MODESTO CITY COUNCIL
RESOLUTION NO. 2002-301

A RESOLUTION ADOPTING A MITIGATED NEGATIVE DECLARATION (SCH 1992052017) FOR THE FOLLOWING PROJECT COVERED BY A MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): ORVILLE WRIGHT NEIGHBORHOOD PARK DESIGN DEVELOPMENT REPORT.

WHEREAS, on August 15, 1995, the City Council of the City of Modesto certified the Final Master Environmental Impact Report ("Master EIR") (SCH NO. 92052017) for the Modesto Urban Area General Plan, and

WHEREAS, the Parks, Recreation and Neighborhoods Department, by Initial Study, (EA/PR&N No. 2002-01), dated January 28, 2002, reviewed the proposed development and construction of the Orville Wright Neighborhood Park ("Project") pursuant to Section 21157.1 of the Public Resources Code to analyze whether the proposed project was described in the Master Environmental Impact Report, and

WHEREAS, Section 21080(c)(2) allows the preparation of a Mitigated Negative Declaration if the lead agency, after reviewing and considering the entire record before the agency, identifies potentially significant effects on the environment, but (a) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed Mitigated Negative Declaration and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur; and (b) there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment, and

WHEREAS, the City of Modesto, the lead agency, after reviewing and considering the Master EIR, the Initial Study and the entire record before it identified potentially significant effects on the environment, but (a) revisions in the project plans agreed to by the City before the proposed Mitigated Negative Declaration and Initial Study were released for public review would avoid or mitigate the effects to a point where clearly no significant effect on the environment would occur; and (b) there was no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment, and
WHEREAS, the City of Modesto prepared, circulated and posted, pursuant to Sections 15070 and 15105 of the CEQA Guidelines, the Draft Mitigated Negative Declaration (SCH 1992052017) dated March 5, 2002, and

WHEREAS, the Initial Study and the Draft Mitigated Negative Declaration were released for public review and comment for the required 30-day period beginning on March 8, 2002, and ending on April 8, 2002, and

WHEREAS, no comments were submitted in response to the Draft Mitigated Negative Declaration that would require a revision of the Draft Mitigated Negative Declaration, and

WHEREAS, on June 4, 2002, the City Council considered the Initial Study and Draft Mitigated Negative Declaration (SCH 1992052017) dated March 5, 2002, for the proposed development and construction of the Orville Wright Neighborhood Park, together with all comments received during the public review and circulation period, at the public hearings on April 23, 2002, and June 4, 2002, and

WHEREAS, on June 4, 2002, concurrently with this resolution, the City Council considered approving the proposed Orville Wright Neighborhood Park Design Development Report, and the Master Plan included therein, and the proposed Capital Improvement Plan, Development Agreement and Irrevocable License,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered Initial Study EAlPR&N 2002-01 and the Draft Mitigated Negative Declaration (SCH 1992052017) for the proposed Project, copies of which are on file in the City Clerk’s Office, together with all comments received during the public review and circulation period, and based on the substantial evidence included in said Initial Study and Draft Mitigated Negative Declaration makes the following findings:

1. An Initial Study prepared pursuant to CEQA Section 21080(c)(2) has identified potentially significant effects on the environment.
2. Revisions in the Project agreed to by the City before the proposed Mitigated Negative Declaration and Initial Study were released for public review and in response to comments during the public review and circulation period will avoid or mitigate the effects of the proposed Project to a point where clearly no significant effect on the environment would occur.

3. There is no substantial evidence in light of the whole record before the public agency that the Project, as revised and mitigated, may have a significant effect on the environment.

4. As part of the adoption of the Mitigated Negative Declaration, the City Council finds that the report or declaration reflects its independent judgment as the lead agency for the Project.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that, based on the above findings, the City of Modesto hereby adopts Mitigated Negative Declaration (SCH 1992052017) dated March 5, 2002, for the development and construction of the Orville Wright Neighborhood Park by the City of Modesto and hereby designates the Parks Planning and Development Services Division of the Parks, Recreation and Neighborhoods Department as the custodian of the documents or other material which constitute the record of proceedings upon which this decision is based, and specifies the Department of Parks, Recreation and Neighborhoods, 1010 Tenth Street, Suite 4400, Modesto, California, as the location of said documents.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that pursuant to Section 21081.6 of the Public Resources Code, a mitigation monitoring program is hereby adopted by incorporating the mitigation measures into the Project plan as set forth in Exhibit “E” of the Mitigated Negative Declaration.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Parks, Recreation & Neighborhoods Director is hereby authorized and directed to file a Notice of Determination with the County Clerk’s Office within five (5) working days of the date of this determination, 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 11\textsuperscript{th} day of June, 2002, 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
INITIAL STUDY & DRAFT MITIGATED NEGATIVE DECLARATION

EXHIBIT "A"
TO: Interested Parties/Responsible Agencies (A distribution list is available upon request)

FROM: City of Modesto Parks, Recreation and Neighborhoods Department

SUBJECT: DRAFT MITIGATED NEGATIVE DECLARATION FOR ORVILLE WRIGHT NEIGHBORHOOD PARK

Attached is an Initial Study and Draft Mitigated Negative Declaration addressing the impacts of the proposed development and construction of Orville Wright Neighborhood Park. Included in the transmittal are the following:

2. Draft Mitigated Negative Declaration.
3. Initial Study. (That is part of the Mitigated Negative Declaration and is prepared to fulfill the requirements of Section 21157.1(c) of CEQA.)
4. Supporting Documents including:
   a.) Orville Wright Neighborhood Park Master Plan
   b.) Biological Evaluation Report
   c.) Cultural Resources Assessment
   d.) Phase I - Environmental Site Assessment
   e.) Mitigation Monitoring Plan

Please note the Public Review Period for this Draft Mitigated Negative Declaration ends on April 8, 2002. Please send comments as soon as possible, but no later than April 8, 2002 to:

Mailing Address: Nathan G. Houx
City of Modesto Parks, Recreation and Neighborhoods Department
P.O. Box 642
Modesto, CA 95353

Fax #: (209) 579-5077

Please feel free to contact me at (209) 571-5526, should you have any questions about the proposed project.

Sincerely,

Nathan G. Houx
Project Coordinator
Parks, Recreation and Neighborhoods Department
NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

Proposed Project: Orville Wright Neighborhood Park

Project Location: In Stanislaus County, in the south area of Modesto, CA, north of Hillside Drive, south of Monterey Avenue, and just west of Empire Avenue, adjacent to and including portions of Orville Wright Elementary School. (APN #'s: 035-48-15, 035-48-16, and portions of 035-48-01 and 035-53-04)

Description of Nature, Purpose, and Beneficiaries of Project: This project will construct a 3.8 - acre neighborhood park within the Airport Neighborhood. The park will be developed including: grading, paving, road along the south border of the park, underground utilities, landscaping, an irrigation system, game courts, athletic fields, water play area, family picnic units, a children's play area with play apparatus, park furniture, shade structure, skate area, a restroom utility building, security phone and security lighting. This project will also renovate 2.3 acres of fenced school property including grading, paving, underground utilities, landscaping, an irrigation system, and athletic fields. The total area that will be constructed or renovated with this project will be 6.1 acres. This project includes adoption of a Park Master Plan and Design Development Report and subsequent development.

Significant Effects on the Environment: An Initial Study was prepared under the City's General Plan Master EIR (SCH#92052017) which led to the determination that a Mitigated Negative Declaration should be prepared pursuant to CEQA Section 21157.5. Potential significant effects from the proposed project relating to loss of wildlife/plant habitat were identified. However, it was determined that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because mitigation measures have been included in the project which would avoid or mitigate the effects to the point where clearly no significant effect on the environment will occur.

Public Review Period – Starting and Ending Dates: The 30-day public review period starts on March 8, 2002 and ends on April 8, 2002. Please submit any comments you may have on the draft Mitigated Negative Declaration by April 8, 2002.

Public Hearings: The draft Mitigated Negative Declaration is tentatively scheduled to be presented to the Modesto City Council for approval on April 23, 2002. The meeting will begin at 5:15pm and will be held in the Council Chambers, in the basement of Tenth Street Place, 1010 Tenth Street, Modesto, California, 95354.

Address Where Document is Available for Public Review: The Draft Mitigated Negative Declaration and supporting documents is available at the City of Modesto Parks, Recreation and Neighborhoods Department, Parks Planning and Development Division, 1010 Tenth Street, Fourth Floor, Suite 4400, Modesto, California, 95354.

Presence of Hazardous Material on the Site: A review of the lists describing hazardous material sites under Section 65962.5 of the Government Code has determined that there are no listed hazardous materials presently located within the project area of Orville Wright Neighborhood Park.

Lead Agency: City of Modesto Parks, Recreation and Neighborhoods Department.

Contact Person: Nathan G. Houx, Project Coordinator, Parks, Recreation and Neighborhoods Department, (209) 571-5526.

James E. Niskanen, Director of Parks, Recreation and Neighborhoods Department
March 5, 2002
1. **Purpose of Initial Study:**

Section 15177 of the CEQA Guidelines 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. 92052017), adopted August 15, 1995, 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 15177 of the CEQA Guidelines, analyzes the following:

A. Whether this project may cause additional significant effects on the environment that were not examined in the General Plan Master EIR.

B. Whether new additional mitigation measures or alternatives will be required as result of this project that were not previously considered in the General Plan Master EIR.

C. Whether the proposed project is within the scope of the General Plan Master EIR.

2. **Project title:**

Orville Wright Neighborhood Park

3. **Lead agency name and address:**

City of Modesto, P.O. Box 642, Modesto, CA 95353

(Responsible Agency) Modesto City Schools, 426 Locust Street, Modesto, CA 95351

4. **Contact person and phone number:**

Nathan Houx, Project Coordinator, Parks, Recreation and Neighborhoods Department, (209) 571-5526 email: nhoux@modestogov.com

5. **Project location:**

In the south area of Modesto, north of Hillside Drive, south of Monterey Avenue, and just west of Empire Avenue, adjacent to and including portions of Orville Wright Elementary School.


(See Map on Following Page)
6. **Project sponsor's name and address:**
City of Modesto
Parks, Recreation and Neighborhoods Department
P.O. Box 642, Modesto, CA 95353

7. **General plan designation:**
The area proposed as the Orville Wright Neighborhood Park site is designated as OS-Open Space and R-Residential on the adopted Land Use Diagram. (p. III-114, Urban Area General Plan).

8. **Zoning:**
R1- Residential & R2 - Residential

9. **Description of project:**
This project will construct a 3.8-acre neighborhood park within the Airport Neighborhood. The park will be developed including grading, paving, underground utilities, landscaping, an irrigation system, game courts, athletic fields, water play area, family picnic units, a children's play area with play apparatus, park furniture, shade structure, skate area, a restroom utility building, security phone and security lighting. This project will also renovate 2.3 acres of fenced school property including grading, paving, underground utilities, landscaping, an irrigation system, and athletic fields. The total area that will be constructed with this project will be 6.1 acres. This project includes adoption of a Park Master Plan and Design Development Report and subsequent development.

10. **Surrounding land uses and setting:**
North: Orville Wright Elementary School, zoned R-2.
South: Current open ground, zoned R-1.
West: Single-family housing, zoned R-2.

11. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)**
None.
ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The following factors are based on Appendix G of the CEQA Guidelines and adapted to reflect the eighteen environmental subject areas analyzed by the City of Modesto’s General Plan Master EIR. The environmental factors checked are factors potential affected by the project:

☐ Traffic & Circulation  ☒ Loss of Wildlife/Plant Habitat  ☐ Increased Demand Police
☐ Degradation of Air Quality  ☐ Disturb Archaeological/Historic  ☐ Increased Demand Fire
☐ Generation of Noise  ☐ Drainage/Flooding/Water Quality  ☐ Generation of Solid Waste
☐ Loss of Productive Ag Land  ☐ Increased Demand Storm Drainage  ☐ Generation of Hazardous Materials
☐ Increased Demand Water Supplies  ☐ Increased Demand Parks/Open Space  ☐ Energy
☐ Increased Demand Sewer Services  ☐ Increased Demand Schools  ☐ Landslides/Seismic
☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

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

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

Signature: Nathan G. Houx  Date: March 5, 2002
Printed name: Nathan G. Houx  For: [Blank]

-4-
EVALUATION OF ENVIRONMENTAL IMPACTS:
FOR A PROPOSED SUBSEQUENT PROJECT TO MASTER EIR

The following sections evaluate the proposed subsequent project to the City’s General Plan Master EIR pursuant to CEQA Section 21157.1 (b) whether the subsequent project may cause any significant effect on the environment that was not examined in the master environmental impact report, and, if so, make a determination pursuant to Section 21157.5 which requires a mitigated negative declaration to be prepared for a proposed subsequent project if both of the following occur:

(1) An initial study has identified potentially new or additional significant effects on the environment that were not analyzed in the master environmental impact report.

(2) Feasible mitigation measures or alternatives will be incorporated to revise the proposed subsequent project, before the negative declaration is released for public review, in order to avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment will occur.

The following analysis is based on Appendix G of the CEQA Guidelines and adapted to reflect the eighteen environmental subject areas in the City of Modesto’s General Plan Master EIR.

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Issues:

I. TRAFFIC AND CIRCULATION NEEDS – Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? ☐ ☐ ☑ ☑

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

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? ☐ ☐ ☑ ☑

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

e) Result in inadequate emergency access? ☐ ☐ ☑ ☑

f) Result in inadequate parking capacity? ☐ ☐ ☑ ☑
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

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The development of this park is consistent with the General Plan and the General Plan Master EIR, which anticipated that this existing vacant City Park site would be completed. Therefore, the traffic impacts of this project are consistent with those contained in the General Plan Master EIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-38) are still valid for the reasons discussed below.

Discussion:

a) The proposed Orville Wright Neighborhood Park development would have no impact with regard to increased impacts to the City's roadway system because the development of the park includes a connection of Hillside Drive along the southern portion of the Park. This connection will provide ample access to the park and will in fact decrease the amount of traffic along other adjacent streets due to the more direct route to the park. The park is a neighborhood park and it is expected that a large portion of the users will not require a vehicle trip. The existing baseball field at the school is currently being used by the local sports teams and the addition of one more baseball field could increase the amount of users, but this increase would not have any impact on the traffic flows due to the factors previously mentioned. Therefore, it will not create a significant increase in traffic generation, and there will be no additional traffic and circulation impacts associated with the Orville Wright Neighborhood Park development beyond those already studied in the Master EIR.

b) As previously mentioned, there are no additional traffic and circulation impacts associated with the Orville Wright Neighborhood Park development beyond those studied in the Master EIR. Therefore, the proposed development will have no impact to contributing to traffic exceeding the adopted level of service for the City's General Plan street system.

c) The proposed project is located in either R-1 or R-2 land use designations and both of these designations allow the development of park facilities as mentioned in the City of Modesto Urban Area General Plan on page III-6. Because the proposed Orville Wright Neighborhood Park development would not result in a land use change from the adopted General Plan, there would be no impact relating to a change in air traffic patterns (including either an increase in traffic levels or a change in location that results in substantial safety risks.)

d) The new connection of Hillside Drive will be designed based on current state and federal safety standards and design guidelines by the City of Modesto Engineering and Transportation Department. Because of the previous discussion and the fact that the park development will be served by essentially the same roadway system that is in the adopted General Plan, there would be no impact in regard to substantially increased hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses.

e) The project has one road along the south side and an alley along the west side. The design of the park is such that a turnout is provided for emergency vehicles along the alley and the paths
throughout the park will be able to accommodate vehicular access. Therefore, there would be no impact that would result in inadequate emergency access.

f) The park is not designed with any on-site parking, as is typical of a neighborhood park. Hillside Drive will provide the off-site parking for this site. Both sides of Hillside Drive will be available for parking and at a typical parallel stall length would be able to accommodate over 50 cars. Orville Wright Elementary School also has an on-site parking lot that is currently being used by the local sports teams and would still be available for use after the development of the park. This would provide additional parking along Monterey Avenue for special events and games. The parking provided is more than adequate for a neighborhood park, where it is anticipated that most of the users will not require a vehicle trip. Therefore, there would be no impact that would result in inadequate parking capacity.

g) This project would actually encourage the use of alternative transportation due to the fact that currently there is no park development suitable for organized sports and thus the local sports organizations often have to travel to other locations throughout the city. With the development of this park, the neighborhood will have a suitable place to play organized sports within walking or biking distance of their homes, thus increasing the opportunity for alternative transportation methods to be used. The park is within a block of a current established bus route and the design of the park will provide bike racks at various locations throughout the park. Therefore, there would be no impact that would conflict with adopted policies, plans or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks).

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II. DEGRADATION OF AIR QUALITY – Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

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

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

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

d) Expose sensitive receptors to substantial pollutant concentrations? □ □ □ X

e) Create objectionable odors affecting a substantial number of people? □ □ □ X
The air quality impacts for this development are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this development will not cause additional impacts to air quality beyond those described in the Degradation of Air Quality section of the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Degradation of Air Quality (pages IV-2-1 through IV-2-25) are, therefore, still valid for the reasons discussed below.

**Discussion:**

a) The development of Orville Wright Neighborhood Park would not generate significantly greater traffic than what is anticipated in the Master EIR for neighborhood parks, as discussed in the Traffic and Circulation section of this Initial Study. Therefore, there would be no impact to conflict with or obstruct the implementation of the San Joaquin Valley Unified Air Pollution Control District air quality plan.

b) The development of Orville Wright Neighborhood Park would not generate significantly greater traffic than what is anticipated in the Master EIR for neighborhood parks, as discussed in the Traffic and Circulation section of this Initial Study. Therefore, there would be no impact that would result in the violation of any air quality standard or contribute substantially to an existing or projected air quality violation.

c) Because Orville Wright Neighborhood Park would not be any larger than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan and it will not generate significantly greater traffic than what is anticipated in the Master EIR, there would be no impact to a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors).

d) Because Orville Wright Neighborhood Park would not be any larger than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, there would be no impact to increase in exposure of sensitive receptors to substantial pollutant concentrations beyond that which was studied in the Master EIR.

e) Because Orville Wright Neighborhood Park would not be any larger and would include no elements other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, there would be no impact to creation of objectionable odors affecting a substantial number of people.
Issues:

III. GENERATION OF NOISE – Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

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

b) Result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? □ □ □ ✔

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

f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? □ □ □ ✔

Because the proposed project is consistent with the General Plan in land use and intensity, the noise impacts from the project and to the project are consistent with those analyzed in the Master EIR. As stated in the Traffic and Circulation section, this project will not significantly increase vehicle trips, so it is anticipated that noise from this source would not increase. Generation of noise may increase slightly due to the addition of a baseball field on the park site, but this increase will not be greater than what is already accounted for in the MEIR and is deemed insignificant. Therefore, the project will not create additional significant noise impacts, and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid for the reasons discussed below.

Discussion:

a) Because the elements and uses of the park are consistent with the standards that are set by the City of Modesto Urban Area General Plan, their development would be consistent with what was analyzed in the Master EIR. Therefore, their development would result in no impact to exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
b) Because the elements and uses of the park are consistent with the standards that are set by the City of Modesto Urban Area General Plan, their development would be consistent with what was analyzed in the Master EIR. Therefore, their development would result in no impact to exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.

c) Because the elements and uses of the park are consistent with the standards that are set by the City of Modesto Urban Area General Plan, their development would be consistent with what was analyzed in the Master EIR. Therefore, their development would result in no impact to a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

d) Because the elements and uses of the park are consistent with the standards that are set by the City of Modesto Urban Area General Plan, their development would be consistent with what was analyzed in the Master EIR. Therefore, their development would result in no impact to a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.

e) Because the proposed Orville Wright Neighborhood Park would be located outside the noise contour of the Airport, (Figure 3-2 MEIR) analyzed in the General Plan Master EIR, its development would result in no impact to an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and the project would not expose people residing or working in the project area to excessive noise levels.

f) Because the proposed Orville Wright Neighborhood Park would be located in the Baseline Developed Area of the General Plan, where there are no private airstrips, and it was analyzed in the General Plan Master EIR, its development would result in no impact to a private airstrip, nor would the project expose people residing or working in the project area to excessive noise levels.

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Issues:

III. LOSS OF PRODUCTIVE AGRICULTURAL LAND - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

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 a Williamson Act contract? ☐ ☐ ☐ ☒

c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? ☐ ☐ ☐ ☒
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 IV-4-1 through IV-4-16) are still valid for the reasons discussed below.

Discussion:

a) Because the proposed Orville Wright Neighborhood Park would be located in the Baseline Development Area of the City of Modesto Urban Area General Plan covered by the General Plan Master EIR, there would be no impact to 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) Because the proposed Orville Wright Neighborhood Park would be located in the Baseline Development Area of the City of Modesto Urban Area General Plan covered by the General Plan Master EIR, there would be no impact to existing zoning for agricultural use, or a Williamson Act contract.

c) Because the proposed Orville Wright Neighborhood Park would be located in the Baseline Development Area of the City of Modesto Urban Area General Plan covered by the General Plan Master EIR, there would be no impact to changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use.

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Issues:

IV. INCREASED DEMAND FOR WATER SUPPLIES - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

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

b) Require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effect? [ ] [ ] [ ] [x]

The proposed project will require no additional water beyond that identified in the Increased Demand for Water Supplies section of the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are, therefore, still valid for the reasons discussed below.

Discussion:

a) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, there would be no impact to water supplies available to serve the project from existing entitlements and resources, and no new or expanded entitlements would be needed.
b) Because the proposed Orville Wright Neighborhood Park would not be any larger and would include no elements other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, there would be no impact to any requirement or need for the construction of new water treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects.

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Issues:

V. INCREASED DEMAND FOR SANITARY SEWER - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

a) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? □ □ □ ☒

b) Exceed wastewater treatment requirements of applicable Regional Water Quality Control Board? □ □ □ ☒

c) 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 effect? □ □ □ ☒

The proposed project will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Increased Demand for Sanitary Sewer Services (pages IV-6-1 through IV-6-9) are therefore still valid, for the reasons discussed below.

Discussion:

a) The proposed Orville Wright Neighborhood Park will have no impact to increased demand for sanitary sewer service over what was assumed in the MEIR because it would not be any larger than the standard and would include no elements other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan. Therefore, project development would result in a determination by the wastewater treatment provider which serves or may serve the project (City of Modesto) that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

b) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, the project would not generate increased demand for sanitary sewer services over what was assumed in the Master EIR. Therefore, the project would result in no impact to wastewater treatment requirements of the applicable Regional Water Quality Control Board.
Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, the project would not generate increased demand for sanitary sewer services above that analyzed in the Master EIR. Therefore, the project would result in no impact to a requirement for or result in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effect.

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Issues:

VI. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

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?  
   - No ☐  
   - Less Than Significant Impact ☒  
   - Mitigation Incorporation ☐  
   - No Impact ☐

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?  
   - No ☐  
   - Less Than Significant Impact ☐  
   - Mitigation Incorporation ☐  
   - No Impact ☒

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?  
   - No ☐  
   - Less Than Significant Impact ☐  
   - Mitigation Incorporation ☐  
   - No Impact ☒

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?  
   - No ☐  
   - Less Than Significant Impact ☐  
   - Mitigation Incorporation ☐  
   - No Impact ☒

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  
   - No ☐  
   - Less Than Significant Impact ☐  
   - Mitigation Incorporation ☐  
   - No Impact ☒

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?  
   - No ☐  
   - Less Than Significant Impact ☐  
   - Mitigation Incorporation ☐  
   - No Impact ☒
The project is on the edge of a built-up urban area and is partially located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Although the project could have a significant effect on wildlife and plant habitat in the area, there will be no significant effect in this case because the mitigation measures described below will be added to the project. Therefore, with the preparation of a Mitigated Negative Declaration pursuant to CEQA section 21157.5 that incorporates these Mitigation Measures into the project, the Existing Conditions, Impact Analysis, and the Mitigation Measures for the Loss of Sensitive Wildlife and Plant Habitat (pages IV-7-1 through IV-7-30) are still valid for the reasons discussed below.

Discussion:

a) The proposed construction of Orville Wright Neighborhood Park would have a less than significant impact with mitigation incorporated, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. Due to the generation of noise during park construction and the removal of suitable and/or marginal nesting habitat, this project, if not mitigated, could impact Swainson's Hawks, other raptors and migratory nesting birds. During a field survey conducted by Jeff Little and Jason Lowe of Sycamore Environmental on October 2, 2001, it was indicated that there were no nests for any of these migratory birds observed in the area; they also identified various Native Oaks that could be suitable nesting habitat for these migratory birds (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit "B"), Sycamore Environmental Consultants, Inc., Page 10, 11).

Many of the native Oaks will be removed with the construction of this park, the one exception being the large blue oak – valley oak hybrid in the middle of the park measuring 37” in diameter. The City of Modesto currently does not have a tree ordinance or any other regulatory ordinance that would require mitigation for the removal of native Oak trees, however since large native Oaks are considered a suitable nest tree for Swainson’s Hawks, other raptors and migratory nesting birds, the City of Modesto voluntarily includes mitigation measures for the significant native Oak trees that will be removed during this construction. Although the initial impact to the area will decrease the amount of native oaks suitable for migratory nesting birds, overall this decrease is very insignificant in relation to the surrounding areas, and the development of Orville Wright Neighborhood Park will eventually result in a net increase in native oaks suitable for migratory nesting birds.

In addition, the report completed by Sycamore Environmental indicates that there are no habitat for state or federal-listed special-status plant species within the project study area (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit "B"), Sycamore Environmental Consultants, Inc., Page 7).

Therefore, the following mitigation measures will be incorporated into the Design Development Report, Construction Documents and Construction Schedule for this park and will ensure a less than significant impact:

1. Regarding Swainson’s Hawk: "If construction is scheduled to commence during the breeding season (i.e., 1 March to 15 September), the City of Modesto Parks, Recreation and Neighborhoods Department shall retain a qualified biologist to conduct a pre-construction survey to determine if Swainson’s Hawks are nesting within 0.25 mile of the project area. Pre-construction surveys will be conducted at least 2 weeks prior to
2. Regarding other raptors and migratory birds (nesting): “If construction begins outside the breeding season (1 March to 30 August), there will be no need to conduct surveys for active nests. This time frame corresponds to the breeding season of many raptors and migratory birds. If construction is scheduled to commence during the breeding season, the City of Modesto Parks, Recreation and Neighborhoods Department shall retain a qualified biologist to conduct a pre-construction survey to determine if raptors or migratory birds are nesting within the project study area. Pre-construction surveys will be conducted at least 2 weeks prior to construction. If no active nests are found in the study area, no further mitigation will be necessary.

If active nests are located within 75m (250ft) of the project study area, the biologist will record the location(s) on a site map. A minimum 75m (250ft) Environmentally Sensitive Area (buffer) shall be established around the tree. A biologist shall delimit the buffer zone with yellow caution tape or temporary flagging. The construction contractor shall be responsible for installing stakes or temporary fencing at the edge of the buffer zone. The buffer zone shall be maintained throughout the breeding season (1 March to 30 August). No disturbance shall occur within 75m (250ft) of a nest tree during the breeding season. During construction, a biologist will monitor nests weekly to evaluate potential nesting disturbance caused by construction activities. The biological monitor will have the authority to stop construction if construction appears to be adversely affecting nesting raptors or migratory birds.” (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit “B”), Sycamore Environmental Consultants, Inc., Page 10)

3. Regarding the native Oak trees, a very conservative determination of a significant Oak tree has been adopted for this specific project, with all native Oaks in excess of 10-inchdbh being designated as significant trees. Based on this determination, there are five significant native Oaks (one Blue Oak, three Valley Oaks, and one Interior Live Oak) that will be removed with this construction. The City of Modesto will replace each significant native Oak tree removed with three 15 gallon specimens of either Valley Oak, Blue Oak or Interior Live Oak trees. The City of Modesto is currently considering a “Draft Ordinance for Oak and Heritage Tree Maintenance and Preservation” and the Mitigation Measures included here are consistent with that Draft Ordinance.

b) On page 7 of the Biological Evaluation Report prepared by Sycamore Environmental (Exhibit “B”), under the subheading of Sensitive Communities it states, “There are no sensitive communities in the project study area. The trees on-site are associated with the abandoned house and are not part of the riparian corridor.” Since there are no Sensitive Communities in the project area, the construction of Orville Wright Neighborhood Park will have no impact in regards to having a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
c) On page 7 of the Biological Evaluation Report prepared by Sycamore Environmental (Exhibit “B”), under the subheading of Wetlands it states, “No wetlands or other waters of the U.S. occur in the project study area.” Since there are no Wetlands in the project area, the construction of Orville Wright Neighborhood Park will have no impact in regards to having a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

d) The proposed construction of Orville Wright Neighborhood Park would have a less than significant impact with mitigation incorporated, in regards to interfering 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. Due to the generation of noise during park construction and the removal of suitable and/or marginal nesting habitat, this project, if not mitigated, could impact Swainson’s Hawks, other raptors and migratory nesting birds. During a field survey conducted by Jeff Little and Jason Lowe of Sycamore Environmental on October 2, 2001, it was indicated that there were no nests for any of these migratory birds observed in the area. They also identified various native Oaks that could be suitable nesting habitat for these migratory birds (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit “B”), Sycamore Environmental Consultants, Inc., Page 10, 11).

Many of the native Oaks will be removed with the construction of this park, the one exception being the large blue oak – valley oak hybrid in the middle of the park measuring 37” in diameter. The City of Modesto currently does not have a tree ordinance or any other regulatory ordinance that would require mitigation for the removal of native Oak trees; however, since large native Oaks are considered a suitable nest tree for Swainson’s Hawks, other raptors and migratory nesting birds, the City of Modesto voluntarily includes mitigation measures for the significant native Oak trees that will be removed during this construction. Although the initial impact to the area will be a decrease in the amount of native oaks suitable for migratory nesting birds, overall this decrease is very insignificant in relation to the surrounding areas. Also, the development of Orville Wright Neighborhood Park will eventually result in a net increase in native Oaks suitable for migratory nesting birds.

Therefore, mitigation measures, as listed above in section “a”, will be incorporated into the Design Development Report, Construction Documents and Construction Schedule for this park and will ensure a less than significant impact.

e) Orville Wright Neighborhood Park is on the edge of a built-up urban area and is partially located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. This park is a transitional project between the built-up urban area and the Tuolumne River Regional Park. In accordance with the Mitigation Measures listed in the General Plan MEIR (pages IV-7-1 through IV-7-30) for the Potential Biological Resource Study Area, a Biological Evaluation Report has been prepared by Sycamore Environmental (Exhibit "B").

The MEIR states (page IV-7-3) that the “Riparian Corridor Diagram, delineates the probable extent of the riparian corridors containing the Valley Foothill riparian and riverine habitats within the General Plan Area. The riparian corridor boundaries should be considered preliminary and should be refined as site-specific information become available.” After completion of the Biological Evaluation Report, Sycamore Environmental came to the following conclusions regarding the proposed park site:
1) Regarding Special Status Wildlife Species, the report identifies three wildlife species that could be affected with the construction of this project: Valley Elderberry Longhorn Beetle, Swainson’s Hawk, and Raptors or other migratory birds. Regarding the Valley Elderberry Longhorn Beetle, the report states that “there was no suitable habitat in the project area.” Regarding the Swainson’s Hawk the report states that “the closest record of a Swainson’s Hawk nest was 2.1 miles from the project, and there are three trees that could be suitable habitat for a Swainson’s Hawk”, but it is unlikely due to the existing level of disturbance from children at the adjacent school. Regarding the Raptors and other migratory birds the report states that “native and ornamental trees in the project area provide marginal nesting habitat for other raptors and migratory birds”, but here again the existing level of disturbance from school children makes it unlikely. (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit “B”), Sycamore Environmental Consultants, Inc., Page 10)

2) Regarding Special Status Plant Species the report states that, “No habitat for state or federally listed special status plant species occurs within the project study area.” (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit “B”), Sycamore Environmental Consultants, Inc., Page 7)

3) Regarding Sensitive Communities the report states that, “There are no sensitive communities in the project study area. The trees on site are associated with the abandoned house and are not part of the riparian corridor.” (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit “B”), Sycamore Environmental Consultants, Inc., Page 7)

4) Regarding Wetlands the report states that, “No wetlands or other waters of the U.S. occur in the project study area.” (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit “B”), Sycamore Environmental Consultants, Inc., Page 7)

Based on the findings of the Biological Evaluation Report as outlined above it is clear that although part of the site was shown as a Potential Biological Resource Study Area in Figure 7-1 of the MEIR, it does not meet the criteria of a Sensitive Biological Habitat. Therefore, the development of the proposed Orville Wright Neighborhood Park, which has elements and uses that are consistent with the standards set by the City of Modesto Urban Area General Plan, would be consistent with what was analyzed in the Master EIR for Baseline Development.

The City of Modesto does not currently have a Tree Protection Ordinance in place. The only local ordinance or policy that would protect biological resources is the General Plan and the subsequent MEIR. Since it has been determined that Orville Wright Neighborhood Park is not in a Sensitive Biological Habitat, and the development of the park is consistent with the General Plan Park Standards for a Neighborhood Park, it can be concluded that there will be no impact above and beyond the impacts outlined in the MEIR in regard to a conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

f) Orville Wright Neighborhood Park is located in a transitional area between a built-up urban area in the Airport Neighborhood of Modesto and the Tuolumne River Regional Park. The only resemblance of a Habitat Conservation Plan that would relate to this project is the Tuolumne River Regional Park Master Plan and subsequent EIR. Orville Wright Neighborhood Park is not included in the Master Plan for TRRP, but is adjacent to this property. After review of the TRRP Master Plan and EIR, it can be concluded that the design and construction of Orville Wright Neighborhood Park will complement this Master Plan and actually provide excellent viewing opportunities into the Tuolumne River Regional Park. Therefore, there is no impact in regard to a conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.
VII. DISTURBANCE OF ARCHAEOLOGICAL OR HISTORICAL SITES - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

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

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

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

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

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 MEIR. Figure 8-1 of the MEIR indicates that the project is within an Archaeological Resource Zone, which shows areas that may require additional site-specific investigations. A Cultural Resources Assessment was completed by Peak & Associates, Inc. (Exhibit "C") and a Field Inspection was conducted on September 29, 2001 by Robert Gerry of Peak & Associates. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid, for the reasons discussed below.

Discussion:

a) Orville Wright Neighborhood Park is located in an Archaeological Resource Zone, as presented in Figure 8-1 of the MEIR. In accordance with the Mitigation Measures listed in the General Plan MEIR (pages IV-8-1 through IV-8-21), for the Archaeological Resource Zone, a Cultural Resources Assessment has been prepared by Peak & Associates, Inc. (Exhibit "C"). Page 5 of the above mentioned report states that "No structures in the immediate vicinity of the project area are on a register of historic properties". There was a house located on the project site at the time of the field inspection conducted by Peak & Associates, Inc. Peak & Associates concluded, on page 6 of their report, that "Although the structure in the project area is unusual, it does not appear to be particularly old, the idiosyncratic architecture certainly does not reflect a recognized style, and it is in very poor condition". Therefore, they concluded that "This property is not eligible for the NRHP or the State Register of Historic Places". Although this property is located in the Archaeological Resource Zone it is clear from the Cultural Resources Assessment prepared by Peak & Associates that there are no historical resources associated with the construction of this park. Therefore, there is no impact to cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.

b) Orville Wright Neighborhood Park is located in an Archaeological Resource Zone, as presented in Figure 8-1 of the MEIR. In accordance with the Mitigation Measures, listed in the General Plan MEIR (pages IV-8-1 through IV-8-21), for the Archaeological Resource Zone, a Cultural
As indicated in the discussion above, this area has no known archaeological sites within a quarter mile of the project area. Therefore, it can be concluded that there is no impact above what has already been studied in the MEIR, to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

d) As indicated in the discussion above, this area has no known archaeological sites within a quarter mile of the project area. Therefore, with the existing General Plan mitigation measures in place, it can be concluded that there is no impact above what has already been studied in the MEIR, to disturb any human remains, including those interred outside of formal cemeteries.
Issues:

VIII. DRAINAGE, FLOODING AND WATER QUALITY - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

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

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support the 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 course of a stream or river, in a manner which would result in a substantial erosion or siltation on- or off-site? □ ☐ ☐ ☒

d) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff? □ ☐ ☐ ☒

e) Otherwise substantially degrade water quality? □ ☐ ☐ ☒

f) 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? □ ☐ ☐ ☒

g) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? □ ☐ ☒ ☐

h) 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? □ ☐ ☐ ☒

i) Inundation by seiche, tsunami, or mudflow? □ ☐ ☐ ☒

The proposed project will have a less than significant impact to Drainage, Flooding, and Water Quality. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid for the reasons listed below.
Discussion:

a) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact to violate any water quality standards or waste discharge requirements.

b) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact to substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).

c) Although the project will require some grading on the site, the existing drainage patterns of the site or area will not change. Therefore, the project would result in no impact to substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.

d) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact to create or contribute runoff water which would exceed the capacity or existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff.

e) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact to substantially degrade water quality.

f) Although the project is partially located in a 100-Year Flood Hazard Area, as indicated on the Flood Insurance Rate Map (Community-Panel Number 060387 0015 D, revised May 7, 2001), there is no housing proposed with this project. Since no housing is proposed there would be no impact in regard to placing 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.

g) This project is partially located in a 100-Year Flood Hazard Area, as indicated on the Flood Insurance Rate Map (Community-Panel Number 060387 0015 D, revised May 7, 2001). This project proposes to construct a road, concrete sidewalks and landscaped areas in the 100-year flood hazard area. In order to complete the road in accordance with safety guidelines for road design approximately 2,200 CY net of fill will be required to construct it. Approximately 1,800 CY net of fill is also proposed in the park itself in order to provide the park elements requested by the neighborhood and to keep them out of the 100-year flood hazard area. The total net anticipated soil to be filled in the 100-yr flood hazard area is about 4,000 cubic yards. All of this fill of soil is located on the extreme north border of the 100-year flood hazard area. The City of
Modesto has just recently completed a FEMA-funded project to remove fourteen homes and adjacent landscaping in the flood hazard area just upstream of this project along Hillside Drive. The result of the removal of the fourteen homes was to increase the capacity for flood waters along the Tuolumne River. Due to the fact that the fourteen homes were removed from the flood hazard area and the fact that the fill of soil will be located on the extreme northern border of the 100-year flood hazard area, it can be concluded that the construction of this project will have a less than significant impact in regard to placing within a 100-year flood hazard area structures which would impede or redirect flood flows.

h) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact in regard to exposing 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.

i) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact to inundation by seiche, tsunami, or mudflow.

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Issues:

IX. INCREASED DEMAND FOR STORM DRAINAGE - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

a) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV- 10-8) are still valid for the reasons discussed below.

Discussion:

a) The project will not present any new impacts that have not already been addressed in the MEIR. The existing storm drainage on the site is contained by sheet flow across the property and down to an ancient channel of the Tuolumne River where it percolates into the ground. The proposed park project will not change this method of storm drainage and will not create any additional runoff that has not already been accounted for in the General Plan MEIR. Therefore, the project would have no impact to any requirements for or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effect.
X. INCREASED DEMAND FOR PARKS AND OPEN SPACE - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts that would:

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

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

The Airport Neighborhood is currently an exception to the Baseline Developed Area – Neighborhood Park Standards, due to a deficiency of park land. This project will provide neighborhood park facilities, which attempt to satisfy Open Space and Park policies and Neighborhood Park standards that apply to the Airport Neighborhood. The demand for parks and open space will, in part, be met with the development of this park. As is stated in the Urban Area General Plan, in some cases “it may not be possible to conform precisely to all policies and meet all standards in total because of prior development patterns and policies that were not under the City’s control.” This neighborhood is one such case, in which the park that is proposed is the best-case scenario within the constraints that are presented in the neighborhood. The proposed park will provide 3.8 acres of land, is adjacent to an existing elementary school and, due to a joint use agreement with the school district, will provide a total of 6.1 acres of land for recreational purposes after school hours. This project does not create an additional need for parks and open space and although it does not totally satisfy the current policies and standards that are set forth in the General Plan, it does attempt to provide as much quality park land as possible to the Airport Neighborhood. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are still valid, for the reasons discussed below.

Discussion:

a) Because the proposed Orville Wright Neighborhood Park would provide for an effective increase in the amount of available park and open space land and since the joint use agreement with Modesto City Schools will provide for sharing of uses between the school and the park users, the project would have no impact to increasing 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) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact to the requirement for the construction or expansion of recreational facilities which might have an adverse effect on the environment.
XI. INCREASED DEMAND FOR SCHOOLS - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts to:

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

This development will not create any additional demand for schools. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid, for the reasons discussed below.

Discussion:

a) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact resulting in substantial adverse physical impacts associated with the provisions of new or physically altered school facilities, need for new or physically altered school facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for school services.

XII. INCREASED DEMAND FOR POLICE SERVICES - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts to:

a) Would the project result in substantial adverse physical impacts associated with the provisions of new or physically altered police service facilities, need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police services. ☐ ☐ ☐ ☒
Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for police services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Police Services (pages IV-13-1 through IV-13-8) are therefore still valid, for the reasons discussed below.

**Discussion:**

a) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact associated with the provisions of new or physically altered police service facilities, need for new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police services.

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**Issues:**

XIII. **INCREASED DEMAND FOR FIRE SERVICES** - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts to:

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

Because the project is consistent with the General Plan in land use and intensity, it will not present any increased demand for fire services that has not already been addressed in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Fire Services (pages IV-14-1 through IV-14-9) are therefore still valid, for the reasons discussed below.

**Discussion:**

a) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, it is consistent with the findings of the Urban Area General Plan Master EIR. Therefore, the project would result in no impact associated with the provisions of new or physically altered fire protection facilities, need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services.
XIV. GENERATION OF SOLID WASTE - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts to:

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

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

This project will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10) are therefore still valid, for the reasons discussed below.

Discussion:

a) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, there would be no significant increase in generation of solid waste beyond that studied in the Master EIR. Therefore, the project would result in no impact to increase demand for service by a landfill with sufficient permitted capacity to accommodate the project’s solid waste disposal needs.

b) Because the proposed Orville Wright Neighborhood Park would not be any larger than the standard and would include no elements or uses other than the standard for neighborhood parks as outlined in the City of Modesto Urban Area General Plan, there would be no significant increase in generation of solid waste beyond that studied in the Master EIR. Therefore, the project would result in no impact to compliance with federal, state, and local statutes and regulations related to solid waste.
Issues:

XV. GENERATION OF HAZARDOUS MATERIALS - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts to:

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

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

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

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment?  □  □  ❌  □

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?  □  □  □  ❌

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  □  □  □  ❌

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?  □  □  □  ❌

This proposed use will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-15) are therefore still valid, for the reasons discussed below.
Discussion:

a) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, will be consistent in use and intensity with Neighborhood Park standards, and will be constructed and maintained to City standards, there is no impact greater than that studied in the General Plan MEIR to create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

b) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, will be consistent in use and intensity with Neighborhood Park standards, and will be constructed and maintained to City standards, there is no impact greater than that studied in the General Plan MEIR to 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) Although Orville Wright Neighborhood Park will be located adjacent to an existing school (Orville Wright School) within the boundaries of the Urban Area General Plan, it will be consistent in use and intensity with Neighborhood Park standards, and will be constructed and maintained to City standards. Therefore, there is no impact greater than that studied in the General Plan MEIR to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

d) Orville Wright Neighborhood Park is located in a Potential Hazardous Contamination Study Area, as presented in Figure 16-1 of the MEIR. In accordance with the Mitigation Measures, listed in the General Plan MEIR (pages IV-16-1 through IV-16-15), for the Potential Hazardous Contamination Study Area, a Phase I Environmental Site Assessment has been prepared by Bovee Environmental Management (Exhibit "D"). Page 7 of the above mentioned report states that "This assessment has not revealed evidence of a potential recognized environmental condition which would require further assessment activities". Bovee Environmental Management concluded, on page 7 of their report, that "No further environmental investigations are recommended for the Subject Site, located at South Thrasher Street in Modesto, California". Although this property is located in the Potential Hazardous Contamination Study Area, it is clear from the Phase I Environmental Site Assessment prepared by Bovee Environmental Management that there are no significant environmental hazards associated with the construction of this park. Therefore, there is a less than significant impact to being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, the project would not create a significant hazard to the public or the environment.

e) Orville Wright Neighborhood Park is located within the Modesto City-County Airport Land Use Planning Area Boundary as indicated in the Airport Land Use Commission Plan, adopted August 3, 1978. The Airport Land Use Compatibility Listing section of this document states that the project is a category 4 land use, which indicates that compatible uses in this area are Parks, Playgrounds, Picnic Areas, and Athletic Fields. Since the Master Plan of Orville Wright Neighborhood Park proposes only uses and facilities that are compatible with the Airport Land Use Commission Plan, there is no impact to result in a safety hazard for people residing, working or visiting the project area.

f) Because the proposed Orville Wright Neighborhood Park would be located in the Baseline Developed Area of the General Plan, and there are no private airstrips within or adjacent to the Modesto General Plan Area, its development would result in no impact to a private airstrip, or to result in a safety hazard for people residing or working in the project area.
g) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan and will be consistent in use and intensity with Neighborhood Park standards, there is no impact that would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

h) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan and will be consistent in use and intensity with Neighborhood Park standards, there is no impact, beyond that already studied in the MEIR, to 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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Issues:

XVI. LANDSLIDES AND SEISMIC ACTIVITY - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts to:

Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

a) 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. ☐ ☐ ☐ ☒

b) Strong seismic ground shaking? ☐ ☐ ☐ ☒

c) Seismic-related ground failure, including liquefaction? ☐ ☐ ☐ ☒

d) Landslide? ☐ ☐ ☐ ☒

e) Result in substantial soil erosion or the loss of topsoil? ☐ ☐ ☐ ☒

f) Be located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? ☐ ☐ ☐ ☒

g) 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? ☐ ☐ ☐ ☒

h) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? ☐ ☐ ☐ ☒
This use will result in no additional potential for exposing people to landslides or earthquake-related hazards such as liquefaction beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-1-11) are therefore still valid, for the reasons discussed below.

Discussion:

a) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, and, per Figure 17-1 MEIR, the nearest fault is 15 miles west of the Modesto General Plan Area, there is no impact to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving 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.

b) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, and, per Figure 17-1 MEIR, the nearest fault is 15 miles west of the Modesto General Plan Area, there is no impact to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking.

c) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, and, per Figure 17-1 MEIR, the nearest fault is 15 miles west of the Modesto General Plan Area, there is no impact to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.

d) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, will be consistent in use and intensity with Neighborhood Park standards, and will be constructed to City standards, there is no impact to expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving landslides.

e) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, will be consistent in use and intensity with Neighborhood Park standards, and will be constructed to City standards, there is no impact to result in substantial soil erosion or the loss of topsoil.

f) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, will be consistent in use and intensity with Neighborhood Park standards, and will be constructed to City standards, there is no impact to being located on a geological unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.

g) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, will be consistent in use and intensity with Neighborhood Park standards, and will be constructed to City standards, there is no impact to being located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.

h) Because Orville Wright Neighborhood Park will be located within the boundaries of the Urban Area General Plan, will be consistent in use and intensity with Neighborhood Park standards,
and will be constructed to City standards, there is no impact to soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

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**Issues:**

**XVII. ENERGY** - Compared to the Master EIR certified for the Modesto Urban Area General Plan, will the project result in increased impacts to:

a) Use of fuel, water, or energy in a wasteful manner.  
   - [ ] Potentially Significant Impact  
   - [ ] Less Than Significant With Mitigation Incorporation  
   - [ ] Less Than Significant Impact  
   - [X] No Impact

b) Encourage activities which result in the use of large amounts of fuel, water, or energy.  
   - [ ] Potentially Significant Impact  
   - [ ] Less Than Significant With Mitigation Incorporation  
   - [ ] Less Than Significant Impact  
   - [X] No Impact

This use will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are still valid, for the reasons discussed below.

**Discussion:**

a) Because service providers indicated ability to serve the area covered by the MEIR, and because of the low energy requirements of parks facilities, there would be no impact to use of fuel, water, or energy in a wasteful manner.

b) Because service providers indicated ability to serve the area covered by the MEIR, and because of the low energy requirements of parks facilities, there would be no impact to encouraging activities which result in the use of large amounts of fuel, water, or energy.
XVIII. MANDATORY FINDINGS OF SIGNIFICANCE - Compared to the Master EIR certified for the Modesto Urban Area General Plan:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

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

Discussion:

a) As set forth in the MEIR and this Initial Study, this project is located in biological, archeological, cultural, and hazardous materials study areas. The subsequent studies have been completed (Exhibit "B, C, & D") and have been incorporated in this Initial Study and Mitigated Negative Declaration. Due to the Mitigation Measures identified in this document, it can be concluded that this project does not have the potential to further degrade the quality of the environment.

b) Because Orville Wright Neighborhood Park would be consistent with Neighborhood Park Plan Standards as outlined in the Urban Area General Plan, the park does not have impacts which would be considered cumulatively considerable. The MEIR specifically projects development of the entire General Plan by the year 2025, and this project is a small increment of that development. Since the adoption of the MEIR, there are no major projects proposed in the vicinity of this project which would further exacerbate impacts which have not already been reviewed.

c) Finally, as set forth in both the MEIR and this Initial Study, it is not expected that the project will cause substantial adverse effects on human beings, either directly or indirectly.
XIX. DETERMINATION

Based on substantial evidence provided in the Initial Study, the City of Modesto finds:

☒ This Initial Study, prepared pursuant to CEQA Section 21157.1, has identified an additional significant environmental effect that was not analyzed in the Master EIR. This additional significant effect is potential impact to Loss of Wildlife/Plant Habitat.

☒ Feasible mitigation measures will be incorporated to revise the subsequent project before the Negative Declaration and Initial Study is released for public review pursuant to CEQA Section 21092 in order to avoid or mitigate the identified effects to a point where clearly no significant effects on the environment will occur.

The City’s Parks, Recreation and Neighborhoods, Engineering and Transportation, Operations and Maintenance, and Community Development Departments have reviewed the proposed project and have determined the following mitigation measures will address the identified impacts and provide an acceptable level of service.

Impact:
Loss of Wildlife/Plant Habitat
1. 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?

Mitigation:
The following mitigation measures are incorporated in the Design Development Report for Orville Wright Neighborhood Park and will be incorporated in the construction documents and schedule for this park.

1. Regarding Swainson’s Hawk: “If construction is scheduled to commence during the breeding season (i.e., 1 March to 15 September), the City of Modesto Parks, Recreation and Neighborhoods Department shall retain a qualified biologist to conduct a pre-construction survey to determine if Swainson’s Hawks are nesting within 0.25 mile of the project area. Pre-construction surveys will be conducted at least 2 weeks prior to construction. If no active nests are found in the study area, no further mitigation measures will be necessary. If an active Swainson’s Hawk nest is located within 0.25 mile of the project area, the biologist will record the location(s) on a site map. The City will report the results of the nest survey to DFG via letter to determine if any additional mitigation measures need to be implemented.” (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit “B”), Sycamore Environmental Consultants, Inc., Page 10)

2. Regarding other raptors and migratory birds (nesting): “If construction begins outside the breeding season (1 March to 30 August), there will be no need to conduct surveys for active nests. This time frame corresponds to the breeding season of many raptors and migratory birds. If construction is scheduled to commence during the breeding season, the City of Modesto Parks, Recreation and Neighborhoods Department shall retain a qualified biologist to conduct a pre-construction survey to determine if raptors or migratory birds are nesting within the project study area. Pre-construction surveys will be conducted at least 2 weeks
prior to construction. If no active nests are found in the study area, no further mitigation will be necessary.

If active nests are located within 75m (250ft) of the project study area, the biologist will record the location(s) on a site map. A minimum 75m (250ft) Environmentally Sensitive Area (buffer) shall be established around the tree. A biologist shall delimit the buffer zone with yellow caution tape or temporary flagging. The construction contractor shall be responsible for installing stakes or temporary fencing at the edge of the buffer zone. The buffer zone shall be maintained throughout the breeding season (1 March to 30 August). No disturbance shall occur within 75m (250ft) of a nest tree during the breeding season. During construction, a biologist will monitor nests weekly to evaluate potential nesting disturbance caused by construction activities. The biological monitor will have the authority to stop construction if construction appears to be adversely affecting nesting raptors or migratory birds.” (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit “B”), Sycamore Environmental Consultants, Inc., Page 10, 11)

3. Regarding the native Oak trees, a very conservative determination of a significant Oak tree has been adopted for this specific project, with all native Oaks in excess of 10-inch dbh being designated as significant trees. Based on this determination, there are four significant native Oaks (one Blue Oak, three Valley Oaks, and one Interior Live Oak) that will be removed with this construction. The City of Modesto will replace each significant native Oak tree removed with three 15 gallon specimens of either Valley Oak, Blue Oak or Interior Live Oak trees.

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

Based on the above-referenced Initial Study and feasible mitigation measures incorporated to revise the proposed project in order to avoid the effects or mitigate the effects to the point where clearly no significant effect on the environment will occur, staff finds that a Mitigated Negative Declaration should be adopted pursuant to CEQA Section 21157.5 et seq. for the proposed Orville Wright Neighborhood Park Master Plan, Design Development Report, and subsequent park and road construction.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described above have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.

I further find that the cumulative impacts of this project are consistent with those set forth in the Master EIR for the Modesto Urban Area General Plan. This project proposes development of parks and open space uses generally consistent with that analyzed in the General Plan Master EIR and set forth in the Modesto Urban Area General Plan. The City’s Parks, Recreation and Neighborhoods, Engineering and Transportation, Operations and Maintenance, and Community Development Departments have determined that the impacts from this project with mitigation applied will achieve the level of service consistent with the Modesto Urban Area General Plan and Master EIR. As such, this project would generate no additional cumulative impacts that were not previously addressed in the Master EIR. All appropriate mitigation measures from the Master EIR have been incorporated into the project, and no further evaluation of cumulative impacts is required since this project generated no significant cumulative impact.

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

Signature: Nathan G. Houx, Project Coordinator
Parks, Recreation and Neighborhoods Department
City of Modesto

Date: March 5, 2002
EXHIBIT "A"

ORVILLE WRIGHT NEIGHBORHOOD PARK MASTER PLAN
EXHIBIT “B”

BIOLOGICAL EVALUATION REPORT FOR
ORVILLE WRIGHT NEIGHBORHOOD PARK

Sycamore Environmental Consultants, Inc.
November 9, 2001
Biological Evaluation Report
for
Orville Wright Neighborhood Park
City of Modesto

Prepared by:
Sycamore Environmental Consultants, Inc.
6355 Riverside Blvd., Suite C
Sacramento, CA 95831-1143
916/427-0703
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Prepared for:
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Modesto, CA 95353
209/577-5399
Contact: Mr. Nathan Houx
Project Coordinator

9 November 2001
# Summary

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APPENDIX B. California Natural Diversity Data Base (CNDDB).
APPENDIX C. Plant and Wildlife Species Observed.
APPENDIX D. Photographs of the Project Study Area.
I. SUMMARY OF FINDINGS AND CONCLUSIONS

Construction of the Orville Wright Neighborhood Park project is not anticipated to adversely affect any state- or federal-listed special-status species or sensitive plant communities. Potential nesting habitat for raptors including Swainson’s hawk, a state-listed threatened species, occurs in the project area. No raptor nests were observed in any of the mature trees on the property. With the implementation of mitigation measures, including preconstruction surveys for nesting birds, no impact is anticipated.

II. INTRODUCTION

Sycamore Environmental Consultants, Inc. (Sycamore Environmental) is assisting the City of Modesto with biological studies in support of the Orville Wright Neighborhood Park project.

III. PROJECT DESCRIPTION

This project will construct a 3.8 acre neighborhood park within the Airport Neighborhood located in the south area of Modesto, north of Hillside Drive, south of Monterey Avenue, and just west of Empire Avenue, adjacent to and including portions of Orville Wright Elementary School (Figure 1). The park will be developed to include underground utilities, landscaping, an irrigation system, game courts, athletic fields, water play area, family picnic units, a children’s play area with play apparatus, park furniture, shade structure, skate area, a restroom utility building, security phone and security lighting. Construction activities associated with this project will include removal of the existing abandoned house, removal of trees around the house, grading, paving, and planting. This project will also renovate 2.3 acres of fenced school. The total area that will be constructed with this project will be 6.1 acres.

IV. STUDY METHODS

Study methods consisted of conducting surveys of the project study area, obtaining data from state and federal agencies, and reviewing maps and published and unpublished literature.

A. Studies Conducted

A biological evaluation was conducted to determine if any state or federal special-status plant or wildlife species or habitat for special-status species occurs in the project study area.

B. Survey Dates and Personnel

The project study area was surveyed on 2 October 2001 by Jeff Little and Jason Lowe, of Sycamore Environmental. On the morning of 2 October 2001 a pre-survey meeting was held between Sycamore Environmental and Mr. Nathan Houx, Project Coordinator for the City of Modesto, to discuss the project. Sycamore Environmental obtained aerial photographs and a conceptual design map of the project for use in the field.

C. Problems Encountered and Limitations That May Influence Results

The biological survey was conducted in October outside of the blooming season. However, no habitat for special-status plants exists in the study area.
D. Literature Search

Information on the biology, distribution, taxonomy, legal status, and other aspects of the special-status species was obtained from documents on file in the library of Sycamore Environmental. Standard references used for the biology and taxonomy of plants included Abrams (1923-1960); California Native Plant Society (2001); DFG (1999, 2001); Hickman, ed. (1993); and Mason (1957). Standard references used for the biology and taxonomy of wildlife included Behler and King (1979); Ehrlich et al. (1988); Jameson and Peeters (1988); Mayer and Laudenslayer, eds. (1988); Peterson (1990); Stebbins (1985); Udvardy (1977); Whitaker (1980); and Zeiner et al. (1988; 1990a, b).

A letter was sent to the U.S. Fish and Wildlife Service (USFWS) requesting file data on special-status species that could occur on the Ceres and Riverbank USGS topographic quadrangles. Their response dated 9 November 2001 is presented in Appendix A.

A computerized search of the California Natural Diversity Data Base (CNDDB/ RareFind report, 2 April 2001) was conducted for the Ceres and Riverbank USGS topographic quadrangles. A summary of these report is presented in Appendix A. This search was conducted to determine if there were any known occurrences of state- or federal-listed species recorded within the project study area.

In addition to the CNDDB/ RareFind report, Sycamore Environmental reviewed the following current lists prepared by the California Department of Fish and Game (DFG) Natural Diversity Data Base:

- State and federally listed endangered and threatened animals of California (July 2001);
- Special animals (July 2001);
- State and federally listed endangered, threatened, and rare plants of California (July 2001); and
- Special plants list (July 2001).

E. Field Surveys

Biological surveys consisted of walking and visually surveying the entire six-acre study area to assess potential habitat for special-status species. Plant species and plant communities were identified and recorded. Wildlife species observed in or near the project study area during surveys were recorded. A list of species observed is presented in Appendix C. Photographs of the study area are presented in Appendix D.

F. Mapping

Environmental and biological features observed within the project study area were mapped in the field by Sycamore Environmental using a 1997 aerial photograph supplied by the City (Figure 2).
V. ENVIRONMENTAL SETTING

Elevation of the project area is 68 to 94 ft above sea level. The topography is level on the northern two-thirds, and slightly sloping on the southern one-third of the project area. There is one abandoned building within the project area. Land use within the project area consists of a grass playing field for the Orville Wright School, and undeveloped open space surrounding an abandoned house. Land use adjacent to the project area consists of the Orville Wright School, residential housing, and open space. Legion Park and the Tuolumne River are approximately 0.2 mile south of the project area. No streams or wet areas occur in the project area. The extreme southwest corner of the project area is within the 100-year flood plain.

A. Description of the Biological Communities

The project area is located on the edge of an urban area and an open space. The open space is to the south of the project area and consists of fields with scattered trees. Vegetation in the project area consists of a mowed grass playing field, trees associated with the abandoned house, and disced fields with nonnative ruderal weeds around the periphery (Figure 2).

1. Plants

Species observed included various native and ornamental oaks (*Quercus* spp.), various fruit trees (*Prunus* spp.), tree of heaven (*Ailanthus altissima*), blue elderberry (*Sambucus mexicana*), Russian thistle (*Salsola tragus*), foxtail barley (*Hordeum jubatum*), and ripgut grass (*Bromus diandrus*). Trees were measured at breast height and are presented below (Table 1). A complete list of plant species observed in the project study area is presented in Appendix C.

<table>
<thead>
<tr>
<th>NUMBER OF INDIVIDUALS</th>
<th>SCIENTIFIC NAME</th>
<th>COMMON NAME</th>
<th>DIAMETER AT BREAST HEIGHT (DBH)†</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td><em>Albizia julibrissin</em></td>
<td>Silk tree</td>
<td>(7, 3, 3, 6), 7</td>
</tr>
<tr>
<td>1</td>
<td><em>Quercus douglasii</em></td>
<td>Blue oak</td>
<td>(4, 4, 8, 20)</td>
</tr>
<tr>
<td>5</td>
<td><em>Quercus lobata</em></td>
<td>Valley oak</td>
<td>5, 14, 16, (5, 5), 22</td>
</tr>
<tr>
<td>1</td>
<td><em>Quercus lobata x douglasii</em></td>
<td></td>
<td>37</td>
</tr>
<tr>
<td>1</td>
<td><em>Quercus suber</em></td>
<td>Cork oak</td>
<td>20</td>
</tr>
<tr>
<td>1</td>
<td><em>Quercus wislizenii</em></td>
<td>Interior live oak</td>
<td>17</td>
</tr>
<tr>
<td>1</td>
<td><em>Juglans californica var. hindsii</em></td>
<td>California black walnut</td>
<td>(7, 7, 8)</td>
</tr>
<tr>
<td>1</td>
<td><em>Umbellularia californica</em></td>
<td>California bay</td>
<td>15</td>
</tr>
<tr>
<td>1</td>
<td><em>Fraxinus dipetala</em></td>
<td>California ash</td>
<td>38</td>
</tr>
<tr>
<td>1</td>
<td><em>Pinus muricata</em></td>
<td>Bishop pine</td>
<td>36</td>
</tr>
<tr>
<td>1</td>
<td><em>Punica granatum</em></td>
<td>Pomegranate</td>
<td>not measured</td>
</tr>
<tr>
<td>1</td>
<td><em>Prunus spp.</em></td>
<td></td>
<td>(4, 5, 5)</td>
</tr>
<tr>
<td>3</td>
<td><em>Salix sp.</em></td>
<td>Willow</td>
<td>12, 8, 14</td>
</tr>
<tr>
<td>1</td>
<td><em>Ailanthus altissima</em></td>
<td>Tree-of-heaven</td>
<td>(15, 15, 10, 11, 8, 8, 5)</td>
</tr>
<tr>
<td>1</td>
<td><em>Ulmus sp.</em></td>
<td>Elm</td>
<td>24</td>
</tr>
<tr>
<td>2</td>
<td><em>Unidentified</em></td>
<td></td>
<td>(9, 7, 6), (10, 8, 7)</td>
</tr>
<tr>
<td>24</td>
<td>TOTAL</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

† Diameters given in parentheses indicate multi-stem individuals.
Biological Evaluation Report for Orville Wright Neighborhood Park
Modesto, CA
12 November 2001

Figure 2.
Biological Resources Map

Orville Wright Elementary School
School's Grass Field
Abandoned House Site
Flooded Field

Project Study Area Boundary

Scale: 1" = 150'

Sycamore Environmental Consultants, Inc.
Basemap: City of Modesto
2. Wildlife

Wildlife species observed in and near the study area included mourning dove (Zenaida macroura) and scrub jay (Aphelocoma coerulescens). No raptor nests were observed in or adjacent to the project study area. A complete list of wildlife species observed in the project study area is presented in Appendix C.

B. The Existing Level of Disturbance

The project study area includes the Orville Wright School playing field. This field is maintained. It is used by schoolchildren while school is in session. The majority of the project study area consists of the abandoned house and its yard. The garage portion of the house and some adjacent trees burned in a recent arson fire. To the south, Legion Park experiences an existing level of disturbance from vehicle traffic along Legion Park Dr., which parallels the Tuolumne River and provides public access to the park.

C. Special-Status Species Evaluated for the Project Area

File data requested from the USFWS, CNDDBI RareFind records, and field surveys were used to determine the species evaluated in this document. File data requested from the USFWS listing special-status species that could potentially occur within the project area is presented in Appendix A. A total of 9 CNDDBI RareFind records for 5 unique species were listed for the Ceres and Riverbank USGS quadrangles. A summary list of CNDDBI RareFind records is provided in Appendix B. The state and federal listing status of special-status species for which suitable or marginal habitat is present in the study area is listed in Table 2. Special-status species for which suitable habitat is not present, or whose distributional limits preclude the possibility of their occurrence in the project study area, are not discussed further in this report. The Tuolumne River is 0.2 mile south of the project area. However, no creeks, wetlands, or fish habitat occur in the project area.

Table 2. Special-Status Species Evaluated.

<table>
<thead>
<tr>
<th>SPECIAL-STATUS SPECIES</th>
<th>COMMON NAME</th>
<th>Federal/ State Status</th>
<th>DFG Status</th>
<th>Source b</th>
<th>Observed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birds</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Buteo swainsoni</td>
<td>Swainson’s hawk (nesting)</td>
<td>--/T</td>
<td>--</td>
<td>1.2</td>
<td>No</td>
</tr>
<tr>
<td>Desmocerus californicus dimorphus</td>
<td>Valley elderberry longhorn beetle</td>
<td>T/--</td>
<td>--</td>
<td>1.2</td>
<td>No</td>
</tr>
</tbody>
</table>

a Status Categories

Federal status determined from USFWS letter. State status determined from State and Federally Listed Endangered and Threatened Animals of California (July 2001), Special Animals (July 2001), and/or Special Plants List (July 2001), State and Federally Listed Endangered, Threatened, and Rare Plants of California (July 2001) prepared by DFG Natural Diversity Data Base. CNPS status determined from CNPS Inventory of Rare and Endangered vascular plants of California (CNPS 2001). Codes used in table are as follows:

E = Endangered; T = Threatened; P = Proposed; R = California Rare; * = Possibly extinct.
C = Candidate: Taxa for which the Fish and Wildlife Service has sufficient biological information to support a proposal to list as endangered or threatened.
SC = USFWS Species of Concern: Taxa for which existing information may warrant listing but for which substantial biological information to support a proposed rule is lacking.
CSC = DFG “Species of Special Concern.”
FP = DFG Fully protected
Prot. = DFG Protected
CNPS List (plants only): 1A = Presumed Extinct in CA; 1B = Rare or Endangered in CA and elsewhere; 2 = R/E in CA and more common elsewhere; 3 = Need more information; 4 = Plants of limited distribution.

b Sources

1 = From the USFWS letter.
2 = From CNDDBI RareFind.
3 = Observed by Sycamore Environmental biologists.
D. Special-Status Wildlife Species

1. Invertebrates

Valley elderberry longhorn beetle (Desmocerus californicus dimorphus)

HABITAT AND BIOLOGY: The Valley elderberry longhorn beetle requires an elderberry shrub (Sambucus sp.) as a host plant. The beetle's habitat consists of riparian forests whose dominant species include valley oak, cottonwood, willow, and sycamore with an understory of elderberry shrubs (USFWS, 1991). Elderberry shrubs with stems measuring over one inch in diameter are considered by USFWS to provide suitable habitat for the beetle.

RANGE: Found from Redding south to Bakersfield and from the western foothills of the Sierra Nevada to the eastern foothills of the Coast Range (USFWS, 1991).

CNDDB/ RAREFIND RECORDS: There is one general vicinity record for Valley elderberry longhorn beetle on the Riverbank quad.

HABITAT PRESENT IN STUDY AREA: Two elderberry shrubs are present in the study area. These shrubs are located along the chain link fence in the northwest portion of the project area. The largest stem on these shrubs was 0.75 inch in diameter. No stems were larger than one inch in diameter.

2. Birds

Swainson's hawk (Buteo swainsoni) – nesting

HABITAT AND BIOLOGY: An uncommon breeding resident and migrant in CA. Nests in open riparian habitat, in scattered trees or in small groves in sparsely vegetated flatlands. Nesting areas are usually located near water, but are occasionally found in arid regions. Typical habitat includes open desert, grassland, or cropland containing scattered, large trees or small groves (Zeiner et al. 1990a).

RANGE: The summer range of this species is the California Central Valley. California populations of this species are believed to overwinter in Mexico.

CNDDB/ RAREFIND RECORDS: Two records for Swainson's hawk nests occur on the Ceres and Riverbank quads, of which the closest is 2.1 miles southeast of the project area on the Tuolumne River. No Swainson's hawk records occur within one mile of the project study area.

NESTING/ FORAGING HABITAT PRESENT IN STUDY AREA: Three large trees within the project study area provide marginal nesting habitat for this species. These include one blue-valley oak hybrid (Quercus lobata x douglasii; 37 inch dbh), one Bishop pine (Pinus muricata; 36 inch dbh), and one valley oak (Quercus lobata; 22 inch dbh). No foraging habitat occurs within the project area. Vegetation management within the project area consists of regular plowing leaving bare soil, which reduces the suitability for sustaining small mammal prey base for Swainson's hawk.

E. Special-Status Plant Species

No habitat for state or federal-listed special-status plant species occurs within the project study area.

F. Sensitive Communities

Sensitive natural communities include rare communities, communities that are adversely affected by minimal disturbance, and communities that provide habitat for special-status plant or wildlife species. There are no sensitive communities in the project study area. The trees on-site are associated with the abandoned house and are not part of the riparian corridor.

G. Wetlands

No wetlands or other waters of the U.S. occur in the project study area.
VI. IMPACT EVALUATION AND MITIGATION MEASURES

A. Determination of Significance of Impacts
Impacts to biological resources were evaluated for significance based on legal protection; local, state, and federal agency policies; and documented resource scarcity and sensitivity.

1. State and Federal Statutes
The purpose of the Biological Resources Evaluation Report is to conduct biological studies and perform analyses and evaluations necessary to satisfy the legal requirements of State and Federal statutes. These statutes include:
   - National Environmental Policy Act (42 U.S.C. 4321 et seq.).
   - California Environmental Quality Act (P.R.C. 21000 et seq.).
   - California Endangered Species Act (California Fish and Game Code 2050 et seq.).
   - Native Plant Protection Act (California Fish and Game Code 1900-1913).
   - Sections 1601-1603 of the California Fish and Game Code that pertain to streambed alterations.

2. Federal Endangered Species Act
The Federal Endangered Species Act defines ‘take’ (Section 9) and prohibits ‘taking’ of a listed endangered or threatened species (16 U.S.C. 1532, 50 CFR 17.3). If a federally listed species could be harmed by a project, a Section 7 or 10 consultation must be initiated, and an Incidental Take Permit must be obtained (16 U.S.C. 1539, 50 CFR 13).

3. Federal Migratory Bird Treaty Act
Migratory birds are protected under the federal Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in 50 CFR Part 10 including feathers or other parts, nests, eggs, or products, except as allowed by implementing regulations (50 CFR 21). All migratory bird species are protected by the MBTA. The direct injury or death of an individual of this species, due to construction activities or any construction-related disturbance that causes nest abandonment or forced fledging of this species, would be considered a significant impact. Any removal of active nests during the breeding season or any disturbance that results in the abandonment of nestlings is considered a ‘take’ of the species under federal law. Impacts to migratory birds that result in a ‘take’ of the species would be significant.

4. California Fish and Game Code
The California Fish and Game Code defines ‘take’ (Section 86) and prohibits ‘taking’ of a species listed as threatened or endangered under the California Endangered Species Act (California Fish and Game Code Section 2080) or otherwise fully protected (as defined in California Fish and Game Code Sections 3511, 4700, and 5050).

The DFG also regulates activities that may impact streambeds or other wetland areas. Division 2, Chapter 6, Section 1601 of the Fish and Game Code states that a permit may be required for:
"...any project which will divert, obstruct or change the natural flow or bed, channel or bank of any river, stream, or lake designated by the department in which there is at any time an existing fish or wildlife resource or from which these resources derive benefit, or will use material from the streambeds designated by the department..."

The DFG has stated that their jurisdiction is any wetland area that is within the 100-year floodplain. Completion of a Section 1601-03 Streambed Alteration Agreement with the DFG is required before any work begins that will affect wetland areas within the 100-year floodplain.

5. Other Special-Status Species Classifications

California species of special concern (CSC), species listed on California Native Plant Society lists 1B and 2 (CNPS 2001), and active raptor nests are included in this classification.

6. Significance Criteria

Short-term vegetation impacts arise from construction activities that result in the temporary removal of vegetation, alteration of habitat, creation of dust, etc. Long-term impacts result when vegetation is permanently destroyed (directly or indirectly) when land is cleared for construction, when rare or endangered species are threatened, and when the integrity of a plant community is destroyed. Short-term wildlife impacts during construction occur when physical damage, dust, and noise disrupt wildlife species, alter habitat, and displace animals. Long-term impacts occur when wildlife is destroyed or permanently displaced or when their habitat is permanently altered.

The following Significance Criteria were used for evaluating impacts on biological resources:

- Loss of the habitat, individuals, or populations of plant or wildlife species occurring on state or federal lists.
- Loss of the habitat, individuals, or populations of plants or wildlife occurring on the list of Species of Special Concern as defined by DFG.
- Loss of the habitat, individuals, or populations of species occurring on List 1B or List 2 of the California Native Plant Society Inventory (CNPS 2001).
- Loss of sensitive plant communities as defined by DFG, or other communities of recognized regional importance.
- Loss of riparian habitats.
- Loss of active raptor nest-trees.
B. Special-Status Wildlife Species

1. Valley elderberry longhorn beetle

Discussion/Potential Impact: Two elderberry shrubs occur in the project study area. Both shrubs are multi-stemmed with all stems measuring less than one inch in diameter. The largest stem was 0.75 inch in diameter. Only elderberry shrubs with stems measuring over one inch in diameter are considered by USFWS to provide suitable habitat for the beetle. There are no elderberry stems that measure one inch or greater in the project study area. The removal of the two elderberry shrubs is not considered loss of habitat for the Valley elderberry longhorn beetle. No impact is anticipated and no mitigation is required.

2. Swainson’s hawk

Discussion/Potential Impact: The closest record of a Swainson’s hawk nest is 2.1 miles from the project. No nests were observed in the project area. Two suitable nest trees, one valley oak (Quercus lobata; 22 inch dbh) and one Bishop pine (Pinus muricata; 36 inch dbh), will be removed during construction. A larger tree, a blue oak-valley oak hybrid (Quercus lobata x douglasii; 37 inch dbh) will be retained. These trees are subject to an existing level of disturbance from schoolchildren, adjacent residential areas, and human activity in nearby Legion Park. The disturbance levels create conditions unfavorable for nesting and rearing chicks.

Noise disturbance associated with construction of Orville Wright Neighborhood Park during the breeding season (i.e., 1 March to 15 September) could result in the abandonment of active Swainson’s hawk nests or forced fledging of nestlings if they occur within 0.25 mile of the project area. To avoid this impact, preconstruction surveys for active nests will be conducted if construction takes place during the breeding season. With preconstruction surveys, no impact is anticipated and no other mitigation is required. If construction begins outside the breeding season, there will be no need to conduct preconstruction surveys.

Mitigation: If construction is scheduled to commence during the breeding season (i.e., 1 March to 15 September), the City of Modesto Parks, Recreation and Neighborhoods Department shall retain a qualified biologist to conduct a preconstruction survey to determine if Swainson’s hawks are nesting within 0.25 mile of the project area. Preconstruction surveys will be conducted at least 2 weeks prior to construction. If no active nests are found in the study area, no further mitigation will be necessary.

If an active Swainson’s hawk nest is located within 0.25 mile of the project area, the biologist will record the location(s) on a site map. The City will report the results of the nest survey to DFG via letter to determine if any additional mitigation measures need to be implemented.

3. Other raptors and migratory birds (nesting)

Discussion/Potential Impact: Native and ornamental trees in the project area provide marginal nesting habitat for other raptors and migratory birds. Active nests (if they occur) could be disturbed as a result of noise and the removal of vegetation within the project study area. Implementation of the mitigation measures will reduce the potential for impact to these species to a less-than-significant level.

Mitigation: If construction begins outside the breeding season (1 March to 30 August), there will be no need to conduct surveys for active nests. This time frame corresponds to the breeding season of many raptors and migratory birds. If construction is scheduled to commence during the breeding season, the City of Modesto Parks, Recreation and Neighborhoods Department shall retain a qualified biologist to conduct a preconstruction survey to determine if raptors or migratory birds are nesting.
within the project study area. Preconstruction surveys will be conducted at least 2 weeks prior to construction. If no active nests are found in the study area, no further mitigation will be necessary.

If active nests are located within 75 m (250 ft) of the project study area, the biologist will record the location(s) on a site map. A minimum 75 m (250 ft) Environmentally Sensitive Area (buffer) shall be established around the tree. A biologist shall delimit the buffer zone with yellow caution tape or temporary flagging. The construction contractor shall be responsible for installing stakes or temporary fencing at the edge of the buffer zone. The buffer zone shall be maintained throughout the breeding season (1 March to 30 August). No disturbance shall occur within 75 m (250 ft) of a nest tree during the breeding season. During construction, a biologist will monitor nests weekly to evaluate potential nesting disturbance caused by construction activities. The biological monitor will have the authority to stop construction if construction appears to be adversely affecting nesting raptors or migratory birds.

C. Special-Status Plant Species

No impacts to special-status plant species will occur because no habitat for them occurs within the project study area.
VII. LITERATURE CITED


California Department of Fish and Game (DFG). January 1999. List of California terrestrial natural communities recognized by the Natural Diversity Data Base. Natural Heritage Division, CNDDDB, Sacramento, CA.

California Department of Fish and Game (DFG). July 2001. Special animals. Natural Heritage Division, CNDDDB, Sacramento, CA.

California Department of Fish and Game (DFG). July 2001. State and federally listed endangered, threatened, and rare plants of California. Natural Heritage Division, CNDDDB, Sacramento, CA.

California Department of Fish and Game (DFG). July 2001. Special plants list. Natural Heritage Division, CNDDDB, Sacramento, CA.

California Department of Fish and Game (DFG). July 2001. State and federally listed endangered and threatened animals of California. Natural Heritage Division, CNDDDB, Sacramento, CA.


Jason Lowe, M.A., Biology, Humboldt State University, Arcata, CA. Three years of experience with special-status wildlife regulatory framework and management, and over nine seasons of experience with special-status wildlife surveys and field work. Conducts species surveys and prepares biological reports and environmental documents. Responsibilities: Conducted field survey; document preparation.

David M. Osborne, B.S., Entomology, The Ohio State University, Columbus, OH. Assists with biological surveys, report preparation, and conducts CNDDDB/ RareFind searches. Conducts GPS mapping and AutoCAD and ArcView/GIS map creation. Responsibilities: Conducted CNDDDB search, map production.

Cynthia Little, Principal, Sycamore Environmental. Responsibilities: Senior editor, quality control.
APPENDIX A.

USFWS LETTER
DATED 9 NOVEMBER 2001

ORVILLE WRIGHT NEIGHBORHOOD PARK
CITY OF MODESTO, CA
United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office
2800 Cottage Way, Room W2605
Sacramento, California 95825

November 9, 2001

Jason Lowe
Sycamore Environmental
fax (916) 427-2175

Subject: Species List for the Orville Wright Neighborhood Park, Ceres, California

Dear Mr. Lowe,

We are sending the enclosed list in response to your September 7, 2001, request for information about endangered and threatened species (Enclosure A). The list covers the U.S. Geological Survey Ceres 7½ minute quad.

Please read Important Information About Your Species List (enclosed). It explains how we made the list and describes your responsibilities under the Endangered Species Act. Please contact Harry Mossman, Biological Technician, at (916) 414-6674, if you have any questions about the attached list or your responsibilities under the Endangered Species Act. For the fastest response to species list requests, address them to the attention of Mr. Mossman at this address. You may fax requests to him at 414-6710 or email them to harry.mossman@fws.gov.

Sincerely,

[Signature]

Jan Knight
Chief, Endangered Species Division

Enclosures
ENCLOSURE A

Endangered and Threatened Species that May Occur in or be Affected by Projects in the Selected Quads Listed Below

Reference File No. 1-1-01-SP-3195
Orville Wright Neighborhood Park
November 9, 2001

QUAD: 442C CERES

Listed Species

Mammals
	n riparian (San Joaquin Valley) woodrat, *Neotoma fuscipes riparia* (E) *
t riparian brush rabbit, *Sylvilagus bachmani riparius* (E) *

Birds
	n bald eagle, *Haliaeetus leucocephalus* (T)

Reptiles
	n giant garter snake, *Thamnophis gigas* (T)

Amphibians
	n California red-legged frog, *Rana aurora draytonii* (T)

Fish
	n delta smelt, *Hypomesus transpacificus* (T)
	n Central Valley steelhead, *Oncorhynchus mykiss* (T)
	n winter-run chinook salmon, *Oncorhynchus tshawytscha* (E)
	n Central Valley spring-run chinook salmon, *Oncorhynchus tshawytscha* (T)
	n Sacramento splittail, *Pogonichthys macrolepidotus* (T)

Invertebrates
	n vernal pool fairy shrimp, *Branchinecta lynchii* (T)
	n valley elderberry longhorn beetle, *Desmocerus californicus dimorphus* (T)
	n vernal pool tadpole shrimp, *Lepidurus packardi* (E)

Proposed Species

Birds
	n mountain plover, *Charadrius montanus* (PT)

Candidate Species

Amphibians
	n California tiger salamander, *Ambystoma californiense* (C)

Fish
	n Central Valley fall/late fall-run chinook salmon, *Oncorhynchus tshawytscha* (C)
Species of Concern

Mammals
Pacific western big-eared bat, Corynorhinus (=Plecotus) townsendii townsendii (SC)
Merced kangaroo rat, Dipodomys merriami dixoni (SC)
greater western mastiff-bat, Eumops perotis californicus (SC)
small-footed myotis bat, Myotis ciliolabrum (SC)
long-legged myotis bat, Myotis volans (SC)
Yuma myotis bat, Myotis yumanensis (SC)
San Joaquin pocket mouse, Perognathus discoides (SC)

Birds
tricolored blackbird, Agelaius tricolor (SC)
grasshopper sparrow, Ammodramus savannarum (SC)
short-eared owl, Asio flammeus (SC)
western burrowing owl, Athene cunicularia hypugaea (SC)
Aleutian Canada goose, Branta canadensis leucopareia (D)
Swainson's hawk, Buteo swainsoni (CA)
ferruginous hawk, Buteo regalis (SC)
Costa's hummingbird, Calypte costae (SC)
Lawrence's goldfinch, Carduelis lawrencei (SC)
Vaux's swift, Chaetura vauxi (SC)
black tern, Chlidonias niger (SC)
white-tailed (=black shouldered) kite, Elanus leucurus (SC)
little willow flycatcher, Empidonax traillii brewsteri (CA)
American peregrine falcon, Falco peregrinus anatum (D)
greater sandhill crane, Grus canadensis tabida (CA)
loggerhead shrike, Lanius ludovicianus (SC)
Lewis' woodpecker, Melanerpes lewis (SC)
long-billed curlew, Numenius americanus (SC)
white-faced ibis, Plegadis chihi (SC)
rufous hummingbird, Selasphorus rufus (SC)

Reptiles
slivery legless lizard, Anniella pulchra pulchra (SC)
northwestern pond turtle, Clemmys marmorata marmorata (SC)
southwestern pond turtle, Clemmys marmorata pallida (SC)
California horned lizard, *Phrynosoma coronatum frontale* (SC)

Amphibians
western spadefoot toad, *Scaphiopus hammondii* (SC)

Fish
green sturgeon, *Acipenser medirostris* (SC)
river lamprey, *Lampetra ayresi* (SC)
Kern brook lamprey, *Lampetra hubbsi* (SC)
Pacific lamprey, *Lampetra tridentata* (SC)
longfin smelt, *Spirinchus thaleichthys* (SC)

Invertebrates
Midvalley fairy shrimp, *Branchinecta mesovallensis* (SC)
California linderella fairy shrimp, *Linderella occidentalis* (SC)
molestan blister beetle, *Lytta molesta* (SC)
molestan blister beetle, *Lytta molesta* (SC)

KEY:

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(E)</td>
<td><em>Endangered</em> Listed (in the Federal Register) as being in danger of extinction.</td>
</tr>
<tr>
<td>(T)</td>
<td><em>Threatened</em> Listed as likely to become endangered within the foreseeable future.</td>
</tr>
<tr>
<td>(P)</td>
<td><em>Proposed</em> Officially proposed (in the Federal Register) for listing as endangered or threatened.</td>
</tr>
<tr>
<td>(PX)</td>
<td><em>Proposed</em> Critical Habitat Proposed as an area essential to the conservation of the species.</td>
</tr>
<tr>
<td>(C)</td>
<td><em>Candidate</em> Candidate to become a proposed species.</td>
</tr>
<tr>
<td>(SC)</td>
<td><em>Species of Concern</em> May be endangered or threatened. Not enough biological information has been gathered to support listing at this time.</td>
</tr>
<tr>
<td>(MB)</td>
<td><em>Migratory Bird</em> Migratory bird</td>
</tr>
<tr>
<td>(D)</td>
<td><em>Delisted</em> Delisted. Status to be monitored for 5 years.</td>
</tr>
<tr>
<td>(CA)</td>
<td><em>State-Listed</em> Listed as threatened or endangered by the State of California.</td>
</tr>
<tr>
<td>(*)</td>
<td><em>Extirpated</em> Possibly extirpated from this quad.</td>
</tr>
<tr>
<td>(**)</td>
<td><em>Extinct</em> Possibly extinct.</td>
</tr>
<tr>
<td></td>
<td><em>Critical Habitat</em> Area essential to the conservation of a species.</td>
</tr>
</tbody>
</table>
Listed Species

Mammals

San Joaquin kit fox, *Vulpes macrotis mutica* (E)

riparian (San Joaquin Valley) woodrat, *Neotoma fuscipes riparia* (E) *

riparian brush rabbit, *Sylvilagus bachmani riparius* (E) *

Birds

bald eagle, *Haliaeetus leucocephalus* (T)

Reptiles

giant garter snake, *Thamnophis gigas* (T)

Amphibians

California red-legged frog, *Rana aurora draytonii* (T)

Fish

delta smelt, *Hypomesus transpacificus* (T)

Central Valley steelhead, *Oncorhynchus mykiss* (T)

Critical habitat, Central Valley steelhead, *Oncorhynchus mykiss* (T)

Sacramento splittail, *Pogonichthys macrolepidotus* (T)

Invertebrates

Conservancy fairy shrimp, *Branchinecta conservatio* (E)

longhorn fairy shrimp, *Branchinecta longianterna* (E)

vernal pool tadpole shrimp, *Lepidurus packardi* (E)

vernal pool fairy shrimp, *Branchinecta lynchii* (T)

valley elderberry longhorn beetle, *Desmocerus californicus dimorphus* (T)

Plants

hairy Orcutt grass, *Orcuttia pilosa* (E)

Hartweg's golden sunburst, *Pseudobahia bahiifolia* (E)

fleshy owl's-clover, *Castilleja campestris ssp. succulenta* (T)

Hoover's spurge, *Chamaesyce hooveri* (T)

Colusa grass, *Neostapfia colusana* (T)

Greene's tuctoria, *Tuctoria greenii* (E) *

San Joaquin Valley Orcutt grass, *Orcuttia inaequalis* (T) *
**Proposed Species**

**Birds**
- mountain plover, *Charadrius montanus* (PT)

**Candidate Species**

**Birds**
- Western yellow-billed cuckoo, *Coccyzus americanus occidentalis* (C) *

**Amphibians**
- California tiger salamander, *Ambystoma californiense* (C)

**Fish**
- Central Valley fall/fate fall-run chinook salmon, *Oncorhynchus tshawytscha* (C)
- Critical habitat, Central Valley fall/fate fall-run chinook, *Oncorhynchus tshawytscha* (C)

**Species of Concern**

**Mammals**
- Pacific western big-eared bat, *Corynorhinus (=Plecopterus) townsendii townsendii* (SC)
- Merced kangaroo rat, *Dipodomys heermanni dixoni* (SC)
- greater western mastiff-bat, *Eumops perotis californicus* (SC)
- small-footed myotis bat, *Myotis ciliolabrum* (SC)
- long-eared myotis bat, *Myotis evotis* (SC)
- fringed myotis bat, *Myotis thysanodes* (SC)
- long-legged myotis bat, *Myotis volans* (SC)
- Yuma myotis bat, *Myotis yumanensis* (SC)
- San Joaquin pocket mouse, *Perognathus inomatus* (SC)

**Birds**
- Swainson's hawk, *Buteo swainsoni* (CA)
- little Willow flycatcher, *Empidonax traillii brevistri* (CA)
- greater sandhill crane, *Grus canadensis tabida* (CA)
- bank swallow, *Riparia riparia* (CA)
- Aleutian Canada goose, *Branta canadensis leucopareia* (D)
- American peregrine falcon, *Falco peregrinus anatum* (D)
- Snowy Egret, *Egretta thula* (MB)
- tricolored blackbird, *Agelaius tricolor* (SC)
- grasshopper sparrow, *Ammomanus savannarum* (SC)
- Bell's sage sparrow, *Amphispiza belli belli* (SC)
- short-eared owl, *Asio flammeus* (SC)
- western burrowing owl, *Athene cunicularia hypugaea* (SC)
- American bittern, *Botaurus lentiginosus* (SC)
ferruginous hawk, *Buteo regalis* (SC)
Costa's hummingbird, *Calypte costae* (SC)
Lawrence's goldfinch, *Carduelis lawrencei* (SC)
Vaux's swift, *Chaetura vauxi* (SC)
black tern, *Chlidonias niger* (SC)
olive-sided flycatcher, *Contopus cooperi* (SC)
white-tailed (=black shouldered) kite, *Elanus leucurus* (SC)
common loon, *Gavia immer* (SC)
least bittern, western, *Ixobrychus exilis hesperis* (SC)
loggerhead shrike, *Lanius ludovicianus* (SC)
Lewis' woodpecker, *Melanerpes lewis* (SC)
long-billed curlew, *Numenius americanus* (SC)
white-faced ibis, *Plegadis chihi* (SC)
rufous hummingbird, *Selasphorus rufus* (SC)
California thrasher, *Toxostoma redivivum* (SC)

Reptiles

silvery legless lizard, *Anniella pulchra pulchra* (SC)
northwestern pond turtle, *Clemmys marmorata marmorata* (SC)
southern pond turtle, *Clemmys marmorata pallida* (SC)
San Joaquin coachwhip (=whipsnake), *Masticophis flagellum ruddocki* (SC)
California horned lizard, *Phrynosoma coronatum frontale* (SC)

Amphibians

foothill yellow-legged frog, *Rana boylii* (SC)
western spadefoot toad, *Scaphiopus hammondii* (SC)

Fish

green sturgeon, *Acipenser medirostris* (SC)
river lamprey, *Lampetra ayresi* (SC)
Kern brook lamprey, *Lampetra hubbsi* (SC)
Pacific lamprey, *Lampetra tridentata* (SC)
longfin smelt, *Spirinchus thaleichthys* (SC)

Invertebrates

Sacramento anthicid beetle, *Anthicus sacramento* (SC)
Midvalley fairy shrimp, *Branchinecta mesovahenstis* (SC)
California linderiella fairy shrimp, *Linderiella occidentalis* (SC)
moestan blister beetle, *Lytta moesta* (SC)
molestan blister beetle, *Lytta molesta* (SC)
Plants

Sharsmith's onion, *Allium sharsmithae* (SC)

vernal pool saltbush, *Atriplex persistens* (SC)

Hoover's rosinweed, *Calycadenia hooveri* (SC)

Mt. Hamilton harebell, *Campanula sharsmithiae* (SC)

Mt. Hamilton thistle, *Cirsium fontinale var. campylo* (SC)

beaked clarkia, *Clarkia rostrata* (SC)

Mt. Hamilton coreopsis, *Coreopsis hamiltonii* (SC)

spiny-sepaled coyote-thistle, *Eryngium spinosepalum* (SC)

talus fritillary, *Fritillaria falcata* (SC)

red-flowered lotus, *Lotus rubriflorus* (SC)

little mouse-tail, *Myosurus minimus ssp. apus* (SC)

Mt. Diablo phacelia, *Phacelia phacelioides* (SC)

delta coyote-thistle (=button-celery), *Eryngium racemosum* (CA) *

alkali milk-vetch, *Astragalus tener var. tener* (SC) *

heart-scale, *Atriplex cordulata* (SC) *

brittlescale, *Atriplex depressa* (SC) *

Big plant, *Blepharizonia plumosa ssp. plumosa* (SC) *

diamond-petaled poppy, *Eschscholzia rhombipetala* (SC) *

legeners, *Legenere limosa* (SC) *

Merced monardella, *Monardella leucocephala* (SC) **
APPENDIX B.

CALIFORNIA NATURAL DIVERSITY DATA BASE (CNDDB)
RAREFIND SUMMARY REPORT FOR CERES AND RIVERBANK QUADS

ORVILLE WRIGHT NEIGHBORHOOD PARK
CITY OF MODESTO, CA
### Summary of RareFind Occurrences By Quad:

<table>
<thead>
<tr>
<th>No.</th>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Total Unique Occurrences</th>
<th>Fed/State/CNPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>BUTEO SWAINSONI (NESTING)</td>
<td>SWAINSON'S HAWK</td>
<td>1</td>
<td>--/T/-</td>
</tr>
<tr>
<td>2</td>
<td>AGELEIUS TRICOLOR (NESTING COLONY)</td>
<td>TRICOLORED BLACKBIRD</td>
<td>1</td>
<td>--/SC/-</td>
</tr>
<tr>
<td>3</td>
<td>DESMOCRUS CALIFORNICUS DIMORPHUS</td>
<td>VALLEY ELDERBERRY LONGHORN BEETLE</td>
<td>2</td>
<td>T/-/I/-</td>
</tr>
</tbody>
</table>

*Fed/State: E=Endangered, T=Threatened, P=Proposed, SC=Species of Concern, -- = None
CNPS:1B=Plants rare, threatened, or endangered in California and elsewhere
CNPS:2=Plants rare, threatened, or endangered in California, but more common elsewhere
<table>
<thead>
<tr>
<th>No.</th>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Total Unique Occurrences</th>
<th>Fed/State/CNPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>BUTEO SWAINSONI (NESTING)</td>
<td>SWAINSON'S HAWK</td>
<td>1</td>
<td>--/T/--</td>
</tr>
<tr>
<td>2</td>
<td>ATHENE CUNICULARIA (BURROW SITES)</td>
<td>BURROWING OWL</td>
<td>1</td>
<td>--/SCI/--</td>
</tr>
<tr>
<td>3</td>
<td>LEPIDURUS PACKARDI</td>
<td>VERNAL POOL TADPOLE SHRIMP</td>
<td>1</td>
<td>E/-/-</td>
</tr>
<tr>
<td>4</td>
<td>DESMOCERUS CALIFORNICUS DIMORPHUS</td>
<td>VALLEY ELDERBERRY LONGHORN BEETLE</td>
<td>2</td>
<td>T/-/-</td>
</tr>
</tbody>
</table>

*Fed/State: E=Endangered, T=Threatened, P=Proposed, SC=Species of Concern, -- = None
CNPS:1B=Plants rare, threatened, or endangered in California and elsewhere
CNPS:2=Plants rare, threatened, or endangered in California, but more common elsewhere
APPENDIX C.

PLANT AND WILDLIFE SPECIES OBSERVED

ORVILLE WRIGHT NEIGHBORHOOD PARK
CITY OF MODESTO, CA

PLANT SPECIES OBSERVED.

<table>
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<th>FAMILY</th>
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<th>COMMON NAME</th>
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<td>Amaranthaceae</td>
<td>Amaranthus sp.</td>
<td>Pigweed</td>
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<tr>
<td>Asteraceae</td>
<td>Helianthus annuus</td>
<td>Annual sunflower</td>
<td>N</td>
</tr>
<tr>
<td>Caprifoliaceae</td>
<td>Sambucus mexicana</td>
<td>Blue elderberry</td>
<td>N</td>
</tr>
<tr>
<td>Chenopodiaceae</td>
<td>Salsola tragus</td>
<td>Russian thistle</td>
<td>I</td>
</tr>
<tr>
<td>Fabaceae</td>
<td>Albizia julibrissi</td>
<td>Silk tree</td>
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<tr>
<td>Fagaceae</td>
<td>Quercus douglasii</td>
<td>Blue oak</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Quercus lobata</td>
<td>Valley oak</td>
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</tr>
<tr>
<td></td>
<td>Quercus lobata x douglasii</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Quercus suber</td>
<td>Cork oak</td>
<td>I</td>
</tr>
<tr>
<td></td>
<td>Quercus wislizenii</td>
<td>Interior live oak</td>
<td>N</td>
</tr>
<tr>
<td>Juglandaceae</td>
<td>Juglans californica var. hindsii</td>
<td>N. California black walnut</td>
<td>N</td>
</tr>
<tr>
<td>Lauraceae</td>
<td>Umbellularia californica</td>
<td>California bay</td>
<td>N</td>
</tr>
<tr>
<td>Oleaceae</td>
<td>Fraxinus dipetala</td>
<td>California ash</td>
<td>N</td>
</tr>
<tr>
<td>Pinaceae</td>
<td>Pinus muricata</td>
<td>Bishop pine</td>
<td>N</td>
</tr>
<tr>
<td>Punicaceae</td>
<td>Punica granatum</td>
<td>Pomegranate</td>
<td>I</td>
</tr>
<tr>
<td>Rosaceae</td>
<td>Prunus spp.</td>
<td>Willow</td>
<td></td>
</tr>
<tr>
<td>Salicaceae</td>
<td>Salix sp.</td>
<td>Willow</td>
<td>N</td>
</tr>
<tr>
<td>Simaroubaceae</td>
<td>Ailanthus altissima</td>
<td>Tree-of-heaven</td>
<td>I</td>
</tr>
<tr>
<td>Ulmaceae</td>
<td>Ulmus sp.</td>
<td>Elm</td>
<td>I</td>
</tr>
<tr>
<td>Vitaceae</td>
<td>Vitis vinifera</td>
<td>Cultivated grape</td>
<td>I</td>
</tr>
<tr>
<td><strong>MONOCOTS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Poaceae</td>
<td>Avena sp.</td>
<td>Oat</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Bromus diandrus</td>
<td>Ripgut grass</td>
<td>I</td>
</tr>
<tr>
<td></td>
<td>Cynodon dactylon</td>
<td>Bermuda grass</td>
<td>I</td>
</tr>
<tr>
<td></td>
<td>Hordeum jubatum</td>
<td>Foxtail barley</td>
<td>N</td>
</tr>
</tbody>
</table>

* N = Native to CA; I = Introduced

WILDLIFE SPECIES OBSERVED.

<table>
<thead>
<tr>
<th>COMMON NAME</th>
<th>SCIENTIFIC NAME</th>
</tr>
</thead>
<tbody>
<tr>
<td>Birds</td>
<td></td>
</tr>
<tr>
<td>Mourning dove</td>
<td>Senoia macroura</td>
</tr>
<tr>
<td>Scrub jay</td>
<td>Aphelocoma coerulescens</td>
</tr>
</tbody>
</table>
APPENDIX D.

PHOTOGRAPHS OF THE PROJECT STUDY AREA

ORVILLE WRIGHT NEIGHBORHOOD PARK
CITY OF MODESTO, CA
Photo A. Trees, field, and dirt road in northwest corner of project area.

Photo B. Vegetation along fence line and disced field in the northeast corner of project area.

Photo C. View of oak tree near center of project study area that will be preserved by City of Modesto.

Photo D. View east along southern boundary (yellow line) of project study area.
CULTURAL RESOURCES ASSESSMENT OF THE
PROPOSED ORVILLE WRIGHT CITY PARK,
MODESTO, STANISLAUS COUNTY, CALIFORNIA

Prepared for:
Sycamore Environmental Consultants, Inc.
6355 Riverside Boulevard, Suite C
Sacramento, CA 95831

Prepared by:
Peak & Associates, Inc.
3941 Park Drive, Suite 20-329
El Dorado Hills, CA 95762

October 23, 2001
(Job # 01-094)

MAP: Riverbank and Ceres 7.5'
AREA: ±6.1 acres
RESULTS negative
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**Recommendations** ................................................................................................................. 7

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INTRODUCTION

The City of Modesto Parks, Recreation and Neighborhoods Department, proposes construction of Orville Wright Park, a 3.8-acre neighborhood park within the Airport Neighborhood. The park development will include grading, paving, the installation of underground utilities, irrigation, a security phone and security lighting; construction of game courts, athletic fields, a water play area, family picnic units, a children's play area with play apparatus, park furniture, a shade structure, a skate area, and a restroom utility building; and landscaping. The total area that will be involved in construction will be 6.1 acres.

In project area is in the south area of Modesto, north of Hillside Drive, south of Monterey Avenue, and just west of Empire Avenue, adjacent to and including portions of Orville Wright Elementary School. (APN #'s: 035-48-15, 035-48-16, and portions of 035-48-01 and 035-53-04). The project area is in the southwest quarter of Section 34, T3S, R9E, and is mapped on the Riverbank and Ceres 7.5' USGS topographic sheets (Map 1).

CULTURAL HISTORY

Anthropology

The Central Valley region was among the first in the state to attract intensive archeological fieldwork, and research has continued to the present day. This has resulted in a substantial accumulation of data. In the early decades of the 1900s, E.J. Dawson explored numerous sites near Stockton and Lodi, later collaborating with W.E. Schenck (Schenck and Dawson 1929). By 1933, the focus of work was directed to the Cosumnes locality, where survey and excavation were conducted by the Sacramento Junior College (Lillard and Purves 1936). Excavation data, in particular from the stratified Windmiller site (CA-Sac-107), suggested two temporally distinct cultural traditions. Later work at other mounds by Sacramento Junior College and the University of California, Berkeley, enabled the investigators to identify a third cultural tradition, intermediate between the previously postulated Early and Late Horizons. The three-horizon sequence, based on discrete changes in ornamental artifacts and mortuary practices, as well as on observed differences in soils within sites (Lillard, Heizer and Fenenga 1939), was later refined by Beardsley (1954). An expanded definition of artifacts diagnostic of each time period was developed, and its application extended to parts of the central California coast. Traits held in common allow the application of this system within certain limits of time and space to other areas of prehistoric central California.

The Windmiller Culture (Early Horizon) is characterized by burials where the corpse is arranged lying on the back with limbs straight and arms at the side (ventral extension) with westerly orientation of heads. Some dorsal extensions (as above, except face down) are known. A high percentage of the burials include grave goods and red ochre is often placed in the graves. Other characteristics of Windmiller Culture are large projectile points, of which 60 percent are of materials other than obsidian; rectangular *Haliotis* beads; *Olivella* shell beads (specifically small spire-topped olive shells and rectangular beads with large central perforation); rare use of bone; some use of baked clay objects; and well-fashioned charmstones, usually perforated.

The Cosumnes Culture (Middle Horizon) displays considerable changes from the preceding cultural expression. The burial mode is predominately flexed (arms crossed tightly
over the chest with legs drawn up against the chest) with variable cardinal orientation and some cremations present. There is a lower percentage of burials with grave goods, and ochre staining is common in graves. *Olivella* beads are common with saucer-shaped, split-drilled and "saddle-shaped" beads predominant. There is an abundant use of green abalone for ornaments rather than red, which is more common in the preceding phase. Other characteristic artifacts include perforated canid teeth; asymmetrical and "fishtail" charmstones, usually unperforated; cobble mortars and evidence of wooden mortars; extensive use of bone for tools and ornaments; large projectile points, with considerable use of rock other than obsidian; and use of baked clay.

Hotchkiss Culture (Late Horizon) -- The burial pattern retains the use of the flexed mode, and there is widespread evidence of cremation, lesser use of red ochre, heavy use of baked clay, rectangular *Olivella* beads with small central perforation, "cupped" *Olivella* beads, extensive use of *Haliotis* ornaments of many elaborate shapes and forms, shaped mortars and cylindrical pestles, bird-bone tubes with elaborate geometric designs, clam shell disc beads, small projectile points indicative of the introduction of the bow and arrow, flanged tubular pipes of steatite and schist, and use of magnesite. (The above adapted from Moratto 1984:181-183.) The characteristics noted are not all-inclusive, but cover the more important traits.

Schulz (1981), in an extensive examination of the central California evidence for the use of acorns, used the terms Early, Middle and Late Complexes, but the traits attributed to them remain generally the same. While it is not altogether clear, Schulz seemingly uses the term "Complex" to refer to the particular archeological entities (above called "Horizons") as defined in this region. Ragir's (1972) cultures are the same as Schulz's complexes.

Bennyhoff and Hughes (1984) have presented alternative dating schemes for the Central California Archeological Sequence. The primary emphasis is a more elaborate division of the horizons to reflect what is seen as cultural/temporal changes within the three horizons and a compression of the temporal span.

There have been other chronologies proposed, including Fredrickson (1973), and since it is correlated with Bennyhoff's (1977) work, it merits discussion. The particular archeological cultural entities Fredrickson has defined, based upon the work of Bennyhoff, are patterns, phases and aspects. Bennyhoff's (1977) work in the plains Miwok area is the best definition of the Cosumnes District, which likely conforms to Fredrickson's pattern. Fredrickson also proposed periods of time associated heavily with economic modes, which provides a temporal term for comparing contemporary cultural entities. It corresponds with Willey and Phillips' (1958) earlier "tradition," although it is tied more specifically to the archeological record in California.

**PERIOD AND DATING**

<table>
<thead>
<tr>
<th>Period</th>
<th>Fredrickson</th>
<th>Bennyhoff, Heizer and Schulz</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergent Period</td>
<td>A.D. 500 to 1800</td>
<td>Historic, post-A.D. 1850</td>
</tr>
<tr>
<td>Upper Archaic</td>
<td>1000 B.C. to A.D. 500</td>
<td>Phase 2, Late Horizon -- A.D. 1500 to 1850</td>
</tr>
<tr>
<td>Middle Archaic</td>
<td>3000 to 1000 B.C.</td>
<td>Phase 1, Late Horizon -- A.D. 500 to 1500</td>
</tr>
<tr>
<td>Paleo Indian</td>
<td>10,000 to 6000 B.C.</td>
<td>Middle Horizon -- 1000 B.C. to A.D. 500</td>
</tr>
<tr>
<td>Early Lithic</td>
<td>10,000 B.C. to?</td>
<td></td>
</tr>
</tbody>
</table>

(Fredrickson 1973) (Bennyhoff and Heizer 1958; Schulz 1981)
Ethnology

The project area lies within the ethnographic territory of the Yokuts people. The Yokuts were members of the Penutian language family which held all of the Central Valley, San Francisco Bay Area, and the Pacific Coast from Marin County to near Point Sur. The Yokuts differed from other ethnographic groups in California as they had true tribal divisions with group names (Kroeber 1925). Each tribe spoke a particular dialect, common to its members, but similar enough to other Yokuts that they were mutually intelligible (Kroeber 1925).

The Yokuts held portions of the San Joaquin Valley from the Tehachapis in the south to Stockton in the north. On the north they were bordered by the Plains Miwok, on the west by the Saclan or Bay Miwok and Costonoan peoples. Although neighbors were often from distinct language families, differences between the people appear to have been more influenced by environmental factors as opposed to linguistic affinities. Thus the Plains Miwok were more similar to the nearby Yokuts than to foothill members of their own language group. Similarities in cultural inventory co-varied with distance from other groups and proximity to culturally diverse people. The material culture of the southern San Joaquin Yokuts was therefore more closely related to that of their non-Yokuts neighbors than to that of Delta members of their own language group.

Trade was well developed, with mutually beneficial interchange of needed or desired goods. Obsidian, rare in the San Joaquin Valley, was obtained by trade with Paiute and Shoshoni groups on the eastern side of the Sierra Nevada, where numerous sources of this material are located, and to some extent from the Napa Valley to the north. Shell beads, obtained by the Yokuts from coastal people, and acorns, rare in the Great Basin, were among many items exported to the east by Yokuts traders (Davis 1961).

Economic subsistence was based on the acorn, with substantial dependency on gathering and processing of wild seeds and other vegetable foods. The rivers, streams, and sloughs which formed a maze within the valley provided abundant food resources such as fish, shellfish, and turtles. Game, wild fowl, and small mammals were trapped and hunted to augment protein in the diet. In general, the eastern portion of the San Joaquin Valley provided a lush environment of varied food resources, with the estimated large population centers reflecting this abundance (Cook 1955; Baumhoff 1963).

Settlements were oriented along the water ways, with their village sites normally placed adjacent to these features for their nearby water and food resources. House structures varied in size and shape (Latta 1949; Kroeber 1925), with most constructed from the readily available tules found in the extensive marshes of the low-lying valley areas. Housepit depressions ranged in diameter from 3 to 18 meters.

The Yokuts living in the Modesto vicinity at the time of contact with the Spanish were members of the Lakisamne tribelet. Under various spellings, references to this tribelet are common in early traveler’s accounts and mission records (Wallace 1978:470).

History

In general outline, the history of Modesto is easily told. It began as a railroad terminus, became a major transhipping point for agricultural produce, and continued in that role to the present. Though there are now many more economic activities in the town, its major role is still the commercial center supporting surrounding agricultural interests.
The Central Pacific tracks reached the area in 1870 and for two years were not extended any farther south. Almost of necessity, the terminus began to turn into a town. Soon after, the community was selected as the county seat of Stanislaus County, even though accommodations were still embarrassingly few. The county offices were located in boarding houses, the back rooms of shops and similar improvised quarters (Hoover et al. 1990: 491).

The name of the town, which means “modesty” in Spanish, results from the railroad’s practice of naming stations to honor members of the board of directors and their families. The railroad was going to name the town “Ralston” after San Francisco banker William C. Ralston, but he declined the honor. His modesty, so uncharacteristic of the laissez faire capitalists of the day, was commemorated instead.

The master EIR for the Modesto Urban Area General Plan, published in 1995, indicates that there are five properties listed on the National Register of Historic Places (NRHP) in the urban area, and 452 properties that were potentially eligible for listing as City of Modesto Landmark Preservation Sites. The latter listing was based primarily on age without considering whether the structures met other criteria. Later evaluation determined that many of these were not eligible for the NRHP (see Information Center Record Search below.)

The project area is within the former flood plain of the Tuolumne River, where permanent structures were not located in early history, and at the far southern edge of the Airport neighborhood, which was a relatively late development area. No structures in the immediate vicinity of the project area are on a register of historic properties. The 1914 USGS map of the area indicates very few structures east of Dry Creek, and these were clustered along Yosemite Avenue and the electric railway that paralleled it at the time. The only house anywhere near the project area was located on the bluff just north of the modern school.

INFORMATION CENTER RECORD SEARCH

Background research was conducted to assemble a cultural history so that the importance of any identified resources could be evaluated in a regional context. This research included a record search by the Central California Information Center of the California Historical Resources Information System to identify previously recorded sites and previous cultural resources studies in and near the project area (Appendix 1).

The Information Center noted that no formal survey work for identification of all cultural resources has been reported in the project vicinity. The survey for older structures, noted above, has been active in the area. Several residences in excess of fifty years old have been identified in the vicinity, all north of the existing Orville Wright School, and all have been evaluated as “not eligible for the National Register” as listed on the state Historic Property Data File. Two properties near the project area that were fairly old but not listed on the Historic Property Data File were recently evaluated as a result of HUD rehabilitation projects. They were also evaluated as not eligible.

No archeological sites have been recorded in or within a quarter mile of the project area.

The Information Center search included examination of the latest listings of the National Register of Historic Places, the California Inventory of Historic Resources (Resources Agency 1976), and other listings maintained by the Office of Historic Preservation as well as published
sources (Appendix 1). Historic maps of the project vicinity were also consulted, with negative results.

FIELD INSPECTION

A field inspection of the project area was conducted by Robert Gerry of Peak & Associates, Inc. (resume, Appendix 2) on September 29, 2001. The project area was examined by walking transects spaced at 15 meter intervals across the property. No evidence of archeological sites was observed.

The northern portion of the proposed park, within APN 035-48-01, is now part of the playground for Orville Wright Elementary School. This has been leveled and landscaped. The short grass was not a major impediment to ground visibility. APN 035-48-16, on the southwest and APN 035-53-04, on the south and southeast, were disced to a powdery texture just prior to the survey. This resulted in complete disturbance of the ground surface, but visibility was certainly excellent. The central portion of the proposed park, within APN 035-48-15 is currently occupied by an abandoned residence.

The residence must have been quite unusual at one time. At the present, it has been abandoned for some time, extensively vandalized and partially burned. The main mass of the house is a two story end-gabled structure with an entry on the west side. A one story addition extends to the north and the roof forms a cross gable with the main roof. There are several small extensions added on to this “L” configuration, making a very complex outline for the structure. There are Craftsman elements to the styling, such as exposed rafter ends and dropped siding, but the eaves are too shallow to fit the style and the very steep pitch of most of the roofs is more reminiscent of Tudor. To further complicate matters, the small entry porch has a rounded arch entry, repeated in side windows, that does not fit with any of the above.

There appears to have been several outbuildings associated with the property and located to the north, but these were burned to the ground. This fire apparently extended to much of the north side of the house as well. A concrete swimming pool, heavily vandalized, also is on the north side. Immediately south of the house there was a water garden or some kind of landscaping feature that employed a rather deep excavation that is still visible. Access was from Thrasher Avenue, a lightly paved road off of Hillside Drive that appears to have served only this structure.

CONCLUSIONS

Although the structure in the project area is unusual, it does not appear to be particularly old, the idiosyncratic architecture certainly does not reflect a recognized style, and it is in very poor condition. This property is not eligible for the NRHP or the State Register of Historic Places.
RECOMMENDATIONS

There is no indication that a subsurface cultural deposit in the project area is likely to exist, or have survived the intensive agricultural use of the area. However, the possibility cannot be totally eliminated based on surface inspection alone. The project area is within the former flood plain of the Tuolumne River, so deep deposits of flood silts are a possibility and the potential for a buried resource cannot be entirely discounted. We recommend that if artifacts, exotic rock types or unusual amounts of bone, or shell are uncovered during construction activities, a qualified archeologist should be consulted for on-the-spot evaluation. Excavation should cease in the area of the find until the evaluation is completed. If bone is uncovered that could be human, state law requires that the County Coroner must be contacted. If the coroner determines that the bone is likely to be Native American in origin, then the Native American Heritage Commission must also be contacted.
CITED REFERENCES

Baumhoff, Martin A.

Beardsley, Richard K.

Bennyhoff, James A.

Bennyhoff, James A. and Robert F. Heizer

Bennyhoff, James A. and Richard E. Hughes

Cook, Sherburne F.

Davis, James T.

Fredrickson, David A.

Hoover, Mildred, Hero E. Rensch, Ethel G. Rensch and William N. Abeloe

Kroeber, Alfred L.

Latta, F. F.

Lillard, Jeremiah B., Robert F. Heizer and Franklyn Fenenga
Lillard, Jeremiah B. and William K. Purves

Moratto, Michael J.

Ragir, Sonia

Resources Agency

Schulz, Peter D.

Schenck, W. Egbert and Elmer Dawson

Wallace, William J.

Willey, Gordon R. and Phillip Phillips
APPENDIX 1

Information Center Communication
Date: 9/19/2001

CCIC File #: 4371 N
Project: Orville Wright Neighborhood Park

Dear Ms. Peak,

We have conducted a records search as per your request for the above-referenced project area located on the Riverbank and Ceres USGS 7.5-minute quadrangle maps in Stanislaus County.

Search of our files includes review of our maps for the specific project area and a one-quarter-mile radius of the project area (as specified by the client), and review of the National Register of Historic Places, the California Register of Historical Resources, the California Inventory of Historic Resources (1976), the California Historical Landmarks (1996), and the California Points of Historical Interest listing (May 1992 and updates), the Historic Property Data File (Office of Historic Preservation current computer list), the Survey of Surveys (1989), GLO Plats, and other pertinent historic data available at the CCIC for each specific county.

The following details the results of the records search:

Prehistoric or Historic Resources Within the Project Area:

None have been reported to the Information Center.

A check of the current edition (dated 6/25/2001) of the Historic Property Data File revealed no listings for the project area, although there are listings for adjacent streets (see below).

The GLO Plat maps for T3S/R9E and T4S/R9E (sheet #’s unknown, both dated 1853-1854 and certified in 1907) showed no historic references for section 34. The Tuolumne River is shown. Copies of portions of maps attached.
Prehistoric or Historic Resources Within a one-quarter-mile Radius of the Project Area:

No archaeological resources have been reported.

See the attached pages 1, 5, 7, 8, and 13 of the Historic Property Data File (6/25/01) for the listings (highlighted in yellow) for the following streets that are within the radius: Monterey, Benson, Conejo, Connie, Empire, Kerr, and Santa Cruz Avenues, and Larkin Street. We do not have the individual forms on file. All of them have been given National Register status codes of either 6Y or 6Y2 (see the attached code key).

There are two other properties within the radius that I have attached “HUD” Project Review forms for: 633 Kerr and 1516 Larkin; they are not listed in the above directory. They have been determined to not be “historic properties”.

Resources known to have value to local cultural groups:

None have been formally reported to the Information Center.

Previous Investigations within the Project:

None have been reported.

Previous Investigations within a one-quarter-mile Radius of the Project Area:

None have been reported.

Recommendations/Comments: Please be advised that a historical resource is defined as a building, structure, object, prehistoric or historic archaeological site, or district possessing physical evidence of human activities over 45 years old. There may be unidentified features 45 years or older within your project that are and considered as historical resources requiring further study and evaluation by a qualified professional of the appropriate discipline.

In accordance with State law, if any historical resources are found during construction, work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find.
We understand that you will be conducting an archaeological survey of the proposed project that is the subject of this records search. We look forward to receiving one copy of your report of findings which should include two copies each complete site record for all historical resources discovered as a result of the survey. The report should be prepared to meet ARMR (Preservation Planning Bulletin Number 4a, December 1989, Office of Historic Preservation, Sacramento) recommended contents and format; and site records completed after June 30, 1997, should be prepared on the DPR-523 (1/95) forms pursuant to Office of Historic Preservation instructions dated May 21, 1997.

We thank you for contacting this office regarding historical resource preservation. Please let us know when we can be of further service. Billing is attached, payable within 60 days of receipt of the invoice.

Sincerely,

Robin Hards, Assistant Research Technician
Central California Information Center
California Historical Resources Information System
APPENDIX 2

Resumé of Investigator
ROBERT A. GERRY
Senior Archeologist
3941 Park Drive, Suite 20-329
El Dorado Hills, CA 95762

PROFESSIONAL EXPERIENCE

Mr. Gerry has over twenty years of extensive experience in both the public and private sectors. He has directed all types of cultural resource-related projects, including field survey, test excavations, data recovery programs, intensive archival research and cultural resource management. He has completed archeological work in most cultural areas of California and in the western Great Basin.

EDUCATION

Graduate studies - Anthropology - California State University, Sacramento, 1972-1977
B.A. - Anthropology - University of Illinois, Chicago Circle, 1972

RECENT PROJECTS

Mr. Gerry was field director for a cultural resources survey of about 18,640 acres within the Naval Petroleum Reserve No. 1, Kern County, California. The project employed a stratified random sampling strategy and resulted in the recording of 112 cultural resources, and preparation of a management plan. He also directed a subsequent excavation program for evaluation of significance. Additionally, he served as field director for archeological surveys on the Plumas, Stanislaus, El Dorado and Six Rivers National Forests.

He was field director and primary report writer on several linear surveys of considerable length -- including the San Joaquin Valley Pipeline (157 miles) for Shell Oil, the Point Arena-Dunnigan fiber optic cable (137 miles) and the Medford, Oregon, to Redding, California fiber optic cable (151 miles), the Oregon and Idaho portions of the Spokane to Boise fiber optic cable, and the San Bernardino to San Diego fiber optic cable, for American Telephone & Telegraph Company. He also assisted on the 170 mile Pacific Pipeline survey on the southern coast of California.

He produced the computer program that stored, sorted and printed out data abstracts for 1604 sites involved in the Enlarged Shasta Dam and Alternatives Class I Cultural Resources Overview for the Bureau of Reclamation. He directed the transit-and-stadia mapping of a prehistoric/historic site complex covering some 170 acres in El Dorado County and drafted the final map.

Mr. Gerry has developed a specialty in bridge replacement evaluations, completing five such studies in Tuolumne County, two in Santa Barbara County, two in Amador County and eight others in various areas of California.

Mr. Gerry has had extensive experience in the recordation of mining sites in northern California and Nevada for proposed mining undertakings as well as in the course of survey for proposed
subdivisions, reservoirs, and other development projects. He directed the survey of two parcels totalling 2,240 acres in the Battle Mountain Mining District in Lander County, recording a number of mining sites and features. Within the Cook Ranch Project area in El Dorado County, he completed the recordation of several gold mines and a cinnabar mine.

Mr. Gerry has directed test excavations for evaluation of significance at a number of sites, both historic and prehistoric. Recent examples include CA-NAP-261, twelve sites on Naval Petroleum Reserve No. 1 and three sites on Russell Ranch in Sacramento County.

His work has included an important role in working with Native American peoples. He has surveyed eight allotments and rancherias in the Pit River area, the Point Arena/Manchester Rancheria in Mendocino County, the Susanville Rancheria in Lassen County, the Rumsey Rancheria in Yolo County, and three rancherias in northwestern California. In each of these projects, he has been closely involved with Native American organizations and individuals, including a number of native people he has directed as surveyor trainees.
PHASE I
ENVIRONMENTAL SITE ASSESSMENT

March 4, 2002

Subject Site
Orville Wright Neighborhood Park And School
South Thrasher Street
Modesto, California

Prepared for
City of Modesto
Parks, Recreation and Neighborhoods Department
1010 Tenth Street, Suite 4400
Post Office Box 642
Modesto, CA 95353

Prepared by
BOVEE ENVIRONMENTAL MANAGEMENT
Post Office Box 4816
Modesto, CA 95352
(209) 577-1887
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ATTACHMENTS
  A SUBJECT SITE PHOTOGRAPHS
  B SITE PARCEL MAPS
  C REGULATORY AGENCY SITE LIST
EXECUTIVE SUMMARY

Bovee Environmental Management (BEM) was retained by the City of Modesto to conduct a Phase I Environmental Site Assessment in general accordance with the scope and limitations of ASTM E 1528 for the Orville Wright Neighborhood Park and School property located at South Thrasher Street in Modesto, California (Subject Site).

On January 28, 2002 Mr. Brett L. Bovee of BEM inspected the Subject Site for environmental conditions that would warrant further investigations. BEM also inquired information from local public agencies, historical information sources, personal interviews and obtained a federal and state government database report to determine environmental conditions at the Subject Site.

BEM's scope of work also established the Subject Site's potential liability in regards to any existing environmental issues.

SUMMARY OF FINDINGS:

Site Summary:

The Subject Site is located in the south Thrasher Street area in Modesto, California. The Subject Site encompasses 3 acres of undeveloped land and 3 acres of an existing schoolyard for a total of 6 acres in total land area. The Subject Site is within a residential zone of Modesto, California. The following tasks summarize the findings of this investigation.

Site Visit:

The Subject Site was inspected on January 28, 2002. During BEM's site visit no environmental conditions were observed that would warrant further investigation, however the following was noted.

✓ A dilapidated sewer pipe was observed on the south end of the Subject Site, which according to Modesto's Public Works Department is no longer in service.

✓ Various articles of trash and abandoned personal items have been left on the Subject Site.

Agency Review:

Government records and databases were reviewed in accordance with ASTM E 1528.

At the time of this Phase I ESA Report the Subject Site was not identified on the government records and database report.
Historical Review:

During the historical review, which may have encompassed personal interviews, city directory review, aerial photographs and building permit review, environmental concerns associated with any previous owner/tenant use of the Subject Site were not discovered.

CONCLUSIONS:

BEM has performed a Phase I Environmental Site Assessment on the Subject Site in general conformance with the scope and limitations of ASTM E 1528. This assessment has not revealed evidence of a potential recognized environmental condition, which would require further assessment activities.

No further environmental investigations are warranted for the Orville Wright Neighborhood Park, located at South Thrasher Street in Modesto, California.

This summary is not to be used alone, the report must be read in its entirety.

This Phase I ESA Report was performed by,

BOVEE ENVIRONMENTAL MANAGEMENT

Brett L. Bovee, CAC
Environmental Professional
INTRODUCTION

1.1 PURPOSE

The Phase I Environmental Site Assessment is designed to provide City of Modesto an assessment concerning environmental conditions (limited to those issues identified in the report), as they exist at the Subject Site. This assessment was conducted utilizing generally accepted Phase I ESA Industry Standards in accordance with ASTM E 1528.

1.2 INVOLVED PARTIES

Mr. Nathan Houx of City of Modesto authorized Bovee Environmental Management (BEM) to perform this assessment.

1.3 SCOPE OF WORK

The Phase I environmental site assessment was conducted in accordance with ASTM E 1528. Except as noted, BEM performed all tasks described in this report. The Phase I Environmental Site Assessment consists of:

1. A visual reconnaissance of the site and a visual survey of the surrounding properties;
2. Interviews with individuals knowledgeable about past or current operations at the site;
3. A review of historical information regarding site use and operations;
4. Contacts with local regulatory agencies and other knowledgeable municipal officials and representatives regarding current operations and local environmental issues at the site;
5. A federal and state government database search of sites within ASTM minimum search distances; and
6. Preparation of a report of findings.

2.0 GENERAL SITE CHARACTERISTICS

2.1 SITE LOCATION

2.1.1 Site Name

The Subject Site is Orville Wright Neighborhood Park and School.

2.1.2 Site Address

The Subject Site is located on the south side of Thrasher Street, Modesto, California.

2.2 SITE DESCRIPTION AND CURRENT SITE USES

2.2.1 Property Description

The Subject Site is located at the south end of Thrasher Street in Modesto, California. The Subject Site encompasses 3 acres of undeveloped land and 3 acres of an existing schoolyard for a total of 6 acres in total land area, which gently slopes in a southerly direction.

2.2.2 Zoning Information

The Subject Site is within a residential zone of Modesto, California.

2.2.3 Building Description

The Subject Site was improved with a single-family house, which was demolished in late 2001.

2.2.4 Assessors Parcel Numbers

The Subject Site parcel numbers are 035-48-15, 035-48-16, and portions of 035-48-01 and 035-53-04.

3.0 RESULTS OF INVESTIGATION

3.1 SITE INSPECTION OBSERVATIONS

The site reconnaissance was performed to visually inspect areas of the property for evidence of recognized environmental conditions. On January 28, 2002 Mr. Brett L. Bovee of BEM inspected the Subject Site. The findings of the site reconnaissance are discussed below.

3.1.1 Transformers

There is one (1) pole-mounted transformers located on the northwest corner of Subject Site that is not labeled as non-PCB (see site map for locations). No leakage was observed on the transformer, however if leakage were to occur without occupant disturbance, the associated energy company would be responsible for any repair and/or clean-up cost associated with the transformer.

3.1.2 Drums, Containers and Storage Vessels

One 55-gallon drum was observed on the far southeast corner of the Subject Site. The drum was noted to be empty and without leakage upon BEM's close observation.

3.1.3 Air Stacks, Vents, and Odors

No operational air stacks, vents or odors were noted during the Subject Site visit.

3.1.4 Evidence of Improper Waste Discharge

A dilapidated sewer pipe was observed on the south end of the Subject Site, which according to Modesto's Public Works Department is no longer in service.
3.1.5 Evidence of Waste Disposal

Various articles of trash and abandoned personal items have been left on the Subject Site.

3.1.6 Surface Fill

The on-site reconnaissance included observation for visible indications of fill soils. Some fill soil was observed on the northeast area of the Subject Site. This fill soil was used to fill in a demolished home and associated pool. No evidence of hazardous materials was noted within this fill soil upon BEM's close observation.

3.1.7 Surface Staining and Stressed Vegetation

No evidence of surface staining and/or stressed vegetation was observed.

3.1.8 Aboveground Storage Tanks

No aboveground storage tanks (ASTs) were observed on the Subject Site.

3.1.9 Evidence of Underground Storage Tanks

No indications of underground storage tanks (USTs) were observed on the Subject Site.

3.1.10 Conduits to Groundwater

The Subject Site’s water is supplied by the city of Modesto.

3.1.11 On-Site Environmental Management Practices

The Subject Site is not registered with the Stanislaus County Department of Environmental Resources.

3.2 ADJACENT SITE AND VICINITY OBSERVATIONS

Off-site visual reconnaissance of adjacent properties for improvements and indications of recognized environmental conditions that could impact the site were conducted during the site visit. The off-site reconnaissance was limited to areas and facilities that were readily accessible for visual observation and were adjacent to the subject property.

3.2.1 Adjacent Properties

The current use of adjoining properties was observed from the Subject Site as follows:

North: Public School Yard
South: Undeveloped
East: Residential
West: Residential

3.2.2 Potential Impact

Other adjacent property use was not observed as an environmental concern.
3.3 RESULTS OF REGULATORY AGENCY LIST REVIEW AND FILE RESEARCH

3.3.1 Federal and State Regulatory Agency Review

Information from standard federal and state environmental record sources is provided through VISTA Environmental Information, Inc. Data from governmental agency lists are updated and integrated into one database, which is updated as these data are released. This integrated database also contains postal service data in order to enhance address matching. Records from one government source are compared to records from another to clarify any address ambiguities. The demographic and geographic information available provides assistance in identifying and managing risk. The accuracy of the geocoded locations is approximately +/-300 feet.

Regulatory information from the following data base sources regarding possible recognized environmental conditions, within the ASTM minimum search distance from the Subject Site, was reviewed. Specific sites are discussed below if it has been determined likely that a potential recognized environmental condition has resulted at the Subject Site from the listed sites.

3.3.1.1 Federal National Priority List (NPL)

The National Priorities (Superfund) List is the EPA database of uncontrolled or abandoned hazardous waste sites identified for priority remedial actions under the Superfund Program.

No NPL sites are located within a one-mile radius of the Subject Site.

3.3.1.2 Federal Comprehensive Emergency Response, Compensation and Liability Information System (CERCLIS)

The CERCLIS list is a compilation of sites, which the EPA has investigated or is currently investigating for a release or threatened release of hazardous substances.

One CERCLIS site was identified within a one-mile radius of the Subject Site.

This site is identified as Gallo Glass Company located at 605 S. Santa Cruz Avenue in the City of Modesto, CA. Due to this site's cross gradient proximity to the subject site and that it was closed by the lead agency in 1985, it is unlikely that this site will have an environmental impact on the subject site.

3.3.1.3 Federal Resource Conservation and Recovery Act (RCRA) CORRACTS TSD facilities List

This database is the environmental protection agencies (EPA's) list of treatment storage or disposal facilities subject to corrective action under RCRA.

No RCRA CORRACTS TSD sites were identified within a one-mile radius of the Subject Site.

3.3.1.4 Federal Resource Conservation and Recovery Act (RCRA) Non-CORRACTS TSD facilities List

The EPA Resource Conversation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA TSD database is a compilation by the EPA of reporting facilities that treat, store or dispose of hazardous waste.

No RCRA TSD sites are located within a three quarter-mile of the Subject Site.
3.3.1.5 Resource Conservation and Recovery Act (RCRA) Notifiers List

The EPA Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Generators database is a compilation by the EPA of reporting facilities that generate hazardous waste.

The Subject Site and adjacent properties are not reported as a hazardous waste generator.

3.3.1.6 Emergency Response Notification Systems (ERNS) - Property Only

The Emergency Response Notification System (ERNS) is a national database used to collect information or reported release of oil or hazardous substances.

The Subject Site and adjacent properties are not listed as an ERNS site.

3.3.1.7 State Priority List

The California EPA, DTSC maintains a list of sites considered to be actually or potentially contaminated and presenting a possible threat to human health and the environment.

No SPL sites are located within a one-mile radius of the Subject Site.

3.3.1.8 Leaking Underground Storage Tank List (LUST)

California EPA compiles lists of all leaks of hazardous substances from underground storage tanks.

One LUST sites is listed within one-half mile of the Subject Site.

This site is listed as the City/County Airport located at 700 Tioga, Modesto, CA. The Regional Water Quality Control Board Region 05 has closed this site on July 10, 1996. It is unlikely that this site will have an environmental impact on the subject site.

3.3.1.9 State Underground Storage Tank List (UST)

The SWRCB, Office of Underground Storage Tanks compiles lists of UST locations.

The Subject Site has no registered USTs.

3.3.1.10 State CERCLIS-Equivalent List

The Department of Toxic Substances Control maintains a list of sites under investigation that could be actually or potentially contaminated and presenting a possible threat to human health and the environment.

No SCL sites are listed on or adjoining the Subject Site.
3.3.2 Local Government Agency Review

3.3.2.1 Public Works

The City of Modesto Public Works Department records were reviewed to evaluate local drinking water contamination, grease trap violation or records of unauthorized discharges to the sanitary sewer. According to Ms. Lorrie Arnold, Senior Secretary with the Modesto Public Works Department, the water and sewer for the Subject Site is provided by the city of Modesto and meets or exceeds all regulatory limits.

3.3.2.2 Environmental Department

Each county in California maintains an environmental department responsible for local monitoring and enforcement of various environmental laws.

According to the Stanislaus County Department of Environmental Resources (SCDER), no files exist for the Subject Site.

3.3.2.3 Fire Marshal

Files at the Modesto Fire Department regarding toxic releases, hazardous substances spills, and toxic releases of emergency responses actions regarding hazardous substances were not found for the Subject Site.

3.4 RESULTS OF THE SITE HISTORY / LAND USE REVIEW

3.4.1 Aerial Photographs

1970: It appears the Subject Site was developed with a single-family residential home, a schoolyard and the remaining areas being undeveloped. The surrounding areas east and west of subject site appear to be residential with a school building to the north and undeveloped land to the south.

1985: The subject site appears as it did in the 1970 aerial photograph.

1998: The subject site appears as it did in the 1985 aerial photograph.

3.4.2 Historical City Directories

According to Polk City Directories reviewed the Subject Site has been residential for the previous forty years.
4.0 CONCLUSIONS

BEM has performed a Phase I Environmental Site Assessment on the Subject Site in general conformance with the scope and limitations of ASTM E 1528. This assessment has not revealed evidence of a potential recognized environmental condition, which would require further assessment activities.

5.0 RECOMMENDATIONS

No further environmental investigations are recommended for the Subject Site, located at South Thrasher Street, Modesto, California.

6.0 LIMITATIONS

This Phase I ESA Report was prepared for the sole use of City of Modesto, and can be used and relied upon approval by City of Modesto. This report is based in part upon documents, writing, and information owned and possessed by “City of Modesto”. Neither this report, nor any of the information contained herein, shall be used or relied upon for any purpose by any person or entity other than City of Modesto and Second Party, if requested.

The conclusions and findings set forth in the attached report are strictly limited in time and scope to the date of the evaluations. The conclusions presented in the report are based solely on the services described therein, and not on scientific tasks or procedures beyond the scope of agreed-upon services or the time and budget restraints imposed by the client. Some of the information provided in this report is based upon personal interviews, and research of available documents, records, and maps held by the appropriate government and private agencies. This is subject to the limitations of historical documentation, availability, and accuracy of pertinent records, and the personal recollections of those persons contacted.

The content and conclusions provided by BEM in this report are based solely on the information collected during our investigation and activities at the site, our present understanding of the site conditions, and our professional judgment in light of such information at the time this report was prepared. Part of the findings in this investigation is based on data provided by others. This report presents BEM’s professional opinion, and no warranty, expressed or implied, is made.
ATTACHMENT A

SUBJECT SITE PHOTOGRAPHS
Subject Site: Orville Wright Neighborhood Park, Modesto, CA
Photo # 3:
Description: West side of subject site (property line)

Photo # 4:
Description: Adjacent property west of the Subject Site

Subject Site: Orville Wright Neighborhood Park, Modesto, CA
Photo # 5:

Description: North area of Subject Site

Photo # 6:

Description: South area of Subject Site and adjacent property

Subject Site: Orville Wright Neighborhood Park, Modesto, CA
Subject Site: Orville Wright Neighborhood Park, Modesto, CA

Photo # 7:
Description: East area of Subject Site and adjacent property

Photo # 8:
Description: Northeast area of Subject Site and adjacent property
BEM Project No: 01-586

Subj ect Site: Orville Wright Neighborhood Park, Modesto, CA

Photo #9:
Description: Trailer of debris on north side of Subject Site

Photo #10:
Description: Debris on south side of Subject Site
Subject Site: Orville Wright Neighborhood Park, Modesto, CA
ATTACHMENT B

SITE PARCEL MAPS
THIS MAP FOR ASSESSMENT
PURPOSES ONLY
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All rights reserved

PORTION S. W. 1/4 SECTION 34 T. 3 S. R. 9 E. M. D. B. & M.
BEING A PORTION OF LOT 6 LA RIO PARK TRACT

MODESTO CITY SCHOOL DISTRICT
ORVILLE WRIGHT ELEMENTARY

HILL AVE. 30 FT.
THABER AVE. 40 FT.
KERR AVE.
MONTEREY AVE. 60 FT.

BACK TO BOOK INDEX 36-74

35-48
ATTACHMENT C

REGULATORY AGENCY SITE LIST
## Site Distribution Summary

### Agency / Database - Type of Records

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This report meets the ASTM standard E-1527 for standard federal and state government database research in a Phase I environmental site assessment. A (·) indicates a distance not searched because it exceeds these ASTM search parameters.

LIMITATION OF LIABILITY
Customer proceeds at its own risk in choosing to rely on VISTA services, in whole or in part, prior to proceeding with any transaction. VISTA cannot be an insurer of the accuracy of the information, errors occurring in conversion of data, or for customer’s use of data. VISTA and its affiliated companies, officers, agents, employees and independent contractors cannot be held liable for accuracy, storage, delivery, loss or expense suffered by customer resulting directly or indirectly from any information provided by VISTA.

NOTES
SITE ASSESSMENT PLUS REPORT
(EXTENDED BY 1/4 MILE)

Map of Sites within 3/8 Mile

For More Information Call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403
Report ID: 712801901
Date of Report: January 23, 2002
## SITE INVENTORY

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X = search criteria; * = tag-along (beyond search criteria).

For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.

Report ID: 712801901
Date of Report: January 23, 2002

Version 2.7
### SITES IN THE SURROUNDING AREA

#### (within 3/8 - 1/2 mile)

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<td>6B</td>
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<td>4013419</td>
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<td>7</td>
<td>GALLO GLASS CO. 605 S. SANTA CRUZ AVE. MODESTO, CA 95354</td>
<td>164041</td>
<td>0.47 M NW</td>
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#### (within 1/2 - 3/4 mile)

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<tr>
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<th>A</th>
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<td>11</td>
<td>FAIRBANKS TRUCKING, INC. 801 OREGON MODESTO, CA 95354</td>
<td>1205155</td>
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<td>12</td>
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<td>13</td>
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X = search criteria; * = tag-along (beyond search criteria).
For more information call VISTA Information Solutions, Inc. at 1-800-767-0403.
Report ID: 712801901 Date of Report: January 23, 2002
Version 2.7
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No Records Found

X = search criteria; * = tag-along (beyond search criteria).
For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.
Report ID: 712801901 Date of Report: January 23, 2002
Version 2.7
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Report Id: 712801901 Date of Report: January 23, 2002
Version 2.7
### SITE ASSESSMENT PLUS REPORT
(EXTENDED BY 1/4 MILE)

## DETAILS

### PROPERTY AND THE ADJACENT AREA (within 3/8 mile)

<table>
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<tr>
<th>VISTA Address*</th>
<th>MOODY HOUSE 1004 THRASHER MODESTO, CA 95354</th>
<th>VISTA ID#: 1221420</th>
<th>Distance/Direction: 0.00 MI / NA</th>
<th>Plotted as: Point</th>
<th>Map ID: 1</th>
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### STATE UST - State Underground Storage Tank / SRC# 45

<table>
<thead>
<tr>
<th>Agency Address: MOODY HOUSE 1004 THRASHER MODESTO, CA 95353</th>
<th>EPA/Agency ID: N/A</th>
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<td>Facility Name: MOODY HOUSE</td>
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<td>Facility Address: 1004 THRASHER MODESTO, CA 95353</td>
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<tr>
<td>Facility County: 90000</td>
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</tr>
<tr>
<td>Total Underground Tanks: 1</td>
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<td>Tank ID #: 11</td>
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<td>Tank Contents: UNKNOWN</td>
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<tr>
<td>Tank Age: 0</td>
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<tr>
<td>Tank Capacity: 500 GALLONS</td>
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<tr>
<td>Tank Status: OTHER</td>
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<tr>
<td>Leak Monitor: MONITOR PRESENT</td>
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<tr>
<td>Piping Type: UNKNOWN</td>
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<td>Tank Material: UNKNOWN</td>
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### USGS REPORTED WATER WELL

<table>
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<tr>
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<th>Distance/Direction: 0.12 MI / S</th>
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<th>Map ID: 2</th>
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### USGS Wells - Federal Drinking Water Sources / SRC# 3

| Agency Address: SAME AS ABOVE | EPA/Agency ID: N/A |
| Facility State: CA | |
| Well ID: 373725120582101 | |
| Well Use Type: PUBLIC SUPPLY | |
| Well Depth: 108.0 | |
| Well Latitude: 37.623611111111 | |
| Well Longitude: -120.9725 | |
| Static Water Level: 106.00 | |
| Date Well Drilled: 01/01/1952 | |

* VISTA address includes enhanced city and ZIP. 

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Report ID: 712801901  
Date of Report: January 23, 2002

Page #10
**PROPERTY AND THE ADJACENT AREA (within 3/8 mile) CONT.**

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<th>6099</th>
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<td>Agency ID(1), Epa ID(1), Facility Name(1), Facility Address(1), Facility City(1), Facility Zip(1), Facility County(1)</td>
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**VISTA Address**: USGS REPORTED WATER WELL

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**USGS Wells - Federal Drinking Water Sources / SRC# 3**

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<td>Well ID:</td>
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<tr>
<td>Well Use Type:</td>
<td>PUBLIC SUPPLY</td>
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<tr>
<td>Well Latitude:</td>
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<td>Well Longitude:</td>
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<td>Date Well Drilled:</td>
<td>01/01/1943</td>
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<td>Well County Fips:</td>
<td>6099</td>
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**Fields Not Reported by the Source Agency for this Site:**

| Agency ID(1), Epa ID(1), Facility Name(1), Facility Address(1), Facility City(1), Facility Zip(1), Facility County(1), Well Depth(1), Section Township Range(1) |

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**VISTA Address**: ALBERT MELLO

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<th>VISTA ID#: 4013367</th>
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**STATE UST - State Underground Storage Tank / SRC# 45**

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<td>Tank Age:</td>
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<td>Tank Status:</td>
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<td>Leak Monitor:</td>
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<tr>
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<tr>
<td>Tank Material:</td>
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* VISTA address includes enhanced city and ZIP.
For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.
Report ID: 712801901 Date of Report: January 23, 2002 Version 2.7 Page #11
<table>
<thead>
<tr>
<th>VISTA Address*</th>
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<th>VISTA ID#: 64874</th>
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<tr>
<td>EPA ID:</td>
<td>CAD981678949</td>
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| Agency Address: | SAME AS ABOVE |
| EPA Handler ID: | CAD981678949 |
| Handler Name: | CAL AVION |
| Handler Address: | 700 S TIOGA DR OR HANGER 2 MODESTO, CA 95354 |

| Land Type: | NOT ON INDIAN LAND, OTHERWISE UNKNOWN |
| County: | STANISLAUS |
| Latitude: | NOT REPORTED |
| Longitude: | NOT REPORTED |
| Mailing Address: | 700 S TIOGA DR OR HANGER 2 MODESTO, CA 95354 - 19910331 |

| Acknowledgement Generated: | |
| State District: | 1 |
| Sequence No: | 1 |
| Receipt Date: | 19861010 |

| Source Description: | NOTIFICATION |
| Generator Regulatory Status: | RCRA REGULATED |
| Generator Indicator: | SMALL QUANTITY GENERATOR |
| Owner/Operator Indicator: | CURRENT OWNER |
| Owner/Operator Type: | PRIVATE |
| Owner/Operator Name: | SHAW JOHN J |
| Phone: | (415) 555-1212 |
| Address: | 700 S TIOGA DR OR HANGER 2 MODESTO, CA 95354 - 99999 |

| Owner/Operator Indicator: | CURRENT OPERATOR |
| Owner/Operator Type: | PRIVATE |
| Owner/Operator Name: | NOT REQUIRED |
| Phone: | (415) 555-1212 |
| Address: | NOT REQUIRED |

| Type of Information: | NOTIFICATION |
| Contact Name: | ENVIRONMENTAL MANAGER |
| Contact Title: | ENVRO MANAGER |
| Contact Phone: | 2095270348 |
| Contact Address: | 700 S TIOGA DR OR HANGER 2 MODESTO, CA 95354 - YES |

Small Quantity Generator: YES
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#### VISTA escO AVIATION

**Address**: 700 TIOGA

**MODESTO, CA 95354**

#### STATE UST - State Underground Storage Tank / SRC# 45

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<td>JET FUEL</td>
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<tr>
<td>Tank Material</td>
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| Tank ID # | T001U |
| Tank Contents | AVIATION GAS |
| Tank Age | 0 |
| Tank Capacity | 0 GALLONS |
| Tank Status | OTHER |
| Leak Monitor | MONITOR PRESENT |
| Piping Type | UNKNOWN |
| Tank Material | UNKNOWN |

| Tank ID # | T001U |
| Tank Contents | AVIATION GAS |
| Tank Age | 0 |
| Tank Capacity | 10000 GALLONS |
| Tank Status | OTHER |
| Leak Monitor | MONITOR PRESENT |
| Piping Type | UNKNOWN |
| Tank Material | UNKNOWN |

* VISTA address includes enhanced city and ZIP. For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403. Report ID: 712801901 Date of Report: January 23, 2002 Version 2.7*
**PROPERTY AND THE ADJACENT AREA (within 3/8 mile) CONT.**

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</tr>
<tr>
<td>Facility Address: 700 TIOGA MODESTO, CA 95354</td>
<td></td>
</tr>
<tr>
<td>Facility County: 50000PHIL1</td>
<td></td>
</tr>
<tr>
<td>Total Underground Tanks: 4</td>
<td></td>
</tr>
<tr>
<td>Total Aboveground Tanks: NOT REPORTED</td>
<td></td>
</tr>
<tr>
<td>Total Tanks Removed: 0</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tank ID #: U001U</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tank Contents: PETROLEUM</td>
</tr>
<tr>
<td>Tank Age: 0</td>
</tr>
<tr>
<td>Tank Capacity: 12000 GALLONS</td>
</tr>
<tr>
<td>Tank Status: OTHER</td>
</tr>
<tr>
<td>Leak Monitor: MONITOR PRESENT</td>
</tr>
<tr>
<td>Piping Type: UNKNOWN</td>
</tr>
<tr>
<td>Tank Material: UNKNOWN</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Tank ID #: U001U</th>
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</thead>
<tbody>
<tr>
<td>Tank Contents: LEADED GAS</td>
</tr>
<tr>
<td>Tank Age: 0</td>
</tr>
<tr>
<td>Tank Capacity: 550 GALLONS</td>
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<tr>
<td>Tank Status: OTHER</td>
</tr>
<tr>
<td>Leak Monitor: MONITOR PRESENT</td>
</tr>
<tr>
<td>Piping Type: UNKNOWN</td>
</tr>
<tr>
<td>Tank Material: UNKNOWN</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Tank ID #: U001U</th>
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</thead>
<tbody>
<tr>
<td>Tank Contents: PETROLEUM</td>
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<tr>
<td>Tank Age: 0</td>
</tr>
<tr>
<td>Tank Capacity: 12000 GALLONS</td>
</tr>
<tr>
<td>Tank Status: OTHER</td>
</tr>
<tr>
<td>Leak Monitor: MONITOR PRESENT</td>
</tr>
<tr>
<td>Piping Type: UNKNOWN</td>
</tr>
<tr>
<td>Tank Material: UNKNOWN</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Tank ID #: U001U</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tank Contents: PETROLEUM</td>
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<tr>
<td>Tank Age: 0</td>
</tr>
<tr>
<td>Tank Capacity: 12000 GALLONS</td>
</tr>
<tr>
<td>Tank Status: OTHER</td>
</tr>
<tr>
<td>Leak Monitor: MONITOR PRESENT</td>
</tr>
<tr>
<td>Piping Type: UNKNOWN</td>
</tr>
<tr>
<td>Tank Material: UNKNOWN</td>
</tr>
</tbody>
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* VISTA address includes enhanced city and ZIP.
For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.
Report ID: 712801901 Date of Report: January 23, 2002
Version 2.7
<table>
<thead>
<tr>
<th>Field</th>
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<tr>
<td>Tank Material:</td>
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<tr>
<td>WMUDS / SRC# 68</td>
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<tr>
<td>Agency Address:</td>
<td>MODESTO CITY-TIUGA DRIVE 700 TIUGA ROAD MODesto, CA 0 5 500009NUR</td>
</tr>
<tr>
<td>Facility Name:</td>
<td>MODESTO CITY-TIUGA DRIVE</td>
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<tr>
<td>Facility Address:</td>
<td>700 TIUGA ROAD MODesto, CA</td>
</tr>
<tr>
<td>Facility City:</td>
<td>MODesto</td>
</tr>
<tr>
<td>Facility State:</td>
<td>CA</td>
</tr>
<tr>
<td>Facility County:</td>
<td>STANISLAUS</td>
</tr>
<tr>
<td>Facility Type:</td>
<td>NOT REPORTED</td>
</tr>
<tr>
<td>Waste Discharger System Flag:</td>
<td>F</td>
</tr>
<tr>
<td>Chapter 15 Facility Flag:</td>
<td>F</td>
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<tr>
<td>Solid Waste Assessment Flag:</td>
<td>T</td>
</tr>
<tr>
<td>Toxic Pits Flag:</td>
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<tr>
<td>RCRA Flag:</td>
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<tr>
<td>Open To Public:</td>
<td>F</td>
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<tr>
<td>Number of Waste Management Units:</td>
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<tr>
<td>Threat To Water:</td>
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<tr>
<td>Complexity:</td>
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<td>Facility Status:</td>
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<tr>
<td>Waste 1 Nature:</td>
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</tr>
<tr>
<td>Waste 1 Type:</td>
<td>NOT REPORTED</td>
</tr>
<tr>
<td>Waste 2 Nature:</td>
<td>NOT REPORTED</td>
</tr>
<tr>
<td>Waste 2 Type:</td>
<td>NOT REPORTED</td>
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<tr>
<td>Enforcements:</td>
<td>N</td>
</tr>
<tr>
<td>Violations:</td>
<td>N</td>
</tr>
<tr>
<td>Fields Not Reported by the Source</td>
<td>Epa Id(1), Facility Zip(1), Swis Id(1), Department of Defense Flag(1), Rank(1)</td>
</tr>
<tr>
<td>Agency for this Site</td>
<td></td>
</tr>
<tr>
<td>STATE LUST - State Leaking Underground Storage Tank / SRC# 145</td>
<td></td>
</tr>
</tbody>
</table>

For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.
**PROPERTY AND THE ADJACENT AREA (within 3/8 mile) CONT.**

<table>
<thead>
<tr>
<th>Staff:</th>
<th>MTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Substance Released:</td>
<td>JET FUEL</td>
</tr>
<tr>
<td>Media Affected:</td>
<td>SOIL CONTAMINATION ONLY</td>
</tr>
<tr>
<td>Discovery Date:</td>
<td>NOT REPORTED</td>
</tr>
<tr>
<td>Facility Status:</td>
<td>CASE CLOSED</td>
</tr>
<tr>
<td>Program Oversight:</td>
<td>LOCAL OVERSIGHT PROGRAM</td>
</tr>
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</table>

### STATE LIST - State Leaking Underground Storage Tank / SRC# 164

<table>
<thead>
<tr>
<th>Agency Address:</th>
<th>CITY/COUNTY AIRPORT 700 TOGA MODESTO, CA 95351</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Name:</td>
<td>CITY/COUNTY AIRPORT</td>
</tr>
<tr>
<td>Site Location:</td>
<td>700 TOGA</td>
</tr>
<tr>
<td>Site County:</td>
<td>MODESTO CA 95351-STANISLAUS</td>
</tr>
<tr>
<td>Water Quality Control Board Region:</td>
<td>05</td>
</tr>
<tr>
<td>Case ID #:</td>
<td>500211</td>
</tr>
<tr>
<td>Media Affected:</td>
<td>SOIL ONLY</td>
</tr>
<tr>
<td>Lead Agency:</td>
<td>LOCAL AGENCY LEAD</td>
</tr>
<tr>
<td>Remediation Status:</td>
<td>CASE CLOSED</td>
</tr>
<tr>
<td>Substance Leaked:</td>
<td>JET FUEL</td>
</tr>
<tr>
<td>Enforcement Type:</td>
<td>T</td>
</tr>
<tr>
<td>How was Leak Discovered:</td>
<td>CLOSE TANK</td>
</tr>
<tr>
<td>How was Leak Stopped:</td>
<td>NOT REQUIRED TO BE TESTED</td>
</tr>
<tr>
<td>MTBE Tested:</td>
<td>LOCAL OVERSIGHT PROGRAM LIST</td>
</tr>
<tr>
<td>Program Type:</td>
<td>LOCAL OVERSIGHT PROGRAM LIST</td>
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<tr>
<td>Responsible Party:</td>
<td>CITY OF MODESTO</td>
</tr>
<tr>
<td>Cause of Leak:</td>
<td>UNKNOWN</td>
</tr>
<tr>
<td>Source of Leak:</td>
<td>UNKNOWN</td>
</tr>
<tr>
<td>Longitude:</td>
<td>37.6295378</td>
</tr>
<tr>
<td>Latitude:</td>
<td>-120.969169</td>
</tr>
<tr>
<td>Summary:</td>
<td>CLOSED PER RB CONCURRENCE LETTER DATED 07/10/96.</td>
</tr>
<tr>
<td>Date Leak was Confirmed:</td>
<td>5/16/91</td>
</tr>
<tr>
<td>Date Preliminary Site Assessment Workpl:</td>
<td>5/21/91</td>
</tr>
<tr>
<td>Date Preliminary Site Assessment Began:</td>
<td>5/21/91</td>
</tr>
<tr>
<td>Date Remediation Plan Submitted:</td>
<td>5/21/91</td>
</tr>
<tr>
<td>Date Remedial Action Underway:</td>
<td>5/21/91</td>
</tr>
<tr>
<td>Date Case was Closed:</td>
<td>7/10/96</td>
</tr>
<tr>
<td>Date Leak was Discovered:</td>
<td>5/16/91</td>
</tr>
<tr>
<td>Date of Enforcement Action:</td>
<td>7/2/91</td>
</tr>
<tr>
<td>Reported Date:</td>
<td>5/17/91</td>
</tr>
</tbody>
</table>

* VISTA address includes enhanced city and ZIP.

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**PROPERTY AND THE ADJACENT AREA (within 3/8 mile) CONT.**

<table>
<thead>
<tr>
<th>Date Leak was Stopped:</th>
<th>5/16/91</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fields Not Reported by the Source Agency for this Site:</td>
<td>Cross Street(1), Local Case ID # (1), Remediation Status (1), Funding By (1), MTBE Tested (1), Program Type (1), Substance Quantity Leaked (G) (1), Cause of Leak (1), Source of Leak (1), Date Pollution Characterization Began (1), Date Post Remedial Action Monitoring Begun (1), MTBE Date (1)</td>
</tr>
</tbody>
</table>

**SITES IN THE SURROUNDING AREA (within 3/8 - 1/2 mile)**

<table>
<thead>
<tr>
<th>VISTA Address*:</th>
<th>USGS REPORTED WATER WELL CA 0</th>
<th>VISTA ID#:</th>
<th>8886545</th>
</tr>
</thead>
<tbody>
<tr>
<td>EPA/Agency ID:</td>
<td>N/A</td>
<td>Distance/Direction:</td>
<td>0.40 MI / E</td>
</tr>
<tr>
<td>Plotted as:</td>
<td>Point</td>
<td></td>
<td></td>
</tr>
<tr>
<td>USGS Wells - Federal Drinking Water Sources / SRC# 3</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agency Address:</td>
<td>SAME AS ABOVE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facility State:</td>
<td>CA</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Well ID:</td>
<td>373724120575201</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Well Use Type:</td>
<td>PUBLIC SUPPLY</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Well Depth:</td>
<td>51.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Well Latitude:</td>
<td>37.62333333333333</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Well Longitude:</td>
<td>-120.9644444444</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Static Water Level:</td>
<td>18.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Date Well Drilled:</td>
<td>06/22/1965</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Well County Fips:</td>
<td>6099</td>
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</tr>
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</table>

<table>
<thead>
<tr>
<th>VISTA Address*:</th>
<th>ALMOUD 1938 RIVER MODESTO, CA 95351</th>
<th>VISTA ID#:</th>
<th>4013419</th>
</tr>
</thead>
<tbody>
<tr>
<td>EPA/Agency ID:</td>
<td>N/A</td>
<td>Distance/Direction:</td>
<td>0.48 MI / E</td>
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<tr>
<td>Plotted as:</td>
<td>Point</td>
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<td></td>
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<tr>
<td>STATE UST - State Underground Storage Tank / SRC# 45</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agency Address:</td>
<td>SAME AS ABOVE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facility Name:</td>
<td>ALMOUD</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facility Address:</td>
<td>1938 RIVER MODESTO, CA 95351</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facility County:</td>
<td>50000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Underground Tanks:</td>
<td>2</td>
<td></td>
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</tr>
<tr>
<td>Total Aboveground Tanks:</td>
<td>NOT REPORTED</td>
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<td></td>
</tr>
<tr>
<td>Total Tanks Removed:</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tank ID #:</td>
<td>880076-4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tank Contents:</td>
<td>UNLEADED GAS</td>
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<td></td>
</tr>
<tr>
<td>Tank Age:</td>
<td>0</td>
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</tr>
<tr>
<td>Tank Capacity:</td>
<td>500 GALLONS</td>
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</tr>
<tr>
<td>Tank Status:</td>
<td>ACTIVE/IN SERVICE</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Leak Monitor:</td>
<td>MONITOR PRESENT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Piping Type:</td>
<td>UNKNOWN</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tank Material:</td>
<td>BARE STEEL</td>
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<tr>
<td>Tank ID #:</td>
<td>880076-4</td>
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<tr>
<td>Tank Contents:</td>
<td>LEADED GAS</td>
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</tr>
</tbody>
</table>

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### SITES IN THE SURROUNDING AREA (within 3/8 - 1/2 mile) CONT.

<table>
<thead>
<tr>
<th>Field</th>
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<tbody>
<tr>
<td>Tank Age</td>
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<tr>
<td>Tank Capacity</td>
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<tr>
<td>Tank Status</td>
<td>ACTIVE/IN SERVICE</td>
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<tr>
<td>Leak Monitor</td>
<td>MONITOR PRESENT</td>
</tr>
<tr>
<td>Piping Type</td>
<td>UNKNOWN</td>
</tr>
<tr>
<td>Tank Material</td>
<td>BARE STEEL</td>
</tr>
</tbody>
</table>

#### VISTA GALLO GLASS CO.

<table>
<thead>
<tr>
<th>Address*</th>
<th>605 S. SANTA CRUZ AVE. MODESTO, CA 95354</th>
</tr>
</thead>
<tbody>
<tr>
<td>VISTA ID#</td>
<td>164041</td>
</tr>
<tr>
<td>Distance/Direction</td>
<td>0.47 MI / NW</td>
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<td>EPA/Agency ID</td>
<td>N/A</td>
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</table>

#### IRIS - Toxic Release Inventory System / SRC# 2

| Agency Address                | SAME AS ABOVE                            |
| EPA ID                        | CAD009107749                              |
| Facility Name                 | GALLO GLASS CO.                           |
| Facility Address              | 605 S. SANTA CRUZ AVE.                    |
| Facility City                 | MODESTO                                  |
| Facility State                | CA                                       |
| Facility Zip                  | 95354                                    |
| Chemical Abstract Service Registry | NOT REPORTED               |
| Quantity Released             | 0.0000000000                             |
| Chemical Abstract Service Registry | NOT REPORTED               |
| Quantity Released             | 0.000000000                              |

#### Fields Not Reported by the Source Agency for this Site:

- Agency ID(1), Facility County(1)

#### CERCLIS / SRC# 17

| Agency Address                | GALLO GLASS - SOUTH FIELD LANDFILL        |
| EPA ID                        | CAD009107749                              |
| Site ID                       | 0901130                                   |
| EPA Region                    | 09                                       |
| USGS Hydrologic Unit Code     | 18040002                                  |
| Ownership Type                | UNKNOWN                                   |
| Federal Facility Indicator    | NOT A FEDERAL FACILITY                    |
| NPL Status                    | NOT ON THE NPL                            |
| Hazardous Waste Docket Flag   | NOT ON THE HAZARDOUS WASTEDOCKET          |
| Action                        | DISCOVERY                                 |
| Action Lead                   | EPA FUND-FINANCED                         |
| Scheduled Completion Date     | APRIL 30, 1985                            |
| Actual Completion Date        | APRIL 1, 1985                             |
| Action                        | HAZARD RANKING SCORE PACKAGE              |
| Action Lead                   | STATE, FUND FINANCED                      |
| Scheduled Completion Date     | SEPTEMBER 30, 1985                        |
| Actual Completion Date        | AUGUST 1, 1985                            |
| Action                        | PRELIMINARY ASSESSMENT                    |
| Action Qualifier              | LOW                                       |

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For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.

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<table>
<thead>
<tr>
<th>Action Lead:</th>
<th>STATE, FUND FINANCED</th>
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<tbody>
<tr>
<td>Scheduled Completion Date:</td>
<td>SEPTEMBER 30, 1985</td>
</tr>
<tr>
<td>Actual Completion Date:</td>
<td>AUGUST 1, 1985</td>
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<tr>
<td>Action:</td>
<td>SCREENING SITE INSPECTION</td>
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<tr>
<td>Action Qualifier:</td>
<td>HIGH</td>
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<tr>
<td>Action Lead:</td>
<td>STATE, FUND FINANCED</td>
</tr>
<tr>
<td>Scheduled Completion Date:</td>
<td>SEPTEMBER 30, 1985</td>
</tr>
<tr>
<td>Actual Completion Date:</td>
<td>AUGUST 1, 1985</td>
</tr>
<tr>
<td>Action:</td>
<td>SCREENING SITE INSPECTION</td>
</tr>
<tr>
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<td>HIGH</td>
</tr>
<tr>
<td>Action Lead:</td>
<td>EPA FUND-FINANCED</td>
</tr>
<tr>
<td>Scheduled Completion Date:</td>
<td>DECEMBER 30, 1989</td>
</tr>
<tr>
<td>Actual Completion Date:</td>
<td>DECEMBER 19, 1989</td>
</tr>
<tr>
<td>Site Description:</td>
<td>THIS SITE INCLUDES 3 LANDFILLS: SISK, SOUTHFIELD, AND RAFFLE</td>
</tr>
<tr>
<td>Operable Unit ID:</td>
<td>00</td>
</tr>
<tr>
<td>Operable Unit Name:</td>
<td>SITEWIDE</td>
</tr>
<tr>
<td>Fields Not Reported by the Source Agency for this Site:</td>
<td>Financial Management System ID(1), Site Incident Category Description(2), Action Qualifier(2), Scheduled Start Date(3), Actual Start Date(4), (1), (1), (1), (1)</td>
</tr>
</tbody>
</table>

**SCL - State Equivalent CERCUS List / SRC# 112**

| Agency Address:               | GALLO GLASS - SOUTH FIELD LANDFILL  |
| Agency ID:                    | 50490013                             |
| Facility Name:                | GALLO GLASS - SOUTH FIELD LANDFILL    |
| Facility Address:             | 615 SOUTH SANTA CRUZ AVENUE MODESTO, CA 95354 |
| Region:                       | SACRAMENTO                           |
| County:                       | STANISLAUS                           |
| Branch:                       | CENTRAL CALIFORNIA                   |
| Status Date:                  | 07301997                             |
| Status:                       | PEAR                                 |
| Status Description:           | PRELIMINARY ENDANGERMENT ASSESSMENT REQUIRED |
| Lead Agency:                  | N/A                                  |
| Type Name:                    | N/A                                  |
| SIC Number:                   | 49                                   |
| SIC Name:                     | ELECTRIC, GAS SANITARY SERVICES      |
| Number of Sources:            | 0                                    |
| Latitude:                     | 0-DEG, 0-MIN, 0-SEC                  |
| Latitude Direction:           | NOT REPORTED                         |
| Longitude:                    | 0-DEG, 0-MIN, 0-SEC                  |
| Longitude Direction:          | NOT REPORTED                         |
| Alternate Address:            | 615 SOUTH SANTA CRUZ AVENUE MODESTO, CA 95354 |
| Alternate Name:               | GALLO GLASS - SOUTH FIELD LANDFILL    |
| Agency ID:                    | 50490013                             |

* VISTA address includes enhanced city and ZIP. For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.

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### SITES IN THE SURROUNDING AREA (within 3/8 - 1/2 mile) CONT.

**Comments:**

SITE PRIORITIZATION -- DISCCOMPLETE A SITE PRIORITIZATION UNDER THE PA/SL COOPERATIVE AGREEMENT WITH USEPA. THE SITE PRIORITIZATION RECOMMENDED FURTHER SITE ASSESSMENT FOR USEPA ON A MEDIUM PRIORITY BASIS. USEPA CONCURRENED WITH THE RECOMMENDATION.

**Fields Not Reported by the Source Agency for this Site:**

NPL(1), Tier(1), Fund(1), Water Control Board Region(1), Access(1), Cortese(1), Hazard Ranking Score(1), Hazard Ranking Date(1), Groundwater(1), Comment Key(1), Activity Number(1), Type of Activity(1), Comment Description(1), Completion Date(1), Estimated Years to Finish(1), Status at Start(1), Cubic Yards Removed(1), Gallons Removed(1), Yards Treated(1), Gallons Treated(1)

### SITES IN THE SURROUNDING AREA (within 1/2 - 3/4 mile)

#### VISTA

**Address:**

USGS REPORTED WATER WELL

CA 0

**VISTA ID:**

886549

**Distance/Direction:**

0.56 Mi / W

**Plotted as:**

Point

**EPA/Agency ID:**

N/A

**USGS Wells - Federal Drinking Water Sources / SRC# 3**

**Agency Address:**

SAME AS ABOVE

**Facility State:**

CA

**Well ID:**

373727120585901

**Well Use Type:**

PUBLIC SUPPLY

**Well Depth:**

20.8

**Well Latitude:**

37.624166666666

**Well Longitude:**

-120.9830555555

**Static Water Level:**

46.00

**Date Well Drilled:**

01/01/1949

**Well County Fips:**

6099

**VISTA Address:**

LA TOURETTE RESIDENCE

2041 RIVER RD

MODESTO, CA 95351

**VISTA ID:**

5717231

**Distance/Direction:**

0.61 Mi / E

**Plotted as:**

Point

**Agency ID:**

500365

**STATE LUST - State Leaking Underground Storage Tank / SRC# 145**

**Agency Address:**

SAME AS ABOVE

**Case ID #:**

500365

**Facility Name:**

LA TOURETTE RESIDENCE

**Facility Address:**

2041 RIVER RD

MODESTO, CA 95351

**Facility County:**

STANISLAUS

**Staff:**

MTS

**Substance Released:**

GASOLINE

**Media Affected:**

SOIL CONTAMINATION ONLY

**Discovery Date:**

NOT REPORTED

**Facility Status:**

CASE CLOSED

**Program Oversight:**

LOCAL IMPLEMENTING AGENCY

**STATE LUST - State Leaking Underground Storage Tank / SRC# 164**

**EPA/Agency ID:**

N/A

**Agency Address:**

SAME AS ABOVE

**Site Name:**

LA TOURETTE RESIDENCE

**Site Location:**

2041 RIVER RD

---

* VISTA address includes enhanced city and ZIP.

For more information call VISTA information Solutions, Inc. at 1 - 800 - 767 - 0403.

Report ID: 712801901

Date of Report: January 23, 2002

Version 2.7

Page #20
| Site County: | MODESTO CA 95351-0958 |
| Water Quality Control Board Region: | STANISLAUS |
| Case ID #: | 500365 |
| Media Affected: | SOIL ONLY |
| Lead Agency: | LOCAL AGENCY LEAD |
| Remediation Status | CASE CLOSED |
| Substance Leaked: | GASOLINE |
| How was Leak Discovered: | NONE TAKEN |
| How was Leak Stopped: | TANK CLOSURE |
| MTBE Tested | SITE NOT TESTED FOR MTBE |
| Program Type | LOCAL IMPLEMENTING AGENCY UST |
| Responsible Party: | LA TOURETTE TRUST |
| Cause of Leak | CORROSION |
| Source of Leak | TANK |
| Longitude: | 37.621244 |
| Latitude: | -120.9588516 |
| Summary: | CLOSED PER RB CONCURRENCE LETTER DATED 10/10/96. |
| Date Leak was Confirmed: | 7/21/95 |
| Date Case was Closed: | 10/10/96 |
| Date Leak was Discovered: | 7/21/95 |
| Reported Date: | 7/21/95 |
| Date Leak was Stopped: | 7/21/95 |
| Fields Not Reported by the Source Agency for this Site: | Cross Street(1), Local Case ID #1, Remediation Status(1), Abatement Method(1), Funding By(1), How was Leak Discovered(1), MTBE Tested(1), Substance Quantity Leaked(5)(1) |

**VISTA Address**: CA 0

**USGS REPORTED WATER WELL**

**VISTA ID#:** 8886503

**Distance/Direction:** 0.65 MI / SE

**Plotted as:** Point

**EPA/Agency ID:** N/A

**Agency Address:** SAME AS ABOVE

**Facility State:** CA

**Well ID:** 373704120575301

**Well Use Type:** PUBLIC SUPPLY

**Well Depth:** 100.0

**Well Latitude:** 37.617777777777

**Well Longitude:** -120.9647222222

**Date Well Drilled:** 01/01/1964

**Well County Fips:** 6099

* VISTA address includes enhanced city and ZIP.

For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.

Report ID: 712801901

Date of Report: January 23, 2002

Page #21
<table>
<thead>
<tr>
<th>Site Name</th>
<th>FAIRBANKS TRUCKING</th>
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<td>TANK CLOSURE</td>
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<td>How was Leak Stopped:</td>
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* VISTA address includes enhanced city and ZIP.
For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.
Report ID: 712801901 Date of Report: January 23, 2002
Version 2.7 Page #22
### Summary:
- Dale Leak was Confirmed: CLOSED PER RB CONCURRENCE LETTER DATED 10/10/96.
- Date Preliminary Site Assessment Workpl.: 11/24/86
- Date Preliminary Site Assessment Began: 3/20/87
- Date Remedial Action Underway: 6/16/87
- Date Post Remedial Action Monitoring Beg: 11/9/87
- Date Remedial Action Began: 6/16/87
- Date Case was Closed: 10/10/96
- Date Leak was Discovered: 3/7/91
- Date Leak was Stopped: 10/21/86

### Fields Not Reported by the Source Agency for this Site:
- Cross Street(1)
- Local Case ID #(1)
- Media Affected(1)
- Remediation Status(1)
- Funding By(1)
- How was Leak Discovered(1)
- MTBE Tested(1)
- Program Type(1)
- Substance Quantity Leaked(1)
- Date Pollution Characterization Began(1)
- Date Remediation Plan Submitted(1)
- Date of Enforcement Action(1)
- MTBE Date(1)

### VISTA Address:
- **MARTINEZ PROPERTY**
  - 1627 NADINE ST
  - MODESTO, CA 95351

### VISTA ID:
- 3079531
- Distance/Direction: 0.71 MI / S
- Plot: Point

### SCL - State Equivalent CERCUS List / SRC# 112:
- Agency Address: MARTINEZ PROPERTY
  - 1627 NADINE STREET
  - MODESTO, CA 95351
- Agency ID: 50650002
- Status: CERTIFIED
- Lead Agency: N/A
- Type Name: N/A
- SIC Number: 65
- SIC Name: REAL ESTATE
- Number of Sources: 0
- Latitude: 0-DEG, 0-MIN, 0-SEC
- Longitude: 0-DEG, 0-MIN, 0-SEC
- Alternate Name: MARTINEZ PROPERTY

---

*VISTA address includes enhanced city and ZIP. For more information call VISTA Information Solutions, Inc. at 1-800-767-0403.*

Report ID: 712801901  
Date of Report: January 23, 2002  
Version 2.7
### Sites in the Surrounding Area (within 1/2 - 3/4 mile) Cont.

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<th>Completion Date</th>
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<th>Status at Start</th>
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<th>Gallons Removed</th>
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**Site Screening Done**: Clean-up complete. No further action necessary. Site certified July 1983. 40 cubic yards of brick and soil contaminated with chromium was removed from this resident's house.

Fields Not Reported by the Source: NPL(1), Tier(1), Fund(1), Water Control Board Region(1), Access(1), Cortese(1), Hazard Ranking Score(1), Hazard Ranking Date(1), Groundwater(1), Type of Activity(1), Comment Description(2)

---

**Agency for this Site:**

- **Agency ID:** 50650002
- **Comments:**
  - SITE SCREENING DONE: CLEAN-UP COMPLETE. NO FURTHER ACTION NECESSARY. SITE CERTIFIED JULY 1983. 40 CUBIC YARDS OF BRICK AND SOIL CONTAMINATED WITH CHROMIUM WAS REMOVED FROM THIS RESIDENT'S HOUSE.

---

**VISTA Information:**

- **Address**: 445 BYSTROM RD
- **City**: MODESTO
- **State**: CA
- **Zip**: 95357
- **Distance/Direction**: 0.73 MI / W
- **Plotted as**: Point
- **Agency**: SAME AS ABOVE
- **Agency Address**: SAME AS ABOVE
- **Case ID**: 500068
- **Facility Name**: HOAGLAND TRANSPORT SERVICE
- **Facility Address**: 445 BYSTROM RD
- **Facility County**: STANISLAUS
- **Staff**: MTS
- **Substance Released**: GASOLINE
- **Media Affected**: AQUIFER USED FOR DRINKING WATER
- **Discovery Date**: NOT REPORTED
- **Facility Status**: CASE CLOSED
- **Program Oversight**: LOCAL OVERSIGHT PROGRAM

---

**State LUST - State Leaking Underground Storage Tank / SRC# 145**

- **Agency ID**: 500068
- **Agency Address**: SAME AS ABOVE
- **Case ID**: 500068
- **Facility Name**: HOAGLAND TRANSPORT SERVICE
- **Facility Address**: 445 BYSTROM RD
- **Facility County**: STANISLAUS
- **Staff**: MTS
- **Substance Released**: GASOLINE
- **Media Affected**: AQUIFER USED FOR DRINKING WATER
- **Discovery Date**: NOT REPORTED
- **Facility Status**: CASE CLOSED
- **Program Oversight**: LOCAL OVERSIGHT PROGRAM

---

**State LUST - State Leaking Underground Storage Tank / SRC# 164**

- **Agency ID**: N/A
- **Agency Address**: SAME AS ABOVE
- **Case ID**: N/A
- **Facility Name**: HOAGLAND TRANSPORT SERVICE
- **Facility Address**: 445 BYSTROM RD
- **Facility County**: STANISLAUS
- **Staff**: MTS
- **Substance Released**: GASOLINE
- **Media Affected**: AQUIFER USED FOR DRINKING WATER
- **Discovery Date**: NOT REPORTED
- **Facility Status**: CASE CLOSED
- **Program Oversight**: LOCAL OVERSIGHT PROGRAM

---

* VISTA address includes enhanced city and ZIP.
* For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.
* Report ID: 712801901
* Date of Report: January 23, 2002
* Version 2.7
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<td>LOCAL AGENCY LEAD</td>
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<tr>
<td>Substance Leaked</td>
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<tr>
<td>How was Leak Discovered</td>
<td>TANK CLOSURE</td>
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<td>Date Remediation Plan Submitted</td>
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<tr>
<td>Date Leak was Stopped (1)</td>
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**VISTA**

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* VISTA address includes enhanced city and ZIP.

For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.
Report ID: 712801901  Date of Report: January 23, 2002

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**Site Information**

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**Additional Information**

- Cross Street(1): Same as above
- Local Case ID #1 (1): Same as above
- Media Affected(1): Same as above
- Remediation Status(1): Same as above
- Abatement Method(1): Same as above
- Funding By(1): Same as above
- How was Leak Discovered (1): Same as above
- Program Type (1): Same as above
- Substance Quantity Leaked (G)(1): Same as above
- Cause of Leak (1): Same as above
- Date Preliminary Site Assessment Workplan(1): Same as above
- Date Remedial Action Underway(1): Same as above
- Date Post Remedial Action Monitoring Beg(1): Same as above
- Date of Enforcement Action(1): Same as above
- Date Leak was Stopped (1): Same as above

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*For more information call VISTA Information Solutions, Inc. at 1-800-767-0403.*
### SITES IN THE SURROUNDING AREA (within 1/2 - 3/4 mile) CONT.

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### VISTA

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#### STATE LUST - State Leaking Underground Storage Tank / SRC# 145

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#### STATE LUST - State Leaking Underground Storage Tank / SRC# 164

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<td>How was Leak Discovered:</td>
<td>TANK CLOSURE</td>
</tr>
<tr>
<td>How was Leak Stopped:</td>
<td>CLOSE TANK</td>
</tr>
</tbody>
</table>

---

* VISTA address includes enhanced city and ZIP.
For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.
Report ID: 712801901
Date of Report: January 23, 2002
Version 2.7
<table>
<thead>
<tr>
<th>MTBE Tested</th>
<th>SITE NOT TESTED FOR MTBE</th>
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</thead>
<tbody>
<tr>
<td>Program Type</td>
<td>LOCAL OVERSIGHT PROGRAM UST</td>
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<tr>
<td>Responsible Party:</td>
<td>GILTON SOLID WASTE</td>
</tr>
<tr>
<td>Cause of Leak</td>
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</tr>
<tr>
<td>Source of Leak</td>
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<tr>
<td>Longitude:</td>
<td>37.6375206</td>
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<tr>
<td>Latitude:</td>
<td>-120.9708292</td>
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<tr>
<td>Date Leak was Confirmed:</td>
<td>5/16/90</td>
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<tr>
<td>Date Preliminary Site Assessment Workpl</td>
<td>6/22/92</td>
</tr>
<tr>
<td>Date Preliminary Site Assessment Began:</td>
<td>4/2/92</td>
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<tr>
<td>Date Case was Closed:</td>
<td>2/18/97</td>
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<tr>
<td>Date Leak was Discovered:</td>
<td>5/29/90</td>
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<tr>
<td>Date of Enforcement Action</td>
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<tr>
<td>Reported Date:</td>
<td>5/3/90</td>
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Fields Not Reported by the Source Agency for this Site:

- Cross Street(1)
- Local Case ID #(1)
- Remediation Status(1)
- Funding By(1)
- How was Leak Discovered(1)
- MTBE Tested(1)
- Program Type(1)
- Substance Quantity Leaked (G)(1)
- Cause of Leak(1)
- Source of Leak(1)
- Summary(1)
- Date Pollution Characterization Began(1)
- Date Remediation Plan Submitted(1)
- Date Remedial Action Underway(1)
- Date Post Remedial Action Monitoring Beg(1)
- MTBE Date(1)
- Date Leak was Stopped(1)

**VISTA USGS REPORTED WATER WELL**

| VISTA ID#: | 8886645 |
| Distance/Direction: | 0.74 MI / NE |
| Plot as: | Point |

**USGS Wells - Federal Drinking Water Sources / SRC# 3**

| Agency Address: | SAME AS ABOVE |
| Facility State: | CA |
| Well ID: | 373814120580201 |
| Well Use Type: | PUBLIC SUPPLY |
| Well Depth: | 144.0 |
| Well Latitude: | 37.63722222222 |
| Well Longitude: | -120.9672222222 |
| Date Well Drilled: | 01/01/1967 |
| Well County Fips: | 6099 |

**SITES IN THE SURROUNDING AREA (within 3/4 - 1 1/4 miles)**

No Records Found

---

* VISTA address includes enhanced city and ZIP.

For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.

Report ID: 712801901

Date of Report: January 23, 2002

Version 2.7
### UNMAPPED SITES

<table>
<thead>
<tr>
<th>VISTA Address*</th>
<th>CERES RANCH</th>
<th>VISTA ID#</th>
<th>65001215</th>
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<tr>
<td>Service Jennings</td>
<td>CERES, CA 95307</td>
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#### STATE LUST - State Leaking Underground Storage Tank / SRC# 145

<table>
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<tr>
<th>Agency Address</th>
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<tbody>
<tr>
<td>Case ID #</td>
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<tr>
<td>Facility Address</td>
<td>CERES, CA 95307</td>
</tr>
<tr>
<td>Facility County</td>
<td>STANISLAUS</td>
</tr>
<tr>
<td>Staff</td>
<td>KAT</td>
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<tr>
<td>Substance Released</td>
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<tr>
<td>Media Affected</td>
<td>SOIL CONTAMINATION ONLY</td>
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<tr>
<td>Discovery Date</td>
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<tr>
<td>Facility Status</td>
<td>CASE CLOSED</td>
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#### VISTA Address*:

<table>
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<tr>
<th>MODESTO CITY DISPOSAL SITE, AIRPORT</th>
<th>VISTA ID#</th>
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<tbody>
<tr>
<td>TIOGA RD AT CITY COUNTY AIRPORT</td>
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<td></td>
</tr>
<tr>
<td>MODESTO, CA 0</td>
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<td></td>
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#### STATE SWLF - Solid Waste Landfill / SRC# 163

<table>
<thead>
<tr>
<th>Agency Address</th>
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<tbody>
<tr>
<td>Site Name</td>
<td>MODESTO CITY DISPOSAL SITE, AIRPORT</td>
</tr>
<tr>
<td>Site Address</td>
<td>TIOGA RD AT CITY COUNTY AIRPORT</td>
</tr>
<tr>
<td>Site City</td>
<td>MODESTO</td>
</tr>
<tr>
<td>Site State</td>
<td>CA</td>
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<td>Site County</td>
<td>STANISLAUS</td>
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<tr>
<td>SWIS No</td>
<td>50-CR-0009</td>
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<td>Latitude</td>
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<td>Longitude</td>
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<tr>
<td>Facility Life</td>
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<tr>
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<td>Activity</td>
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<tr>
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<td>Last Tire Inspection Count</td>
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<tr>
<td>Original Tire Count</td>
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</table>

* VISTA address includes enhanced city and ZIP. For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403. Report ID: 712801901 Date of Report: January 23, 2002 Version 2.7
<table>
<thead>
<tr>
<th>Owner Name:</th>
<th>CITY OF MODESTO/COUNTY OF STANISLAUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner Address:</td>
<td>P.O. BOX 642, MODESTO, CA 95353</td>
</tr>
<tr>
<td>Owner Phone:</td>
<td>209-775-494</td>
</tr>
<tr>
<td>Owner Name:</td>
<td>TUOLUMNE RIVER REGIONAL PARK</td>
</tr>
<tr>
<td>Owner Address:</td>
<td>P.O. BOX 642, MODESTO, CA 95353</td>
</tr>
<tr>
<td>Owner Phone:</td>
<td>209-775-494</td>
</tr>
<tr>
<td>Surrounding Land Use(1), Operator Name(1), Operator Phone(1), Operator Address1, Operator Address2, Operator City(1), Operator State(1), Operator Zip(1), Permit Date(1), Permit Status(1), Waste Type(s)(1), Closure Date(1), Closure Type(1), Last Tire Inspection Count Date(1), Original Tire Count Date(1)</td>
<td></td>
</tr>
<tr>
<td>VISTA Address*:</td>
<td>INDUSTRIAL CHEMICAL DIVISION</td>
</tr>
<tr>
<td>Address:</td>
<td>1200 BARIUM RD, MODESTO, CA 95352</td>
</tr>
<tr>
<td>VISTA ID#:</td>
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<tr>
<td>WMUDS / SRC#:</td>
<td>68</td>
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<td>EPA/Agency ID#:</td>
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<tr>
<td>Agency Address:</td>
<td>INDUSTRIAL CHEMICAL DIVISION</td>
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<td>Facility Name:</td>
<td>1200 BARIUM RD</td>
</tr>
<tr>
<td>Facility Address:</td>
<td>MODESTO, CA 0</td>
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<tr>
<td>Facility City:</td>
<td>STANISLAUS</td>
</tr>
<tr>
<td>Facility Type:</td>
<td>INDUSTRIAL - FACILITIES THAT TREAT AND/OR DISPOSE OF LIQUID OR SEMISOLID WASTES FROM ANY SERVICING, PRODUCING, MANUFACTURING OR PROCESSING OPERATION OF WHATEVER NATURE, INCLUDING MINING, GRAVEL WASHING, GEOTHERMAL OPERATIONS, AIR CONDITIONING, SHIP BUILDING</td>
</tr>
<tr>
<td>Waste Discharger System Flag:</td>
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<tr>
<td>Chapter 15 Facility Flag:</td>
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<td>Solid Waste Assessment Flag:</td>
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<td>Toxic Pits Flag:</td>
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<td>RCRA Flag:</td>
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<td>Open To Public:</td>
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<tr>
<td>Number of Waste Management Units:</td>
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<tr>
<td>Threat To Water:</td>
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<tr>
<td>Complexity:</td>
<td>CATEGORY A - ANY MAJOR NPDES FACILITY, ANY NON-NPDES FACILITY (PARTICULARLY THOSE WITH TOXIC WASTES) THAT BE A MAJOR IF DISCHARGE WAS MADE TO SURFACE OR GROUND WATERS, OR ANY CLASS I ISOLATED SITE. INCLUDES DETECTION SYSTEMS OR GROUND WATER MONITORING</td>
</tr>
<tr>
<td>Facility Status:</td>
<td>HISTORICAL - ANY REGULATED FACILITY FOR WHICH THE REGIONAL BOARD HAS RESCIND ALL WDRS OR CONSCIOUSLY ALLOWED AN NPDES PERMIT TO EXPIRE. THOSE FACILITIES THAT ARE NOT UNDER WASTE DISCHARGE REQUIREMENTS (WURDS) MAY BE SET TO HISTORICAL WHEN THE REGIONAL BOAR</td>
</tr>
<tr>
<td>Waste 1 Nature:</td>
<td>&quot;DESIGNED - INFLUENT OR SOLID WASTES THAT CONTAIN NONHAZARDOUS WASTES THAT POSE ASIGNIFICANT THREAT TO WATER QUALITY BECAUSE OF THEIR HIGH CONCENTRATIONS (E.G. BOD HARDNESS, TSS, CHLORIDE), &quot;MANAGEABLE&quot; HAZARDOUS WASTES (E.G. INORGANIC SALTS AND HEAVY</td>
</tr>
<tr>
<td>Waste 1 Type:</td>
<td>&quot;PROCESS WASTE&quot;</td>
</tr>
<tr>
<td>Waste 2 Nature:</td>
<td>&quot;NOT REPORTED&quot;</td>
</tr>
</tbody>
</table>

* VISTA address includes enhanced city and ZIP. For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403. Report ID: 7128001901 Date of Report: January 23, 2002
| Waste 2 Type:                     | "NOT REPORTED" |
| Enforcements:                   | Y              |
| Violations:                     | N              |
| Fields Not Reported by the Source Agency for this Site: | Epa ID(1), Facility Zip(1), Swis ID(1), Department of Defense Flag(1), Rank(1) |
DESCRIPTION OF DATABASES SEARCHED

A) DATABASES SEARCHED TO 1 1/4 MILES

**NPL**  
**SRC#: 19**  
VISTA conducts a database search to identify all sites within 1.25 mile of your property.  
The agency release date for National Priorities List was October, 2001.

The NPL Report is the US EPA's registry of the nation's worst uncontrolled or abandoned hazardous waste sites. NPL sites are targeted for possible long-term remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980.

**SPL**  
**SRC#: 113**  
VISTA conducts a database search to identify all sites within 1.25 mile of your property.  
The agency release date for CalSites Database was October, 2000.

This database is provided by the Cal. Environmental Protection Agency, Dept. of Toxic Substances Control. The agency may be contacted at: 916-323-3400.

**CORRACTS**  
**SRC#: 14**  
VISTA conducts a database search to identify all sites within 1.25 mile of your property.  
The agency release date for RCRIS Corrective Action Sites was August, 2001.

The CORRACTS database contains information concerning RCRA facilities that have conducted, or are currently conducting a corrective action. A Corrective Action Order is issued pursuant to RCRA Section 3008 (h) when there has been a release of hazardous waste or constituents into the environment from a RCRA facility. Corrective actions may also be imposed as a requirement of receiving and maintaining a TSDF permit.

**RCRIS-TSDC**  
**SRC#: 556**  
VISTA conducts a database search to identify all sites within 1.25 mile of your property.  
The agency release date for RCRIS TSDs Subject to Corrective Action was August, 2001.

The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities which report generation, storage, transportation, treatment or disposal of hazardous waste. RCRA TSDCs are treatment, storage and/or disposal facilities that are subject to corrective action under RCRA.

For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.
Report ID: 712801901  
Date of Report: January 23, 2002  
Version 2.7
VISTA conducts a database search to identify all sites within 3/4 mile of your property.

**CERCUS**
*SRC#: 17*

The CERCLIS database is a comprehensive listing of known or suspected uncontrolled or abandoned hazardous waste sites. These sites have either been investigated, or are currently under investigation by the U.S. EPA for the release, or threatened release of hazardous substances. Once a site is placed in CERCLIS, it may be subjected to several levels of review and evaluation, and ultimately placed on the National Priorities List (NPL).

**NFRAP**
*SRC#: 18*

The agency release date for No Further Remedial Action Planned was October, 2001.

VISTA conducts a database search to identify all sites within 3/4 mile of your property.

The No Further Remedial Action Planned Report (NFRAP), also known as the CERCLIS Archive, contains information pertaining to sites which have been removed from the U.S. EPA's CERCLIS database. NFRAP sites may be sites where, following an initial investigation, either no contamination was found, contamination was removed quickly without need for the site to be placed on the NPL, or the contamination was not serious enough to require federal Superfund action or NPL consideration.

**SCL**
*SRC#: 112*

VISTA conducts a database search to identify all sites within 3/4 mile of your property.

The agency release date for CalSites Database was October, 2000.

This database is provided by the Department of Toxic Substances Control. Two-thirds of these sites have been classified, based on available information, as needing "No Further Action" (NFA) by the Department of Toxic Substances Control. The remaining sites are in various stages of review and remediation to determine if a problem exists at the site. Several hundred sites have been remediated and are considered certified. Some of these sites may be in long term operation and maintenance.

**RCRIS-TSD**
*SRC#: 12*

VISTA conducts a database search to identify all sites within 3/4 mile of your property.

The agency release date for RCRIS Treatment, Storage and Disposal Facilities was August, 2001.

The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities which report generation, storage, transportation, treatment or disposal of hazardous waste. RCRA TSDs are facilities which treat, store and/or dispose of hazardous waste.

**SWLF**
*SRC#: 23*

VISTA conducts a database search to identify all sites within 3/4 mile of your property.

The agency release date for USGS Solid Waste Landfills was December, 1991.

This database is provided by the United States Geological Survey. The agency may be contacted at: 703-648-5613.
VISTA conducts a database search to identify all sites within 3/4 mile of your property. The agency release date for Solid Waste Inventory System was November, 2001.

This database is provided by the Integrated Waste Management Board. The agency may be contacted at: 916-255-4021.

VISTA conducts a database search to identify all sites within 3/4 mile of your property. The agency release date for Waste Management Unit Data System was February, 1999.

This database is provided by the State Water Resources Control Board. The agency may be contacted at: 530-892-0323. This is used for program tracking and inventory of waste management units. This system contains information from: Facility, Waste Management Unit, SWAT Program and Report Summary Information, Chapter 15 (formerly Subchapter 15), TPCA and RCRA Program Information, Closure Information; also some information from the WDS (Waste Discharge System).

VISTA conducts a database search to identify all sites within 3/4 mile of your property. The agency release date for Region 5 SLIC/DOD/DOE Site List was July, 2001.

This database is provided by the Regional Water Quality Control Board, Region #5. The agency may be contacted at: 916-255-3000.

VISTA conducts a database search to identify all sites within 3/4 mile of your property. The agency release date for Region 6 Leaking Underground Storage Tanks was July, 2001.

This database is provided by the Lahontan Region Six South Lake Tahoe. The agency may be contacted at: 530-542-5400.

VISTA conducts a database search to identify all sites within 3/4 mile of your property. The agency release date for Region 5 Leaking Underground Storage Tanks was July, 2001.

This database is provided by the Regional Water Quality Control Board, Region #5. The agency may be contacted at: 916-255-3125.

VISTA conducts a database search to identify all sites within 3/4 mile of your property. The agency release date for Leaking Underground Storage Tank Information System was August, 2001.

This database is provided by the California Environmental Protection Agency. The agency may be contacted at: 916-341-5740.

For more information call VISTA Information Solutions, Inc. at 1 - 800 - 767 - 0403.
Report ID: 712801901 Date of Report: January 23, 2002
Version 2.7 Page 33
VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for Cortese - Hazardous Waste Substance Site List was April, 1998.

This database is provided by the Office of Environmental Protection, Office of Hazardous Materials. The agency may be contacted at: 916-445-5532. The California Governor's Office of Planning and Research annually publishes a listing of potential and confirmed hazardous waste sites throughout the State of California under Government Code Section 65962.5. This database (CORTES) is based on input from the following:
(1) CALSITES-Department of Toxic Substances Control, Abandoned Sites Program Information Systems; (2) SARA Title III Section III Toxic Chemicals Release Inventory for 1987, 1988, 1989, and 1990; (3) FINDS; (4) HWIS-Department of Toxic Substances Control, Hazardous Waste Information System. Vista has not included one time generator facilities from Cortese in our database.; (5) SWRCB-State Water Resources Control Board; (6) SWIS-Integrated Waste Management Control Board (solid waste facilities); (7) AGT25-Air Resources Board, dischargers of greater than 25 tons of criteria pollutants to the air; (8) A1025-Air Resources Board, dischargers of greater than 10 and less than 25 tons of criteria pollutants to the air; (9) LTANK-SWRCB Leaking Underground Storage Tanks; (10) UTANK-SWRCB Underground tanks reported to the SWEEPS systems; (11) IUR-Inventory Update Rule (Chemical Manufacturers); (12) WB-LF: Waste Board - Leaking Facility, site has known migration; (13) WDSE-Waste Discharge System - Enforcement Action; (14) DTSCD-Department of Toxic Substance Control Docket.

VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for Deed Restriction Properties Report was October, 2001.

The Deeds Restrictions list, also known as the Border Zone Property List, contains information concerning voluntary deed restriction. These agreements are made with owners of property who propose building residences, schools, hospitals, or day care centers on property that is on or within 2,000 feet of potentially hazardous waste site.

VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for Toxic Pits was February, 1995.

This database is provided by the Water Quality Control Board, Division of Loans Grants. The agency may be contacted at: 916-227-4396.

VISTA conducts a database search to identify all sites within 3/4 mile of your property.
The agency release date for USGS Water Wells was March, 1998.

The Ground Water Site Inventory (GWSI) database was provided by the United States Geological Survey (USGS). The database contains information for over 1,000,000 wells and other sources of groundwater which the USGS has studied, used or documented during research.
C) DATABASES SEARCHED TO 1/2 MILE

RCRIS-VIOL SRC#: 11
VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for RCRIS Facilities with Violations was August, 2001.

The Resource Conservation and Recovery Act Information System (RCRIS) identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRIS Violations report contains information concerning facilities that have been cited for violations of RCRA, as well as any enforcement actions taken against the facility.

UST SRC#: 45
VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for Underground Storage Tanks was January, 1994.

This historical database is provided by the State Water Resources Control Board, Office of Underground Storage Tanks. Please refer to the local level UST list for more current information. Be advised that some states do not require registration of heating oil tanks, especially those used for residential purposes.

AST SRC#: 60
VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for Aboveground Storage Tanks was January, 2001.

This database is provided by the State Water Resources Control Board. The agency may be contacted at: 916-227-4364.

TRIS SRC#: 2
VISTA conducts a database search to identify all sites within 1/2 mile of your property. The agency release date for Toxic Release Inventory System was January, 1998.

All facilities that manufacture, process, or import toxic chemicals in quantities in excess of 25,000 pounds per year are required to register with the EPA under Section 313 of the Superfund Amendments and Reauthorization Act (SARA Title III) of 1986. Data contained in the TRIS system covers approximately 20,000 sites and 75,000 chemical releases.

D) DATABASES SEARCHED TO 3/8 MILE

ERNS SRC#: 8
VISTA conducts a database search to identify all sites within .375 mile of your property. The agency release date for Emergency Response Notification System was December, 2000.

ERNS is a national computer database system that is used to store information on the sudden and/or accidental release of hazardous substances, including petroleum, into the environment. The ERNS reporting system contains preliminary information on specific releases, including the spill location, the substance released, and the responsible party.
VISTA conducts a database search to identify all sites within .375 mile of your property. The agency release date for RCRIS Large Quantity Generators was August, 2001. The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities which report generation, storage, transportation, treatment or disposal of hazardous waste. RCRA Large Generators are facilities which generate at least 1000 kg./month of non-acutely hazardous waste (or 1 kg./month of acutely hazardous waste).

VISTA conducts a database search to identify all sites within .375 mile of your property. The agency release date for RCRIS Small Quantity Generators was August, 2001. The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRA Facilities database is a compilation by the EPA of facilities which report generation, storage, transportation, treatment or disposal of hazardous waste. RCRA Small Quantity Generators are facilities which generate less than 1000 kg./month of non-acutely hazardous waste.

VISTA conducts a database search to identify all sites within .375 mile of your property. The agency release date for RCRIS Notifiers was August, 2001. The EPA's Resource Conservation and Recovery Act (RCRA) Program identifies and tracks hazardous waste from the point of generation to the point of disposal. The RCRIS Notifiers contains information on formerly regulated RCRA sites with more complete historical information.
EXHIBIT "E"

ORVILLE WRIGHT NEIGHBORHOOD PARK
MITIGATION MONITORING PLAN
MITIGATION MONITORING AND REPORTING PROGRAM
FOR ORVILLE WRIGHT NEIGHBORHOOD PARK.
(Pursuant to Mitigated Negative Declaration EA/PR&N-2002-01)

1.0 INTRODUCTION

This mitigation and monitoring program has been prepared by the City of Modesto for Orville Wright Neighborhood Park. CEQA Section 21081.6 requires public agencies to adopt a mitigation reporting or monitoring program when adopting a Mitigated Negative Declaration. Monitoring programs are designed to ensure that all mitigation measures described in the Negative Declaration are carried out.

2.0 SCOPE

The program described below applies to all mitigation measures described in the Initial Study/Mitigated Negative Declaration, dated January 28, 2002, prepared for the project. The components of project mitigation were reviewed and approved by the City of Modesto’s Parks, Recreation and Neighborhoods, Engineering and Transportation, Operations and Maintenance, and Community Development staff.

3.0 MITIGATION

LOSS OF WILDLIFE/PLANT HABITAT:

All mitigation measures are included in the Design Development Report for Orville Wright Neighborhood Park. When the construction documents are completed for Orville Wright Neighborhood Park, all mitigation measures shall be included in those documents also.

Implementation for all Loss of Wildlife/Plant Habitat Mitigation Measures:

When the development of Orville Wright Neighborhood Park is proposed, the City shall assure implementation of these mitigation measures at a level and timing consistent with the Mitigated Negative Declaration.

Responsible Agency for all Orville Wright Neighborhood Park Mitigation Measures:

City of Modesto, Parks, Recreation and Neighborhoods Department
City of Modesto, Engineering and Transportation Department
City of Modesto, Operations and Maintenance Department
EXHIBIT "F"

ORVILLE WRIGHT NEIGHBORHOOD PARK
NOTICE OF COMPLETION AND LETTERS OF RESPONSE
**Project Description:**

This project will construct a 3.8-acre neighborhood park within the Airport Neighborhood. The park will be developed including: grading, paving, road along south border of park, underground utilities, landscaping, irrigation system, game courts, athletic fields, water play area, family picnic units, children's play area w/play apparatus, park furniture, shade structure, skate area, restroom building, security phone and security lighting. Project will also renovate 2.3 acres of fenced school property including grading, paving, underground utilities, landscaping, irrigation system, and athletic fields. The total area that will be constructed or renovated with this project will be 6.1 acres. Project includes adoption of Park Master plan and Design Development Report and subsequent development.

---

**Project Issues Discussed in Document:**

- Aesthetic/Visual
- Agricultural Land
- Air Quality
- Archeological/Historical
- Coastal Zone
- Drainage/Absorption
- Economic/Jobs
- Fiscal
- Flood Plain/Flooding
- Forest Land/Fire Hazard
- Geologic/Seismic
- Minerals
- Noise
- Population/Housing Balance
- Public Services/Facilities
- Recreation/Parks
- Schools/Universities
- Sewer Capacity
- Soil Erosion/Compaction/Grading
- Solid Waste
- Toxic/Hazardous
- Traffic/Circulation
- Vegetation
- Water Quality
- Water Supply/Groundwater
- Wetland/Riparian
- Wildlife
- Growth Inducing
- Landuse
- Cumulative Effects
- Other

**Present Land Use/Zoning/General Plan Designation:**

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**Development Type:**

- Water Facilities: Type MGD
- Transportation: Type
- Mining: Mineral
- Power: Type Watts
- Waste Treatment: Type
- Hazardous Waste: Type

**Funding (approx.):**

- Federal $300,000
- State $800,000
- Total $1,100,000
STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse
ACKNOWLEDGEMENT OF RECEIPT

DATE: March 28, 2002

TO: Nathan G. Houx
City of Modesto Community Development Department
1010 Tenth Street, Suite 4400
Modesto, CA 95354

RE: Orville Wright Neighborhood Park
SCH#: 1992052017

This is to acknowledge that the State Clearinghouse has received your environmental document for state review. The review period assigned by the State Clearinghouse is:

Review Start Date: March 7, 2002
Review End Date: April 5, 2002

We have distributed your document to the following agencies and departments:

Caltrans, District 10
Caltrans, Division of Aeronautics
Department of Fish and Game, Region 4
Department of Parks and Recreation
Department of Water Resources
Native American Heritage Commission
Office of Historic Preservation
Regional Water Quality Control Bd., Region 5 (Sacramento)
Resources Agency
State Lands Commission

The State Clearinghouse will provide a closing letter with any state agency comments to your attention on the date following the close of the review period.

Thank you for your participation in the State Clearinghouse review process.
San Joaquin Valley
Air Pollution Control District

March 29, 2002

Nathan G. Houx
City of Modesto Parks,
Recreation and Neighborhood Dept.
P.O. Box 642
Modesto, CA 95353

SUBJECT: AIR QUALITY CONFORMANCE FOR ORVILLE WRIGHT NEIGHBORHOOD PARK PROPOSED PROJECT.

Dear Mr. Richardson:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the above referenced project. Based on the information provided, this project is de minimis in nature and therefore will not result in a significant impact to the ambient air quality.

However, the construction phase of this project can generate emission from the movement of soil, use of heavy equipment, bulk materials handling, asphalt paving and other related activities. As a result, this project is subject to District Regulation VIII (Fugitive Dust Prohibitions). The purpose of Regulation VIII is to reduce the amount of fine particulate matter (PM-10) entrained into the ambient air from man-made sources. Regulation VIII has recently been revised, with the revisions becoming effective May 15, 2002. The applicant may review these changes on the District web site at www.valleyair.org.

Thank you for the opportunity to comment. If you have any questions, please feel free to contact me at (209) 557-6400.

Sincerely,

John Cadrett
Air Quality Planner
Northern Region

David L. Crow
Executive Director/Air Pollution Control Officer

Northern Region Office
4230 Kiernan Avenue, Suite 130
Modesto, CA 95356-9322
(209) 557-6400 • FAX (209) 557-6475

Central Region Office
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
(559) 230-6000 • FAX (559) 230-6061

Southern Region Office
2700 M Street, Suite 275
Bakersfield, CA 93301-2370
(661) 326-6900 • FAX (661) 326-6985
April 8, 2002

Nathan G. Houx
City of Modesto Parks, Recreation and Neighborhoods Department
P.O. Box 642
Modesto, CA 95353-0642

Regarding: Orville Wright Neighborhood Park – Draft Negative Declaration
Hillside Dr., N/side, S/of Orville Wright Elementary School

Thank you for allowing the District to comment on this referral.

ELECTRICAL

♦ The attached drawings are marked showing the approximate location of the District's existing electrical facilities.

♦ In conjunction with related site/road improvement requirements, existing overhead and underground electric facilities within or adjacent to the proposed development shall be protected, relocated or removed as required by the District's Electric Engineering Department. Appropriate easements for electric facilities shall be granted as required.

♦ Relocation or Installation of electric facilities shall conform to the District's Electric Service Rules.

♦ Costs for relocation and/or undergrounding the District’s facilities at the request of others will be borne by the requesting party. Estimates for relocating or undergrounding existing facilities will be supplied upon request.

♦ The District should be contacted for requests to remove existing services within the outlined area. The cost of removal will be at the District's expense provided that the load being served is also removed.

♦ A 10' PUE is required along all existing and proposed street frontages.

♦ Electric service to the proposed project site is not adequate for the future development. Customer should contact District's Electric Engineering Department to arrange for electric service to the project. Additional easements may be required with development of this property.
IRRIGATION

No Irrigation problems.

DOMESTIC WATER

No comments at this time

Date: April 8, 2002

Celia Aceves
Risk and Property Analyst
Nathan G. Houx
City of Modesto Community Development Department
1010 Tenth Street, Suite 4400
Modesto, CA 95354

Subject: Orville Wright Neighborhood Park
SCH#: 1992052017

Dear Nathan G. Houx:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. The review period closed on April 5, 2002, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse
This project will construct a 3.8-acre neighborhood park with the Airport Neighborhood. The project will be developed including: grading, paving, road along south border of park, underground utilities, landscaping, irrigation system, game courts, athletic fields, water play area, family picnic units, children's play area with play apparatus, park furniture, shade structure, skate area, restroom utility building, security phone and security lighting. Project will also renovate 2.3 acres of fenced school property including grading, paving, underground utilities, landscaping, irrigation system, and athletic fields. The total area that will be constructed or renovated with this project will be 6.1 acres. Project includes adoption of Park Master plan and Design Development Report and subsequent development.
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-302

A RESOLUTION APPROVING THE CAPITAL IMPROVEMENT PLAN, DEVELOPMENT AGREEMENT AND IRREVOCABLE LICENSE WITH MODESTO CITY SCHOOL DISTRICT FOR DEVELOPMENT OF ORVILLE WRIGHT NEIGHBORHOOD PARK AND ELEMENTARY SCHOOL AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT.

WHEREAS, Modesto City School District (District) owns and operates the Orville Wright Elementary School located on Monterey Avenue in Modesto, and

WHEREAS, the City of Modesto (City) owns a 2.9 acre neighborhood park site located immediately south of the school site, and

WHEREAS, City and District desire to enter into an agreement to coordinate the master planning and development of the park site and school open space in accordance with one Design Development Report, and Master Plan included therein, and

WHEREAS, City and District desire that the City be given an irrevocable license to develop, use and maintain the southern portion of the School Open Space, as shown on Exhibit “A” attached hereto and incorporated herein by this reference, and

WHEREAS, City and District desire that District develop and maintain the northern portion of the School Open Space as shown on Exhibit “B” attached hereto and incorporated herein by this reference, and

WHEREAS, the Human Services Committee met on April 11, 2002, and supported the recommendation to enter into a development agreement with Modesto City School District, and

WHEREAS, concurrent with this resolution, the City of Modesto considered and adopted Initial Study EA/PR&N 2002-01 and a Mitigated Negative Declaration (SCH 1992052017) for the proposed development and construction of the Orville Wright Neighborhood Park, and
WHEREAS, the Capital Improvement Plan, Development Agreement and Irrevocable License with the Modesto City School District is within the scope of and contemplated by the Mitigated Negative Declaration,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a Development Agreement and Irrevocable License with Modesto City School District for development of Orville Wright Neighborhood Park and Elementary School.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said agreement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Jackman, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: ____________________________
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _______________________________
MICHAEL D. MILICH, City Attorney
EXHIBIT B
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-303

A RESOLUTION APPROVING THE DESIGN DEVELOPMENT REPORT AND
MASTER PLAN INCLUDED THEREIN FOR ORVILLE WRIGHT
NEIGHBORHOOD PARK

WHEREAS, on April 24, 2001, the City of Modesto entered into an agreement
with Callander Associates for the preparation of a Design Development Report, which
includes the Master Plan, for Orville Wright Neighborhood Park, and

WHEREAS, prior to adopting the Design Development Report, the California
Environmental Quality Act (CEQA) requires that the City of Modesto consider the
environmental consequences of the proposed project, and

WHEREAS, on April 11, 2002, the Human Services Committee recommended
approval of the Orville Wright Neighborhood Park Design Development Report, and

WHEREAS, by an agenda report dated May 17, 2002 from the Parks, Recreation
and Neighborhoods Director, staff recommended to the Council approving the Orville
Wright Neighborhood Park Design Development Report, a copy of said report is on file
in the office of the City Clerk, and

WHEREAS, on June 4, 2002, concurrent with this resolution, the Modesto City
Council considered and adopted Initial Study EA/PR&N 2002-01 and a Mitigated
Negative Declaration (SCH 1992052017) for development and construction of the Orville
Wright Neighborhood Park, and

WHEREAS, the Orville Wright Design Development Report dated April 4, 2002,
is within the scope of and contemplated by the Mitigated Negative Declaration,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds that the Orville Wright Neighborhood Park Design Development Report is complete and adequate, and it hereby approves the Orville Wright Neighborhood Park Design Development Report and Master Plan included therein, a copy of which is attached hereto as Exhibit "A" and incorporated by this reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, 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

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
ORVILLE WRIGHT PARK

DESIGN DEVELOPMENT REPORT

April 4, 2002

prepared for
The City of Modesto

prepared by
Callander Associates
Landscape Architecture, Inc.
landscape architecture
park & recreation planning
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J BASKETBALL COURT
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O EXISTING TREES
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City of Modesto
Orville Wright Park
Design Development Report
INTRODUCTION

This Design Development Report establishes a design program and serves to guide the development of Orville Wright Park. Existing conditions are analyzed; opportunities and constraints identified, and a record of public opinion and workshop results are incorporated. Schematic alternatives plans are presented, and a final master plan is developed as the final outcome of the planning process. Finally, probable park construction costs are projected and a phasing program outlined.
II SITE DESCRIPTION

Orville Wright Park is located in the Airport Neighborhood directly south of Orville Wright Elementary School. The park site is bounded by the School to the north, a future extension of Hillside Drive to the south, a residential alleyway to the west, and single-family residences to the east. A portion of the elementary school grounds will be developed simultaneously with the park and joint use of facilities between the school and the neighborhood is envisioned.

The upper portion of the combined site is on School District property. It consists of approximately 3.2 acres, and it is surrounded by school buildings on the west, north and east sides. The land is currently an open turf field with gently southwardly sloping topography from 1 to 3 percent.

The lower portion of the combined site is on City property. This portion of the site consist of approximately 2.9 acres. There is a single-family residence on the site, which is slated for removal. The site contains some mature trees, which will be incorporated into the park design. The topography of this portion of the site transitions from gently sloping to a rolling slope of 12 to 15 percent.

Directly to the south of the site (across from the Hillside Drive Extension) is the Tuolumne River Regional Park.
ORVILLE WRIGHT PARK ISSUES AND OPPORTUNITIES

Introduction

The City of Modesto wishes to develop a neighborhood park adjacent to Orville Wright Elementary School. The total site area is 6.1 acres, plus or minus. A portion of the park facilities will be constructed on the school site. The City envisions that the school site portion of the park will be used only for ball fields and associated walkways, landscaping, and irrigation.

The potential facilities for the park include the following:

- A prefabricated restroom building.
- Little league fields (exact number to be determined).
- Play area with pre-manufactured play equipment.
- Pre-manufactured site furniture including but not limited to benches, picnic tables, bollards, drinking fountains, trash receptacles, and signage.
- Retaining walls (maximum height less that four feet) as necessary to create useable spaces on the site.
- A neighborhood garden consisting of planters and planting areas for use the local residents.
- Open turf, walkways, and associated planting areas
- Security lighting. Ball-field lighting is not part of the program
- Fencing

All parking will be on street parking. A parking lot for the park is not part of the program.

The City will provide all funding for this work. The School District will not participate financially except for staff time expended in the review process.

The exact budget for this project will be developed as part of the first phase services. However, currently the City is considering a construction budget range for this project of $500,000.00

Specific Issues and Opportunities

The specific issues and opportunities are keyed by number to the accompanying diagram

1. Existing School Fields:
   1.a Opportunity: The approximately 3.2 acres of open turf area provides an excellent opportunity for supervised shared use athletic fields during non-school hours.
1.b Issue: School District Policy requires a closed campus during school hours. Therefore, a fence and gate between the park property and the school property will be required.

1.c Opportunity: The lower 0.9 acre segment of the school site can be incorporated into the park site and remain unfenced. However, the property will remain under School District ownership.

1.d Issue: Potential conflicts between maintenance standards and procedures will need to be resolved in order to provide a consistent maintenance level for the school and park facilities.

1.e Issue: Water for the school grounds must remain on a separate system from the park due to watering cost issues. This will require a close coordination between the separate systems in order to provide a consistent maintenance regime.

1.f Opportunity: The combination of the revised school fields and the park site offers a major opportunity to enhance both facilities. Shared use between the school and park will increase the available athletic fields for both uses.

2. Existing School:
2.a Opportunity: An element in the passive portion of the park could provide outdoor classroom/laboratory facilities for education.

2.b Opportunity: If a restroom building is part of the final park program, the school district may allow the City to hook up to their existing sewer connection.

3. Existing Wright Start:
3.a Opportunity: With a safe and practical route from the Wright Start Building to the Park, the park can provide additional recreation/educational facilities for the Wright Start Program.

4. Residential Adjacent to the School Site:
4.a Issue: A transition/buffer is needed between the existing residences that abut the park site and the park/school. This buffer needs to be physical and visual.

4.b Opportunity: If the opportunity presents itself, purchase of one or more residential parcels, from willing sellers, on either side of the park site would provide a significant window to the park from the neighborhood.

5. Residential In Vicinity of School Site:
5.a Opportunity: The alley way adjacent to the park is a possible pedestrian connection to the park site. Paving, signs and park furniture.

6. Park Site:
6.a Issue: The sloping topography of the site will limit the use in certain areas unless significant grading is done.
6.b Opportunity: The Hillside Drive extension offers an excellent opportunity to slightly expand the park area. In addition, with the proper vertical alignment, a visual connection between the park site and the adjacent regional park.

6.c Issue: The existing alley way adjacent to the park needs appropriate landscape and paving treatment. This treatment should provide a pleasing view from the park to the alley, and it should provide privacy and security for the residences adjacent to the alley.

7. Tuolumne River Regional Park:
   6.d Opportunity: The relationship to Tuolumne River Regional Park is an important one. There are many recreational facilities proposed for the regional park that will appeal to the park site users as well as the neighborhood in general. With proper planning, the regional park can become a visual and physical extension of the neighborhood park.

8. Existing Neighborhood Commercial Use: There are no significant issues or opportunities regarding this existing use.
III  THE DESIGN PROCESS

An extensive and inclusive public outreach effort was an integral part of the master plan development. A total of three public workshops were conducted at various stages of the design process. All workshops were well attended by neighborhood residents of all ages.

The City’s design and workshop process is formulated to allow the park users a significant say in the programming and design of their park. In the case of Orville Wright Park, the process was very successful.

In the first workshop the neighborhood participants were led through a programming exercise that identified the types of recreation facilities and experiences the neighborhood desired. Upon completion of the program development, workshop participants were divided into five sub-groups. With assistance from design staff from Callander Associates and the City, each group created a site plan using the program elements defined earlier in the evening. At the end of the evening, a spokes person from each group presented their groups design concept.

At the second public workshop Callander Associates presented three concept plans based on the program and site plans developed by the neighborhood in the first meeting.

The three concepts were reviewed by the workshop participants, the pros and cons of each concept were discussed, and a direction for the master plan was set.

At the third public workshop Callander Associates presented the preliminary plan. The workshop participants were very receptive to the final plan, due in large part to the neighborhood “buy in” that was developed early on in the process. Said another way, the neighborhood could clearly see their contribution to the design in the final master plan, an thus felt a pride of ownership in the document.
IV  MASTER PLAN DESCRIPTION

The following is a detailed description of the facilities envisioned in the master plan. This master plan is a result of an extensive public outreach process as well as an intensive design effort by Callander Associates and City staff. In addition, guidance and critique were provided by City staff from the Parks, Recreation and Neighborhoods Department, the Police Department, the Fire Department, the Operations and Maintenance Department, the Engineering and Transportation Department, and School District staff from Construction Facilities Division

A. JOINT USE FACILITY
Orville Wright Park will be a joint use facility between the Modesto School District and the City of Modesto. The school portion of the site will be developed with athletic fields consisting of one little league level ball field, a youth soccer field, and T-Ball backstop and field.

B. FENCING
There will be a fence separating the school area from the park and during school hours the gates between these two facilities will be closed and locked. After hours and on non-school days the gates will be open and the athletic facilities will be available to the neighborhood. The fence and gate system has been designed to allow a sense of common space and unity during non-school hours while providing safety and security to the school grounds during school hours. There are two gate systems in the fence, one located at each end of the park / school separation. This will provide the access control required by the School while providing a good circulation system between the school grounds and park when the gates are open.

C. LITTLE LEAGUE BALL FIELDS
Two Little League fields are proposed. One field will be located on the school grounds and the other will be located on the park grounds. Each field will be regulation size for Little League use. The field will consist of a backstop, player dug out fencing, baseline fencing, two bleachers, and associated walkways. Each field will also have a stand of shade trees adjacent to the bleachers and dugouts. The addition of shade trees was a specific request by the neighborhood.

D. RESTROOM / CONCESSION BUILDING
The Restroom/Concession Building will be a pre-manufactured structure by Super-Secure Inc. This is the standard for parks in the City of Modesto. The building will have men and women's restrooms, a small storage room and a concession room. The exact room sizes and building configuration will be determined in the construction document phase of the work. The building colors and materials will fit in with the other structures in the park.

City of Modesto
Orville Wright Park
Design Development Report
E. GROUP PICNIC PAVILION
The Group Picnic Pavilion will be one of the central structures in the park. It will be a pre-fabricated structure approximately 30 feet square. The pitch of the roof will be 6 in 12; the roof will be a standing seam system with metal columns and decorative casings. Beneath the structure approximately six tables with one group barbecue will be configured to support one large group of thirty people or two smaller groups of fifteen.

F. SCHOOL AGE CHILDREN'S PLAY AREA
The older children's play area will be designed for the six to twelve age group. The play area will be designed to provide the three major aspects of playground activity, physical development, socialization, and imagination development.

G. TOT LOT
This play area will provide the same three major aspects of playground activity as the school age children play area, however the equipment and activities will be tailored to accommodate the needs of the toddlers through pre-school age group. In addition, a walkway will be developed around the play area, which will also function as a tricycle track for the pre-school children.

H. SKATE BOARD AREA
The park will have a skateboard area of approximately 2000 square feet. There will be several “street scene” elements located throughout the area to provide different degrees of challenge to the skateboarders. The “street scene” elements will include steps, low walls, concrete benches, and pipe rails.

I. CHILDREN’S WATER FEATURE
A small “run through the sprinkler” water feature will be one of the activities located in the terraced playground area. The goal of this feature is to provide an inexpensive, easily maintainable, interactive water feature for children. The specifics of the design have not been determined, however it will more than likely consist of a resilient surfacing equipped with spray nozzles and a timer. The resilient surfacing provides a safe and permeable surface for the children to play on. The fountain nozzles will provide a maximum effect with minimum water use and maintenance.

J. BASKET BALL COURT
A full size basketball court will be part of the park side improvements. The Court will have a paving area with benches directly adjacent to it. The remainder of the court will be surrounded by turf.

K. HORSE SHOE PITS
Two regulation horseshoe pits will be provided in the vicinity of the group picnic area. It will provide informal games for park users and it can be used for tournament play if the desire arises in the neighborhood.

City of Modesto
Orville Wright Park
Design Development Report
I. PASSIVE OPEN SPACE
The passive open space is located primarily on the park side of the improvements. This is primarily a function of existing grades and juxtaposition of uses determined by the neighborhood during the public workshop process.

M. WALKWAYS
The walkway system for the park provides access to the park and school site in an organized and aesthetically pleasing fashion. In addition the walks define the various use areas and organize the overall park scheme. In addition, a hierarchy of widths and paving textures is used to reinforce the spatial and functional areas within both the park side and the school side improvements.

N. MAINTENANCE AND SECURITY PULL-IN
Along the alley a maintenance and security pull-in is provided. This will allow the maintenance staff as well as Little League coaches an access point for field and park maintenance. This pull in will also function as a “hammer head” turnaround for police patrol cars.

O. EXISTING TREES
The many of the program elements desired by the neighborhood require flat open areas. Given the sloping topography, and the relative small size of the site, preservation of existing trees had to be limited. A few of the existing specimen trees on the site will be saved and incorporated into the design. The trees that had to be removed due to site limitations described previously will be replaced with specimen size plant material appropriate to the neighborhood character as well as the park theme and functions.
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**BUILDING** | $   | -  | $   | -  
UNDEVELOPED SITE | $   | -  | $   | -  
PARK PATROL | $   | -  
WEEKENDS | $ 881.65 | $ 881.65  
BIKE PATH | $   | -  
GENRL. MANT | $ 4,110.82 | $ 2,527.14  
MISC. SITE MAINT. | $ 660.27 | $ 331.67  
LIGHTING | $ 916.82 | $ 458.41  
DEBRIS CLEANUP | $ 264.88 | $ 133.06  
FENCE & GATE | $ 321.62 | $ 128.65  
SIGN M & R | $ 368.30 | $ 368.30  
EQUIP. M & R | $ 948.16 | $ 476.29  
GRAFFITI | $ 630.77 | $ 630.77  
SP. EVENT | $ 2,755.94 | $ 2,755.94  
SP. PROJECT | $ 1,596.18 | $ 1,596.18  
Non productive breaks, meeting, clerical, travel | $ 6,566.10 | $ 3,298.32  
TRRP |  
Mng supv hrs | $ 5,181.50 | $ 2,602.80  
admin clerical | $ 627.80 | $ 315.36  
TOTAL | $ 59,160.59 | $ 28,285.81  
ADJUSTED | $ 42,433.07 | $ 17,717.21  

*City of Modesto*
*Orville Wright Park*
*Design Development Report*
Q. MITIGATION MEASURES

The City's Parks, Recreation and Neighborhoods, Engineering and Transportation, Operations and Maintenance, and Community Development Departments have reviewed the proposed project and have determined the following mitigation measures will address the identified impacts and provide an acceptable level of service.

Impact:
Loss of Wildlife/Plant Habitat
1. 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?

Mitigation:
The following mitigation measures are incorporated in the Design Development Report for Orville Wright Neighborhood Park and will be incorporated in the construction documents and schedule for this park.

1. Regarding Swainson's Hawk: "If construction is scheduled to commence during the breeding season (i.e., 1 March to 15 September), the City of Modesto Parks, Recreation and Neighborhoods Department shall retain a qualified biologist to conduct a pre-construction survey to determine if Swainson's Hawks are nesting within 0.25 mile of the project area. Pre-construction surveys will be conducted at least 2 weeks prior to construction. If no active nests are found in the study area, no further mitigation measures will be necessary. If an active Swainson's Hawk nest is located within 0.25 mile of the project area, the biologist will record the location(s) on a site map. The City will report the results of the nest survey to DFG via letter to determine if any additional mitigation measures need to be implemented." (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit "B"), Sycamore Environmental Consultants, Inc., Page 10)

2. Regarding other raptors and migratory birds (nesting): "If construction begins outside the breeding season (1 March to 30 August), there will be no need to conduct surveys for active nests. This time frame corresponds to the breeding season of many raptors and migratory birds. If construction is scheduled to commence during the breeding season, the City of Modesto Parks, Recreation and Neighborhoods Department shall retain a qualified biologist to conduct a pre-construction survey to determine if raptors or migratory birds are nesting..."
within the project study area. Pre-construction surveys will be conducted at least 2 weeks prior to construction. If no active nests are found in the study area, no further mitigation will be necessary.

If active nests are located within 75m (250ft) of the project study area, the biologist will record the location(s) on a site map. A minimum 75m (250ft) Environmentally Sensitive Area (buffer) shall be established around the tree. A biologist shall delimit the buffer zone with yellow caution tape or temporary flagging. The construction contractor shall be responsible for installing stakes or temporary fencing at the edge of the buffer zone. The buffer zone shall be maintained throughout the breeding season (1 March to 30 August). No disturbance shall occur within 75m (250ft) of a nest tree during the breeding season. During construction, a biologist will monitor nests weekly to evaluate potential nesting disturbance caused by construction activities. The biological monitor will have the authority to stop construction if construction appears to be adversely affecting nesting raptors or migratory birds.” (Biological Evaluation Report for Orville Wright Neighborhood Park (Exhibit “B”), Sycamore Environmental Consultants, Inc., Page 10, 11)

3. Regarding the native Oak trees, a very conservative determination of a significant Oak tree has been adopted for this specific project, with all native Oaks in excess of 10-inch dbh being designated as significant trees. Based on this determination, there are four significant native Oaks (one Blue Oak, three Valley Oaks, and one Interior Live Oak) that will be removed with this construction. The City of Modesto will replace each significant native Oak tree removed with three 15 gallon specimens of either Valley Oak, Blue Oak or Interior Live Oak trees.
V IMPLEMENTATION

City of Modesto
Orville Wright Park
Design Development Report
## Estimate of Probable Construction Costs

Orville Wright Park
Preliminary Estimate

**prepared for**
City of Modesto

**prepared on:** 09/04/01

**prepared by:** CN/BW

### Item # Description

<table>
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<th>Qty</th>
<th>Unit</th>
<th>Cost</th>
<th>Item Total</th>
<th>Subtotal</th>
</tr>
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#### A School Site

**Project Start-up**

- Bonding and mobilization
  - Allow 5%
  - $9,037.00
  - $9,037.00
  - $9,040.00

#### B Demolition

1. Clearing and grubbing
   - 139,000 SF
   - $0.05
   - $6,950.00
   - $6,950.00

#### C Grading and Drainage

1. Rough grade
   - 101,100 SF
   - $0.10
   - $10,110.00

2. Catch basins
   - 2 EA
   - $900.00
   - $1,800.00

3. Area drains
   - 5 EA
   - $500.00
   - $2,500.00

4. Drain pipe, PVC, 12"
   - 400 LF
   - $30.00
   - $12,000.00
   - $25,410.00

#### D Site Construction

1. Concrete pavement
   - 2,613 SF
   - $6.00
   - $15,678.00

2. Infield mix
   - 9,686 SF
   - $1.30
   - $12,591.80

3. Chainlink fence, 6', with mowband
   - 570 LF
   - $30.00
   - $17,100.00

4. Chainlink fence, 8', with mowband
   - 180 LF
   - $35.00
   - $6,300.00

5. Special paving
   - 297 SF
   - $7.00
   - $2,079.00
   - $51,670.00

#### E Site Furnishings

1. Bleachers
   - 2 EA
   - $6,500.00
   - $13,000.00

2. Players benches
   - 4 EA
   - $600.00
   - $2,400.00

3. Backstops
   - 2 EA
   - $7,000.00
   - $14,000.00

4. Entry pilasters
   - 2 EA
   - $1,200.00
   - $2,400.00

5. Bases
   - Allow LS
   - $400.00
   - $400.00
   - $19,200.00

#### F Irrigation

1. Backflow preventor with enclosure
   - 1 EA
   - $4,000.00
   - $4,000.00

2. Irrigation, turf system
   - 88,550 SF
   - $0.50
   - $44,275.00

3. Tree bubblers
   - 16 EA
   - $25.00
   - $400.00
   - $48,680.00

#### G Soil Preparation and Fine Grading

- 88,550 SF
- $0.20
- $17,710.00

#### H Planting

1. Trees, 24" box
   - 3 EA
   - $250.00
   - $750.00

2. Trees, 15 gallon
   - 13 EA
   - $90.00
   - $1,170.00

3. Turf from seed
   - 88,550 SF
   - $0.07
   - $6,198.50

- $8,120.00

---

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01019CostEstimate083101.xls
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Page 1 of 5
## Estimate of Probable Construction Costs

**Orville Wright Park**

**Preliminary Estimate**

**prepared on:** 09/04/01

**prepared by:** CN/BW

### PARK SITE

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### Callander Associates

**landscape architecture**

01015CostEstimate083101.xls

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Landscape Architecture, Inc.
## Estimate of Probable Construction Costs

**Orville Wright Park**

**Preliminary Estimate**

*prepared on: 09/04/01*

*prepared by: CN/BW*

### Item # | Description | Qty | Unit | Cost | Item Total | Subtotal
--- | --- | --- | --- | --- | --- | ---
8. | Infield mix | 9,686 | SF | $1.30 | $12,591.80 | 
9. | Basketball striping | Allow | LS | $500.00 | $500.00 | 
10. | Horseshoe pit | 2 | EA | $5,000.00 | $10,000.00 | 
11. | Chainlink fence, 8', with mowband | 180 | LF | $35.00 | $6,300.00 | 
12. | Skateboard park | Allow | LS | $10,000.00 | $10,000.00 | 
13. | Domestic service water line | 750 | LF | $9.00 | $6,750.00 | 
14. | Domestic backflow with enclosure | Allow | LS | $2,000.00 | $2,000.00 | 
15. | Play area ramps | 2 | EA | $3,000.00 | $6,000.00 | 
16. | Water play feature | Allow | LS | $5,000.00 | $5,000.00 | 
17. | Rubberized surfacing | 1,350 | SF | $20.00 | $27,000.00 | 
18. | Fiber surfacing | 5,550 | SF | $0.50 | $2,775.00 | 
19. | Handrail | 95 | LF | $25.00 | $2,375.00 | 
20. | Retaining wall | 100 | LF | $100.00 | $10,000.00 | 

**Site Furnishings**

| Item | Description | Qty | Unit | Cost | Item Total | Subtotal |
--- | --- | --- | --- | --- | --- | --- |
1. | Benches | 11 | EA | $1,300.00 | $14,300.00 | 
2. | Picnic tables | 8 | EA | $1,500.00 | $12,000.00 | 
3. | Drinking fountains | 2 | EA | $5,000.00 | $10,000.00 | 
4. | Bleachers | 2 | EA | $6,500.00 | $13,000.00 | 
5. | Players benches | 2 | EA | $600.00 | $1,200.00 | 
6. | Backstops | 1 | EA | $7,000.00 | $7,000.00 | 
7. | Basketball standards | 2 | EA | $1,300.00 | $2,600.00 | 
8. | Bases | Allow | LS | $200.00 | $200.00 | 
9. | Barbecue | 1 | EA | $600.00 | $600.00 | 
10. | Bike racks | 2 | EA | $1,000.00 | $2,000.00 | 

**Restroom/Concession Building**

| Item | Description | Qty | Unit | Cost | Item Total | Subtotal |
--- | --- | --- | --- | --- | --- | --- |
| Allow | LS | $100,000.00 | $100,000.00 | 

**Pavilion**

| Item | Description | Qty | Unit | Cost | Item Total | Subtotal |
--- | --- | --- | --- | --- | --- | --- |
| Allow | LS | $50,000.00 | $50,000.00 | 

**Electrical**

| Item | Description | Qty | Unit | Cost | Item Total | Subtotal |
--- | --- | --- | --- | --- | --- | --- |
1. | Point of connection | Allow | LS | $10,000.00 | $10,000.00 | 
2. | Panel | Allow | LS | $20,000.00 | $20,000.00 | 
3. | Conduit of wires | 1,500 | CF | $15.00 | $22,500.00 | 
4. | Pathway lights | 10 | EA | $2,500.00 | $25,000.00 | 
5. | Phone service | Allow | LS | $15,000.00 | $15,000.00 | 

**Irrigation**

| Item | Description | Qty | Unit | Cost | Item Total | Subtotal |
--- | --- | --- | --- | --- | --- | --- |
1. | Point of connection | Allow | LS | $1,000.00 | $1,000.00 | 
2. | Backflow preventor with enclosure | 1 | EA | $4,000.00 | $4,000.00 | 
3. | Irrigation controller | 1 | EA | $6,000.00 | $6,000.00 |
# Estimate of Probable Construction Costs

## Orville Wright Park

### Preliminary Estimate

Prepared for: City of Modesto

Prepared on: 09/04/01

Prepared by: CN/BW

<table>
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|     | Soil Preparation and Fine Grading        | 128,150 | SF   | $0.20 | $25,630.00     |               |

|     | **Subtotal**                             | $99,650.00 |

|     | **Planting**                             | $25,630.00 |

| 1. | Trees, 24" box                           | 17    | EA   | $250.00| $4,250.00      |               |
| 2. | Trees, 15 gallon                          | 67    | EA   | $90.00 | $6,030.00      |               |
| 3. | Shrubs, 5 gallon                          | 200   | EA   | $18.00 | $3,600.00      |               |
| 4. | Shrubs, 1 gallon                          | 1,000 | EA   | $8.00  | $8,000.00      |               |
| 5. | Groundcover, flats                        | 14,950 | SF   | $0.35  | $5,232.50      |               |
| 6. | Turf from seed                           | 113,200 | SF   | $0.07  | $7,924.00      |               |
| 7. | Mulch                                    | 14,950 | SF   | $0.35  | $5,232.50      |               |

|     | **Subtotal**                             | $40,270.00 |

|     | **Maintenance**                          | $8,000.00  |

|     | **Subtotal**                             | $87,420.00 |

|     | **Cost estimating contingency**          | Allow 10% | $87,402.00 | $87,402.00   | $87,400.00   |

|     | **Estimated low bid**                    |           | $961,420.00 |

|     | **Construction Administration**           | Allow 7%  | $67,299.40  | $67,299.40   | $67,300.00   |
|     | **Construction Inspection**               | Allow 8%  | $76,913.60  | $76,913.60   | $76,910.00   |
|     | **Design and Engineering**               |           | $20,000.00  |

|     | **Total**                                |           | $1,125,630.00 |

**TOTAL PARK AND SCHOOL** | $1,365,700.00

---

Based on drawings entitled "Master Plan," dated 8/27/01.

The above items, amounts, quantities, and related information are based on CA's judgment at this level of document preparation and is offered only as reference data. CA has no control over construction quantities, costs and related factors affecting costs, and advises the client that significant variation may occur between this estimate of probable construction costs and actual construction prices.

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01019CostEstimate083101.xls

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Landscape Architecture, Inc.
VI APPENDIX

City of Modesto
Orville Wright Park
Design Development Report
I. Introduction

A. Planning Process Summary and Project Background
B. Participants and their Role in the Process

II. Park Elements

A. List Neighborhood’s Needs and Desires for Elements and Uses in the Park
B. Group Ranking of Element and Use Priorities

Break

III. Concept Design Exercise

A. Directions for Exercise
B. Develop Design Concept

Break

IV. Concept Design Presentations

V. Summary
June 8, 2001

Orville Wright Park
Public Workshop Notes – Thursday, June 7, 2001
Page 1 of 2

Park Element Prioritization

Top Ten
1. Soccer field
2. Babe Ruth sized baseball field
3. Skate park
4. Little league field
5. Full court basketball
6. Walking track
7. Security phone
8. BMX jumps
9. Swimming pool
10. Bleachers

(0) Notes
• Recreation room
• Group picnic areas
• No shade structures
• Handball wall
• Shade structures

Negative Elements
(7) Outdoor classroom
(3) Snack shop
(1) Volleyball court
(1) Equipment storage

-End-
August 2, 2001

Orville Wright Park
Public Workshop Notes – Thursday, July 12, 2001
Page 1 of 2

Concepts

Concept #1
- Concern with maintenance of fields (access)
- Concern with relationship of skateboard area and picnic area

Concept #2
- Needs water feature
- Bike trail – paths
- Snack bar area requested
- Storage area requested
- Larger skateboard area

Concept #3
- Concern for little league games (no site parking)

Concept #4
- Small field doesn’t need to be skinned
- Need for three ball diamonds for little league
- Could have cement dugouts that would incorporate storage
- Drinking fountains at baseball diamond, play area, restroom

Concept #5
- Concern that one stall won’t be enough
Optional Park Elements

Option #1: Shade for players
Option #2: Skateboard area – the bigger, the better
Option #3: Security phone
Option #4: Water feature
Option #5: Volleyball
Options #6: Horseshoes
MODESTO CITY COUNCIL
RESOLUTION NO. 2002-304

A RESOLUTION ADJUSTING RENTAL CHARGES AND FEES FOR ACTIVITIES AND SERVICES AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD, RESCINDING COUNCIL RESOLUTION NO. 2001-609

WHEREAS, Section 7-3.401 of the Modesto Municipal Code authorizes the Council, by resolution, to establish rental charges and fees for activities and services at the Modesto City-County Airport/Harry Sham Field, and

WHEREAS, during the past year the Consumer Price Index (CPI) of the western United States, which is used as the measurement for airport rates and fees adjustment increased at a rate of two and one-half percent (2.5%), and

WHEREAS, the Airport Advisory Committee recommended adoption of the rate increase at its meeting on February 20, 2002, and

WHEREAS, the Transportation Policy Committee met on March 21, 2002 and supported the recommendation of City staff to increase aircraft hangars, office space, and aircraft tie-down rentals at Modesto City-County Airport by 2.5%, and

WHEREAS, by an agenda report to the City Council from the Engineering and Transportation Department, dated March 26, 2002, City staff recommended a rate increase of 2.5% for aircraft hangars, office space, and aircraft tie-down rentals at the Modesto City-County Airport, and

WHEREAS, a duly noticed public hearing was held by the Council on April 23, 2002 at 5:15 p.m. in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which hearing all interested persons were given an opportunity to be heard relative to the proposal to increase the rates and charges for Modesto City-County Airport’s aircraft hangars, office space, and aircraft tie-down rentals,

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

SECTION 1. HANGARS. Rental charges for the rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:
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<td>End Units</td>
<td></td>
<td>$14/$15.00</td>
</tr>
<tr>
<td>Hangar E</td>
<td>$183.00 unit per month</td>
<td>$213.00</td>
</tr>
<tr>
<td>End Units</td>
<td></td>
<td>$20/$21.00</td>
</tr>
<tr>
<td>Hangar F</td>
<td>$183.00 unit per month</td>
<td>$213.00</td>
</tr>
<tr>
<td>End Units</td>
<td></td>
<td>$20/$21.00</td>
</tr>
<tr>
<td>Hangar G</td>
<td>$183.00 unit per month</td>
<td>$194.00</td>
</tr>
<tr>
<td>Hangar H</td>
<td>$183.00 unit per month</td>
<td></td>
</tr>
<tr>
<td>Hangar I</td>
<td>$357.00 unit per month</td>
<td></td>
</tr>
<tr>
<td>Hangar J</td>
<td>$183.00 unit per month</td>
<td></td>
</tr>
<tr>
<td>Hangar K</td>
<td>$205.00 unit per month</td>
<td>$307.00</td>
</tr>
<tr>
<td>End Unit</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Storage</td>
<td></td>
<td>$72.00</td>
</tr>
<tr>
<td>Portable Land Rent</td>
<td>$54.00 unit per month</td>
<td></td>
</tr>
</tbody>
</table>

* T-Hangar A – D with electrical service

A five percent (5%) discount will be made in any of the above rental charges when a year’s lease is entered into and the year’s rental charges are paid in advance.

(b) Storage Hangars:
- Hangar No. 1: $1,341.00 – Sheriff Aero Squadron lease rate (is discounted to $910.00 per month)
- Hangar No. 2: $1,118.00 per month
- Hangar No. 3: $589.00 per month
Hangar No. 4 .... $1,002.00 per month
Hangar No. 5 .... $998.00 per month
Hangar No. 6 .... $584.00 per month

SECTION 2. TIE-DOWN FEES. Tie-down charges and fees at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

(a) Tail-in Tie-Down – Permanent, light single and multi-engine (under 12,500 lbs.) $33.00 per month
(b) Taxi-in Tie-Down – Permanent, light single and multi-engine (under 12,500 lbs.) $54.00 per month
(c) Taxi-in Tie-Down – Permanent, large multi-engine (over 12,500 lbs.) $.039 per square foot per month
(d) Taxi-in Tie-Down – Transient, helicopter/single-engine aircraft $6.00 per day
(e) Taxi-in Tie-Down – Transient, twin-engine aircraft (under 12,500 lbs.) $8.00 per day
(f) Taxi-In Tie-Down – Transient, twin-engine aircraft (over 12,000 lbs.) $12.00 per day
(g) Jets – $12.00 per day

A five-percent (5%) discount will be made in the rental charges set forth in subparagraphs (a), (b), and (c), above when a year’s lease is entered into and the year’s rental charges are paid in advance.

A volume discount may be given to Fixed Base Operators (FBO) that operate flight schools for light single and multi-engine aircraft (under 12,500 lbs.) for tie-down spaces as set forth in subsections (a) and (b) above. For every two tail-in spaces the FBO agrees to lease, one taxi-in tie-down may be leased for the same price as a tail-in tie-down.
Overnight tie-down of aircraft belonging to or in the custody or possession of a lessee at the Modesto City-County Airport/Harry Sham Field shall be subject to the normal tie-down charge as specified by this section.

SECTION 3. BASED ULTRALIGHT VEHICLE FEE. An operator of an ultralight vehicle based at Modesto City-County Airport will pay to the city of Modesto an annual fee for the loss of fuel sales and personal property taxes not collected on ultralights that are collected on aircraft and helicopters. The fee is hereby established as follows:

| Ultralight Vehicle | $100.00 per year |

SECTION 4. OFFICE SPACE. The monthly charge for office spaces at the Modesto City-County Airport/Harry Sham Field are hereby established as follows:

- (a) Old Administration Building .......................... $.73 per square foot
- (b) Office Building No. 1 ................................. $.73 per square foot
- (c) Office Building No. 2 ................................. $.73 per square foot
- (d) Hangar Office Space ................................. $.334 per square foot

SECTION 5. TEMPORARY USE OF AIRPORT PASSENGER TERMINAL. Organization and service providers desiring to temporarily use the passenger terminal will be charged a daily rate:

- (a) Ticket counter ........................................... $.067 per square foot
- (b) Other areas ............................................. $.067 per square foot

SECTION 6. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the Modesto City-County Airport/Harry Sham Field shall pay a landing fee as follows:

- (a) All light single, multi-engine aircraft and helicopters - $10.00 per landing
- (b) All large single and multi-engine aircraft – $.66 per 1,000 pounds of gross weight, but not less than $10.00 per landing
(c) All transient aircraft owned and operated by individuals, companies, and corporations carrying their own products shall not be charged for the first two (2) trips per calendar months. All other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.

(d) No landing fee shall be charged for any aircraft, which lands at the airport due to any mechanical or other emergency, except weather, provided that such emergency is reported to the Airport Control Tower prior to landing.

SECTION 7. PASSENGER FACILITY CHARGE (PFC). Commercial air carrying passengers excluding “frequent flyers” or similar airline bonus award enplaning at Modesto City-County Airport/Harry Sham Field shall pay a PFC as approved by Federal Aviation Regulations (FAR) Part 158.

(a) Enplane passenger by airline $3.00 per ticket passengers.

SECTION 8. ADVERTISEMENT CALLBOARD. Firms wishing to advertise in the airport passenger terminal shall have an approved agreement with the City of Modesto. A monthly charge shall be assessed for the use of the advertisement callboard as follows

<table>
<thead>
<tr>
<th>Display Size</th>
<th>Display Only</th>
<th>Display &amp; Telephone</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.5” x 9.5”</td>
<td>$30.00</td>
<td>$50.00</td>
</tr>
<tr>
<td>7.5” x 21”</td>
<td>$35.00</td>
<td>$55.00</td>
</tr>
<tr>
<td>19” x 21”</td>
<td>$40.00</td>
<td>$60.00</td>
</tr>
</tbody>
</table>

SECTION 9. FAX SERVICE. Persons wishing to use the airport administration office fax machine shall be charged for the service. Airport personnel is authorized to collect as follows:

(a) Incoming Service .............. $0.50 per page

(b) Outgoing Service .............. Area code 209 - $1.00 per page. Other area codes - $2.00 first page $1.50 - all other pages
SECTION 10. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise permanently based at the Modesto City-County Airport/Harry Sham Field shall pay to the City a fee equivalent to the City Business License Fees set forth in Chapter 1 of Title 6 of the Modesto Municipal Code, except that a minimum fee of $100 will be paid for each aircraft sold, for the privilege of engaging in business in the City of Modesto and on the Airport. Said sum shall be payable at the time and in the manner provided for in Chapter 1 of Title 6 of the Modesto Municipal Code.

SECTION 11. FUEL FLOWAGE FEES. A fuel flowage fee of six cents ($0.06) per gallon of fuel sold or dispensed on the Airport shall be collected for the City of Modesto by the fuel vendors, except that reduced fuel flowage fees collected from scheduled air carriers can be negotiated for volume purchases.

SECTION 12. TEMPORARILY BASED COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport/Harry Sham Field, shall pay to the City a license fee in the sum of Two Hundred and no/100ths ($200.00) Dollars, payable in advance. Each such operator shall also pay to the City as a minimum an additional sum of Ninety and no/100ths ($90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the Airport and its facilities.

SECTION 13. OFF-AIRPORT CAR RENTAL OPERATOR FEE. Off-airport operators picking up customers at the Modesto City-County Airport/Harry Sham Field will pay to the City of Modesto the greater of ten percent (10%) of gross on time mileage of vehicles rented or the monthly charge for passenger terminal advertisement space and callboard phone service. Additionally, the operators will be accessed a parking fee at the same rate on-airport car rental operators are charged for vehicles left in the public parking area overnight.

SECTION 14. MOTOR VEHICLE STORAGE CHARGES. Any person who parks a motor vehicle at the Modesto City-County Airport/Harry Sham Field for longer than thirty (30) days at a time shall pay to the City a parking fee of Twenty-five and no/100ths ($25.00) Dollars per month, payable in advance.
SECTION 15. PENALTIES. A five percent (5%) per month penalty charge shall be made on any of the charges and fees established by this resolution when such charges and fees are not paid within thirty (30) days after they are due and payable. No penalties will be collected on the PFC.

SECTION 16. ANNUAL ADJUSTMENT OF RENTS, FEES AND CHARGES. Commencing July 1, 2002, the rents, fees and charges set forth in Sections 1, 2, and 3 of this resolution may be adjusted annually as of the first day of July.

Said rents, fees, and charges shall be adjusted in the following manner: The base for computing the adjustment is the National Consumer Price Index for the West Urban (all urban consumers), published by the United States Department of Labor, Bureau of Labor Statistics (“Index”), with a base year of 1982 – 1984 = 100 (“Beginning Index”). The Index published for December each year compared with the month of December as Adjustment Index in preceding years will be used in determining the amount of the adjustment. If the Adjustment Index has increased over the Beginning Index, the rents, fees and charges set forth in this resolution shall be set by multiplying the rents, fees and charges set forth in this resolution by a fraction, the numerator of which is the Adjustment Index and the denominator of which is the Beginning Index.

In no case shall the minimum rents, fees and charges be less than existing approved and adopted rents, fees and charges nor shall any increase in a year be greater than five (5%) percent. If the indexes change so that the base year differs from that in effect on July 1, 2002, the Index shall be converted in accordance with the conversion factor published by the United States Department of Labor, Bureau of Labor Statistics. If the Index is discontinued or revised at any time after the effective date of this resolution, such other government index or computation with which it is replaced shall be used in order to obtain substantially the same result as would be obtained if the Index had not been discontinued or revised.

SECTION 17. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on July 1, 2002.

SECTION 18. SUPERSEDE. This resolution rescinds Council Resolution No. 2001-609.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002 by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Frohman 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
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich, City Attorney
A RESOLUTION SUPPORTING THE CONCEPT OF FORMATION OF A VETERANS' MEMORIAL DISTRICT IN STANISLAUS COUNTY.

WHEREAS, a citizen representing a group of veterans’ associations in Stanislaus County has approached the City of Modesto for support in establishing a Veterans’ Memorial District, and

WHEREAS, the District would be supported by establishment of a special property tax assessment, which will require the approval of the voters of Stanislaus County, and

WHEREAS, a resolution of support will enable the veterans’ groups to move forward toward placing this action on a future ballot, and

WHEREAS, the Human Services Committee met on May 1, 2002, and supported the recommended action,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby supports the concept of formation of a Veterans’ Memorial District in Stanislaus County.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, by Councilmember Jackman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION AMENDING THE FY01-02 OPERATING BUDGET TO
APPROPRIATE $682,000 FROM 0100-510-9510-0188, GENERAL PURPOSE
ORGANIZATION, TO 0100-0180-1832-1038, FIRE DEPARTMENT,
ARBITRATION ADJUSTMENT AND $38,000 FROM 0100-510-9510-0188
GENERAL PURPOSE ORGANIZATION TO 0100-180-1802-0260, FIRE
DEPARTMENT, MISCELLANEOUS SERVICES AND $279,109 FROM 0100-800-
8000-8003, GENERAL FUND CONTINGENCY RESERVE TO 0100-0180-1802-
0260, FIRE DEPARTMENT MISCELLANEOUS SERVICES.

WHEREAS, the City Council desires to appropriate the funding for the costs of
the City of Modesto vs. Modesto City Firefighters Association Interest Arbitration
process and award;

NOW, THEREFORE, BE IT RESOLVED BY the council of the City of Modesto
that the Fiscal Year 2001-02 Operating Budget is hereby amended as follows:

<table>
<thead>
<tr>
<th>FROM: General Purpose Emp Benefits</th>
<th>Account</th>
<th>Current Budget</th>
<th>Adjustment</th>
<th>Revised Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund Reserve</td>
<td>0100-510-9510-0188</td>
<td>(720,000)</td>
<td>720,000</td>
<td></td>
</tr>
<tr>
<td>Fire Department- Arbitration Adj.</td>
<td>0100-180-1832-0238</td>
<td>0</td>
<td>682,000</td>
<td>682,000</td>
</tr>
<tr>
<td>General Fund Reserve</td>
<td>0100-800-8000-8003</td>
<td>(279,109)</td>
<td>279,109</td>
<td></td>
</tr>
</tbody>
</table>
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of June, 2002, 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. 2002-307

A RESOLUTION GRANTING SALARY AND BENEFIT CHANGES TO MANAGEMENT AND CONFIDENTIAL EMPLOYEES, INCLUDING CHARTER OFFICERS AMENDING THE CLASS RANGE TABLE FOR POLICE CAPTAIN (EXHIBIT “G”) TO PROVIDE A 2.5% EQUITY ADJUSTMENT EFFECTIVE JUNE 18, 2002, AND RESCINDING RESOLUTION NO. 2001-270

WHEREAS, by Resolution No. 95-530 which became effective on November 7, 1995, the City Council amended the salary schedules for unrepresented Management and Confidential employees to incorporate a 9-Step Salary Step Plan, and

WHEREAS, the Council of the City of Modesto desires to approve a four (4%) percent across-the-board salary increase for unrepresented Management and Confidential employees, except that a five (5%) percent across-the-board increase shall be approved for Fire Battalion Chiefs and Fire Division Chiefs, effective June 18, 2002 and, subject to provisions of the Pay-for-Performance Plan, and

WHEREAS, the Council desires to approve a four (4%) percent across-the-board salary increase for Charter Officers, effective June 18, 2002, and

WHEREAS, the Council desires to approve a four (4%) percent increase in salary ranges for unrepresented Management and Confidential employees and Executives, including Charter Officers, and a five (5%) percent increase in salary ranges for Fire Battalion Chiefs and Fire Division Chiefs, and WHEREAS, the Council desires to provide a 2.5% equity adjustment, along with a 4% across-the-board increase (to salary range 1622) for Police Captain.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto

as follows:

SECTION 1. SALARY RANGES, RATES AND EFFECTIVE DATES. The salary rates, salary ranges and salary steps as set forth in the following exhibits which are attached hereto and made a part hereof are hereby established and approved effective June 18, 2002, to provide for a four (4%) percent across-the-board salary adjustment for unrepresented Management and Confidential employees, except to provide a five (5%) percent across-the-board salary adjustment for Fire Battalion Chiefs and Division Chiefs, and to provide a four (4%) percent across-the-board salary adjustment for Charter Officers, and to provide a 2.5% equity adjustment along with a 4% across-the-board increase for Police Captain:

1. **Exhibit "A"** entitled "City Of Modesto Class Range Table, Management And Confidential Non-Sworn Classes, Effective June 18, 2002".

2. **Exhibit "B"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 02/03 Effective June 18, 2002 - Schedule D Management/Confidential - General".

3. **Exhibit "C"** entitled "City Of Modesto Class Range Table, Fire Management Classes, Effective June 18, 2002".

4. **Exhibit "D"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 02/03, Effective June 18, 2002 - Schedule E Management/Confidential - Fire- 80 hours - Division Chief".

5. **Exhibit "E"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 02-03, Effective June 18, 2002 - Schedule X, Fire Management - 80 Hrs. - Battalion Chief".

6. **Exhibit "F"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY02-03, Effective June 18, 2002 - Schedule Y, Fire Management - 112 Hrs. - Battalion Chief".
7. **Exhibit "G"** entitled "City Of Modesto Class Range Table, Police Management Classes (Unrepresented), Effective June 18, 2002".

8. **Exhibit "H"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 02/03, Effective June 18, 2002 - Schedule G Management/Confidential - Police - Unrepresented".

9. **Exhibit "I"** entitled "City Of Modesto Class Range Table, Executive Management, Effective June 18, 2002", which includes Charter Officers.

10. **Exhibit "J"** entitled "City Of Modesto Schedule Of Salary Ranges In City Service For FY 02/03, Effective June 18, 2002 - Executive Management".

**SECTION 2. CHARTER OFFICERS.** Effective June 18, 2002, the salaries for the positions of the Charter Officers shall be as follows:

<table>
<thead>
<tr>
<th>TITLES</th>
<th>HOURLY</th>
<th>BI-WEEKLY</th>
<th>MONTHLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>City Manager</td>
<td>$75.6302</td>
<td>$6050.42</td>
<td>$13159.66</td>
</tr>
<tr>
<td>City Attorney</td>
<td>$66.9621</td>
<td>$5356.97</td>
<td>$11651.40</td>
</tr>
<tr>
<td>City Clerk</td>
<td>$37.9928</td>
<td>$3039.42</td>
<td>$ 6610.74</td>
</tr>
</tbody>
</table>

**SECTION 3. USE OF CLASSES.** The designated classes of positions may be used in any organizational unit of the City deemed proper by the City Manager.

**SECTION 4. POSITIONS.** The City Council authorizes and directs the City Manager, within the limits of funds budgeted therefore, to appoint employees in such number and in such classes in each department as may be necessary to properly operate the department under the Charter, ordinances and resolutions adopted by the City Council, including, but not limited to, creating additional positions to replace employees who are on disability leave or other leaves of absence.
SECTION 5. APPOINTMENTS AND SALARIES. The City Manager is hereby authorized to appoint, in accordance with the applicable provisions of the Modesto Municipal Code and Personnel Rules and within the limits of funds budgeted therefore, any person to a position in a class for which he is the appointing authority and for which the salary is hereby provided, to designate the definite salary rate or salary step at which such person is appointed, and the salary so designated is hereby fixed as the salary of such employee for the position.

SECTION 6. SPECIAL SALARY RATES. The City Manager is further authorized, subject to budgetary appropriation control by the City Council, to fix the salary range or rate for part-time, hourly or special positions in the Unclassified Service for which the City Manager is the appointing authority and which are not designated herein.

SECTION 7. PART-TIME EMPLOYMENT. Employees appointed to any of the positions referred to herein who, with the approval of the City Manager, regularly work less hours per week than established for their class by rule 13.1 of the Personnel Rules, shall be paid in approximate proportion of the time worked.

SECTION 8. HEALTH, DENTAL AND VISION BENEFITS. The City's contribution to health, dental and vision benefits are hereby increased, as follows:
<table>
<thead>
<tr>
<th>Increase</th>
<th>Effective Date</th>
<th>Coverage</th>
<th>Family</th>
<th>Single</th>
</tr>
</thead>
<tbody>
<tr>
<td>$30.00</td>
<td>August 1, 2001</td>
<td>Family</td>
<td>$416.76 mo.</td>
<td>$317.98 mo.</td>
</tr>
<tr>
<td>$40.00</td>
<td>August 1, 2002</td>
<td>Family</td>
<td>$456.76 mo.</td>
<td>$317.98 mo.</td>
</tr>
<tr>
<td>$30.00</td>
<td>August 1, 2003</td>
<td>Family &amp; Single</td>
<td>$486.76 mo.</td>
<td>$347.98 mo.</td>
</tr>
<tr>
<td>$30.00</td>
<td>August 1, 2004</td>
<td>Family &amp; Single</td>
<td>$516.76 mo.</td>
<td>$377.98 mo.</td>
</tr>
</tbody>
</table>

SECTION 9. LEAVE CASHOUTS FOR SWORN FIRE MANAGEMENT EMPLOYEES. Sworn Fire Management employees in the classifications of Fire Battalion Chief, Fire Division Chief and Fire Chief working a 40 hour schedule shall be afforded the opportunity to cashout up to 61 hours of vacation leave per calendar year (at straight time rates) and up to 88 hours of holiday leave per calendar year (at time and one-half), effective June 18, 2002.

SECTION 10. DEFERRED COMPENSATION PLAN FOR EXECUTIVE AND CHARTER OFFICERS. The City shall establish a 401(a) Deferred Compensation Plan for Fire Battalion Chiefs, Fire Division Chiefs, Police Captains, Executives and Charter Officers, excluding the City Manager for whom a plan has already been established. The 401(a) Deferred Compensation Plan shall be established effective January 1, 2003 and provide for a 1% City-paid contribution for Fire Battalion Chiefs, Fire Division Chiefs and Police Captains, a 2% City-paid contribution for Executives and a 4% City-paid contribution for Charter Officers, in addition to a mandatory employee contribution.
SECTION 11. MANAGEMENT AND CONFIDENTIAL LEAVE. Management leave for Management employees shall be increased to 80 hours annually, effective January 1, 2002. Leave for Confidential employees shall be increased to 20 hours annually, effective January 1, 2002. The number of hours available for cashout shall be 40 hours annually for Management employees, 18 hours annually for Confidential employees, and 60 hours annually for Executives.

SECTION 12. UNIFORM ALLOWANCES. Uniform allowances for unrepresented Management and Confidential employees who are required to wear a uniform, shall be increased, as follows:

<table>
<thead>
<tr>
<th>Positions</th>
<th>Effective Date</th>
<th>Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sworn Police</td>
<td>January 1, 2002</td>
<td>$5.00 mo.</td>
</tr>
<tr>
<td></td>
<td>January 1, 2003</td>
<td>$3.33 mo.</td>
</tr>
<tr>
<td>Non-Sworn Police</td>
<td>July 1, 2001</td>
<td>$5.00 mo.</td>
</tr>
<tr>
<td></td>
<td>July 1, 2002</td>
<td>$5.00 mo.</td>
</tr>
<tr>
<td></td>
<td>July 1, 2003</td>
<td>$5.00 mo.</td>
</tr>
<tr>
<td></td>
<td>July 1, 2004</td>
<td>$5.00 mo.</td>
</tr>
<tr>
<td>Fire Management</td>
<td>July 1, 2001</td>
<td>$3.33 mo.</td>
</tr>
<tr>
<td></td>
<td>January 1, 2002</td>
<td>$2.08 mo.</td>
</tr>
<tr>
<td></td>
<td>January 1, 2003</td>
<td>$2.08 mo.</td>
</tr>
<tr>
<td></td>
<td>January 1, 2004</td>
<td>$2.08 mo.</td>
</tr>
</tbody>
</table>