLIST

EA/C&ED No. 2003-78

I. PURPOSE

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Section 15182 of the CEQA Guidelines allows the approval of subsequent residential projects within the scope of the Project EIR without further environmental review, provided the following findings are made:

(1) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because the project will not involve new significant environmental effects or increase severity of effects previously identified, and

(2) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because no substantial changes to circumstances have occurred that involve new significant environmental effects or increase severity of effects previously identified, and

(3) No new information of substantial importance that was not known has become available that shows:

   a. one or more significant effects is not discussed in the Village One Program EIR as amended by the 1994 Supplement,

   b. identified significant effects will be more severe,

   c. previously infeasible mitigation measures are now feasible,

   d. project proponents have declined to adopt mitigation measures that would substantially reduce significant effects.

The purpose of this initial study is to provide the substantial evidence to support the above findings.
The 1994 Supplemental EIR that amended and superseded the 1990 Program EIR is the document reviewed for projects within the Village One Specific Plan area. A summary of significant impacts and their mitigation measures from the 1994 Supplemental EIR is attached as Exhibit “A.” Where appropriate those feasible mitigation measures developed in the Supplement to the program EIR shall be incorporated into the proposed project.

II. PROJECT INFORMATION

1. Project Title: Precise Plan Areas 2, 15, 16, & 17

2. Lead Agency Name and Address: City of Modesto

3. Contact Person and Phone Number: Brad Wall, Associate Planner
Modesto Community & Economic Development Department
(209) 577-5267

4. Project Location: Between Sylvan and Floyd Avenues east of Oakdale Road - Modesto, California

5. Project Sponsor’s Name and Address: Ronald L. LaForce (et al)
P.O. Box 814
Modesto CA 95353

6. General Plan Designation: The General Plan land use designation for the project site is: Village Residential (VR). This designation allows the zoning & land uses described within the proposed Precise Plans.

7. Zoning: Specific Plan Holding (SP-H)

8. Description of Project: Pursuant to the adopted Village One Specific Plan, the project applicant proposes a total of approximately 625 single-family lots within the four Precise Plans (see attached diagram).

9. Surrounding Land Uses and Setting: The Village One Specific Plan Area is over half built, as planned and approved by the 1990 Village One Specific Plan. The project area is surrounded largely by undeveloped land, which is designated by the Specific Plan for
residential development. A mix of residential and commercial zoning and land surround the project site.

10. Other Public Agencies whose Approval Is Required: None.

III. DETERMINATION:

Based on the analysis contained in this document, staff finds that pursuant to Guidelines Section 15182 the following is true for the proposed project:

(1) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because the project will not involve new significant environmental effects or increase severity of effects previously identified, and

(2) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because no substantial changes to circumstances have occurred that involve new significant environmental effects or increase severity of effects previously identified, and

(3) No new information of substantial importance that was not known has become available that shows:
   a. one or more significant effects is not discussed in the Village One Program EIR as amended by the 1994 Supplement,
   b. identified significant effects will be more severe,
   c. previously infeasible mitigation measures are now feasible,
   d. project proponents have declined to adopt mitigation measures that would substantially reduce significant effects.

[Signature]
Project Manager

[Signature]
August 22, 2003
Date
I. AESTHETICS. Would the project:
   a. Have a substantial adverse effect on a scenic vista?  
      □ Potentially Significant Impact  □ Less than Significant Impact with Mitigation Incorporated  □ Less than Significant Impact  □ No Impact
   b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?  
      □ Potentially Significant Impact  □ Less than Significant Impact with Mitigation Incorporated  □ Less than Significant Impact  □ No Impact
   c. Substantially degrade the existing visual character or quality of the site and its surroundings?  
      □ Potentially Significant Impact  □ Less than Significant Impact with Mitigation Incorporated  □ Less than Significant Impact  □ No Impact
   d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?  
      □ Potentially Significant Impact  □ Less than Significant Impact with Mitigation Incorporated  □ Less than Significant Impact  □ No Impact

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 Specific Plan area is developed, 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 buildout of Village One on scenic vistas to be less than significant because views from the project area are minimal. The proposed residential development 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 development within the Specific Plan area would therefore not result in significant impacts on scenic resources. This
finding would not be affected by the proposed residential projects. There would be no impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that the development within the Specific Plan area would have a less-than-significant impact on the visual character of the area. The proposed residential development would not change the design or layout of the development proposed within 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.

d. The proposed residential development is consistent with the Village One Specific Plan. 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.

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II. 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:

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? ☐ ☐ ☐ ☑
b. Conflict with existing zoning for agricultural use or conflict with a Williamson Act contract? ☐ ☐ ☐ ☑
c. 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 land designated as Prime Farmland would be lost as a result of development in the Village One Specific Plan area. This impact was determined to be significant and not mitigable. The proposed residential development 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 Village One Specific Plan 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 Village One Specific Plan area expired in 2001. There are no lands in the project area under Williamson Act contract. The Village One Specific Plan area has also been rezoned consistent with the specific 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 project because the project area and proposed land uses would remain the same. There would be no additional impact. No mitigation is required.

Potentially Significant Impact
Less than Significant Impact
Less-than-Significant Impact
No Impact

Incorporated

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:

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?
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<td>c.</td>
<td>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)?</td>
<td>☐</td>
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<td>d.</td>
<td>Expose sensitive receptors to substantial pollutant concentrations?</td>
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<td>e.</td>
<td>Create objectionable odors affecting a substantial number of people?</td>
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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 and fireplaces & 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 residential projects 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 residential development 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 residential development would not change the level of construction emissions. There would be no additional impact. No additional mitigation is required.

e. The proposed residential development would not create odors. There would be no impact. No mitigation is required.

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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?

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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 buildout 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 project applicant has hired a qualified biologist to survey the project site in order to determine whether the project site contains foraging habitat for the Swainson’s Hawk. The biologist’s report is attached. There would be no additional impact. No additional 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 project area, and so found that the project would have a less-than-significant impact. The proposed residential development would not change the boundaries of the Specific Plan area. There would be no impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area 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 residential development would not change the Specific Plan 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 project area, nor did it find that the project would interfere with the movement of any species. The proposed residential development would not change the Specific Plan 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? ☐ ☐ ☐ ☑

Responses to Checklist Questions

a.-d. Impacts on cultural resources resulting from the buildout of Village One (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 proposed residential development would change or disturb human remains or significant historic, archaeological, or paleontological resources was low.

The proposed project would not change the locations or types of construction in the project area nor the boundaries of the project area. Development of the proposed project will not result in effects on scattered existing structures. 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. No historic structures are located within the project area boundaries. Therefore, 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?

Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less-than-Significant Impact | No Impact

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 residential development 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 residential project would not change the proposed method of wastewater disposal. There would be no impact. No mitigation is required.

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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?
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 residential development would not change land uses contemplated by the Specific Plan. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR, as supplemented, found no hazardous materials were stored at or near the project site. No significant impacts were identified, and no mitigation measures were required. There would be no additional impact. No mitigation is required.

e. The Village One Specific Plan area is not located in an airport land use plan area or within 2 miles of a public airport. 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 to the east of the Village One Specific Plan area. However, take-offs and landings were found to take place parallel to and outside the Specific Plan area boundaries, and flight patterns are generally situated to the east of the Specific Plan area. 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 residential development would not change construction, land use, or other physical attributes
of the Right-of-Way Acquisition. There would be no additional impact. No mitigation is required.

h. The project site is located in an area of the City of Modesto planned for buildout of an urban neighborhood. Approximately 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 further as buildout continues. There would be no additional impact. No mitigation is required.

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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, 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)?

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?

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?

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?

f. Otherwise substantially degrade water quality?
Potentially Significant Impact | Less than Significant Impact with Mitigation | Less-than-Significant Impact | No Impact
---|---|---|---

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? | ☐ | ☐ | ☐ | ☒

h. Place within a 100-year flood hazard area structures that would impede or redirect floodflows? | ☐ | ☐ | ☐ | ☒

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? | ☐ | ☐ | ☐ | ☒

j. Contribute to inundation by seiche, tsunami, or mudflow? | ☐ | ☐ | ☐ | ☒

Impacts associated with hydrology are analyzed on pages III-109 through III-119 of the 1994 Supplement.

Responses to Checklist Questions

a. The Village One Specific Plan program EIR did not find that residential development would violate any water quality standards or waste discharge requirements. The proposed project is consistent with the Village One Specific Plan, so there would be no additional impacts. No mitigation is required.

b. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area might interfere with local groundwater recharge. However, the impact was found to be less than significant because the Specific Plan area is not a major groundwater recharge area and it includes a recharge/discharge plan for disposal of stormwater runoff and recharge of groundwater. The proposed project would not change the amount of impervious surface in the Specific Plan 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 development 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 project 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 development would substantially degrade water quality. The proposed project would not change water use or discharge associated with the buildout of the Village One Specific Plan area. There would be no additional impact. No mitigation is required.
According to the Village One Specific Plan program EIR, the project site is not situated in a 100-year flood hazard area or downstream from a levee or dam. There would be no impact. No mitigation is required.

The project site is located in a flat, inland area not susceptible to seiche, tsunami, or mudflow. There would be no impact. No mitigation is required.

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**IX. LAND USE AND PLANNING.** Would the project:

a. Physically divide an established community?  
   ![ ] ![ ] ![ ] ![ ]

b. 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?  
   ![ ] ![ ] ![ ] ![ ]

c. Conflict with any applicable habitat conservation plan or natural community conservation plan?  
   ![ ] ![ ] ![ ] ![ ]

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 project would not result in any physical changes to the environment beyond those described in the Village One Specific Plan. Village One would continue to be developed as a planned community; therefore, the project 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 project 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:

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?

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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:

c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

e. Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?

f. Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?

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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 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 project 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 buildout of Village One would not expose people to, or generate excessive, groundborne vibration or groundborne noise levels. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR found that construction of the proposed 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 project 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 Specific Plan area is not located in an airport land use plan area or within 2 miles of a public airport. 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 east of the Village One Specific Plan area. However, take-offs and landings take place parallel to and outside the Specific Plan boundaries, and flight patterns are generally situated east of the project area. There would be no additional impact. No mitigation is required.

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<tr>
<th>Category</th>
<th>Potentially Significant Impact</th>
<th>Less than Significant with Mitigation</th>
<th>Less-than-Significant Impact</th>
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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 buildout of the Village One Specific Plan area would not result in significant adverse impacts on population and housing units. No mitigation is required.

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<th>Potentially Significant Impact</th>
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<td>Mitigation Incorporated</td>
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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:

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

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 that buildout of the Village One Specific Plan area 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 proposed project would not change the provision of public services. There would be no additional impact. No mitigation is required.
### Responses to Checklist Questions

**XIV. RECREATION.** Would the project:

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

**XV. TRANSPORTATION/TRAFFIC.** Would the project:

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Causes, either individually or cumulatively, exceedance of a LOS standard established by the county congestion management agency for designated roads or highways?
e. Result in inadequate emergency access?  

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f. Result in inadequate parking capacity?  

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g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?  

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Impacts on transportation and traffic are analyzed on pages III-40 – III-44 of the 1994 Supplement.

Responses to Checklist Questions

a., b. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system and would affect level of service at several intersections. Mitigation measures identified in the program EIR were identified to reduce impacts to a less-than-significant level for all intersections except the Briggsmore Avenue/Oakdale Avenue intersection. For that intersection, the impact was determined to be significant and not mitigable. The City of Modesto made a statement of overriding considerations for that impact at the time it certified the 1994 Supplement. The proposed project would not alter traffic patterns in the Specific Plan 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 buildout of the Village One Specific Plan area would result in a change in air traffic patterns. The proposed project 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 buildout of the Village One Specific Plan area included any hazardous design features or increased any incompatible uses for roads in the project area. The proposed project 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 buildout of the Village One Specific Plan area would result in inadequate emergency access in the Specific Plan area. The Specific Plan includes provision of adequate roadways to serve the Village One development. The proposed project would not change roadway design or land uses contained within the Specific Plan. There would be no additional impact. No mitigation is required.

f. The Village One Specific Plan program EIR did not find that buildout of the Village One Specific Plan area would result in inadequate parking capacity in the Specific Plan area. The provision of parking, consistent with zoning
requirements for the proposed project, is included in the project design. There would be no impact. No mitigation is required.

**The proposed project does not include any changes related to transportation policies, and would have no impact. No mitigation is required.**

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**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 stormwater 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 would new or expanded entitlements be needed? □ □ □ ✔
- **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? □ □ □ ✔
- **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 on utilities and service systems are analyzed on pages III-120 through III-158 of the 1994 Supplement.
### XVII. MANDATORY FINDINGS OF SIGNIFICANCE.

| Potentially Less than Less-than- Significant Significant Impact | Impact |
|------------------------|--------|------------------------|
| Impact with Mitigation | Mitigation |

#### 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 project 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 project 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 project 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.
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 project would not increase the amount of wastewater that will be generated at buildout of the Specific Plan area. 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 to accommodate buildout of the Village One Specific Plan area. The EIR found that, with mitigation, there would be no significant impact on water or wastewater infrastructure. There would be no additional impact as a result of the proposed project. No mitigation is required.

c. The Village One Specific Plan program EIR discusses the changes and new facilities that will be needed in order to accommodate buildout of the Village One Specific Plan area. 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 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 buildout of the Village One Specific Plan area on water supply would be less than significant. There would be no additional impact resulting from the proposed project. 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 project's solid waste disposal needs. The proposed project 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.
V. MITIGATION APPLIED TO PROJECT

The following mitigation measures developed in the 1994 Village One Specific Plan Supplement to the Program EIR are appropriate to the project and will be incorporated into the project. Therefore, the environmental effects of the project were covered by the program EIR.

1. "All deeds for lots sold in this subdivision shall contain the following statement:

   'This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various, chemicals through spraying, spreading or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses.'"

2. The following statement shall be placed in all Precise Plans for Residential Development:

   Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

3. Noise mitigation for residential dwellings is required along the following streets up to the indicated distance:

   Without acoustical treatment, noise levels inside proposed residential housing along the following project area major streets would exceed 45 dBA, the City's General Plan standard. The street segments and distances in feet from centerline these impacts would occur are:

   Floyd Avenue (from Oakdale Road to Roselle Avenue): 106 ft.
   Oakdale Road (from Sylvan Avenue to Floyd Avenue): 214 ft.

   Source: Brown-Buntin Associates Noise Study, April 1993

4. "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 for conformance with the City's Noise Ordinance."
5. During construction activities, Building Inspection Division shall verify that contractors observe the requirements of City of Modesto Standard Specification 2.07(A)(5), 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.
SWAINSON'S HAWK FORAGING HABITAT SURVEY
VILLAGE ONE
Precise Plan Areas 2, 15, 16, and 17

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Modesto, CA 95356

Prepared by:
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Professor Emeritus of Biology
Department of Biological Sciences
California State University, Stanislaus
801 W. Monte Vista Ave.
Turlock, CA 95382

July 25, 2003
INTRODUCTION

Swainson’s Hawk, Buteo swainsoni, is a species of large hawk which nests in the Central Valley of California. It is a California state listed threatened species and thus it is protected, as is its nesting and foraging habitat. The large Village One development in Modesto, California has been divided into 35 “Precise Plan Areas”. An earlier study had identified, in general terms, possible Swainson’s Hawk foraging habitat within this development. This study was undertaken to assess the foraging habitat for Swainson’s Hawk in four of the Precise Plan Areas (2, 15, 16, and 17). Swainson’s Hawks forage for food in a prescribed manner. As is typical of a number of other large hawks, they forage during the daylight hours by soaring high above the ground and watching for suitable prey (mostly small mammals such as mice and ground squirrels, but also large insects like grasshoppers). Once prey is spotted the bird dives to the ground to capture it. Thus suitable foraging habitat must be relatively clear of high vegetation for two reasons: to allow the hawk to see the prey; and to allow the hawk to swoop down upon it without hitting branches or other high vegetation. Thus, open fields and low growing croplands are suitable but orchards, vineyards, and tall crops (mature corn) are not. Corn fields thus present different situations at different stages. Until the corn plants exceed a certain height (1-2 feet) the fields are suitable for foraging. Taller than that, they are not, but once cut down, they are suitable again. Since the Swainson’s Hawk is only present in the Central Valley during Spring and Summer and nesting occurs predominantly from April through July, it is the condition of the fields at that time which is most important.

QUALIFICATIONS

My Curriculum Vita (resume) is attached. In summary, I have a Ph.D. in Zoology with over 30 years of university teaching experience in ecology and ornithology and appropriate research experience in each including conducting numerous wildlife surveys in Stanislaus County. I am also an ardent bird watcher who has spent many hours observing Swainson’s Hawks both in California and throughout its range in the United States.

FIELD WORK

I visited the area on July 21 and 25, 2003 to both assess Swainson’s Hawk foraging habitat and to determine the extent of that habitat individually, as well as collectively, in each of the four Precise Plan Areas.

DESCRIPTION OF THE AREA(S)

The four Precise Plan Areas are located at the western end of Village One, areas 2 and 17 ordering Oakdale Road to the west and extending from Sylvan Avenue on the north (area 2) to Floyd Avenue on the south (area 17). Areas 16 and 15 continue east from the eastern edge of areas 2 and 17 to the eastern boundary of Ustach Middle School, occupying approximately the middle third of the land between Sylvan and Floyd
Swainson's Hawk Foraging Habitat Survey - Precise Plan Areas 2, 15, 16, 17  page 2

Avenues. Table 1 indicates the acreage of each of the areas, the amount of acreage which is Swainson's Hawk foraging habitat, and the proportion of the area which is Swainson's Hawk foraging habitat. Overall, the four Precise Plan Areas include just over 176 acres of which about 116 acres (66%) is potential Swainson's Hawk foraging habitat. Below, I will discuss the specifics of each of the areas, including the apparent "quality" of the foraging habitat.

Table 1 - Total Acreage and Swainson's Hawk Foraging Habitat for Precise Plan Areas 2, 15, 16, and 17

<table>
<thead>
<tr>
<th>Precise Plan Area</th>
<th>Total Acreage</th>
<th>Foraging Acreage*</th>
<th>% Foraging Acreage</th>
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<tbody>
<tr>
<td>2</td>
<td>45.8</td>
<td>23.6</td>
<td>52%</td>
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<tr>
<td>15</td>
<td>46.6</td>
<td>26.6</td>
<td>57%</td>
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<tr>
<td>16</td>
<td>33.5</td>
<td>28.2</td>
<td>84%</td>
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<tr>
<td>17</td>
<td>50.3</td>
<td>37.8</td>
<td>75%</td>
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<tr>
<td>Total</td>
<td>176.2</td>
<td>116.2</td>
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* Foraging acreage includes fallow fields and low crop growth.

Precise Plan Area 2

This area contains the least amount of foraging acreage. The non-foraging areas include a block of commercial establishments at the corner of Sylvan Avenue and Oakdale Road, house lots further east along Sylvan Avenue and south along Oakdale Road, and a small vineyard (@3.3 acres) on Oakdale Road. All of the foraging area is fallow land at the present time with low scrubby grasses.

Precise Plan Area 15

This area has the next least amount of foraging acreage, due mainly to the presence of Ustach Middle School (@15.5 acres), but there is also a vineyard (@4.3 acres) to the west of the school. The potential foraging habitat includes the area to the north of the school (@6 acres) which is currently being developed as a city park. The rest of the area is currently planted in corn with the area north of the vineyard about 2 ½ feet tall (@13 acres) and that to the south of the vineyard about 6 inches tall (@ 13 acres).
Precise Plan Area 16

Just to the west of area 15, this is the only one of the four areas that does not have any human development at the present time. It is entirely agricultural with a vineyard (@5.3 acres) being the only non foraging habitat, and the rest of the land planted in corn.

Precise Plan Area 17

The northern portion of this parcel is developed as a house, outbuildings, yard, and garden (@12.5 acres). The rest of the land is recently disked fallow cropland which is Swainson's Hawk foraging habitat.

ASSESSMENT OF THE SWAINSON'S HAWK FORAGING HABITAT

Simply presenting the numbers above does not give an adequate picture of the value of this land as foraging habitat for the Swainson's Hawk. On the one hand, I have seen Swainson's Hawks in the vicinity of this land engaged in foraging behavior in the past so this land has probably been used. On the other hand, I would assess the quality of this land as Swainson's Hawk foraging habitat as low for the following reasons.

First, the preferred food of this hawk is small mammals, the predominant one in this area being the California ground squirrel. This species is present in these areas in low numbers but only on higher ground (such as the dirt track running from Hillglen Avenue south on the west side of Ustach Middle School to the south end of the school and then turning east as the southern boundary of areas 15 and 16) because their burrows are destroyed in the lower areas that are plowed and flood irrigated. In less intensively cultivated areas, ground squirrels occur at much higher densities.

Second, since this land is surrounded by urban areas including housing developments, schools, and commercial establishments with a lot of automobile traffic on the roads and people walking through the area, the hawks are much more likely to be disturbed while foraging and feeding which may drastically reduce the foraging efficiency for the species. Such reductions in foraging efficiency have been shown to result in nest failure or nest abandonment by the parents.

Finally, the close proximity to many humans and their activities establishes the possibility of inadvertent poisoning of the hawks if people are intentionally or even unintentionally introducing toxic substances into the food chain. Poisons put out for rats, mice, and squirrels have been shown to be ingested by raptors causing illness, sterility, and/or death (this was one of the major causes of the decline in California condors in the 1980's). Substances like antifreeze, while not meant to kill anything, may also be ingested by the hawks be fatal.
Thus, in summary, although almost two-thirds of the acreage of these four Precise Plan Areas is technically foraging habitat for the Swainson’s Hawk at one time or another, the quality of this foraging habitat is so low that its loss to the hawks will have no significant impact on the species’ population. I do not think that mitigation is called for.

Sincerely,

[Signature]

Walter Jordoff, Ph.D.
Professor Emeritus of Biology

Curriculum Vitae attached
CURRICULUM VITAE

WALTER TORDOFF III
Professor Emeritus of Biology
Department of Biological Sciences
California State University, Stanislaus

Address

Work: Department of Biological Sciences
California State University, Stanislaus
801 W. Monte Vista Ave.
Turlock, CA, 95382
(209) 667-3480 or 667-3476
FAX (209) 667-3694
e-mail: wally@chem.csustan.edu

Home: 2891 Case Way
Turlock, CA, 95382
(209) 632-4495

Professional Expertise


Academic Degrees


B.A. - University of Massachusetts, Amherst. 1965. Major: Zoology

Professional Experience

Professor Emeritus of Biology, Department of Biological Sciences, California State University, Stanislaus, 2001 to present.

Professor of Biology, Department of Biological Sciences, California State University, Stanislaus, 1981-2001. Department Chairman 1981-1990.
Papers Presented or Published (continued)


Wildlife Surveys Completed


Wildlife Surveys Completed (continued)

Benchmark Engineering, Oakdale, CA

Modesto, CA
MODESTO CITY COUNCIL
RESOLUTION NO. 2003-581

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE VILLAGE ONE PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90020181), AS AMENDED BY THE SUPPLEMENTAL EIR: PRECISE PLAN FOR AREA NO. 17 AND CONCURRENT REZONING FROM SP-H TO SP-O, PROPERTY LOCATED AT THE NORTH-EAST CORNER OF FLOYD AVENUE AND OAKDALE ROAD IN THE VILLAGE ONE SPECIFIC PLAN AREA (RONALD L. LAFORCE ET AL., MODESTO VENTURE 168, AND CHRIS & PAULINE GIANULIAS)

WHEREAS, the Modesto City Council has adopted Resolution No. 90-757 certifying that the Village One Final Environmental Impact Report ("EIR") (State Clearing House No. 90020181) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, the Modesto City Council has adopted Resolution No. 94-297 which certified the Final Supplemental EIR for Village One; thus, the 1990 Village One Program EIR has been superseded and updated by the 1994 Supplemental EIR, adopted on May 24, 1994, which Supplemental EIR incorporates by reference technical studies and background material from the 1990 Program EIR, and

WHEREAS, an application has been filed by Ronald L. LaForce et al., Modesto Venture 168, and Chris & Pauline Gianulias, for a Precise Plan for Area No. 17, property located at the northeast corner of Floyd Avenue and Oakdale Road, and

WHEREAS, the applicant has applied for approval of a rezoning from Specific Plan-Holding Zone, SP-H, to a Specific Plan-Overlay, SP-O, and

WHEREAS, the City’s Community and Economic Development Department reviewed the proposed project to determine if said project might have a significant effect on the environment, and
WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/C&ED 2003-78, which concluded that the proposed project is within the scope of the Village One Program EIR (SCH No. 90020181), as amended by the Village One Supplemental EIR, and

WHEREAS, the Planning Commission, by Resolution No. 2003-55, adopted on September 8, 2003, and City staff, by a report dated October 1, 2003, from the Community and Economic Development Department, recommended to the City Council approval of Precise Plan No. 17 of the Village One Specific Plan, and recommended approval of an Amendment to Sections 11-3-9 and 14-3-9 of the Zoning Map to rezone from Specific Plan-Holding Zone, SP-H to Specific Plan-Overlay, SP-O, property located at the northwest corner of Floyd Avenue and Oakdale Road, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on October 28, 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 Environmental Assessment No. EA/C&ED No. 2003-78, entitled “Projects Within the Scope of the Village One Specific Plan Program Environmental Impact Report for Precise Plans 2, 15, 16, & 17,” for the proposed project, and the Council hereby makes the following findings:

1. The proposed Precise Plan and rezoning are consistent with the Village One Specific Plan and Modesto Urban Area General Plan.

2. There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR, are required.
3. No substantial changes have occurred with respect to the circumstances under which the project is undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously-identified significant effects and, therefore, no major revisions to the Village One Program EIR, as amended by the 1994 Supplemental EIR, are required.

4. There is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence when the Village One Program EIR, as amended by the 1994 Supplemental EIR, was adopted which shows any of the following:
   a. one or more significant effects which is not discussed in the Village One Program EIR, as amended by the 1994 Supplemental EIR; or,
   b. significant effects which were previously examined will be substantially more severe than previously shown; or,
   c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or,
   d. mitigation measures or alternatives which are considerably different from those analyzed in the Village One Program EIR, as amended by the 1994 Supplemental EIR, would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

5. The Initial Study, Environmental Assessment EA/C&ED 2003-78, provides the substantial evidence to support findings 2-4 noted above.

BE IT FURTHER RESOLVED that a copy of said Environmental Assessment No. EA/C&ED No. 2003-78, entitled “Projects Within the Scope of the Village One Specific Plan Program Environmental Impact Report for Precise Plans 2, 15, 16, & 17,” is attached hereto as Exhibit “A”, and incorporated herein as reference.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of October, 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
JEAN ZAHR, City Clerk)

(SEAL)
APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT “A”

INITIAL STUDY

EA/C&ED NO. 2003-78
Determination:
Projects within the Scope of the
Village One Specific Plan
Program Environmental Impact Report for
Precise Plans 2, 15, 16, & 17

Prepared for:
City of Modesto
P.O. Box 642
Modesto, CA 95353
Contact: Brad Wall
(209) 577-5282

Prepared by:
Brad Wall, Associate Planner
City of Modesto
Community & Economic Development Department
(209) 577-5267

August 22, 2003
EA/C&ED No. 2003-78

I. PURPOSE

On September 11, 1990, the Modesto City Council certified a Final Program Environmental Impact Report for the Village One Specific Plan (SCH# 90020181). This Program EIR analyzed the impacts of build-out of the Village One Specific Plan, which includes the area in which this project is proposed.

Subsequently, on May 24, 1994, the City Council certified a Supplement to the Village One Program EIR. This supplement updated and modified the original EIR.

Section 15182 of the CEQA Guidelines allows the approval of subsequent residential projects within the scope of the Project EIR without further environmental review, provided the following findings are made:

(1) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because the project will not involve new significant environmental effects or increase severity of effects previously identified, and

(2) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because no substantial changes to circumstances have occurred that involve new significant environmental effects or increase severity of effects previously identified, and

(3) No new information of substantial importance that was not known has become available that shows:

a. one or more significant effects is not discussed in the Village One Program EIR as amended by the 1994 Supplement,

b. identified significant effects will be more severe,

c. previously infeasible mitigation measures are now feasible,

d. project proponents have declined to adopt mitigation measures that would substantially reduce significant effects.

The purpose of this initial study is to provide the substantial evidence to support the above findings.
The 1994 Supplemental EIR that amended and superseded the 1990 Program EIR is the document reviewed for projects within the Village One Specific Plan area. A summary of significant impacts and their mitigation measures from the 1994 Supplemental EIR is attached as Exhibit "A." Where appropriate those feasible mitigation measures developed in the Supplement to the program EIR shall be incorporated into the proposed project.

II. PROJECT INFORMATION

1. Project Title: Precise Plan Areas 2, 15, 16, & 17

2. Lead Agency Name and Address: City of Modesto

3. Contact Person and Phone Number: Brad Wall, Associate Planner
Modesto Community & Economic Development Department
(209) 577-5267

4. Project Location: Between Sylvan and Floyd Avenues east of Oakdale Road - Modesto, California

5. Project Sponsor's Name and Address: Ronald L. LaForce (et al)
P.O. Box 814
Modesto CA 95353

6. General Plan Designation: The General Plan land use designation for the project site is: Village Residential (VR). This designation allows the zoning & land uses described within the proposed Precise Plans.

7. Zoning: Specific Plan Holding (SP-H)

8. Description of Project: Pursuant to the adopted Village One Specific Plan, the project applicant proposes a total of approximately 625 single-family lots within the four Precise Plans (see attached diagram).

9. Surrounding Land Uses and Setting: The Village One Specific Plan Area is over half built, as planned and approved by the 1990 Village One Specific Plan. The project area is surrounded largely by undeveloped land, which is designated by the Specific Plan for
residential development. A mix of residential and commercial zoning and land surround the project site.

10. Other Public Agencies whose Approval Is Required: None.

III. DETERMINATION:

Based on the analysis contained in this document, staff finds that pursuant to Guidelines Section 15182 the following is true for the proposed project:

(1) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because the project will not involve new significant environmental effects or increase severity of effects previously identified, and

(2) Major revisions to the Village One Program EIR as amended by the 1994 Supplement, are not required because no substantial changes to circumstances have occurred that involve new significant environmental effects or increase severity of effects previously identified, and

(3) No new information of substantial importance that was not known has become available that shows:

   a. one or more significant effects is not discussed in the Village One Program EIR as amended by the 1994 Supplement,

   b. identified significant effects will be more severe,

   c. previously infeasible mitigation measures are now feasible,

   d. project proponents have declined to adopt mitigation measures that would substantially reduce significant effects.

[Signature]
August 22, 2003
Project Manager Date
IV. PROJECT EVALUATION:

The following written Checklist based on Appendix G of the CEQA Guidelines serves to document the evaluation of the site and activity of the proposed project pursuant to CEQA Guidelines Section 15168 (c) (4) to determine whether the environmental effects of the operation were covered in the Program EIR.

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I. AESTHETICS. Would the project:

a. Have a substantial adverse effect on a scenic vista?  
   - No

b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings along a scenic highway?  
   - No

c. Substantially degrade the existing visual character or quality of the site and its surroundings?  
   - No

d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?  
   - No

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 Specific Plan area is developed, 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 buildout of Village One on scenic vistas to be less than significant because views from the project area are minimal. The proposed residential development 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 development within the Specific Plan area would therefore not result in significant impacts on scenic resources. This
finding would not be affected by the proposed residential projects. There would be no impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that the development within the Specific Plan area would have a less-than-significant impact on the visual character of the area. The proposed residential development would not change the design or layout of the development proposed within 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.

d. The proposed residential development is consistent with the Village One Specific Plan. 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.

| Potentially | Less than | Less-than- | No |
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| Impact | with | Impact | Impact |
| Mitigation | Incorporated |

II. 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:

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?  

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

c. 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 land designated as Prime Farmland would be lost as a result of development in the Village One Specific Plan area. This impact was determined to be significant and not mitigable. The proposed residential development 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 Village One Specific Plan 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 Village One Specific Plan area expired in 2001. There are no lands in the project area under Williamson Act contract. The Village One Specific Plan area has also been rezoned consistent with the specific 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 project because the project area and proposed land uses would remain the same. There would be no additional impact. No mitigation is required.

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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:

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)?

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d. Expose sensitive receptors to substantial pollutant concentrations?

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

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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 and fireplaces & 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 residential projects 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 residential development 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 residential development would not change the level of construction emissions. There would be no additional impact. No additional mitigation is required.

e. The proposed residential development would not create odors. There would be no impact. No mitigation is required.

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<td>IV. BIOLOGICAL RESOURCES. Would the project:</td>
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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?

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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?

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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 buildout 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 project applicant has hired a qualified biologist to survey the project site in order to determine whether the project site contains foraging habitat for the Swainson’s Hawk. The biologist’s report is attached. There would be no additional impact. No additional 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 project area, and so found that the project would have a less-than-significant impact. The proposed residential development would not change the boundaries of the Specific Plan area. There would be no impact. No mitigation is required.

c. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area 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 residential development would not change the Specific Plan 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 project area, nor did it find that the project would interfere with the movement of any species. The proposed residential development would not change the Specific Plan area boundaries. There would be no impact. No mitigation is required.

c. / 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? ☐ ☐ ☐ ☑

Responses to Checklist Questions

a.-d. Impacts on cultural resources resulting from the buildout of Village One (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 proposed residential development would change or disturb human remains or significant historic, archaeological, or paleontological resources was low.

The proposed project would not change the locations or types of construction in the project area nor the boundaries of the project area. Development of the proposed project will not result in effects on scattered existing structures. 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. No historic structures are located within the project area boundaries. Therefore, 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 residential development 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 residential 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:

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<td>a.</td>
<td>Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>b.</td>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>c.</td>
<td>Emit hazardous emissions or involve handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>d.</td>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>e.</td>
<td>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?</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>
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 residential development would not change land uses contemplated by the Specific Plan. There would be no impact. No mitigation is required.

d. The Village One Specific Plan program EIR, as supplemented, found no hazardous materials were stored at or near the project site. No significant impacts were identified, and no mitigation measures were required. There would be no additional impact. No mitigation is required.

e. The Village One Specific Plan area is not located in an airport land use plan area or within 2 miles of a public airport. 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 to the east of the Village One Specific Plan area. However, take-offs and landings were found to take place parallel to and outside the Specific Plan area boundaries, and flight patterns are generally situated to the east of the Specific Plan area. 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 residential development would not change construction, land use, or other physical attributes
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?

h. Place within a 100-year flood hazard area structures that would impede or redirect floodflows?

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?

j. Contribute to inundation by seiche, tsunami, or mudflow?

Impacts associated with hydrology are analyzed on pages III-109 through III-119 of the 1994 Supplement.

Responses to Checklist Questions

a. The Village One Specific Plan program EIR did not find that residential development would violate any water quality standards or waste discharge requirements. The proposed project is consistent with the Village One Specific Plan, so there would be no additional impacts. No mitigation is required.

b. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area might interfere with local groundwater recharge. However, the impact was found to be less than significant because the Specific Plan area is not a major groundwater recharge area and it includes a recharge/discharge plan for disposal of stormwater runoff and recharge of groundwater. The proposed project would not change the amount of impervious surface in the Specific Plan 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 development 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 project 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 development would substantially degrade water quality. The proposed project would not change water use or discharge associated with the buildout of the Village One Specific Plan area. There would be no additional impact. No mitigation is required.
X. **MINERAL RESOURCES.** Would the project:

a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?  
   - Potentially Significant Impact: ☐  
   - Less than Significant Impact with Mitigation: ☐  
   - Less-than-Significant Impact: ☐  
   - No Impact: ☑  

b. Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?  
   - Potentially Less than Significant Impact: ☐  
   - Less-than-Significant Impact with Mitigation: ☐  
   - Less-than-Significant Impact: ☐  
   - No Impact: ☑

**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:

c. Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?  
   - Potentially Significant Impact: ☐  
   - Less than Significant Impact with Mitigation: ☐  
   - Less-than-Significant Impact: ☐  
   - No Impact: ☑  

d. Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?  
   - Potentially Significant Impact: ☐  
   - Less than Significant Impact with Mitigation: ☐  
   - Less-than-Significant Impact: ☐  
   - No Impact: ☑  

e. Be located within an airport land use plan area, or, where such a plan has not been adopted, within two miles of a public airport or public use airport and expose people residing or working in the project area to excessive noise levels?  
   - Potentially Significant Impact: ☐  
   - Less than Significant Impact with Mitigation: ☐  
   - Less-than-Significant Impact: ☐  
   - No Impact: ☑  

f. Be located in the vicinity of a private airstrip and expose people residing or working in the project area to excessive noise levels?  
   - Potentially Significant Impact: ☐  
   - Less than Significant Impact with Mitigation: ☐  
   - Less-than-Significant Impact: ☐  
   - No Impact: ☑  

Impacts associated with noise are analyzed on pages III-55 through III-67 of the 1994 Supplement.
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 buildout of the Village One Specific Plan area would not result in significant adverse impacts on population and housing units. No mitigation is required.

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

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>Public Service</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>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>
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<td>☐</td>
<td>☐</td>
<td>☑</td>
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<tr>
<td>Parks?</td>
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<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 that buildout of the Village One Specific Plan area 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 proposed project would not change the provision of public services. There would be no additional impact. No mitigation is required.
Responses to Checklist Questions

a., b. The Village One Specific Plan program EIR found that buildout of the Village One Specific Plan area would cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system and would affect level of service at several intersections. Mitigation measures identified in the program EIR were identified to reduce impacts to a less-than-significant level for all intersections except the Briggsmore Avenue/Oakdale Avenue intersection. For that intersection, the impact was determined to be significant and not mitigable. The City of Modesto made a statement of overriding considerations for that impact at the time it certified the 1994 Supplement. The proposed project would not alter traffic patterns in the Specific Plan 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 buildout of the Village One Specific Plan area would result in a change in air traffic patterns. The proposed project 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 buildout of the Village One Specific Plan area included any hazardous design features or increased any incompatible uses for roads in the project area. The proposed project 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 buildout of the Village One Specific Plan area would result in inadequate emergency access in the Specific Plan area. The Specific Plan includes provision of adequate roadways to serve the Village One development. The proposed project would not change roadway design or land uses contained within the Specific Plan. There would be no additional impact. No mitigation is required.

f. The Village One Specific Plan program EIR did not find that buildout of the Village One Specific Plan area would result in inadequate parking capacity in the Specific Plan area. The provision of parking, consistent with zoning
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 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 project 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 project 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 project 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.
V. MITIGATION APPLIED TO PROJECT

The following mitigation measures developed in the 1994 Village One Specific Plan Supplement to the Program EIR are appropriate to the project and will be incorporated into the project. Therefore, the environmental effects of the project were covered by the program EIR.

1. "All deeds for lots sold in this subdivision shall contain the following statement:

   'This lot is located near existing agricultural operations. Residents may be subjected to customary and accepted farming practices that produce noise, dust, smoke and other impacts. The grantee accepts the potential impacts of customary farming practices, which may include the application and use of various, chemicals through spraying, spreading or other customary means in accordance with applicable state and federal regulations regarding such applications. The grantee also acknowledges the need to avoid activities that conflict with nearby farm uses."

2. The following statement shall be placed in all Precise Plans for Residential Development:

   Prior to the Final Inspection, Building Inspection Division shall verify that all fireplaces and wood stoves in residential units are equipped to meet the performance and emissions standards set forth in Part 60, Title 40, Subpart AAA Code of Federal Regulations, February 26, 1988.

3. Noise mitigation for residential dwellings is required along the following streets up to the indicated distance:

   Without acoustical treatment, noise levels inside proposed residential housing along the following project area major streets would exceed 45 dBA, the City’s General Plan standard. The street segments and distances in feet from centerline these impacts would occur are:

   Floyd Avenue (from Oakdale Road to Roselle Avenue): 106 ft.
   Oakdale Road (from Sylvan Avenue to Floyd Avenue): 214 ft.

   Source: Brown-Buntin Associates Noise Study, April 1993

4. "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 for conformance with the City’s Noise Ordinance."
SWAINSON'S HAWK FORAGING HABITAT SURVEY
VILLAGE ONE
Precise Plan Areas 2, 15, 16, and 17

Prepared for:
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Modesto, CA 95356

Prepared by:
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Department of Biological Sciences
California State University, Stanislaus
801 W. Monte Vista Ave.
Turlock, CA 95382

July 25, 2003
INTRODUCTION

Swainson's Hawk, *Buteo swainsonii*, is a species of large hawk which nests in the Central Valley of California. It is a California state listed threatened species and thus it is protected, as is its nesting and foraging habitat. The large Village One development in Modesto, California has been divided into 35 "Precise Plan Areas". An earlier study had identified, in general terms, possible Swainson's Hawk foraging habitat within this development. This study was undertaken to assess the foraging habitat for Swainson's Hawk in four of the Precise Plan Areas (2, 15, 16, and 17). Swainson's Hawks forage for food in a prescribed manner. As is typical of a number of other large hawks, they forage during the daylight hours by soaring high above the ground and watching for suitable prey (mostly small mammals such as mice and ground squirrels, but also large insects like grasshoppers). Once prey is spotted the bird dives to the ground to capture it. Thus suitable foraging habitat must be relatively clear of high vegetation for two reasons: to allow the hawk to see the prey; and to allow the hawk to swoop down upon it without hitting branches or other high vegetation. Thus, open fields and low growing croplands are suitable but orchards, vineyards, and tall crops (mature corn) are not. Corn fields thus present different situations at different stages. Until the corn plants exceed a certain height (1-2 feet) the fields are suitable for foraging. Taller than that, they are not, but once cut down, they are suitable again. Since the Swainson's Hawk is only present in the Central Valley during Spring and Summer and nesting occurs predominantly from April through July, it is the condition of the fields at that time which is most important.

QUALIFICATIONS

My Curriculum Vita (resume) is attached. In summary, I have a Ph.D. in Zoology with over 30 years of university teaching experience in ecology and ornithology and appropriate research experience in each including conducting numerous wildlife surveys in Stanislaus County. I am also an ardent bird watcher who has spent many hours observing Swainson's Hawks both in California and throughout its range in the United States.

FIELD WORK

I visited the area on July 21 and 25, 2003 to both assess Swainson's Hawk foraging habitat and to determine the extent of that habitat individually, as well as collectively, in each of the four Precise Plan Areas.

DESCRIPTION OF THE AREA(S)

The four Precise Plan Areas are located at the western end of Village One, areas 2 and 17 ordering Oakdale Road to the west and extending from Sylvan Avenue on the north (area 2) to Floyd Avenue on the south (area 17). Areas 16 and 15 continue east from the eastern edge of areas 2 and 17 to the eastern boundary of Ustach Middle School, occupying approximately the middle third of the land between Sylvan and Floyd.
Swainson's Hawk Foraging Habitat Survey - Precise Plan Areas 2, 15, 16, 17  

Precise Plan Area 16

Just to the west of area 15, this is the only one of the four areas that does not have any human development at the present time. It is entirely agricultural with a vineyard (@5.3 acres) being the only non foraging habitat, and the rest of the land planted in corn.

Precise Plan Area 17

The northern portion of this parcel is developed as a house, outbuildings, yard, and garden (@12.5 acres). The rest of the land is recently disked fallow cropland which is Swainson's Hawk foraging habitat.

ASSESSMENT OF THE SWAINSON'S HAWK FORAGING HABITAT

Simply presenting the numbers above does not give an adequate picture of the value of this land as foraging habitat for the Swainson's Hawk. On the one hand, I have seen Swainson's Hawks in the vicinity of this land engaged in foraging behavior in the past so this land has probably been used. On the other hand, I would assess the quality of this land as Swainson's Hawk foraging habitat as low for the following reasons.

First, the preferred food of this hawk is small mammals, the predominant one in this area being the California ground squirrel. This species is present in these areas in low numbers but only on higher ground (such as the dirt track running from Hillglen Avenue south on the west side of Ustach Middle School to the south end of the school and then turning east as the southern boundary of areas 15 and 16) because their burrows are destroyed in the lower areas that are plowed and flood irrigated. In less intensively cultivated areas, ground squirrels occur at much higher densities.

Second, since this land is surrounded by urban areas including housing developments, schools, and commercial establishments with a lot of automobile traffic on the roads and people walking through the area, the hawks are much more likely to be disturbed while foraging and feeding which may drastically reduce the foraging efficiency for the species. Such reductions in foraging efficiency have been shown to result in nest failure or nest abandonment by the parents.

Finally, the close proximity to many humans and their activities establishes the possibility of inadvertent poisoning of the hawks if people are intentionally or even unintentionally introducing toxic substances into the food chain. Poisons put out for rats, mice, and squirrels have been shown to be ingested by raptors causing illness, sterility, and/or death (this was one of the major causes of the decline in California condors in the 1980's). Substances like antifreeze, while not meant to kill anything, may also be ingested by the hawks be fatal.
CURRICULUM VITAE

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Professional Expertise

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Evolution, Genetics.

Academic Degrees

Ph.D. - Colorado State University, Fort Collins. 1971. Major: Zoology. Area of
gene frequencies in montane populations of the chorus frog, Pseudacris
triseriata.

M.S. - Colorado State University, Fort Collins. 1967. Major: Zoology. Area of
in gene frequencies in the chorus frog.

B.A. - University of Massachusetts, Amherst. 1965. Major: Zoology

Professional Experience

Professor Emeritus of Biology, Department of Biological Sciences, California
State University, Stanislaus, 2001 to present.

Professor of Biology, Department of Biological Sciences, California State
Wildlife Surveys Completed (continued)


Papers Presented or Published (continued)


Wildlife Surveys Completed


