MODESTO CITY COUNCIL
RESOLUTION NO. 2001-502

A RESOLUTION APPROVING A WATER MAIN REIMBURSEMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND THE BLUFFS SENIOR HOUSING DEVELOPMENT, LLC FOR SERENO SUBDIVISION AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the Bluffs Senior Housing Development, LLC, (DEVELOPER) had an ownership interest in a certain tract of land within Stanislaus County, commonly known as Sereno Subdivision (SUBDIVISION), and

WHEREAS, in connection with the development of said SUBDIVISION, DEVELOPER installed 1,766 linear feet of 12-inch water line and appurtenances thereto, located in Parker Road, from Held Drive to the east boundary of the SUBDIVISION (“Water Line”), which is larger than needed to serve DEVELOPER’s SUBDIVISION, and

WHEREAS, DEVELOPER has requested, and City has agreed, that DEVELOPER be reimbursed for the cost of installation of said Water Line, and

WHEREAS, City has given DEVELOPER a credit against the water system fee in excess of the reimbursable amount actually due to DEVELOPER, and

WHEREAS, City has overseen the inspection of said Water Line and has accepted said Water Line as part of the City’s water system.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the Bluffs Senior Housing Development, LLC for Water Main Reimbursement is hereby approved.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2001, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT:
Councilmembers: None

ATTEST:
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF EDWARD HAYDEN JR. FROM CULTURE COMMISSION, EFFECTIVE OCTOBER 2, 2001

WHEREAS, EDWARD HAYDEN JR. was appointed a member of the Culture Commission on January 6, 1998; and
WHEREAS, EDWARD HAYDEN JR. has tendered his resignation from the Culture Commission, effective October 2, 2000; and
WHEREAS, EDWARD HAYDEN JR. has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of EDWARD HAYDEN JR. from the Culture Commission be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to EDWARD HAYDEN JR. for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2001, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

10/02/01/Manager/ E Puckett

2001-503
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-504

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
EXPRESSING ITS INTENT TO ISSUE TAX EXEMPT DEBT FOR THE
FINANCING AND REFINANCING OF CONSTRUCTION AND
DEVELOPMENT OF MULTIFAMILY HOUSING AND TAKING RELATED
ACTIONS (LIVE OAK APARTMENTS PROJECT)

WHEREAS, the City of Modesto (the “City”) is authorized by Chapter 7 of Part 5 of
Division 31 of the Health and Safety Code of the State of California, as amended (the “Act”), to
issue and sell revenue bonds for the purpose of providing financing and refinancing for the
construction and development by private developers of family rental housing facilities located
within the City of Modesto, California (the “City”), to be occupied by low and very low income
tenants; and

WHEREAS, L.O. Associates (the “Developer”), the developer of a 328-unit multifamily
housing complex located at 1900 Oakdale Road in the City of Modesto (the “Original Project”),
has requested the City to issue revenue bonds (the “Bonds”) pursuant to the Act for the purpose
of refinancing the construction and development of the Original Project and financing a 36-unit
addition to the Original Project (the “Original Project, including such addition, being hereinafter
referred to as the “Project”); and

WHEREAS, a notice of public hearing has heretofore been prepared for publication in a
newspaper of general circulation in the City, to the effect that a public hearing will be held by the
Finance Director of the City on behalf of the City, regarding the issuance of the Bonds by the
City and the nature and location of the Project; and

WHEREAS, said public hearing will provide an opportunity for members of the general
public to be heard and to present arguments for and against the issuance of the Bonds and the
nature and location of the Project; and
WHEREAS, it is intended by the City that interest on the Bonds to assist in the financing and refinancing of the construction and development of the Project be excluded from gross income for federal income tax purposes; and

WHEREAS, Section 1.142-4(b) of the United States Income Tax Regulations (the “Treasury Regulations”) provides that if an expenditure is paid prior to the issue date of tax-exempt Bonds (including for this purpose the repayment of debt other than state or local debt), such Bonds will qualify as exempt facility bonds under Section 142(a) of the Internal Revenue Code of 1986, as amended (the “Code”), only if the expenditure meets the requirements of Section 1.150-2 of the Treasury Regulations (relating to the ability to “reimburse” for pre-issuance expenditures); and

WHEREAS, Section 1.150-2 of the Treasury Regulations provides generally that proceeds of tax-exempt Bonds are not deemed to be expended when such proceeds are used to reimburse expenditures made prior to the date of issuance of such Bonds unless certain procedures are followed, among which is a requirement that (with certain exceptions), prior to the payment of any such expenditure, the issuer declares an intention to reimburse such expenditure; and

WHEREAS, the Developer has paid and will continue to pay, on and after the date hereof, certain expenditures (the “Expenditures”) in connection with the construction and development of the Project; and

WHEREAS, the City Council has determined that those moneys previously advanced and to be advanced on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Developer for the Expenditures from the proceeds of the Bonds;

WHEREAS, the Bonds are intended to be treated as exempt facility bonds under Section 142(a) of the Code, and, to that end, Section 147(f) of the Code requires that the City or any person appointed or employed by the City with respect to the City hold a public hearing on
and that the “applicable elected representative” of the City approve the issuance of the Bonds after a public hearing following reasonable public notice; and

WHEREAS, the Mayor is the chief elected executive officer of the City and therefore is an “applicable elected representative” with respect to the City for purposes of Section 147(f) of the Code; and

WHEREAS, the City Council desires to direct the Finance Director of the City to hold the public hearing required to be held under Section 147(f) of the Code prior to approval of the issuance of the Bonds by the Mayor, and to take all actions necessary to apply for private activity bond allocation for the Project from the California Debt Limit Allocation Committee; and

WHEREAS, the City Council desires to authorize the Mayor to approve the issuance of the Bonds after such public hearing following reasonable public notice;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MODESTO DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

SECTION 1. The City intends to issue the Bonds in a principal amount not to exceed $12,000,000 for the purpose of paying the costs of financing and refinancing the construction and development of the Project.

SECTION 2. The City Council hereby declares the City’s intent to reimburse the Developer with the proceeds of the Bonds for the Expenditures with respect to the Project made (subject to certain exceptions) no earlier than 60 days prior to the date hereof. The City reasonably expects on the date hereof that it will reimburse the Expenditures with the proceeds of the Bonds. Each Expenditure was and will be either (a) of a type properly chargeable to a capital account under general federal income tax principles (determined in each case as of the date of the Expenditure), or (b) a cost of issuance with respect to the Bonds. A written reimbursement allocation evidencing the allocation of proceeds of the Bonds to the Expenditures will be made no later than 18 months after the later of the date on which the Expenditure is paid.
or the Project is placed in service or abandoned, but in no event more than three years after the
date on which the Expenditure is paid.

**SECTION 3.** The City Council directs the Finance Director to hold, following
reasonable public notice, the public hearing required to be held under Section 147(f) of the Code
prior to approval of the issuance of the Bonds by the Mayor, and to take all actions necessary or
desirable to obtain allocation for the issuance of private activity bonds from the California Debt
Limit Allocation Committee ("CDLAC") in an amount not to exceed $4,300,000 (the
"Allocation"). The Finance Director shall take all actions required or desirable under the
procedures of CDLAC and Chapter 11.8 of Division 1 of Title 2 (commencing with Section
8869.80 of the California Government Code) to apply for the Allocation from CDLAC. In
accordance with the procedures of CDLAC concerning a deposit, the City shall obtain the
deposit required by CDLAC from moneys made available by the Developer. The Finance
Director is authorized to negotiate and execute a Deposit and Escrow Agreement between the
City and the Developer to provide for safekeeping of said deposit.

**SECTION 4.** The Council authorizes the Mayor to approve the issuance of the Bonds
after the public hearing to be held as directed pursuant to Section 3 of this resolution.

**SECTION 5.** The City hereby declares that it reasonably expects that a portion of the
proceeds of the Bonds will be used for reimbursement of expenditures for the construction and
development of the Project that are paid before the date of issuance of the Bonds. The maximum
amount of proceeds of the Bonds to be used for reimbursement of expenditures for the
construction, development and expansion of the Project is $4,300,000.

**SECTION 6.** The Director of Finance and such other proper officers of the City are
hereby authorized to take all actions and execute any and all documents described in this
Resolution and otherwise necessary or desirable to carry out, give effect to and comply with the
terms of this Resolution. Such actions heretofore taken by such officers are hereby ratified,
confirmed and approved.
SECTION 7. The adoption of this Resolution is solely for the purpose of meeting certain requirements of the Code and the Treasury Regulations and shall not be construed in any other manner. Neither the City nor its staff has fully reviewed or considered the financial feasibility of the Project or the expected operation of the Project with regard to any State of California statutory requirements, and the adoption of this Resolution shall not obligate, without further formal action to be taken by this City Council, (i) the City to provide financing to the Developer for the construction and development of the Project or to issue the Bonds for purposes of such financing; or (ii) the City, of or any department of the City, to approve any application or request for, or take any other action in connection with, any environmental, zoning or any other permit or other action necessary for the construction, development, expansion or operation of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2001, 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, Friedman, Frohman, Serpa, Smith Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-505

A RESOLUTION OF INTENT TO SUPPLEMENT MILITARY PAY AND CONTINUE HEALTH INSURANCE FOR UP TO 12 MONTHS FOR EMPLOYEES CALLED TO ACTIVE DUTY FOR NATIONAL DEFENSE.

WHEREAS, in the wake of the September 11th terrorist attack on America, President Bush has alerted citizens that we will be involved in a protracted mobilization against terrorism, and

WHEREAS, as a result of this action, one City employee has already been called into active duty, and

WHEREAS, the City has identified 10 regular City employees who are reservists and who could be called into active duty, and

WHEREAS, On October 2, 2001, Mark Frink requested the Council, on behalf of the Modesto Police Officers’ Association, to provide additional salary and health benefits to activated employees,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby affirms its intent to continue City salary payments for up to 12 months to reservists called into active duty.

BE IT FURTHER RESOLVED, that this salary continuation will be an addition to monthly military pay to equal the employee’s regular monthly salary with the City.

BE IT FURTHER RESOLVED, that Council affirmed its intent to continue medical benefits to employees on active duty for the same duration.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2001, by Councilmember Conrad, 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, Friedman, Frohman, Serpa, Smith
       Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHN, City Clerk

(Seal)

APPROVED AS TO FORM:
By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-506

A RESOLUTION DENYING THE APPEAL OF SAVE OUR NEIGHBORHOOD COMMITTEE TO A BOARD OF ZONING ADJUSTMENT DECISION GRANTING A CONDITIONAL USE PERMIT TO RECOVERY SYSTEMS ASSOCIATES TO ALLOW THE CONVERSION OF A FORMER CONVALESCENT HOSPITAL FOR A DRUG AND ALCOHOL TREATMENT PROGRAM AT 823 EAST ORANGEBURG AVENUE

WHEREAS, an application for a conditional use permit for conversion of a former convalescent hospital as a drug and alcohol treatment center at 823 East Orangeburg Avenue, was filed by Recovery Systems Associates on May 7, 2001, and

WHEREAS, Sections 10-1.202(a) and 10-2.503 of the Modesto Municipal Code authorize the Board of Zoning Adjustment (BZA) to grant conditional use permits, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on June 28, 2001, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, but due to a lack of quorum was continued to July 26, 2001, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on July 26, 2001, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, and because the five attending Board members were unable to arrive at a decision on whether to approve or deny the application, the hearing was continued to August 23, 2001, and

WHEREAS, a public hearing was held by the Board of Zoning Adjustment on August 23, 2001, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, by Resolution No. 2001-11, the BZA granted a conditional use permit to Recovery Systems Associates for conversion of a former convalescent hospital for a drug and alcohol treatment program at 823 East Orangeburg Avenue, subject to the following reasons:

1. The proposed conditional use permit is consistent with the Modesto Urban Area General Plan.

2. The conditions of approval will ensure that the proposed drug and alcohol treatment facility will be compatible with other uses in the area.

and
WHEREAS, an appeal to the decision of the BZA was filed with the Office of the City Clerk by Save Our Neighborhood Committee on August 31, 2001, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council to be held on Tuesday, September 25, 2001, at 5:15 p.m., in the Tenth Street Place Chambers, located at 1010 10th Street, Modesto, California, at which time said public hearing was held, and evidence both oral and documentary was received and considered, and

WHEREAS, after said public hearing, the Council found and determined that said appeal to the decision of the BZA should be denied and the decision of the BZA should be affirmed, for reasons set forth in BZA Resolution No. 2001-11, quoted above.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL by the Council of the City of Modesto that the appeal of Save Our Neighborhood Committee to the decision of the Board of Zoning Adjustment granting the application of Recovery Systems Associates for a conditional use permit to allow the conversion of a former convalescent hospital for a drug and alcohol treatment program at 823 East Orangeburg Avenue is denied, and the decision of the Board of Zoning Adjustment is hereby affirmed for the reasons set forth in BZA Resolution No. 2001-11 and quoted above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Smith

NOES: Councilmembers: Frohman, Serpa, Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-507

A RESOLUTION DENYING THE APPEAL OF DANO CONSTRUCTION TO A PLANNING COMMISSION DECISION DENYING AN AMENDMENT TO SECTION 27-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL, ZONE R-1, AND HIGHWAY COMMERCIAL, ZONE C-3, TO PLANNED DEVELOPMENT ZONE, P-D, FOR A SENIOR HOUSING COMPLEX, PROPERTY LOCATED ON THE SOUTH SIDE OF SCENIC DRIVE EAST OF COFFEE ROAD AT 1340 SCENIC DRIVE (DANO CONSTRUCTION, INC.)

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Dano Construction Inc., on February 20, 2001, to reclassify from Low Density Residential Zone R-1, and Highway Commercial Zone C-3, to Planned Development Zone P-D, for a senior housing complex, property located on the south side of Scenic Drive east of Coffee Road, and

WHEREAS, a public hearing was held by the Planning Commission on April 16, 2001, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering staff recommendations and testimony from the applicant and general public, the Planning Commission continued the hearing to May 7, 2001, and directed the applicant to provide additional information relative to topographical detail of the site, construction phasing as it would affect the bicycle path, and the required oak tree preservation/mitigation plan, and

WHEREAS, the continued public hearing was held by the Planning Commission on May 7, 2001, in the Tenth Street Place Chambers, located at 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, after considering staff recommendations and testimony from the applicant and general public, the Planning Commission continued the hearing again to June 4, 2001, and directed the applicant to provide additional information relative to a site plan revised for adequate fire access and general accuracy, proposed building elevations, construction impacts to the bicycle path, and the required oak tree preservation/mitigation plan, and
WHEREAS, after a continued public hearing on June 4, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-34, that amendment to Section 27-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, and Highway Commercial Zone, C-3, to Planned Development Zone, P-D, as proposed, is not required by public necessity, convenience and general welfare for the following reasons:

1. The proposed development, consisting of three and four story buildings with a total of 221 dwelling units, was deemed too intense for the site and therefore incompatible with surrounding land uses;

2. The proposed access to the site raises traffic safety concerns and issues due to the high volumes of traffic on both Coffee Road and Scenic Drive, and also due to the proximity of driveways to the Coffee Road / Scenic Drive intersection;

3. The proposed development was determined to have potentially damaging effects to oak trees existing along the north bank of Dry Creek within the project site.

and,

WHEREAS, the Planning Commission by its Resolution No. 2001-34 denied the application of Dano Construction for an amendment to Section 27-3-9 of the Zoning Map to rezone from Low Density Residential Zone, R-1, and Highway Commercial Zone, C-3, to Planned Development Zone, P-D, to allow a senior housing complex, property located on the south side of Scenic Drive east of Coffee Road at 1340 Scenic Drive for the reasons set forth in Planning Commission Resolution No. 2001-34 and quoted above, and

WHEREAS, an appeal to the decision of the Planning Commission was filed with the Office of the City Clerk by letter from Horizon Consulting Services on behalf of Dano Construction on June 19, 2001, and

WHEREAS, said appeal was set for a duly noticed public hearing before the City Council, to be held on Tuesday, October 2, 2001, at 5:15 p.m., in the Tenth Street Place Chambers, located at 1010 10th Street, Modesto, California, at which time said public hearing was held and evidence both oral and documentary was received and considered, and
WHEREAS, after said public hearing, the Council found and determined that said appeal to the decision of the Planning Commission should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth in Planning Commission Resolution 2001-34 and quoted above.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Dano Construction to the decision of the Planning Commission denying the application for an amendment to Section 27-3-9 of the Zoning Map to rezone from Low Density Residential Zone R-1, and Highway Commercial Zone C-3, to Planned Development Zone P-D, for a senior housing complex, property located on the south side of Scenic Drive east of Coffee Road is denied, and the decision of the Planning Commission is hereby affirmed for the reasons set forth in Planning Commission Resolution No. 2001-34 and quoted above.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODesto CITY COUNCIL
RESOLUTION NO. 2001-508

A RESOLUTION APPROVING A STANDARD AGREEMENT FOR CONSULTANT SERVICES IN THE AMOUNT OF $64,800 WITH PATTON BOGGS, LLP, TO PERFORM FEDERAL LEGISLATIVE LOBBYING SERVICES AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Modesto has determined it is desirable to retain a consultant to represent the City’s interests at the federal level, and

WHEREAS, in October 1993, the City enlisted the services of Ball Janik LLP to represent the City’s federal interests, and

WHEREAS, on June 30, 2001, the consultant contract agreement with Ball Janik LLP expired, and

WHEREAS, on May 22, 2001, the Modesto City Council adopted Resolution No. 2001-229, approving issuance of a Request for Qualifications (RFQ) for Federal Legislative Lobbying Services, and

WHEREAS, on May 23, 2001, a RFQ for Federal Legislative Lobbyist Services was issued and 17 responses were received, and

WHEREAS, the RFQ responses were reviewed and ranked according to criteria established in the RFQ, and

WHEREAS, personal interviews were conducted with the top eight respondents, and

WHEREAS, on August 2, 2001, the Economic Development and Intergovernmental Relations Committee conducted interviews with Patton Boggs and Van Scoyoc and made a recommendation that the full Council approve sole source negotiations with Patton Boggs, and

WHEREAS, on August 14, 2001, the Modesto City Council adopted Resolution Number 2001-424 authorizing the City Manager to conduct sole source negotiations with Patton Boggs, LLP, to perform Federal Legislative Lobbyist Services, and

WHEREAS, said sole source negotiations have been completed with Patton Boggs, LLP...
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for Consultant Services in the amount of $64,800 with Patton Boggs, LLP, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-509

A RESOLUTION AMENDING THE FISCAL YEAR 2001-2002 ANNUAL OPERATING BUDGET TO APPROPRIATE $28,975 FROM 0100-800-8000-8003 GENERAL FUND RESERVE TO FULLY FUND AN AGREEMENT FOR CONSULTANT SERVICES WITH PATTON BOGGS, LLP, TO PERFORM FEDERAL LEGISLATIVE LOBBYING SERVICES.

WHEREAS, the City of Modesto has determined it is desirable to retain a consultant to represent the City’s interests at the federal level, and

WHEREAS, on August 14, 2001, the Modesto City Council adopted Resolution Number 2000-424 authorizing the City Manager to conduct sole source negotiations with Patton Boggs, LLP, to perform Federal Legislative Lobbyist Services, and

WHEREAS, said sole source negotiations have been completed with Patton Boggs, LLP, for consulting services in the amount of $64,800, and

WHEREAS, the terms of said agreement exceed the amount budgeted for federal legislative lobbying services for Fiscal Year 2002 by $28,975,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the request to fund the Agreement for Consulting Services with Patton Boggs, LLP, to perform Federal Legislative Lobbying Services and the Annual Operating Budget is hereby amended as indicated below:

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<th>Description</th>
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<td>0100-020-0201-0235</td>
<td>$28,975.00</td>
<td>City Manager’s Office Professional Services</td>
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BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

APPROVED AS TO SUFFICIENCY:

By
Stan Feathers, Budget Officer
A RESOLUTION APPROVING AMENDMENTS TO THE FINANCE COMPONENT OF THE 2001 LEGISLATIVE PLATFORM.

WHEREAS, on August 14, 2001, the Modesto City Council adopted the 2001 Legislative Platform, and
WHEREAS, at the time of adoption Council proposed Amendments to the Platform, and
WHEREAS, Council directed staff to prepare proposed Amendments to the Legislative Platform for review by the appropriate Council Committees, and
WHEREAS, on September 27, 2001, the Financial Policy Committee reviewed the Finance Amendments to the Legislative Platform and recommended approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the proposed Amendments to the 2001 Legislative Platform, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-511

A RESOLUTION APPROVING AN AGREEMENT FOR A GRANT IN
THE AMOUNT OF $78,238 BETWEEN THE CITY OF MODESTO AND
CENTRAL VALLEY OPPORTUNITY CENTER FOR THE
WORKFORCE DEVELOPMENT PRE-CONSTRUCTION TRAINING
PROGRAM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE
THE AGREEMENT.

WHEREAS, the City Council of the City of Modesto has supported the efforts of
the Workforce Development Program; and

WHEREAS, the Workforce Development Program has four components: Pre-
Construction Training Program, Contractor Support Center, Affordable Housing and
Policy Changes; and

WHEREAS, the Pre-Construction Training Program began in October, 2000 and
has successfully graduated two classes; and

WHEREAS, the Citizens’ Housing and Community Development Committee
approved the request for funding recommendation at its July 27, 2001 meeting; and

WHEREAS, the City Council supports the continued growth of the Workforce
Development program.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Modesto that a grant in the amount of $78,238 from Community Development Block
Grant Funds is hereby awarded to Central Valley Opportunity Center for the Workforce
Development Program.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to
execute the Agreement for Services between the City of Modesto and Central Valley
Opportunity Center.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 9th day of October, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

ATTEST Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-512

A RESOLUTION APPROVING THE FINAL MAP OF VILLAGE HIGHLANDS NO. 6 SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, GARRARD W. MARSH and DALLAS KADRY, Husband and Wife as Joint Tenants, and INLAND VILLAGE, a General Partnership by Heritage Homes, LLC General Partner, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 16.09 acres, known as Village Highland No. 6 in the Village One Specific Plan Area ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 2nd day of April, 2001, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said VILLAGE HIGHLANDS NO. 6 meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in
Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: ALISON A. BARRATT-GREEN
Senior Deputy City Attorney
A RESOLUTION AMENDING THE BUDGET TO FUND REIMBURSEMENT OF CAPITAL FACILITIES FEES AS PROVIDED FOR IN A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF MODESTO AND COSTA LIMITED PARTNERS FOR CONSTRUCTION OF IMPROVEMENTS ON PELANDALE AVENUE AND CHAPMAN ROAD, P-D (540)

WHEREAS, the City Council adopted Ordinance No. 3168 on January 4, 2000 authorizing the City Manager to execute a development agreement with Costa Limited Partners for P-D (540), and

WHEREAS, said development agreement was executed on February 3, 2000, and

WHEREAS, Costa Limited Partners was to install improvements to Pelandale Avenue and Chapman Road, and

WHEREAS, said improvements have been constructed to the satisfaction of the City Engineering and Transportation Director, and

WHEREAS, Costa Limited Partners was to be reimbursed through Streets Capital Facilities Fees credits for work included in the Capital Facilities Fees program, and

WHEREAS, Streets Capital Facilities Fees in the amount of $829,036 have been paid to date to the City for the project, and

WHEREAS, the City has determined that Costa Limited Partners has installed more than $829,036 in improvements that are reimbursable under terms of said development agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that budget account 1410-430-M191 (Object 6040) shall be increased by $829,036, the increased funds coming from the Streets’s CFF undesignated fund balance, for the purpose of reimbursing Costa Limited Partners for construction of improvements on Pelandale Avenue and Chapman Road.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
      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 AUTHORIZING THE CITY MANAGER TO SIGN THE MEMORANDUM OF UNDERSTANDING ESTABLISHING THE TURLOCK GROUNDWATER BASIN ASSOCIATION

WHEREAS, the Turlock Groundwater Basin Association was originally formed in 1995, through an agreement which has now expired, to develop a basin-wide groundwater management plan pursuant to Water Code Section 10750 et seq., and

WHEREAS, the City of Modesto was a member of that Association, and

WHEREAS, members of the former Turlock Groundwater Basin Association would like to form an association by means of a memorandum of understanding to implement the groundwater management plan and other groundwater management activities to manage, preserve, protect and enhance the Turlock Groundwater Basin, and

WHEREAS, adoption of this memorandum of understanding does not constitute a project under the terms of the California Environmental Quality Act, and

WHEREAS, on October 9, 2001, the Council considered authorizing the City Manager to sign a Memorandum of Understanding establishing the Turlock Groundwater Basin Association.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to sign a Memorandum of Understanding establishing the Turlock Groundwater Basin Association.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
      Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ____________________________
         JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By _________________________________
   MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING (M.O.U.) ESTABLISHING THE STANISLAUS AND TUOLUMNE RIVERS GROUNDWATER BASIN ASSOCIATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE M.O.U.

WHEREAS, the Stanislaus and Tuolumne Rivers Groundwater Basin Association was originally formed in 1994, through an agreement which has now expired, to develop a basin-wide groundwater management plan pursuant to Water Code Section 10750 et seq., and

WHEREAS, the City of Modesto was a member of that Association, and

WHEREAS, members of the former Stanislaus and Tuolumne Rivers Groundwater Basin Association desire to form an association by means of a memorandum of understanding to implement the groundwater management plan and other groundwater management activities to manage, preserve, protect and enhance the Stanislaus and Tuolumne Rivers Groundwater Basin, and

WHEREAS, at its September 25, 2001 meeting, the Utility Services and Franchises Committee recommended that staff submit the M.O.U. to Council for approval and authorization for the City Manager’s execution, and

WHEREAS, adoption of this Memorandum of Understanding does not constitute a project under the terms of the California Environmental Quality Act,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding establishing the Stanislaus and Tuolumne Rivers Groundwater Basin Association.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the M.O.U.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9\textsuperscript{th} day of October, 2001, by Councilmember Friedman, 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:

\begin{itemize}
  \item \textbf{AYES:} Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
  \item \textbf{NOES:} Councilmembers: None
  \item \textbf{ABSENT:} Councilmembers: None
\end{itemize}

\textbf{ATTEST:} \\
\underline{JEAN ZAHR, City Clerk}

(SEAL)

\textbf{APPROVED AS TO FORM:}

\underline{MICHAEL D. MILICH, City Attorney}
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-516

A RESOLUTION APPROVING A JOINT EXERCISE OF POWERS AGREEMENT TO ENABLE MODESTO RESIDENTS TO PARTICIPATE IN THE LEASE-TO-OWN HOME OWNERSHIP PROGRAM FOR HOMEBUYERS AS ADMINISTERED BY THE PACIFIC HOUSING AND FINANCE AGENCY AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AGREEMENT

WHEREAS, Pacific Housing and Finance Agency is a coalition of California cities and counties that have joined together to help individuals who can afford a monthly house payment, but lack enough savings to pay for additional costs associated with buying a home, and
WHEREAS, the Lease-to-Own Home Ownership Program provides down payment and closing cost assistance for homebuyers, and
WHEREAS, said program will take out a mortgage on behalf of the applicant at current mortgage rates, and
WHEREAS, participants lease the property from Pacific Housing and Finance Agency for three years, and the lease payments are used to build equity in the property during the initial three-year lease period, and
WHEREAS, after three years, the participant can assume the mortgage from the Program, and
WHEREAS, staff found the program to be sound and worth pursing, and
WHEREAS, the Community Development and Housing Committee met on June 20, 2001, and supported staff’s recommendation to pursue entering into a joint powers agency,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Joint Exercise of Powers Agreement to enable Modesto residents to participate in the Lease-to-own Home Ownership Program for homebuyers as administered by the Pacific Housing and Finance Agency.
BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute said Joint Exercise of Powers Agreement with Pacific Housing Finance Agency.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 2001, by Councilmember Friedman, 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: Fisher, Friedman, Frohman, Serpa, Smith
      Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

Attest: Jean Zahr
        JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich
    MICHAEL D. MILICH, City Attorney
Modesto City Council
Resolution No. 2001-517

Was Not Used
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-518

A RESOLUTION APPROVING AN AMENDMENT TO AGREEMENT BETWEEN THE CITY OF MODESTO AND EDAW, INC., AMENDING THE SCOPE OF SERVICES TO INCLUDE PREPARATION OF FINDINGS, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MONITORING PLAN, AND NOTICE OF DETERMINATION FOR THE MASTER ENVIRONMENTAL IMPACT REPORT (MEIR) FOR THE TUOLUMNE RIVER REGIONAL PARK AND ATTENDANCE BY CONSULTANT AT CITY OF MODESTO PLANNING COMMISSION MEETING AT WHICH THE MEIR IS BEING PRESENTED AT A COST NOT TO EXCEED $12,000, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AMENDMENT.

WHEREAS, on February 22, 1972, the City of Modesto entered into an agreement with the City of Ceres and the County of Stanislaus relating to the acquisition, development and operation of the Tuolumne River Regional Park, and

WHEREAS, that agreement authorizes the City of Modesto to enter into contracts or agreements with third parties to carry out the purposes of the regional park, and

WHEREAS, on July 6, 1999, the City entered into an agreement for consultant services with EDAW, Inc., (Consultant) to prepare a comprehensive update to the 1968 Land Use Plan for the Tuolumne River Regional Park, a Gateway Master Plan, a Master Environmental Impact Report and related documents, and

WHEREAS, the City and Consultant desire to amend said agreement to expand the Scope of Services to include preparation by Consultant of Findings, Statements of Overriding Considerations and Mitigation Monitoring Plan and Notice of Determination and attendance by Consultant at the City of Modesto Planning Commission Meeting at which the MEIR is being presented, and

WHEREAS, Consultant has agreed to perform said services at a cost not to exceed $12,000,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Amendment to Agreement for services to include preparation by Consultant of Findings, Statements of Overriding Considerations, Mitigation Monitoring Plan and Notice of Determination, and attendance by Consultant at the City of Modesto Planning Commission meeting at which the MEIR is presented at a cost not to exceed $12,000,

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith 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. 2001-518A

A RESOLUTION DENYING WITHOUT PREJUDICE VILLAGE ONE SPECIFIC PLAN AMENDMENT NO. SPA 2001-01 AND AMENDMENT TO THE PRECISE PLAN FOR AREA NO. 27 TO REDESIGNATE 1.15 ACRES LOCATED ON BOTH SIDES OF PARAMONT WAY NORTH OF MERLE AVENUE FROM MULTI-FAMILY RESIDENTIAL TO VILLAGE RESIDENTIAL (DENIS FAMILY PROPERTY).

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt specific plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value, and

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

WHEREAS, the Village One Specific Plan is divided into 35 precise plan areas, and a precise plan is required prior to development in each area, and

WHEREAS, Ordinance No. 2873-C.S., which became effective on January 13, 1994, adopted a Precise Plan for Area No. 27 of the Village One Specific Plan, and

WHEREAS, Government Code Section 65453 permits the amendment of specific plans as often as deemed necessary by the legislative body, and the Council has previously adopted fourteen (14) such amendments to the Village One Specific Plan by Resolutions adopted by the Council from time to time, and

WHEREAS, the City Council on March 18, 1997, by Resolution No. 97-113, denied an application by the J.C. Williams Company to amend the Precise Plan for Area No. 27 to delete the Multi-Family Residential designation from the plan area, and

WHEREAS, Denis Family Property has filed an application to amend the Village One Specific Plan and the Precise Plan for Area No. 27 to redesignate 1.15 acres located on both sides of Paramont Way north of Merle Avenue from Multi-Family Residential to Village Residential, and
WHEREAS, on August 6, 2001, the Planning Commission held a duly noticed public hearing in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, regarding the proposed Village One Specific Plan Amendment No. SPA 2001-01 and amendment to the Precise Plan for Area No. 27, and

WHEREAS, after said public hearing, the Modesto City Planning Commission adopted Resolutions Nos. 2001-48 and 2001-49, recommending to the City Council Village One Specific Plan Amendment No. SPA 2001-01 and amendment to the Precise Plan for Area No. 27, respectively, to redesignate 1.15 acres located on both sides of Paramount Way north of Merle Avenue from Multi-Family Residential to Village Residential, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on October 2, 2001, and continued to October 9, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed Village One Specific Plan Amendment No. SPA 2001-01 and amendment to the Precise Plan for Area No. 27.

WHEREAS, after said hearing, the Council found and determined that said proposed Village One Specific Plan Amendment No. SPA 2001-01 and amendment to the Precise Plan for Area No. 27 as recommended by the Planning Commission should be denied without prejudice.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby denies without prejudice the proposed Village One Specific Plan Amendment No. SPA 2001-01 and amendment to the Precise Plan for Area No. 27 to redesignate 1.15 acres located on both sides of Paramount Way north of Merle Avenue from Multi-Family Residential to Village Residential.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Mayor Sabatino

NOES: Councilmembers: Serpa, Smith

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-519

A RESOLUTION DENYING THE APPEAL OF DENNIS E. WILSON TO A PLANNING COMMISSION DECISION APPROVING AN AMENDMENT TO PLANNED DEVELOPMENT ZONE, P-D(501). (TIMOTHY MURPHY)

WHEREAS, the Modesto City Council, by Ordinance No. 2905-C.S., which was introduced on April 26, 1994, finally adopted on May 3, 1994, and which became effective on June 2, 1994, granted Planned Development Zone, P-D(501), to allow a neighborhood shopping center, property located on the northwest corner of Sylvan Avenue and Oakdale Road, and

WHEREAS, City Council Resolution No. 94-221 adopted by the City Council on April 26, 1994, approved the development plan for Planned Development Zone, P-D(501), and contained the conditions of approval thereof, and

WHEREAS, the Modesto City Council, by Ordinance No. 3044-C.S., which was introduced on May 27, 1997, finally adopted on June 10, 1997, and which became effective on July 10, 1997, approved an amendment to Planned Development Zone, P-D(501), to allow an auto-oriented commercial strip center in place of the previously approved neighborhood shopping center, and

WHEREAS, City Council Resolution No. 97-283 adopted by the City Council on May 27, 1997, approved a revised development plan for Planned Development Zone, P-D(501), and contained the conditions of approval thereof, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(501), was filed by Timothy Murphy on December 12, 2000, to allow a two-story mini-storage facility in place of a previously approved retail/drug store at the northeast corner of Sylvan Avenue and Carson Oak Drive, and

WHEREAS, a public hearing was held by the Planning Commission on February 5, 2001, and continued to February 26, 2001 in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

9/24/01/CDD/Bob Cannell
WHEREAS, the Planning Commission by Resolution No. 2001-19 adopted February 26, 2001 denied the application, citing incompatibility of the two-story building with the surrounding existing single-story uses established under Planned Development Zone, P-D(501), and

WHEREAS, upon appeal by the applicant, on March 27, 2001, and continued to April 10, 2001, the City Council heard the matter and by unanimous motion, returned the item to the Planning Commission, and

WHEREAS, on May 21, 2001, the Planning staff received a revised set of site plans and elevations intended to enhance the visibility of the adjoining Del Taco establishment to eastbound traffic on Sylvan Avenue by taking another “notch” out of the southeast corner of the building, and

WHEREAS, said matter was set again for a public hearing before the Planning Commission on July 2, 2001, and continued to July 16, 2001, August 6, 2001, and August 20, 2001, and

WHEREAS, prior to the Planning Commission rehearing, on June 20, 2001, the counsel for the owner of the Del Taco establishment adjoining the subject project to the east, requested a reconsideration by the City Council at its meeting of June 26, 2001, specifically asking the Council to stipulate that in referring the matter back to the Planning Commission, it did so on the basis that a revised development plan would cause the storage building to be located back from Sylvan Avenue, the same distance as the Del Taco building, and

WHEREAS, on June 26, 2001 the Council, by motion agreed that it had indeed understood that the direction was for the building to be redesigned back “even” with the Del Taco building, and

WHEREAS, after a public hearing on August 20, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-52, that amendment to the Planned Development Zone, P-D(501), as proposed, is required by public necessity, convenience and general welfare for the following reasons:
1. The development, redesigned by holding the building back “even” with adjoining developments will not unduly restrict visibility to motorists eastbound on Sylvan Avenue.

2. The property is located on a principle arterial, and is located in close proximity to other commercial uses on Sylvan Avenue.

3. Commercial uses are compatible with the existing and planned surrounding uses in the area.

4. The proposed amendment to P-D(501) is consistent with the Modesto Urban Area General Plan.

WHEREAS, on August 23, 2001, an appeal to the Planning Commission’s decision was filed by Dennis E. Wilson was filed in the office of the City Clerk requesting the opportunity to appear before the Council to make a presentation to demonstrate that the revised building design would not interfere with visibility of adjoining properties, and

WHEREAS, said appeal was set for a public hearing before the Council of the City of Modesto on Tuesday, October 9, 2001, at 5:15 p.m., in the Tenth Street Place Chambers, located at 1010 10th Street, Modesto, California, at which time all persons interested in or objecting to the appeal were afforded the opportunity to appear, and

WHEREAS, after said public hearing the Council found and determined that said appeal should be denied and the decision of the Planning Commission should be affirmed for the reasons set forth in Planning Commission Resolution No. 2001-52 and quoted above and for the additional reasons set forth below:

1. The applicant has failed to show that the revised site plan sought for approval would not unduly restrict visibility to adjoining businesses particularly from eastbound traffic.

2. The uniform building setbacks would provide an equitable public exposure of all adjoining businesses.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the appeal of Dennis E. Wilson to the decision of the Planning Commission approving an amendment to Planned Development Zone, P-D(501), to allow a two-story mini-storage building but with a greater setback than originally proposed, property located at the northeast corner of Sylvan Avenue and Carson Oak Drive, is denied for the reasons set forth in Planning Commission Resolution No. 2001-19 and quoted above, and the additional reasons set forth above and the decision of the Planning Commission is hereby affirmed.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, by Councilmember Conrad, 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, Friedman, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman, Serpa

ABSENT: Councilmembers: None:

ATTEST: 

JIAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-520

A RESOLUTION APPROVING A JOINT CITY/COUNTY EFFORT TO
ESTABLISH A MASTER DEVELOPMENT PLAN FOR THE KIERMAN
BUSINESS PARK AND OTHER NORTH COUNTY BUSINESS PARK
PROPERTIES LOCATED ALONG HIGHWAY 99, AND AUTHORIZE THE
CITY MANAGER TO EXPEND UP TO $50,000 FOR SUCH PURPOSES.

WHEREAS, combining City and County planning and development resources will
increase the likelihood of successfully creating economic development opportunities which will
lead to job creation, a diversified tax base and an improved quality of life for residents and
businesses in the City of Modesto and the County as a whole, and

WHEREAS, the City and County need to look beyond the narrow confines of the
Kierman Business Park site in order to ensure the timely and successful development of all the
business park properties in the North County area, including the County’s Salida Community
Plan area, and

WHEREAS, it is estimated that initial planning consulting costs will be $100,000, in
order to establish a study area, hold Scoping Meetings with Stakeholders and interested parties,
inventory existing studies and available data, and identify issues and preliminary development
strategies.

WHEREAS, the initial $100,000 cost should be shared 50/50 with the County.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the amount of
$50,000.00 for funding professional planning consulting services with the County of Stanislaus
for a joint City/County effort to establish a master development plan for the Kierman Business
Park and other North County business park properties located along Highway 99, and
authorizing the city manager to expend up to $50,000 for such purposes, is hereby approved.
The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 9th day of October, 2001, by Councilmember Conrad, 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, Friedman, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-521

A RESOLUTION APPROVING FUNDING FOR PROFESSIONAL SERVICES PROVIDED BY THE BOHL CORPORATION RELATED TO THE KANSAS AVENUE BUSINESS PARK.

WHEREAS, the Agency is desirous of encouraging the development of an industrial/commercial business park in the area of downtown Modesto for the benefit of the Agency and of the City of Modesto, and

WHEREAS, in order to complete the development of the Kansas Avenue Business Park, funding is required in the amount of $89,155 from the Strategic Planning Fund of the City of Modesto the purpose of which is to contract with the Bohl Corporation for professional services related to the development of the Kansas Avenue Business Park and other associated projects.

NOW, THEREFORE, BE IT RESOLVED by the City Council that the amount of $89,155.00 for funding professional services provided by, or to be provided by, The Bohl Corporation related to the Kansas Avenue Business Park is hereby approved.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Modesto held on the 9th day of October, 2001, by Councilmember Conrad, 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, Friedman, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman, Serpa

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-522

A RESOLUTION AWARDING A CONTRACT TO CALLANDER AND ASSOCIATES NOT TO EXCEED $304,000 FOR PROFESSIONAL LANDSCAPE ARCHITECTURAL SERVICES TO PREPARE A SPECIFIC PLAN FOR A 4.2 MILE LINEAR PARK/CLASS I BIKEWAY IN THE VIRGINIA AVENUE CORRIDOR AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED DOCUMENTS

WHEREAS, the City of Modesto is currently finalizing the process of securing an abandoned railroad corridor, utilizing the Rails to Trails Program, and

WHEREAS, staff interviewed landscape architectural firms and determined that Callander and Associates is the most qualified, and

WHEREAS, Callander and Associates has agreed to provide the Specific Plan at a cost not to exceed $304,000, and

WHEREAS, a total of $370,000 has been allocated to this Capital Project in various Capital Improvement Accounts, which will be consolidated through a separate action of the City Council at the October 9, 2001 meeting, and

WHEREAS, on December 14, 1999, by Resolution No. 99-624, the City Council reviewed and considered the Initial Study/Negative Declaration (SCH 9701236) prepared for the Non-Motorized Transportation master Plan, and based on the substantial evidence included in said Initial Study/Negative Declaration, found that the proposal to preserve the Virginia Avenue Railroad Corridor from Needham Street to Bangs Avenue for use as a Class I Bike Path/Trail is in conformance with said Initial Study/Negative Declaration, and

WHEREAS, at its September 20, 2001 meeting, the Transportation Policy Committee supported awarding a contract for a Specific Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby awards a contract to Callander and Associates for professional landscape architectural services to prepare the Specific Plan for a 4.2 mile linear park/Class I bikeway in the Virginia Avenue Corridor in the amount not to exceed $304,000.00.

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

10/17/01/16/01/PR&N B Ford -1- 2001-522
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-523

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 CAPITAL IMPROVEMENT PLAN BUDGET AND ESTIMATING REVENUE

WHEREAS, the City of Modesto is currently finalizing the process of securing an abandoned railroad corridor through the Rails to trails Program, and

WHEREAS, by Resolution No. 2001-522, the City Council approved an agreement with Callander and Associated Landscape Architecture, Inc. to prepare a Specific Plan for a 4.2 mile linear park/Class I bikeway, and

WHEREAS, a total of $370,000 is needed to fund the Specific Plan, and

WHEREAS, $31,300 is available from Capital Improvement Project 0520-310-M139, Virginia Corridor, and

WHEREAS, $62,700 is available in 1430-800-8000-8003, the Air Quality Capital Facilities Fees Fund available fund balance, and

WHEREAS, revenue in the amount of $186,000 is available from a Transportation and Community System Preservation Grant, and

WHEREAS, the balance of $90,000 is available in Capital Improvement Project 1430-310-M198, Non-Motorized Trail System, and

WHEREAS, staff desires to consolidate funding into one project, and

WHEREAS, this project is identified in the City of Modesto Fiscal Year 2001-02 Adopted Budget, Volume III, page 49,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the fiscal year 2001-02 Capital Improvement Plan budget to close Project 0520-310-M139, Virginia Corridor; estimate grant revenue of $186,000; transfer $31,300 from the Non-Motorized Local Transportation Fund; and transfer $62,700 from 1430-800-8000-8003, Air Quality Capital Facilities Fees Reserve to project 1430-310-M198-6010.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
       Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: ________________________________

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: ________________________________

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-524

A RESOLUTION SUPPORTING PARTICIPATION WITH MODESTO CITY SCHOOLS IN AN APPLICATION FOR $242,000 IN FUNDING UNDER THE STATE AFTER SCHOOL LEARNING AND SAFE NEIGHBORHOODS PARTNERSHIPS PROGRAM, AND COMMITTING $60,500 FROM CAPITAL IMPROVEMENT PROJECT 1300-310-M165, YOUTH MASTER PLAN, TO FUND ONE-HALF OF THE REQUIRED FIFTY PERCENT MATCH.

WHEREAS, the City of Modesto and Modesto City Schools (District) are interested in expanding the after school programs at four schools within the Modesto Schools District, and

WHEREAS, the State After School Learning and Safe Neighborhoods Partnerships Program has been identified as a potential funding source, and

WHEREAS, the grant application will be prepared and submitted by Modesto City Schools, and

WHEREAS, a local match of 50% of the grant request is required, and

WHEREAS, total project costs will be $363,000, $242,000 of which will be in grant funding, with the balance of $121,000 to be split equally between the City and District, and

WHEREAS, the Human Services Committee met on October 3, 2001, and recommended that match funding be provided from Capital Improvement Project 1300-310-M165, Youth Master Plan,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby supports participation with Modesto City Schools in an application for $242,000 in funding under the State After School Learning and Safe Neighborhoods Partnerships Program.

BE IT FURTHER RESOLVED that the Council hereby commits $60,500 from Capital Improvement Project 1300-310-M165, Youth Master Plan, to fund one-half of the required fifty percent match.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
A RESOLUTION ACCEPTING THE PROJECT TITLED "RECOAT TANK INTERIOR – WATER TANK 5" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Recoat Tank Interior – Water Tank 5, has been completed by Robison-Prezioso, Inc., in accordance with the contract agreement dated April 3, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Recoat Tank Interior – Water Tank 5 be accepted from said contractor, Robison-Prezioso, Inc., and that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of $82,070.00 as provided in the contract be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, 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, Friedman, Frohman, Serpa, Smith Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHRCity Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature] MICHAEL D. MILICH, City Attorney

10/16/01 / E&T Construction / T. Parmer 2001-525
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-526

A RESOLUTION ACCEPTING THE PROJECT TITLED “MODESTO CENTRE PLAZA HARVEST HALL FLOOR” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Modesto Centre Plaza Harvest Hall Floor, has been completed by Pro-Tec Painting & Coating, Inc., in accordance with the contract agreement dated April 3, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Modesto Centre Plaza Harvest Hall Floor be accepted from said contractor, by Pro-Tec Painting & Coating, Inc., and that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of $78,534.00 as provided in the contract be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

10/16/01 / E&T Construction / T. Parmer 2001-526
MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-527  

A RESOLUTION ACCEPTING THE PROJECT TITLED “WATER QUALITY CONTROL BUILDING LABORATORY REMODEL” AS COMPLETE  

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Water Quality Control Building Laboratory Remodel, has been completed by Silveira General Construction, in accordance with the contract agreement dated April 3, 2001.  

NOW, THEREFORE, BE IT RESOLVED that the Water Quality Control Building Laboratory Remodel be accepted from said contractor, by Silveira General Construction, and that notice of completion be filed with the Recorder of Stanislaus County, and that payment of amounts due in the amount of $101,830.00 as provided in the contract, be authorized.  

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, 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, Friedman, Frohman, Serpa, Smith Mayor Sabatino  

NOES: Councilmembers: None  

ABSENT: Councilmembers: None  

ATTEST: JEAN ZAHR, City Clerk  

(SEAL)  

APPROVED AS TO FORM:  

By MICHAEL D. MILICH, City Attorney  

10/16/01 / E&T Construction / T. Parmer  

2001-527
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-528

A RESOLUTION ADOPTING A VETERANS’ PREFERENCE SYSTEM FOR ENTRY LEVEL, OPEN RECRUITMENTS.

WHEREAS, the State of California enacted legislation amending Government Code Section 50088 effective January 1, 2002, and

WHEREAS, this legislation requires each city council and board of supervisors in California with a civil service (merit) system to either implement a veterans’ preference system or adopt a resolution identifying why it is not implementing such a program, and

WHEREAS, California Government Code Section 18973 defines “veteran,” and

WHEREAS, veterans’ preferences for entry-level jobs are, in part, a reward for service in defense of the nation and state; in part, a compensation for postponed or interrupted civilian careers; and, in part, a recognition of a practical credential,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Veterans’ Preference for job applicants in accordance with California Government Code Section 50088, utilizing the definition of “veteran” as specified in California Government Code Section 18973.

BE IT FURTHER RESOLVED that the Veterans’ Preference System be used on recruitments for entry level, open recruitments as shown on the attached Exhibit "A", which is hereby made a part of this resolution by reference.
BE IT FURTHER RESOLVED that this System would add five (5) percentage points at
the time an eligible list is established, to all qualified veterans as defined, who have received a
qualifying score on exams up to the point of eligibility, on a one-time only basis that leads to
employment.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 16th day of October, 2001, by Councilmember Serpa, 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, Friedman, Frohman, Serpa, Smith
         Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney
18973. Except as provided in Section 18978, in the case of all other entrance examinations, veterans and widows or widowers of veterans who become eligible for certification from eligible lists by attaining the passing mark established for the examination, shall be allowed one of the following additional credits:
(a) Disabled veterans, 15 points.
(b) All other veterans, widows or widowers of veterans, and spouses of 100 percent disabled veterans, 10 points.

For the purpose of this section, "veteran" means any person who has served full time for 30 days or more in the armed forces in time of war or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, or during the period September 16, 1940, to January 31, 1955, or who has served at least 181 consecutive days since January 31, 1955, and who has been discharged or released under conditions other than dishonorable, but does not include any person who served only in auxiliary or reserve components of the armed forces whose service therein did not exempt him or her from the operation of the Selective Training and Service Act of 1940.

For the purpose of this section: "disabled veteran" means any veteran as defined herein who is currently declared by the United States Veterans Administration to be 10 percent or more disabled as a result of his or her service; and "100 percent disabled veteran" means any veteran as defined herein who is currently declared by the United States Veterans Administration to be 100 percent disabled as a result of his or her service. Proof of disability shall be deemed conclusive if it is of record in the United States Veterans Administration.

"EXHIBIT A"
50088. (a) As used in this section:

(1) "Civil service system," as applied to a county or city or county, means the approved local merit system (ALMS).

(2) "Veteran" has the same meaning as in Section 18973.

(3) "Veterans service office" means an office established pursuant to Section 970 of the Military and Veterans Code.

(b) When any city, county, or city and county, general law or chartered, has established a civil service system and entrance examination for the selection of appointive officers and employees, the board of supervisors or city council, by January 1, 2002, shall either implement a veterans' preference system giving preference to a veteran over other identically qualified applicants, or shall adopt a resolution identifying reasons that it does not implement a veterans' preference system.

(c) Nothing in this act shall be construed to require a city, county, or city and county, to implement a veterans' preference system. However, it is the intent of the Legislature in enacting this section that cities, counties, and cities and counties, to the extent possible, further the public policy embodied in Section 6 of Article VII of the California Constitution to promote veterans' preference.

(d) In enacting this section, the Legislature finds and declares that veterans' preference in civil service examinations is a matter of statewide concern.

(e) It is the intent of the Legislature that a board of supervisors or city council may seek the voluntary assistance of a veterans service office serving that area in implementing a veterans' preference system.

"EXHIBIT A"
Account Clerk
Accountant I
Administrative Analyst I
Administrative Clerk I
Administrative Clerk II
Animal Control Officer I
Assistant Buyer
Assistant Planner
Budget Analyst
Building Inspector I
Civil Engineering Technician I
Code Enforcement Officer I
Community Services Officer I
Crime Analyst
Custodian I
Deputy City Attorney I
Electrical Technician I
Equipment Service Worker I
Firefighter Trainee
Fire Prevention Technician I
Housing Rehabilitation Specialist I
Industrial Waste Inspector I
Junior Civil Engineer
Junior Traffic Engineer
Laboratory Analyst I
Maintenance Worker I
Planning Technician I
Police Clerk
Police Officer Trainee (Academy Recruit)
Programmer Analyst I
Recreation Coordinator
Storekeeper
Systems Technician
Waste Water Treatment Plant Attendant

"EXHIBIT A"
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-529

A RESOLUTION AUTHORIZING CITY MANAGER TO IMPLEMENT THE AGREEMENTS WITH THE MODESTO CITY FIREFIGHTERS ASSOCIATION THAT WERE REACHED THROUGH THE MEET AND CONFER PROCESS.

WHEREAS, the Memorandum of Understanding between City and Modesto City Fire Fighters Association expired on January 1, 2001, and

WHEREAS, the City and Modesto City Fire Fighters Association did meet and confer in good faith and reached agreement on twenty-four issues, and

WHEREAS, City and Modesto City Fire Fighters Association desire to honor these agreements and implement them before the remaining issues are resolved through Arbitration.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to implement the agreements on the twenty-four issues that are listed on Exhibit “A” and were reached during the Meet and Confer process with Modesto City Firefighters Association. Said agreements be included in the final Memorandum of Understanding between City and Modesto City Fire Fighters Association covering the period from January 2, 2001 through December 24, 2004.

BE IT FURTHER RESOLVED, that the issues listed on Exhibit “A” shall be effective on October 23, except that the issues pertaining to Haz-Mat Pay, Relief Engineer Pay, Special Assignment Pay, and Uniform Allowance shall be effective retroactive to January 2, 2001.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, 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, Friedman, Frohman, Serpa, Smith Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest:  
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By:  
MICHAEL D. MILICH, City Attorney
IN THE MATTER OF INTEREST ARBITRATION BETWEEN
CITY OF MODESTO
AND
MCFFA

List of Resolved Issues

- Haz Mat pay
- Relief Engineer Pay
- Uniform allowance
- FF Trainee
- Special Assignment pay
- Call Back
- Bid System
- 1959 Survivor Benefit
- Consecutive Work Hours
- Violence in the Workplace
- Salary on Promotion
- Catastrophic Leave
- Sick Leave for Family Care
- Dispute Resolution (re-opener)
- Sick Leave for Service Credit (re-opener)
- Personnel Redesign (re-opener)
- Sleep Hours
- Mutual/Automatic Aid
- Annual Physicals Overtime
- Uniform Allowance PERSability
- ALS Delivery
- Flex Staffing
- 4 Year Term
- Vantage Healthcare (re-opener)
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

SECTION 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Deputy Director of Operations and Maintenance
Council approved this position during the last budget review in order to reduce the number of direct reports to the Department Director and to establish a clear line of authority during the Director’s absence for communication to the organization, the City Manager, the City Council and the community.

Utility Dispatch Supervisor
To provide supervisory oversight to the Dispatch and Customer Services Unit of Water Operations Division.

The specifications for the classifications of Deputy Director of Operations (Range 452), as shown on the attached Exhibit "A", and Utility Dispatch Supervisor ((Range 422) as shown on the attached Exhibit “B”, which are hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.
SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 16, 2001.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, 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, Friedman, Frohman, Serpa, Smith 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
DEPUTY DIRECTOR OF OPERATIONS AND MAINTENANCE

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To assist the Director of Operations and Maintenance in the planning, directing, supervising, and coordinating of departmental functions and operational activities; to assist in the monitoring and preparation of operating and capital improvement budgets and management of personnel assigned to the department; and to provide highly complex staff assistance to the Director of Operations and Maintenance.

SUPERVISION RECEIVED AND EXERCISED

Receives administrative direction from the Director of Operations and Maintenance.

Exercises direct supervision over professional, technical and clerical staff.

Exercises management of assigned operations and maintenance functions.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Assist in planning, directing, supervising, and coordinating departmental operations; oversee and participate in the development of departmental strategic planning; assign work activities, projects and programs; monitor work flow; review and evaluate work products, methods and procedures.

Appear before the City Council, Council Committees, boards, commissions and numerous civic organizations representing the Department.

Assist with the preparation of operating and capital improvement budgets and control of expenditures, including the preparation of long-term maintenance management models.
Essential Functions: (Continued)

Supervise and assist subordinate supervisors in the operations and maintenance of City infrastructure, particularly water, wastewater and storm drainage systems; establish long-range plans and goals, including strategic planning for the utility enterprise funds and issues dealing with environmental regulations.

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with employees to correct deficiencies; implement discipline procedures; recommend employee terminations.

Coordinate Department activities with those of other departments and outside agencies and organizations; provide staff assistance to the Director of Operations and Maintenance; prepare and present staff reports and other necessary correspondence.

Oversee storm water and wastewater NPDES permitting processes; maintain positive relationships with outside regulatory authorities.

Work across department line to insure long-term infrastructure needs of the city are met.

Establish performance expectations and evaluate performance of subordinate personnel.

Prepare a variety of correspondence including general and special reports.

Serve as Director of Operations and Maintenance, as required.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Principles of supervision, training, management and public works administration.

Principles of budget preparation and expenditure control.

Principles and practices of public administration labor relations and public personnel management.
QUALIFICATIONS: (Continued)

Knowledge of, Continued:

Principles and practices as applied to the field of operating and maintaining the city infrastructure.

Technical, legal, and financial issues related to the conduct of municipal public works program.

Strategic planning and environmental regulations for municipal utilities.

National Pollution Discharge Elimination Systems (NPDES) permitting and compliance.

Methods of preparing designs, plans, specifications, estimates, reports and recommendations relating to proposed public works projects.

Procedures, materials, equipment and methods used in all areas of public works activities.

Pertinent Federal, State, and local laws, codes and regulations.

Ability to:

Oversee and coordinate the activities of a number of sections within the Department.

Assist with the preparation of departmental operating and capital improvement budgets and control budget expenditures.

Review and interpret cost estimates.

Effectively represent the Department before the Council, Council Committees, boards, commissions, public agencies and private groups.

Prepare clear and concise written reports and develop appropriate recommendations.
QUALIFICATIONS: (Continued)

Ability to:

Effectively manage assigned areas of the departmental program.

Establish and maintain cooperative relationships with those contacted during the course of work.

Perform a variety of technical research and prepare reports of findings.

Manage a large staff of field, office, professional and technical staff.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Seven years of increasingly responsible professional management experience in a public works environment, including at least five years in a supervisory or administrative capacity.

Training:

Equivalent to a Bachelor’s degree from an accredited college or university with major course work in public administration, civil engineering, business administration or a related field.

License or Certificate:

Possession of, or ability to obtain, an appropriate, valid California driver’s license.
WORKING CONDITIONS

Environmental Conditions:
Office environment; occasionally travel from site to site.

Physical Conditions:
Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time; traveling to and from sites and attending meetings.
UTILITY DISPATCH SUPERVISOR

DEFINITION

To plan, organize, coordinate, administer and supervise all functions of the Dispatch and Customer Services Unit of the Water Operations Division.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from Water Superintendent and upper management staff.

Exercises direct supervision over assigned clerical and field staff.

EXAMPLES OF DUTIES – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Perform a wide variety of complex, responsible and confidential duties for the management staff in the Water Operations Division.

Plan, prioritize, assign, supervise and review the work of the staff involved in the Dispatch and Customer Services Unit.

Responds to internal customer requests for information and resolve citizen concerns and complaints as they relate to the functions of the Dispatch and Customer Services Unit.

Interpret City policies, procedures, laws and regulations in response to inquiries and complaints; refer inquiries as appropriate to proper departments.

Participate and assist in the administration of the department; prepare comprehensive reports, compile information to be used in special projects and reports.

Plans, organizes, reviews and monitors work flow of assigned staff.

Schedules routes to ensure coverage during vacation, illnesses, etc.

Instructs crew in work procedures and safe work practices and ensures the use of safety equipment as needed.

"EXHIBIT B"
EXAMPLES OF DUTIES, Continued:

Essential Functions:

Participate in recommending the appointment of personnel; provide or coordinate staff training; work with management staff to correct deficiencies; implement discipline procedures; recommend employee terminations.

Assist in budget preparation and implementation; participate in the forecast of additional funds needed for staffing, equipment, materials, and supplies; administer the approved budget.

Recommend goals and objectives; assist in the development and implementation of policies and procedures.

Assist in the development and implementation of dispatch systems and reporting procedures.

Review, develop, and modify dispatch control methods to improve existing procedures; ensure conformity to policy and increase effectiveness.

Marginal Functions:

Performs related work as required.

QUALIFICATIONS:

Knowledge of:

Customer relations practices and techniques.

English usage, spelling, grammar and punctuation.

Principles and procedures of record keeping.

Principles and practices of effective employee supervision, including selection, training, work evaluation, and discipline.

Principles and practices of organization, public administration, and pertinent Federal, State, and local laws, codes, and regulations.

Safe work practices and regulations.
Ability to:

Interpret and apply departmental policies, procedures, laws and regulations.

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with others.

Perform responsible work involving the use of independent judgement and personal initiative.

Understand the organization and operation of the City as necessary to assume assigned responsibilities.

Analyze problems, identify options, project consequences of proposed actions, and recommend changes in policies and procedures.

Work with and control sensitive, confidential information.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Four years of increasingly responsible clerical experience in an office setting involving financial record keeping and customer service. One year of supervisory experience is highly desirable. Work experience in a public or private water utility is highly desirable.

- OR -

Four years of increasingly responsible experience in water meter reading, customer service calls and delinquent payments. One year of lead or supervisor experience is highly desirable.

Training:
Equivalent to the completion of the twelfth grade.
LICENSE OR CERTIFICATE

Possession of, or ability to obtain, an appropriate, valid California driver's license. DMV print out must be submitted with application.

WORK CONDITIONS:

Environmental Conditions:

Office and field environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for sitting for prolonged periods of time and travel from site to site.
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-531

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2001-270 TO AMEND THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE FOR THE CLASSIFICATIONS OF DEPUTY DIRECTOR OF OPERATIONS AND MAINTENANCE AND UTILITY DISPATCH SUPERVISOR

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2001-270, NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. AMENDMENT TO RESOLUTION NO. 2001-270. Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 19, 2001", is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes Effective October 16, 2001", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" adds Operations & Maintenance Department Director (Range 452) and Utility Dispatch Supervisor (Range 422) to the Class Range Table.

SECTION 2. EFFECTIVE DATE. This resolution shall become effective on and after October 16, 2001.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Fisher, was upon roll carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
# CITY OF MODESTO
## CLASS RANGE TABLE
### MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
#### Effective October 16, 2001

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
</tr>
<tr>
<td>408</td>
<td></td>
</tr>
<tr>
<td>409</td>
<td>Police Clerk (Confidential)</td>
</tr>
<tr>
<td>410</td>
<td></td>
</tr>
<tr>
<td>411</td>
<td></td>
</tr>
<tr>
<td>412</td>
<td></td>
</tr>
</tbody>
</table>
| 413   | Administrative Technician (Confidential)  
       | Senior Personnel Clerk |
| 414   |       |
| 415   | Secretary |
| 416   |       |
| 417   |       |
| 418   | Legal Secretary |
| 419   | Police Training and Records Technician (Confidential)  
       | Public Information Technician (Confidential) |
| 420   | Accountant I (Confidential)  
       | Deputy City Clerk  
       | Employee Benefits Coordinator  
       | Executive Secretary  
       | Legal Services Technician  
       | Systems Technician  
       | Workers’ Compensation Claims Examiner I |
| 421   |       |

"EXHIBIT A"
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 422   | Office Supervisor  
Utility Dispatch Supervisor |
| 423   | Custodian Supervisor |
| 424   | Assistant Planner  
Buyer  
Workers' Compensation Claims Examiner II |
| 425   | Administrative Analyst I  
Executive Assistant |
| 426   | Police Support Services Supervisor  
Stores Manager |
| 427   | Assistant City Clerk/Auditor  
Legal Services Administrator |
| 428   | Accountant II  
Budget Analyst  
Customer Services Specialist  
Customer Services Supervisor  
Senior Buyer |
| 429   |       |
| 430   | Associate Planner  
Events Supervisor I  
Junior Civil Engineer  
Senior Crime Analyst  
Social Services Program Supervisor |
## RANGE  TITLE

431  Administrative Analyst II  
     Assistant Risk Manager  
     Personnel Analyst  
     Recycling Program Coordinator  
     Senior Budget Analyst  
     Senior Community Development Program Specialist  
     Systems Analyst

432  Communications Specialist  
     Industrial Waste Supervisor  
     Neighborhood Preservation Supervisor  
     Operations and Maintenance Supervisor  
     Plant Maintenance Supervisor  
     Recreation Supervisor II  
     Secondary Treatment Facilities Supervisor  
     Senior Accountant  
     Water Quality Control Operations Supervisor  
     Youth Program Supervisor

433  Organizational Development Specialist

434  Arborist  
     Assistant Civil Engineer  
     Assistant Traffic Engineer  
     Electrical Supervisor  
     Events Supervisor II  
     Geographic Information Systems Coordinator  
     Operations Supervisor  
     SCADA Supervisor  
     Senior Housing Rehabilitation Specialist  
     Senior Programmer Analyst

435  Business Analyst  
     Cultural Services Manager  
     Integrated Waste Specialist  
     Management Analyst  
     Senior Personnel Analyst

436  Senior Planner
<table>
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<th>RANGE</th>
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<tbody>
<tr>
<td>437</td>
<td>Deputy City Attorney I</td>
</tr>
</tbody>
</table>
| 438   | Budget Officer  
Communications and Marketing Manager  
Development and Operations Coordinator  
Financial/Investment Officer  
Housing Program Supervisor  
Land Surveyor  
Property Agent  
Purchasing Supervisor  
Systems Engineer  
Transportation Planner |
| 439   | Administrative Services Officer |
| 440   | Associate Civil Engineer  
Associate Traffic Engineer |
| 441   | Airport Manager  
Assistant Personnel Director  
Building Maintenance Superintendent  
Deputy City Attorney II  
Fire Marshal  
Fleet Manager  
Golf Services Manager  
Parks Operations Superintendent  
Parks Planning and Development Manager  
Police Records Manager  
Recreation Superintendent  
Risk Manager  
Solid Waste Program Manager  
Streets Engineer  
Transit Manager  
Urban Forestry Superintendent  
Wastewater Collections Superintendent  
Water Superintendent |
<table>
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</table>
| 442   | Customer Services Division Manager  
       | Information Services Manager  
       | Manager of Budget and Financial Analysis  
       | Supervising Building Inspector  
       | Supervising Construction Inspector |
| 443   | Senior Deputy City Attorney I       |
| 444   | Business Development Manager  
       | Deputy Chief Building Official  
       | General Services Manager  
       | Principal Planner |
| 445   | Accounting Division Manager  
       | Housing and Neighborhoods Division Manager |
| 446   | Water Quality Control Superintendent |
| 447   | Assistant to City Manager  
       | Chief Building Official  
       | Planning Division Manager  
       | Senior Civil Engineer  
       | Traffic Engineer |
| 448   |                                            |
| 449   | Senior Deputy City Attorney II       |
| 450   |                                            |
| 451   |                                            |
| 452   | Deputy Director – Cultural and Enterprise Services  
       | Deputy Director – Engineering and Transportation  
       | **Deputy Director – Operations and Maintenance**  
       | Deputy Director – Recreation and Neighborhoods |
| 453   |                                            |
| 455   | Assistant City Attorney               |
A RESOLUTION ADOPTING A REVISED DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM FOR FEDERALLY FUNDED STREET PROJECTS

WHEREAS, the Federal Government has adopted Federal Regulation 49 CFR Part 26, which mandates that the City adopt a DBE Program to be eligible to receive Federal Highway Funds, and

WHEREAS, Caltrans has tentatively approved the draft City of Modesto DBE Program for Federally Funded Streets Projects, contingent upon Council adopting the program, and

WHEREAS, the City of Modesto has requested public comments, and none were received, and

WHEREAS, the DBE Program was presented to the Transportation Policy Committee on September 20, 2001, who recommended its approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City of Modesto DBE Program for Federally Funded Streets Projects is hereby adopted.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING THE CITY MANAGER TO PAY UP TO $4,000 FOR PARTICIPATION IN THE UNIFIED CERTIFICATION PROGRAM (UCP)

WHEREAS, the Federal Government has adopted Federal Regulation 49 CFR Part 26, which mandates that the City participate in the California Unified Certification Program (UCP) in order to continue to receive Federal Highway Funding, and

WHEREAS, the California UCP Board screens and certifies potential disadvantaged business contractors, and

WHEREAS, the California UCP Board has estimated that the City portion of the annual cost is $2,000, and

WHEREAS, the City anticipates the annual cost to increase in the future, and

WHEREAS, the City’s participation in the Unified Certification Program (UCP) was presented to the Transportation Policy Committee on September 20, 2001, who recommended approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager is authorized to pay up to $4,000 for participation in the Unified Certification Program.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
       Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-534

A RESOLUTION ACCEPTING THE BID OF ACTION TARGET, INC. FOR THE POLICE SHOOTING RANGE.

WHEREAS, the bids received for the Police Shooting Range were opened at 11:00 a.m. on May 8, 2001, and later tabulated by the Engineering & Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering & Transportation Director has recommended that the bid of Action Target, Inc., be accepted as the lowest responsible bid for a total amount of $95,134.25,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Action Target, Inc., in the amount of $95,134.25 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute the contract for completion of the project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, 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, Friedman, Frohman, Serpa, Smith Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JHAN ZAHRI, City Clerk

APPROVED AS TO FORM:

BY: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-535

A RESOLUTION AUTHORIZING THE DIRECTOR OF ENGINEERING AND TRANSPORTATION TO ISSUE A CONTRACT CHANGE ORDER FOR ADDITIONAL CONCRETE AND ELECTRICAL WORK FOR THE POLICE OUTDOOR SHOOTING RANGE EQUIPMENT PROJECT

WHEREAS, the Outdoor Shooting Range is a portion of the City of Modesto Police Training Center, and

WHEREAS, a concrete pad and electrical conduit must be installed prior to the installation of the target system, and

WHEREAS, a contract change order to the shooting range equipment contract must be issued before the targets can be installed, and

WHEREAS, the low bidding contractor Action Target, Inc., can fully complete the concrete pad and electrical conduit installation,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the Director of Engineering and Transportation is authorized to negotiate and issue a contract change order for the installation of a concrete pad and electrical conduit.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

10/16/01/E&T/D Phillip 2001-535
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-536

A RESOLUTION DECLARING SURPLUS AND DONATING THE OLD MILL
CAFE COUNTER AND COUNTER STOOLS TO MODESTO CITY SCHOOLS.

WHEREAS, Modesto City Schools has requested the use of the counter and counter
stools as part of a stage for a performing arts program, and

WHEREAS, due to the potential for damage to the counter and counter stools, it was
determined that the counter and counter stools should be donated to Modesto City Schools, and

WHEREAS, Howard M. Johnson, ASA, performed an appraisal of equipment and
furnishings, and

WHEREAS, the estimated salvage value of the counter and counter stools is $160.00,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the
counter and counter stools, salvage valued at $160.00, be donated to Modesto City Schools.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 16th day of October, 2001, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jeann Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

10/16/01/Finance/L. Martinez

2001-536
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-537

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT BIDS FOR NETWORK INFRASTRUCTURE UPGRADES.

WHEREAS, the City of Modesto has deemed it necessary to purchase network infrastructure upgrades, and

WHEREAS, the estimated cost for the network infrastructure upgrades is $102,000.00, and

WHEREAS, the Purchasing Supervisor will formally solicit bids for the network infrastructure upgrades.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the solicitation of bids for network infrastructure upgrades is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, 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, Friedman, Frohman, Serpa, Smith
        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. 2001-538

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO PURCHASE THE NETWORK INFRASTRUCTURE UPGRADES FROM THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER.

WHEREAS, the City of Modesto has deemed it necessary to purchase network infrastructure upgrades, and
WHEREAS, the estimated cost for the network infrastructure upgrades is $102,000.00, and
WHEREAS, the Purchasing Supervisor will formally solicit bids for the network infrastructure upgrades, and
WHEREAS, the Purchasing Supervisor will purchase the network infrastructure upgrades from the lowest responsive and responsible bidder.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of the network infrastructure upgrades from the lowest responsive and responsible bidder is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, 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, Friedman, Frohman, Serpa, Smith  
       Mayor Sabatino

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  Jean Zahr  
         JEAN ZAHR, City Clerk

APPROVED AS TO FORM:  
By:  Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-539

A RESOLUTION APPROVING TWO LEASE AGREEMENTS WITH THE FEDERAL AVIATION ADMINISTRATION (FAA) FOR USE OF AIRPORT PROPERTY WHERE THE INSTRUMENT LANDING SYSTEM LOCALIZER AND GLIDE SLOPE AND THE RIGHT-OF-WAY TO THE FACILITY SITES ARE LOCATED, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE LEASES ON BEHALF OF THE CITY

WHEREAS, the Modesto City-County Airport is equipped with an Instrument Landing System (ILS) to serve Runway 28R, and it allows continued air carrier and general aviation flights during times of reduced visibility, and

WHEREAS, the ILS at Modesto City-County Airport is owned, operated, and maintained by the FAA, and the system has been in operation since it was first installed in the 1970’s, and

WHEREAS, the FAA’s existing leases for the property sites of the localizer and the glide slope have expired, and the use of the property has been on a month-to-month tenancy basis since their expiration, and

WHEREAS, the FAA is interested in renewing the leases on a non-monetary basis, and has requested the City to approve new leases with a term commencing on October 1, 2000, and expiring on September 30, 2020, or until either party gives the other written notice that they wish to terminate the lease prior to their expiration date, and

WHEREAS, the Transportation Policy Committee considered the leases at the September 20, 2001, meeting and recommended their approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the lease agreements with the FAA for the use of the airport’s property where the ILS localizer and glide slope, and the utility right-of-ways to the sites are located.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute the leases on behalf of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001 by Councilmember Smith, 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, Friedman, Frohman, Serpa, Smith

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-540

A RESOLUTION APPOINTING A THREE-MEMBER APPEALS BOARD TO CONSIDER AN APPEAL OF THE CFD ADMINISTRATOR’S DETERMINATION OF THE AMOUNT OF TAX DUE ON LOTS IN THE CENTER COURT SUBDIVISION

WHEREAS, Counsel for the developer of the Center Court Subdivision in Village One has requested an appeal of the tax calculation of Community Facilities District taxes due in the Center Court Subdivision located in Community Facilities District No. 1996-1, and

WHEREAS, the Public Report applicable to Community Facilities District No. 1996-1 provides for the appointment of an Appeals Board to hear appeals of Community Facilities District tax calculations,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does appoint that certain committee of the City Council denominated the Community Development & Housing Committee as the Appeals Board to hear the tax issues brought before the appeals board, and to fix the appropriate tax.

BE IT FURTHER RESOLVED that the proceedings before the Appeals Board shall be in the nature of a quasi-judicial administrative fact-finding hearing, requiring the presentation of evidence through witnesses, documents, and other appropriate means, recorded by a licensed court reporter. The rules of evidence shall not be strictly enforced, but rather, information deemed reliable by the Board shall be admitted and the appropriate weight given to the evidence by the Board in its discretion. Trial briefs may be presented at the time and place of the Appeals Board hearing, and the Board shall provide its written determination with respect to the issues presented no later than the sixtieth day following the submission of the issues to the Board by both parties. The Board may have benefit of counsel to advise it on procedural matters in the event it so desires. Both the CFD and the complainant may have representatives at the hearing of their own choosing.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

(Seal)

**ATTEST:**

JEAN ZAHR
City Clerk

(SEAL)

**APPROVED AS TO FORM:**

By

MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING THE FISCAL YEAR 2001/02 BUDGET TO TRANSFER FUNDS FROM THE ASSET FORFEITURE TRUST FUND TO THE GENERAL FUND - POLICE OPERATIONS FOR THE PURCHASE OF THREE NEW CANINES.

WHEREAS, there are currently three vacancies in officer/handlers on the Police Department Canine Unit due to retirements of the dogs, and

WHEREAS, the Police Department has purchased three replacement canines at Orchard Knoll Kennels in North Carolina, and

WHEREAS, costs, including travel to the kennel and air transport of the dogs, for the replacement of these canines is $12,500, and

WHEREAS, the Asset Forfeiture Trust Fund has monies available for this purchase, and

WHEREAS, at its meeting on September 6, 2001, the Public Safety Committee unanimously supported purchase of the three canines and the transfer of funds for the expenses,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the 2001/02 Annual Budget is hereby amended as indicated below:

Appropriate:
To: 0100-190-1961-5297 $12,500 Police Field Operations

Revenue:
From: 0100-190-1961-7202 $12,500 Seized Forfeitures

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith

Mayor Sabatino

NOES:  Councilmembers: None

ABSENT: Councilmembers: None

(Seal)

APPROVED AS TO FORM:

By: [Signature]
MICHAEL D. MILICH, City Attorney

ATTEST: [Signature]
SEAN ZAHN, City Clerk

10/23/01/Police/T Atchley -2- 2001-541
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-542

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THE CALIFORNIA CONSERVATION CORPS, DELTA SERVICE DISTRICT, FOR THE PURPOSE OF UTILIZING CORPSMEMBERS AND STAFF TO WORK ON VARIOUS PROJECTS THAT PROTECT, ENHANCE, AND BEAUTIFY THE COMMUNITY, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, the City of Modesto has adopted a Strategic Plan which includes as a goal the establishment of a California Conservation Corps (CCC) crew in Greater Modesto, and

WHEREAS, the CCC recently adopted a policy change allowing for “Satellite Operation Centers,” allowing crews to live and work in local areas, such as Modesto, and

WHEREAS, the use of CCC crews provides the City with much-needed support for beautification projects and as a source of labor in emergency situations, and

WHEREAS, the City Council on June 19, 2001, adopted Ordinance No. 3226-C.S. approving the FY 2001-2002 Operating Budget that included funding for the establishment of a CCC crew presence in Greater Modesto,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and the California Conservation Corps, Delta Service District, for the purpose of utilizing corps members and staff to work on various projects that protect, enhance, and beautify the community is hereby approved.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute said agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duty seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney

APPROVED AS TO FORM:

By: 

STANLEY FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-543

A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO RECOGNIZE ADDITIONAL REVENUE FROM THE SEWER FUND RESERVE TO FUND SETTLEMENT OF CLAIMS FILED BY MAULDIN-DORFMEIER CONSTRUCTION, INC. FOR CONSTRUCTION OF THE PARALLEL OUTFALL PHASE III AND COFFEE ROAD AND CLARATINA AVENUE SANITARY SEWER SUBTRUNK AND SEWER LIFT STATION – NORTH BEYER PARK NEIGHBORHOOD PROJECTS

WHEREAS, on August 12, 1997, the City Council awarded a $3,667,505.00 contract to Mauldin-Dorfmeier Construction, Inc. for the project entitled “Parallel Outfall Phase III”, and

WHEREAS, the Contractor filed a claim in the amount of $575,000.00 for additional construction costs related to the removal of groundwater, soil stabilization, delays and damages, and

WHEREAS, on June 6, 2000, City Council accepted the improvements entitled “Parallel Outfall Phase III”, and

WHEREAS, on August 12, 1997, the City Council awarded a $794,082.00 contract to Mauldin-Dorfmeier Construction, Inc. for the project entitled “Coffee Road and Claratina Avenue Sanitary Sewer Subtrunk and Sewer Lift Station – North Beyer Park Neighborhood”, and

WHEREAS, the Contractor filed a claim in the amount of $63,000.00 for additional construction costs related to the removal of groundwater, delays, modifications to the plans and bypass pumping, and

WHEREAS, on June 6, 2000, City Council accepted the improvements entitled “Coffee Road and Claratina Avenue Sanitary Sewer Subtrunk and Sewer Lift Station – North Beyer Park Neighborhood, and

WHEREAS, on March 27, 2001, City Council authorized the City Attorney to execute an agreement for Legal Services with the Law Firm of Davidovitz and Bennett to defend the City against these claims, and
WHEREAS, plaintiff and defendant agreed to mediate said construction claims to settle the lawsuits, and

WHEREAS, on October 16, 2001, City Council, in closed session, approved the October 1, 2001, mediated settlement in the amount of $437,500,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current Capital Improvement Budget for the “Parallel Outfall Phase III” project to increase the amount of revenue in 623-480-J889-6040 by $369,900, transferred from Sewer Fund Reserves, thereby increasing the budgeted amount for construction by $369,900, and further authorizes an amendment to the current Capital Improvement Budget for the “Coffee Road and Claratina Avenue Sanitary Sewer Subtrunk and Sewer Lift Station, North Beyer Neighborhood” project to increase the amount of revenue in 621-480-H818-6040 by $80,100, transferred from Sewer Fund Reserves, thereby increasing the budgeted amount for construction by $80,100.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd of October, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

10/23/01 / E&T / R Granberg 2001-543
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-544

A RESOLUTION AUTHORIZING STAFF TO SOLICIT PROPOSALS FOR A FIVE-YEAR CONTRACT TO OPERATE THE MODESTO AREA EXPRESS BUS SERVICE

WHEREAS, the existing agreement with Laidlaw Transit to operate the Modesto Area Express (MAX) bus service expires May 31, 2002, and
WHEREAS, the City wishes to continue providing bus service to the citizens of Modesto, and
WHEREAS, the Federal Transit Administration (FTA) requires that bus service contracts be rebid every five years, and
WHEREAS, by an agenda report to the City Council dated October 10, 2001, from the Engineering and Transportation Director, solicitation of proposals for a new five-year MAX operations contract was recommended, and
WHEREAS, on September 20, 2001, the Transportation Policy Committee reviewed this proposal and recommended the solicitation of proposals for MAX bus service,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that City staff is hereby authorized to solicit proposals for a five-year contract for the operation of the MAX bus service.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

[Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-545

A RESOLUTION APPROVING A TWENTY-FOUR MONTH AGREEMENT BETWEEN THE CITY OF MODESTO AND THE McHENRY MANSION TO PROVIDE FUNDING FOR A 1,000 HOUR EMPLOYEE TO SERVE AS THE MANSION GIFT STORE EMPLOYEE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT

WHEREAS, the McHenry Mansion Foundation (Foundation) desires to provide funding for a 1,000 hour employee to serve at the McHenry Mansion Gift Store, and

WHEREAS, in addition to providing funding for salary and benefits for said employee, the Foundation will provide an additional 7% for administrative costs, and

WHEREAS, the Human Services Committee, at its October 3, 2001 meeting, supported approval of the agreement,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the twenty-four month agreement with the McHenry Mansion Foundation to provide funding for a 1,000 hour McHenry Mansion Gift Store employee.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

10/23/01/PR&N/W Mathes 2001-545
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-546

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 OPERATING BUDGET TO ESTIMATE $12,616 IN REVENUE TO 0100-360-3613-4085, SALARY REIMBURSEMENT AGREEMENT, AND TO APPROPRIATE $12,616 IN EXPENDITURES TO VARIOUS OBJECTS IN ORGANIZATION 3613, McHENRY MANSION

WHEREAS, the McHenry Mansion Foundation (Foundation) desires to provide funding for a 1,000 hour employee to serve at the McHenry Mansion Gift Store, and

WHEREAS, in addition to providing funding for salary and benefits for said employee, the Foundation will provide an additional 7% for administrative costs, and

WHEREAS, the Human Services Committee, at its October 3, 2001 meeting, supported approval of the salary reimbursement agreement for funding of said employee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the fiscal year 2001-02 Operating Budget to estimate $12,616 in revenue from the McHenry Mansion Foundation to 0100-360-3613-4085, Salary Reimbursement Agreement, and to appropriate $12,616 in expenditures to: 0100-360-3613-0140, Salaries and Wages, Part-time ($10,817); 0100-360-3613-0189, Benefits, Part-time ($974); and, 0100-360-3613-0235, Services, Professional & Other ($825).
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: [Signature]
JEAN ZAHK, City Clerk

APPROVED AS TO FORM:

By: [Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-547

A RESOLUTION APPROVING THE SUBMISSION OF AN APPLICATION FOR GRANT FUNDS IN THE AMOUNT OF $250,000 FOR THE ROBERTI-Z'BERG-HARRIS URBAN OPEN SPACE AND RECREATION PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000 FOR THE ACQUISITION OF THE 4.1 ACRE FAIRWAY NEIGHBORHOOD PARK SITE AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE APPLICATION.

WHEREAS, the people of the State of California have enacted the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, which provides funds for the Roberti-Z'berg-Harris Open Space and Recreation Program, and

WHEREAS, the Legislature of the State of California has enacted the Roberti-Z'berg-Harris Open Space and Recreation Program, which provides funds to certain political subdivisions of the State of California for acquiring lands and for developing facilities to meet urban recreational needs, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the program and the grant project shown above within the State, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Applicant’s Governing Body to certify by resolution the approval of the Application before submission of said Application to the State, and

WHEREAS, the Applicant will enter into a Contract with the State of California for the Project, and

WHEREAS, the Human Services Committee met on October 3, 2001, and supported submission of a grant application for $250,000, with the required $107,145 match to be provided from Community Development Block Grant funds,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby:
1. Approves the filing of an application for local assistance funds from the Roberti-Z'berg-Harris Open Space and Recreation Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 in the amount of $250,000; and

2. Certifies that the City of Modesto has or will have sufficient funds to operate and maintain the Project; and

3. Certifies that the City of Modesto has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and

4. Appoints the City Manager as agent to conduct all negotiations, execute and submit all documents including, but not limited to, Applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: ____________________________
LEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: ____________________________
MICHAEL D. MILICH, City Attorney
A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS IN THE AMOUNT OF $120,000 FOR THE URBAN RECREATION AND CULTURAL CENTERS, MUSEUMS, AND FACILITIES FOR WILDLIFE EDUCATION OR ENVIRONMENTAL EDUCATION PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR, AND COASTAL PROTECTION BOND ACT OF 2000 FOR PREPARATION OF PLANNING DOCUMENTS FOR AN EXHIBIT AT THE McHENRY MUSEUM AND AUTHORIZING THE CITY MANAGER TO EXECUTE APPLICATION DOCUMENTS

WHEREAS, the people of the State of California have enacted the Urban Recreational and Cultural Centers, Museums, and Facilities for Wildlife Education or Environmental Education Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, which provides funds to the State of California for grants to cities, counties, non-profit organizations and federally recognized California Indian Tribes, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the Program within the state and the grant project shown above, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Applicant’s Governing Body to certify by resolution the approval of the Application before submission of said Application to the State, and

WHEREAS, the Applicant will enter into a Contract with the State of California for the Project, and

WHEREAS, the Human Services Committee met on October 3, 2001, and supported submission of the grant application,

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

1. Approves the filing of an application for local assistance funds from the Urban Recreational and Cultural Centers, Museums, and Facilities for Wildlife Education or Environmental Education Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 in the amount of $120,000; and
2. Certifies that the City of Modesto has or will have sufficient funds to operate and maintain the Project; and

3. Certifies that the City of Modesto has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and

4. Appoints the City Manager as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

10/23/01/PR&N/ R Jackson -2-  2001-548
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-549

A RESOLUTION APPROVING AN AGREEMENT WITH FLORSHEIM BROTHERS, INC. FOR ACQUISITION OF THE 9.44 ACRE COFFEE/CLARATINA NEIGHBORHOOD PARK/DUAL USE SITE AND AUTHORIZING THE CITY MANAGER TO EXECUTE RELATED DOCUMENTS.

WHEREAS, the Parks, Recreation and Neighborhoods Department is given the charge of acquiring and developing parks in the Modesto Urban Area General Plan (the plan) and in the Specific Plan for Coffee/Claratina, and

WHEREAS, the plan calls for the development of a new neighborhood park in the Coffee/Claratina Specific Plan, and in order to fulfill this charge it is necessary to acquire 7.94 acres of land, and

WHEREAS, by Resolution No. 2000-632, the City Council adopted the Dual Use Park/Storm Water Guidelines, which call for another 1.5 acres, and

WHEREAS, staff has identified property as meeting the criteria of the plan, and

WHEREAS, the developer will provide the 1.5 acres for the storm drainage basin, and

WHEREAS, the cost of acquisition of the 7.94 acres for a park site is $952,800.00, and

WHEREAS, funds are included in the Capital Improvement Plan, in Fund 1350, Parks Capital Facilities Fees Fund, project 1350-310-L002, Northeast McHenry Neighborhood Park Acquisition, and

WHEREAS, on several occasions, the Human Services Committee discussed the Dual Use Park/Storm Water Guidelines, at which time the proposed site was also discussed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement with Florsheim Brothers, Inc. for acquisition of the Coffee/Claratina Neighborhood Park/Dual Use Site for $952,800.00.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: 

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: 

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-550


WHEREAS, the Modesto City Council has adopted Resolution No. 95-408 certifying that the Modesto Urban Area General Plan Master Environmental Impact Report ("MEIR") (State Clearing House No. 92052017) is complete and adequate pursuant to Section 15090 of the California Environmental Quality Act (CEQA) Guidelines, and

WHEREAS, the City of Modesto desires to acquire 9.44 acres of land for the Coffee/Claratina Neighborhood Park/Dual Use Site, in accordance with the Modesto Urban Area General Plan, and

WHEREAS, staff has identified Florsheim Brothers, Inc. as a willing seller, and

WHEREAS, City staff has prepared an Initial Study, Environmental Assessment No. EA/PR&N 0107, which concluded that the proposed project is within the scope of the Modesto Urban Area General Plan MEIR (SCH No. 92052017)

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has hereby reviewed and considered Environmental Assessment No. EA/R&N 0107, entitled "City of Modesto Initial Study Coffee/Claratina Neighborhood Park/Dual Use Site Acquisition and Future Construction Phases", for the proposed project and the Council hereby makes the following findings:
1. As per Sections 15168 (c) and 15182 of the California Environmental Quality Act (CEQA) Guidelines, this project is within the scope of the projects covered by the Modesto Urban Area General Plan MEIR, and no new environmental documents or findings are required by CEQA.

2. The project will have no new effects which were not examined in the Modesto Urban Area General Plan MEIR and no new mitigation measures would be required.

3. There are no substantial changes proposed within the project which will require major revisions of the Modesto Urban Area General Plan MEIR.

4. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Modesto Urban Area General Plan MEIR.

5. No new information, which was not known and could not have been known at the time that the Modesto Urban Area General Plan MEIR was certified as complete, has become available.

6. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Modesto Urban Area General Plan MEIR will be sufficient for this project.

7. All feasible mitigation measures set forth in the Modesto Urban Area General Plan MEIR which are appropriate to the project shall be incorporated in the project.

8. The Initial Study, Environmental Assessment No. EA/PR&N 0107, provides the substantial evidence to support finding 1-7 above.

A copy of said Environmental Assessment No. EA/PR&N 0107, entitled “City of Modesto Initial Study Coffee/Claratina Neighborhood Park/Dual Use Site Acquisition and Future Construction Phases”, is attached hereto as Exhibit “A”, and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-551

A RESOLUTION ACCEPTING THE BID OF CUNNINGHAM & SONS, INC. FOR THE PROJECT TITLED “2001-2002 ROCKWELL AND CATCH BASIN REPLACEMENT / ADDITION”

WHEREAS, the bids received for “2001-2002 ROCKWELL AND CATCH BASIN REPLACEMENT / ADDITION” were opened at 11:00 a.m. on October 9, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $509,258.00 received from Cunningham & Sons, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $509,258.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-522


WHEREAS, THE city Council desires to approve retroactive pay to current and former Fire Department employees for First Responder and Emergency Medical Technician incentive on overtime worked between July 4, 1989, and July 17, 2001,

NOW, THEREFORE, BE IT RESOLVED BY THE council of the City of Modesto that the Fiscal Year 2001-02 Operating Budget is hereby amended to transfer $323,740.52 from the General Fund Reserve, 0100-800-8000-8003 to 0100-0180-1832-0139, Fire Department, Emergency Operations Division, EMT Payback.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-553

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF DAVID CHASE FROM THE CITIZENS ADVISORY COMMITTEE ON RECYCLING, EFFECTIVE OCTOBER 23, 2001

WHEREAS, DAVID CHASE was appointed a member of the Citizens Advisory Committee on Recycling on September 17, 1995; and

WHEREAS, DAVID CHASE has tendered his resignation from the Citizens Advisory Committee on Recycling, effective October 23, 2001; and

WHEREAS, DAVID CHASE has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of DAVID CHASE from the Citizens Advisory Committee on Recycling be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to DAVID CHASE for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR
City Clerk

10/23/01/CMO/E Puckett 2001-553
A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF MARK PETERS FROM THE AIRPORT ADVISORY COMMITTEE, EFFECTIVE OCTOBER 23, 2001

WHEREAS, MARK PETERS was appointed a member of the Airport Advisory Committee on May 18, 1999; and
WHEREAS, MARK PETERS has tendered his resignation from the Airport Advisory Committee, effective October 23, 2001; and
WHEREAS, MARK PETERS has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of MARK PETERS from the Airport Advisory Committee be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to MARK PETERS for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: ___________________________
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-555

A RESOLUTION WAIVING FORMAL BID PROCEDURES BY FIVE (5) AFFIRMATIVE VOTES AND AUTHORIZING THE PURCHASE OF DELL COMPUTERS FROM DELL MARKETING, LP, FOR FISCAL YEAR 2001-2002 UTILIZING THE WESTERN STATES CONTRACTING ALLIANCE THROUGH THE STATE OF CALIFORNIA DEPARTMENT OF GENERAL SERVICES FOR AN ESTIMATED TOTAL COST OF $353,000.00.

WHEREAS, the City of Modesto has deemed it necessary to purchase personal computers, and
WHEREAS, there is an existing contract in place through the State of California Department of General Services which utilizes the Western States Contracting Alliance competitive contract, and
WHEREAS, the City of Modesto Municipal Code allows for this action in Section 8-3.203 (b).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the purchase of personal computers from Dell Marketing LP in the estimated amount of $353,000.00, is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-556

A RESOLUTION APPOINTING A CITY COUNCIL MEMBER TO THE GOVERNING BOARD OF THE PACIFIC HOUSING AND FINANCE AGENCY AND APPOINTING A STAFF PERSON AS ALTERNATE

WHEREAS, Pacific Housing and Finance Agency (Agency) is a coalition of California cities and counties that have joined together to help individuals who can afford a monthly house payment, but lack enough savings to pay for additional costs associated with buying a home, and

WHEREAS, by Resolution No. 2001-516, on October 2, 2001, the City Council approved a Joint Exercise of Powers Agreement with Pacific Housing and Finance Agency, and

WHEREAS, said agreement requires the City of Modesto to appoint a representative to serve on the governing board of the Agency, and

WHEREAS, staff has recommended that the representative should be a member of the Modesto City Council, and

WHEREAS, staff has further recommended that a staff alternate also be appointed,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby appoints Council Member Frohman to serve as representative.

BE IT FURTHER RESOLVED that the City Council appoints City Manager Jack Crist or his designee as alternate representative.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

Attest: ____________________________
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: ____________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-557

A RESOLUTION DENYING APPLICATION SUBMITTED BY THE AMERICAN G.I. FORUM FOR USE OF 308 RUBERTO STREET AND DIRECTING STAFF TO HAVE THE BUILDINGS DEMOLISHED AND THE PROPERTY SOLD ON THE OPEN MARKET

WHEREAS, the City owns the property located at 308 Ruberto Street in Modesto, California, and

WHEREAS, on September 4, 2001, the City Council adopted Resolution No. 2001-439 authorizing staff to request new proposals from three non-profit agencies for use of the property, and

WHEREAS, staff received only one proposal by the deadline of September 14, 2001, from American G.I. Forum, and said proposal was incomplete, and

WHEREAS, staff is now recommending denying that proposal, demolishing the buildings on the property and selling the property, and

WHEREAS, the Citizens Housing and Community Development Committee met on September 28, 2001, and supported the recommendations to deny the application, demolish the buildings and sell the property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby denies the application submitted by the American G.I. Forum for use of the City-owned property at 308 Ruberto Street.

BE IT FURTHER RESOLVED that staff is hereby directed to have the buildings demolished and to sell the property on the open market.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of October, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Mayor Sabatino, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Frohman, Serpa, Smith, Mayor Sabation

NOES: Councilmembers: Fisher, Friedman

ABSENT: Councilmembers: None

Attest:  

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By:  

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-558

RESOLUTION ADOPTING THE 2001-2004 STRATEGIC PLAN AND VISION

WHEREAS, in September 2000, Council and staff embarked on a strategic planning process to develop a Vision and Strategic Plan for the City, and
WHEREAS, the Vision forms the foundation for the Strategic Plan, and
WHEREAS, the Vision and Strategic Plan build upon previous visioning and planning efforts on the part of the City, and
WHEREAS, the City's organization structure has been realigned to reflect the City's Vision and Strategic Plan, and
WHEREAS, on June 18, 2001, Council held a Workshop to review the draft Strategic Plan and Vision, and
WHEREAS, since that time, numerous public presentations have been made to receive comments on the Vision and Strategic Plan, and
WHEREAS, the Vision and Strategic Plan have been refined based upon public comments received during the review process,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the 2001 – 2004 Strategic Plan and Vision, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 2001, 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, Friedman, Frohman, Smith, Mayor Sabatino

NOES: Councilmembers: Serpa

ABSENT: Councilmembers: None

ATTEST:  
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-559

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF STEVEN BARBIERI FROM THE COMMUNITY QUALITIES FORUM, EFFECTIVE NOVEMBER 7, 2001

WHEREAS, STEVEN BARBIERI was appointed a member of the Community Qualities Forum on October 17, 2000; and

WHEREAS, STEVEN BARBIERI has tendered his resignation from the Community Qualities Forum, effective November 7, 2001; and

WHEREAS, STEVEN BARBIERI has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of STEVEN BARBIERI from the Community Qualities Forum be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to STEVEN BARBIERI for his outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-560

A RESOLUTION ADOPTING REVISIONS TO THE STANDARD
SPECIFICATIONS OF THE CITY OF MODESTO

WHEREAS, Section 4-4.801 of the Modesto Municipal Code provides for the adoption
by the City Council of “Standard Specifications of the City of Modesto”, said Standard
Specifications to be prepared by the Engineering and Transportation Department and
recommended by the Planning Commission, and

WHEREAS, the Engineering and Transportation Department, Development Services
Division, has recommended revisions, which include additions, deletions, or revisions to the
Standard Specifications, which are contained in the document titled “2001 Proposed Revisions,
Standard Specifications of the City of Modesto”, and

WHEREAS, the proposed revisions are to accomplish correcting grammatical errors,
clarifying existing text and drawings, updating to including the current editions of standards,
tests and materials already required by the standards, and, adding policies and procedures which
have already been established by the Engineering and Transportation Department, and

WHEREAS, the proposed revisions were considered by the Construction Industry
Liaison Committee and notices of an informal public hearing by the Planning Commission to
consider the proposed revisions were sent to the Building Industry Association, Board of
Realtors, Stanislaus County Public Works, and local developers, engineers, and utility
companies, and

WHEREAS, the Planning Commission, by Resolution No. 2001-58, adopted on
September 17, 2001, recommended to the City Council the adoption of revisions to the Standard
Specifications of the City of Modesto as incorporated in the document titled “2001 Proposed
Revisions, Standard Specifications of the City of Modesto”, copies of which are on file in the
offices of the Engineering and Transportation Director and the Secretary of the Planning
Commission, and
WHEREAS, said proposed revisions to the Standard Specifications of the City of Modesto, as prepared by the Engineering and Transportation Director and recommended by the Planning Commission, were considered by the City Council at its regular meeting on October 2, 2001, at which time the Council determined that the proposed revisions to the Standard Specifications of the City of Modesto, as recommended by the Planning Commission, should be adopted as the Standard Specifications of the City of Modesto,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that pursuant to the provisions of Section 4-4.801 of the Modesto Municipal Code, those certain revisions to the “Standard Specifications of the City of Modesto, 2001”, copies of which revisions are on file in the offices of the Engineering and Transportation Director and the Secretary of the Planning Commission, are hereby adopted as revisions to the Standard Specifications of the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk
A RESOLUTION ACCEPTING IMPROVEMENTS IN CRAWFORD ESTATES SUBDIVISION, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, SHERWOOD FOREST ESTATES, INC., a California Corporation, KENT W. CRAWFORD and LISA CRAWFORD, husband and wife as Community Property, and PHILLIP AUSTIN and IDA AUSTIN, husband and wife as Joint Tenants, subdividers of Crawford Estates subdivision, have filed irrevocable letters of credit to secure faithful performance and payment for labor and materials in the amount of $83,943.00 and $41,971.50, respectively, and,

WHEREAS, SHERWOOD FOREST ESTATES, INC., a California Corporation, KENT W. CRAWFORD and LISA CRAWFORD, husband and wife as Community Property, and PHILLIP AUSTIN and IDA AUSTIN, husband and wife as Joint Tenants, has filed a warranty bond in the amount of $8,394.30 to guarantee improvements in CRAWFORD ESTATES subdivision; and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department; and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods.

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

1. The improvements in Crawford Estates Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $83,943.00 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $41,971.50 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty to guarantee improvements in the amount of $8,394.30 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JAN ZAHN City Clerk
A RESOLUTION ACCEPTING IMPROVEMENTS IN GENERATIONS SUBDIVISION, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California Corporation, Partner, subdividers of Generations subdivision, have filed irrevocable letters of credit to secure faithful performance and payment for labor and materials in the amount of $843,671.73 and $421,835.86, respectively, and,

WHEREAS, FLORSHEIM BROS., a California General Partnership, by Florsheim Properties, a California Corporation, Partner, has filed a warranty bond in the amount of $84,367.17 to guarantee improvements in GENERATIONS subdivision; and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department; and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods.

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

1. The improvements in Generations Subdivision are hereby accepted.
2. The City Clerk is hereby authorized to release the bond for faithful performance in the amount of $843,671.73 upon recordation of the notice of completion.
3. The City Clerk is hereby authorized to release the bond for labor and materials in the amount of $421,835.86 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $84,367.17 one year and one day following the effective date of this resolution, provided no claim is made thereon.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
          Mayor Sabatino

NOES:    Councilmembers: None

ABSENT:  Councilmembers: None

ATTEST:  

[Signature]
JEAN ZAHR, City Clerk
A RESOLUTION AUTHORIZING STAFF TO SOLICIT REQUESTS FOR QUALIFICATIONS (RFQs) AND REQUESTS FOR PROPOSALS (RFPs) TO SELECT A CONSULTANT ENGINEER FOR THE DESIGN OF THE REPLACEMENT OF THE 9TH STREET STORM DRAIN

WHEREAS, the 9th Street Storm Drain was originally constructed in the early 1920's, and
WHEREAS, additional tributary drainage has been added to the storm drain system over the years, and
WHEREAS, the existing storm drain system on 9th Street is substantially undersized, causing localized flooding, and
WHEREAS, the Union Pacific Railroad track will soon be removed, and
WHEREAS, Cal Trans has scheduled construction of a new layer of asphalt concrete on 9th Street in 2004, and
WHEREAS, completing the storm drain installation prior to the Caltrans overlay will eliminate the need for a large utility cut on the new asphalt pavement, and
WHEREAS, City staff does not have the personnel hours available to design the replacement of the 9th Street Storm Drain,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that City Staff is hereby authorized to solicit Requests for Qualifications and Requests for Proposals to select a consultant engineer for the design of the replacement of the Ninth Street Storm Drain.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher, Mayor Sabatino

ATTEST: [Signature]
JHAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
MICHAEL D. MILICH, City Attorney
A RESOLUTION AUTHORIZING STAFF TO SOLICIT REQUESTS FOR QUALIFICATIONS (RFQs) AND REQUESTS FOR PROPOSALS (RFPs) TO SELECT AN ARCHITECT FOR THE DESIGN OF FIRE STATION NO. 11 AT THE SOUTHWEST CORNER OF PELANDALE AVENUE AND CARVER ROAD

WHEREAS, there has been rapid growth in the northwest portion of the City, and
WHEREAS, the City wishes to maintain an effective emergency response system, and
WHEREAS, the City has met with the immediate neighbors to the proposed fire station and the proposal received a favorable response, and
WHEREAS, the Public Safety Committee approved the proposed location on January 4, 2001, and
WHEREAS, City staff does not have the expertise nor the personnel hours available to complete the design of Fire Station No. 11 in a timely manner,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Staff is hereby authorized to solicit Requests for Qualifications and Requests for Proposals to select an Architect for the design of Fire Station No. 11 at the southwest corner of Pelandale Avenue and Carver Road.

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney

11/07/01 / E&T / D. Phillips
2001-564
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-565

A RESOLUTION APPROVING AN EMERGENCY PUBLIC WORKS CONTRACT WITH CONCO WEST FOR PUMP REPAIRS MADE TO MUNICIPAL WELL #42 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE CONTRACT.

WHEREAS, the City of Modesto is the owner of Municipal Well #42 which experienced a cave-in in March 2001, and

WHEREAS, said well site is the only well in the northwest area with a back-up generator for use in the case of emergency power outages or rolling black-outs, and

WHEREAS, the northwest area is the site of many homes and businesses that are dependent on the City’s water service, and

WHEREAS, at the time of the cave-in, the State of California was experiencing significant power-related problems including rolling black-outs to customers, and

WHEREAS, it is the City’s obligation to provide and maintain adequate water pressure in this area for public health and safety, and

WHEREAS, City staff, believing the situation to be of an emergency nature, arranged for Conco West to make repairs to Well #42 to bring it back into service, and

WHEREAS, the repair work requested by City staff of Conco West has been done to the City’s satisfaction at a cost of $91,777,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an emergency public works contract with Conco West in the amount of $91,777 for repairs made to Municipal Well #42.

BE IT FURTHER RESOLVED that execution of the Conco West contract by the City Manager or his authorized designee is hereby authorized.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

APPROVED AS TO FORM:

STANLEY FEATHERS, Budget Officer
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-566

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT BIDS FOR WELL REHABILITATION.

WHEREAS, the City of Modesto has deemed it necessary to purchase well rehabilitation, and

WHEREAS, the estimated cost for the well rehabilitation is $80,000.00 annually, and

WHEREAS, the Water Division of the Operations and Maintenance Department has assisted in writing bid specifications and fully supports solicitation of bids, and

WHEREAS, the Purchasing Supervisor will formally solicit bids for the well rehabilitation upon Council approval,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the solicitation of bids for well rehabilitation is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
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. 2001-567

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO FORMALLY SOLICIT BIDS FOR PUMP STATION REJUVENATION.

WHEREAS, the City of Modesto has deemed it necessary to purchase pump station rejuvenation, and

WHEREAS, the estimated cost for the pump station rejuvenation is $500,000.00 annually, and

WHEREAS, the Water Division of the Operations and Maintenance Department has assisted in writing the bid specifications and fully supports solicitation of bids, and

WHEREAS, the Purchasing Supervisor will formally solicit bids for the pump station rejuvenation upon Council approval,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that the solicitation of bids for pump station rejuvenation is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR City Clerk

APPROVED AS TO FORM:
By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-568

A RESOLUTION AMENDING THE CITY POLICY AGAINST HARASSMENT.

WHEREAS, on May 2, 1989, the Council of the City of Modesto adopted Resolution No. 89-529, entitled “A Resolution Adopting a City Policy Against Harassment”; and

WHEREAS, on August 6, 1991, the City Council of Modesto adopted Resolution No. 91-514, amending the City’s harassment policy, entitled “A Resolution Amending the City Policy Against Harassment to Include the Ten Required Bases for Protected Groups”, and

WHEREAS, in accordance with the requirements and guidelines established by the Fair Employment and Housing Act and the Equal Employment Opportunity Act, the City of Modesto desires to further amend the City Policy Against Harassment to add “perceived disability” as a protected status; to provide clarification on types of unacceptable behaviors; and to retitle the policy “City Policy Against Harassment and Discrimination,” and

WHEREAS, on October 15, 2001, the Equal Opportunity and Disability Commission for the City reviewed and recommended adoption of the amended policy by the City Council,

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto hereby adopts the amended “City Policy Against Harassment and Discrimination”, a copy of which is attached hereto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(Seal)
APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
CITY POLICY AGAINST HARASSMENT AND DISCRIMINATION

is the policy of the City of Modesto that harassment is unacceptable and will not be tolerated. Further, it is the policy of the City of Modesto to treat its citizens, customers, and employees with respect and dignity and to strive to provide a working environment free of discrimination and harassment. This policy applies to all employees, officials, agents, and volunteers, and all non-employees who have contact with employees during working hours.

Any City employee who has been found, after an investigation, to have harassed another City employee, official, agent, consultant, or non-employee because of their race, color, ancestry, religion, sex, national origin, marital status, age, physical or mental disability or perceived disability, or sexual orientation will be subject to disciplinary action up to and including termination.

Definition of Harassment
Harassment based on a person’s race, ancestry, religion, sex, national origin, marital status, age, mental or physical disability, or perceived disability, or sexual orientation can constitute a violation of Title VII of the Civil Rights Act, the California Fair Employment Act and the City of Modesto’s Equal Opportunity Policy. Harassment based on a person’s race, color, ancestry, religion, sex, national origin, marital status, age, mental or physical disability, or perceived disability, or sexual orientation occurs when:

1. The focus and/or content of the harassing act is race, color, ancestry, religion, sex, national origin, marital status, age, mental or physical disability, or perceived disability, or sexual orientation;

2. The harassing act tends to create an intimidating, oppressive, hostile or offensive working environment or tends to otherwise interfere with an individual’s emotional well-being or ability to perform work.

Sexual harassment is a form of sex discrimination. It includes an unwelcome or unsolicited sexual advance, a request for sexual favors, and other verbal or physical conduct of a sexual nature, and can constitute a violation of Title VII of the Civil Rights Act and Fair Employment Housing Act.

Examples of Harassment

Written examples include suggestive or obscene letters, notes, and invitations.

Verbal examples include derogatory comments, slurs, jokes, and racial epithets.

Physical examples include assault, touching, impeding or blocking movements.

Visual examples include leering, gestures or displays of sexually suggestive objects or pictures, cartoons or posters.

Other examples include but are not limited to threats of reprisal, implying or actually withholding support for appointments, promotion or transfer, rejection during probation, punitive actions, changes of assignments, or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.

The harassing act may be focused on an individual who is not physically present at the time, or who was present but did not actually see or hear the acts.

Responsibilities

1. The City Manager is responsible for enforcement of the City Policy Against Harassment and Discrimination.

2. The Equal Opportunity Officer is responsible for ensuring that all complaints of harassment are investigated thoroughly and promptly, including presentation of recommendations for any necessary action to the City Manager, Department Director, or Supervisor.

3. Every Department Director is responsible for informing all employees of the City Policy Against Harassment and Discrimination and for taking the steps necessary to set a positive example in the prevention of harassment.

4. Every Supervisor is responsible for taking immediate and appropriate corrective action upon the observation of any incident of harassment or upon receipt of an oral or written report of any occurrence of harassment.

5. Every City Employee is responsible for reporting any act of harassment to the immediate Supervisor or Department Director, or the City’s Equal Opportunity Officer or Personnel Director.

Complaint Resolution Procedures
City employees shall report any act of harassment to their immediate Supervisor or Department Director, or to the City’s Equal Opportunity Officer or the Personnel Director. The Equal Opportunity Officer (or designee) will investigate and attempt resolution of harassment complaints in accordance with the City’s Complaint Process as outlined in the City's Equal Opportunity Plan.
CITY POLICY AGAINST HARASSMENT AND DISCRIMINATION

It is the policy of the City of Modesto that harassment is unacceptable and will not be tolerated. Further, it is the policy of the City of Modesto to treat its citizens, customers and employees with respect and dignity and to strive to provide a working environment free of discrimination and harassment. This policy applies to all employees, officials, agents and volunteers, and all non-employees who have contact with employees during working hours.

Any City employee who has been found, after an investigation, to have harassed another City employee, official, agent, volunteer, consultant or non-employee because of their race, color, ancestry, religion, sex, national origin, marital status, age, physical or mental disability or perceived disability, or sexual orientation will be subject to disciplinary action up to and including termination.

Definition of Harassment

Harassment based on a person's race, ancestry, religion, sex, national origin, marital status, age, mental or physical disability, or perceived disability, or sexual orientation can constitute a violation of Title VII of the Civil Rights Act, the California Fair Employment Act and/or the City of Modesto's Equal Opportunity Policy. Harassment based on a person's race, color, ancestry, religion, sex, national origin, marital status, age, mental or physical disability, or perceived disability, or sexual orientation occurs when:

1. The focus and/or content of the harassing act is race, color, ancestry, religion, sex, national origin, marital status, age, physical or mental disability or perceived disability, or sexual orientation; and,
2. The harassing act tends to create an intimidating, oppressive, hostile or offensive working environment or tends to otherwise interfere with an individual's emotional well being or ability to perform work.

Sexual harassment is a form of sex discrimination. It includes an unwelcome or unsolicited sexual advance, a request for sexual favors, and other verbal or physical conduct of a sexual nature, and can constitute a violation of Title VII of the Civil Rights Act, and Fair Employment Housing Act.

Conduct is considered sexual harassment when:

1. Submission is made an express or implied term or condition of employment; or
2. Submission to or rejection of the harassing act is used as a basis for employment or business decisions affecting an individual; or
3. Such conduct may have the purpose or effect of interfering with an individual's work performance and/or may create an intimidating, hostile or otherwise offensive work or business environment.

Examples of Harassment

- Written examples include suggestive or obscene letters, notes, and invitations.
- Verbal examples include derogatory comments, slurs, jokes, and racial epithets.
- Physical examples include assault, touching, impeding or blocking movements.
- Visual examples include leering, gestures or displays of sexually suggestive objects or pictures, cartoons or posters.

Other examples include but are not limited to threats of reprisal, implying or actually withholding support for appointments, promotion or transfer, rejection during probation, punitive actions, changes of assignments, or suggesting that a poor performance report will be prepared if requests for sexual favors are not met.

The harassing act may be focused on an individual who is not physically present at the time, or who was present but did not actually see or hear the acts.

Responsibilities

1. The City Manager is responsible for enforcement of the City Policy Against Harassment and Discrimination.
2. The Equal Opportunity Officer is responsible for ensuring that all complaints of harassment are investigated thoroughly and promptly, including presentation of recommendations for any necessary action to the City Manager, Department Director, or Supervisor.
3. Every Department Director is responsible for informing all employees of the City Policy Against Harassment and Discrimination and for taking the steps necessary to set a positive example in the prevention of harassment.
4. Every Supervisor is responsible for taking immediate and appropriate corrective action upon the observation of any incident of harassment or upon receipt of an oral or written report of any occurrence of harassment.
5. Every City Employee is responsible for reporting any act of harassment to the immediate Supervisor or Department Director, or the City's Equal Opportunity Officer or Personnel Director.

Complaint Resolution Procedures

City employees shall report any act of harassment to their immediate Supervisor or Department Director, or to the City's Equal Opportunity Officer or the Personnel Director. The Equal Opportunity Officer (or designee) will investigate and attempt resolution of harassment complaints in accordance with the City's Complaint Process as outlined in the City's Equal Opportunity Plan.
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-569

A RESOLUTION AUTHORIZING STAFF TO SOLICIT REQUESTS-FOR-PROPOSALS FOR A STRUCTURAL INVESTIGATION AND COST ESTIMATE OF REMEDIATION ACTIONS OF THE MODESTO COMMUNITY SERVICE CENTER AT 800 E. MORRIS AT A COST NOT TO EXCEED $15,000.

WHEREAS, the City of Modesto owns the Modesto Community Service Center located at 800 E. Morris, and
WHEREAS, the City desires to have a structural investigation completed on the facility, including a cost estimate of remediation actions, and
WHEREAS, the Mayor’s Ad Hoc Committee met on October 10, 2001, and supported staff’s recommendation to solicit RFP’s for said investigation and cost estimate,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to solicit Requests-for-Proposals for a structural investigation and cost estimate of remediation actions of the Modesto Community Service Center at 800 E. Morris at a cost not to exceed $15,000.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING THE BUDGET TO TRANSFER $15,000 FROM THE GENERAL FUND RESERVE TO PROVIDE FUNDING TO THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT TO COVER THE COSTS OF A STRUCTURAL INVESTIGATION AND COST ESTIMATE OF REMEDIATION ACTIONS FOR THE MODESTO COMMUNITY SERVICE CENTER AT 800 E. MORRIS.

WHEREAS, the City of Modesto owns the Modesto Community Service Center located at 800 E. Morris, and

WHEREAS, the City desires to have a structural investigation completed on the facility, including a cost estimate of remediation actions, and

WHEREAS, the Mayor’s Ad Hoc Committee met on October 10, 2001, and supported staff’s recommendation to solicit RFP’s for said investigation and cost estimate,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Fiscal Year 2001-02 operating budget is hereby amended to transfer $15,000 from the General Fund Reserve, 0100-800-8000-8003, to 0100-380-3810-0235, Parks Recreation and Neighborhoods Department, Facilities-Building Rental.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: JEAN ZAHN, City Clerk

PROPOSED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-571

A RESOLUTION DE-OBLIGATING SET ASIDE FUNDS FOR THE CHICAGO WINDS PROJECT IN THE AMOUNT OF $245,000 AND AUTHORIZING STAFF TO SEEK A REQUEST FOR QUALIFICATIONS FOR FISCAL YEAR 01-02 TO DEVELOP A NEW MULTI-FAMILY QUALITY HOUSING FOR WORKING CITIZENS PROJECT IN VILLAGE ONE

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

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

WHEREAS, the City Council approved Resolution No. 2001-67 on February 13, 2001, which in part, conditionally approved allocating $245,000 of HOME/CHDO funds to Desarrollo Latino Americano, Inc. (DLA) for their Chicago Winds project, and

WHEREAS, DLA has lost the purchase option on the property and is no longer able to fulfill the conditions set forth in Resolution No. 2001-67, and

WHEREAS, staff desires to seek Requests for Qualifications for predevelopment and neighborhood participation strategy costs to develop an affordable multi-family complex in Village One at a cost not to exceed $245,000, and

WHEREAS, the Citizens Housing and Community Development Committee met on several occasions and supported de-obligation of the set aside funds for the Chicago Winds project and re-allocation of these funds toward development of a multi-family Quality Housing for Working Citizens project in Village One,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves de-obligating set aside funds for the Chicago Winds project in the amount of $245,000 and authorizing staff to seek a Request for Qualifications for Fiscal Year 01-02 to develop a new multi-family Quality Housing for Working Citizens project in Village One.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
       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. 2001-572

A RESOLUTION AUTHORIZING STAFF TO PUBLISH A REQUEST FOR PROPOSALS FOR THE AMOUNT OF $953,996 FOR THE DEVELOPMENT AND CONSTRUCTION OF NEW MULTI-FAMILY OR SINGLE FAMILY QUALITY HOUSING FOR WORKING CITIZENS

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

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

WHEREAS, $953,996 is available in HOME funds for the development and construction of new multi-family or single family Quality Housing for Working Citizens, and

WHEREAS, the City of Modesto desires to solicit proposals for the development and construction of Quality Housing for Working Citizens, and

WHEREAS, the Citizens Housing and Community Development Committee met on several occasions and supported staff's recommendation to solicit proposals for the development and construction of Quality Housing for Working Citizens,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes staff to publish a Request for Proposals for the amount of $953,996 for the development and construction of new multi-family or single family Quality Housing for Working Citizens.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: ____________________________

DEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: _______________________________

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-573

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 OPERATING BUDGET TO ESTIMATE $53,017 IN UNEXPENDED CARRY OVER FROM VARIOUS PROJECTS, TO ESTIMATE $245,000 IN DE-OBLIGATED CARRYOVER; TO APPROPRIATE $248,017 OF SAID CARRY OVER TO 1170-320-3258-0497, DIRECT LOANS; AND APPROPRIATE $50,000 OF SAID CARRY OVER TO 1170-320-3258-0491, TEMPORARY RELOCATIONS.

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

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

WHEREAS, the city desires to re-allocate $245,000 in de-obligated carry over to be used for pre-construction costs for a multi-family Quality Housing for Working Citizens complex in Village One, and

WHEREAS, the city desires to re-allocate $53,017 in unexpended carry over from various projects, with $3,017 to be appropriated to Direct Loans and $50,000 to be appropriated to Temporary relocations for the purpose of assisting tenants in the Prescott Estates complex,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the fiscal year 2001-02 operating budget to estimate $53,017 in unexpended carry over from various projects, to estimate $245,000 in de-obligated carryover; to appropriate $248,017 of said carry over to 1170-320-3258-0497, Direct Loans; and appropriate $50,000 of said carry over to 1170-320-3258-0491, Temporary Relocations.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: [Signature]
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: [Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-574

A RESOLUTION ACCEPTING $28,050 IN GRANT FUNDING FROM THE FEDERAL LAND AND WATER CONSERVATION FUND FOR CONSTRUCTION OF A PICNIC AREA AT MARK TWAIN NEIGHBORHOOD PARK AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE GRANT CONTRACT

WHEREAS, the Congress under Public Law 88-578 has authorized the establishment of a Federal Land and Water Conservation Fund Grant-in-Aid Program, providing matching funds to the State of California and its political subdivisions for acquiring lands and developing facilities for public outdoor recreation purposes, and

WHEREAS, on April 24, 2001, the City Council authorized staff to submit an application for $27,500 in funding under the Land and Water Conservation Fund for 50% of the construction costs of a picnic area at Mark Twain Neighborhood Park, with the balance of matching funds to be provided from the local Parks Capital Facilities Fees Fund reserve, and

WHEREAS, on October 10, 2001, staff received a contract for the above project with a grant award in the amount of $28,050, $27,500 of which is for project costs and $550 of which will be retained by the state for the federally approved surcharge for project administration, and

WHEREAS, staff has identified the Parks Capital Facilities Fees Fund as a source for the required $27,500 match,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts $28,050 in funding under the Land and Water Conservation Fund for construction of a picnic area at Mark Twain Neighborhood Park.

BE IT FURTHER RESOLVED that the City Council hereby authorizes the City Manager to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: [Signature]
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: [Signature]
MICHAEL D. MILICH, City Attorney

11/07/01/PR&N/C Eubank -2- 2001-574
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-575

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 CAPITAL IMPROVEMENT PLAN BUDGET TO ESTIMATE $27,500 IN REVENUE FROM THE FEDERAL LAND AND WATER CONSERVATION FUND, TO TRANSFER $27,500 FROM 1350-800-8000-8003, PARKS CAPITAL FACILITIES FEES RESERVE AND TO APPROPRIATE $55,000 TO A NEW CAPITAL IMPROVEMENT PROJECT IN THE PARKS CAPITAL FACILITIES FEES FUND 1350, MARK TWAIN NEIGHBORHOOD PARK PICNIC AREA

WHEREAS, on April 24, 2001, the City Council authorized staff to submit an application for $27,500 in funding under the Land and Water Conservation Fund for 50% of the construction costs of a picnic area at Mark Twain Neighborhood Park, with the balance of matching funds to be provided from the local Parks Capital Facilities Fees Fund reserve, and

WHEREAS, on October 10, 2001, staff received a grant contract for the above project, and

WHEREAS, staff has identified the Parks Capital Facilities Fees Fund as a source for the required $27,500 match,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the fiscal year 2001-02 Capital Improvement Plan budget to estimate $27,500 in revenue from the Federal Land and Water Conservation Fund, to transfer $27,500 from 1350-800-8000-8003, Parks Capital Facilities Fees reserve and to appropriate $55,000 to a new capital improvement project in the Parks Capital Facilities Fees Fund 1350, Mark Twain Neighborhood Park Picnic Area.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

Attest: ____________________________
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: ________________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-576

A RESOLUTION APPROVING AN AMENDMENT TO THE LAND USE AND
PLANNING COMPONENT OF THE 2001 LEGISLATIVE PLATFORM.

WHEREAS, on August 14, 2001, the Modesto City Council adopted the 2001 Legislative Platform, and
WHEREAS, since adoption, Governor Davis has signed AB 1602, which places a Resource Protection Bond on the 2002 ballot, and
WHEREAS, this $2.6 billion measure would provide funding to state and local parks, historical and cultural resources, urban forestry and other open space acquisition, preservation, protection and development projects, and
WHEREAS, on October 3, 2001, the Human Services Committee reviewed the Land Use and Planning Amendment to the Legislative Platform and recommended approval,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the proposed Amendment to the 2001 Legislative Platform, a copy of which is attached hereto as Exhibit “A” and incorporated herein by reference.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED AS TO FORM:

By: __________________________
   MICHAEL D. MILICH, City Attorney

Attest: ________________________
   JEAN ZAHN, City Clerk
CITY OF MODESTO 2001 LEGISLATIVE PLATFORM 
LAND USE AND PLANNING ELEMENT AMENDMENT

Strategic Plan Elements

I.A.2.a.(10). Preserve existing park infrastructure, such as tennis courts, buildings, swimming pools, etc.

III.B.5.C. Develop the Virginia Corridor as a priority Class I Bikeway and linear parkway.

X.I.B. Provide ample and timely open space opportunities to attract new businesses.

X.I.B.3. Look for opportunities to expand open space within the urban area, including development of the Virginia Corridor and expansion of the boundaries of the Tuolumne River Regional Park.


H.II.E.1.b. Improve access to the Tuolumne River Regional Park.

H.II.F.1.c. Identify and assess Community Center Opportunity Sites.

C.I.A.3. Plan for and develop Community Centers in the neighborhoods.

C.I.A.4. Seek funding for, and implement the Tuolumne River Regional Park Master Plan.

C.I.A.9. Improve access to, and develop uses for McClure Country Place.

C.IV.A.2. Utilize the McClure Country Place as a living history farm.

C.V.A.10. Support development of a site for BMX activities.

Proposed amendment

Issue: 2.10. To acquire, preserve, develop and protect the City’s open space and recreation facilities, so that the City’s Open Space Standards are met, funding from non-City sources is needed.

Action: 2.10. Support legislation that would provide funding to: acquire open space for park and recreation purposes; restore and preserve historical properties; preserve and protect riparian and riverine habitats; and, develop parks, trails and recreation facilities.
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-577

A RESOLUTION VACATING AND ABANDONING A PORTION OF ESTA AVENUE SOUTH OF SYLVAN AVENUE AND RESERVING UTILITY EASEMENTS WITHIN THE SUBJECT RIGHT-OF-WAY

WHEREAS, Streets and Highways Code Section 8320 et seq. prescribes the procedures to vacate and abandon public streets, and

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

WHEREAS, John Verner has filed an application to vacate and abandon a portion of Esta Avenue south of Sylvan Avenue, and

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

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

WHEREAS, utility easements exist within the subject right-of-way that need to be retained sufficient in width to serve existing utility lines and to allow continued maintenance of said lines, and

WHEREAS, a public hearing was held by the Planning Commission on August 20, 2001, in the Tenth Street Chambers, located at 1010 10th Street, Modesto, California, at which hearing both oral and documentary was received and considered regarding the proposed abandonment, and

WHEREAS, by Planning Commission Resolution No. 2001-51, the Planning Commission recommended approval of the proposed vacation and abandonment, and
WHEREAS, a duly noticed public hearing was held by the Council of the City of Modesto on Wednesday, November 7, 2001, at 5:15 p.m., in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which time all persons interested in or objecting to the proposed vacation were afforded the opportunity to appear, and

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

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

1. That the portion of Esta Avenue to be abandoned is unnecessary for present or future pedestrian or vehicular use.

2. That Environmental Assessment No. 2001-49 judged this project to be categorically exempt under Section 15301(c) of the California Environmental Quality Act Guidelines pertaining to alteration of existing facilities, including streets.

3. That the vacation and abandonment of a portion of Esta Avenue is in conformance with the City of Modesto General Plan.

BE IT FURTHER RESOLVED that the Council hereby orders and declares the vacation and abandonment of a portion of Esta Avenue south of Sylvan Avenue. Said proposed vacation and abandonment is more particularly described in Exhibit “A” and Exhibit “B” attached hereto, and by this reference made a part hereof as though set forth in full herein.

BE IT FURTHER RESOLVED that the street segment between Sylvan Avenue and Inverness Street, as shown in Exhibit “C” attached hereto will be renamed from Esta Avenue to Millbrook Avenue and that City staff will assist affected property owners in changing their addresses to reflect this street name change, consistent with City Council Policy No. 3.017.

BE IT FURTHER RESOLVED that the Council hereby approves the re-dedication of utility easements within the subject right-of-way, sufficient in width to serve existing utility lines and to allow continued maintenance of said lines.
BE IT FURTHER RESOLVED that the City Clerk shall cause a certified copy of this resolution, attested under seal of the City, to be recorded in the Office of the County Recorder of Stanislaus County, concurrent with the lot line adjustment and new public utility easement.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk
(SEAL)

APPROVED AS TO FORM:

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

Being all that portion of 50.00 foot wide Esta Avenue lying in the North one half of the Southwest quarter of Section 12, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Northeast corner of the the Northwest quarter of the Southwest quarter of said Section 12; thence South 00°19'45" East, along the East line of the Northwest quarter of the Southwest quarter of said Section 12, a distance of 270.73 feet; thence South 89°40'15" West 19.50 feet to the POINT OF BEGINNING of this description; thence South 00°19'45" East 10.00 feet to the beginning of a curve concave to the Northeast, having a radius of 428.00 feet and a central angle of 24°48'33"; thence Southeasterly, along the arc of said curve, 185.32 feet to the Easterly right-of-way line of said 50.00 foot wide Esta Avenue; thence South 00°19'45" East, on said Easterly right-of-way line, also being a non-tangent line, 200.51 feet to a point on a non-tangent curve concave to the Southeast, having a radius of 330.00 feet, from which the radius point of said curve bears South 58°22'35" East; thence Southwesterly, along the arc of said curve, through a central angle of 31°57'10", an arc distance of 184.03 feet to the Westerly right-of-way line of said 50.00 foot wide Esta Avenue; thence along said Westerly right-of-way line, North 00°19'45" West 610.50 feet; thence leaving said Westerly right-of-way line, South 13°15'16" East 46.94 feet to the point of beginning.
Exhibit "B"
Exhibit "C"
* These addresses to be changed from Esta Avenue to Millbrook Avenue.
A RESOLUTION REVISING THE POSITION CLASSIFICATION PLAN FOR THE CITY OF MODESTO.

WHEREAS, a Position Classification Plan for the City of Modesto was adopted by Modesto City Council Resolution No. 88-338 pursuant to Rule 2 of the Personnel Rules and Regulations of the City of Modesto, and

WHEREAS, the City Manager has recommended to the Council amendments to the Position Classification Plan, and

WHEREAS, Rule 2.2 of the City of Modesto Personnel Rules provides that revisions to the Classification Plan shall be effective upon adoption of resolution of the City Council.

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

SECTION 1. CLASSIFICATIONS CREATED. The Position Classification Plan of the City of Modesto is hereby amended to create the following classifications:

Geographic Information Systems Analyst

Council approved this position during the last budget review as part of the expansion of the existing GIS Program.

Production Technician

Council approved this position during the last budget review to create a three-quarter lead position assigned to Modesto Centre Plaza.

Water Conservation Specialist

Council approved this position during the last budget review to administer the City of Modesto’s Water Conservation Program.
The specifications for the classification of Geographic Information Systems Analyst, Range 431, as shown on the attached Exhibit "A", Production Technician, Range 114, as shown on the attached Exhibit “B”, Water Conservation Specialist, Range 122, as shown on the attached Exhibit “C", which are hereby made a part of this resolution by reference, are hereby approved and made a part of the Position Classification Plan of the City of the City of Modesto.

SECTION 2. CLASSIFICATION AMENDED. The Position Classification Plan of the City of Modesto is hereby amended to revise the following classification:

Planning Technician I & II

This classification is being amended to update the duties and responsibilities required.

The specifications for the classification of Planning Technician I/II as shown on the attached Exhibit “D”, which is hereby made a part of this resolution by reference, is hereby approved and made a part of the Position Classification Plan of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after November 13, 2001.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
GEOGRAPHIC INFORMATION SYSTEMS ANALYST

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To assist in the continuous development and maintenance of geographic and tabular databases and maps; to serve as a project leader and work with end users to "translate" data, maps, and analytical needs into functional GIS products and services; to prepare maps on an "as needed" basis; and to carry out other GIS analytical functions as requested by end users.

SUPERVISION RECEIVED

Receives general direction from the Geographic Information Systems Coordinator.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Develop procedures, methodologies, standards, and quality assurance routines for the development and maintenance of all geographic and tabular GIS data sets.

Assure that procedures, methodologies, and standards are followed and that data meets the quality requirements established as part of the quality assurance routine and/or overall quality assurance program.

Prepare documentation relevant to data development, maintenance and quality assurance checks.

Coordinate with various departments to address and respond to mapping, tabular, analytical and report needs.

Develop GIS training manuals, literature, and/or courses; train staff in the use of GIS software and specific GIS applications.

EXHIBIT “A”
Essential Functions, Continued:

Define, develop and carry out analytical and reporting tasks requested by end users ranging from query tasks to complex overlay; present outcomes in the form of maps, tables, spreadsheets, charts or reports.

Work with others to define the conceptual and physical database layout structures of new GIS data layers to assure database indices, relational items and connectivity are properly and continuously maintained.

Maintain the City GIS Intra/Internet site and related data; work with the Web Administrator when adding or altering data to assure standards are met and to administrator the GIS web page(s).

Develop and maintain geographic data sets.

Assist in the development of project proposals and annual budget preparation.

Make recommendations for current and future technology infusions and upgrades.

Carry out data entry needs and geocoding services as needed.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Knowledge of:

Concepts and utilization of GIS systems, Global Position Systems, automated mapping systems, and database management systems.

Remote sensing including the capabilities, applications and use with GIS.

Principles, methods, techniques, and symbolism use in cartography.

Quality assurance programs.

Principles of Internet (Web) design including development and implementation.

Various computer programming languages such as: html, java, visual basic and C++.
Ability to:

Use ArcView or ArcInfo, AutoCAD, or other Computer Aided Drawing software tools.

Use database tools such as Access, Oracle, or SQL Server.

Read and interpret maps such as Assessor Plat maps, and subdivision improvement plans.

Plan, organize, and conduct research, analysis, and data evaluation and make recommendations based on findings.

Consult with and instruct others individually or in a group setting.

Exercise sound independent judgement within policy guidelines.

Prepare clear, concise and complete instructions, reports and other written materials.

Develop project proposals including the submission of budget items.

Work independently or in a team environment as required.

Establish and maintain effective working relationships with those contacted in the course of the work.

EXPERIENCE AND TRAINING GUIDELINES

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two years experience involving the use of Geographic Information Systems (GIS) or Computer Aided Drafting (CAD) technology to develop or maintain maps, drawings, or databases including project management. Experience with systems such as ESRI, developing project proposals and the development of WEB sites is desirable.

Education:

Equivalent to graduation from an accredited four-year college or university with major coursework in computer science, geography, or a closely
Education, Continued:

related field. Completion of GIS or Computer Aided Drafting training or coursework is highly desirable.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for viewing a computer screen and sitting for prolonged periods of time.
CITY OF MODESTO  
No. 6557  

PRODUCTION TECHNICIAN

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

The Production Technician performs skilled technical work involved in the modification, maintenance, design, fabrication and arrangement of facility stage lighting, sound, rigging and related theatrical equipment. Work also includes conducting periodic equipment inventories and the coordination of activities with outside production Companies.

SUPERVISION RECEIVED AND EXERCISED

Receives general supervision from the Operations Supervisor.

May exercise functional and technical supervision over assigned staff.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS. - Essential and other important responsibilities and duties may include, but are not limited to, the following:

Essential Functions:

Set up and arrange stage lighting, electrical and sound equipment in accordance with event requirements.

Inspect equipment for proper operation and safety requirements; and repair or replace defective equipment.

Perform preventative maintenance on equipment, modify electrical, electronic, stage rigging and mechanical equipment to meet event requirements.

Investigate and correct stage lighting, sound and rigging equipment malfunctions and defects.

Operate stage lighting, sound, rigging and related theatrical equipment as necessary to conduct events.

EXHIBIT "B"
Essential Functions:

Conduct periodic inventories of capital equipment and expendable items, note deficiencies and recommend appropriate replacement to maintain inventory requirements.

Maintain accurate records of work performed, materials used, and associated costs; prepare daily and periodic reports of activities.

Schedule and supervise other technical staff.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS:

Knowledge of:

Basic principles of electrical and electronic repair.

Operation and repair of theatrical staging equipment requirements, arrangements and operations.

Basic methods, materials, tools, equipment and procedures used in lighting, electrical, electronic, mechanical and rigging systems.

Safe working practices and procedures.

Ability to:

Use and operate a variety of electrical, electronic equipment and related tools.

Read and understand schematics, blueprints, specifications and maintenance manuals.

Effectively plan and maintain work schedules in accordance with instructions.

Maintain accurate records.

Perform medium-heavy manual labor, including but not limited to occasionally lifting and carrying up to 75 lbs. of weight.
Ability to, Continued:

Communicate clearly and concisely, both orally and in writing.

Establish and maintain effective working relationships with those contacted in the course of work.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

One year of experience involving the maintenance, repair and modification of stage lighting, sound, electrical and rigging equipment.

Training:

Equivalent to completion of the twelfth grade. Additional specialized training in electrical or electronic maintenance is desirable.

License or Certificate

Possession of, or the ability to obtain, an appropriate and valid California Driver's License.

WORKING CONDITIONS

Environment conditions:

Indoor and outdoor environment; exposure to electrical energy; exposure to noise, dust, and dirt.

Physical conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking, bending, stooping, twisting, crawling, lifting and other physical manipulations necessary for job performance; operating a variety of tools and related equipment; and the ability to distinguish color.
WATER CONSERVATION SPECIALIST

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION:
Plans, organizes, develops, promotes, and manages the City of Modesto’s Water Conservation Program.

SUPERVISION RECEIVED AND EXERCISED:
Receives general supervision from the Water Superintendent.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS:
Essential and other important responsibilities and duties may include, but are not limited to the following:

Essential Functions:
Administer the City’s Water Conservation Program.

Provide water conservation educational opportunities to schoolchildren and the general public.

Train and direct activities of other staff assigned to water conservation functions.

Provide water conservation information to residents, commercial businesses, and others.

Coordinate the development of uniform conservation policies and enforcement.

Evaluate and provide input regarding internal water conservation efforts such as metering, meter testing, system leak detection and management.

Manage computer software for irrigation control purposes.

Develop and implement incentives to alter water use practices.

Develop and maintain various media sources for providing conservation information to both internal and external customers.

Maintain accurate records.

EXHIBIT “C”
Essential Functions, Continued:

Prepare and administer budget for program activities.

Perform activities of Water Distribution System Operator, if needed.

Marginal Functions:

Performs other related duties as required.

QUALIFICATIONS:

Knowledge of:

Water conservation methods and practices.

Municipal water system and water service components.

Pertinent state, federal, and local laws, codes, and regulations.

Basic mathematics.

Basic writing skills including proper grammar, punctuation, and spelling.

Ability to:

Perform a variety of skilled and complex assignments in the water conservation area in accordance with state, county, and city ordinances and regulations.

Work independently.

Maintain records and prepare reports.

Communicate effectively both orally and in writing.

Understand and carry out oral and written instructions.

Establish and maintain effective working relationships with others.

Tactfully deal with the public.

Enforce regulations relating to water conservation rules and practices.
Ability to, Continued:

Perform medium manual labor, including lifting and carrying up to 50 pounds.

Read and interpret blueprints.

Work in confined spaces.

Establish and maintain relationships with the community members, coworkers and others contacted in the course of work demonstrating teamwork and cooperation.

Experience and Training Guidelines:

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two years of increasingly responsible experience in the water management field involving irrigation controls, water metering or other similar functions. Experience with a municipal or private water utility is highly desirable.

Training:

Equivalent to completion of the twelfth grade. Additional specialized training in the water management field is highly desirable.

License or Certificate:

Possession of, or the ability to obtain, an appropriate valid California drivers license.

Possession of an American Water Works Association (AWWA) Grade I Water Distribution System Operator certificate is required by time of appointment.

Possession of an American Water Works Association (AWWA) Grade II Water Distribution System Operator certificate within two years of appointment.
WORKING CONDITIONS:

Environmental Conditions:

Field environment; travel from site to site; hot and cold temperatures; inclement weather.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for walking or standing for prolonged periods of time; operating motorized equipment and vehicles and using a personal computer.
PLANNING TECHNICIAN I
PLANNING TECHNICIAN II

Class specifications are intended to present a descriptive list of the range of duties performed by employees in the class. Specifications are not intended to reflect all duties performed within the job.

DEFINITION

To provide technical assistance and support to the profession planning staff; to do basic technical and statistical research; and to provide information to the general public.

DISTINGUISHING CHARACTERISTICS

Planning Technician I - This is the entry level class in the Planning Technician series. This class is distinguished from the Planning Technician II by the performance of the more routine tasks and duties assigned to positions within the series including to research, gather, and present data and information needed in the daily running of the Department. Since this class is typically used as a training class, employees may have only limited or no directly related work experience.

Planning Technician II - This is the full journey level class within the Planning Technician series. Employees within this class are distinguished from the Planning Technician I by the performance of the full range of duties as assigned. Employees at this level receive only occasional instruction or assistance as new or unusual situations arise, and are fully aware of the operating procedures and policies of the work unit. This class is distinguished from the Planning Assistant in that the latter perform more complex technical duties.

SUPERVISION RECEIVED AND EXERCISED

Planning Technician I
Receives immediate supervision from higher level planning personnel.

Planning Technician II
Receives general supervision from higher level planning personnel.

May exercise technical supervision over lower planning personnel.

ESSENTIAL AND MARGINAL FUNCTION STATEMENTS – Essential and other important responsibilities and duties may include, but are not limited to, the following:

Provide technical assistance to higher level planning staff; research, gather and present data and information for the planning staff; assist in the preparation of various reports such as the Urban Growth Policy Review report.

EXHIBIT “D”
ESSENTIAL AND MARGINAL FUNCTION STATEMENTS , Continued:

Post notices of hearings for the Planning Commission, City Council and Board of Zoning Adjustment in field; make deliveries.

Conduct background research on plan reviews and make recommendations for approval or denial; prepare notices and ownership lists; conduct field survey for additions.

Assist the general public with zoning and street address requests.

Prepare notices for Planning Commission and Board of Zoning Adjustment hearings; prepare mailing list and mail notices for meetings.

Enter zoning changes on the city Zoning maps; verify accuracy of zoning descriptions.

Assist in the collection of data for annexations; assist in processing annexation applications.

Create and work with maps and drawings using computer programs such as AutoCAD and CorelDraw.

Work with the City's GIS system to create and update data.

Assist with maintaining the Department's web site.

Marginal Functions:

Perform related duties as assigned.

QUALIFICATIONS

Planning Technician I

Knowledge of:

Principles, practices and techniques of drafting and graphic design.

Computer mapping and graphics creation and manipulation programs such as AutoCAD or CorelDraw.

The use and manipulation of GIS systems.

Web site design.
QUALIFICATIONS, Continued:

Ability to:

Learn principles, practices and trends in planning, zoning, and land use.

Learn pertinent Federal, State, and local laws, codes and regulations.

Prepare maps, graphs, charts, site plans, and other descriptive material using computer graphics programs such as AutoCAD and CorelDraw.

Provide information to the public, developers and realtors regarding address and zoning regulation.

Establish and maintain cooperative working relationships with those contacted in the course of work.

Communicate clearly and concisely, both orally and in writing.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

No experience is required.

Training:

Equivalent to the completion of the twelfth grade.

Additional specialized training in drafting, graphic design, computer graphic design, urban planning, surveying, engineering, mathematics, computer sciences or a related field is desirable.

Planning Technician II

In addition to the qualifications for Planning Technician I:

Knowledge of:

Principles, practices and trends in planning and land use.
Planning Technician II, Knowledge of, Continued:

Procedures for gathering population and land use data.

Basic practices of City planning.

Pertinent Federal, State, and local laws, codes and regulations.

Statistical and engineering practices as applied to planning.

Ability to:

Independently research required background information for planning studies.

Experience and Training Guidelines

Any combination of experience and training that would likely provide the required knowledge and abilities is qualifying. A typical way to obtain the knowledge and abilities would be:

Experience:

Two years of responsible technical planning experience.

Training:

Equivalent to the completion of the twelfth grade. Additional specialized training in drafting, graphic design, urban planning, surveying, engineering, mathematics, computer science, the physical sciences or a related field is desirable.

License or Certificate

Possession of, or ability to obtain, an appropriate, valid California driver's license.

WORKING CONDITIONS

Environmental Conditions:

Office environment.

Physical Conditions:

Essential and marginal functions may require maintaining physical condition necessary for viewing a computer screen and sitting for prolonged periods of time.
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-579

A RESOLUTION AMENDING EXHIBIT "A" OF RESOLUTION NO. 2001-270 TO AMEND THE CLASS RANGE TABLE FOR MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE FOR THE CLASSIFICATION OF GEOGRAPHIC INFORMATION SYSTEMS ANALYST AND AMENDING EXHIBIT "A" OF RESOLUTION NO. 95-26 TO AMEND THE CLASS RANGE TABLE FOR GENERAL NON-SWORN CLASSES TO ESTABLISH THE SALARY RANGE FOR THE CLASSIFICATIONS OF PRODUCTION TECHNICIAN AND WATER CONSERVATION SPECIALIST.

WHEREAS, the City Council desires to amend Exhibit "A" of Resolution No. 2001-270, AND Exhibit "A" of Resolution No. 95-26,

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

SECTION 1. AMENDMENT TO RESOLUTION NO. 2001-270. Exhibit "A" entitled "City of Modesto Class Range Table Management And Confidential Non-Sworn Classes Effective June 19, 2001", is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table Management and Confidential Non-Sworn Classes effective November 13, 2001", which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the Class Range Table to establish a salary range for Geographic Information Systems Analyst (Range 431).

SECTION 2. AMENDMENT TO RESOLUTION NO. 95-26. Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective January 10, 1995," attached to Resolution No. 95-26, is hereby amended as shown on the amended Exhibit "A" entitled "City of Modesto Class Range Table General Non-Sworn Classes Effective November 13, 2001," which is attached hereto and made a part hereof as though set forth in full herein. Said amended Exhibit "A" revises the Class Range Table to establish a salary range for Production Technician (Range 114) and Water Conservation Specialist (Range 122).

SECTION 3. EFFECTIVE DATE. This resolution shall become effective on and after November 13, 2001.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, 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
### CITY OF MODESTO
### CLASS RANGE TABLE
### MANAGEMENT AND CONFIDENTIAL NON-SWORN CLASSES
### Effective November 13, 2001

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>407</td>
<td>Administrative Clerk II (Confidential)</td>
</tr>
<tr>
<td>408</td>
<td></td>
</tr>
<tr>
<td>409</td>
<td>Police Clerk (Confidential)</td>
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<tr>
<td>410</td>
<td></td>
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<tr>
<td>411</td>
<td></td>
</tr>
<tr>
<td>412</td>
<td></td>
</tr>
<tr>
<td>413</td>
<td>Administrative Technician (Confidential)</td>
</tr>
<tr>
<td></td>
<td>Senior Personnel Clerk</td>
</tr>
<tr>
<td>414</td>
<td></td>
</tr>
<tr>
<td>415</td>
<td>Secretary</td>
</tr>
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<td>416</td>
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<td>417</td>
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<tr>
<td>418</td>
<td>Legal Secretary</td>
</tr>
<tr>
<td>419</td>
<td>Police Training and Records Technician (Confidential)</td>
</tr>
<tr>
<td></td>
<td>Public Information Technician (Confidential)</td>
</tr>
<tr>
<td>420</td>
<td>Accountant I (Confidential)</td>
</tr>
<tr>
<td></td>
<td>Deputy City Clerk</td>
</tr>
<tr>
<td></td>
<td>Employee Benefits Coordinator</td>
</tr>
<tr>
<td></td>
<td>Executive Secretary</td>
</tr>
<tr>
<td></td>
<td>Legal Services Technician</td>
</tr>
<tr>
<td></td>
<td>Systems Technician</td>
</tr>
<tr>
<td></td>
<td>Workers' Compensation Claims Examiner I</td>
</tr>
<tr>
<td>421</td>
<td></td>
</tr>
<tr>
<td>422</td>
<td>Office Supervisor</td>
</tr>
</tbody>
</table>

**EXHIBIT “A”**
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>423</td>
<td>Custodian Supervisor</td>
</tr>
</tbody>
</table>
| 424   | Assistant Planner  
      | Buyer  
      | Workers' Compensation Claims Examiner II |
| 425   | Administrative Analyst I  
      | Executive Assistant |
| 426   | Police Support Services Supervisor  
      | Stores Manager |
| 427   | Assistant City Clerk/Auditor  
      | Legal Services Administrator |
| 428   | Accountant II  
      | Budget Analyst  
      | Customer Services Specialist  
      | Customer Services Supervisor  
      | Senior Buyer |
| 429   | |
| 430   | Associate Planner  
      | Events Supervisor I  
      | Junior Civil Engineer  
      | Senior Crime Analyst  
      | Social Services Program Supervisor |
| 431   | Administrative Analyst II  
      | Assistant Risk Manager  
      | **Geographic Information Systems Analyst**  
      | Personnel Analyst  
      | Recycling Program Coordinator  
      | Senior Budget Analyst  
      | Senior Community Development Program Specialist  
<pre><code>  | Systems Analyst |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 432   | Communications Specialist  
       | Industrial Waste Supervisor  
       | Neighborhood Preservation Supervisor  
       | Operations and Maintenance Supervisor  
       | Plant Maintenance Supervisor  
       | Recreation Supervisor II  
       | Secondary Treatment Facilities Supervisor  
       | Senior Accountant  
       | Water Quality Control Operations Supervisor  
       | Youth Program Supervisor |
| 433   | Organizational Development Specialist |
| 434   | Arborist  
       | Assistant Civil Engineer  
       | Assistant Traffic Engineer  
       | Electrical Supervisor  
       | Events Supervisor II  
       | Geographic Information Systems Coordinator  
       | Operations Supervisor  
       | SCADA Supervisor  
       | Senior Housing Rehabilitation Specialist  
       | Senior Programmer Analyst |
| 435   | Business Analyst  
       | Cultural Services Manager  
       | Integrated Waste Specialist  
       | Management Analyst  
<pre><code>   | Senior Personnel Analyst |
</code></pre>
<p>| 436   | Senior Planner |
| 437   | Deputy City Attorney I |</p>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 438   | Budget Officer  
Communications and Marketing Manager  
Development and Operations Coordinator  
Financial/Investment Officer  
Housing Program Supervisor  
Land Surveyor  
Property Agent  
Purchasing Supervisor  
Systems Engineer  
Transportation Planner |
| 439   | Administrative Services Officer |
| 440   | Associate Civil Engineer  
Associate Traffic Engineer |
| 441   | Airport Manager  
Assistant Personnel Director  
Building Maintenance Superintendent  
Deputy City Attorney II  
Fire Marshal  
Fleet Manager  
Golf Services Manager  
Parks Operations Superintendent  
Parks Planning and Development Manager  
Police Records Manager  
Recreation Superintendent  
Risk Manager  
Solid Waste Program Manager  
Streets Engineer  
Transit Manager  
Urban Forestry Superintendent  
Wastewater Collections Superintendent  
Water Superintendent |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 442   | Customer Services Division Manager  
             Information Services Manager  
             Manager of Budget and Financial Analysis  
             Supervising Building Inspector  
             Supervising Construction Inspector |
| 443   | Senior Deputy City Attorney I |
| 444   | Business Development Manager  
             Deputy Chief Building Official  
             General Services Manager  
             Principal Planner |
| 445   | Accounting Division Manager  
             Housing and Neighborhoods Division Manager |
| 446   | Water Quality Control Superintendent |
| 447   | Assistant to City Manager  
             Chief Building Official  
             Planning Division Manager  
             Senior Civil Engineer  
             Traffic Engineer |
| 448   | |
| 449   | Senior Deputy City Attorney II |
| 450   | |
| 451   | |
| 452   | Deputy Director – Cultural and Enterprise Services  
             Deputy Director – Engineering and Transportation  
             Deputy Director – Recreation and Neighborhoods |
| 453   | |
| 455   | Assistant City Attorney |
**CITY OF MODESTO**
**CLASS RANGE TABLE**
**GENERAL NON-SWORN CLASSES**
**Effective, November 13, 2001**

<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 101   | Custodian I  
       | Maintenance Aide |
| 103   | Administrative Clerk I |
| 104   | |
| 105   | |
| 106   | |
| 107   | Administrative Clerk II  
       | Custodian II |
| 108   | |
| 109   | Police Clerk |
| 110   | Animal Control Officer I  
       | Equipment Service Worker I  
       | Maintenance Worker I |
| 111   | Account Clerk  
       | Evidence and Property Specialist |
| 112   | |
| 113   | Administrative Technician  
       | Computer Operator  
       | Drafting and Graphics Technician |
| 114   | Electrical Technician I  
       | Equipment Service Worker II  
       | Maintenance Worker II  
       | Production Technician  
       | Storeskeeper |

**Exhibit “A”**
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 115   | Accounting Technician  
     | Animal Control Officer II  
     | Assistant to the Events Coordinator  
     | Code Enforcement Officer I  
     | Community Service Officer I  
     | Planning Technician I  
     | Wastewater Treatment Plant Attendant |
| 116   | Equipment Operator  
     | Fire Prevention Technician I  
     | Motor Sweeper Operator  
     | Traffic Operations Technician  
     | Used Oil Coordinator  
     | Wastewater Collection System Operator  
     | Water Distribution System Operator |
| 117   | Electrical Technician II |
| 118   | Fleet Procurement Specialist  
     | Parking Lot Maintenance Crewleader  
     | Parks Crewleader  
     | Recreation Coordinator  
     | Senior Storeskeeper  
     | Tree Trimmer |
| 119   | Assistant Buyer  
     | Building Maintenance Mechanic  
     | Civil Engineering Technician I  
     | Code Enforcement Officer II  
     | Community Service Officer II  
     | Maintenance Mechanic – Parks  
     | Maintenance Mechanic – Pumps  
     | Planning Technician II  
     | Public Information Technician  
<pre><code> | Wastewater Treatment Plant Operator |
</code></pre>
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 120   | Accountant I  
Assistant Electrician  
Equipment Mechanic  
Fire Prevention Technician II  
Laboratory Analyst I  
Meter Reader Crewleader  
Senior Equipment Operator  
Traffic Painter Crewleader  
Welder/Fabricator |
| 121   | Wastewater Treatment Plant Relief Operator |
| 122   | Coach Mechanic  
Cross Connection Specialist  
Fire Equipment Mechanic  
Industrial Waste Inspector I  
Programmer Analyst I  
Tree Trimmer Crewleader  
**Water Conservation Specialist** |
| 123   | Airport Maintenance Crewleader  
Civil Engineering Technician II  
Identification Technician I  
Maintenance Mechanic Crewleader – Parks |
| 124   | Community Development Program Specialist I  
Equipment Crewleader  
Equipment Mechanic Crewleader  
Laboratory Analyst II  
Maintenance Mechanic Crewleader – Pumps  
Planning Assistant  
Plant Mechanic  
Wastewater Collection System Crewleader |
| 125   | Crime Analyst |
| 126   | Building Inspector I  
Coach Mechanic Crewleader  
Electrician  
Housing Financial Specialist  
Housing Rehabilitation Specialist I  
Industrial Waste Inspector II |
<table>
<thead>
<tr>
<th>RANGE</th>
<th>TITLE</th>
</tr>
</thead>
</table>
| 127   | Civil Engineering Assistant  
|       | Identification Technician II  
|       | Senior Fire Equipment Mechanic |
| 128   | Community Development Program Specialist II  
|       | Instrument Repair Technician  
|       | Programmer Analyst II  
|       | Sr. Wastewater Treatment Plant Operator |
| 129   |         |
| 130   | Building Inspector II  
|       | Construction Inspector  
|       | Hazardous Material Program Coordinator  
|       | Housing Rehabilitation Specialist II  
|       | Project Coordinator |
| 131   | Sr. Civil Engineering Assistant |
| 132   |         |
| 133   |         |
| 134   | Deputy Fire Marshal  
|       | Plan Review Engineer  
|       | Senior Building Inspector  
|       | Senior Construction Inspector |
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-580

A RESOLUTION ESTABLISHING ANGLE PARKING IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 2001-251

WHEREAS, Article 10 of Chapter 2 of Title 3 of the Modesto Municipal Code authorizes the City Council, by resolution, to establish angle parking in the City of Modesto, and.

WHEREAS, Modesto Police Department, and Ms. Karen Sales, owner of the Old Mill Café has requested angle parking on the north side of F Street between 9th Street and 10th Street to maximize parking stall yields, and

WHEREAS, City staff has reviewed the geometrics and traffic flow at this location and has concluded that angled parking can be accommodated as requested without creating a hazard and without impeding traffic flow, and

WHEREAS, by Agenda Report dated October 24, 2001, from the Engineering and Transportation Department, City staff recommended the installation of angle parking on the north side of F Street between 9th Street and 10th Street and

WHEREAS, the Transportation Policy Committee reviewed and approved angle parking on the north side of F Street as requested by the Modesto Police Department and Ms. Karen Sales respectively, at their meeting on October 18, 2001, and

WHEREAS, said matter was considered by the City Council at its meeting of November 7, 2001

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

RESCINDED

4-23-03

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2003-500
SECTION 1. ANGLE PARKING. Angle parking in the City of Modesto is hereby established at the following locations:

- Portions of 10th Street, between I & K Streets (west side) (diagonal)
- 18th Street, between G and H Streets (west side) (diagonal)
- F Street, between 10th and 11th Streets (south side) (diagonal)
- I Street between 9th and 12th Streets (both sides) (diagonal)
- P Street, between 9th and Needham Streets (both sides) (diagonal)
- Coldwell Avenue, between Tully Road and College Avenue
- 4th Street, between E Street and G Street (west side)
- 16th Street, between I Street and J Street (east side)
- Elm Street, between Jefferson and Washington Streets (diagonal)
- Jefferson Street, between 8th and Laurel Streets (diagonal)
- 13th Street, between H and L Streets (east side)
- J Street, between 7th Street and 8th Street (north side)
- 10th Street, between G Street and F Street (east side) (diagonal)
- F Street, between 10th Street and 11th Street (north side) (diagonal)
- 15th Street between K Street and H Street (east side) (diagonal)
- F Street, between 9th Street and 10th Street (north side) (diagonal)

SECTION 2. The Engineering and Transportation Director is hereby directed to implement the provisions of this resolution.

SECTION 3. Resolution No. 2001-251 is hereby rescinded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JIAN ZAHR, City Clerk

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, CITY ATTORNEY
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-581

A RESOLUTION ACCEPTING IMPROVEMENTS IN NOTTINGHAM 5 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, McHenry Ranch Joint Venture, a California Joint Venture composed of Modesto Village Ventures One, L.P., a California Limited Partnership and Stewart W. Bradley and Betty J. Bradley, subdividers of Nottingham 5 subdivision, have filed irrevocable letters of credit to secure faithful performance and payment for labor and materials in the amount of $389,500 and $194,750, respectively, and,

WHEREAS, McHenry Ranch Joint Venture, a California Joint Venture composed of Modesto Village Ventures One, L.P., a California Limited Partnership and Stewart W. Bradley and Betty J. Bradley, has filed a warranty letter of credit in the amount of $38,950 to guarantee improvements in Nottingham 5 subdivision; and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department; and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods.

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

1. The improvements in Nottingham 5 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the letter of credit for faithful performance in the amount of $389,500 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the letter of credit for labor and materials in the amount of $194,750 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.
4. The City Clerk is hereby authorized to release the warranty letter of credit to guarantee improvements in the amount of $38,950 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-582

A RESOLUTION ACCEPTING THE PROJECT TITLED “CARPENTER ROAD IMPROVEMENTS SOUTH OF MAZE” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Carpenter Road Improvements South of Maze, has been completed by Teichert Construction, in accordance with the contract agreement dated June 27, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Carpenter Road Improvements South of Maze be accepted from said contractor, Teichert Construction, that the notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $213,430.53 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr

(Seal)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

11/13/01/E&T/R Granberg

2001-582
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $7,000.00 TO FULLY FUND THE CARPENTER ROAD IMPROVEMENTS SOUTH OF MAZE PROJECT

WHEREAS, on June 27, 2000, the City Council awarded a $197,556.70 contract to Teichert Construction to construct improvements on Carpenter Road south of Maze Boulevard within the City of Modesto, and

WHEREAS, extra unforeseen work was required to provide an adequate transition from the new to the existing pavement at the intersection, and

WHEREAS, extra unforeseen work was required to alleviate a conflict with existing electrical services, and

WHEREAS, the material quantities associated with constructing the Carpenter Road south of Maze Boulevard project varied from the quantities specified by the original contract, and

WHEREAS, this resulted in adjustments having to be made in the quantities and additional funds being required, and

WHEREAS, additional Construction Administration staff costs were required as a result of the increased project cost.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an appropriation transfer of $7,000.00 from Account Number 1410-430-L039, Pelandale: Dale to McHenry and Prescott, Snyder to Pelandale, to Account Number 141-430-J486, Carpenter South of Maze Improvements, to fully fund the project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-584

A RESOLUTION ACCEPTING THE PROJECT TITLED "MODIFICATION OF EIGHT TRAFFIC SIGNALS ALONG COLLEGE AVENUE AND TULLY ROAD" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Modification of Eight Traffic Signals along College Avenue and Tully Road, has been completed by Collins Electrical Company, Inc., in accordance with the contract agreement dated July 5, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Modification of Eight Traffic Signals along College Avenue and Tully Road be accepted from said contractor, Collins Electrical Company, Inc., that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $577,820.41 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, City Attorney

11/13/01/E&T/R Granberg
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-585

A RESOLUTION ACCEPTING THE PROJECT TITLED "LA LOMA AVENUE TRAFFIC CIRCLE" AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled La Loma Avenue Traffic Circle, has been completed by BDS Construction, Inc., in accordance with the contract agreement dated January 23, 2001.

NOW, THEREFORE, BE IT RESOLVED that the La Loma Avenue Traffic Circle be accepted from said contractor, BDS Construction, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $225,444.50 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, 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

11/13/01/E&T/R Granberg 2001-585
A RESOLUTION APPROVING THE REDUCTION OF TIPPING FEES AT THE STANISLAUS RESOURCE RECOVERY (WASTE-TO-ENERGY) FACILITY AND RESCINDING THAT PORTION OF RESOLUTION NO. 2001-19 RELATING TO TIPPING FEES

WHEREAS, the City of Modesto and the County of Stanislaus are joint partners in the Waste-to-Energy Facility, which is operated by Covanta Stanislaus, and

WHEREAS, tipping fees are established to pay debt service, operation and maintenance costs and pass through costs, such as insurance, property taxes, and various permits and fees that are incurred by Covanta Stanislaus, as provided for in a Service Agreement, and

WHEREAS, tipping fees at the Waste-to-Energy Facility are set by joint action of the "Contracting Communities", which are the City of Modesto and Stanislaus County, and

WHEREAS, the Contracting Communities approved a $34.00 per ton tipping fee at the Waste-to-Energy Facility which became effective June 1, 2001, and

WHEREAS, the Council of the City of Modesto must concur with any proposed reduction in the tipping fees at the Facility, and

WHEREAS, the Solid Waste-to-Energy Executive Committee has discussed an additional $4.00 per ton reduction in the tipping fees at the Facility and has recommended approval of said decrease in the tipping fee and City staff has recommended, upon concurrence by the County Board of Supervisors, that the tipping fee at the Waste-to-Energy Facility be decreased from the present $34.00 per ton to $30.00 per ton, effective January 1, 2002.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council approves a decrease in the tipping fee at the Waste-to-Energy Facility from the present $34.00 per ton to $30.00 per ton, effective January 1, 2002, and rescinds that portion of Resolution No. 2001-19 which established the tipping fees at $34 per ton.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-587

A RESOLUTION AMENDING RESOLUTION NO. 2001-455 AND AUTHORIZING THE EXPENDITURE OF AN ADDITIONAL $49,000.00 FOR A USED ASPHALT MILLING MACHINE AND TRAILER.

WHEREAS, the Operations and Maintenance Department has requested the purchase of a used asphalt milling machine and trailer, and

WHEREAS, on September 11, 2001, by Resolution No. 2001-455, Council waived the formal bidding procedures by five (5) affirmative votes, and

WHEREAS, by Resolution No. 2001-455 Council further authorized the purchase of a used, asphalt milling machine and trailer in an amount not to exceed $260,000.00, and

WHEREAS, the Streets Division has an exceptional one time opportunity to purchase a used asphalt milling machine (without the trailer) having less than seventy (70) hours of operation time on it for $284,000.00 plus sales tax, and

WHEREAS, to allow the Streets Division to take advantage of this opportunity and still have funding to purchase a used trailer, an additional $49,000.00 is needed, and

WHEREAS, the Purchasing Supervisor desires to purchase said used asphalt milling machine for $284,000.00 plus sales tax and the used trailer when one becomes available for the total amount of $309,000.00, and

WHEREAS, funds are available in the Street Grinder expense account 7210-480-5814-5756 in the amount of $214,000.00, and

WHEREAS, additional funding will come from the Fleet Fund Reserves 7200-800-8000-8003 and will be assessed to the operating division for said amount through rental rates,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that Resolution No. 2001-455 is hereby amended to authorize the expenditure of an additional $49,000.00, bringing the total expenditure for the used asphalt milling machine and trailer to $309,000.00
BE IT FURTHER RESOLVED that the Purchasing Supervisor is hereby authorized to proceed with the purchase of a used asphalt milling machine and trailer, in the amount of $309,000.00.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-588

A RESOLUTION AMENDING THE BUDGET BY $49,000.00 TO PROVIDE ADDITIONAL FUNDING FOR THE PURCHASE OF A USED ASPHALT MILLING MACHINE AND TRAILER.

WHEREAS, by Resolution No. 2001-456, adopted on September 11, 2001 the Council approved an amendment to the budget in the amount of $214,000.00 to fund the purchase of a used asphalt milling machine and trailer in the total amount of $260,000.00, and

WHEREAS, the City desires to purchase a used asphalt milling machine, with less than seventy (70) hours operation time on it, at a cost of $284,000.00 plus sales tax, and the used trailer, for the total amount of $309,000.00, and

WHEREAS, an additional $49,000.00 in funding is needed for the purchase, and

WHEREAS, funds are available in Fleet Fund reserve account 7200-800-8000-8003 for said purchase,

NOW THEREFORE BE IT RESOLVED that the budget is hereby amended to increase expense account 7210-480-5814-5756 Street Grinder, by $49,000.00, said increased funds coming from reserve account 7200-800-8000-8003, Fleet Fund.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

APPROVED AS TO FORM: Michael D. Milich, City Attorney

11/13/01/Finance/M Averell 2001-588
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-589

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO
FORMALLY SOLICIT BIDS FOR BODY ARMOR FOR POLICE
DEPARTMENT PERSONNEL.

WHEREAS, the City of Modesto has deemed it necessary to purchase up-to-date, state
-of-the-art, body armor for Police Department personnel, and

WHEREAS, the estimated cost for the body armor is $91,000.00, and

WHEREAS, the body armor is being funded by the 2001 Local Law Enforcement
Block Grant, and

WHEREAS, the Purchasing Supervisor will formally solicit bids for the body armor
upon Council approval.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the
solicitation of bids for body armor for Police personnel is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City
of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its
adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,
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

11/13/01/Finance/L Martinez 2001-589
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-590

A RESOLUTION RESCINDING RESOLUTION NO. 2000-254; REJECTING PROPOSED WATER RATE INCREASES TO PAY FOR ONGOING OPERATION AND MAINTENANCE COSTS ASSOCIATED WITH FLUORIDATION; AND REJECTING PROPOSED FUNDING AGREEMENTS WITH FLUORIDATION 2000 AND SIERRA HEALTH FOUNDATION.

WHEREAS, community water fluoridation is the adjustment of the natural fluoride concentration in drinking water up to the level recommended by the United States Public Health Service in an effort to prevent tooth decay, and

WHEREAS, the City Council approved community water fluoridation for the City of Modesto after holding a public hearing on May 30, 2000, and further directed the City Manager to initiate the following actions to implement said approval:

1. Initiation of the Proposition 218 process to enable Council consideration of a water rate increase,
2. Authorized City staff to negotiate an agreement with the Fluoridation 2000 group for securing grant funds,
3. Directed the City Manager, upon receipt of grant funding for the system design and construction to fluoridate the drinking water to take all appropriate measures towards the introduction of fluoride into the City water system, and

WHEREAS, pursuant to Council direction, City staff noticed a public hearing pursuant to Proposition 218 to consider a water rate increase to fund the ongoing operation and maintenance expenses associated with fluoridation of the City's water supply on June 26, 2001, and

WHEREAS, the City Council also considered on that date the grant agreements with Fluoridation 2000 and Sierra Health Foundation necessary to fund the capital costs associated with fluoridation, and

WHEREAS, the public hearing with respect to the water rate increase and the issue of said agreements were both continued to November 13, 2001, due to the fact that Council determined to place the fluoridation issue on the ballot for consideration by the voters of Modesto at the general municipal election held on November 6, 2001, and
WHEREAS, the ballot measure (Measure M) placed before the voters which, had it passed, would have mandated fluoridation of the City's water failed with 16,001 voters voting “no” and 10,450 voters voting “yes”.

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

1. Resolution No. 2000-254 is hereby rescinded.
2. The water rate increases proposed to pay for the ongoing operation and maintenance expenses associated with water fluoridation are hereby rejected.
3. The proposed agreements with Fluoridation 2000 and Sierra Health Foundation for funding to pay for the capital costs associated with water fluoridation are also hereby rejected.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-591

A RESOLUTION OF THE COUNCIL OF THE CITY OF MODESTO
CONFIRMING THE CANVASS OF THE REGULAR MUNICIPAL
ELECTION WHICH WAS HELD IN THE CITY OF MODESTO ON
NOVEMBER 6, 2001, AND DECLARING THE RESULTS OF SAID
ELECTION.

WHEREAS, on Tuesday, November 6, 2001, a Regular Municipal Election was
held in the City of Modesto (herein called “City”) and in the Modesto High School
District (herein called “District”) of Stanislaus County to elect the following:

1. One Councilmember to Chair No. 2 for a four year term;
2. Once Councilmember to Chair No. 4 for a four year term;
3. One Councilmember to Chair No. 5 for a four year term;
4. Four Board of Education Members for four year terms; and

WHEREAS, as set forth in Section 5 hereof, Measures K and L, were proposed
Charter Amendments, Measure M was a proposed Ordinance, and Measures N and O
were Advisory measures, and were submitted to the qualified electors in the November 6,
2001, City of Modesto election, and

WHEREAS, said election was held on Tuesday, November 6, 2001, in
accordance with law and the proceedings of this Council, and the votes thereat received
and canvassed, and the returns thereof ascertained, determined, and declared in all
respects as required by law, and

WHEREAS, the City Clerk canvassed the returns of said regular municipal
election in accordance with law, and certified the results of the election of the Council by
a Certificate of Canvass and Statement of Votes dated November 20, 2001, a copy of
which is attached hereto marked Exhibit “A” and made a part hereof,

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

[resolution text]
SECTION 1. Said canvass by the City Clerk as shown on the Certificate of Canvass and Statement of Votes and the results of the election are hereby ratified, confirmed and approved.

SECTION 2. That in accordance with Section 10264 of the Elections Code, a copy of said Certificate of Canvass and Statement of Votes, which is attached hereto marked as Exhibit “A” and made a part hereof, shows a complete tabulation of the following:

(A) The whole number of votes cast in the City.
(B) The whole number of votes cast in the Modesto High School District.
(C) The names of the persons voted for.
(D) For what office each person was voted for.
(E) The number of votes given in the City to each person.
(F) The number of votes given in the City for each Measure.

SECTION 3. The Charter provides that if no candidate for an elective office of the City receives a majority vote at a regular municipal election, a Second Regular Municipal Election shall be held by mail ballot at which the two candidates receiving the highest number of votes at the first election shall have their names on the ballot for election of the office, therefore, the two candidates receiving the highest number of votes for City Council Chair 2, Armour Smith and Janice Keating, the two candidates receiving the highest number of votes for City Council Chair 4, William O’Bryant and Dan Hopkins, and the two candidates receiving the highest number of votes for City Council Chair 5, Kenni Friedman and Denny Jackman, shall have their names on the ballot for a run-off election to be held on Tuesday, December 11, 2001.
SECTION 4. The following votes were cast for Measures K through O:

<table>
<thead>
<tr>
<th>Measure</th>
<th>Total Votes For</th>
<th>Total Votes Against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Measure K:</td>
<td>10,595</td>
<td>14,938</td>
</tr>
<tr>
<td>Proposed Charter Amendment to change general municipal election from November of odd years to March of even numbered years and impose prospectively a two-term limit on the office of Mayor and Councilmember.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure L:</td>
<td>8,423</td>
<td>16,589</td>
</tr>
<tr>
<td>Proposed Charter Amendment to change general municipal election from November of odd numbered years to March of even numbered years and require that all Councilmembers other than Mayor be elected from one of the six districts, the boundaries to be determined by the City Clerk by July 1, 2002.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure M:</td>
<td>10,450</td>
<td>16,001</td>
</tr>
<tr>
<td>Proposal to fluoridate Modesto's drinking water and raise water rates up to 2% to support operation and maintenance costs of fluoridation.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure N:</td>
<td>13,767</td>
<td>11,389</td>
</tr>
<tr>
<td>Proposal extending sewer service to Roselle/Claribel comprehensive Planning District in the Modesto Urban Area General Plan, provided the area is first annexed to the City.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Measure O:</td>
<td>13,572</td>
<td>11,311</td>
</tr>
<tr>
<td>Proposal extending sewer service to Southwest Modesto to Infill Area, the unincorporated area generally located South of California Ave, West of Martin Luther King Drive, North of Briggs Ave, and East of Marshal Ave, and the Westside Infill Area, the unincorporated area generally located North of the proposed State Route 132 Right-of-Way, West of State Route 99, North of Laurel Ave, and East of Emerald Ave.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Measures N & O. More than a majority of all the votes cast at the election for Measures N & O were in favor of said proposed Measures, and said Measures did carry and were approved and were ratified by a majority of the qualified voters voting on said Measures.

Measures K, L & M. Less than a majority of all of the votes cast at the election for Measures K, L & M were in favor of said proposed Measures, and said Measures did not carry, were not approved, and were not ratified by a majority of the qualified voters voting on said Measures.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(Seal)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
CERTIFICATE OF CANVASS  
AND  
STATEMENT OF VOTE  
CITY OF MODESTO REGULAR MUNICIPAL ELECTION  
November 6, 2001

I, Jean Zahr, City Clerk of the City of Modesto, do hereby certify that I caused the Stanislaus County Clerk’s Office, on November 20, 2001, to publicly canvass the returns of the City of Modesto Second Regular Municipal Election held on November 6, 2001, in accordance with Modesto City Council Resolution 67-36. The following are the results of said election:

<table>
<thead>
<tr>
<th>CANDIDATES</th>
<th>NUMBER OF VOTES</th>
<th>PERCENTAGE OF VOTE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chair 2, Modesto City Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Armour Smith</td>
<td>9,364</td>
<td>37.3%</td>
</tr>
<tr>
<td>Janice Keating</td>
<td>7,472</td>
<td>29.7%</td>
</tr>
<tr>
<td>Dave Lopez</td>
<td>4,483</td>
<td>17.8%</td>
</tr>
<tr>
<td>Dale “Gene” Williams</td>
<td>2,281</td>
<td>9.0%</td>
</tr>
<tr>
<td>Miguel B Donoso</td>
<td>1,476</td>
<td>5.8%</td>
</tr>
<tr>
<td>Chair 4, Modesto City Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>William E. O’Bryant</td>
<td>5,455</td>
<td>22.4%</td>
</tr>
<tr>
<td>Dan Hopkins</td>
<td>5,408</td>
<td>22.2%</td>
</tr>
<tr>
<td>Rob Ellett</td>
<td>5,023</td>
<td>20.6%</td>
</tr>
<tr>
<td>Bob Shook</td>
<td>3,168</td>
<td>13.0%</td>
</tr>
<tr>
<td>Jeremiah Williams</td>
<td>1,802</td>
<td>7.4%</td>
</tr>
<tr>
<td>Keith Silva</td>
<td>1,310</td>
<td>5.3%</td>
</tr>
<tr>
<td>Michael J. Gonzales</td>
<td>1,251</td>
<td>5.1%</td>
</tr>
<tr>
<td>Marcus A Nugent</td>
<td>659</td>
<td>2.7%</td>
</tr>
<tr>
<td>George B. Sharp</td>
<td>255</td>
<td>1.0%</td>
</tr>
<tr>
<td>Chair 5, Modesto City Council</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kenni Friedman</td>
<td>12,134</td>
<td>48.7%</td>
</tr>
<tr>
<td>Denny Jackman</td>
<td>5,787</td>
<td>23.2%</td>
</tr>
<tr>
<td>John B Williams</td>
<td>3,860</td>
<td>15.5%</td>
</tr>
<tr>
<td>Leonard M. Surratt</td>
<td>3,098</td>
<td>12.4%</td>
</tr>
<tr>
<td>Measure K</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Term Limits/March Election Date</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>10,595</td>
<td>YES</td>
</tr>
<tr>
<td></td>
<td>14,938</td>
<td>NO</td>
</tr>
<tr>
<td>Measure L</td>
<td></td>
<td></td>
</tr>
<tr>
<td>District Elections/March Election Date</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>8,423</td>
<td>YES</td>
</tr>
<tr>
<td></td>
<td>16,589</td>
<td>NO</td>
</tr>
</tbody>
</table>
Measure M
Fluoridation of Modesto City Drinking Water

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,450</td>
<td>YES</td>
<td>39.5%</td>
</tr>
<tr>
<td>16,001</td>
<td>NO</td>
<td>60.4%</td>
</tr>
</tbody>
</table>

Measure N
Sewer Service Extension to Roselle/Clarabel Comprehensive Planning District

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>13,767</td>
<td>YES</td>
<td>54.7%</td>
</tr>
<tr>
<td>11,389</td>
<td>NO</td>
<td>45.2%</td>
</tr>
</tbody>
</table>

Measure O
Sewer Service Extension to Southwest and Westside Infill Areas

<table>
<thead>
<tr>
<th></th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>13,572</td>
<td>YES</td>
<td>54.5%</td>
</tr>
<tr>
<td>11,311</td>
<td>NO</td>
<td>45.4%</td>
</tr>
</tbody>
</table>

Member, Modesto Board of Education

<table>
<thead>
<tr>
<th>Name</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ricardo Cordova</td>
<td>18,115</td>
</tr>
<tr>
<td>Kate Nyegaard</td>
<td>16,683</td>
</tr>
<tr>
<td>Cindy Marks</td>
<td>14,976</td>
</tr>
<tr>
<td>Nancy C. Cline</td>
<td>14,896</td>
</tr>
<tr>
<td>Robert Serpa</td>
<td>14,233</td>
</tr>
<tr>
<td>Linda Walden</td>
<td>13,352</td>
</tr>
<tr>
<td>Fred Eichel</td>
<td>5,048</td>
</tr>
</tbody>
</table>

VOTER TURNOUT:

<table>
<thead>
<tr>
<th>TOTAL REGISTERED VOTERS</th>
<th>TOTAL TURNOUT</th>
<th>TURNOUT PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>City of Modesto Council Seats &amp; Measures K, L, M, N, &amp; O</td>
<td>90,095</td>
<td>27,209</td>
</tr>
<tr>
<td>Modesto High School District</td>
<td>114,634</td>
<td>32,036</td>
</tr>
</tbody>
</table>

JEAN ZAHR
City Clerk/Auditor
City of Modesto

November 20, 2001
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-592

A RESOLUTION TO SUPPLEMENT MILITARY PAY AND CONTINUE HEALTH INSURANCE FOR UP TO 12 MONTHS FOR EMPLOYEES CALLED TO ACTIVE DUTY FOR NATIONAL DEFENSE.

WHEREAS, in the wake of the September 11th terrorist attack on America, President Bush has alerted citizens that we will be involved in a protracted mobilization against terrorism, and

WHEREAS, as a result of this action, one City employee has already been called into active duty, and

WHEREAS, the City has identified 10 regular City employees who are reservists and who could be called into active duty, and

WHEREAS, On October 2, 2001, Mark Frink requested the Council, on behalf of the Modesto Police Officers' Association, to provide additional salary and health benefits to activated employees, and

WHEREAS, On October 2, 2001, the City Council adopted Resolution 2001-505 affirming its intent to continue City salary payments and health benefits for up to 12 months to reservists called into active duty, and

WHEREAS, the Human Services Committee met on November 5, 2001, and recommended support for extending pay and benefits for reservists called into active military duty,

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City will pay the difference between an employee’s base City salary and the employee’s military pay including all military allowances and/or premiums (if the base City salary exceeds the military pay).

BE IT FURTHER RESOLVED, that the City will pay the same contribution towards an employee’s health, dental and vision premiums for an employee called into active duty that it was paying at the time the employee was called up, excluding in-lieu deferred compensation payments.

11/20/01/Personnel/J Stewart  
2001-592
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 2001, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \underline{\textit{\textbf{JEAN ZAHR}}, City Clerk}

(SEAL)

APPROVED AS TO FORM:

By \underline{\textit{\textbf{MICHAEL D. MILICH}}, City Attorney}
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-593

A RESOLUTION ACCEPTING THE BID OF COLLINS ELECTRICAL FOR THE PROJECT TITLED “INSTALLATION OF CLOSED CIRCUIT TELEVISION CAMERAS”

WHEREAS, the bids received for the Installation of Closed Circuit Television Cameras were opened at 11:00 a.m. on October 16, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $1,144,240, received from Collins Electrical, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $1,144,240, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Sabatino

ATTEST:  
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-594

A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO RECOGNIZE ADDITIONAL REVENUE FROM THE CITY OF CERES AND A BUDGET ADJUSTMENT TO INCREASE THE ANTICIPATED CONSTRUCTION EXPENSE

WHEREAS, on November 20, 2001, the City Council awarded a $1,144,240.00 contract to Collins Electrical for the Installation of Closed Circuit Television Cameras, and
WHEREAS, the low bid is over the project construction expense, and
WHEREAS, the City Of Ceres has agreed to increase their participation by $110,000 equal to the increase in the project costs for construction within the City of Ceres, and
WHEREAS, additional City CFF funds of $105,840 are available from account number 1410-160-M194, New Traffic Signals (CFF).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current Capital Improvement budget for “Installation of Closed Circuit Television Cameras” project as follows:

- Accept additional funding of $110,000 from the City of Ceres
- Inter-project fund transfer of $105,840 from CFF “New Traffic Signals” project to the “Installation of Closed Circuit Television Cameras” project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

11/20/01/E&I/T/F Vohra
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-595

A RESOLUTION ACCEPTING THE BID OF GOLDEN STATE UTILITY COMPANY FOR THE PROJECT TITLED “EXPAND ATMS NORTHEAST”

WHEREAS, the bids received for the Expand ATMS Northeast were opened at 11:00 a.m. on October 2, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council; and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $438,428 received from Golden State Utility Company, be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $438,428, be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith,

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR City Clerk
A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO RECOGNIZE ADDITIONAL REVENUE FROM THE 01/02 CONGESTION MANAGEMENT AND AIR QUALITY GRANT FUNDS AND A BUDGET ADJUSTMENT TO INCREASE THE ANTICIPATED CONSTRUCTION EXPENSE

WHEREAS, on November 20, 2001, the City Council awarded a $438,428 contract to Golden State Utility Company for the Expand ATMS Northeast, and

WHEREAS, the low bid is over the project construction expense, and

WHEREAS, construction funds from “Roundabout – Sutter and Paradise” project of $158,746 are available, and

WHEREAS, additional Congestion Management and Air Quality fund of $27,818 are available from the 01/02 grant process, and

WHEREAS, additional City CFF funds of $94,864 are available from account number 1410-160-M194, New Traffic Signals (CFF).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current Capital Improvement budget for “Expand ATMS Northeast” project as follows:

- Inter-project fund transfer of $158,746 from “Roundabout – Sutter and Paradise” to “Expand ATMS Northeast.”

- Accept additional funding of $27,818 from Congestion Management and Air Quality

- Inter-project fund transfer of $94,864 from CFF “New Traffic Signals” project to the “Expand ATMS Northeast” project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20\textsuperscript{th} day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Sabatino

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By
MICHAEL D. MILICH, City Attorney

WHEREAS, on April 3, 2001, the City Council adopted Resolution No. 2001-159, and

WHEREAS, Resolution No. 2001-159 is hereby amended solely with respect to Exhibit "A" so that 1) at Dryden Park Municipal Golf Course and Creekside Municipal Golf Course the Every Day annual passes shall not apply to tee times before 1:00 p.m. on Saturdays, Sundays, and Holidays during Daylight Savings Time and 12:00 Noon during Standard Time, and 2) at Municipal Nine-Hole Golf Course the Every Day annual passes shall not apply to tee times before 10:00 a.m. year-round on Saturdays, Sundays and Holidays, and

WHEREAS, Resolution No. 2001-159 is reaffirmed in every other respect and repeated in its entirety herein for the sake of administrative convenience, and

WHEREAS, the Human Services Committee met on November 5, 2001, and recommended that the valid weekend and holiday times for the Every Day Annual Pass holders be amended, and

WHEREAS, by an agenda report to the City Council from the Parks, Recreation and Neighborhoods Department dated November 6, 2001, City staff recommended the changes as recommended by the Human Services Committee, and

WHEREAS, at the Council meeting held on November 20, 2001, the City Council considered this matter, and
WHEREAS, the Council of the City of Modesto finds that the portion of Exhibit "A" relating to Every Day Annual Passes for golfers at the Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course needs to be revised,

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

SECTION 1. RATES. The rates for players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "A" attached hereto.

The policies and rates for tournament players upon the Modesto Nine-Hole Municipal Golf Course, the Dryden Park Municipal Golf Course, and the Creekside Municipal Golf Course are hereby established as set forth on Exhibit "B" attached hereto.

SECTION 2. DISCOUNTS. (a) School Golf Teams. School golf team passes are to be issued only upon presentation by holder of a current high school or college student body card and verification of golf team membership by the school golf coach. Students shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility. Team members with team member passes must be accompanied by their respective golf coaches and shall play only between the hours of 2:00 p.m. and 5:00 p.m. during the spring golf season. The specific spring school golf team season will be set by the golf professional after receiving the schools' schedules of matches from each school coach. Green fees at the rate of $2.25 per round shall continue to be implemented for high school and Modesto Junior College golf programs at the Modesto Nine Hole Municipal Golf Course, the Dryden Park Municipal Golf Course and the Creekside Municipal Golf Course.

(b) Junior Discounts. Junior discounts are to be given only to persons eighteen (18) years of age and younger any day after 12:00 noon. Juniors shall possess and display an etiquette card obtained by completing a required training course in golf rules and etiquette at a recognized golf facility.
(c) **Senior/Junior/Disabled Discounts.** Senior/Junior/Disabled discounts are to be given only to persons who are sixty-two (62) years of age or older or to those who are on disability retirement. Proof of age or proof of disability retirement must be displayed to obtain a Senior/Retired/Disabled discount. Discounts are good weekdays except for holidays.

Members of the five officially recognized golf clubs (Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.

(d) **Valu-Play Cards.** Golfers can purchase a weekday 6, 8 or 10 Valu-Play (multiple play) card for Dryden/Creekside or Muni. Valu-Play Discounts are effective for sixty (60) days from the date of purchase except for the months of December, January and February. During this period multiple play cards will be good for the entire three months. Multiple play cards are not refundable or transferable. The multiple play card is not good on weekends or holidays.

(e) **Special Rates.** From time to time, the Recreation and Neighborhoods Director or his or her designee may provide up to a fifty percent (50%) discount off of daily greens fees. Such specials shall occur no more than twenty (20) days per month at each golf course.

(f) **Family Tee Program.** To promote family play, golfers may play from established “family tees” to be set no more than 175 yards from the greens at Municipal nine-Hole Golf Courses. Rates for play are $5.00 weekdays and $6.00 weekends. All members of the foursome or group must use the family tees for this rate to be in effect.

(g) **Play one round, get the second round free.** This discount is good on the day and at the course on which the original full-fee round is played. The fee for the second round shall be one-half of the green fee in effect at the time the second round is played.

**SECTION 3. COMPLIMENTARY TICKETS.** Complimentary tickets without fee may be issued by or under the direction of the Golf Course Professional to visiting professionals or others, for services rendered to the golf course. Free play must be approved by the Recreation and Neighborhoods Director or designee.
SECTION 4. CHILDREN. Children under the age of eleven (11) will not be permitted to play golf unless accompanied by an adult playing golf.

SECTION 5. POLICY. In order for fees to be consistent and competitive with other courses in the valley, the Play Day Policy for Play at the City's Municipal Golf Courses by Non-Affiliated Groups shall continue to be implemented as set forth on Exhibit “C” attached hereto.

SECTION 6. HOLIDAYS. "Holidays", as used herein, shall mean New Year's Day (January 1st), Martin Luther King’s Birthday (the third Monday in January), Washington's Birthday (the third Monday in February), Memorial Day (the last Monday in May), Independence Day (July 4th), Labor Day (the first Monday in September), Veterans Day (November 11th), Thanksgiving Day (the fourth Thursday in November) and the day after Thanksgiving. When a holiday falls on Sunday, the following Monday shall be observed as a holiday. When a holiday falls on Saturday, the preceding Friday shall be observed as a holiday.

SECTION 7. SIGNS. The Golf Course Professional is authorized and directed to post a sign in a conspicuous place informing all golfers of the established greens fees.

SECTION 8. OFFICIALLY RECOGNIZED AFFILIATED GOLF CLUBS. Golf Clubs officially recognized under the terms of this resolution are: Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S.

SECTION 9. EFFECTIVE DATE. This resolution shall go into effect and be in full force and operation on and after November 22, 2001.

SECTION 10. REPEALS. Resolution No. 2001-159 is hereby amended effective November 22, 2001.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: None

ATTEST:

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

MICHAEL D. MILICH, City Attorney

11/20/01/PR&N/B Quintella -5- 2001-597
# CITY OF MODESTO GOLF COURSES
## GREEN FEE SCHEDULE
**EFFECTIVE NOVEMBER 22, 2001**

### DRYDEN PARK MUNICIPAL GOLF COURSE

<table>
<thead>
<tr>
<th>Day/Time</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays, 9-holes</td>
<td>$12.50</td>
</tr>
<tr>
<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
<td>$10.50</td>
</tr>
<tr>
<td>Weekdays, 18-holes</td>
<td>$17.00</td>
</tr>
<tr>
<td>Weekdays, 18-holes (seniors/juniors/disabled)</td>
<td>$14.00</td>
</tr>
<tr>
<td>Weekdays, 18-holes (juniors, after noon)</td>
<td>$9.50</td>
</tr>
<tr>
<td>Weekdays Mid-day, 18-holes</td>
<td>$13.00</td>
</tr>
<tr>
<td>Weekdays Super-Twilight, 18-holes</td>
<td>$7.00</td>
</tr>
<tr>
<td>Weekdays afternoon League Play</td>
<td>$12.00</td>
</tr>
<tr>
<td>Weekends/Holidays, 9-holes</td>
<td>$14.50</td>
</tr>
<tr>
<td>Weekends/Holidays, 18-holes</td>
<td>$23.00</td>
</tr>
<tr>
<td>Weekends/Holidays, 18-holes (seniors, after noon)</td>
<td>$12.50</td>
</tr>
<tr>
<td>Weekends/Holidays Mid-day, 18-holes</td>
<td>$16.00</td>
</tr>
<tr>
<td>Weekends/Holidays Super-Twilight, 18-holes</td>
<td>$10.00</td>
</tr>
</tbody>
</table>

| 6-play Valu-Play booklet | $84.00 |
| 6-play Valu-Play booklet (seniors/juniors/disabled) | $72.00 |
| 8-play Valu-Play booklet | $112.00 |
| 8-play Valu-Play booklet (seniors/juniors/disabled) | $96.00 |
| 10-play Valu-Play booklet | $140.00 |
| 10-play Valu-Play booklet (seniors/juniors/disabled) | $120.00 |

### CREEKSIDE MUNICIPAL GOLF COURSE

<table>
<thead>
<tr>
<th>Day/Time</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weekdays, 9-holes</td>
<td>$14.00</td>
</tr>
<tr>
<td>Weekdays, 9-holes (seniors/juniors/disabled)</td>
<td>$11.50</td>
</tr>
<tr>
<td>Weekdays, 18-holes</td>
<td>$19.00</td>
</tr>
<tr>
<td>Weekdays, 18-holes (seniors/juniors/disabled)</td>
<td>$15.50</td>
</tr>
<tr>
<td>Weekdays, 18-holes (juniors, after noon)</td>
<td>$10.50</td>
</tr>
<tr>
<td>Weekdays Mid-day, 18-holes</td>
<td>$14.00</td>
</tr>
<tr>
<td>Weekdays Super-Twilight, 18-holes</td>
<td>$8.00</td>
</tr>
<tr>
<td>Weekdays afternoon League Play</td>
<td>$13.00</td>
</tr>
<tr>
<td>Weekends/Holidays, 9-holes</td>
<td>$16.50</td>
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<tr>
<td>Weekends/Holidays, 18-holes</td>
<td>$26.00</td>
</tr>
<tr>
<td>Weekends/Holidays, 18-holes (seniors, after noon)</td>
<td>$14.50</td>
</tr>
<tr>
<td>Weekends/Holidays Mid-day, 18-holes</td>
<td>$18.00</td>
</tr>
<tr>
<td>Weekends/Holidays Super-Twilight, 18-holes</td>
<td>$12.00</td>
</tr>
</tbody>
</table>

| 6-play Valu-Play booklet | $84.00 |
| 6-play Valu-Play booklet (seniors/juniors/disabled) | $72.00 |
| 8-play Valu-Play booklet | $112.00 |
| 8-play Valu-Play booklet (seniors/juniors/disabled) | $96.00 |
| 10-play Valu-Play booklet | $140.00 |
| 10-play Valu-Play booklet (seniors/juniors/disabled) | $120.00 |
MODESTO NINE HOLE MUNICIPAL GOLF COURSE (MUNI)

Weekdays, 9-holes $10.00
Weekdays, 9-holes (seniors/juniors/disabled) $8.00
Weekdays, 9-holes (juniors, after noon) $5.50
Weekdays Mid-day, 9-holes $8.00
Weekdays Super-Twilight, 9-holes $6.00
Weekdays afternoon League Play $7.00
Weekends/Holidays, 9-holes $12.00
Weekends/Holidays, 9-holes (juniors, after noon) $6.50
Weekends/Holidays Mid-day, 9-holes $9.00
Weekends/Holidays Super-Twilight, 9-holes $7.00

6-play Valu-Play booklet $42.00
6-play Valu-Play booklet (seniors/juniors/disabled) $36.00
8-play Valu-Play booklet $56.00
8-play Valu-Play booklet (seniors/juniors/disabled) $48.00
10-play Valu-Play booklet $70.00
10-play Valu-Play booklet (seniors/juniors/disabled) $60.00

Weekdays, 9-holes, Family Tees $5.00
Weekends, 9-holes, Family Tees $6.00

MUNICIPAL NINE-HOLE GOLF COURSE, DRYDEN PARK MUNICIPAL GOLF COURSE
AND CREEKSIIDE MUNICIPAL GOLF COURSE

Annual Club Membership, Initial Membership $150.00
*Annual Club Membership, Every Day $800.00
*Annual Club Membership, Every Day, Jr./Sr. $700.00
*Annual Club Membership, Every Day, Family $1,200.00
*Annual Club Membership, Every Day, Family, Jr./Sr. $1,050.00
Annual Club Membership, Week Day $650.00
Annual Club Membership, Week Day, Jr./Sr. $550.00
Annual Club Membership, Week Day, Family $975.00
Annual Club Membership, Week Day, Family, Jr./Sr. $825.00

*At Dryden Park Municipal Golf Course and Creekside Municipal Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 1:00 p.m. during Daylight Savings Time and 12:00 Noon during Standard Time on Saturdays, Sundays, and Holidays. At Municipal Nine-Hole Golf Course, the Every Day annual passes provided for above shall not apply to tee times prior to 10:00 a.m. year-round on Saturdays, Sundays, and Holidays.
## TOURNAMENT FEE SCHEDULE AND POLICY
**EFFECTIVE MARCH 15, 2001**

<table>
<thead>
<tr>
<th>Location</th>
<th>Full Regular Tee</th>
<th>Full Shotgun Tee</th>
<th>Modified Shotgun Tee</th>
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</thead>
<tbody>
<tr>
<td><strong>CREEKSID</strong></td>
<td>$28.00</td>
<td>$49.00</td>
<td>$49.00</td>
</tr>
<tr>
<td>Weekday</td>
<td>$35.00</td>
<td>$57.00</td>
<td>$57.00</td>
</tr>
<tr>
<td><strong>DRYDEN</strong></td>
<td>$26.00</td>
<td>$47.00</td>
<td>$47.00</td>
</tr>
<tr>
<td>Weekday</td>
<td>$32.00</td>
<td>$54.00</td>
<td>$54.00</td>
</tr>
<tr>
<td><strong>MUNI</strong></td>
<td>$18.00</td>
<td>$31.00</td>
<td>N/A</td>
</tr>
<tr>
<td>Weekday</td>
<td>$22.00</td>
<td>$35.00</td>
<td>N/A</td>
</tr>
</tbody>
</table>

In addition, a non-refundable deposit of $50.00 per tournament is required.

Regular tee time style tournaments require a minimum of 28 players. Per player fees include:
- green fees ($18.00 weekdays/$25.00 weekends at Creekside, $16.00 weekdays/$22.00 weekends at Dryden and $10.00 weekdays/$12.00 weekends at Muni);
- Pro Shop merchandise credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni);
- and golf course restaurant credit ($5.00 at Creekside/Dryden and $4.00 weekdays/$5.00 weekends at Muni).

Full shotgun tee time style tournaments require a minimum of 120 players at Creekside/Dryden and a minimum of 72 players at Muni. Per player fees include:
- green fees ($22.00 weekdays/$30.00 weekends at Creekside, $20.00 weekdays/$27.00 weekends at Dryden and $12.00 weekdays/$14.00 weekends at Muni);
- cart rental ($13.00 at Creekside/Dryden and $11.00 at Muni);
- Pro Shop merchandise credit ($7.00 at Creekside/Dryden and $4.00 weekends at Muni);
- and golf course restaurant credit ($7.00 at Creekside/Dryden and $4.00 weekends/$5.00 weekends at Muni). Cart rental is required for shotgun style tournaments.

Modified shotgun tee time style tournaments require a minimum of 72 players at Creekside/Dryden. Per player fees include:
- green fees ($22.00 weekdays/$30.00 weekends);
- cart rental ($13.00 at Creekside, $19.00 weekdays/$26.00 weekends at Dryden); and
- Pro Shop merchandise credit ($7.00 at Creekside/Dryden). Cart rental is required for shotgun style tournaments. Modified shotgun style tournaments are not available at Muni.

Members of the five officially recognized affiliated golf clubs (Muni Niners, Modesto Golf Club, Dryden Ladies Club, Creekside Golf Club and S.I.R.S.), who qualify, will be allowed to use Senior/Junior/Disabled discounts for official club tournaments Monday through Thursday, excluding holidays.
The following policy is hereby established for Non-Affiliated Groups to encourage their use of the City’s municipal golf courses:

Criteria for these groups are:

1. They are a group with an identification or organizational structure;
2. They commit to use the City’s golf course(s) on a regular basis (weekly, bi-weekly, monthly, etc.);
3. They have a minimum of twenty-four (24) players;
4. Regular tee-time style starting will be used (no shotgun style starting will be allowed);
5. Their events do not promote a formal competition or championship; and
6. Play days will be restricted to Monday through Wednesday after 9:00 a.m.

In recognition of their contribution to the golf program, no mandatory pro shop or restaurant fees will be assessed. Tee time reservations, in advance of public reservations, will be allowed.
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-598

A RESOLUTION ACCEPTING THE PROJECT TITLED “COLDWELL AVENUE AND NINTH STREET IMPROVEMENTS” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Coldwell Avenue and 9th Street Improvements, has been completed by George Reed, Inc., in accordance with the contract agreement dated April 3, 2001.

NOW, THEREFORE, BE IT RESOLVED that the Coldwell Avenue and 9th Street Improvements project be accepted from said contractor, George Reed, Inc.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $645,607.99 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 2001, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

11/20/01/E&T/T Parmer 2001-598
MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-599  

A RESOLUTION APPROVING AGREEMENTS FOR THE REIMBURSEMENT FOR THE DEDICATION OF THIRTY FEET OF RIGHT-OF-WAY FOR THE PELANDALE AVENUE EXPRESSWAY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS

WHEREAS, on October 21, 1997, Council adopted Resolution No. 97-591 approving the Pelandale-Snyder Financing Strategy and Facilities Master Plan, and

WHEREAS, the Pelandale-Snyder Financing Strategy and Facilities Master Plan included provisions for reimbursement to the original dedicating property owners for thirty feet of the right-of-way dedicated for the Pelandale Avenue Expressway and ten feet of the Prescott Road right-of-way, and

WHEREAS, there are a total of 14 parcels and 11 property owners involved in the reimbursement, and

WHEREAS, the original dedicating property owners received the same form of the agreement modified to reflect the owner’s amount of right-of-way dedication that is eligible for reimbursement and the amount of said reimbursement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the agreements between the City of Modesto and the original dedicating property owners of the Pelandale Avenue Expressway and Prescott Road right-of-way or their successors are hereby approved.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute the agreements.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 2001, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-600

A RESOLUTION AMENDING THE CAPITAL IMPROVEMENT BUDGET TO FUND REIMBURSEMENT OF RIGHT-OF-WAY COSTS FOR THE PELANDALE EXPRESSWAY AND PRESCOTT ROAD IN THE PELANDALE-SNYDER SPECIFIC PLAN AREA

WHEREAS, on October 21, 1997, Council adopted Resolution No. 97-591 approving the Pelandale-Snyder Financing Strategy and Facilities Master Plan, and

WHEREAS, the Pelandale-Snyder Financing Strategy and Facilities Master Plan included provisions for reimbursement to the original dedicating property owners for thirty feet of the right-of-way dedicated for the Pelandale Avenue Expressway and ten feet of the Prescott Road right-of-way, and

WHEREAS, on November 20, 2001, Council adopted Resolution No. 2001-599 approving reimbursement agreements with the original dedicating property owners and authorizing the City Manager to execute the agreements, and

WHEREAS, the estimated cost of the reimbursements through the end of the current fiscal year is $450,000.00

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a new Capital Improvement account titled “Pelandale-Snyder Right-of-Way Reimbursement” be created and $450,000.00 be appropriated to that account, funds coming from the Capital Facility Fees-Streets undesignated fund balance for the purpose of reimbursing dedicating property owners for a portion of the right-of-way dedicated in accordance with the Pelandale-Snyder Financing Strategy and Facilities Master Plan.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 2001, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:
By Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-601

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE WITH LALOMA PROPERTIES FOR RENTAL OF THE PROPERTY LOCATED AT 1550-A YOSEMITE BOULEVARD, MODESTO, CALIFORNIA, FOR THE POLICE DEPARTMENT SOUTHEAST AREA COMMAND OFFICE.

WHEREAS, in 1996 the City of Modesto leased property at 1550-A Yosemite Boulevard for a Police Department Area Command office, and

WHEREAS, the lease is set to expire on November 30, 2001, and

WHEREAS, the owner is now offering a second five-year lease for the property at the fair market value of $977.94 monthly, with the additional costs of $530 annual property taxes and $780 annual common area maintenance costs, and

WHEREAS, the property has worked well as an office for City operations and is now a part of this community, and

WHEREAS, the rent is fair and the cost of relocating would be approximately $10,000, and

WHEREAS, execution of this lease enhances the City of Modesto’s Strategic Plan Action to improve upon Area Command Offices/Community Center relationships, and

WHEREAS, the Public Safety Committee unanimously recommended execution of this lease to the full City Council at its meeting of August 2, 2001.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the City Manager or his authorized designee is hereby authorized to execute a lease with LaLoma Properties, a Joint Venture, for the rental of the property located at 1550-A Yosemite Boulevard, Modesto, California for the Police Department Southeast Area Command Office.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-602

A RESOLUTION AUTHORIZING THE PURCHASING SUPERVISOR TO SOLICIT REQUEST FOR BIDS FOR TWELVE (12) MODEL 170E CONTROLLER ASSEMBLIES WITH 332 CABINET

WHEREAS, the Engineering and Transportation Department has requested the purchase of twelve (12) Model 170E Controller Assemblies with 332 Cabinet, and

WHEREAS, the Engineering and Transportation Department is responsible for maintaining and installing new traffic signal equipment at Standiford/Shawnee and for traffic signal modifications at K-Street and 9th, and

WHEREAS, by soliciting competitive bids for twelve (12) Model 170E Controller Assemblies with 332 Cabinet, the Finance Department-Purchasing Division will comply with the Modesto Municipal Code, Section 8-3.204, formal bid procedures.

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

SECTION 1. The City Clerk is hereby authorized to call for public competitive sealed bids for Twelve (12) Model 170E Controller Assemblies with 332 Cabinet to be opened in the office of the City Clerk, 1010 10TH Street, in the City of Modesto, on December 18, 2001 at 11:00 a.m. The City Clerk is hereby directed to give notice inviting such sealed bids in the time, form, and manner provided by law.

SECTION 2. After the bids are opened, they shall be tabulated and analyzed and a report submitted to the Council.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 2001, 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, Friedman, Frohman, Serpa, Smith
           Mayor Sabatino

NOES:      Councilmembers:  None

ABSENT:    Councilmembers:  None

ATTEST:    

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-603

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO APPROVING APPLICATION TO THE STANISLAUS COUNTY COMMUNITY DEVELOPMENT "BANK" FOR FUNDING FOR THE KANSAS AVENUE BUSINESS PARK PROJECT – CONCEPT MASTER PLANNING

WHEREAS, on February 13, 2001, the Stanislaus County Board of Supervisors approved the formation of an Economic Development "Bank" and agreed to make an annual contribution of $1.5 million to the "Bank" for a period of five years; and

WHEREAS, the Workforce Investment Board (WIB) will serve as the Board of Directors for the "Bank". The City Manager from each City and the County Chief Executive Officer will serve as an Advisory Committee and make funding recommendations to the Workforce Investment Board; and

WHEREAS, the Stanislaus County Board of Supervisors approved the formation of the "Bank" for the purpose of providing resources for economic development projects throughout the County; and

WHEREAS, it is the Board's intent that the funds be used by the nine cities and communities to leverage State, Federal and private dollars to finance infrastructure that makes possible greater opportunities for job retention and creation.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby support by resolution the submission of an Application to the Stanislaus County Community Development "Bank" for Funding for the Kansas Avenue Business Park Project – Concept Master Planning.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Modesto hereby;

1. Approves the filing of an Application to the Stanislaus County Community Development "Bank" for funding for the Kansas Avenue Business Park Project for Concept Master Planning.
2. Certifies that the City of Modesto will have sufficient funds to operate and maintain the project; and

3. Certifies that the City of Modesto has reviewed, understands, and agrees to the “Bank” Structure, Guiding Principles, the Application Form, Funding Criteria, and Process.

4. Appoints the City Manager as the agent to conduct all negotiations, and execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the Kansas Avenue Business Park Concept Master Plan in the event that funding is received from the Stanislaus County Community Development “Bank”.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 20th day of November, 2001, by Councilmember Friedman, 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, Friedman, Frohman, Serpa, Smith

NOES: Councilmembers: Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST Jean Zahr, City Clerk

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney
A RESOLUTION AUTHORIZING STAFF TO PROCEED WITH A REQUEST FOR QUALIFICATIONS AND REQUEST FOR PROPOSALS FOR A FEASIBILITY STUDY OF A REGIONAL WATER RECLAMATION FACILITY.

WHEREAS, the City of Modesto has submitted a Plan of Study and an application for a State Water Resources Control Board (SWRCB) planning grant for a regional water reclamation facility feasibility study, and

WHEREAS, the facilities planning grant will reimburse the City for up to 50% of the total feasibility study costs, not to exceed $75,000, and

WHEREAS, the SWRCB has approved the City of Modesto’s Plan of Study, and will submit the City’s grant application for Board approval in January,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes City staff to proceed with a Request for Qualifications and a Request for Proposals for a Regional Water Reclamation Facility Feasibility Study, following SWRCB grant approval.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-605

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE OPERATING BUDGET OF $150,000, WHICH WILL BE USED FOR A WATER RECYCLING FACILITIES FEASIBILITY STUDY

WHEREAS, the Safe Drinking Water, Clean Water, Watershed Protection and Flood Protection Act (AB 1584) which was approved by voters as Proposition 13, contains a bond law that includes loans and grants for the design of water recycling projects, and

WHEREAS, the City of Modesto’s Utility Services and Franchise Committee has directed City Staff to proceed with the application of a planning grant, and

WHEREAS, the State Water Resources Control Board (SWRCB) placed the City of Modesto’s Northern San Joaquin Valley Water Reclamation project as a Category 2 (Early Planning Phases) Project on the Water Recycling Construction Program Priority List, which allowed the City of Modesto to apply for a planning grant of up to 50% of the planning study costs, not to exceed $75,000 and submit a detailed Plan of Study for grant approval, and

WHEREAS, the State Water Resources Control Board has approved the City of Modesto’s Plan of Study and will place the City’s grant application on the State Board’s Agenda Item list for approval, and

WHEREAS, the City will need to show its financial commitment to the feasibility study by budgeting for the $150,000 study costs, as required by State Water Resources Control Board’s approval of the City of Modesto’s grant application, and

WHEREAS, upon approval of the grant application, the City will receive revenue of 50% of the study costs, up to $75,000, through the grant reimbursement,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an appropriation of $150,000.00 from the Sewer Reserve fund - Account Number 6210-800-8000-8003, to the Regional Water Reclamation Facility Feasibility Study fund - Account Number 6210-440-5207, to fully fund the feasibility study.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: \[signature\]

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [signature]

MICHAEL D. MILICH, City Attorney
A RESOLUTION AMENDING THE DOWN PAYMENT ASSISTANCE PROGRAM TO: LOWER THE INTEREST RATE TO 3%; EXTEND THE AMORTIZATION PERIOD TO 30 YEARS; INCLUDE REVIEW AND APPROVAL BY THE HOUSING REHABILITATION LOAN COMMITTEE; INCLUDE SITE VISITS, TESTING AND CONTAINMENT OR ABATEMENT OF LEAD-BASED PAINT; ADDRESS ILLEGAL CONVERSION AND HEALTH AND SAFETY HAZARDS PRIOR TO CLOSING; AND, ISSUE REQUESTS-FOR-PROPOSALS FOR HOME-BUYING CLASSES

WHEREAS, in 1994, the City began to administer a down payment assistance program (DPAP) to help low and moderate income households purchase a new home in Modesto, and

WHEREAS, this program is amended from time to time to address the needs of low and moderate income home buyers and to reflect the current housing trends in Modesto, and

WHEREAS, the City Council, at its August 14, 2001 meeting, requested that the Housing and Rehabilitation Loan Committee review and consider additional amendments to lower the interest rate from 5% to 3% and to increase the amortization period from 25 years to 30 years, and

WHEREAS, staff is recommending process changes to include requiring that loan applications be reviewed and approved by the Housing Rehabilitation Loan Committee, incorporating references to the new lead based paint compliance requirements, incorporating regulations pertaining to homes that are deemed substandard or that involved illegal construction, and revising the home-buying classes through issuance of a Request for Proposals, and

WHEREAS, the Housing Rehabilitation Loan Committee met on October 26, 2001, and supported the recommendations of the City Council and staff,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the Down Payment Assistance Program to include lowering the interest rate from 5% to 3%, increasing the amortization period from 25 years to 30 years, requiring that loan applications be reviewed and approved by the Housing Rehabilitation Loan Committee, incorporating references to the new lead based paint compliance requirements,
incorporating regulations pertaining to homes that are deemed substandard or that involved illegal construction, and revising the home-buying classes through issuance of a Request for Proposals.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, 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. 2001-607

A RESOLUTION REIMBURSING $9,170 IN CAPITAL FACILITIES FEES TO RUSHMORE FINANCIAL, INC.

WHEREAS, by Council Resolution No. 2001-376, the City Council at its July 17, 2001, meeting approved a request from Stanislaus County Affordable Housing Corporation (STANCO) for the deferral of the City’s Capital Facilities Fees (CFF) for five properties located outside of Modesto City limits, but within the City’s Sphere of Influence, and

WHEREAS, Dave Meling, Executive Director of STANCO paid $9,170 in CFF for the five subject properties (1701 Kenneth Street, 1705 Kenneth Street, 1732 Carpenter Road, 615 Lassen Avenue, and 1201 Lassen Avenue) from his other business, Rushmore Financial Inc., and

WHEREAS, Mr. Meling is now requesting reimbursement, as the deferred CFF will be assumed by the eventual homebuyers and will be secured by proper agreements,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes reimbursing $9,170 in capital facilities fees to Rushmore Financial, Inc. for five properties located at 1701 Kenneth Street, 1705 Kenneth Street, 1732 Carpenter Road, 615 Lassen Avenue, and 1201 Lassen Avenue.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

Attest: ____________________________________________
JEAN ZAHN, City Clerk

MICHAEL D. MILICH, City Attorney

11/27/01/PR&N/C Harris 2001-607
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-608

A RESOLUTION UPDATING MUNICIPAL OFF-STREET PARKING FACILITIES, PROVIDING FOR CONTROL THEREOF, INCREASING PARKING RATES, AND RESCINDING RESOLUTION NO. 2000-473.

WHEREAS, Section 3-2.1601 of the Modesto Municipal Code provides that the City Council may from time to time establish and designate municipal off-street parking facilities in the City by resolution of the Council, and

WHEREAS, Section 3-2.1602 of the Modesto Municipal Code provides that the hours and days upon which the operation of off-street parking facilities shall be effective shall be established from time to time by resolution of the Council, and

WHEREAS, Section 3-2.1603 of the Modesto Municipal Code provides that the rates for use of off-street parking facilities shall be established from time to time by resolution of the Council, and

WHEREAS, the City Council’s Transportation Policy Committee reviewed and approved the recommended parking rate increases at their meeting of October 18, 2001, and

WHEREAS, by an agenda report to the City Council from the Operations & Maintenance Department dated October 25, 2001, City staff recommended a rate increase for off-street parking facilities, and

WHEREAS, said matter was set for a public hearing of the City Council to be held at 5:15 p.m. on November 27, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing of the Council was held for the purpose of receiving public comment on the proposed parking rate increase,

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

SECTION 1. GARAGE PARKING FACILITIES.
(a) The following municipal off-street parking facilities are hereby established:

   (1) Eleventh Street Garage (Lot 28) west side of 11th Street between I and J Streets;

   (2) Ninth Street Garage (Lot 43) west side of 9th Street between K and L Streets;

   (3) Tenth Street Garage (Lot 44) west side of 11th Street between J and K Streets.

(b) Vehicular parking on said parking facilities shall be controlled and regulated by parking attendants as follows:

   (1) From 8:00 a.m. to 6:00 p.m., Monday through Friday.

(c) The rate of One and no/100ths dollar ($1.00) per hour or fraction thereof, unless validated in accordance with the provisions of Section 3-2.1604 of the Modesto Municipal Code is hereby established for said garage parking facilities. The price for validation stamps to be used with the validation system on said garage parking facilities, as provided by Section 3-2.1604 of the Modesto Municipal Code, shall be $105.00 for a book of one hundred (100) stamps.

(d) The Operations & Maintenance Director may designate spaces in said garage parking facilities for the free parking of bicycles. When appropriate signs are erected, bicycles may be parked in such areas without charge.

(e) Monthly parking passes may be authorized by the Operations & Maintenance Director on said garage parking facilities when it does not encroach on the needs of commercial parking and/or other parking agreements. The monthly charges for such passes shall be Forty and no/100ths dollars ($40.00) for the three parking garages (Lots 28, 43, and 44).

(f) Additional hours of operation, including weekends, may be authorized by the Operations & Maintenance Director as appropriate to meet parking
needs, comply with existing agreements, or allow for collection of fees for special events.

SECTION 2. SURFACE PARKING LOTS.

(a) The municipal off-street parking facilities specified on “Exhibit A” attached hereto are hereby established as surface parking lots. Parking time limits, rates of fees for both ticketed and metered lots, and monthly fees for parking passes and reserved parking for said surface parking lots shall be as shown on “Exhibit A”. Said “Exhibit A” is hereby incorporated by reference and made a part of this resolution.

(b) Monthly parking passes may be authorized by the Operations & Maintenance Director on any surface parking lot when it does not encroach on the needs of commercial parking. The monthly charges for such passes shall be Twenty-Forty and no/100ths dollars ($20.40).

(c) Monthly reserved parking passes may be authorized by the Operations & Maintenance Director on specified lots. The monthly charges for such passes shall be Forty and no/100ths dollars ($40.00) per space per month.

SECTION 3. FREE PARKING LOTS.

(a) The following municipal off-street parking facilities shall be free parking lots:

(1) Lot 13, north side of H Street between 15th and 16th Streets (Modesto Stanislaus Library);

(2) Lot 15, east side of 11th Street between F and G Streets (north of Fire Station #1);

(3) Lot 16, east side of 11th Street between F and G Streets (south of Fire Station #1).

SECTION 4. DISABLED PERSONS. Notwithstanding any other provision of this resolution, disabled persons, as defined in Section 22511.5 of the California Vehicle Code, displaying a distinguishing license plate or distinguishing placard issued pursuant
to Section 22511.5 of the California Vehicle Code may park free in any of the municipal off-street parking facilities specified in this resolution, except in reserved parking spaces.

SECTION 5. JURY PARKING. Persons ordered to appear for jury duty may park exclusively in the following municipal off-street parking facility in compliance with the fees and regulations specified in this resolution:

(1) Lot 10, exclusive all day, east side of 8th Street between I and K Streets

SECTION 6. City staff is directed to conduct a review of the rates in this resolution in two years.

SECTION 7: EFFECTIVE DATE. The effective date of this resolution shall be January 1, 2002.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 2001, by Councilmember Conrad, who moved its adoption, which motion being duty seconded by Councilmember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith

NOES: Councilmembers: Mayor Sabatino

ABSENT: Councilmembers: None

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
# Off-Street Parking Facilities

<table>
<thead>
<tr>
<th>Lot #</th>
<th>Location</th>
<th>Lot Owner</th>
<th>Time Limits</th>
<th>Hours of Operation (Mon-Fri)</th>
<th>Hourly/Daily Fee (or fraction thereof)</th>
<th>Fee for Monthly Pass</th>
<th>Fee for Monthly Reserved Pass</th>
<th>Other Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>9th between I and J</td>
<td>City of Modesto</td>
<td>3 hrs.</td>
<td>9:00 - 4:30 p.m.</td>
<td>$0.05/12 minutes</td>
<td>n/a</td>
<td>$40</td>
<td>9 spaces available for reserved parking</td>
</tr>
<tr>
<td>3</td>
<td>12th and I (S.E.)</td>
<td>City of Modesto</td>
<td>No Limit</td>
<td>9:00 - 6:00 p.m.</td>
<td>$0.25/hour</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>9th and K</td>
<td>City of Modesto</td>
<td>No Limit</td>
<td>9:00 - 6:00 p.m.</td>
<td>Free</td>
<td>n/a</td>
<td>n/a</td>
<td>Jury Duty Parking exclusive</td>
</tr>
<tr>
<td>11</td>
<td>10th and H (S.W.)</td>
<td>City of Modesto</td>
<td>5 hrs.</td>
<td>9:00 - 6:00 p.m.</td>
<td>$0.25/hour</td>
<td>n/a</td>
<td>$40</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>15th between H and I</td>
<td>City of Modesto</td>
<td>2 hrs.</td>
<td>8:00 - 5:00 p.m.</td>
<td>Free</td>
<td>n/a</td>
<td>n/a</td>
<td>Time limit applicable only where posted</td>
</tr>
<tr>
<td>15/16</td>
<td>11th next to Fire Station #1</td>
<td>City of Modesto</td>
<td>No Limit</td>
<td>9:00 - 6:00 p.m.</td>
<td>Free</td>
<td>n/a</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>20/23</td>
<td>10th between G and H</td>
<td>City of Modesto</td>
<td>No Limit</td>
<td>9:00 - 4:30 p.m.</td>
<td>$1.25/day</td>
<td>$20</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>25</td>
<td>9th and I (S.E.)</td>
<td>City of Modesto</td>
<td>No Limit</td>
<td>9:00 - 6:00 p.m.</td>
<td>$0.25/hour/meter</td>
<td>$20</td>
<td>n/a</td>
<td>Reflects proposed rate increase</td>
</tr>
<tr>
<td>28</td>
<td>11th Street Garage</td>
<td>City of Modesto</td>
<td>No Limit</td>
<td>8:00 - 6:00 p.m.</td>
<td>$1.00/hour</td>
<td>$40</td>
<td>n/a</td>
<td>Reflects proposed rate increase</td>
</tr>
<tr>
<td>41</td>
<td>I between 9th and 10th</td>
<td>Cleve Stockton</td>
<td>No Limit</td>
<td>8:00 - 6:00 p.m.</td>
<td>$1.00/hour</td>
<td>$40</td>
<td>n/a</td>
<td>Reflects proposed rate increase</td>
</tr>
<tr>
<td>42</td>
<td>Centre Plaza Surface Lot</td>
<td>RDA</td>
<td>No Limit</td>
<td>9:00 - 6:00 p.m.</td>
<td>$3.00/day</td>
<td>n/a</td>
<td>n/a</td>
<td>Reflects proposed rate increase</td>
</tr>
<tr>
<td>43</td>
<td>9th Street Garage</td>
<td>RDA</td>
<td>No Limit</td>
<td>8:00 - 6:00 p.m.</td>
<td>$1.00/hour</td>
<td>$40</td>
<td>n/a</td>
<td>Reflects proposed rate increase</td>
</tr>
<tr>
<td>44</td>
<td>10th Street Place Garage</td>
<td>RDA</td>
<td>No Limit</td>
<td>8:00 - 6:00 p.m.</td>
<td>$1.00/hour</td>
<td>$40</td>
<td>n/a</td>
<td>Reflects proposed rate increase</td>
</tr>
</tbody>
</table>
MODESTO CITY 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, the City will soon be completing the construction of a new aircraft hangar and adding electrical service for hangars that do not have service, and

WHEREAS, rents and fees must be established for facilities and services before they can be used, and

WHEREAS, the airport fund is an enterprise fund, and the City requires the airport to be self-supportive, and

WHEREAS, existing tenants in T-Hangars A – D will be given a choice of whether they want electricity and will pay an additional charge for the new electrical service, and

WHEREAS, new tenants accepting a hangar in T-Hangars A – D after the electrical service becomes available will rent the unit with the electrical service included, and

WHEREAS, the Airport Advisory Committee recommended the adoption of the new rent rates and fees at its meeting on September 19, 2001, and

WHEREAS, the Transportation Policy Committee considered the adoption of the new rentals charges for T-Hangar K and for associated charges for T-Hangars A – D for new electrical service provided by the City of Modesto at its October 10, 2001 meeting, and unanimously supported the establishment of the rents and fees, and

WHEREAS, a duly noticed public hearing was held by the Council on November 27, 2001, at 5:15 p.m. in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, to consider establishing rental charges for T-Hangar K and charges associated with T-Hangar A – D for new electrical service provided by the City of Modesto,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

SECTION 1. HANGARS. Rental charges for the monthly rental of hangars at the Modesto City-County Airport/Harry Sham Field are hereby established as follows, payable in advance:

<table>
<thead>
<tr>
<th>T-Hangars</th>
<th>Without Electricity</th>
<th>With Electricity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hangar A</td>
<td>* $107.00 per unit</td>
<td>$132.00 per unit</td>
</tr>
<tr>
<td>End Units</td>
<td>* $124.00 per unit</td>
<td>$149.00 per unit</td>
</tr>
<tr>
<td>Hangar B</td>
<td>* $130.00 per unit</td>
<td>$155.00 per unit</td>
</tr>
<tr>
<td>End Units</td>
<td>* $160.00 per unit</td>
<td>$185.00 per unit</td>
</tr>
<tr>
<td>Hangar C</td>
<td>* $137.00 per unit</td>
<td>$162.00 per unit</td>
</tr>
<tr>
<td>End Units</td>
<td>* $165.00 per unit</td>
<td>$190.00 per unit</td>
</tr>
<tr>
<td>Hangar D</td>
<td>* $122.00 per unit</td>
<td>$147.00 per unit</td>
</tr>
<tr>
<td>End Units</td>
<td>* $145.00 per unit</td>
<td>$170.00 per unit</td>
</tr>
<tr>
<td>Hangar E</td>
<td></td>
<td>$179.00 per unit</td>
</tr>
<tr>
<td>End Units</td>
<td></td>
<td>$209.00 per unit</td>
</tr>
<tr>
<td>Hangar F</td>
<td></td>
<td>$179.00 per unit</td>
</tr>
<tr>
<td>End Units</td>
<td></td>
<td>$209.00 per unit</td>
</tr>
<tr>
<td>Hangar G</td>
<td></td>
<td>$179.00 per unit</td>
</tr>
<tr>
<td>Hangar H</td>
<td></td>
<td>$179.00 per unit</td>
</tr>
<tr>
<td>Hangar I</td>
<td></td>
<td>$349.00 per unit</td>
</tr>
<tr>
<td>Hangar J</td>
<td></td>
<td>$179.00 per unit</td>
</tr>
<tr>
<td>Hangar K - Large Unit</td>
<td></td>
<td>$300.00 (1 unit)</td>
</tr>
<tr>
<td>Standard Units</td>
<td></td>
<td>$200.00 per unit</td>
</tr>
<tr>
<td>Storage Room</td>
<td></td>
<td>$70.00 (1 room)</td>
</tr>
<tr>
<td>Portable Land Rent</td>
<td></td>
<td>$53.00 per unit</td>
</tr>
</tbody>
</table>
* Rental charge “without electricity” applies only to existing tenants without electrical service at the time of adoption of this resolution. Following the adoption of this resolution, all new tenants shall be subject to the “with electricity” rental charge, which includes 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:

<table>
<thead>
<tr>
<th>Hangar No.</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$1,341.00 – Sheriff Aero Squadron lease rate (is discounted to $888.00 per month)</td>
</tr>
<tr>
<td>2</td>
<td>$1,091.00 per month</td>
</tr>
<tr>
<td>3</td>
<td>$575.00 per month</td>
</tr>
<tr>
<td>4</td>
<td>$978.00 per month</td>
</tr>
<tr>
<td>5</td>
<td>$974.00 per month</td>
</tr>
<tr>
<td>6</td>
<td>$570.00 per month</td>
</tr>
</tbody>
</table>

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.) $32.00 per month

(b) Taxi-in Tie-Down – Permanent, light single and multi-engine (under 12,500 lbs.) $53.00 per month

(c) Taxi-in Tie-Down – Permanent, large multi-engine (over 12,500 lbs.) $0.038 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. ULTRALIGHT VEHICLE ACCESS 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 | $0.71 per square foot |
| (b) Office Building No. 1 | $0.71 per square foot |
| (c) Office Building No. 2 | $0.71 per square foot |
| (d) Hangar Office Space | $0.326 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 | $0.067 per square foot |
| (b) Other areas | $0.067 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>
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<tbody>
<tr>
<td>7.5&quot; x 9.5&quot;</td>
<td>$30.00</td>
<td>$50.00</td>
</tr>
<tr>
<td>7.5&quot; x 21&quot;</td>
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<tr>
<td>19&quot; x 21&quot;</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%) 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, 2001, the rents, fees and charges set forth in Sections 1, 2, and 3 of this resolution may be adjusted within six (6) months or on the first day of January (“the Adjustment Date”), as follows:

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 most immediately preceding the Adjustment Date in question (“Adjustment Index”) is to 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, 2001, 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 upon its adoption.

SECTION 18. RESCIND. Resolution No. 2001-472 is hereby rescinded.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27TH of November, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-610

RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(549). (STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION)

WHEREAS, a verified application for an amendment to Section 7-3-9 of the Zoning Map was filed by Stanislaus County Affordable Housing Corporation on August 1, 2001, to reclassify from Planned Development Zone, P-D(510), to Planned Development Zone, P-D(549), to allow an 18-unit affordable housing apartment complex, property located on the west side of Carver Road north of Montclair Drive at 3333 Carver Road, described as follows:

P-D(510 to P-D(549)

All that portion of Lot 1, KNAPP TRACT, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on November 16, 1904, in Volume 2 of Maps, page 2, described as follows:

Beginning at a point in the east line of said Lot 1, said point being on the center line of Carver Road and bears south 0 degrees 41 minutes east 593.8 feet from the northeast corner of said Lot 1; running thence north 89 degrees 17 minutes west 250 feet; thence south 0 degrees 41 minutes East 200 feet; thence south 89 degrees 17 minutes east 250 feet on the east line of said Lot 1; thence north 0 degrees 41 minutes west along said east line 200 feet to the point of beginning.

WHEREAS, after a public hearing held on October 15, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-61, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed planned development zone, by reason of its site design and conditions of approval is compatible with existing and potential surrounding development.

2. The requested planned development zone for a multi-family development and uses as permitted in the R-2, Medium Density Residential, Zone is within an area designated by the General Plan for Residential Uses.
WHEREAS, said matter was set for a public hearing of the City Council to be held on November 27, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Stanislaus County Affordable Housing Corporation for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-61 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3238-C.S. on the 27th day of November, reclassifying the above-described property from Planned Development Zone, P-D(510), to Planned Development Zone, P-D(549).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(549), is hereby approved subject to the following conditions:

1. All development shall conform to the plans entitled: "Carver Road Apartments" as amended in red and stamped approved by the City Council on November 27, 2001.

2. Fences or walls shall be constructed prior to occupancy and shall be as follows: minimum six-foot-high wood fence with decorative masonry pilasters at 16 foot on centers. Fences shall be at least as tall as existing fences on adjacent properties.

   Notwithstanding the first sentence of this condition, the fence on the west side of the project property that is adjacent to the parking lot shall be an 8 foot high masonry wall. In addition, the parking lot lighting shall be shaded so that it is directed away from any adjacent residences.

3. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Screen landscaping shall be installed along the north and west property line(s). Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.
4. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

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

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

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

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

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

10. All buildings shall include an automatic fire sprinkler system as required by the Fire Department.

11. All signs shall comply with the sign requirements of the R-2 Zone.

12. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.
13. Prior to issuance of a building permit, the developer shall enter into an agreement with the City of Modesto pursuant to construction and maintenance of certain dwelling units for low-income households and/or very-low-income households and other incentives as required by Chapter 3 of Title X of the Modesto Municipal Code.

14. Prior to issuance of a Certificate of Occupancy, the applicant shall enroll and participate in the City's Crime-Free Multi-Family Housing Program as administered by the Modesto Police Department.

15. The applicant shall record a "Notice of Conditions" in the Stanislaus County Recorder's Office on a form available in the Community Development Department.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(549):

The entire construction program be accomplished in one phase, construction to begin on or before November 27, 2003, and completion to be not later than November 27, 2004.

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(549), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, by Councilmember Conrad, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM

By: Michael D. Milich, City Attorney

By: Community Development Department Planning Division
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-610A

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 7-3-9 OF THE ZONING MAP TO REZONE FROM PLANNED DEVELOPMENT ZONE, P-D(510) TO PLANNED DEVELOPMENT ZONE, P-D(549), PROPERTY LOCATED ON THE WEST SIDE OF CARVER ROAD NORTH OF MONTCLAIR DRIVE AT 3333 CARVER ROAD (STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION)

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, Stanislaus County Affordable Housing Corporation has proposed an amendment to Section 7-3-9 of the Zoning-Map to rezone from Planned Development Zone, P-D(510), to Planned Development Zone, P-D(549), property located on the west side of Carver Road north of Montclair Drive at 3333 Carver Road, in the City of Modesto (“the project”), and

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

WHEREAS, the City’s Community Development Department by Environmental Assessment Initial Study EA/CDD 2001-65 reviewed the proposed amendment to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezoning to Planned Development Zone, P-D(549), a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.
2. That the project will have no new additional significant effects on the environment which were not identified in the Master EIR, and no new or additional mitigation measures would be required.
3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.
5. That all feasible mitigation measures set forth in the Master EIR which are appropriate to the project shall be incorporated in the project.
6. The initial study, Environmental Assessment No. EA/CDD 2001-65, provides the substantial evidence to support the above findings.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 2001, by Councilmember Conrad, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher

ATTEST:  
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  
MICHAEL D. MILICH, City Attorney
EA/CD/D NO. 2001-65
INITIAL STUDY
EXHIBIT "A"
City of Modesto
Initial Study

Rezone from P-D(510) to P-D

EA/CDD 2001-65
September 21, 2001

I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 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 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:
Public Hearing - Application of Stanco (Stanislaus County Affordable Housing) to rezone from P-D(510) to a new P-D to allow an 18-unit multi-family affordable housing apartment complex, property located on the west side of Carver Road north of its intersection with Montclair Drive at 3333 Carver Road.

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

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

D. Project Location:
west side of (3333) Carver Road north of its intersection with Montclair Drive

E. Project Sponsor:
Stanco – Stanislaus County Affordable Housing

F. General Plan Designation:
Residential (R)

G. Current Zoning:
Planned Development (510)
H. Description of Proposed Project:
This is an application to rezone an approximate one-acre parcel from P-D(S10) to a new P-D, to allow an 18-unit affordable housing apartment complex located on the west side of Carver Road north of Montclair Drive at 3333 Carver Road. The applicant's site plan calls for two two-story buildings, one containing ten units and the other with eight, on the south portion of the site and off-street parking and a common recreation area on the northern portion.

The development proposed by the applicant will require a minimum of 36 parking spaces; the site plan shows 39 parking spaces. Access to this multi-family project will be from a driveway to Carver Road. The plan also indicates that ten feet of right-of-way will be dedicated for future improvement along the frontage of the property.

I. Surrounding land uses:
Commercial areas exist to the north of the subject property, and residential properties surround the remainder of the site.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms to the analysis contained within the Master EIR.

A. Traffic and Circulation
The proposed multi-family housing complex will contribute to increased traffic in the neighborhood. However, the proposed development is consistent with the Traffic and Circulation needs section of the MEIR. Therefore, 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.

B. Degradation of Air Quality
This proposed planned development zone and resulting multi-family housing complex is within the urban developed area of the City of Modesto. This use 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.

C. Generation of Noise
The proposed planned development zone and resulting multi-family housing development is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of commercial and residential uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this residential use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.
D. **Loss of Productive Agricultural Land**
The proposed planned development zone and resulting multi-family housing development is located on property noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. Also, the requested planned development zone and resulting apartment complex is subject to conditions of approval. Therefore, 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.

E. **Increased Demand for Water Supplies**
The proposed planned development zone and resulting multi-family housing development 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 Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.

D. **Increased Demand for Sanitary Sewer Services**
The proposed planned development zone and resulting multi-family housing development will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and 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.

G. **Loss of Sensitive Wildlife and Plant Habitat**
The proposed planned development zone and resulting multi-family housing development is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are therefore still valid.

H. **Disturbance of Archaeological and Historic Sites**
The proposed planned development zone and resulting multi-family housing development 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 indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are therefore still valid.

I. **Drainage, Flooding and Water Quality**
The proposed planned development zone and resulting multi-family housing development will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are therefore still valid.

J. **Increased Demand for Storm Drainage**
The proposed planned development zone and resulting multi-family housing development is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide for adequate storm drainage. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff.
within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are therefore still valid.

K. **Increased Demand for Parks and Open Space**
The proposed planned development zone and resulting multi-family housing development will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are therefore still valid.

L. **Increased Demand for Schools**
The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, as applicable, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

M. **Increased Demand for Police Services**
The proposed planned development zone and resulting multi-family housing development will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and 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.

N. **Increased Demand for Fire Services**
The proposed planned development zone and resulting multi-family housing development will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 6 is located approximately one mile away. The Existing Conditions, Impacts Analysis and 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.

O. **Generation of Solid Waste**
The proposed planned development zone and resulting multi-family housing development will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10), are therefore still valid.

P. **Generation of Hazardous Materials**
The proposed planned development zone and resulting multi-family housing development will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-15) are therefore still valid.

Q. **Landslides and Seismic Activity**
The proposed planned development zone and resulting multi-family housing development 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 Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are therefore still valid.

R. Energy
The proposed planned development zone and resulting multi-family housing development will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Energy (pages IV-18-1 through IV-18-6) are therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV. CONCLUSIONS / DETERMINATIONS OF FINDINGS

A. The proposed planned development zone for a multi-family housing development is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.

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

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

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

E. This Initial Study provides substantial evidence to support findings A, B, C, and D above.

Signature:

Brad Wall, Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-611

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED
DEVELOPMENT ZONE, P-D(550). (PACIFIC REGIONAL NEUROSURGERY
MEDICAL ASSOCIATES)

WHEREAS, a verified application for an amendment to Section 19-3-9 of the Zoning
Map was filed by Pacific Regional Neurosurgery Medical Associates on July 30, 2001, to
reclassify from a portion of Planned Development Zone, P-D(416), to Planned Development
Zone, P-D(550) to allow a 15,000 square foot medical office building, property located at the
northwest corner of West Orangeburg Avenue and Martin Avenue, described as follows:

Portion of P-D(416) to P-D

All that certain real property situated in the City of Modesto, County of
Stanislaus, State of California, and being a portion of the Northwest
Quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo
Base and Meridian, more particularly described as follows:

All of Lot A as shown on that certain map filed for record on February 17,
1988 of ORANGE VIEW MANOR in Book 32 of Maps, Page 67; and all
of Parcel 4 on that certain Parcel Map filed for record on June 30, 1987, in
Book 39 of Parcel Maps, Page 67;

Also including all of Teresa Street and all of Martin Avenue and the
northerly half of West Orangeburg Avenue, all being immediately
adjacent to the above-described property.

WHEREAS, after a public hearing held on October 15, 2001, in the Tenth Street Place
Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the
Planning Commission, by its Resolution No. 2001-63, that rezoning of the property as requested
is required by public necessity, convenience, and general welfare for the following reasons:

1. The property is located on a minor arterial street, and is located in close
proximity to other office and commercial uses on Orangeburg Avenue.

2. Office uses are compatible with the surrounding land uses in the area, and
the recommended conditions of approval should help ensure compatibility
with the adjacent residential areas.
3. The proposed rezoning is consistent with the Modesto Urban Area General Plan, because the General Plan designates this site Mixed Use, which permits offices.

WHEREAS, said matter was set for a public hearing of the City Council to be held on November 27, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Pacific Regional Neurosurgery Medical Associates for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-63 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3239-C.S. on the 27th day of November, reclassifying the above-described property from a portion of Planned Development Zone, P-D(416), to Planned Development Zone, P-D(550).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(550), is hereby approved subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Proposed Medical Office Building, Corner W. Orangeburg Ave. & Martin Ave." as amended in red, stamped approved by the City Council on November 27, 2001.

2. Prior to the issuance of a building permit, a landscaping and irrigation plan shall be approved by the Chief Building Official. Landscaping and the irrigation system shall be installed and maintained in accordance with the approved plan.

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

4. Prior to issuance of a building permit, improvement plans for required improvements shall be prepared by a Registered Civil Engineer and approved by the Engineering and Transportation Director. Improvements shall be constructed in accordance with the approved plans.
5. Prior to issuance of a building permit the developer shall dedicate public utility easements as required by the utility companies and the Engineering and Transportation Director.

6. Existing underground and overhead electric facilities within the project shall be removed, protected, or relocated as required by the Modesto Irrigation District and the Engineering and Transportation Director. Appropriate easements for electric facilities shall be dedicated as necessary.

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

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

9. The developer shall, in a manner approved by the City Attorney, provide a vehicular accessway for on-site traffic circulation for the benefit of the property to the west, substantially as shown in red on the plot plan.

10. Prior to issuance of a building permit, the developer shall show on the plans submitted to Building Inspection all fire hydrants as required by the Fire Chief. All hydrants required by the Fire Chief shall be installed and operable prior to construction of any structures.

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

12. No operations conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration, or electrical interference detectable off the premises. All machinery or equipment shall be soundproofed as required by the Engineering and Transportation Director.

13. Prior to the issuance of a building permit, the developer shall submit a plan to provide on-site treatment of storm water, as approved by the Operations and Maintenance Director. Storm drain improvements shall be constructed in accordance with the approved plans.
14. All signs shall comply with the sign requirements of the P-O Zone.

15. The developer shall indemnify, defend and hold harmless the City of Modesto, its agents, officers, and employees from any and all claims, actions, or proceedings against the City of Modesto, its agents, officers, and employees to arbitrate, attack, review, set aside, void, or annul, any approval by the City of Modesto of a development approval. The City of Modesto shall promptly notify the developer of any claim, action, or proceeding and shall cooperate fully in the defense. If the City fails to do so, the developer shall not thereafter be responsible to defend, indemnify, or hold City harmless.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(550):

The entire construction program be accomplished in one phase, construction to begin on or before November 27, 2003, and completion to be not later than November 27, 2004.'

SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(550), becomes effective.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, by Councilmember Conrad, 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, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

JUAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

MICHAEL D. MILICH, City Attorney

By: [Signature]

Community Development Department
Planning Division
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-611A

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 19-3-9 OF THE ZONING MAP TO REZONE FROM A PORTION OF PLANNED DEVELOPMENT ZONE, P-D(416), TO PLANNED DEVELOPMENT ZONE, P-D(550), PROPERTY LOCATED AT THE NORTHWEST CORNER OF WEST ORANGEBURG AVENUE AND MARTIN AVENUE. (PACIFIC REGIONAL NEUROSURGERY MEDICAL ASSOCIATES)

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, Pacific Regional Neurosurgery Medical Associates has proposed an amendment to section 19-3-9 of the Zoning Map to rezone property from a portion of Planned Development Zone, P-D(416), to Planned Development Zone, P-D(550), property located at the northwest corner of West Orangeburg Avenue and Martin Avenue, and

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

WHEREAS, the City's Community Development Department by Environmental Assessment Initial Study No. EA/CDD 2001-66 reviewed the proposed amendment to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed rezoning to Planned Development Zone, P-D(550), a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.

2. That the project will have no new additional significant effects on the environment not identified in the Master EIR, and no new or additional mitigation measures are required.

3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

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

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 2001, by Councilmember Conrad, 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, Friedman, Frohman, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
EXHIBIT A

Initial Study

EXHIBIT 2001-66
City of Modesto
Initial Study

Rezone P-D(416) to P-D
Pacific Regional Neurosurgery Medical Associates

EA/CDD 2001-66
September 24, 2001

I. PURPOSE
Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 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 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION
A. Project title:
Rezone P-D(416) to P-D, Pacific Regional Neurosurgery Medical Associates

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

C. Contact person and phone number:
Steve Mitchell, Community Development Department, (209) 577-5287

D. Project Location:
The northwest corner of West Orangeburg Avenue and Martin Avenue.

E. Project Sponsor:
Pacific Regional Neurosurgery Medical Assoc., 1524 McHenry Av., Ste. 340, Modesto, CA 95350

F. General Plan Designation:
Mixed Use (MU)

G. Current Zoning:
Planned Development Zone, P-D(416)

H. Description of Proposed Project:
This is an application to rezone a 1.35-acre parcel from P-D(416) to a new Planned Development Zone to allow a 15,000-square-foot, single-story medical office building.
Surrounding land uses:
The project is bounded to the north by an existing elementary school, to the east by existing single-family homes, to the south by offices and to the west by vacant land zoned to allow commercial development.

Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms with the analysis contained within the Master EIR.

A. Traffic and Circulation

The proposed office building is consistent with the Mixed Use General Plan Land Use Designation for this site. Further, the current zoning (which the Master EIR analyzed) allowed a motel, which generates more traffic than medical offices. Therefore, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Traffic and Circulation Needs (pages IV-1-1 through IV-1-37) are still valid.

B. Degradation of Air Quality

The air quality impacts for this project are directly related to the traffic impacts. Since traffic impacts are no greater than those anticipated in the Master EIR, this rezoning 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.

C. Generation of Noise

The proposed office use will not generate significant noise impacts for the adjacent neighborhood, as offices are a low-intensity use with limited hours of operation. The MEIR assumed that this site would develop with non-residential uses, and analyzed the noise impacts of non-residential uses at this site. Therefore, the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are still valid.

D. Loss of Productive Agricultural Land

This area is located in an urbanized portion of Modesto, and there are no agricultural lands affected by this project. The Existing Conditions, Impacts Analysis, and Mitigation Measures listed in the MEIR for Loss of Productive Agricultural Land (pages IV-4-1 through IV-4-16) are still valid.
E. **Increased Demand for Water Supplies**

The proposed office will not generate increased demand for water supplies, in that offices are a relatively low user of water, and the necessary water supply infrastructure already exists. 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.

F. **Increased Demand for Sanitary Sewer Services**

The proposed office will not generate increased demand for sanitary sewer services, in that offices are a relatively low user of sewer services, and the necessary infrastructure already exists. Therefore, 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 still valid.

G. **Loss of Sensitive Wildlife and Plant Habitat**

The project is located in a built-up urban area and is not located in a Potential Biological Resource Study Area, as presented in Figure 7-1 of the MEIR. Therefore, the project will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. Therefore, the Existing Conditions, Impact Analysis and the Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are still valid.

H. **Disturbance of Archaeological and Historic Sites**

This project will not disturb any archaeological or historic sites that have been identified in the Disturbance of Archaeological or Historical Sites section of the MEIR. Figure 8-1 of the MEIR indicates that it is also outside the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. Therefore, the Existing Conditions, Impact 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.

I. **Drainage, Flooding and Water Quality**

The proposed project will conform to the City’s standards for drainage, flood control and water quality, including providing on-site treatment of storm water in accordance with current NPDES standards. The mitigation measures in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. Therefore, the Existing Conditions, Impact Analysis and the Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are still valid.

J. **Increased Demand for Storm Drainage**

The proposed project will be required to provide for on-site treatment of storm drainage in accordance with City standards, decreasing the impact to the City’s storm-water drainage system. The mitigation measures contained in the Master EIR will not reduce
the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. 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.

K. Increased Demand for Parks and Open Space

The MEIR concluded that demand for parks and open space would be mitigated through the payment of Capital Facilities Fees (CFF) for new development, which would be used for the development of new parks. Since the City's CFF program applies to this project, 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.

L. Increased Demand for Schools

This project, being non-residential, would not generate any additional demand for schools. Therefore, the Existing Conditions, Impacts Analysis and the Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

M. Increased Demand for Police Services

The proposed project should not generate any additional demand for police services over that assumed in the MEIR, since the project is consistent in land use and intensity with the General Plan. In addition, the Modesto Police Department has not indicated any problems with the proposed rezoning. Therefore, 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 still valid.

N. Increased Demand for Fire Services

The proposed project should not generate any additional demand for fire services over that assumed in the MEIR, since the project is consistent in land use and intensity with the General Plan. The project will be required to meet all relevant fire codes. Therefore, 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 still valid.

O. Generation of Solid Waste

Because the project is consistent with the General Plan in land use and intensity, the proposed office will not result in any increase in the generation of solid waste over what was analyzed in the MEIR. Therefore, 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 still valid.

P. Generation of Hazardous Materials

Because the project is consistent with the General Plan in land use and intensity, the
proposed office will not result in any increase in the generation of hazardous waste over what was analyzed in the MEIR. Therefore, 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-16-14) are still valid.

Q. Landslides and Seismic Activity

Because the project is consistent with the General Plan in land use and intensity, the proposed office will not 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-11-11) are therefore still valid.

R. Energy

Because the project is consistent with the General Plan in land use and intensity, the proposed office will not result any increase in the need for energy over what was analyzed in the MEIR. Therefore, 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.

IV. CONCLUSIONS/DETERMINATIONS OF FINDINGS

A. The proposed project is within the scope of the General Plan Master EIR (SCH No. 92052017).

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

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

D. There are not specific features unique to this project that require project specific mitigation measures. All certified mitigation measures identified in the MEIR will apply city wide, including this project as appropriate.

E. This initial study provides substantial evidence to support findings A, B, C, and D above.

Signature:

Steve Mitchell,
Principal Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-612

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING THE CITY MANAGER TO SOLICIT FORMAL REQUEST FOR PROPOSALS (RFP) FOR MODESTO DOWNTOWN VISIONING AND 9TH/10TH STREET RENOVATION PROJECT--CONCEPT MASTER PLANNING

WHEREAS, as a continuation of the overall downtown renovation, Council has directed staff to embark on a visioning project for the restoration of the downtown core with a focus on the complete renovation of Ninth Street and a portion of Tenth Street, which are major transportation corridors through the center of downtown, and

WHEREAS, in conjunction with the 9th/10th Street renovation, Council is also developing a larger vision for the downtown core, both east and west of State Route 99, and

WHEREAS, this renovation will address many issues, including transportation, utilities, non-vehicular uses, urban forestry, architectural design, the integration of water features and public art and many other elements of a first-class streetscape, and

WHEREAS, a Concept Master Plan will be produced that will identify all of the elements of this Downtown Vision with a special focus on the Ninth/Tenth Street Renovation and said Project will require a consultant team with the ability to deliver a wide range of service, and

WHEREAS, the City Council’s Committee on Economic Development and Intergovernmental Relations received a staff report on November 8, 2001 outlining said RFP process and recommended the approval of the RFP process to the Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Modesto does hereby authorize the distribution of a formal Request for Proposal for the purpose of producing a Concept Master Plan for the “MODESTO DOWNTOWN VISIONING AND 9TH/10TH STREET RENOVATION PROJECT”, that Councilmember Frohman is appointed to the selection committee and, further, staff is directed to look for alternate methods of financing this project.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Modesto hereby authorizes its City Manager to execute all documents and agreements limited to applications and payment requests which may be necessary for the completion of said Request for Proposal.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto, held on the 27th day of November, 2001, 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, Friedman, Frohman, Serpa, Smith, 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. 2001- 613

A RESOLUTION APPROVING AN AMENDMENT TO CITYGATE ASSOCIATES CONTRACT TO PROVIDE CONSULTING SERVICES FOR THE IMPLEMENTATION OF THE COMMUNITY DEVELOPMENT DEPARTMENT PERFORMANCE REVIEW AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT.

WHEREAS, Citygate Associates entered into a contract with the City to provide a Performance Review for the Community Development Department; and

WHEREAS, the City Council has approved said Performance Review, and

WHEREAS, City desires additional consulting services from Citygate Associates as City enters into the implementation phase of the Performance Review.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of Modesto that it hereby approves an Amendment to the Citygate Associates Contract, in the amount of $10,000, to provide consulting services for the implementation of the Community Development Department Performance Review.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2001, by Councilmember Conrad, 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, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr
City Clerk

12/04/01/CDD/L Boston 2001-613
MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-614

A RESOLUTION ACCEPTING THE PROJECT TITLED “HILLSIDE DRIVE DEMOLITION PROJECT” AS COMPLETE

WHEREAS, a report has been filed by the Engineering & Transportation Director that the project titled Hillside Drive Demolition Project, has been completed by SOILS ENTERPRISES, INC., in accordance with the contract agreement dated December 12, 2000.

NOW, THEREFORE, BE IT RESOLVED that the Hillside Drive Demolition Project be accepted from said contractor, SOIL ENTERPRISES, INC.; that notice of completion be filed with the Recorder of Stanislaus County and that payment of amounts due in the amount of $106,270.00 as provided in the contract, be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2001, by Councilmember Conrad, 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, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: Michael D. Milich, City Attorney

12/04/01/E & T/ T Parmer 2001-614
MODESTO CITY COUNCIL
RESOLUTION NO. 2001 – 615

A RESOLUTION APPROVING AN AGREEMENT WITH SHUTT MOEN ASSOCIATES IN THE AMOUNT OF $49,500 TO EVALUATE THE PAVEMENT OF MODESTO CITY-COUNTY AIRPORT’S RUNWAY 10L/28R AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.

WHEREAS, Modesto City-County Airport’s Runway 10L/28R pavement is showing signs that it may be wearing out sooner than anticipated by the City or the Federal Aviation Administration (FAA), and

WHEREAS, an FAA airport engineer has inspected the runway surface and has recommended that the City complete a pavement evaluation, and

WHEREAS, the Director of Engineering and Transportation concurs with the FAA recommendation, and

WHEREAS, the firm of Shutt Moen Associates is capable of evaluating the pavement’s condition, providing a recommendation for reconstruction of the runway, and preparing a project estimate, and

WHEREAS, City staff has negotiated a professional service fee with Shutt Moen Associates, and the fee is considered reasonable and acceptable,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement between the City of Modesto and Shutt Moen Associates in the amount of $49,500, a copy of which is on file in the City Clerk’s Office.

BE IT FURTHER RESOLVED that the City Manager or authorized designee is hereby authorized to execute the agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th of December, 2001 by Councilmember Conrad, 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, Serpa, Smith

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: ______________
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ______________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-616  

A RESOLUTION APPROVING AN AIRPORT PROJECT ENTITLED “RUNWAY 10L/28R RECONSTRUCTION,” AN UNFUNDED PROJECT, FOR AN ESTIMATED COST OF $2.5 MILLION DOLLARS.  

WHEREAS, Modesto City-County Airport’s Runway 10L/28R pavement is showing signs that it may be wearing out sooner than anticipated by the City or the Federal Aviation Administration (FAA), and  

WHEREAS, the City anticipates completing a runway pavement evaluation as recommended by the FAA, and  

WHEREAS, the Council was requested to approve an agreement with Shutt Moen Associates to complete the pavement evaluation, to provide the City with a recommendation on the runway reconstruction, and to prepare a cost estimate for the project, and  

WHEREAS, the runway surface was not discovered until after the airport’s capital improvement budget was submitted, so there is no approved airport capital improvement budget for the runway construction, and  

WHEREAS, airport needs a project budget to complete the runway reconstruction, including the pavement evaluation recommended by the FAA, and  

WHEREAS, the City will be submitting a revised Airport Capital Improvement Plan requesting the FAA to accelerate funds for the runway construction, and authorize the appropriation in the City’s FY 2002 grant, and  

WHEREAS, it is anticipated that the City’s local match funds to reconstruct RW10L/28R will be generated through a new Passenger Facility Charge program, and  

WHEREAS, at its November 21, 2001 meeting, the Airport Advisory Committee supported staff’s recommendation,  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an airport capital improvement project entitled “Runway 10L/28R Reconstruction” for the reconstruction of runway 10L/28R with a budget of $2.5 million dollars.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th of December, 2001 by Councilmember Conrad, 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, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: 
JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:
By 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-617

A RESOLUTION AMENDING THE FY 2001/2002 BUDGET TO APPROPRIATE $49,500 FROM THE AIRPORT FUND RESERVES TO THE AIRPORT'S CAPITAL IMPROVEMENT PROJECT PROGRAM IN ORDER TO COMPLETE AN EVALUATION OF AIRPORT RUNWAY 10L/28R'S PAVEMENT.

WHEREAS, Modesto City-County Airport’s Runway 10L/28R pavement is showing signs that it may be wearing out sooner than anticipated by the City or the Federal Aviation Administration (FAA), and

WHEREAS, the FAA has recommended that the City have a pavement evaluation completed by a professional engineering firm, and

WHEREAS, the Director of Engineering and Transportation concurs with the FAA recommendation, and

WHEREAS, City staff has negotiated a professional service contract with Shutt Moen Associates in the amount of $49,500 to perform the pavement evaluation, and the Council is being asked to approve the contract and determines it to be reasonable and acceptable, and

WHEREAS, there are no funds budgeted in the airport’s FY 2002 capital improvement program budget for the evaluation of the pavement on RW10L/28R, and

WHEREAS, the airport fund has a reserve that is available to use for contingencies such as retaining a consultant engineer to evaluate the runway pavement condition, and

WHEREAS, the City is expecting to submit an Airport Improvement Program application, and an application for a new Passenger Facility Charge program to fund reconstruction of the runway, including the recommended pavement evaluation, and some of these funds are expected to repay the airport fund reserves advanced for the pavement evaluation,

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves an appropriation transfer of $49,500 from the airport fund reserves (6310-440) to the airport's capital improvement program (6320-440) project titled “RW10L/28R Reconstruction.”
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th of December, 2001 by Councilmember Conrad, 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, Serpa, Smith
      Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-618

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HEALTH NET AND AUTHORIZING THE RISK MANAGER TO EXECUTE THE NECESSARY AGREEMENTS

WHEREAS, the City of Modesto provides its employees with employee and dependent health insurance coverage, and
WHEREAS, the Employee Benefits Committee (EBC) has reviewed and evaluated coverage for Fiscal Year 2002, and
WHEREAS, National Health Plans has announced that it is closing operations, and
WHEREAS, the City’s broker marketed the employee benefit program to a variety of potential vendors, and competitive bids were received from Blue Cross and Health Net, and
WHEREAS, the EBC voted to replace National Health Plans with Health Net based on their competitive proposal, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves execution of agreements with Health Net, as recommended by the Employee Benefits Committee.

BE IT FURTHER RESOLVED that the Risk Manager is authorized to serve as the coordinator for the various plans with authority to execute all necessary agreements.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2001, by Councilmember Conrad, 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, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: 

JEAN ZAHR City Clerk

12/04/01/Personnel/D Norris 2001-618
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-619

A RESOLUTION APPROVING SENDING TWO YOUTH ADVISORY BOARD MEMBERS AND ONE ADULT CHAPERONE TO THE “NEW PARTNERS FOR SMART GROWTH” CONFERENCE IN SAN DIEGO, CALIFORNIA ON JANUARY 24-26, 2002 AND AUTHORIZING THE USE OF FUNDS FROM THE YOUTH MASTER PLAN BUDGET TO COVER THE COST.

WHEREAS, staff recently received information about a “New Partners for Smart Growth” conference in San Diego, California on January 24-26, 2002, and

WHEREAS, by an agenda report dated November 27, 2001 from the Parks, Recreation and Neighborhoods Director, staff recommended to the Council sending two student members of the Youth Advisory Board and one adult chaperone to the conference, and authorizing the use of funds from the Youth Master Plan budget to cover the cost, and

WHEREAS, the Human Services Committee met on November 26, 2001, and supported the recommendation,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the use of funds from the Youth Master Plan budget to cover the cost of sending two members of the Youth Advisory Board and one adult chaperone to the “New Partners for Smart Growth” conference in San Diego, California on January 24-26, 2002.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2001, by Councilmember Conrad, 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, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

Attest: Jean Zahr,
JEAN ZAHIR, City Clerk

By: Michael D. Milich, City Attorney

12/04/01/PR&N/J Brinar -1-
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-620

A RESOLUTION IN SUPPORT OF STATE SENATE BILL 106, ALLOWING FOR THE EXTENSION OF THE ABANDONED VEHICLE ABATEMENT PROGRAM

WHEREAS, in 1990, the California State Legislature enacted legislation allowing for the creation of county-based vehicle service authorities, and

WHEREAS, in 1991 the Stanislaus Abandoned Vehicle Service Authority (AVASA) was formed and a one dollar annual vehicle registration fee was imposed on vehicles registered to an owner with an address in the county, and

WHEREAS, vehicle registration fees are collected by the Department of Motor Vehicles and allocated to StanCOG, acting as the AVASA, by the State Controller, and

WHEREAS, fees are then allocated to the nine cities in Stanislaus County based on 50 percent abated vehicle share, 45 percent on population share and five percent for each jurisdiction, and

WHEREAS, the City of Modesto has received $604,503 from July 1996 through June 2001 which has allowed for the abatement of 6,654 vehicles, and

WHEREAS, this revenue covers the costs of implementing the City of Modesto’s Abandoned Vehicle Abatement Program - salary and benefits of one Community Service Officer, part-time clerical assistance of a Police Assistant, supervision time of a Police Sergeant and office operating costs, and

WHEREAS, the monies assist the City in removing blight in our neighborhoods, and

WHEREAS, the current Abandoned Vehicle Abatement Program will expire in April 2002, and

WHEREAS, Senate Bill 106 allows the program to be extended for ten years, with a two-thirds vote of the County and a majority of the cities comprising a majority of the population of the incorporated areas, and
WHEREAS, adoption of this resolution is the first step towards the extension of this important program, and

WHEREAS, the Abandoned Vehicle Abatement program has contributed substantially to the City of Modesto’s quality of life by removing thousands of junked or abandoned vehicles in the City boundaries, and

WHEREAS, it is desirable to the City of Modesto to have the program continue, and,

WHEREAS, at its meeting of November 1, 2001, the Public Safety Committee unanimously recommended support of Senate Bill 106 in the form of a City Council resolution.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby supports the extension of the Abandoned Vehicle Abatement Program.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2001, by Councilmember Conrad, 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, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

MICHAEL D. MILICH, City Attorney

2001-620
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-621

A RESOLUTION APPROVING AN AGREEMENT WITH STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION IN THE AMOUNT OF $73,080 TO ACQUIRE AND REHABILITATE A SINGLE FAMILY DWELLING AT 512 VINE STREET IN MODESTO, CALIFORNIA AND AUTHORIZING THE CITY MANAGER TO SIGN THE LOAN AGREEMENT AND RELATED DOCUMENTS.

WHEREAS, the City Council at its July 24, 2001, meeting approved Resolution No. 2001-395 allocating fiscal year 2000-2001 HOME funds for Affordable Housing Projects and authorizing the City Manager to execute related documents, and

WHEREAS, the above-referenced allocation included $73,080 to Stanislaus County Affordable Housing Corporation (STANCO) to acquire and rehabilitate a single family dwelling at 512 Vine Street, and

WHEREAS, on May 11, 2001, the Citizens Housing and Community Development Committee was presented with the proposed affordable housing projects, and

WHEREAS on June 22, 2001, the Citizens Housing and Community Development Committee recommended affordable housing projects to submit to the City Council for approval, which included a $73,080 allocation to STANCO for acquisition and rehabilitation of a single family dwelling at 512 Vine Street,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the agreement between the City of Modesto and Stanislaus County Affordable Housing Corporation in the amount of $73,080 to acquire and rehabilitate the single family dwelling at 512 Vine Street.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute the agreement and related documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2001, by Councilmember Conrad, 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, Frohman, Serpa, Smith
      Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Fisher & Friedman

Attest: ________________________

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: ________________________

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-622

A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM VARNI BROS. LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, ET AL, AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS
NEW BUS MAINTENANCE FACILITY

APN 101-02-15 (portion) and APN 101-02-16 (Varni Bros. LLC, a California Limited Liability Company, et. al.)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibit “A” attached hereto and made a part hereof by reference, in order to implement the New Bus Maintenance Facility (the “Project”), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 33391 of the Health and Safety Code of the State of California, and Section 1240.050, 1240.110, 1240.120, 1240.125, 1240.150, and 1240.410 of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council on the following matters:

(a) Whether the public interest and necessity require the Project;

(b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;

(c) Whether the property sought to be acquired is necessary for the Project; and

(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.
NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

2. The Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

3. The taking of the fee simple title in and to the real property more particularly described in said Exhibit “A” is necessary for the Project;

4. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the real property.

5. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2001, by Councilmember Conrad, 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, Serpa, Smith
   Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr
          City Clerk

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich, City Attorney

12/04/01/E&T/F Cavanah -2- 2001-622
A RESOLUTION DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF CERTAIN LAND FROM VARNI BROS. LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, ET AL AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS. (KANSAS-NEEDHAM OVERCROSSING) APN 101-02-15 (Varni Bros. LLC)

WHEREAS, it is desirable and necessary for the City of Modesto to acquire certain real property, more particularly described in Exhibit “A”, attached hereto and made a part hereof by reference, in order to implement the Kansas-Needham Overcrossing (“the Project”), and

WHEREAS, the City of Modesto is vested with the power of eminent domain to acquire real property by virtue of Article 1, Section 19, of the Constitution of the State of California, Section 33391 of the Health and Safety Code of the State of California, and Section 1240.050, 1240.110, 1240.120, 1240.125, 1240.150, and 1240.410 of the Code of Civil Procedure of the State of California, and

WHEREAS, pursuant to the provisions of Section 1245.235 of the Code of Civil Procedure of the State of California, notice has been duly given to all persons whose property is to be acquired by eminent domain and whose names and addresses appear on the last Stanislaus County equalized assessment roll, all of whom have been given a reasonable opportunity to appear and be heard before the Modesto City Council on the following matters:

(a) Whether the public interest and necessity require the Project;
(b) Whether the Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
(c) Whether the property sought to be acquired is necessary for the Project; and
(d) Whether the offer required by Government Code Section 7267.2 has been made to the owner(s) of record.
NOW, THEREFORE, BE IT RESOLVED, that the Council finds, determines and orders as follows:

1. The public interest and necessity require the Project;

2. The Project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;

3. The taking of the fee simple title in and to the real property more particularly described in said Exhibit “A” is necessary for the Project;

4. The offer required by Section 7267.2 of the Government Code of the State of California has been made to the owner or owners of record of the real property.

5. The Office of the City Attorney of the City of Modesto is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such action as it may deem advisable or necessary in connection therewith; and

6. An order for prejudgment possession may be obtained in said action and a warrant issued to the State Treasury Condemnation Fund, in the amount described by the Court to be so deposited, as a condition to the right of immediate possession.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of December, 2001, by Councilmember Conrad, 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, Serpa, Smith
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Friedman

ATTEST: Jean Zahr

(Seal)

APPROVED AS TO FORM:
By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-624

A RESOLUTION CALLING FOR A SPECIAL ELECTION TO BE HELD ON MARCH 5, 2002, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS TO CONSOLIDATE THE SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE FOR THE PURPOSE OF HOLDING A RUNOFF ELECTION THAT WAS PREVIOUSLY SCHEDULED FOR DECEMBER 11, 2001.

WHEREAS, Stanislaus County officials informed the City of Modesto at a Council meeting held on December 4, 2001, that the December 11, 2001 City Council runoff election was flawed due to computer software and printer hardware failures, which caused the County Elections staff to be unable to mail ballots to more than 6,800 voters, and

WHEREAS, the City Council instructed the City Attorney to take appropriate legal action to nullify said flawed runoff election previously scheduled for December 11, 2001; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows, provided the City Attorney is able to obtain a court order allowing said actions:

SECTION 1. That the City Council orders the City Clerk to submit the runoff election previously scheduled for December 11, 2001 to the voters on March 5, 2002.

SECTION 2. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of Stanislaus County is hereby requested to consent and agree to the consolidation of the special municipal election with the statewide primary election on Tuesday, March 5, 2002 for the purpose of holding a runoff election that was previously scheduled for December 11, 2001 to elect a member of Council for Chairs 2, 4, and 5.

SECTION 3. That the County Election Department is authorized to canvass the returns of the special runoff election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. That the Board of Supervisors is
requested to issue instructions to the County Election Department to take any and all such steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Modesto recognizes that a cost will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any such costs.

SECTION 5. That the City of Modesto does hereby require the County Elections office to request and secure State oversight of the election process.

SECTION 6. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Stanislaus.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The foregoing resolution was introduced at a special meeting of the City of Modesto held on the 5th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Conrad, Fisher, Serpa, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: Friedman, Smith

ATTEST:  

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-625

A RESOLUTION ACCEPTING THE BID OF BOLLO CONSTRUCTION INCORPORATED FOR THE PROJECT TITLED “RENOVATION OF EXISTING POLICE HEADQUARTERS BUILDING–BID PACKAGE NO. 3”

WHEREAS, the bids received for “RENOVATION OF EXISTING POLICE HEADQUARTERS BUILDING–BID PACKAGE NO. 3” were opened at 11:00 a.m. on November 27, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $2,279,820.00 received from Bollo Construction, Incorporated be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $2,279,820.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: [Signature] J鳳AN ZAHK, City Clerk

APPROVED AS TO FORM:

By [Signature] MICHAEL D. MILICH, City Attorney

12/11/01 E&T / D Phillips
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-626

A RESOLUTION ACCEPTING THE BID OF DIEDE CONSTRUCTION, INC. FOR THE PROJECT TITLED "WASTEWATER COLLECTION MAINTENANCE BUILDING"

WHEREAS, the bids received for "WASTEWATER COLLECTION MAINTENANCE BUILDING" were opened at 11:00 a.m. on November 27, 2001, and later tabulated by the Engineering and Transportation Director for the consideration of the Council, and

WHEREAS, the Engineering and Transportation Director has recommended that the bid of $1,147,000 received from Diede Construction, Inc. be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of $1,147,000.00 be accepted and the execution of a contract for the completion of the project by the City's designated officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney

12/11/01 E&T / D Phillips -1- 2001-626
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-627

A RESOLUTION AMENDING THE CAPITAL IMPROVEMENTS BUDGET TO RECOGNIZE ADDITIONAL REVENUE FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR CONSTRUCTION OF THE WASTEWATER COLLECTION MAINTENANCE BUILDING AND INCREASE THE ANTICIPATED CONSTRUCTION EXPENSE.

WHEREAS, the Flood of 1997 damaged portions of the Primary Facility of the Wastewater Treatment Plant, and
WHEREAS, the Federal Emergency Management Agency (FEMA) agreed to fund the repair of the Binax Gas Scrubber, and
WHEREAS, the Binax Gas Scrubber was deemed unrepairable, and
WHEREAS, the FEMA transferred funds to construct the Wastewater Collection Maintenance Building as an Improved Project, and
WHEREAS, the City received approval of $778,300 in additional funding from FEMA to fully fund the Wastewater Collection Maintenance Building and the construction administration costs,

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an amendment to the current capital improvement budget for the Wastewater Collection Maintenance Building project to increase the amount of revenue recognized by $778,300 and to increase the budgeted amount for construction by $778,300.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: [Signature]

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-628

A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE FINAL MASTER ENVIRONMENTAL IMPACT REPORT FOR THE MODESTO WASTEWATER MASTER PLAN [(SCH NO. 96042009)]: APPROVING CONSTRUCTION OF THE WASTEWATER COLLECTION MAINTENANCE BUILDING.

WHEREAS, on May 27, 1997, by Resolution No. 97-291, the City Council of the City of Modesto certified the Modesto Wastewater Final Master Environmental Impact Report ("Final Master EIR") (SCH No. 96042009) for the Wastewater Master Plan, and

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

WHEREAS, the Engineering and Transportation Department, by Initial Study EA/ET 2001-34, reviewed the proposed construction of the Wastewater Collection Maintenance Building project, and made the determination that the proposed project is within the scope of the project covered by the Wastewater Master Plan and Final Master EIR, that the proposed project will have no additional significant effects on the environment that was not identified in the Final Master EIR, and that no new or additional mitigation measures or alternatives will be required.

WHEREAS, on December 11, 2001, the City Council considered said matter,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the proposal for construction of the Wastewater Collection Maintenance Building, together with the Initial Study EA/ET 2001-34, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The proposed Wastewater Collection Maintenance Building is within the scope of the Wastewater Master EIR (SCH No. 96042009).

2. The proposed Wastewater Collection Maintenance Building will have no new or additional significant effects on the environment that was not identified in the Final Master EIR and no new or additional mitigation measures or alternatives that were not previously considered in the Master EIR are required.

3. No new environmental document nor findings pursuant to Section 21081 shall be required by the California Environmental Quality Act (per section 21157.1).

4. There are no specific features unique to this Wastewater Collection Maintenance Building that require project specific mitigation measures. All certified mitigation measures identified in the Wastewater Master EIR will apply, including this project as appropriate.

5. This Initial Study Environmental Assessment EA/ET 2001-34 provides substantial evidence to support findings 1, 2, 3, and 4 above.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Engineering and Transportation Director is hereby authorized and directed to file a Notice of Determination pursuant to either Section 21108 or 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 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr

JBAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
A RESOLUTION APPROVING THE FINAL MAP OF JAYHAWK ESTATES SUBDIVISION OF THE CITY OF MODESTO

WHEREAS, IOAN MURESAN and IOAN PASCAN, are possessed of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 1.05 acres, known as JAYHAWK ESTATES ("Subdivision"), and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on the 3rd day of April, 2000, and

WHEREAS, the Secretary of the Planning Commission of the City of Modesto has certified that the final map of said tract substantially conforms to the approved tentative map, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said JAYHAWK ESTATES SUBDIVISION meets all of the provisions of the California Subdivision Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and that the map is technically correct,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that said final map be approved; that the dedications for streets, alleys and easements as shown thereon within the boundaries of said tract be accepted on behalf of the public for public use; and that the City Clerk be authorized to certify the map of said tract on behalf of the City of Modesto after the fees and deposits required by the Modesto Municipal Code in amounts determined by the City Engineer have been paid; and after subdivider has furnished securities, as set forth in Section 4-4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in Section 66499.3 of the Government Code of the State of California. Said securities shall be in forms acceptable to the City Attorney and in the amounts required by the City Engineer.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdivider as required by Section 4-4.604(c) of the Modesto Municipal Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahl

JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

MICHAEL D. MILICH, City Attorney

By: ALISON A. BARRATT-GREEN
Senior Deputy City Attorney

12/11/01/E&T/R Granberg -2- 2001-629
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-630

A RESOLUTION FOR PARTIAL ACCEPTANCE OF IMPROVEMENTS IN
ATHERTON PLACE SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN
AREA, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, John T. Verner and Kathleen M. Verner, and Edward A. Machado,
subdividers of Atherton Place subdivision, have filed subdivision bonds to secure faithful
performance and payment for labor and materials in the amount of $2,115,000 and $1,057,500,
respectively, and,

WHEREAS, John T. Verner and Kathleen M. Verner, and Edward A. Machado, has filed
a warranty bond in the amount of $211,500 to guarantee improvements in Atherton Place
subdivision; and

WHEREAS, John T. Verner and Kathleen M. Verner, and Edward A. Machado, has filed
an assignment of a Certificate of Deposit, to secure faithful performance and payment for labor
and materials associated with landscape improvements in the amount of $261,095; and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council,
indicates that all work required by the Subdivision Agreement, except for landscaping, has been
completed, to the satisfaction of the Engineering & Transportation Department; and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in
order for the City Council to accept the improvements in said subdivision as partially complete,
and authorize the City Clerk to file notice of partial completion and release the bonds upon
expiration of the statutory periods.

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

1. The improvements, except for landscaping, in Atherton Place Subdivision are hereby
accepted.

2. The City Clerk is hereby authorized to release the subdivision bonds for faithful
performance in the amount of $2,115,000 upon recordation of the notice of partial
completion.
3. The City Clerk is hereby authorized to release the subdivision bonds for labor and materials in the amount of $1,057,500 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $211,500 one year and one day following the effective date of this resolution, provided no claim is made thereon.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-631

A RESOLUTION ACCEPTING IMPROVEMENTS IN SUTTER RIDGE SUBDIVISION, AND AUTHORIZING RELEASE OF BONDS

WHEREAS, ANDERSON HOMES, a California Corporation, subdividers of Sutter Ridge subdivision, have filed subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $797,780.00 and $398,890.00, respectively, and

WHEREAS, ANDERSON HOMES, a California Corporation, has filed a warranty bond in the amount of $79,778.00 to guarantee improvements in SUTTER RIDGE subdivision, and

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department, and

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods,

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

1. The improvements in Sutter Ridge Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $797,780.00 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $398,890.00 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $79,778.00 one year and one day following the effective date of this resolution, provided no claim is made thereon.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

**AYES:** Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Conrad

ATTEST: [Signature]
JEAN ZAHN, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-632

A RESOLUTION ACCEPTING IMPROVEMENTS IN LEGENDS VILLAGE
UNIT NO.4 SUBDIVISION, IN THE VILLAGE ONE SPECIFIC PLAN AREA,
AND AUTHORIZING RELEASE OF BONDS

WHEREAS, JKB Homes, Corp., a California Corporation, subdividers of Legends Village Unit No. 4 subdivision, have filed subdivision bonds to secure faithful performance and payment for labor and materials in the amount of $711,400 and $355,700, respectively, and,

WHEREAS, JKB Homes, Inc., has filed a warranty bond in the amount of $71,140 to guarantee improvements in Legends Village Unit No. 4 subdivision; and,

WHEREAS, the Engineering & Transportation Director, in a memorandum to Council, indicates that all work required by the Subdivision Agreement has been completed, to the satisfaction of the Engineering & Transportation Department; and,

WHEREAS, the Engineering & Transportation Director has indicated that it would be in order for the City Council to accept the improvements in said subdivision as complete, and authorize the City Clerk to file notice of completion and release the bonds upon expiration of the statutory periods.

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

1. The improvements in Legends Village Unit No. 4 Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $711,400 upon recordation of the notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $355,700 sixty (60) days following the effective date of this resolution, provided no claim is made thereon.

4. The City Clerk is hereby authorized to release the warranty bond to guarantee improvements in the amount of $71,140 one year and one day following the effective date of this resolution, provided no claim is made thereon.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001–633

A RESOLUTION APPROVING THE SUBMITTAL OF THE MODESTO CITY-COUNTY AIRPORT'S REVISED AIRPORT CAPITAL IMPROVEMENT PLAN (ACIP) TO THE FEDERAL AVIATION ADMINISTRATION (FAA).

WHEREAS, Modesto City-County Airport is a commercial service airport and it is eligible for federal Airport Improvement Program entitlement and discretionary funds, and
WHEREAS, the United States Congress is expected to allocate for this fiscal year $3.3 billion dollars to airports for their airport improvements, and
WHEREAS, the FAA prioritizes airport funding needs through the Airport Capital Improvement Plans submitted by the nation’s airports, and
WHEREAS, the FAA has notified the City of Modesto that they are requesting the Modesto City-County Airport’s revised ACIP be submitted to the FAA by December 10, 2001, and
WHEREAS, the Airport Advisory Committee reviewed the revised ACIP at their November 21, 2001 meeting and supported recommending that the City Council approve the revised ACIP to the FAA,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submitting a revised ACIP listing of recommended projects with their estimated cost to the FAA.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001 – 634

A RESOLUTION APPROVING THE SUBMITTAL OF A FEDERAL APPLICATION IN THE AMOUNT OF $270,000 FOR THE UPDATE OF THE MODESTO CITY-COUNTY AIRPORT’S FAR PART 150 – AIRPORT NOISE COMPATIBILITY PROGRAM, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE FUNDING APPLICATION ON BEHALF OF THE CITY OF MODESTO.

WHEREAS, the City has an approved FAR Part 150 – Airport Noise Compatibility Program, and

WHEREAS, the FAR Part 150 program was completed in 1993, and the program information is considered out of date because of changes in aircraft noise laws, and different aircraft now in use at the Modesto City-County Airport, and

WHEREAS, the Federal Aviation Administration (FAA) recently notified airports that federal funds are available to update an existing FAR Part 150 program, and

WHEREAS, the City will soon be updating the Airport Master Plan for Modesto City-County Airport, and

WHEREAS, Coffman Associates, Inc. have been selected to complete the City’s Airport Master Plan update, and the firm is qualified to also complete an update to the City’s FAR Part 150 program, and

WHEREAS, the Council has been requested to approve a contract with Coffman Associates, Inc. to update the Airport Master Plan, and if federal funds become available, to update the City’s FAR Part 150 program,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves submitting an application to the FAA in the amount of $270,000 to update the City’s FAR Part 150 – Airport Noise Compatibility Program.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute the federal grant application on behalf of the City of Modesto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr, City Clerk

(SEAL)

APPROVED AS TO FORM:

by Michael D. Milich, City Attorney
A RESOLUTION APPROVING AN AGREEMENT WITH COFFMAN ASSOCIATES, INC. IN THE AMOUNT OF $596,000, WHICH INCLUDES THE SUM OF $296,000 TO COMPLETE AN AIRPORT MASTER PLAN FOR MODESTO CITY-COUNTY AIRPORT, UPDATE THE AIRPORT LAYOUT PLAN AND COMPLETE AN ENVIRONMENTAL REVIEW, AND AN ADDITIONAL $300,000 FOR AN UPDATE TO THE AIRPORT NOISE COMPATIBILITY PROGRAM ONCE THE CITY HAS RECEIVED FEDERAL FUNDING FOR THE NOISE PROGRAM UPDATE. AUTHORIZE THE CITY MANAGER TO EXECUTE THE AGREEMENT WITH COFFMAN ASSOCIATES, INC. ON BEHALF OF THE CITY.

WHEREAS, the City of Modesto has received a federal Airport Improvement Program (AIP) grant to complete the Modesto City-County Airport's Airport Master Plan, update the Airport Layout Plan (ALP), and the City expects to receive additional AIP funds in order to update the airport noise compatibility program, and

WHEREAS, Coffman Associates, Inc. of Kansas City, Missouri with a branch office in Phoenix, Arizona has selected to update the Modesto City-County Airport Master Plan, its ALP, the airport's FAR Part 150 - Airport Noise Compatibility Program, and

WHEREAS, the Transportation Policy Committee at its July, 2001 meeting approved the selection of Coffman Associates, Inc. and authorized staff to negotiate a contract with the consultant, and

WHEREAS, City staff has negotiated an agreement for professional services that has been determined reasonable, and

WHEREAS, Coffman Associates, Inc. will proceed with the first phases of the Airport Master Plan as soon as the City gives the consultant notice to proceed,

NOW, THEREFORE, BE IT RESOLVED, that the Council of the City of Modesto hereby approves the contract between the City of Modesto and Coffman Associates, Inc. for the consultant to complete an update to Modesto City-County Airport’s Airport Master Plan and its ALP, and to prepare an update to the FAR Part 150 - Airport Noise Compatibility Report once a federal grant has been received from the FAA.
BE IT FURTHER RESOLVED that the City Manager or his authorized designee is authorized to execute the contract between the City of Modesto and Coffman Associates, Inc.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

by MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-636

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MODESTO IRRIGATION DISTRICT FOR A COST SHARING AGREEMENT REGARDING PLANNING AND PRE-DESIGN RELATED ACTIVITIES FOR THE PROPOSED PHASE 2 EXPANSION OF THE MODESTO REGIONAL WATER TREATMENT PLANT.

WHEREAS, in the early 1990s the City of Modesto, Modesto Irrigation District (MID), and the former Del Este Water Company formed a partnership to utilize MID’s surface water rights for municipal uses, and

WHEREAS, the Modesto Domestic Water Partnership was the result of this partnership, and

WHEREAS, on April 21, 1992, the City of Modesto, Modesto Irrigation District, and Del Este Water Company entered into a Treatment and Delivery Agreement for the design, financing, construction and operation of a surface water treatment plant, transmission pipelines, and reservoirs, and

WHEREAS, in July 1995, the City of Modesto acquired the Del Este Water Company, and

WHEREAS, the City and MID desire to enter into an agreement to share costs with respect to the planning and pre-design related activities for the proposed Phase 2 expansion of the Modesto Regional Water Treatment Plant, and

WHEREAS, City staff and MID staff presented the Cost Sharing Agreement to the Utility Services and Franchise Committee on September 26, 2001, and the Modesto Regional Water Treatment Plant Policy Committee on November 14, 2001, and both recommended support for the Cost Sharing Agreement,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Cost Sharing Agreement with respect to the planning and pre-design related activities for the proposed Phase 2 expansion of the Modesto Regional Water Treatment Plant between the City of Modesto and the Modesto Irrigation District.
BE IT FURTHER RESOLVED that execution of said agreement by the designated City officials is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: \underline{Jean Zahr}, City Clerk

(SEAL)

APPROVED AS TO FORM:

By \underline{Michael D. Milich}, City Attorney
A RESOLUTION APPROVING AN APPROPRIATION TRANSFER OF $35,000.00 TO FULLY FUND THE PELANDALE/MCHENRY INTERSECTION IMPROVEMENTS PROJECT

WHEREAS, on February 13, 2001, the City Council awarded a $451,604.00 contract to Fagundes & Son, Inc. to install a traffic signal and widen Pelandale and Claratina Avenues at McHenry Avenue, and

WHEREAS, the contractor was asked to purchase materials originally to be supplied by the City, and

WHEREAS, unforeseen work was required at the Pelandale/McHenry intersection to comply with State Department of Transportation requirements, and

WHEREAS, additional City staff time was required due to the extra work and other unforeseen complications including the utility relocations, and

WHEREAS, these all resulted in additional funds being required to fully fund the project.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes an appropriation transfer of $35,000.00 from Account Number 141-430-K122, Pelandale Expressway: Phase 1A, to Account Number 141-430-M189, Pelandale/McHenry Intersection Improvements, to fully fund the project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: 

JEAN ZAHN, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-638

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND SUBMIT AN APPLICATION FOR $183,210 IN GRANT FUNDS FROM THE CALIFORNIA DEPARTMENT OF PARKS AND RECREATION FOR PREPARATION OF A SPECIFIC PLAN FOR A 4.2 MILE LINEAR PARK/CLASS I BIKEWAY IN THE VIRGINIA AVENUE CORRIDOR

WHEREAS, the Legislature and the Governor of the State of California have approved a grant for the Virginia Avenue Corridor Specific Plan, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the grant project, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the Grantee to certify by resolution the approval of application before submission of said application to the State, and

WHEREAS, the City of Modesto will enter into a contract with the State of California for subject project, and

WHEREAS, the Human Services Committee met on November 26, 2001 and supported submission of said grant, and

WHEREAS the Council considered this matter at its meeting held on December 11, 2001,

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

1. Approves the filing of an application for local assistance for the Virginia Avenue Corridor Specific Plan; and

2. Certifies that the City of Modesto understands the assurances and certification in the application form; and

3. Certifies that the City of Modesto has or will have sufficient funds to operate and maintain the project; and
4. Appoints the City Manager or his designee as agent to conduct all negotiations, execute and submit all documents including, but not limited to, applications, agreements, payment requests and so on, which may be necessary for the completion of the aforementioned project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

Attest: 
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: 
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-639

A RESOLUTION ACCEPTING A $30,500 OFFER FROM NICHOLAS LEMMO AS PAYMENT ON A COMMUNITY DEVELOPMENT BLOCK GRANT SMALL BUSINESS LOAN TO CRETESALE CONTRACT SERVICES, INC., AND RELEASING MR. LEMMO FROM ANY FURTHER RESPONSIBILITY ON DEFAULTED LOAN, PROVIDING FUNDS ARE RECEIVED IN FULL WITHIN SIXTY DAYS FOLLOWING APPROVAL OF THE CITY COUNCIL.

WHEREAS, on October 4, 1994, the City Council approved a Community Development Block Grant Small Business loan in the amount of $35,000 to Creteseal Contract Services, Inc. to move their manufacturing facilities into a suitable warehouse within the City limits of Modesto and

WHEREAS, the loan to Creteseal was a four year loan at 8 ¼%, and the monthly payments were $858.57, with a 10% late charge on any payments if not paid by the tenth day of the month. The loan was secured by Deeds of Trust on the personal residences of Patrick Murray and Nicholas Lemmo, as well as inventory and accounts receivable, and the loan documents indicate that the loan was an obligation of Mr. Murray and Mr. Lemmo, both jointly and separately, and

WHEREAS, after making several payments, payments were discontinued, and

WHEREAS, the estimated balance on the loan is $50,975.24, and

WHEREAS, Mr. Lemmo has, by letter, offered to pay $30,500 toward the loan, and

WHEREAS, the Economic Development Loan Committee met on November 19, 2001, and recommended acceptance of Mr. Lemmo’s offer to pay $30,500, provided the amount is received by the City within sixty days following approval by the City Council,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby accepts a $30,500 offer from Nicholas Lemmo as payment on a Community Development Block Grant Small Business loan to Creteseal Contract Services, Inc., and releases Mr. Lemmo from any further responsibility on the defaulted loan, provided the City receives payment in full within sixty days following Council approval.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

Attest: ________________________________
JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: ________________________________
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL  
RESOLUTION NO. 2001-640

A RESOLUTION AUTHORIZING THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT TO APPLY FOR GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER THE SAFE NEIGHBORHOOD PARKS, CLEAN WATER, CLEAN AIR AND COASTAL PROTECTION BOND ACT OF 2000, IN ORDER TO ENCUMBER $2,256,262 IN AFOREMENTIONED FUNDING

WHEREAS, the people of the State of California have enacted the Per Capita Grant Program which provides funds to meet the urgent need for safe, open and accessible local park and recreation facilities for increased recreational opportunities that provide positive alternatives to social problems, and

WHEREAS, the California Department of Parks and Recreation has been delegated the responsibility for the administration of the grant program, setting up necessary procedures, and

WHEREAS, said procedures established by the California Department of Parks and Recreation require the City of Modesto’s City Council to certify by resolution the approval of the City of Modesto to apply for the Per Capita Allocation, and

WHEREAS, the City of Modesto will enter into a contract with the State of California, and

WHEREAS, the City of Modesto’s share of the Per Capita funds is $2,256,262, which the City now desires to encumber, and

WHEREAS, the Human Services Committee met on November 26, 2001, and supported staff’s recommendation to request by resolution that the City’s Per Capita allocation be encumbered,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby authorizes the Parks, Recreation and Neighborhoods Department to apply for grant funds for the Per Capita Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000, in order to encumber said $2,256,262 in Per Capita Funds.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

Attest: [Signature]
JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: [Signature]
MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-641

A RESOLUTION APPROVING AN AMENDMENT TO CONSULTANT AGREEMENT WITH THE BEALS GROUP, INC. TO PROVIDE ADDITIONAL SERVICES RELATED TO THE PREPARATION OF THE REGIONAL SPORTS FACILITY EVALUATION ACTION PLAN AT A COST NOT TO EXCEED $24,455 AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID AMENDMENT

WHEREAS, on December 7, 1999, the City Council authorized staff to enter into an agreement with the Beals Group, Inc. to conduct a process of evaluation of the need for a shared network of sports facilities, and

WHEREAS, at the April 4, 2001 Human Services Committee meeting, the Committee recommended that staff develop a plan to ensure that the greatest part of the community is involved in the process, and

WHEREAS, the additional public outreach resulted in the need for services from the Beals Group that was beyond the original scope of work contained in the agreement, and

WHEREAS, the Beals Group has agreed to provide the additional services as contained in Exhibit “A” at a cost not to exceed $24,455, and

WHEREAS, funding is available in Capital Improvement Plan project 1350-310-M177, Sports Complex, and

WHEREAS, the Human Services Committee met on November 26, 2001 and supported staff’s recommendation to amend the agreement with the Beals Group to provide additional services,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the amendment to consultant agreement with the Beals Group, Inc. to provide additional services related to the preparation of the Regional Sports facility Evaluation Action Plan at a cost not to exceed $24,455.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its
adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: Frohman

ABSENT: Councilmembers: Conrad

APPROVED AS TO FORM:

By: [Signature]

MICHAEL D. MILICH, City Attorney

Attest: [Signature]

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-642

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 CAPITAL IMPROVEMENT PLAN TO INCLUDE REPLACEMENT OF THE PICNIC STRUCTURE AT BEYER PARK IN PROJECT 1400-310-M185, INFRASTRUCTURE PRESERVATION

WHEREAS, the picnic structure at Beyer Park is showing signs of decay and is in need of replacement, and

WHEREAS, funds have been identified for the replacement from project 1400-310-M185 and through grant funding, and

WHEREAS, the Human Services Committee met on November 26, 2001, and supported amending the Capital Improvement Program to add replacement of the picnic structure at Beyer Park to project 1400-310-M185,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the Fiscal Year 2001-02 Capital Improvement Plan to include replacement of the picnic structure at Beyer Park in project 1400-310-M185, Infrastructure Preservation.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

Attest: 

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

12/11/01/PR&N/F Allen 2001-642
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-643

A RESOLUTION AMENDING THE FISCAL YEAR 2001-02 CAPITAL IMPROVEMENT PLAN BUDGET, REALLOCATING $20,000 IN PROJECT 1400-310-M185, AND ESTIMATING AND ALLOCATING GRANT REVENUE OF $197,000 FOR PICNIC STRUCTURE REPLACEMENT AT BEYER AND GRACEADA PARKS.

WHEREAS, the picnic structures at Beyer and Graceada Parks are showing signs of decay and are in need of replacement (the Project), and
WHEREAS, a total of $364,000 is needed to fund the Project, and
WHEREAS, the Fiscal Year Capital Improvement Plan identifies $147,000 allocated in Project 1400-310-M185, Infrastructure Preservation, specifically for the Graceada Picnic Structure replacement, and
WHEREAS, staff desires to include the replacement of the picnic structure at Beyer Park in the Project, and
WHEREAS, an additional $20,000 is available from Capital Improvement Project 1400-310-M185, Infrastructure Preservation, that was previously identified for other projects, and
WHEREAS, staff intends to allocate grant revenue in the amount of $197,000 from the City’s share of the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Proposition 12), Per Capita allocation to this project, and
WHEREAS, the Human Services Committee met on November 26, 2001, and supported expansion of the picnic structure replacement project to include Beyer Park, to increase project costs and to allocate funds from the City’s share of Proposition 12 Per Capita Funds,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves amending the fiscal year 2001-02 Capital Improvement Plan budget to include replacement of the picnic structure at Beyer Park, to reallocate $20,000 in Project 1400-310-M185, and to estimate and allocate grant revenue of $197,000.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

Attest: [Signature]

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: [Signature]

MICHAEL D. MILICH, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-644

A RESOLUTION AUTHORIZING DIRECT CITY ASSISTANCE FOR THE JUNE 15, 2002 NORTH MODESTO KIWANIS CLASSIC CAR PARADE

WHEREAS, the North Modesto Kiwanis Club sponsors a Classic Car show during the June week-end of high school graduation, and

WHEREAS, on June 15, 2002, the North Modesto Kiwanis Club desires a pre-car show Classic Car Parade, and

WHEREAS, the parade will take place in downtown Modesto from 9:00 a.m. to 11:00 a.m. and terminate at Modesto Junior College, East Campus for the Classic Car Show, and

WHEREAS, the Modesto Police Department has been requested and can provide traffic control of the parade, and

WHEREAS, this proposed classic car parade should not lead to a spontaneous cruise which have been discouraged by the Modesto Police Department, and

WHEREAS, the Classic Car Parade will be tightly controlled, with registered classic cars only, and

WHEREAS, the parade and Classic Car show will allow the Modesto community the opportunity to experience the positive traditions of Modesto’s cruising heritage, and

WHEREAS, direct City assistance will be Police Department personnel provided for traffic control for the parade, and

WHEREAS, the Public Safety Committee unanimously recommended this direct City assistance at its November 1, 2001 meeting.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it does hereby approve direct City assistance for the North Modesto Kiwanis Classic Car Parade to be held June 15, 2002, for traffic control.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

ATTEST: JEAN ZAHN, City Clerk

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-645

A RESOLUTION WAIVING FORMAL BID PROCEDURES BY FIVE (5) AFFIRMATIVE VOTES AND AUTHORIZING THE PURCHASE OF A BACKHOE FROM NORTRAX WEST FOR A TOTAL COST OF $75,403.02

WHEREAS, the John Deere model 410 crane purchased in 1998 was stolen the weekend of June 2, 2001, and

WHEREAS, a replacement backhoe has been rented at an average rate of $2,500 per month while waiting for the insurance settlement, and

WHEREAS, the Water Division is using the backhoe on a daily basis for construction related to failed water mains inherited when the Del Este water system was purchased, and

WHEREAS, the insurer has provided an initial insurance assessment of $47,000.00 less the $5,000.00 deductible, providing a minimum reimbursement of $42,000.00, and

WHEREAS, the City has obtained pricing from the Northern California John Deere Dealer, Nortrax West, which is based upon State of California Department of General Services Multiple Award Scheduled (CMAS) pricing, and

WHEREAS, the total cost of the John Deere model 410 backhoe is $75,403.02.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that formal bid procedures for the purchase of the John Deere model 410 backhoe are hereby waived.

BE IT FURTHER RESOLVED that the purchase of the John Deere model 410 backhoe from Nortrax West in an amount not to exceed $75,403.02 is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: 

JEAN ZAHR, City Clerk

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2001 - 646

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THOMAS B. CONWAY, ET AL, IN THE AMOUNT OF $375,000 FOR THE ACQUISITION OF PROPERTY LOCATED AT 911 "G" STREET, MODESTO, FOR THE FLEET SHOP RELOCATION PROJECT.

WHEREAS, the Council of the City of Modesto has approved a project to relocate the Fleet Shop from its present location to 911 “G” Street, for the purchase price of $375,000, and
WHEREAS, the property’s proximity to the Police Department makes it an ideal location for this service and will provide Fleet Services with twice their current capacity, and
WHEREAS, an agreement is needed for the acquisition of property,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Agreement between the City of Modesto and Thomas B. Conway, et al, in the amount of $375,000 for the acquisition of property located at 911 “G” Street, Modesto, is hereby approved.
BE IT FURTHER RESOLVED that the execution of said Agreement by the City Manager or his authorized designee is hereby authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

APPROVED AS TO FORM:
By: ____________________________
   MICHAEL D. MILICH, City Attorney

ATTEST:
By: ____________________________
   JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001 - 647

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN
ACCEPTANCE FORM FOR A GRANT DEED FOR THE ACQUISITION
OF PROPERTY OWNED BY THOMAS B. CONWAY, ET AL, AT 911 “G”
STREET MODESTO, FOR THE FLEET SHOP RELOCATION
PROJECT.

WHEREAS, Section 27281 of the Government Code requires a public agency to accept
real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, City desires to acquire real property from Thomas B. Conway, et al, located
at 911 “G” Street, Modesto, for the Fleet Shop Relocation Project,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Council of the City of
Modesto that the City Manager or his authorized designee is hereby authorized to sign an
acceptance form for a Grant Deed for the acquisition of property owned by Thomas B. Conway,
et al, located at 911 “G” Street, Modesto, for the Fleet Shop Relocation Project.

The foregoing resolution was introduced at a regular meeting of the Council of the City of
Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its
adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith,
Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

APPROVED AS TO FORM:

By: Michael D. Milich, City Attorney

ATTEST:

By: Juan Zahr, City Clerk

12/11/01/O&M/P Cowles 2001-647
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-648

A RESOLUTION AMENDING THE BUDGET TO APPROPRIATE $371,163 FROM THE FLEET SERVICES FUND RESERVE TO THE FLEET FUND CAPITAL IMPROVEMENT PROGRAM FOR THE FLEET SHOP RELOCATION PROJECT.

WHEREAS, the Council of the City of Modesto has approved a project to relocate the Fleet Shop from its present location, and

WHEREAS, the City has agreed to purchase said property at 911 “G” Street, Modesto, from Thomas B. Conway, et al, for the purpose of relocating the Fleet Shop, and

WHEREAS, the City and property owner have agreed to a purchase price of $375,000 which will be offset by $3,837 from the property owner for environmental investigation at the site,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the amendment to the budget and appropriation from the Fleet Services Fund reserve in the amount of $371,163, to the Fleet Services Fleet Shop Relocation capital improvement project (7200-480-J879) is hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

APPROVED AS TO FORM:
By ____________________________
MICHAEL D. MILICH, City Attorney

ATTEST:
By ____________________________
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-649

A RESOLUTION ACCEPTING WITH REGRET THE RESIGNATION OF SUSAN BANTON FROM THE BOARD OF ZONING ADJUSTMENT, EFFECTIVE DECEMBER 11, 2001

WHEREAS, SUSAN BANTON was appointed a member of the Board of Zoning Adjustment on December 15, 1998; and

WHEREAS, SUSAN BANTON has tendered her resignation from the Board of Zoning Adjustment effective ?, 2000; and

WHEREAS, SUSAN BANTON has been a devoted and sincere public servant and has contributed greatly to our civic progress,

NOW, THEREFORE, BE IT RESOLVED that the resignation of SUSAN BANTON from the Board of Zoning Adjustment be, and hereby is accepted with regret.

BE IT FURTHER RESOLVED that the Council of the City of Modesto, on its own behalf, and on behalf of the citizens of this City, hereby expresses its sincere appreciation to SUSAN BANTON for her outstanding service to the community.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Frohman, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: [Signature]
JEAN ZAHR, City Clerk
A RESOLUTION CONCURRING WITH THE UTILITY SERVICES AND FRANCHISES COMMITTEE RECOMMENDATION REGARDING WASTE-TO-ENERGY FACILITY TIP FEE SAVINGS, AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE LETTER AGREEMENTS WITH THE CITY’S REFUSE COLLECTION COMPANIES FOR ADDITIONAL SOLID WASTE SERVICES

WHEREAS, the City of Modesto and the County of Stanislaus (“Contracting Communities”) are joint partners in the Waste-to-Energy Facility, which is operated by Covanta Stanislaus, and

WHEREAS, tipping fees are established to pay debt service, operation and maintenance costs and pass through costs, such as insurance, property taxes, and various permits and fees that are incurred by Covanta Stanislaus, as provided for in a Service Agreement, and

WHEREAS, tipping fees at the Waste-to-Energy Facility are set by joint action of the Contracting Communities, which are the City of Modesto and Stanislaus County, and

WHEREAS, the Contracting Communities approved a reduction in the tipping fees at the facility, from $34.00 per ton to $30.00 per ton effective January 1, 2002, and

WHEREAS, said reduction in tipping fees will result in a savings of $0.60 per month on residential rates, and $1.00 per cubic yard on commercial rates, and

WHEREAS, Modesto currently has rates for solid waste services that are among the lowest in the region for the extensive range of services provided, and staff has recommended that savings from reduced tipping fees would be most effectively used to provide further enhancements to these services, and
WHEREAS, the Utility Services and Franchises Committee has discussed alternatives for reallocation of tipping fee savings, and has recommended the following use of the savings: (1) that the City’s licensed haulers assume responsibility for removal of illegally dumped items from the right of way; (2) that the licensed haulers implement an interim program for the collection and recycling of cathode ray tubes at their transfer stations pending the implementation of a State grant program for such collection and recycling; (3) that the licensed haulers expand the residential food waste program and make kitchen top food collection containers available to residents on request; (4) that the impact fees for Waste Management/Modesto Disposal and Gilton Solid Waste be increased to 9.9% plus the 0.2% mil tax, and the impact fees for Bertolotti Disposal be increased to 10.3% plus the 0.2% mil tax, effective January 1, 2002, as authorized by City Council Resolution No. 2001-35 and

WHEREAS, the Council of the City of Modesto must concur with any proposed reallocation of savings resulting from the reduction in the tipping fees, and

WHEREAS, the 11th day of December, 2001, at 5:15 p.m. in the Tenth Street Place Chambers, located at 1010 10th Street, Modesto, California, was set as the time and place for consideration of reallocation of savings resulting from the decrease in tipping fees at the Waste-to-Energy Facility,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves the Utility Services and Franchises Committee’s recommendations regarding the reallocation of tipping fee savings to the programs outlined in the staff report on this item, effective January 1, 2002.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to negotiate and execute letter agreements with the City’s refuse collection companies to provide the additional services described in the staff report attached hereto.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, 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: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By MICHAEL D. MILICH, City Attorney
A RESOLUTION FINDING THAT THE FOLLOWING PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 92052017): AMENDING SECTION 27-3-9 OF THE ZONING MAP TO REZONE FROM LOW DENSITY RESIDENTIAL, R-1, TO PLANNED DEVELOPMENT ZONE, P-D(551), PROPERTY LOCATED ON THE NORTH SIDE OF SCENIC DRIVE WEST OF BRIGHTON AVENUE (JEFF AND CHRISTI CARVER)

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, Jeff and Christi Carver have proposed that the zoning designation for the property located on the north side of Scenic Drive west of Brighton Avenue, be amended to rezone from Low Density Residential, R-1, to Planned Development Zone, P-D(551), in the City of Modesto ("the project"), to allow for a three-unit multi-family housing development, and

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

WHEREAS, the City’s Community Development Department by Environmental Assessment Initial Study EA/CDD 2001-70 reviewed the proposed amendment to the Zoning Map and rezone to P-D(551) project to determine whether the project is within the scope of the project covered by the Modesto Urban Area General Plan Master EIR, and made the determination that the proposed project will have no additional significant effect on the environment that was not identified in the Master EIR and, further, that no new or additional mitigation measures or alternatives are required, and that, therefore, the proposed project is within the scope of the project covered by the Master EIR, and
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed amendment to the Zoning Map and rezone to P-D(551) project, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. That the proposed project is contemplated and described in the Master EIR (SCH No. 92052017) as being within the scope of the Master EIR report.

2. That the project will have no new additional significant effects on the environment which were not identified in the Master EIR, and no new or additional mitigation measures would be required.

3. That, as per Section 21157.1 of the Public Resources Code, no new environmental document or findings are required by the California Environmental Quality Act (CEQA).

4. That there are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Master EIR will be sufficient for this project.

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

6. The initial study, Environmental Assessment No. EA/CDD 2001-70, provides the substantial evidence to support the above findings.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community Development Director is hereby authorized and directed to file a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr

JEAN ZAHR City Clerk

(SEAL)

APPROVED AS TO FORM:

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

INITIAL STUDY

EA/CDD NO. 2001-70
I. PURPOSE

Section 21157.1 of the Public Resources Code, allows for limited environmental review of subsequent projects under a Master EIR, provided that certain findings are made. The Modesto Urban Area General Plan Master EIR (SCH No. 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 21157.1(b) of the Public Resources Code, analyzes whether this project may cause any significant effects on the environment that were not examined in the General Plan Master EIR. This Initial Study also provides documentation that the project is within the scope of the General Plan Master EIR.

II. PROJECT DESCRIPTION

A. Project title:
Public Hearing - Application of Jeff and Christi Carver to rezone from R-1 to P-D to allow a three-unit multi-family housing development, property located on the north side of Scenic Drive west of Brighton Avenue.

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

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

D. Project Location:
north side of Scenic Drive west of Brighton Avenue.

E. Project Sponsor:
Jeff and Christi Carver

F. General Plan Designation:
Mixed Use (MU)

G. Current Zoning:
Low-Density Residential (R-1)
H. Description of Proposed Project:
This is an application to rezone an approximate quarter-acre parcel from Low-Density Residential (R-1) to Planned Development (P-D), to allow a three-unit multi-family housing development located on the north side of Scenic Drive west of Brighton Avenue. The applicant's site plan calls for three attached two-story residential units with a shared driveway / parking area adjacent to Scenic Drive.

I. Surrounding land uses:
Low-Density Residential zoning exists on the east, west, and north sides of the subject property, with Scenic Drive frontage to the south.

J. Other public agencies whose approval is required:
None

III. ANALYSIS OF CONFORMANCE WITH THE MASTER EIR

There are eighteen subject areas in the Master EIR for the General Plan. Following is an analysis of how this project conforms to the analysis contained within the Master EIR.

A. Traffic and Circulation
The proposed planned development zone and resulting multi-family housing development will contribute to increased traffic in the neighborhood. However, the proposed development is consistent with the Traffic and Circulation needs section of the MEIR. Therefore, 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.

B. Degradation of Air Quality
The proposed planned development zone and resulting multi-family housing development is within the urban developed area of the City of Modesto. This use 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.

C. Generation of Noise
The proposed planned development zone and resulting multi-family housing development is adjacent to and surrounded by urban development. The adjacent developed neighborhood contains a mixture of commercial and residential uses. Because of building walls, fencing and structure setbacks, the Day-Night Average Sound Level (Ldn) for this neighborhood area can be ensured. No significant noise impacts will be generated as a result of this residential use, nor will the adjacent neighborhood be impacted as a result of this use. It will not create additional significant effects and the Mitigation Measures listed in the MEIR for Generation of Noise (pages IV-3-1 through IV-3-33) are therefore still valid.

D. Loss of Productive Agricultural Land
The proposed planned development zone and resulting multi-family housing development is located on property noted as Urban and Built-Up Land as shown on Figure 4-1 in the Loss of Productive Agricultural Land section of the MEIR. Also, the requested planned development zone and resulting apartment complex is subject to conditions of approval. Therefore, 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.

E. Increased Demand for Water Supplies
The proposed planned development zone and resulting multi-family housing development 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 Mitigation Measures listed in the MEIR for Increased Demand for Water Supplies (pages IV-5-1 through IV-5-11) are therefore still valid.

D. Increased Demand for Sanitary Sewer Services
The proposed planned development zone and resulting multi-family housing development will create no additional demand for sewer capacity not identified in the MEIR. The Existing Conditions, Impacts Analysis and 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.

G. Loss of Sensitive Wildlife and Plant Habitat
The proposed planned development zone and resulting multi-family housing development is in a built-up urban area and will not impact sensitive wildlife or any plant habitat above and beyond that which was identified in the Loss of Sensitive Wildlife and Plant Habitat section of the MEIR. The Existing Conditions, Impact Analysis, and Mitigation Measures listed in this section of the MEIR (pages IV-7-1 through IV-7-30) are therefore still valid.

H. Disturbance of Archaeological and Historic Sites
Figure 8-1 of the MEIR indicates that the proposed project is within the Archaeological Resource Study Area, which shows areas that may require additional site specific investigations. However, because the proposed 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, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for Disturbance of Archaeological or Historical Sites (pages IV-8-1 through IV-8-21) are still valid.

I. Drainage, Flooding and Water Quality
The proposed planned development zone and resulting multi-family housing development will not present any new impacts that have not already been addressed in the MEIR. The mitigation measures will reduce the impacts of increased runoff within the baseline developed area to a less than significant level. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Drainage, Flooding, and Water Quality (pages IV-9-1 through IV-9-23) are therefore still valid.

J. Increased Demand for Storm Drainage
The proposed planned development zone and resulting multi-family housing development is consistent with the General Plan in land use and intensity, and will provide the necessary infrastructure to provide for adequate storm drainage. The mitigation measures contained in the Master EIR will not reduce the impacts of increased runoff within the baseline developed area to a less than significant level. In adopting the Master EIR, the City Council adopted a finding of overriding findings for this impact. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Storm Drainage (pages IV-10-1 through IV-10-8) are therefore still valid.
K. Increased Demand for Parks and Open Space
The proposed planned development zone and resulting multi-family housing development will not have an effect upon the parks or open space needs in the area. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Parks and Open Space (pages IV-11-1 through IV-11-11) are therefore still valid.

L. Increased Demand for Schools
The MEIR concluded that demand for schools would be mitigated by collection of fees by the affected school districts. Since this project would be required to pay these fees, as applicable, the Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Increased Demand for Schools (pages IV-12-1 through IV-12-11) are still valid.

M. Increased Demand for Police Services
The proposed planned development zone and resulting multi-family housing development will have a less than significant impact upon the need for additional police services to this area. The Existing Conditions, Impacts Analysis and 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.

N. Increased Demand for Fire Services
The proposed planned development zone and resulting multi-family housing development will have a less than significant impact upon the need for additional fire services to this area. Fire Station Number 3 is located approximately one mile away. The Existing Conditions, Impacts Analysis and 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.

O. Generation of Solid Waste
The proposed planned development zone and resulting multi-family housing development will not cause the generation of solid waste beyond that which is identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Solid Waste (pages IV-15-1 through IV-15-10), are therefore still valid.

P. Generation of Hazardous Materials
The proposed planned development zone and resulting multi-family housing development will not result in additional hazardous materials generated beyond those identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for the Generation of Hazardous Materials (pages IV-16-1 through IV-16-15) are therefore still valid.

Q. Landslides and Seismic Activity
The proposed planned development zone and resulting multi-family housing development 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 Mitigation Measures listed in the MEIR for the Landslides and Seismic Activity (pages IV-17-1 through IV-17-11) are therefore still valid.

R. Energy
The proposed planned development zone and resulting multi-family housing development will result in less than significant additional demands for energy, as identified in the MEIR. The Existing Conditions, Impacts Analysis and Mitigation Measures listed in the MEIR for
Energy (pages IV-18-1 through IV-18-6) are therefore still valid. Mitigation measures identified for air quality and traffic would also help to mitigate energy impacts.

IV. CONCLUSIONS / DETERMINATIONS OF FINDINGS

A. The proposed planned development zone for a multi-family housing development is within the scope of the General Plan Master EIR (SCH No. 92052017) which analyzed the potential impacts of buildout of the Baseline Development Area.

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

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

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

E. This Initial Study provides substantial evidence to support findings A, B, C, and D above.

Signature:

Brad Wall,
Associate Planner
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-651

A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(551). (JEFF AND CHRISTI CARVER)

WHEREAS, a verified application for an amendment to Section 27-3-9 of the Zoning Map was filed by Jeff and Christi Carver on August 31, 2001, to reclassify from Low Density Residential, R-1, to Planned Development Zone, P-D(551) to allow a three-unit multi-family housing project, property located on the north side of Scenic Drive west of Brighton Avenue, described as follows:

R-1 to P-D(551)

All that certain real property situate in a portion of the northwest quarter of Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, more particularly described as follows:

Commencing at the northeast corner of Lot 34 of Sunnyside Acres, according to the official map thereof, filed May 24, 1911 in Volume 5 of Maps, at page 46, Stanislaus County Records; thence along the northerly line of said Lot 34, South 74°33’09” West 108.88 feet to the northerly extension of the easterly line of Lot 9 in Block 1061 of Scenic Estates No. 2, as shown on the map filed May 19, 1990, in Volume 35 of Maps, at page 2, Stanislaus County Records; thence along said northerly extension and said easterly line of Lot 9, South 0°14’33” East 71.97 feet to the southeast corner of said Lot 9 and the true POINT OF BEGINNING of this description; thence continuing South 0°14’33” East, along the easterly lines of Lot 2 and Lot 1 of Scenic Estates, as shown on the map filed March 19, 1990, in Volume 34 of Maps, at page 94, Stanislaus County Records, a distance of 119.00 feet to the southeast corner of said Lot 1; thence parallel with and 45.00 feet northwesterly from the centerline of Scenic Drive as shown on said map of Scenic Estates, North 69°13’57” East 112.19 feet to the easterly line of said Lot 34 of Sunnyside Acres; thence along said easterly line of Lot 34, North 0°14’33” West 79.66 feet to the easterly extension of the southerly line of said Lot 9 of Scenic Estates No. 2; thence along said easterly extension South 89°45’27” West 105.07 feet to the point of beginning.

Containing 10,436 square feet, more or less

and
WHEREAS, after a public hearing held on November 5, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2001-65, that rezoning of the property as requested is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed planned development zone, by reason of its site design and conditions of approval is compatible with existing and potential surrounding development.

2. The requested planned development zone for a multi-family development is within an area designated by the General Plan for (MU) Mixed Use.

WHEREAS, said matter was set for a public hearing of the City Council to be held on December 11, 2001, in the Tenth Street Place Chambers located at 1010 10th Street, Modesto, California, at which date and time said duly noticed public hearing was held, and

WHEREAS, after said public hearing the Council found and determined that the application of Jeff and Christi Carver for a Planned Development Zone should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 2001-65 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3240-C.S. on the 11th day of December, 2001, reclassifying the above-described property from Low Density Residential, R-1, to Planned Development Zone, P-D(551).

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

SECTION 1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(551), is hereby approved subject to the following conditions:

1. All development shall conform to the plans entitled: “Scenic River Townhouses” as amended in red and stamped approved by the City Council on December 11, 2001.

2. Full and unobstructed access must be established and maintained around the entire perimeter of the building(s), by establishment of a “no build area,” to the satisfaction of the Fire Chief.
3. Fences or walls shall be constructed prior to occupancy and shall be as follows:
six-foot-high wood fence with decorative masonry pilasters at 16 foot on centers.

4. Prior to the issuance of a building permit, a landscaping and irrigation plan shall
be approved by the Chief Building Official. Landscaping and the irrigation
system shall be installed and maintained in accordance with the approved plan.

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

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

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

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

9. All signs shall comply with the sign requirements of the R-1 Zone.

10. The developer shall indemnify, defend and hold harmless the City of Modesto, its
agents, officers, and employees from any and all claims, actions, or proceedings
against the City of Modesto, its agents, officers, and employees to arbitrate,
attack, review, set aside, void, or annul, any approval by the City of Modesto of a
development approval. The City of Modesto shall promptly notify the developer
of any claim, action, or proceeding and shall cooperate fully in the defense. If the
City fails to do so, the developer shall not thereafter be responsible to defend,
indemnify, or hold City harmless.

11. The applicant shall record a "Notice of Conditions" in the Stanislaus County
Recorder's Office on a form available in the Community Development
Department.

SECTION 2. DEVELOPMENT SCHEDULE. The following development schedule is
hereby approved for said Planned Development Zone, P-D(551):

The entire construction program be accomplished in one phase, construction to
begin on or before December 11, 2003, and completion to be not later than
SECTION 3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-2.1709 of the Modesto Municipal Code.

SECTION 4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 17 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

SECTION 5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance reclassifying the above-described property to Planned Development Zone, P-D(55J), becomes effective.

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

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: JEAN ZAHR, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: MICHAEL D. MILICH, City Attorney

By: Community Development Department Planning Division
A RESOLUTION APPOINTING RICH ROSA TO THE AIRPORT ADVISORY COMMITTEE

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

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

SECTION 1. RICH ROSA is hereby appointed to the Airport Advisory Committee with term expirations of January 1, 2003.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Airport Advisory Committee, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:    Councilmembers:    Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES:    Councilmembers:    None

ABSENT:  Councilmembers:    Conrad

ATTEST:  JEAN ZAHR, City Clerk
A RESOLUTION APPOINTING CHELLA GONSALVES AND BARBARA PADMOS TO THE CULTURE COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

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

SECTION 1. CHELLA GONSALVES and BARBARA PADMOS are hereby appointed to the Culture Commission with term expirations of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Culture Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION APPOINTING DR. VANEIL VAN VLECK AND CLIFF DEBAUGH TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

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

SECTION 1. DR. VANEIL VAN VLECK and CLIFF DEBAUGH are hereby appointed to the Citizens Advisory Committee on Recycling with term expirations of January 1, 2004.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Citizens Advisory Committee on Recycling, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: 

JEAN ZAHR, City Clerk
A RESOLUTION APPOINTING STEVEN HORN TO THE DISABLED ACCESS APPEALS BOARD

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

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

SECTION 1. STEVEN HORN is hereby appointed to the Disabled Access Appeals Board with term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Disabled Access Appeals Board, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHN, City Clerk
A RESOLUTION RE-APPOINTING STEPHEN KELLOGG TO THE BOARD OF BUILDING APPEALS

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

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

SECTION 1. STEPHEN KELLOGG is hereby re-appointed to the Board of Building Appeals with a term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the re-appointed member of the Board of Building Appeals, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: JEAH ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-658

A RESOLUTION RE-APPOINTING JOE GARDELLA TO THE BOARD OF ZONING ADJUSTMENT

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

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

SECTION 1. JOE GARDELLA is hereby re-appointed to the Board of Zoning Adjustment with a term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the re-appointed member of the Board of Zoning Adjustment, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: 
JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-659

A RESOLUTION RE-APPOINTING JACK JACQUES TO THE CITIZENS ADVISORY COMMITTEE ON RECYCLING

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

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

SECTION 1. JACK JACQUES is hereby appointed to the Citizens Advisory Committee on Recycling with term expirations of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the re-appointed member of the Citizens Advisory Committee on Recycling, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: Jean Zahr
City Clerk
A RESOLUTION RE-APPOINTING LINDA LEWIS AND JUDITH KENYON TO THE COMMUNITY QUALITIES FORUM

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

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

SECTION 1. LINDA LEWIS and JUDITH KENYON are hereby re-appointed to the Community Qualities Forum with a term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the re-appointed members of the Community Qualities Forum, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: JEAN ZAHR, City Clerk
A RESOLUTION RE-APPOINTING ADRIAN MENDOZA TO THE CULTURE COMMISSION

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions;

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

SECTION 1. ADRIAN MENDOZA is hereby re-appointed to the Culture Commission with a term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the re-appointed member of the Culture Commission, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: 

JEAN ZAHR, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-662

A RESOLUTION RE-APPOINTING MEMBERS TO THE DOWNTOWN IMPROVEMENT DISTRICT

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to reappoint members to various Boards and Commissions;

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

SECTION 1. BART BARRINGER, FRANK C. BOOTS, DAVID BORING, TOM SLATER and ROMY ANGLE are hereby re-appointed to the Downtown Improvement District with a term expiration of January 1, 2006.

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed member of the Downtown Improvement District, and the Secretary thereof.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 2001, by Councilmember Fisher, who moved its adoption, which motion being duly seconded by Councilmember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad

ATTEST: \underline{Jean Zahr}, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 2001-663

A RESOLUTION CERTIFYING THE FINAL MASTER ENVIRONMENTAL IMPACT REPORT FOR THE TUOLUMNE RIVER REGIONAL PARK MASTER PLAN, ADOPTING A STATEMENT OF FINDINGS OF FACT AND OVERRIDING CONSIDERATIONS AND ADOPTING A MITIGATION MONITORING PROGRAM.

WHEREAS, on February 22, 1972, the City of Modesto entered into an agreement with the City of Ceres and the County of Stanislaus relating to the acquisition, development and operation of the Tuolumne River Regional Park, and

WHEREAS, said agreement formed the Tuolumne River Regional Park Joint Powers Authority, and

WHEREAS, the Tuolumne River Regional Park Joint Powers Authority has prepared a Tuolumne River Regional Park Master Plan ("the Project") to guide the restoration and development of the Tuolumne River Regional Park, and

WHEREAS, the Project is a long range-plan that will chart the future course of park development along the Tuolumne River beginning at Mitchell Road and ending west of Carpenter Road, and

WHEREAS, prior to adopting the Project, the California Environmental Quality Act (CEQA) requires that, as lead agency of the Tuolumne River Regional Park Joint Powers Authority, the City of Modesto must certify that a final environmental impact report was prepared in compliance with CEQA and State CEQA Guidelines, and

WHEREAS, prior to adopting the Project, each of the agencies of the Tuolumne River Regional Park Joint Powers Authority must make CEQA findings and adopt a Statement of Findings of Fact and Overriding Consideration and a Mitigation Monitoring Program, and

WHEREAS, the preparation of the Master Environmental Impact Report (MEIR) is to provide decision-makers and the public with information concerning the individual and cumulative environmental effects of the project, to indicate possible ways to mitigate, reduce or avoid the environmental impacts, and to identify alternatives to the project, and

WHEREAS, a Notice of Preparation for the TRRP Master Plan Environmental Impact Report was circulated from August 10, 2000 September 17, 2000, and
WHEREAS, pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.), and the State CEQA Guidelines (14 California Code of Regulations 15000 et seq.), the Tuolumne River Regional Park Joint Powers Authority prepared a document entitled "Draft Master Environmental Impact Report for the Tuolumne River Regional Park Master Plan" (DMEIR) (SCH No. 2000022028), and

WHEREAS, the DMEIR, attached hereto as a portion of Exhibit “A” and incorporated herein by this reference, was released for public review and comment for the required 45-day period beginning on June 14, 2001, and

WHEREAS, a Final MEIR (FMEIR), attached hereto as Exhibit “A” and incorporated herein by this reference, in the form of Response to Comments incorporating all the comments received during the circulation, was released for the required ten day period on October 29, 2001, and

WHEREAS, the information contained in the FMEIR was reviewed and considered by the Planning Commission of the City of Modesto prior to taking action on the Project, and

WHEREAS, in accordance with Section 15025 (c) of the CEQA Guidelines, the Planning Commission of the City of Modesto certified that it has reviewed and considered the FMEIR for the Project, and

WHEREAS, in accordance with Section 21081 of the Public Resources Code and Sections 15091 and 15093 of the State CEQA Guidelines, the Planning Commission recommended that the City Council adopt the Statement of Findings of Fact and Overriding Considerations, attached hereto as Exhibit “B” and incorporated herein by this reference, which makes findings for each potentially significant adverse impact, including those that have been identified as unavoidable in the FMEIR, and

WHEREAS, the City of Modesto City Council held a public hearing on December 12, 2001, and considered the adequacy of the FMEIR, the Statement of Findings of Facts and Overriding Considerations and the Mitigation Monitoring Program contained therein, and

WHEREAS, the information contained in the FMEIR, evidence, testimony and staff reports for the Project, including information submitted throughout the process recited above, was reviewed and considered by the Modesto City Council prior to taking action on the Project,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto as follows:

1. **Recitals.** The foregoing recitals are true and correct and are incorporated herein as findings.

2. **Compliance with CEQA.** The Final Master Environmental Impact Report for the Tuolumne River Regional Park Master Plan, attached hereto as Exhibit “A” and incorporated herein by this reference, was prepared in compliance with the requirements of the California Environmental Quality Act (CEQA).

3. **FMEIR Reviewed and Considered.** The Modesto City Council (City Council) certified that the FMEIR has been completed in compliance with CEQA; that it has been presented to the City Council and that the City Council has reviewed and considered the information contained in the FMEIR, and all of the information contained therein has substantially influenced all aspects of the decision by the City Council. The FMEIR is a material part of this resolution.

4. **Finding Regarding Significant But Mitigable Effects.** Section 21081(a) of the Public Resources Code requires the City Council to make certain findings regarding the significant effects of the Project. As reported in the FMEIR, the City Council hereby finds that with regard to the following effects, “changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment” (Section 21081 (a)(1)). The City Council, exercising its own independent judgment, determines that such Findings are supported by substantial evidence in the record. Those effects addressed by this finding are:

<table>
<thead>
<tr>
<th>Effect</th>
<th>Page in FMEIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Loss of Sensitive Plant and Wildlife Habitat</td>
<td>II-10</td>
</tr>
<tr>
<td>Disturbance of Archaeological or Historical Sites</td>
<td>II-14</td>
</tr>
<tr>
<td>Flooding and Water Quality</td>
<td>II-15</td>
</tr>
<tr>
<td>Exposure to Hazardous Materials</td>
<td>II-18</td>
</tr>
<tr>
<td>Increased Demand for Fire Services</td>
<td>II-19</td>
</tr>
</tbody>
</table>
5. **Findings of Fact/Statement of Overriding Considerations.**

   a. The FMEIR identified the following impacts as significant and unavoidable:

<table>
<thead>
<tr>
<th>Effect</th>
<th>Page in FMEIR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic and Circulation Needs</td>
<td>II-3</td>
</tr>
<tr>
<td>Degradation of Air Quality</td>
<td>II-6</td>
</tr>
<tr>
<td>Generation of Noise</td>
<td>II-7</td>
</tr>
</tbody>
</table>

   b. In accordance with Section 21081 of the Public Resources Code and Sections 15091 and 15093 of the State CEQA Guidelines, in order to approve the Project, the City Council must make a statement, supported by findings, as to the specific unavoidable environmental impacts. The City Council has balanced the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the project and has determined that some of the adverse environmental effects are acceptable.

   c. The City Council adopts the CEQA Findings of Facts and Statement of Overriding Considerations, attached hereto as Exhibit “B” and incorporated herein by reference, which makes findings (Section VII.) for each significant adverse, and unavoidable impact identified in the FMEIR, and by finding that specific economic, social or other considerations (Section X.) make infeasible certain mitigation measures and project alternatives identified in the FMEIR. The City Council exercising their own independent judgment, determines that such Findings of Fact are supported by substantial evidence in the record.

   d. In accordance with CEQA and the State CEQA Guidelines, the FMEIR examined a range of reasonable alternatives to the Project which could feasibly attain the basic objectives of the Project and evaluated the comparative merits of the alternatives as listed in Exhibit “B” (Section IX.).

8. **Mitigation Monitoring.** Pursuant to Section 21081.6 of the Public Resources Code, the mitigation monitoring program set forth in Exhibit “C”, is hereby adopted and incorporated herein by this reference.

9. **Location and Custodian of Documents.** The record of project approval shall be kept in the Office of the City Clerk, City of Modesto, Tenth Street Place, 1010 Tenth Street, Modesto, CA 95354.
10. **Certification.** Based on the above facts and findings, the City Council of the City of Modesto hereby certifies the Final Master Environmental Impact Report for the Tuolumne River Regional Park Master Plan as accurate and adequate. The City Council further certifies that the FMEIR was completed in compliance with CEQA and the State CEQA Guidelines. The Parks, Recreation and Neighborhoods Director is directed to file a Notice of Determination as required by CEQA and the State CEQA Guidelines.

The foregoing resolution was introduced at a special meeting of the Council of the City of Modesto held on the 12th day of December, 2001, by Councilmember Friedman, 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: Fisher, Friedman, Smith, Mayor Sabatino

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Conrad, Frohman, Serpa

Attest: [Signature]

JEAN ZAHN, City Clerk

APPROVED AS TO FORM:

By: [Signature]

MICHAEL D. MILICH, City Attorney
FINAL MASTER ENVIRONMENTAL IMPACT REPORT
for the
TUOLUMNE RIVER REGIONAL PARK
MASTER PLAN
TRRP Joint Powers Authority
SCH# 2000022028

September 2001
FINAL MASTER ENVIRONMENTAL IMPACT REPORT
for the
TUOLUMNE RIVER REGIONAL PARK
MASTER PLAN

LEAD AGENCY:
City of Modesto
1010 Tenth Street, Suite 4400
P.O. Box 642
Modesto, CA 95353
Contact: Patrick Kelly, Principal Planner

PREPARED BY:
EDAW, Inc.
753 Davis Street
San Francisco, CA 94111

September 2001
Tuolumne River Regional Park (TRRP) Master Plan
Final Master Environmental Impact Report (MEIR)

TABLE OF CONTENTS

I. INTRODUCTION ........................................................................................................... I-1
II. REVISIONS TO THE DRAFT MEIR...........................................................................II-1
III. COMMENTS AND RESPONSES...............................................................................III-1
CHAPTER I. INTRODUCTION

In June 2001, the City of Modesto distributed to public agencies and the general public the Draft Master Environmental Impact Report (MEIR) for the Tuolumne River Regional Park (TRRP) Master Plan. The TRRP Master Plan is a long-range plan for a proposed riverfront park south of downtown Modesto, California. The TRRP would be funded through a Joint Power Agency (JPA) including the City of Modesto, City of Ceres, and County of Stanislaus. The project site is over 500 acres along a seven-mile stretch of the Tuolumne River, generally bounded by Mitchell Road to the east and Carpenter Road to the west. The Master Plan provides a long-range vision for the park to guide projects that are intended to enhance the natural environment and create recreational and educational opportunities at the park.

In accordance with the California Environmental Quality Act (CEQA) Guidelines, a 45-day public review period for the Draft EIR has been completed, ending August 1, 2001. All comments on the Draft EIR and responses thereto, are presented in this document. Chapter II includes corrections to the Draft EIR and Chapter III includes all the comments on the Draft EIR, including responses to significant environmental issues raised in the comments, as required in the State CEQA Guidelines Section 15132. All comment letters are labeled alphabetically to correspond with an index table (Table III-1) in Chapter III. Each comment is assigned a letter and number (e.g., “A-1”) that corresponds to the response following the comment.

In accordance with State CEQA Guidelines Section 15132(d), the City has responded to environmental issues raised during the Draft MEIR review and comment period. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by the State CEQA Guidelines Section 15088(b). Accordingly, detailed responses to comments are provided on environmental issues only, and not on comments that may have been raised on the merits of the proposed Master Plan. Comments on the plan’s merits are noted for the JPA’s consideration when it reviews the proposed Master Plan for approval.

The entire MEIR consists of two volumes: The Draft Master Environmental Impact Report and this document. Together, these two volumes constitute the Final MEIR.
CHAPTER II. REVISIONS TO THE DRAFT MEIR

This chapter presents specific changes to the Draft MEIR that are being made in response to comments from the public and/or reviewing agencies. In each case, the revised page and location on the page is set forth, followed by the revision. Text in bold italics represents language that has been added to the MEIR's text. Words with strikeout indicates text has been deleted from the MEIR.

Page I-2, 3rd paragraph (list of subsequent projects) is revised as follows:

These projects are as follows:

- Landfill closure plan and subsequent development over the landfill
- Regional sports complex
- Special events, including those at the amphimeadow
- Treatment plant redesign or relocation
- Removal of Dennett Dam
- River overlook, fishing piers, and pedestrian bridges (not specifically located)
- Development and grading of children’s playgrounds and projects in the former ranch complex in the Gateway Parcel (with regards to hazardous materials site investigations only. Discussion provided in chapter IV-G).
- Development and grading for projects in all areas of the TRRP except the Gateway Parcel (with regards to hazardous materials site investigations only. Discussion provided in chapter IV-G).

Page I-7, Section D. Areas of Controversy/Issues to be Resolved is revised as follows:

D. AREAS OF CONTROVERSY/ISSUES TO BE RESOLVED

The TRRP Master Plan was prepared through an interactive process that involved the public as well as representatives of local, regional, State, and federal agencies, including monthly interaction with the TRRP Citizen’s Advisory Committee (CAC), which was appointed by the TRRP Commission. These outreach efforts, and the comments gathered through the NOP process, revealed the following issues:

- Several commentors on the NOP were concerned about the size of the proposed amphimeadow. In addition, a few commentors stated that the TRRP should not include this use.
II. Revisions to the Draft MEIR

- Concern was expressed about the potential for the proposed project to negatively affect fish and wildlife resources.
- Traffic and parking impacts during special events were identified as potential issues.
- Several commentors noted that vegetation removal and ground disturbing activities could result in erosion impacts, which in-turn could be harmful to fish and spawning habitat.
- The potential for negative impacts on cultural resources was identified.
- Security issues were identified for current and future park users.
- Several commentors were concerned about the effect of the park on homeless people.
- Issues related to flood control, including possible inundation of the amphimeadow, were raised.
- Some commentors stated that the TRRP should not include the Loop Road in the Gateway Parcel.
Pages II-5 through II-19, Table II-2 is revised as follows:

Table II-2
Summary of Significant Impacts and Mitigation Measures

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Significance Before Mitigation</th>
<th>Mitigation Measures</th>
<th>Significance With Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Traffic and Circulation Needs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| **Impact Traffic-1:** The increase in traffic associated with special events at the amphitheater would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with amphitheater visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact. | S | Mitigation Measure Traffic-1: Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphitheater is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events. The traffic management plan should identify the following:  
- Routes that will be used to access the park by visitors, emergency vehicles and by staff;  
- Applicable signage to inform the public of access routes and advance message signing located far enough from the site to allow the public to select alternative routes and avoid the area of the event;  
- Methods and duration of protection for pedestrian crossings; and  
- Location responsibilities of traffic control personnel and duration of their activities. Locations for uniformed traffic control officers and event volunteers should be noted.  
Implementation of this mitigation measure would reduce traffic impacts associated with the amphitheater, however, for a short time immediately before and after an event, congestion would still occur. For this reason, this impact is considered significant and unavoidable. | SU |
| **Impact Traffic-2:** The increase in traffic associated with large special events in the Gateway Parcel would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact. | S | Mitigation Measure Traffic-2: Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events and include the elements identified in Mitigation Measure Traffic-1. | SU |
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<tr>
<td><strong>Impact Traffic-3:</strong> Parking demand for the Regional Sports Complex during concurrent and consecutive games, such as scheduled during a tournament, would exceed the parking capacity in the Carpenter Road Area. This is a potentially significant impact.</td>
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<td>Implementation of this mitigation measure would reduce traffic impacts associated with large special events, however, for a short time immediately before and after an event, congestion would still occur. For this reason, this impact is considered significant and unavoidable.</td>
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<td><strong>Impact Traffic-4:</strong> An event attracting 3,000 persons to the amphitheater would exceed the parking capacity in the Gateway Parcel. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is considered a potentially significant impact.</td>
<td>S</td>
<td>Mitigation Measure Traffic-4: Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphitheater is identified as a &quot;subsequent project&quot; in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created.</td>
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<td>The parking management plan shall identify the locations of off-site parking sufficient for the prescribed event, note the location of signing to direct visitors to designated lots, the number and location of parking management personnel, and coordinate parking with traffic/access management activities. During special events it would be possible to provide coordinated bus service from downtown parking lots and garages to the Gateway Parcel. In addition, during the off-season, the City of Modesto may develop agreements with property owners to use employee parking facilities for special event overflow parking. To ensure that satellite parking areas are successful, information regarding the availability of on-site and off-site parking would need to be conveyed to approaching motorists on a &quot;real time&quot; basis. Signs noting &quot;lots full&quot; and directing motorists to ancillary parking areas would be needed. No overflow into the adjacent neighborhoods shall be allowed. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</td>
<td>Mitigation Measure Traffic-5: Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a &quot;subsequent project&quot; in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created to reduce parking impacts on the surrounding neighborhood during large special events. Development of an events parking management plan will be needed when the plans for the Gateway Parcel are finalized in order to make optimal use of satellite parking facilities, transit opportunities, etc, and to minimize impacts into adjoining areas. The parking management plan should include the elements identified in Mitigation Measure Traffic-4. However, even with implementation of the event parking management plans there will likely be significant traffic impacts in the immediate vicinity of TRRP when large special events are staged. With event attendance reaching 15,000, there would not be a feasible measure available to ensure that employees and patrons of the surrounding neighborhoods would not be displaced. For this reason, this is a significant and unavoidable impact.</td>
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### Degradation of Air Quality

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<td><strong>Impact Air-1:</strong> The Master Plan does not specify feasible SJVAPCD construction control mitigation measures as part of the projects' construction activities. Because construction significance is determined by means of whether SJVAPCD construction mitigation measures are implemented, construction emissions would be considered a short-term significant air quality impact.</td>
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<td><strong>Mitigation Measure Air-1:</strong> The following mitigation measures shall be implemented to reduce short-term, construction-generated emissions:</td>
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<td>a) All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.</td>
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<td>b) All on-site unpaved roads and off-site, unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.</td>
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<td>c) All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.</td>
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<td>d) When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.</td>
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<td>e) All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Blower devices shall not be used.)</td>
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<td>f) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.</td>
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<td>g) On-site vehicle speeds on unpaved roads shall be limited to 15 mph.</td>
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<td>h) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than one percent.</td>
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<td>i) Wheel washers shall be installed for all exited trucks and equipment, or wheels shall be washed to remove accumulated dirt prior to leaving the site.</td>
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<td>j) Excavation and grading activities shall be suspended when winds exceed 20 mph. k) Areas subject to excavation and grading at any one time shall be limited to the fullest extent possible. l) On-site equipment shall be maintained and properly tuned in accordance with manufacturers' specifications. m) When not in use, on-site equipment shall not be left idling. The SJVAPCD has determined that implementation of the above mitigation measures would reduce short-term construction-generated emissions to less-than-significant levels.</td>
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**Impact Air-2:** Events occurring at the Gateway Parcel, such as special events and concerts, could result in potential increases in carbon monoxide concentrations, or “hot spots,” in excess of State or federal air quality standards. These carbon monoxide concentrations could negatively impact sensitive receptors, which may be located in the project vicinity or walking to and from the special events. This impact is potentially significant impact.

**Mitigation Measure Air-2:** When special events, including concerts, occur at the Gateway Parcel, the City of Modesto shall implement a traffic and parking management control plan, as recommended in mitigation measures contained in Chapter IV-A of this MEIR. The smooth flow of traffic would decrease the potential for carbon monoxide “hot spots,” which could occur if vehicles are idling for long periods of time in high concentrations. However, it is unlikely that traffic congestion would be decreased enough to reduce the potential for high carbon monoxide concentrations when people are gathering or leaving large special events. For this reason, this is considered a significant and unavoidable impact for special events and concerts at the Gateway Parcel.

**Generation of Noise**

**Impact Noise-1:** Noise generated by activities conducted at the proposed sports complex could result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences that could potentially exceed the City’s “normally acceptable” threshold of 60 dBA CNEL. This increase in noise would be attributable to noise from spectators and players, and amplified announcing that could accompany the games. In consideration of the potential for the sports complex to generate significant increases in ambient noise levels at nearby sensitive receptors (i.e., residences), this impact has been identified as potentially significant.

**Mitigation Measure Noise-1:** Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a “subsequent project” in this MEIR. When a detailed implementation plan is developed for this project, additional environmental review will be required. As part of this assessment, a detailed noise analysis shall be conducted. The following shall be required as part of the final noise mitigation developed for the project:

a) Activities at the proposed sports complex shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. *The sports complex could stay open until 10:00 p.m.* However, *sporting events shall be scheduled to end at 9:00 p.m.*
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| **Impact Noise-2**: Noise associated with events at the amphitheater could reach approximately 74 dBA at the nearest residential land uses (assuming amplification of community events), which would exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This noise level would be a noticeable increase (i.e., 3 dBA, or greater). **The increase in noise levels at the Dry Creek riparian area could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.** | **S** | **Mitigation Measure Impact Noise-2**: To minimize the impacts of noise associated with events at the amphitheater, the following measures shall be implemented:  

a) An acoustical engineer with experience in the prediction and mitigation of outdoor theater sound levels shall be consulted prior to design and construction of the proposed amphitheater to identify and incorporate all feasible mitigation measures available for reducing noise-related impacts to nearby residences and other noise-sensitive receptors and riparian areas. Measures may include, but are not limited to, construction of temporary noise barriers, and limitations on speaker orientation, noise-generation levels, or hours of activity.  

b) Prior to the design and construction of the proposed amphitheater, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be... | **SU** |
### Impact Noise-3:
The crowds associated with special events held during the daytime would not cause a significant increase in ambient noise levels at nearby residences. In addition, the resultant increase in ambient noise levels at these nearby residences would not be anticipated to exceed the City's "normally acceptable" noise standard of 60 dBA CNEL. However, the use of amplified sound systems or special events occurring during the nighttime could potentially result in a significant increase in the ambient noise levels at these nearby residences. In addition, a substantial increase in noise levels from amplified sound could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.

### Mitigation Measure Noise-3: To minimize the impacts of noise associated with large special events, the following measures shall be implemented:

- **a)** Special events The use of amplified sound systems shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. This would reduce potential noise impacts during the nighttime. Consistent with City of Modesto practices, the park could stay open until 10:00 p.m.

- **b)** Prior to the first large special event using sound amplification, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat to the area to be used for the events, and suggest measures such as orientation of speakers and maximum allowable decibel levels to limit noise levels in those areas. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation. The identified mitigation measures would be implemented at all subsequent episodes.

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<td>Impact Noise-3:</td>
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<td>developed during the consultation, including locational considerations for the amphitheater, limits on the noise levels generated through amplification, and/or directional restrictions for speaker orientation. The acoustical report and provision of project-specific mitigation measures shall be developed prior to the issuance of building permits for the amphitheater. Implementation of the above mitigation measure would help to reduce noise generated by activities associated with the amphitheater. These measures would reduce the potential noise impacts to State and federally-protected wildlife species to a less-than-significant level. However, noticeable increases (i.e., 3 dBA or greater) in ambient noise levels at nearby residences and other noise-sensitive receptors could still be anticipated as a result of music and performance amplification, which would be required with 3,000 people in attendance, as proposed. As a result, this impact is considered significant and unavoidable.</td>
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**Impact Bio-1:** The negative impacts to riparian habitats would be temporary during construction activities and implementation of the TRRP Master Plan would result in a net increase in riparian habitat overtime, once riparian vegetation in replanted areas have been re-established. However, the short-term loss of existing riparian habitat would be considered a significant impact because this habitat has been identified as a sensitive natural plant community by federal, State, and local agencies.

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<th>Mitigation Measure Bio-1: To minimize disturbance to riparian habitat outside of the proposed area of disturbance, the following measures shall be implemented:</th>
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| 5 | a) For any TRRP Master Plan project, prior to any grading or tree removal, riparian habitat outside of the proposed work areas will be protected by installing orange barrier fencing around habitat to be preserved and restricting vehicular or mechanical use of equipment in these areas. The project proponent shall retain a qualified biologist to serve as a compliance monitor and to ensure that all mitigation measures pertaining to riparian habitat protection are properly implemented.  

b) Prior to project implementation, a Section 404 permit shall be obtained from USACE and a Section 1600 Streambed Alteration Agreement shall be obtained from CDFG. Additional mitigation for impacts to riparian areas will be developed through consultation with USACE and CDFG. A detailed riparian restoration plan shall be submitted to USACE as part of the 404 permit application. The plan must be approved by USACE prior to project implementation. Mitigation monitoring shall be conducted annually by a qualified biologist for 5 years or until the success criteria are met. Annual monitoring reports shall be submitted to USACE and CDFG. Implementation of the above mitigation measures in consultation with USACE and CDFG would ensure that impacts to riparian habitat are less-than-significant. | LTS |
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| Impact Bio-2: The project area includes jurisdictional Waters of the U.S. (i.e., marsh and riverine habitats) subject to the regulatory authority of USACE. Any construction or restoration activity that occurs in or adjacent to the Tuolumne River could potentially impact these areas. Although most of the jurisdictional Waters of the U.S. are located between the banks of the Tuolumne River and within the Dry Creek channel, it is possible that additional jurisdictional areas are located outside of the channel. All adverse impacts to jurisdictional Waters of the U.S. would be considered significant. | S                             | Mitigation Measure Bio-2: The following mitigation measures shall be implemented to ensure impacts to Waters of the U.S. are less-than-significant.  
   a) For any TRRP Master project, prior to grading or tree removal, a qualified biologist shall make a determination whether potential jurisdictional Waters of the U.S., including wetlands are present in the project area.  
   b) If potential jurisdictional Waters of the U.S., including wetlands, are present, a determination shall be made through the formal Section 404 wetland delineation process if any jurisdictional areas would be filled or otherwise disturbed as a result of the project. Authorization of a Section 404 and Section 10 permit shall be secured from USACE and a Section 1600 agreement shall be secured from CDFG, as appropriate.  
   c) As part of the permitting process, mitigation for impacts to jurisdictional Waters of the U.S., will be identified and implemented. Waters of the U.S. will be replaced or rehabilitated on a "no-net-loss" basis in accordance with USACE regulations. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to USACE.  
   d) For all projects with the potential to effect jurisdictional Waters of the U.S., all grading plans will include adequate setback for waters to be preserved. Measures to minimize erosion and runoff into seasonal and perennial Waters of the U.S. will be prepared for all projects covered by the Master Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control sitation and the potential discharge of pollutants into preserved drainages. All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design. | LTS                          |
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| Impact Bio-3: Potential impacts to fish and fish habitat resulting from implementation of the TRRP Master Plan could include both adverse and beneficial impacts. Impacts to most fish species would be less-than-significant because the impacts are short-term and no important habitat for these species would be permanently altered. However, any adverse impacts to steelhead, fall-run chinook salmon, and Sacramento splittail would be considered potentially significant because these species are all federally listed. Impacts to steelhead, fall-run chinook salmon, and Sacramento splittail are considered potentially significant because the project would result in the short-term loss and disturbance of habitat for these species. | S | Mitigation Measure Bio-3: The following mitigation shall be implemented for any project covered by the TRRP Master Plan that has the potential to affect perennial aquatic habitat.  

a) The operation of heavy equipment in the active river channel shall not occur. Temporary sediment settling basins and structures such as sediment fencing or straw bales shall be used to prevent sediment-laden runoff from entering the river channel.  

All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design.  

b) River-adjacent construction activities shall occur during summer months when flows are low and rain is unlikely. Construction of bridges and near-river facilities shall be conducted during the summer when flows are low and rain is unlikely or as otherwise appropriate would to avoid impacts during fish migrations and sensitive life stages. Construction shall not occur near the river from September through December, as this is the period when most ESA species would be in the river in appreciable numbers.  

c) The project proponent shall consult with NMFS and USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with the federal agencies, appropriate mitigation and avoidance measures will be determined and implemented.  

Implementation of the above mitigation measures in consultation with NMFS and USFWS would ensure that impacts to sensitive fish species are less-than-significant. | LTS |
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| **Impact Bio-4:** Because the project could potentially remove elderberry bushes, which are habitat occupied by the valley elderberry longhorn beetle, this is considered a potentially significant impact. | S | Mitigation Measure Bio-4: The following measures shall be implemented to ensure that impacts to the valley elderberry longhorn beetle are less-than-significant:  
   a) Prior to any construction activity or grading for any Master Plan project, a qualified biologist shall conduct a survey to determine the number and location of elderberry bushes on the project site.  
   b) If no elderberry bushes are found on the project site or if all elderberry bushes will be avoided by at least 100 feet, impacts to the valley elderberry longhorn beetle will be less-than-significant and no further mitigation is necessary.  
If elderberry bushes are found within the project area, the project proponent will consult with USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with USFWS, appropriate mitigation and avoidance measures will be determined and implemented. | LTS |
| **Impact Bio-5:** Raptor nests could be affected by the removal of large trees and nearby construction activity during the breeding season (February 1 to August 31). This impact is considered potentially significant. | S | Mitigation Measure Bio-5: Implementation of the following mitigation measures would ensure that impacts to nesting raptors are less-than-significant:  
   a) If construction is proposed during the raptor nesting season (1 February to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist to identify active nests within 1/4 mile of the project area. This survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction and shall be within the nesting season.  
   b) If nesting raptors are found during the focused survey, no construction shall occur within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist), without prior approval by CDFG. Construction within 500 feet may be permitted if a nest monitor is present to ensure that disturbance to the nesting raptors is minimized to the maximum extent practicable. | LTS |
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| Disturbance of Archaeological or Historical Sites                                  | S                              | **Mitigation Measure CR-1**: Construction personnel shall be instructed about the potential for discovery of unknown cultural resources, and the need for proper and timely reporting of such findings. If previously undiscovered historic or unique archaeological resources (including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark friable soils, glass, metal, ceramics, wood or similar debris) are discovered, the following measures shall be implemented to ensure that impacts to these resources are less-than-significant.  
  a) Work shall halt within 100 feet of the discovery until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.
  b) If the discovery is Native American, federally-recognized tribes in the county shall be consulted about the find to incorporate their suggestions for mitigation or protection.
  c) If the discovery is historic, archival research may be necessary by a qualified historian.  
If the project may alter the archaeological integrity and data values of the discovery, it will be evaluated for the California Register. If the resource is eligible for the California Register of Historical Resources, data recovery measures shall be implemented by a professional meeting the Secretary of Interior’s Professional Qualifications Standards. | LTS                           |
| Impact CR-2: Project grading and earthmoving activities could disturb previously undiscovered human remains. This is a potentially significant impact. | S                              | **Mitigation Measure CR-2**: Construction personnel shall be instructed about the potential for discovery of human remains, and the need for proper and timely reporting of such finds. In the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, in accordance with State law. The Stanislaus County coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery. | LTS                           |
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<td>The County Coroner, upon recognizing the remains as being of Native American origin, shall contact the Native American Heritage Commission within 24 hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</td>
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<td>Mitigation Measure Hydro-1: The ultimate design of the Regional Sports Complex and the Nature Interpretive Center shall be developed in accordance with local ordinances governing construction within the floodplain. Special attention shall be given to flood proofing proposed structures to withstand flooding and to minimize flood damages. Final design should include a detailed drainage plan to alleviate flooding and drain standing water once floodwaters have receded. The final design plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed development does not result in any increase in flood damages within the community during the occurrence of the base flood. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</td>
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<td>Flooding and Water Quality</td>
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<td>Impact Hydro-2: The proposed grading in the Carpenter Road, Gateway Parcel, and Legion Park areas could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact.</td>
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| Impact Hydro-3: Construction of overlook structures, fishing piers, boat docks, and any other structures within the floodway could increase water surface elevations during flood events and could cause localized bank erosion. This is considered a potentially significant impact. | S                             | Mitigation Measure Hydro-3: The following mitigation measures shall be implemented to avoid hazards related to construction in the floodway:  
  a) Once detailed plans have been developed for the proposed structures, hydrologic and hydraulic analyses shall be performed in accordance with standard engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations. |       |
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| **b)** Scour analyses shall be performed once detailed plans have been developed for the proposed structures. If necessary, erosion control measures shall be incorporated in the final design. **The most natural bank stabilization approach shall be used for erosion control.** Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. **Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).**  
  
  c) Structures shall be designed to allow adequate open space to pass flow and floating debris traveling downstream.  
  
  d) Structures shall be designed to withstand the forces of floodwaters to minimize damages during flood events.  
  
  Implementation of these mitigation measures would reduce this impact to a less-than-significant level. |
| **Impact Hydro-4:** The proposed riparian planting scheme may increase the hydraulic roughness of the channel and overbank areas and could lead to increases in the water surface elevations. This is considered a potentially significant impact. | **S** Mitigation Measure Hydro-4: Detailed riparian planting schemes shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations. The riparian planting scheme shall be designed to prevent creating floating debris dams during flood events that would impact flood conveyance. Implementation of this mitigation measure would reduce this impact to a less-than-significant level. | **LTS** |
| **Impact Hydro-5:** The proposed the amphimeadow is likely to suffer frequent flooding inundation. This is considered a potentially significant impact. | **S** Mitigation Measure Hydro-5: The elevation of the amphimeadow shall be raised to reduce the frequency of inundation. Detailed grading and construction plans for the amphimeadow shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that construction of the amphimeadow would not result in any increase in water surface elevations. Water shear and scour analyses shall be also be performed and if necessary surface protection shall be provided for the banks and surrounding area to prevent scour and erosion. | **LTS** |
### II. Revisions to the Draft MEIR

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Significance Before Mitigation</th>
<th>Mitigation Measures</th>
<th>Significance With Mitigation</th>
</tr>
</thead>
</table>
| The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering). Implementation of this mitigation measure would reduce this impact to a less-than-significant level. | S | Mitigation Measure Hydro-6: The following mitigation measures shall be implemented to avoid potential flood hazards caused by the proposed pedestrian bridge:  

a) Construction plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed pedestrian bridge would not result in any increase in base flood water surface elevations during the base flood.  
b) The pedestrian bridge shall have adequate clearance above the base floodwater surface elevation so as not to impede flow or trap floating debris.  
c) The pedestrian bridge shall be designed to withstand the forces of floodwaters to minimize damages during flood events.  
d) Scour analyses of the bridge piers and abutments shall be performed once detailed plans have been developed for the proposed bridge. If necessary, erosion control measures shall be incorporated into the final design. The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering). | LTS |

**Impact Hydro-6:** Construction of the Pedestrian Bridge Over Dry Creek. Construction of the proposed pedestrian bridge on Dry Creek could increase water surface elevations during flood events and could cause localized bank erosion and scour.
II. Revisions to the Draft MEIR

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Significance Before Mitigation</th>
<th>Mitigation Measures</th>
<th>Significance With Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Impact Hydro-7:</strong> Changes in channel and overbank configuration may cause increased localized velocities, which could lead to scour and erosion occurring at existing bridge locations.</td>
<td>S</td>
<td><strong>Mitigation Measure Hydro-7:</strong> Once detailed grading plans have been developed, scour analyses of bridge piers and abutments shall be performed in accordance with standard engineering practices to determine if changes in channel and overbank configuration are likely to cause scour and erosion at existing bridge locations. If necessary, armoring and erosion control measures shall be installed at existing bridge locations. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</td>
<td>LTS</td>
</tr>
</tbody>
</table>

**Exposure to Hazardous Materials**

| **Impact HazMat-1:** Development or grading of areas within the Gateway Parcel could expose construction workers and/or the public to hazardous materials from potential soil and groundwater contamination from past spills or releases at the Breshears facility during and/or following redevelopment. This is considered a potentially significant impact. | S | **Mitigation Measure HazMat-1:** Prior to ground disturbance on the Gateway Parcel, the RWQCB shall be contacted to identify the status of the Breshears investigations and remediation. If no additional investigations have been conducted, soil and groundwater sampling in the areas adjacent to the Breshears facility may be required to identify impacts to the Gateway Parcel, if any, from the Breshears operation. If a significant likelihood of contamination is revealed, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling. The RWQCB shall direct the appropriate action for the Gateway Parcel. All RWQCB recommended measures shall be implemented prior to ground disturbance or development at the Gateway Parcel. Completion of this measure shall be a condition of approval for any grading, demolition, or building permit within the Gateway Parcel. Implementation of this measure would ensure that potential impacts related to existing soil and groundwater contamination in the Gateway Parcel adjacent to the Breshears facility are reduced to a less-than-significant level. | LTS |

| **Impact HazMat-2:** Development or grading of areas within the former ranch complex area of the Gateway Parcel could expose construction workers and/or the public to hazardous materials during and/or following redevelopment. This is considered a potentially significant impact. | S | **Mitigation Measure HazMat-2:** A site investigation shall be conducted by a qualified professional (e.g., a California registered environmental assessor) to identify any potential chemical impacts to soil in the former ranch complex. If the results of the investigation(s) indicated the presence of hazardous materials, site remediation may be required by the applicable State or local regulatory agencies. Implementation of this measure would ensure that potential impacts related to existing soil contamination in the former ranch complex area are reduced to a less-than-significant level. | LTS |
## II. Revisions to the Draft MEIR

### Impact HazMat-3: Significant Impact

**Impact HazMat-3:** Potential health risks could result from placement of sensitive land uses, such as children's playgrounds, in former agricultural areas due to residual concentrations of agricultural chemicals in the soil. This is considered a potentially significant impact.

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Significance Before Mitigation</th>
<th>Mitigation Measures</th>
<th>Significance With Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact HazMat-3:</td>
<td>S</td>
<td>Mitigation Measure HazMat-3: A Phase II assessment including soil sampling, shall be performed to assess agricultural chemicals in areas designated for children's playgrounds and other sensitive land uses. If chemicals are present in soils at concentrations at or above applicable regulatory agency action levels for the intended land use, remediation requirements in accordance with State and federal regulations would be required. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.</td>
<td>LTS</td>
</tr>
</tbody>
</table>

### Impact HazMat-4: Significant Impact

**Impact HazMat-4:** Development or redevelopment of properties within the TRRP area (exclusive of the Gateway Parcel, which has been the subject of a Phase I analysis) could expose construction workers and/or the public to hazardous materials from existing soil and groundwater contamination during and/or following redevelopment. Sensitive receptors located near the development could be affected by releases of hazardous materials. This is considered a potentially significant impact.

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Significance Before Mitigation</th>
<th>Mitigation Measures</th>
<th>Significance With Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact HazMat-4:</td>
<td>S</td>
<td>Mitigation Measure HazMat-4: A Phase I Environmental Site Assessment (ESA) shall be conducted in accordance with American Society for Testing and Materials (ASTM) guidelines prior to the approval of development for any parcel within the TRRP Master Plan area. The Phase I ESA will include the findings of a site reconnaissance and investigation of prior uses of the property that could have resulted in contamination. If a significant likelihood of contamination is revealed by the Phase I ESA, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling and could result in remediation requirements in accordance with State and federal regulations. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.</td>
<td>LTS</td>
</tr>
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</table>

### Increased Demand for Fire Services

**Impact Fire-1:** Inadequate emergency access to TRRP is considered a potentially significant impact.

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Significance Before Mitigation</th>
<th>Mitigation Measures</th>
<th>Significance With Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impact Fire-1:</td>
<td>S</td>
<td>Mitigation Measure Fire-1: The MFD and SCPFD shall be consulted prior to finalization of the detailed site plans to ensure adequate emergency vehicle access is provided. Emergency access requirements of MFD and SCPFD shall be accommodated.</td>
<td>LTS</td>
</tr>
</tbody>
</table>

**Impact Fire-2:** The increased risk of loss, injury or death involving wildland fires due to increased visitation to open space grasslands and riparian forests adjacent to urban areas is considered a potentially significant impact.

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Significance Before Mitigation</th>
<th>Mitigation Measures</th>
<th>Significance With Mitigation</th>
</tr>
</thead>
</table>
| Impact Fire-2:     | S                             | Mitigation Measure Fire-2: The Modesto Parks and Recreation Department shall create and implement a vegetation management program targeted toward fire prevention and control. This program would expand upon the fuel reduction and management plan outlined in the TRRP Master Plan. The TRRP vegetation management program shall:  
  - Characterize existing and proposed vegetation fuels,  
  - Identify potential ignition sources and locations,  
  - Identify assets at risk in case of a fire,  
  - Identify specific maintenance measures to reduce fuel loads, | LTS |
II. Revisions to the Draft MEIR

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Significance Before Mitigation</th>
<th>Mitigation Measures</th>
<th>Significance With Mitigation</th>
</tr>
</thead>
</table>
| • Identify buffer zones between residential structures on adjacent developed parcels and vegetation in the TRRP, and  
  • Make recommendations for fire resistant plantings.  
  Implementation of this mitigation measure would reduce this impact to a less-than-significant level. | | | |
II. Revisions to the Draft MEIR

Page IV-A-14, Table A-7 is revised as follows:

### Table A-7

**Existing Plus Traffic Volumes on Roadways**

*(in Weekday Average Daily Volume)*

<table>
<thead>
<tr>
<th>Street</th>
<th>Location</th>
<th>Class</th>
<th>Lanes</th>
<th>LOS D Threshold</th>
<th>Existing Vol</th>
<th>LOS</th>
<th>TRRP</th>
<th>Ex+Proj Vol</th>
<th>LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carpenter Rd</td>
<td>Paradise Rd to Hatch Rd</td>
<td>Expressway</td>
<td>4</td>
<td>33,750</td>
<td>19,300</td>
<td>A</td>
<td>210</td>
<td>19,510</td>
<td>A</td>
</tr>
<tr>
<td>Robertson Rd</td>
<td>Carpenter Rd to Sutter Ave</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>5,700</td>
<td>A</td>
<td>330</td>
<td>6,030</td>
<td>A</td>
</tr>
<tr>
<td>Hancock St</td>
<td>John St to Robertson Rd</td>
<td>Local</td>
<td>2</td>
<td>11,250</td>
<td>&lt;400</td>
<td>A</td>
<td>300</td>
<td>700</td>
<td>A</td>
</tr>
<tr>
<td>Sutter Ave</td>
<td>Robertson Rd to Paradise Ave</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>6,880</td>
<td>A</td>
<td>300</td>
<td>7,180</td>
<td>A</td>
</tr>
<tr>
<td>Roselawn Ave</td>
<td>Colorado Ave to Tuolumne Blvd</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>unavailable</td>
<td>40</td>
<td>unavailable</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Tuolumne Blvd</td>
<td>Paradise Rd to SB Hwy 99 ramps</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>9,756</td>
<td>A</td>
<td>265</td>
<td>10,005</td>
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<tr>
<td></td>
<td>NB Hwy 99 ramps to Seventh St</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>15,454</td>
<td>A</td>
<td>475</td>
<td>15,929</td>
<td>A</td>
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<tr>
<td>Hatch Road</td>
<td>Carpenter Rd to Crows Landing Rd</td>
<td>Expressway</td>
<td>4</td>
<td>33,750</td>
<td>unavailable</td>
<td>90</td>
<td>unavailable</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>Crater Ave</td>
<td>Aztecs Road to Dallas Street</td>
<td>Local</td>
<td>2</td>
<td>11,250</td>
<td>&lt;400</td>
<td>A</td>
<td>10</td>
<td>410</td>
<td>A</td>
</tr>
<tr>
<td>Seventh St</td>
<td>B Street to Crows Landing Rd</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>16,555</td>
<td>A</td>
<td>10</td>
<td>16,610</td>
<td>A</td>
</tr>
<tr>
<td>Ninth St</td>
<td>B Street to River Road</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>20,623</td>
<td>A</td>
<td>110</td>
<td>20,710</td>
<td>A</td>
</tr>
<tr>
<td>B Street</td>
<td>Seventh St to Ninth St</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>15,073</td>
<td>A</td>
<td>475</td>
<td>15,475</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Ninth St to Eleventh St</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>10,885</td>
<td>D</td>
<td>150</td>
<td>11,050</td>
<td>D</td>
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<tr>
<td>Tenth St</td>
<td>South of B Street</td>
<td>Local</td>
<td>2</td>
<td>11,250</td>
<td>&lt;400</td>
<td>A</td>
<td>0</td>
<td>&lt;400</td>
<td>A</td>
</tr>
</tbody>
</table>

II-21
## II. Revisions to the Draft MEIR

<table>
<thead>
<tr>
<th>Street Name</th>
<th>From/To</th>
<th>Type</th>
<th>Phase</th>
<th>Traffic Volume</th>
<th>Length (ft)</th>
<th>Width (ft)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eleventh St</td>
<td>D St to B St</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>4,100</td>
<td>540</td>
<td>A</td>
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<tr>
<td>Morton Ave</td>
<td>B St to Yosemite Blvd.</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>7,200</td>
<td>325</td>
<td>A</td>
</tr>
<tr>
<td>Yosemite Blvd.</td>
<td>D St to Mitchell Rd</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>29,000</td>
<td>685</td>
<td>D</td>
</tr>
<tr>
<td>Santa Cruz Ave</td>
<td>Yosemite Blvd. to Oregon St</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>6,600</td>
<td>300</td>
<td>A</td>
</tr>
<tr>
<td>Tioga Ave</td>
<td>Yosemite Blvd. to Monterey St</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>unavailable</td>
<td>210</td>
<td>unavailable</td>
</tr>
<tr>
<td>River Road</td>
<td>Seventh St to Hemdon St</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>5,300</td>
<td>10</td>
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<tr>
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<td>Herndon Ave to Mitchell Rd</td>
<td>Collector</td>
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<td>10</td>
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</tbody>
</table>

II-22
Page IV-A-22, Table A-9 is revised as follows:

### Table A-9

**Year 2025 Plus TRRP Traffic Volumes on Roadways**  
(in Average Weekday Daily Volume)

<table>
<thead>
<tr>
<th>Street</th>
<th>Location</th>
<th>Class</th>
<th>Lanes</th>
<th>LOS D Threshold</th>
<th>Year 2025 Without TRRP Master Plan</th>
<th>Year 2025 With TRRP Master Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Vol</td>
<td>LOS</td>
<td>TRRP</td>
<td>Volumes</td>
</tr>
<tr>
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<td>Paradise Rd to Hatch Rd</td>
<td>Expressway</td>
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<td>67,500</td>
<td>52,468 D</td>
<td>52,618 D</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>50,989 D</td>
<td></td>
</tr>
<tr>
<td>Robertson Rd</td>
<td>Carpenter Rd to Sutter Ave</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>7,055 A</td>
<td>7,325 A</td>
</tr>
<tr>
<td>Hancock St</td>
<td>John St to Robertson Rd</td>
<td>Local</td>
<td>2</td>
<td>11,250</td>
<td>&lt;400 A</td>
<td>700 A</td>
</tr>
<tr>
<td>Sutter Ave</td>
<td>Robertson Rd to Paradise Ave</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>2,986 A</td>
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</tr>
<tr>
<td>Roselawn Ave</td>
<td>Colorado Ave to Tuolumne Blvd</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
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<td>7,749 A</td>
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<td></td>
<td>3,426 A</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
<td></td>
<td>3,466 A</td>
<td></td>
</tr>
<tr>
<td>Hatch Road</td>
<td>Carpenter Rd to Crows Landing Rd</td>
<td>Expressway</td>
<td>4</td>
<td>46,750</td>
<td>28,599 A</td>
<td>28,689 A</td>
</tr>
<tr>
<td>Crater Ave</td>
<td>Aztecs Road to Dallas Street</td>
<td>Local</td>
<td>2</td>
<td>11,250</td>
<td>&lt;400 A</td>
<td>410 A</td>
</tr>
<tr>
<td>Seventh St</td>
<td>B Street to Crows Landing Rd</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>12,760 A</td>
<td>12,770 A</td>
</tr>
<tr>
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<td>33,750</td>
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<td>43,875 F</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>43,992 F</td>
<td>43,932 F</td>
</tr>
<tr>
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<td>D Street to B St</td>
<td>Collector</td>
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<td>2,433 A</td>
</tr>
<tr>
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<td>D Street to Mitchell Rd</td>
<td>Arterial</td>
<td>6</td>
<td>50,000</td>
<td>41,799 C</td>
<td>42,484 C</td>
</tr>
<tr>
<td>Santa Cruz Ave</td>
<td>Yosemite Blvd. to Oregon St</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>7,585 A</td>
<td>7,885 A</td>
</tr>
<tr>
<td>Tioga Ave</td>
<td>Yosemite Blvd. to Monterey St</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>3,444 A</td>
<td>3,691 A</td>
</tr>
<tr>
<td>River Road</td>
<td>Seventh St to Hemdon St</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>4,102 A</td>
<td>4,112 A</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SR 99</td>
<td>Tuolumne Blvd to Crows Landing Rd</td>
<td>Arterial</td>
<td>8</td>
<td>180,000</td>
<td>169,910 D</td>
<td>170,000 D</td>
</tr>
</tbody>
</table>

II-23
II. Revisions to the Draft MEIR

Page IV-B-13, Mitigation Measure Air-1 a), b), and f) are revised as follows:

Mitigation Measure Air-1: The following mitigation measures shall be implemented to reduce short-term, construction-generated emissions:

a) All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant, or vegetative ground cover.

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

f) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

Page IV-C-12, 5th paragraph and Page IV-C-13 are revised as follows:

The amphitheater would be constructed at the eastern end of the Gateway Parcel. The proposed amphitheater stage performance area would face westward so that amplified sound would be directed away from the Dry Creek riparian area, existing land uses and nearby noise-sensitive receptors. Seating Natural contour seating for the audience would be located within the meadow area west of the stage performance area and would accommodate up to 3,000 people. The proposed use of the amphitheater has not yet been specified, although it would likely be used for regional and community events, such as plays, recitals, community celebrations, and concerts. The Master Plan does not prohibit amplified musical events, such as concerts.

Noise levels generated by amphitheaters are primarily a function of the type of performance to be held provided. Noise levels can vary substantially depending on the use. For instance, sound levels associated with symphony orchestra typically average approximately 90 dBA; whereas, sound levels from a rock concert with an amplified speaker system can reach levels of approximately 120 dBA at 6 feet (Cunniff 1977; Lipscomb and Taylor 1978). Assuming a normal rate of six decibels per doubling of distance from the source and a maximum of 120 dBA at 6 feet, predicted maximum noise levels at 100 feet from the front of the stage would be approximately 96 dBA. Because noise associated with such events are typically directional, noise levels at equivalent distances to the rear and sides of the amphitheater stage would likely be considerably less than sound levels at areas located directly in front of the stage.

The nearest noise-sensitive receptors are residential dwellings located approximately 1,000 feet south of the project site, across the Tuolumne River. Based on the monitoring conducted for this analysis, the average daytime noise level in the vicinity of these nearby residences is approximately 54 dBA Leq. Assuming a maximum noise
II. Revisions to the Draft MEIR

generation potential of 120 dBA at 6 feet, predicted "worst-case" noise levels at the property line of the nearest residence would be approximately 74 dBA, which would result in a substantial increase in ambient noise levels, particularly during the quieter late evening and nighttime hours. In addition, the resultant increase in ambient noise levels at these nearby residences would exceed the City's "normally acceptable" noise standard of 60 dBA CNEL. As a result, noise generated by the proposed amphimeadow uses would be considered to have a significant impact to nearby noise-sensitive land uses.

The amphimeadow is located near the Dry Creek riparian corridor, which provides valuable habitat for wildlife. Research of noise-related effects to various terrestrial species is somewhat limited and responses to various noise levels can vary greatly by species. However, although research is limited, it is generally recognized that at low to moderate ambient noise levels (i.e., 60 dBA, or less) wildlife most frequently change their behaviors when there are reoccurring abrupt and substantial increases in the ambient noise levels, such as shotgun blasts or sonic booms. The use of amplification at the amphimeadow would not likely include such abrupt noises. However, although speakers would be pointed away from Dry Creek, the amplified sound could result in substantial increases in ambient noise levels in the Dry Creek riparian area. The increase in noise levels could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.

Impact Noise-2: Noise Associated with the Amphimeadow. Noise associated with events at the amphimeadow could reach approximately 74 dBA at the nearest residential land uses (assuming amplification of community events), which would exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This noise level would be a noticeable increase (i.e., 3 dBA, or greater). In addition, the increase in noise levels at the Dry Creek riparian area could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.

Page IV-C-17, Mitigation Measure Noise-1(a) is revised as follows:

a) Activities at the proposed sports complex shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. The sports complex could stay open until 10:00 p.m. However, sporting events shall be scheduled to end at 9:00 p.m.

Page IV-C-18, 3rd and 4th paragraphs are revised as follows:

Impact Noise-2: Noise Associated with the Amphimeadow. Noise associated with events at the amphimeadow could reach approximately 74 dBA at the nearest residential land uses (assuming amplification of community events), which would exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This noise level would be a
noticeable increase (i.e., 3 dBA, or greater). *The increase in noise levels at the Dry Creek riparian area could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.*

**Mitigation Measure Noise-2:** To minimize the impacts of noise associated with events at the amphitheater, the following measures shall be implemented:

a) An acoustical engineer with experience in the prediction and mitigation of outdoor theater sound levels shall be consulted prior to design and construction of the proposed amphitheater to identify and incorporate all feasible mitigation measures available for reducing noise-related impacts to nearby residences and other noise-sensitive receptors and riparian areas. Measures may include, but are not limited to, construction of temporary noise barriers, and limitations on speaker orientation, noise-generation levels, or hours of activity.

b) Prior to the design and construction of the proposed amphitheater, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation, including locational considerations for the amphitheater, limits on the noise levels generated through amplification, and/or directional restrictions for speaker orientation.

The acoustical report and provision of project-specific mitigation measures shall be developed prior to the issuance of building permits for the amphitheater. Implementation of the above mitigation measure would help to reduce noise generated by activities associated with the amphitheater. These measures would reduce the potential noise impacts to State and federally-protected wildlife species to a less-than-significant level. However, noticeable increases (i.e., 3 dBA or greater) in ambient noise levels at nearby residences and other noise-sensitive receptors would could still be anticipated as a result of music and performance amplification, which would be required with 3,000 people in attendance, as proposed. As a result, this impact is considered significant and unavoidable.

Pages IV-C-14 and IV-C-15 are revised as follows:

However, if the use of amplified sound systems are allowed at such seasonal events, noticeable increases in daytime noise levels at nearby residences would likely occur. In addition, events occurring during the quieter evening and nighttime hours (with or without the allowed use of amplified sound systems) would also be anticipated to result
in noticeable increases in ambient noise levels at these residences and, as such, would be anticipated to result in increased levels of annoyance to occupants of these residences. *In addition, as discussed previously, a substantial increase in noise levels from amplified sound during large special events held in the TRRP could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.*

**Impact Noise-3: Noise Associated with Special Events.** The crowds associated with special events held during the daytime would not cause a significant increase in ambient noise levels at nearby residences. In addition, the resultant increase in ambient noise levels at these nearby residences would not be anticipated to exceed the City's "normally acceptable" noise standard of 60 dBA CNEP. However, the use of amplified sound systems or special events occurring during the nighttime could potentially result in a significant increase in the ambient noise levels at these nearby residences. *In addition, a substantial increase in noise levels from amplified could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.*

Page IV-C-18, the last paragraph, and Page IV-C-19 are revised as follows:

**Impact Noise-3: Noise Associated with Special Events.** The crowds associated with special events held during the daytime would not cause a significant increase in ambient noise levels at nearby residences. In addition, the resultant increase in ambient noise levels at these nearby residences would not be anticipated to exceed the City's "normally acceptable" noise standard of 60 dBA CNEP. However, the use of amplified sound systems or special events occurring during the nighttime could potentially result in a significant increase in the ambient noise levels at these nearby residences. *In addition, a substantial increase in noise levels from amplified could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact.*

**Mitigation Measure Noise-3:** To minimize the impacts of noise associated with large special events, the following measures shall be implemented:

a) **Special events** The use of amplified sound systems shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. This would reduce potential noise impacts during the nighttime. *Consistent with City of Modesto practices, the park could stay open until 10:00 p.m.*

b) **Prior to the first large special event using sound amplification, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat to the area to be used for the events, and suggest measures such as orientation of speakers and maximum allowable decibel levels to limit noise levels in those areas. Project proponents shall consult with appropriate resource agencies to*
ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation. The identified mitigation measures would be implemented at all subsequent events. If the sound requirements for a subsequent event should differ significantly from the event used to identify the mitigation measures, consultation with an acoustical engineer and appropriate resource agencies shall occur.

Implementation of this mitigation measure would reduce noise impacts associated with large special events. These measures would reduce the potential noise impacts to State and federally-protected wildlife species to a less-than-significant level. However, the use of amplified sound systems during special events could result in a significant increase in the ambient noise levels at nearby residences. For this reason, this impact is considered significant and unavoidable.

Page IV-D-25, 3rd paragraph is revised as follows:

In order to maintain public safety, areas such as parking lots, access roads, the amphimeadow, the regional sports complex, and limited pathways may be illuminated at night. Lighting may diminish the quality of habitat for wildlife and limit use of the riparian corridor by nocturnal species. However, lighting is proposed only for the access areas and not the more natural areas of the TRRP. Portable lighting may be provided for some large special events and events held at the amphimeadow. All lights would be groundward-focused and positioned to avoid glare and light spillage into riparian areas. Only enough lighting necessary for safety purposes would be used in the TRRP. Because riparian vegetation would be enhanced throughout the park to form a continuous corridor and river access points would be limited, potential impacts from trail use, nighttime lighting, and other human activity would be less-than-significant.

Page IV-D-27, the fourth paragraph is revised as follows:

Overhead cover resulting from overhanging vegetation and leaf fall provides nutrients for micro- and macro invertebrates and aquatic organisms. Short-term reductions in overhead cover due to the removal of riparian vegetation could result in temporary adverse impacts to species relying on this habitat feature within the TRRP project area. However, because ample overhead cover would be available to these species in adjacent areas where riparian vegetation remained undisturbed, adverse impacts would be expected to be minimal.
Page IV-D-30, Mitigation Measure Bio-2 (d) is revised as follows:

d) For all projects with the potential to effect jurisdictional Waters of the U.S., all grading plans will include adequate setback for waters to be preserved. Measures to minimize erosion and runoff into seasonal and perennial Waters of the U.S. will be prepared for all projects covered by the Master Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants into preserved drainages. _All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design._

Page IV-D-31, Mitigation Measure Bio-3 is revised as follows:

_Mitigation Measure Bio-3: The following mitigation shall be implemented for any project covered by the TRRP Master Plan that has the potential to affect perennial aquatic habitat._

a) The operation of heavy equipment in the active river channel shall not occur. Temporary sediment settling basins and structures such as sediment fencing or straw bales shall be used to prevent sediment-laden runoff from entering the river channel. _All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design._

b) River-adjacent construction activities shall occur during summer months when flows are low and rain is unlikely. Construction of bridges and near-river facilities shall be conducted during the summer when flows are low and rain is unlikely or as otherwise appropriate would to avoid impacts during fish migrations and sensitive life stages. _Construction shall not occur near the river from September through December, as this is the period when most ESA species would be in the river in appreciable numbers._

c) The project proponent shall consult with NMFS and USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with the
II. Revisions to the Draft MEIR

...federal agencies, appropriate mitigation and avoidance measures will be determined and implemented.

Implementation of the above mitigation measures in consultation with NMFS and USFWS would ensure that impacts to sensitive fish species are less-than-significant.

Page IV-F-4, the second sentence in the third paragraph is revised as follows:

The maximum flow recorded for Dry Creek (December 22, 1996 *December 23, 1955*) was approximately 5,000 cfs (unregulated) (*USACE* 1998) *7710 cfs.*

Page IV-F-12, the last sentence of the first paragraph is revised as follows:

The proposed design of the Gateway Parcel includes cutting back the right bank and developing a rolling hill landscape. The proposed design would increase flow conveyance through the reach without increasing the elevation of the existing right overbank area. Increasing conveyance lowers velocities throughout the Gateway Parcel reach. Water surface elevations, through the majority of the reach, would be reduced due to the proposed changes. At the Ninth Street Bridge (RM 16.25) however, the water surface would be raised slightly (approximately 0.15 feet) under the proposed *conceptual* grading plan. This increase in water surface elevation would attenuate out by location RM 21 (approximately 1,200 feet downstream of Codoni). The slight increase in water surface elevation in the Tuolumne River (*an increase of less than 0.1 foot*) would have no effect or not have a significant effect on the water *surface elevation of* Dry Creek at its confluence (RM 16.44).

Page IV-F-15, Mitigation Measure Hydro-3 (b) is revised as follows:

*b) Scour analyses shall be performed once detailed plans have been developed for the proposed structures. If necessary, erosion control measures shall be incorporated in the final design. The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).*

Page IV-F-16, Mitigation Measure Hydro-5 is revised as follows:

*Mitigation Measure Hydro-5: The elevation of the amphimeadow shall be raised to reduce the frequency of inundation. Detailed grading and construction plans for the amphimeadow shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that construction of the...*
amphimeadow would not result in any increase in water surface elevations. Water shear and scour analyses shall also be performed and if necessary surface protection shall be provided for the banks and surrounding area to prevent scour and erosion. The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering). Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

Page IV-F-16, Mitigation Measure Hydro-6 (d) is revised as follows:

c) Scour analyses of the bridge piers and abutments shall be performed once detailed plans have been developed for the proposed bridge. If necessary, erosion control measures shall be incorporated into the final design. The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).
CHAPTER III. COMMENTS AND RESPONSES

All comments on the Draft MEIR are listed in Table III-1. Each letter and comment has a letter/number designation assigned for cross-referencing purposes. This list represents all written comments received during the comment period. The verbatim comment letters, and responses to environmental comments raised in those letters are presented.

Table III-1
Comments Received on the Draft MEIR

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<tr>
<th>Letter</th>
<th>Commentor and Agency or Organization</th>
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<tr>
<td>A</td>
<td>California Department of Toxic Substances Control</td>
<td>June 27, 2001</td>
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<td>B</td>
<td>California Department of Water Resources</td>
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<td>C</td>
<td>The Tuolumne River Preservation Trust</td>
<td>July 24, 2001</td>
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<td>D</td>
<td>Jeanne Hammond</td>
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<td>E</td>
<td>California State Lands Commission</td>
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<td>F</td>
<td>Stanislaus Council of Government (StanCog)</td>
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<td>H</td>
<td>State of California Governor’s Office of Planning and Research, State Clearinghouse</td>
<td>August 2, 2001</td>
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<td>I</td>
<td>Jeffrey S. Stuart</td>
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<td>J</td>
<td>California Department of Transportation (Caltrans)</td>
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<td>K</td>
<td>Modesto Irrigation District</td>
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<td>L</td>
<td>City of Modesto</td>
<td>August 8, 2001</td>
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<td>M</td>
<td>Friends of the Tuolumne, Inc.</td>
<td>August 8, 2001</td>
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<td>N</td>
<td>Sierra Club, Yokuts Group, Mother Lode Chapter</td>
<td>August 8, 2001</td>
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<td>O</td>
<td>Stanislaus County Environmental Review Committee</td>
<td>August 8, 2001</td>
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<tr>
<td>P</td>
<td>United States Department of the Interior, Fish and Wildlife Service</td>
<td>August 8, 2001</td>
</tr>
</tbody>
</table>
June 27, 2001
Fred Allen
City of Modesto
1010 Tenth Street, Suite 4400
Modesto, California 95354

Re: Tuolumne River Regional Park Master Plan

The Department of Toxic Substances Control (DTSC) is in receipt of the environmental document identified above. Based on a preliminary review of this document, we have determined that additional review by our regional office will be required to fully assess any potential hazardous waste related impacts from the proposed project. The regional office and contact person listed below will be responsible for the review of this document in DTSC’s role as a Responsible Agency under the California Environmental Quality Act (CEQA) and for providing any necessary comments to your office:

James Tjosvold
Site Mitigation
8800 Cal Center Drive
Sacramento, California 95826-3200

If you have any questions concerning DTSC’s involvement in the review of this environmental document, please contact the regional office contact person identified above.

Sincerely,

Guenther W. Moskat, Chief
Planning and Environmental Analysis Section
Letter A California Department of Toxic Substances Control (DTSC)
June 27, 2001

A-1 The commentor states that DTSC has received the TRRP Master Plan MEIR and identifies the regional office and contact person responsible for the review of the MEIR. This comment is noted. No other letters were received from DTSC concerning the MEIR.
Dear Mr. Allen:

Staff for the Department of Water Resources has reviewed the Draft Master Environmental Impact Report for the Tuolumne River Regional Park Master Plan and has the following comments:

The project as proposed is within the Tuolumne River Designated Floodway and is within the jurisdiction and under the authority of the Reclamation Board. The California Code of Regulations, Title 23, Waters, Article 3, require that a Board permit be obtained before the start of any work including excavation and construction activities on or adjacent to any floodway within the jurisdiction of the Board. Recognizing the scope of your proposed project, the timely filing of an application is strongly recommended to minimize any delays due to the application review and permitting process.

If you have any questions, please call me at (916) 653-9900, or Sterling Sorensen of my staff at (916) 653-0402.

Sincerely,

Nader Noori, Chief
Floodway Protection Section
Division of Flood Management
Letter B  California Department of Water Resources  
June 27, 2001

B-1  The commentor states that the project is within the Tuolumne River Designated 
Floodway and is within the jurisdiction and under the authority of the 
Reclamation Board. The commentor also states that a Board permit is required 
before the start of any work, including excavation and construction activities on 
or adjacent to any floodway within the jurisdiction of the Board. Project 
proponents will file applications for all required permits when detailed grading 
and construction plans have been developed.
July 24, 2001

Mr. Patrick Kelly
Principle Planner
City of Modesto
P.O. Box 642
Modesto, CA 95353

SUBJECT: TUCOLMNE RIVER REGIONAL PARK DRAFT MASTER ENVIRONMENTAL IMPACT REPORT

Dear Mr. Kelly:

The Tuolumne River Preservation Trust has reviewed the Draft Master Environmental Impact Report for the Tuolumne River-Regional Park (TRRP). We would like to commend your efforts to incorporate features of the Habitat Restoration Plan for the Lower Tuolumne River Corridor and your consideration of flood conveyance. Specific elements that we feel are very beneficial and an improvement to the riparian ecosystem include the riparian trees and vegetation planned to line the river, the 100 acres of riparian forest and wetlands planned for the Carpenter Road parcel, the 185-foot wide riparian restoration corridor in the Gateway parcel, and the outdoor education emphasis of the Legion Park area.

We offer the following comments on other elements of the plan:

IMPACTS OF NOISE ON WILDLIFE: The production of noise, both in relation to the sphinxmeadow and the large special events, is likely to be significant. Many species of wildlife use or potentially use the areas for nesting, migrating, and foraging habitat. The Draft MEIR lists 16 threatened, endangered, and special status bird species, 5 mammalian species, and 4 reptilian species that occur or whose habitat occurs in the project area. The effects of noise on these species will extend beyond the immediate area in which the event is being held. These events will occur in 5-6 months of the year, making it likely that one or more of the species will be affected in some detrimental way by noise. These impacts need to be evaluated in the Master EIR.

IMPACTS OF LIGHTING ON WILDLIFE: The planned lighting for the park, especially that associated with the sphinxmeadow and special events is a similar concern to noise production. Many birds, mammals, and reptiles are nocturnal and therefore require darkness for foraging, hunting, and nesting. Please describe the potentially significant effects of lighting on birds and wildlife within and outside the project area. Mitigation should include measures to reduce the harmful effects of lighting on wildlife, including groundward-focused fixtures to reduce overall light pollution.
OTHER BIOLOGICAL CONSIDERATIONS: Significant Impact Bio-3 describes potentially significant impacts to fish and fish habitat, specifically mentioning steelhead, fall-run chinook salmon, and Sacramento splittail, while omitting other threatened, endangered, and special status fish species, including Kern Brook lamprey, river lamprey, and Pacific lamprey. Please include evaluations of the impacts the overall project and its components on all of these species.

TRAFFIC: Mitigation Measure Traffic-3 states that "additional parking may be required at the Sports Complex" but it does not indicate where that additional parking may be located. Would this take the form of parking garages, more parking lots at the expense of wetland or other habitat, or some other solution? The measure also states "no overflow parking into the adjacent neighborhoods shall be allowed." How will this be accomplished? Will street parking require a permit, which can be obtained only by local residents, or is there some other plan in place to mitigate the potential impact? We feel that increased parking at the expense of habitat and open space is unacceptable and other solutions should be sought.

HYDROLOGIC IMPACTS OF EVENTS: The hydrologic impacts of events at the amphitheadow, large-special events, and the sports complex needs to be carefully considered in the EIR. Figure F-2 clearly shows that nearly the entire Gateway Parcel lies within the 100-year floodplain. The proposed amphitheadow, lying at a lower elevation adjacent to Dry Creek, probably is subject to flooding at a much higher frequency than the rest of the Gateway Parcel. Please provide a more detailed flood-frequency analysis of events that would inundate the amphitheadow. We believe that large events that are scheduled for the Gateway Parcel and the amphitheadow, especially those scheduled in the spring and early summer, could have an impact on dam operations upstream. It is conceivable that political pressure to move forward with a scheduled special event or sporting event could result in lower releases from Don Pedro causing problems later in maintaining low flows. We feel that large events of any type should not impact flood control releases from Don Pedro dam.

HYDROLOGIC IMPACTS OF STRUCTURES: It is stated in the EIR that the TRRP integrates restoration strategies for the sand-beded zone outlined in the Restoration Plan for the Lower Tuolumne River Corridor (Restoration Plan). A specific objective of the Restoration Plan is to remove rip-rap and berms to allow channel migration within the floodway. Mitigation Measures Hydro-3 and -6 prescribe "erosion control measures" to protect overlook structures, fishing piers, boat docks, and the Pedestrian Bridge over Dry Creek. This is in direct conflict with the Restoration Plan. Please give a more complete evaluation of the potential need for rip-rap and other types of bank stabilization in the EIR. If necessary, amend the EIR so that it no longer includes this as a potential mitigation measure to maintain consistency with the Restoration Plan.

HYDROLOGIC IMPACTS OF INCREASED SURFACE RUNOFF: Contribution of increased surface runoff is not considered in the EIR, in terms of impacts to water surface elevations. There are many planned impermeable surfaces within the TRRP, including the Regional Sports Complex, the Nature Interpretive Center, the Loop Road, and trails. All of these will contribute to increased runoff directly to the Tuolumne River, and therefore increased surface elevations. Please include an analysis of this impact in the EIR. A potential mitigative alternative is to include soft-surfaces for roads and trails, such as clinder, which will allow groundwater infiltration instead of surface runoff. This will also help reduce impacts to surface water quality.
HYDROLOGIC IMPACTS OF THE GATEWAY PARCEL: The Draft EIR states that the proposed design of the Gateway Parcel would raise water surface elevations at the Ninth Street Bridge (River Mile 16.25), which would attenuate out by location to River Mile 21. It also states that this increase in water surface elevation would have no effect on Dry Creek at its confluence. However, the EIR does not provide a description of the analysis that resulted in this finding. We find it untenable that an increase in water surface elevation on the Tuolumne would have no effect on the water surface elevation of Dry Creek given the fact that it would increase out to RM 31 on the Tuolumne.

HYDROLOGIC IMPACT OF PEDESTRIAN BRIDGE: Mitigation Measure Hydro-6 states that the pedestrian bridge shall have adequate clearance above the base floodwater surface elevation, but it does not describe what this floodwater surface elevation is, or the recurrence interval of the flood associated with it. Please include this in the description.

ALTERNATIVES: We feel that in consideration of fish and wildlife that depend on the river and surrounding ecosystem, the alternative of no large special events and no amplified music and noise in the amphitheater are much preferable to alternatives that include these features. Please consider closely the impacts to fish and wildlife and how to best accommodate environmental needs.

Thank you for your consideration of our comments.

Sincerely,

Patrick Koepel
Central Valley Program Director
Letter C  The Tuolumne River Preservation Trust  
July 24, 2001

C-1 This comment is an introduction to the comment letter. The commentor identifies elements of the plan that they find beneficial to the riparian ecosystem. No specific comments are made on the Draft MEIR. No response is needed.

C-2 The commentor states that the production of noise, both in relation to the amphimeadow and large special events, is likely to have a significant effect on wildlife and should be evaluated in the MEIR. Special events, including those at the amphimeadow, have been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. The increase in noise levels at the Dry Creek riparian area from amplification of events held at the amphimeadow and large special events could potentially affect wildlife species, including State and federally-protected species. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed. When detailed plans for the amphimeadow are developed, a more detailed analysis of the potential noise levels at the nearest riparian habitat will be conducted.

C-3 The commentor states that the lighting for the park, especially that associated with the amphimeadow and special events, could have potentially significant effects on birds and wildlife within and outside the project area. The commentor states that mitigation measures to reduce the harmful effects of lighting on wildlife, should include groundward-focused fixtures to reduce overall light pollution. Page IV-D-25 has been revised in Chapter II of this Final MEIR to respond to this comment. Further clarification has been provided to note that if portable lighting is provided in the amphimeadow or for large special events, it would be groundward-focused to avoid light spillage into riparian habitat.

C-4 The commentor notes that that Impact Bio-3 describes potentially significant impacts to fish and fish habitat, but does not specifically evaluate potential impacts to Kern Brook lamprey, river lamprey, and Pacific lamprey. The potential adverse impacts to Kern Brook lamprey, river lamprey, and Pacific lamprey would be the same as impacts to the federally-listed fish identified in Impact Bio-3. Mitigation Measure Bio-3 provides for the protection of these species by restricting operation of heavy equipment in the active river channel; use of temporary control measures to prevent sediment-laden runoff from entering the river channel; and restricting construction operations to the summer.

C-5 The commentor is concerned that Mitigation Measure Traffic-3 states that “additional parking may be required at the Sports Complex” but does not indicate where the additional parking may be located. Implementation of the Regional Sports Complex has been identified in the MEIR as a “subsequent project”. When detailed implementation plans are developed, additional environmental
review will be required. As described on page I-3 of the Draft MEIR, if the JPA determines, based on an Initial Study, that a proposed subsequent project will have no additional significant effects on the environmental that was not identified in the Master EIR, then the JPA shall make a written finding based on the Initial Study that the subsequent project is within the scope of the project covered by the Master EIR. No new environmental documentation or findings shall be required in this case. Conversely, if a finding is made that the proposal may cause a significant environmental effect not studied in the Master EIR, subsequent focused environmental documentation will be prepared.

Mitigation Measure Traffic-3 states that during focused environmental review, the overall parking requirements of the facilities shall be determined and at that time, a parking management plan shall be created which matches the use of the site to the available parking supply. The proposed parking plan, and any proposed parking facilities, would be evaluated further when detailed plans for the Regional Sports Complex are developed.

C-6  The commentor notes that that Mitigation Measure Traffic-3 states “no overflow parking into the adjacent neighborhoods shall be allowed”, and requests information on how this would be accomplished. As noted in response to comment C-5, when detailed plans for the Regional Sports Complex are developed, a parking management plan shall be created which matches the use of the site to the available parking supply. Mitigation Measure Traffic-3 identifies several measures that may be included in the parking management plan to ensure that no parking overflow would occur in the adjacent neighborhoods. The detailed design of the sports complex and proposed parking facilities would be balanced to address expected parking demand. The parking management plan may outline temporary controls, such as temporary parking permits, that may be implemented in case an unusually large event is expected, to ensure overflow from the event would not occur in the adjacent neighborhoods.

C-7  The commentor states that the Gateway Parcel is located in the 100-year floodplain and the amphimeadow is subject to a higher frequency of flooding than the rest of the Gateway Parcel. The commentor requests a detailed flood-frequency analysis of events that would inundate the amphimeadow. The Master Plan is a conceptual document. The exact location of the amphimeadow has not been determined. Detailed flood-frequency analysis will be conducted during development of grading plans and detailed design for the amphimeadow. The amphimeadow has been identified as a subsequent project in the MEIR. Additional environmental review, including additional hydraulic analysis, will be conducted when detailed plans are developed.

C-8  The commentor questions whether political pressure to hold special events at the TRRP would result in lower releases from Don Pedro dam, potentially causing problems in maintaining low flows in the Tuolumne River. New Don Pedro dam regulates flows in the stretch of the Tuolumne River by the TRRP. The dam is subject to Federal Energy Regulatory Commission (FERC) relicensing and operation conditions, including minimum streamflow requirements. It is unlikely
that activities in the TRRP would overcome the established FERC streamflow requirements. Some scheduled flow releases could cause flooding conditions at the TRRP. The frequency and duration of typical flow releases from New Don Pedro would be considered when detailed plans for the amphimeadow are developed. Events at the amphimeadow would not be scheduled to conflict with scheduled flow releases from Don Pedro Dam.

C-9 The commentor questions whether the erosion control measures prescribed in Mitigation Measures Hydro-3 and Hydro-6 are in conflict with the Lower Tuolumne River Corridor Restoration Plan, and requests that the MEIR be amended so that it no longer includes the use of rip-rap and other types of bank stabilization. Erosion control measures taken to protect piers and boat launches would not significantly affect the natural river channel migration. Mitigation Measures Hydro-3, Hydro-5, and Hydro-6 have been revised in Chapter II of this Final MEIR to clarify that the most natural bank stabilization approach shall be used for erosion control.

C-10 The commentor requests analysis of the increased surface runoff into the Tuolumne River and subsequent increase in surface elevations from planned impermeable surfaces within the TRRP, including the Regional Sports Complex, the Nature Interpretive Center, the Loop Road, and trails. The commentor recommends ways to allow groundwater infiltration instead of surface runoff. As noted on page IV-F-11 of the Draft MEIR, development on the TRRP site would increase the amount of impervious surfaces, which may generate a small increase in runoff. The increase in runoff is not anticipated to substantially alter the drainage pattern of the site or area. Much of the runoff would be distributed to the “stormwater wetlands” and vegetated swales within the park in order to filter the water before it reaches the river. The detention of stormwater in the constructed wetlands would allow groundwater infiltration. The small increase in runoff from the park is not anticipated to substantially increase surface water elevations during large storm events.

In addition, as noted on page 15 of the Master Plan, the park design presents an opportunity to partially treat the stormwater runoff from adjacent urban and agricultural areas before it enters the river. Because numerous storm drains throughout the area currently empty near the Tuolumne River, this is would improve the current situation.

C-11 The commentor questions the MEIR finding that an increase in water surface elevation on the Tuolumne River due to the proposed design of the Gateway Parcel would have no effect on the water surface elevation of Dry Creek. As noted on page IV-F-12 of the Draft MEIR, the conceptual design and grading plan for the Gateway Parcel would create riparian terraces, changing the configuration of the river bank and resulting in reduced water surface elevations through the majority of the reach. However at the Ninth Street Bridge (RM 16.25), water surface would be raised slightly as water backs up from the bridge piers. This increase in water surface elevation would attenuate out by RM 21 as the river reaches equilibrium and pre-project flow conditions. Using conceptual
III. Comments and Responses

grading plans, the slight increase in water surface elevation in the Tuolumne River would result in an increase of less than 0.1 foot on the water surface elevation of Dry Creek at its confluence. This would not be a significant effect. Page IV-F-12 has been revised in Chapter II of this Final MEIR to reflect this clarification.

C-12 The commentor notes that Mitigation Measure Hydro-6 states that the pedestrian bridge shall have adequate clearance above the base floodwater surface elevation. The commentor requests that the MEIR identify what the floodwater surface elevation is in the area proposed for the pedestrian bridge and the recurrence interval of the flood associated with it. The Master Plan is a conceptual plan. The exact location of the pedestrian bridge across Dry Creek has not yet been determined. However, for purposes of the Master Plan, the bridge has been shown to be located approximately 200 feet from the confluence of Dry Creek and the Tuolumne River. According to U.S. Army Corps of Engineers data, the water surface elevation during the 100-year flow at this location is approximately 75 feet National Geodetic Vertical Datum (NGVD). It should also be clarified that bridge features that accommodate high flows and avoid debris build-up will be considered during detailed design. Examples of such bridge features include break-away anchor bolts, seasonal height adjustments, removable railings, and bridges that can be temporarily removed. Pedestrian bridges are considered a subsequent project and will undergo additional environmental review when detailed plans are available. Pedestrian bridges were inadvertently left out of the list of subsequent projects on Page I-2 of the Draft MEIR. Page I-2 has been revised in this Final MEIR to correct this omission.

C-13 The commentor states their opinion that the alternative of no large special events and no amplified music and noise in the amphimeadow is preferable when considering fish and wildlife. This comment is noted for the record.

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1 NGVD is approximately equivalent to Mean Sea Level.
27 July 2001
Mr. Patrick Kelly
Principal Planner
City of Modesto
P.O. Box 642
Modesto, CA 95353

Dear Mr. Patrick Kelly,

I am writing to comment on the Tuolumne River Regional Park Master Plan EIR. The comments I have are in regard to the Biological Resources section, specifically on the potential for noise impacts resulting from ongoing noise disturbances associated with the proposed amphitheater. The EIR should address any potential for noise impacts related to wildlife resulting from the amphitheater used for periodic events (cited as approximately 10 per year per Jim Niskanen). The EIR states that there is potential nesting habitat for raptors on site, including Swainson’s Hawk, a state-listed threatened species. Short-term construction-related impacts to nesting raptors have been addressed in the EIR. The potential for long-term periodic noise impacts resulting from scheduled amplified events at the amphitheater could affect nesting raptors (during the breeding season). Siting for the amphitheater and choice of a 250-person (no amplification) versus 3,000-person (amplification) venue should take into consideration proximity to wildlife habitat.

Thank you for your time and consideration,

Jeanne Hammond
PRBO Biologist
4990 Shoreline Highway
Stinson Beach, CA 94970
510.849.3405
III. Comments and Responses

Letter D  Jeanne Hammond
July 27, 2001

D-1 The commentor requests that the potential for noise impacts to wildlife resulting from the use of the amphimeadow, and specifically, the long-term periodic noise impacts to nesting raptors (during the breeding season) resulting from scheduled amplified events, should be addressed in the MEIR. The amphimeadow has been identified as a subsequent project in the MEIR. Additional environmental review, including analysis of the potential effects on nesting raptors, will be conducted when detailed plans are available. The increase in noise levels at the Dry Creek riparian area from amplification of events held at the amphimeadow and large special events could potentially affect wildlife species, including nesting raptors. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed.

D-2 The commentor states that siting and design of the amphimeadow, including the choice between a 250-person (no amplification) versus 3,000-person (amplification) venue, should take into consideration proximity to wildlife habitat. This comment is noted for the record.
July 30, 2001

Mr. Fred Allen
Parks Planning and Development Manager
City of Modesto
1010 Tenth Street
Suite 4400
Modesto, CA 95353

Dear Mr. Allen:

Staff of the California State Lands Commission (CSLC or Commission) has reviewed the proposed Tuolumne River Regional Park (TRRP) Master Plan, SCH#2000022028. The CSLC is a responsible agency under the California Environmental Quality Act. Based on this review, we offer the following comments.

Jurisdiction

The State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The landward boundaries of the State's sovereign interests in areas that are subject to tidal action are generally based upon the ordinary high water marks of these waterways as they last naturally existed. In non-tidal navigable waterways, the State holds a fee ownership in the bed of the waterway between the two ordinary low water marks as they last naturally existed. The entire non-tidal navigable waterway between the ordinary high water marks is subject to the Public Trust. The State's sovereign interests are under the jurisdiction of the State Lands Commission.

It appears that the proposed project involves the Tuolumne River which is State sovereign land under the jurisdiction of the State Lands Commission. Any activities involving the Tuolumne in this location are subject to the Commission's leasing jurisdiction. Please contact Diane Jones, Public Land Management Specialist, at 916-574-1843.
Commission staff are pleased that the City is interested in restoring a continuous, native riparian corridor along the length of the Tuolumne River and we look forward to working with the City on various components of this Master Plan.

We appreciate the opportunity to comment on the proposed Master Plan.

Sincerely,

[Signature]

Stephen L. Jenkins, Assistant Chief
Division of Environmental Planning and Management

cc: Diane Jones
Letter E  California State Lands Commission
July 30, 2001

E-1  The commentor states that the proposed project involves the Tuolumne River which is State sovereign land under the jurisdiction of the State Lands Commission and that any activities involving the Tuolumne in this location are subject to the Commission’s leasing jurisdiction. The California State Lands Commission will be contacted prior to implementation of activities along the Tuolumne River.

E-2  The commentor states that the State Lands Commission is pleased that the TRRP Master Plan includes restoring a continuous, native riparian corridor along the Tuolumne River. This comment is noted.
August 1, 2001

Mr. Fred Allen
Parks, Planning and Development Manager
City of Modesto
Recreation and Neighborhoods Department
1010 10th Street, Suite 4400
Modesto, CA 95353

Re: Tuolumne River Regional Park (TRR)

Dear Mr. Allen:

Thank you for providing StanCOG the opportunity to comment on the aforementioned project. StanCOG believes this project may have an adverse impact on the environment and requests that a Transportation Management Plan be developed to address the following comments.

Regional Plans: The effect on regional plans must be addressed as noted in the CEQA Guidelines, Sections 15063(d)(6) and 15125(d).

2001 StanCOG Bicycle Action Plan: Bicycles are an important asset to the circulation within Stanislaus County and the City of Modesto. Currently, bicycles are not included in the Transportation and Circulation element as a mode of transportation within the Draft Master Environmental Impact Report. Bicycles offer a clean alternative to automobiles by aiding the overall air quality of the region.

If the project is not consistent with adopted regional plans, StanCOG would consider this to be a significant impact, requiring mitigation. Requiring modifications in the project that would cause the project to be consistent with adopted regional plans would eliminate any potential impact.

Although there is no statutory requirement to consider regional plans that are currently under way, the City may wish to do so. These plans include:

- Central Stanislaus Freight Study: StanCOG is currently in the process of developing recommendations for improved access and mobility throughout the County. This study includes a project which could significantly alter the Tuolumne Boulevard Interchange either through modifications to the

300 W Street, Suite D • Modesto, CA 95351 • 209/568.7920 • Fax 209/568.7933
Interchange. Additionally, Caltrans District 10 should be contacted with regards to congestion on the State Highway System during large special events and shows at the Amphimeadow. The Study is scheduled to be adopted in July 2001 and incorporated into the 2001 Regional Transportation Plan and EIR by December 2001.

Please call StanCOG at (209) 558-7830 if you should have any questions.

Regards,

Debra A. Whitmore
Senior Planner

cc: Helen Wang, City of Modesto
    Carlos Yarzoon, Caltrans District 10
III. Comments and Responses

Letter F  Stanislaus Council of Government (StanCOG)  
August 1, 2001

F-1 The commentor states that the project may have an adverse impact on the environment and requests that a Transportation Management Plan be developed to address the following comments (F-2, F-3, F-4). No response is needed for this introductory paragraph. Specific comments are addressed for comments F-2, F-3, F-4.

F-2 The commentor notes that the Transportation and Circulation element within the Draft MEIR does not include bicycles as a mode of transportation, and the effect on regional plans, including the 2001 StanCOG Bicycle Action Plan should be considered in the MEIR. The 2001 StanCOG Bicycle Action Plan and the TRRP Master Plan share common goals of encouraging the use of bicycles as a mode of transportation. Bicycles offer a clean alternative to automobiles by aiding the overall air quality of the region. The TRRP Master Plan supports the extension of regional bikeways. The Master Plan would create a network of Class I (off-street) bicycle and pedestrian paths that would be an alternative means of transportation. As noted on page 9 of the Master Plan, The TRRP would include a paved pedestrian and bicycle path, linking the Dry Creek parkway, the Hetch Hetchy right-of-way, and other greenways in the area, existing and planned. Circulation patterns on the Gateway Parcel would be predominately oriented towards pedestrian and bicycle travel.

F-3 The commentor notes that the Central Stanislaus Freight Study includes a project that could significantly alter the Tuolumne Boulevard Interchange. The Central Stanislaus Freight Study identifies various alternatives to improve the movement of freight through Central Stanislaus County. The Study was adopted July 2001 and the alternatives identified in the Study will be incorporated into the regional transportation plan, which is expected to be adopted December 2001. It has been noted in the Study that some of the alternatives under consideration could affect the Tuolumne Boulevard Extension and thus may hinder access to the Gateway Parcel. It is not known at this time when an alternative would be selected for implementation. The status of the Central Stanislaus Freight Study alternative selection will be considered when detailed designs are developed for the Gateway Parcel. If the Tuolumne Boulevard Extension project changes in response to the Central Stanislaus Freight Study, then the access plans to the Gateway Parcel would be altered as necessary.

F-4 The commentor states that Caltrans District 10 should be contacted with regards to congestion on the State Highway System during large special events and shows at the amphimeadow. As noted in Mitigation Measure Traffic-1 and Traffic-2, on pages IV-A-23 and 24 of the Draft MEIR, a traffic management plan shall be created which identifies ways to reduce congestion during special events and the amphimeadow and from large special events. Caltrans District 10 will be contacted during the development of the traffic management plans to identify measures to reduce potential congestion on the State Highway system during these events.
Mr. Fred Allen  
Parks Planning and Development Manager  
Recreation and Neighborhoods Department  
City of Modesto  
1010 Tenth Street, Suite 4400  
P.O. Box 642  
Modesto, CA 95353

Dear Mr. Allen:

With a letter dated June 14, 2001, you submitted to the Federal Emergency Management Agency (FEMA) a copy of the report entitled Draft Master Environmental Impact Report for the Tuolumne River Regional Park Master Plan, prepared by EDAW, Inc., dated May 2001. You asked FEMA to review the information and submit comments on the proposed construction projects for the Cities of Modesto and Ceres and Stanislaus County, California, that are outlined in the draft Master Environmental Impact Report (MEIR). The draft MEIR describes new construction, grading, and stream habitat restoration associated with creation of the Tuolumne River Regional Park. The improvements are intended to enhance the natural environment and provide new educational and recreational opportunities along the Tuolumne River.

According to the draft MEIR, the proposed project will be constructed entirely within the effective Special Flood Hazard Area (SFHA), the area subject to inundation by the base (1-percent-annual-chance) flood, and within portions of the effective regulatory floodway along the Tuolumne River. The project area is shown on Panels 060387 0015 D and 0020 D of the effective Flood Insurance Rate Map (FIRM) for the City of Modesto, California, dated May 7, 2001, and on Panels 060384 0290 B, 0465 B, 0505 B, and 0510 B of the effective FIRM for the unincorporated areas of Stanislaus County, California, also dated May 7, 2001. According to the draft MEIR, the City of Ceres will also be affected by the proposed project. Although the City of Ceres participates in the National Flood Insurance Program (NFIP), the community has not been mapped.

According to the draft MEIR, the proposed alternative projects presented in the MEIR will have a negligible impact on flood hazards along the Tuolumne River. However, the information submitted to FEMA was not sufficient to confirm this statement. Although all the proposed project alternatives would involve construction and grading activities within the SFHA, the draft MEIR includes proposed plans to mitigate any increases in Base Flood Elevations (BFEs) that would result from the project. Development may take place within the SFHA provided that it is in compliance with local floodplain ordinances, which must meet the minimum NFIP requirements as specified in Section 60.3 of the NFIP regulations. Development within the regulatory floodway must conform to NFIP regulations that prohibit any encroachment that would increase BFEs within the community by more than 0.0 foot.

If officials of the City of Modesto or Stanislaus County determine that the BFEs or SFHA or floodway boundary delineations will be affected as a result of the proposed project, they must submit the appropriate scientific or technical data in accordance with the requirements of Part 65 of the NFIP regulations and request revision(s) to the affected flood maps. Section 65.3 of the NFIP regulations requires that a community submit the data as soon as practicable, but no later than 6 months after the data becomes available to the community.
This letter constitutes FEMA's comments on the proposed project described in the draft MEIR. Thank you for the opportunity to review this proposed project. If you have any questions regarding this matter, please contact me, either by telephone at (202) 646-3843 or by facsimile at (202) 646-4596.

Sincerely,

Max H. Yuan, P.E., Project Engineer
Hazard Study Branch
Hazard Mapping Division

For: Matthew B. Miller, P.E., Chief
Hazard Study Branch
Hazard Mapping Division
Letter G  Federal Emergency Management Agency (FEMA)
August 2, 1001

G-1 The commentor provides a brief description of the Master Plan and identifies the location of the project site on applicable Flood Insurance Rate Maps (FIRM) for the City of Modesto and Stanislaus County. This is an introduction to the comment letter, no response is needed.

G-2 The commentor notes that development in the 100-year floodplain must comply with National Flood Insurance Program (NFIP) requirements and local floodplain ordinances. The commentor states that if the base flood elevations floodway boundary delineations would be affected as a result of the proposed project, then the appropriate scientific or technical data and flood map revision(s) must be submitted to FEMA. When detailed grading and construction plans are developed, the JPA would submit the required data and flood map revision requests to FEMA, if necessary, prior to project construction.

G-3 The commentor concludes the comment letter. No response is required.
August 2, 2001

Fred Allen
City of Modesto
1010 Tenoh Street, Suite 4400
Modesto, CA 95354

Subject: Tuolumne River Regional Park Master Plan
SCH#: 2000032028

Dear Fred Allen:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 1, 2001, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project’s ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

“A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation.”

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

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 contact the State Clearinghouse at (916) 445-0615 if you have any questions regarding the environmental review process.

Sincerely,

Terry Roberts
Senior Planner, State Clearinghouse

Encl.

cc: Resource Agency
Document Details Report  
State Clearinghouse Data Base

SCH# 2000220008  
Project Title Tule River Regional Park Master Plan  
Lead Agency Modesto, City of

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Lead Agency Contact

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Project Location

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Project Issues

Air Quality; Archaeologic-Historic; Flood Plain/Flooding; Drainage/Absorption; Noise; Schools/Universities; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Wetland/Riparian; Wildlife

Reviewing Agencies

Resources Agency; Department of Conservation; Department of Fish and Game, Region 4; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; Caltrans, District 10; Department of Housing and Community Development; Department of Health Services; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State Lands Commission; Integrated Waste Management Board

Date Received 06/18/2001  Start of Review 06/18/2001  End of Review 08/11/2001

Note: Blanks in data fields result from insufficient information provided by lead agency.
Letter H  State of California Governor's Office of Planning and Research, State Clearinghouse  
August 2, 2001

H-1 This letter acknowledges that the TRRP Master Plan MEIR was submitted to the State Clearinghouse and the document has been distributed to the listed agencies and departments. This letter is noted, no response is needed.
August 2, 2001

Mr. Patrick Kelly
Principal Planner
City of Modesto
P.O. Box 642
Modesto, CA 95353

Dear Mr. Kelly:

I have reviewed both the Master Plan for the TRRP and the Draft Master Environmental Impact Report for the TRRP. There are a few topics that I have identified as having potential problems. I will address these problems and provide my suggestion for their solutions.

In the proposed configuration for the Gateway Parcel, the planned pathways will bisect the meadow in numerous locations, which will in effect cut up the continuity of the meadow and lessen its potential for bird and wildlife habitat. Intrusion by park visitors walking through the meadow during spring nesting periods will potentially disturb any ground nesting or low shrub nesting bird species near these pathways. Likewise, the continuity of small mammal traveling corridors between bedding and foraging sites will be disrupted by the pathways and human contact.

I suggest that the pathways be situated to maximize long corridors of meadow grasses and shrubs which are not transected by the pathways. This would benefit the habitat while also allowing visitors to view the wildlife, albeit from a further distance than currently proposed.

Secondly, the proposal to have large events in the Gateway parcel (~10,000 - 15,000 people) will likely have detrimental effects on the quality of the habitat for birds and other wildlife. Further degradation of the habitat is also likely from the amount of post event refuse left behind by the crowds.

I recommend that strict controls be implemented to minimize the crowds from entering into sensitive meadow and riparian sections. This would minimize trampling of vegetation and associated wildlife habitat which would otherwise be damaged with uncontrolled access.

A viable alternative to the creation of large parking lots at the Gateway parcel and sports complex would be to utilize satellite parking and establish a shuttle bus service. This would minimize traffic congestion at the park, improve air quality, and retain the aesthetic appeal of the park.

I propose that if event shuttle buses (utilizing current City buses) are used to ferry event goers from parking structures downtown or from nearby vacant lots used for temporary parking, local congestion around the TRRP would be minimized and better crowd control could be enforced. Such procedures have been used effectively in beach communities for years. Furthermore, if bicycle paths were to be extended not only along the river as planned, but also into the surrounding communities and further east along Dry Creek and into it’s neighborhoods, vehicular traffic might be reduced by making bicycling into the park a more attractive and viable alternative. Such bicycle paths have been used in communities like Davis and Stanford, CA to decrease vehicular traffic within the community during special events like football games and concerts.

Finally, in the Master EIR, section IV D (e), comments are made regarding impacts of the floodplain recontouring. The suggestion that the long term benefits of the project outweigh the possible (and most likely probable) negative short term impacts begs the question of the real and detrimental effects that will happen in the short term. Increased solar irradiation on the water surface from the removal of shade providing riparian trees will increase water temperatures in sensitive shallow
water habitats on the north bank of the Tuolumne River. This will potentially make the near shore habitat unusable for emigrating fry and smolts due to increased water temperatures and lack of overhead coverage from predators. Influx of nutrients from overhanging vegetation and leaf fall will be eliminated until the “new” riparian corridor has become established. This reduction in allochthonous inputs will decrease productivity of micro- and macroinvertebrates in this reach dependent on this nutrient source for growth. Furthermore, following recontouring, the banks will be essentially denuded of vegetation and will become a source of silt during runoff events even with protective barriers in place. Additional erosion of the river banks will probably occur due to the loss of stabilizing root systems from riparian vegetation.

To mitigate these negative impacts, I suggest that the recontouring be done in stages along the TRRP reach and that any large woody debris be placed along the banks of the Tuolumne River in bundles or mats. With proper placement, the mats and bundles will provide much needed protective habitat and velocity refuges for juvenile salmon during their outward migration. Additionally, the brush piles will also serve as excellent habitat for aquatic invertebrates which will then be available to the salmon juveniles and smolts to feed on. Furthermore, with appropriate placement, the mats and bundles can be used to direct the river flow into a more natural channel, thus providing a deeper main channel with bend pools for adult salmon to hold in during their spawning run upstream. Currently, the Tuolumne River in the sand bed reach is a relatively broad and shallow river. The river channel could be recontoured using the woody debris from the riparian/floodplain grading to make a more “fish friendly” low water channel with a more complex and diverse habitat. With proper attention to the river’s hydraulics, the “waste” from the floodplain recontouring could be used to enhance the instream aquatic habitat and provide an environmentally beneficial alternative to the current plans.

I believe that my recommendations deserve consideration during the review and comment period. The suggestions I have offered will hopefully be used to enhance the plans for the TRRP and maximize the potential for this project. If implemented in a thoughtful and responsible manner, the Tuolumne River Regional Park can live up to its goals and enhance the lives of the people and wildlife that come into contact with it.

Sincerely,

Jeffrey S. Stuart, MS, BA
Aquatic Biologist
1108 Wickford Circle
Modesto, CA 95355
III. Comments and Responses

Letter I  Jeffrey S. Stuart  
August 2, 2001

I-1  The commentor is concerned that the planned pathways in the Gateway Parcel would bisect the meadow in numerous locations, which will lessen its potential for bird and wildlife habitat. The majority of the Gateway Parcel site currently consists of disked open land, providing little valuable habitat for wildlife. Implementation of the TRRP Master Plan would improve the habitat value for wildlife throughout the park, including the Gateway Parcel. The planned riparian restoration work and increased vegetation on the site would greatly enhance existing aquatic and terrestrial habitat, attracting more wildlife to the park. Specifically the planting of wildflower meadows, new groves of native trees, and restoration of the native riparian corridor in the Gateway Parcel would result in an improvement in habitat value for wildlife. A thin strip of riparian vegetation and stand of valley oaks that currently exists along the Tuolumne River and Dry Creek would be protected and enhanced. Although the proposed location of trails through the meadow in the Gateway may result in some disturbance to wildlife, the TRRP Master Plan would result in a net increase in habitat value.

I-2  The commentor is concerned that large special events in the Gateway parcel and the amount of post-event refuse left behind by the crowds would have detrimental effects on the quality of the habitat for birds and other wildlife. The commentor recommends strict controls be implemented to minimize the crowds from entering into sensitive meadow and riparian sections. As noted in response to comment I-1, implementation of the TRRP Master Plan would result in better quality habitat for wildlife. During special events, people would generally be confined to areas designated for recreational use. While some people may stray in sensitive habitat areas, it would not have a significant effect on wildlife species or habitats. Event organizers would be responsible to event maintenance and required to clean-up any refuse left by people attending the event.

I-3  The commentor recommends the use of satellite parking and shuttle bus service to events held in the TRRP and the extension of bicycle paths into the surrounding communities to reduce traffic. The TRRP Master Plan supports the use of alternative means of transportation to access the park. As noted in Mitigation Measure Traffic-4 and Mitigation Measure Traffic-5 on page IV-A-25 of the Draft MEIR, an event parking management plan shall be created prior to events held at the amphitheater and large special events in the Gateway Parcel. During special events it would be possible to provide coordinated bus service from downtown parking lots and garages to the Gateway Parcel. The Master Plan also encourages the use of bicycles as a mode of transportation. A network of Class I (off-street) bicycle and pedestrian paths would be constructed in the TRRP. The Master Plan supports the extension of regional bikeways in the surrounding communities. However, extension of bikeways outside of the TRRP site is outside the scope of the Master Plan, and thus is not studied further in the MEIR.
I-4 The commentor is concerned about the short-term detrimental effects of the removal of shade, and subsequent increase in water temperatures, from floodplain recontouring on emigrating fry and smolts. As noted on page IV-D-27, although reduced stream shading has the potential to result in increased water temperatures, this is considered unlikely in the TRRP area because removal of riparian vegetation as a result of project construction and bank restoration would be confined to a few specific locations on the north bank of the Tuolumne River and the west bank of Dry Creek. The north bank of the Tuolumne River, because of the angle to the sun (due to latitude) and the east-west orientation of the Tuolumne River, generally does not provide as much shade to the channel as vegetation on the south bank. Therefore, no significant adverse water temperature impacts are expected.

I-5 The commentor is concerned that the influx of nutrients from overhanging vegetation and leaf fall would be eliminated during floodplain contouring, thereby reducing the productivity of micro-and macro-invertebrates in this reach of the river. As noted on page IV-D-27, because ample overhead cover, and the nutrients provided by it to aquatic organisms, would be available to these species in adjacent areas where riparian vegetation remained undisturbed, impacts would not be considered significant. No mature oaks will be removed during implementation of the TRRP Master Plan.

I-6 The commentor is concerned that that during bank recontouring, the banks would be denuded of vegetation and would become a source of silt during runoff events even with protective barriers in place. The commentor recommends several measures to reduce these negative impacts. Mitigation Measures Hydro-3, Hydro-5, and Hydro-6 have been revised in Chapter II of this Final MEIR to clarify that where feasible, the most natural bank stabilization approach shall be used for erosion control. Mitigation Measure Bio-3 on page IV-D-31 of the MEIR, includes measures to prevent sediment-laden runoff from entering the river channel and requires that the project proponents consult with NMFS and USFWS under Section 7 of ESA to ensure impacts to sensitive fish species are less-than-significant.

I-7 The commentor requests that the recommendations provided in the comment letter be considered to enhance the plans for the TRRP. The measures recommended by the commentor are noted for the record and have been incorporated where appropriate.
August 6, 2001

Fred Allen
City of Modesto
Recreation and Neighborhoods
Parks Planning Division
1010 I St., Suite 4400
Modesto, CA 95354

Dear Mr. Allen,

Thank you for the opportunity to review the above-referenced document, notice of completion of a draft environmental impact report for the Tuolumne River Regional Park Master Plan which is located between Mitchell and Carpenter Roads in the Modesto Urban Area.

Transportation Planning has circulated these documents through our normal interdepartmental review process and we have the following comment on this project.

The Environmental Branch has the following comments:

- It has come to our attention that if the Master Plan is concluded as is, Section 41 issues within the Department of Transportation Act may arise. State Route 929 passes over the proposed park and bike path. There is no provision, at this time, which addresses the necessity for bridge construction work and temporary construction access. The City of Modesto, Stanislaus County, and the City of Ceres will also have to consider these restrictions if FHWA funding is used to construct their bridges.

- A possible solution would be to identify the bridge right-of-way for transportation. This would document the joint planned use of the land by the County and Cities as well as the park.

The Traffic Operations/Safety Branch has the following comments:

- Caltrans requests the applicant provide a traffic study for this project. Additional comments will be made by Caltrans to determine any mitigation for impacts created by the proposed development.

If you have any questions or concerns regarding this project, please contact John E. Williamson of my staff at (209) 948-7936 or email john_e_williamson@dot.ca.gov.
III. Comments and Responses

Letter J  California Department of Transportation (Caltrans)  
August 6, 2001

J-1 The commentor is concerned that there is no provision, at this time, that addresses the necessity for bridge construction work and temporary construction access by Caltrans. The commentor recommends that the bridge rights-of-way for transportation be identified. The Master Plan does not preclude Caltrans’ access for bridge construction work. Although bridge rights-of-way have not been identified, the JPA acknowledges that Caltrans may need access to the bridge for construction and maintenance activities. Caltrans will be consulted when detailed construction plans are developed to ensure adequate access is provided for bridge maintenance.

J-2 The commentor requests the proponent provide a traffic study for this project. A traffic analysis was conducted to assess the potential impacts to traffic and circulation that would result from implementation of the Master Plan. Potential impacts and mitigation measures are identified on pages IV-A-15 through IV-A-26 of the MEIR.
August 07, 2001

City of Modesto
Recreation and Neighborhoods Department
P. O. Box 642
Modesto, CA 95355

Regarding: Tuolumne River Regional Park Master Plan

Thank you for giving the District the opportunity to comment

ELECTRICAL:

No apparent impacts for the Electrical Division

IRRIGATION:

MID Water Division's primary concern with the Tuolumne River Regional Park is the Proposed construction of facilities within the 100-year floodplain. Two of the major facilities within this area included the Amphitheater and the Sports Complex. The draft MEIR devotes a great deal of time and effort in discussing the facility impacts and the City's plan to mitigate these impacts. MID has reviewed the City's EIR comments and feels the construction issues are adequately covered. However, two items should be noted as the City moves to finalize their EIR. First is the minimum flow of Dry Creek noted in the third paragraph on Page IV-B-4. Our records for this DWR gage show the maximum flow record to be 7710 cfs and occurring December 23, 1955. The second item pertains to the maximum operating flows in the Tuolumne River at Modesto. Historically the maximum flow measured at the Ninth Street Bridge under normal conditions is 9000 cfs. Currently the Army Corps of Engineers and Department of Water Resources are conducting the Sacramento-San Joaquin River Basin Comprehensive Study. As part of this study, modifications to reservoir operations are being considered. This re-operation could result in the doubling of the allowable flood releases from Don Pedro during flood operations. A maximum release of 15,000 to 18,000 cfs is possible and should be used as a guide in the placement of any permanent facilities and equipment.
DOMESTIC WATER:

No comments at this time.

Date: 8-7-01

Beverly Hatcher
Risk and Property Analyst
Letter K  Modesto Irrigation District  
August 7, 2001

K-1 The commentor states that the TRRP Master Plan proposes construction of facilities within the 100-year floodplain and notes that the construction issues are adequately covered. This comment is noted.

K-2 The commentor states that the maximum flow recorded for Dry Creek was 7710 cfs, occurring December 23, 1955. The MEIR has been revised in Chapter II of this Final MEIR to reflect this comment.

K-3 The commentor provides information about modifications to the reservoir operations currently being considered in the Sacramento-San Joaquin River Basins Comprehensive Study. The commentor notes the potential change in the maximum allowable flood releases from Don Pedro dam during flood operations and recommends it be used as a guide in the placement of any permanent facilities and equipment. Any future facility siting under the Master Plan will use the best available information on current and planned operations of Don Pedro dam. Facility siting would take into consideration changes in dam operations that could change the areas designated in the 100-year floodplain or floodway.

K-4 The commentor notes that they have no comments on the issue of domestic water at this time. No response is needed.
To: Fred Allen, Parks Planning and Development manager  
From: Helen Wang, Transportation Planner  
Subject: Draft Master EIR for the Tuolumne River Regional Park Master Plan

Date: August 8, 2001

Thank you for the opportunity to review the above-mentioned Draft MEIR dated May 2001. My comments are as follows:

1. Some numbers in Figure A-2 and Table A-7 Existing Plus Tuolumne River Regional Park Traffic Volumes do not match. Figure A-3 and Table A-9 also need to be matched.

2. Table A-5, Regional Sports Complex Trip Generation. This table only assumes weeknight practices. Weekday practices and weekday games with spectators should be included. City Stockton has a regional four-diamond softball field. It has three games a day on each of the four fields, on all five weekdays. They also have many weekend games. A similar frequency usage should be assumed for the Regional Sports Complex in Modesto in the future Focused EIR.

3. Table A-5. Trip generation assumed for “Saturday Soccer Games on one field (30 players)” seems too low. The traffic impact study assumes that a soccer game would generate 23 in-atri and 9 out-trips before the game and assumes the same numbers of trips after the game. It sees as if no spectators are assumed for the game. Since one field will be a tournament level play field with bleachers, a large number of spectators could be expected. The future focused EIR traffic impact study should analyze games with spectators.

4. With the TRRP development, what is its impact on SR-99/Tuolumne Blvd. ramp intersection? What kinds of traffic control are needed there? The MEIR traffic impact study needs to address the issue.

cc: Firoz Vohra, Traffic Engineer
Letter L  City of Modesto
August 8, 2001

III. Comments and Responses

L-1 The commentor notes that some numbers in Figure A-2 and Table A-7 and Figure A-3 and Table A-9 do not match. The traffic volumes forecasts presented in these tables and figures in the Draft MEIR were inconsistent. Values in the figures were rounded off and values in the tables were not. During the traffic analysis, traffic volumes were generated for each segment of a roadway. For simplification purposes, the figures and tables present one value for the entire roadway rather than present values for each segment of the roadway. In some cases, the values presented in the tables and figures were taken from different segments of the roadway. The analysis for the traffic and circulation chapter were based on the volumes generated for each segment, and not on the simplified figures presented in the tables and figures. The values presented in the two tables have been changed in Chapter II of this Final MEIR to correspond to those in the figures. These changes do not affect the analysis conclusions, impacts or mitigation measures.

L-2 The commentor states that Table A-5 does not assume weekday games and practices at the Regional Sports Complex. The commentor recommends that the frequency of usage assumed for the Regional Sports Complex should be three games a day on five week days in the future Focused EIR. As described on page IV-A-10 of the Draft MEIR, the extent of organized activities at the Sports Complex has not yet been determined. The Sports Complex has been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are developed for the Regional Sports Complex.

L-3 The commentor states that they believe the trip generation assumed for “Saturday Soccer Games on one Field” (30 players) seems too low and recommends the future focused EIR traffic impact study should assume more spectators attending the games. Please see response to comment L-2. Additional environmental review will be conducted when detailed plans for the Sports Complex are developed, and specifically, when the number and types of fields are determined.

L-4 The commentor requests that the MEIR traffic impact study address the potential impact on SR-99/Tuolumne Blvd. ramp intersections with implementation of the TRRP Master Plan. Implementation of the proposed Master Plan could potentially impact the SR-99/Tuolumne Boulevard ramp intersection during large special events. As noted in Mitigation Measure Traffic-1 and Traffic-2, on pages IV-A-23 and 24 of the Draft MEIR, a traffic management plan shall be created which identifies ways to reduce congestion during special events at the amphimeadow and from large special events. Caltrans District 10 will be contacted during the development of the traffic management plans to identify measures to reduce potential congestion on the State Highway system and ramp intersections during these events.
Mr. Patrick Kelly  
Principal Planner  
City of Modesto  
P.O. Box 842  
Modesto, CA 95353

Dear Mr. Kelly:

Based on our review of the Draft Master Environmental Impact Report for the Tuolumne River Regional Park, we have these comments:

Although the noise from the proposed amplified sound is studied for its impact on people, no report was made on its impact on resident and feeding wildlife. Per Jim Niskanen, 10 or more events each year are expected. Therefore, although the impact may be short-term for each event, the cumulative impact must be analyzed. When the numerous events are scheduled during the nesting, chick-raising, and feeding seasons, the cumulative impacts must be considered.

Because the use is expected to be frequent, the study must also include the impact from night lights on the nesting and chick-raising birds, and nocturnal animals.

What consideration was given to reducing these impacts by curtailing amplified sound and night lights so that by dusk the park becomes more compatible with wildlife needs? By encouraging wildlife, the natural aspect of the park will be protected for users seeking an opportunity to enjoy the wildlife. A discussion of the impacts reducing the enjoyment for passive users (walkers, picnickers, and bicyclists) needs to be included.

Pollution from the amphiumeadow was not discussed. Fertilizer and pesticides used to maintain the amphiumeadow (so that sitting will be pleasurable) must be studied. The amphiumeadow is so close to Dry Creek that the designed riparian buffer will not be adequate to filter out pollution and prevent its contamination of Dry Creek and, therefore, the Tuolumne River. Also, has any necessary
mosquito abatement been studied as to its effect on birds and mammals that feed on mosquitoes? Will irrigation water kill the resident oak trees that are targeted for retention?

The loop road was treated as a "given." However, the plan is incomplete unless a "none" or reduced alternative is given for the loop road. Other configurations, or no loop road are alternatives that were frequently requested at the public workshops. The EIR should respect the public concern and address the alternatives. Chapter "I.D. Areas of Controversy" should include the loop road, based on both public comments at the workshops and written comments received by the City of Modesto Recreation and Neighborhoods Department during the outreach process.

One of the questions that needs to be studied is the impact of traffic if the parking is reduced at Gateway. Would reduced parking opportunities encourage more people to use the alternative parking sites and, therefore, reduce the negative impacts of increased traffic on the Ninth Street Bridge. Also, Table II-5 states that the impact would be "short-term." However, the cumulative impact of having regularly scheduled negative impact events should be fully analyzed. Short-term is not the only criteria that should be used—frequency of impact is an important element.

Page II-17 Mitigation Measure Hydro-5 states that the proposed amphimeadow may require surface protection for the banks and surrounding area to prevent scour and erosion. These mitigation measures may cause detrimental impacts on the riparian corridor habitat. This needs to be more fully explained.

Page II-17 Mitigation Measure Hydro-6 states that the proposed pedestrian bridge may require erosion control. These erosion controls may cause negative impacts on the adjacent riparian corridor and need to be fully explained.

How far up Dry Creek will the pedestrian bridge be built? What impact will the location have on birds and mammals using the Tuolumne River riparian corridor? What impact will the location have on foot traffic down to the river? What impact will the location have on animals using Dry Creek riparian corridor—birds and mammals?

The Gateway plan included areas for boat launch. The potential results of having boat launches close to the launch in Legion Park need to be fully explored. What type of activity will close launches encourage? Is the Park equipped to have a launch in Gateway with adequate restroom facilities immediately near the launch? What will be the results if no restroom facilities are immediately nearby?

Page IV-D-18 states that the Cooper's hawk is known to occur in the project vicinity. Since the Cooper's hawk is a California Species of Special Concern, what measures will be taken to reduce the impact on its foraging during the
The Stanislaus County General Plan (1994) emphasizes the conservation and management of natural resources and the preservation of open space lands within the county. There are a number of goals and policies within this element of the general plan which relate directly to the TRRP. Goal 1 of the general plan encourages the protection and preservation of natural and scenic areas throughout the County. Goal 3 reads: Areas of sensitive wildlife habitat and plant life (e.g. vernal pools, riparian habitat, flyways and other waterfowl habitats, etc.) including those habitats and plant species listed in the General Plan Support Document or by state or federal agencies shall be protected from development. This indicates that an amphitheater developed within 50 feet of Dry Creek will violate the Stanislaus County General Plan as well as the Modesto Urban Area General Plan.

Sincerely,

[Signature]

Allison Boucher
Treasurer
III. Comments and Responses

Letter M  Friends of the Tuolumne, Inc.
August 8, 2001

M-1 The commentor requests that the MEIR evaluate cumulative impacts on resident and feeding wildlife from amplified sound when numerous events are scheduled during the nesting, chick-raising, and feeding seasons. Special events, including those at the amphimeadow, have been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. The increase in noise levels in nearby riparian areas from amplification of large special events and events held at the amphimeadow could potentially affect wildlife species, including State and federally-protected species. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed.

M-2 The commentor requests that the MEIR study the potential impact from night lights on the nesting and chick-raising birds, and nocturnal animals. Page IV-D-25 has been revised in Chapter II of this Final MEIR to address this comment. Further clarification has been provided to note that if lighting is provided in the amphimeadow or for large special events, it would be groundward-focused and not spill into riparian habitat.

M-3 The commentor requests that the MEIR include a discussion of the potential reduction of the enjoyment for passive users (walkers, picnickers, and bicyclers) that may occur due to impacts on wildlife from amplified sound and lighting. The Master Plan creates active and passive areas within the park. The more active, people-intensive activities would be focused on the Gateway Parcel. The implementation of Mitigation Measures Noise-2 and Noise-3 (as revised in Chapter II of this Final MEIR) and use of groundward-focused lighting that would avoid glare and light spillage into riparian areas would ensure potential impacts to wildlife from noise and lighting at the amphimeadow would be less-than-significant. In addition, as noted in the response to comment 1-1, implementation of the TRRP Master Plan would result in a net increase in habitat and net benefit for wildlife. Thus, implementation of the Master Plan would not reduce the opportunity for passive users to enjoy wildlife.

M-4 The commentor requests that fertilizer and pesticides used to maintain the amphimeadow should be studied in the MEIR. The commentor is concerned that the designed riparian buffer between Dry Creek and the amphimeadow would not be adequate to filter out pollution and prevent contamination from Dry Creek and the Tuolumne River. A goal of the Master Plan is to minimize or eliminate the use of pesticides and fertilizers that may run off into the river. Page 26 of the Master Plan states, "In general, the TRRP landscape should be maintained without the use of chemical pesticides or herbicides in order to prevent water pollution and harm to wildlife and visitors. In rare circumstances, it may be necessary to use spot applications of these chemicals. This practice should be
kept to a minimum, excluded from the riparian zone near the water’s edge, accomplished with products that biodegrade quickly, and done with respect to the needs of nesting wildlife. Since the majority of the plants are native to the area, and are adapted to the local soil types, use of any type of fertilizer or soil amendment is not recommended, except perhaps in irrigated turf zones (applied only as needed).” In addition, stormwater runoff would also be treated onsite using constructed wetlands and vegetated swales where possible. Runoff from the amphimeadow would be channeled through vegetated swales with plants such as tules, sedges, and cattails, to purify runoff and reducing the amount of non-pint source pollution that enters Dry Creek and the Tuolumne River.

M-5  The commentor asks if mosquito abatement has been studied as to its effect on birds and mammals that feed on mosquitos. Mosquito abatement practices would not change with implementation of the Master Plan.

M-6  The commentor asks if irrigation water would kill the resident oak trees that are targeted for retention. As noted on page IV-D-24 of the Draft MEIR, areas that require summer irrigation, such as lawn, would not be planted in the vicinity of oaks to protect them from fungus infection. An objective of the Master Plan is to protect and enhance sensitive habitats and natural areas including wetlands and riparian corridors, and specifically to preserve and enhance stands of exiting mature trees. The Master Plan has been amended to clarify that irrigation will not be used in close proximity to resident oak trees. If irrigation is necessary adjacent to resident oaks, an arborist would be consulted to ensure that impacts to the existing oaks would not occur.

M-7  The commentor stated that a “no Loop Road” alternative was requested at the public workshops and requests that Chapter I.D. Areas of Controversy include the Loop Road. Revisions have been made in Chapter II of this Final MEIR to reflect this comment. A “no Loop Road” alternative was not examined in the MEIR because it would not reduce any of the potentially significant impacts identified through the environmental review. As described on page 42 of the Master Plan, the Loop Road would facilitate access for the handicapped and those who cannot comfortably walk across the park’s entire width. The road would also provide access for maintenance and operation vehicles into the park. The Loop Road would be 20 feet wide, including one slow moving 12-foot travel lane, and one 8-foot parallel parking lane. The road would be designed with raised textured crosswalks to slow traffic and provide pedestrians a safe crossing. Conceptual drawings show the southern edge of the Loop Road located approximately 500 feet from the Tuolumne River.

M-8  The commentor requests that a traffic analysis be conducted to determine if traffic impacts on the Ninth Street Bridge would be reduced if fewer parking spaces are provided in the Gateway Parcel than is proposed in the Master Plan. The amount of parking provided by the Master Plan was determined considering typical parking demand for a regional park. A total of 925 new spaces are planned throughout the TRRP to accommodate the anticipated increase in park visitation. A reduction in parking supply is not part of the proposed project.

III-43
III. Comments and Responses

noted in Mitigation Measure Traffic-4 and Traffic-5 on page IV-A-25 of the Draft MEIR, an event parking management plan shall be created prior to events held at the amphimeadow and large special events in the Gateway Parcel. During special events it would be possible to provide coordinated bus service from downtown parking lots and garages to the Gateway Parcel to reduce potential traffic impacts. The Master Plan also encourages the use of bicycles as a mode of transportation.

M-9 The commentor requests that the cumulative impact of having regularly scheduled special events with significant short-term traffic impacts be analyzed. The Draft MEIR identified potentially significant short-term increases in traffic when large special events are held in the TRRP. However, the congestion from a large special event held one day would not cumulatively contribute to the congestion caused by a special event held on another day. It is noted that the short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create annoyance by area residents or commuters. Mitigation Measures Traffic-1 and Traffic-2 would reduce traffic impacts associated with special events, however, for a short time immediately before and after an event, congestion would still occur. It is anticipated that large special events could occur up to 10 times per year. Special events in the amphimeadow would likely occur more frequently.

M-10 The commentor is concerned that bank protection to prevent scour and erosion identified in Mitigation Measure Hydro-5 and Hydro-6 may cause detrimental impacts on the riparian corridor habitat. Mitigation Measures Hydro-3, Hydro-5, and Hydro-6 have been revised in Chapter II of this Final MEIR to clarify that where feasible, the most natural bank stabilization approach shall be used for erosion control.

M-11 The commentor requests information about the location of the pedestrian bridge on Dry Creek and potential impacts of the location of the bridge on birds and mammals using the Tuolumne River and Dry Creek riparian corridors. The Master Plan is a conceptual plan. The exact location of the pedestrian bridge has not yet been determined. However, for purposes of the Master Plan, the bridge has been shown to be located approximately 200 feet from the confluence of Dry Creek and the Tuolumne River. The pedestrian bridge would not pose a barrier to the movement of wildlife in the riparian corridors. Although human use of the pedestrian bridge could cause some disturbance to wildlife in the riparian corridor, implementation of the Master Plan would result in a net increase in habitat for wildlife.

M-12 The commentor requests more information about the potential results of having a boat launch in the Gateway Parcel close to the boat launch in Legion Park. The Master Plan proposes boat piers or launches in Legion Park, the Golf Course Area, and the Carpenter Road Area. No boat launches are proposed for the Gateway Parcel. It is assumed that the commentor is referring to the level of use of the boat launches and implying that there would be unwanted activities at the boat launches. These are social considerations and are not considered
environmental impacts. This comment is noted for the record. The JPA will take it under advisement when considering the project.

M-13 The commentor requests information about how special events would affect the foraging of Cooper's hawk. Cooper's hawk forages during the day. As noted in Response to comment I-1, the Gateway Parcel site currently consists primarily of disked open land which provides minimal habitat value. Implementation of the Master Plan would result in a net increase in wildlife habitat. The use of the Gateway Parcel for special events would not substantially diminish the foraging habitat and food for Cooper's hawk or other birds.

M-14 The commentor requests the MEIR evaluate the negative impacts of amplified sound and night lights from the amphimeadow. The amphimeadow has been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. The increase in noise levels at the nearby riparian areas from amplification of large special events and events held at the amphimeadow could potentially affect wildlife species, including State and federally-protected species. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed. Page IV-D-25 of the Draft MEIR has been revised in Chapter II of this Final MEIR to clarify that if lighting is provided in the amphimeadow or for large special events, it would be groundward-focused and not spill into riparian habitat.

M-15 The commentor requests the MEIR evaluate the impediment to animal movement and activity caused by the location of the amphimeadow close to Dry Creek. The commentor states that a riparian vegetative corridor needs more width to offset the effects of large, noisy, and nighttime activities. The Master Plan is a conceptual plan. The exact location of the amphimeadow has not yet been determined. As noted previously, an objective of the Master Plan is to protect and enhance sensitive vegetative and wildlife habitats and natural areas, including maintaining and enhancing wildlife corridors. Implementation of the Master Plan would increase the wildlife habitat value throughout the park and would create a continuous riparian corridor. Although some projects, like the amphimeadow, could potentially present small barriers to wildlife movement, it would not significantly restrict the movement of wildlife. Further, the amphimeadow is identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. At that time, this issue would be examined again.

M-16 The commentor states that not all the negative impacts of the amphimeadow have been identified and that the MEIR should discuss the negative impacts on wildlife and the ability of the public to enjoy the river's atmosphere. The amphimeadow has been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. It is assumed the commentor is referring to the potential impacts of
III. Comments and Responses

noise and lighting associated with events held at the amphimeadow. Impacts Noise-2 and Noise-3 and page IV-D-25 of the Draft MEIR have been revised in Chapter II of this Final MEIR to address these concerns. The commentor questions why an urban location is a necessary criteria for the TRRP. As noted on page III-9 of the MEIR, one of the objectives of the project is to include both active and passive recreation opportunities. For this reason, a location in the urbanized area of the community is most appropriate.

The commentor requests that an analysis should be completed that addresses the conflict between passive uses such as picnicking, bicycling, bird-watching, fishing, and walking and the proposed special events 10 weekends each season. The commentor notes that conflicts can be eliminated by moving activities that do not relate to the river away from the river. An objective of the Master Plan is to protect and enhance sensitive wildlife habitats and natural areas including wetlands and riparian corridors. Another objective of the Master Plan is to create active and passive areas within the park. Specifically, a goal of the plan is to focus the passive activities on the linear and more natural portions of the park, east and west of the Gateway Parcel. The more active, people-intensive activities would be focused on the Gateway Parcel, where vehicular access is good and the noise and intensity of these uses will not be disruptive to the passive areas of the park.

The commentor states that they do not agree with a statement in the Draft MEIR that the TRRP Master Plan is consistent with the Modesto Urban Area General Plan or the Stanislaus County General Plan. The commentor specifically states that because the amphimeadow is designed to be only 50 feet from Dry Creek, it would violate the intent of the General Plan of enhancing the riparian area in a natural manner, stating that concerts are not dependent on such resources. The Master Plan is a conceptual plan and the exact location of the amphimeadow has not yet been determined. An increased set-back is worthy of study when detailed design and grading plans are developed. An objective of the Master Plan is to protect and enhance sensitive wildlife habitats and natural areas including wetlands and riparian corridors. Implementation of the Master Plan would result in a net increase in wildlife habitat, and both active and passive recreation opportunities. The amphimeadow would be located outside of the Dry Creek riparian corridor. Enhancement of the riparian vegetation in Dry Creek would occur under the Master Plan. Potential impacts from events held at the amphimeadow on wildlife in the Dry Creek riparian corridor would be reduced to a less-than-significant level with implementation of Mitigation Measures Noise-2 and Noise-3, as revised in Chapter II of this Final MEIR.
Mr. Patrick Kelly, Principal Planner  
City of Modesto  
P.O. Box 642  
Modesto, CA 95353

re: Draft MEIR Tuolumne River Regional Park

Dear Mr. Kelly,

I have several minor questions and then a comment about this document.

The several discussions on traffic to and from the various planned activities and facilities speak only to the parking problems. What about the annoyance, and possible danger, to the neighbors from the increased traffic on their streets?

On page IV-B-13, Mitigation Measure 1 speaks of using a chemical stabilizer. Is it hazardous to wildlife long- or short-term? How long will it take to break down? How long to migrate to the river?

On pages IV-C-2 --15, the description of the noise degradation does not include the effects on the resident wildlife. Since one of the goals of this plan is supposedly to encourage wildlife to come to the area, their likely reaction to the noise degradation we will be inflicting on them should be discussed.

Page IV-D-24 mentions boat launching piers. How many?  
Page IV-D-25 talks about overlooks and access piers. Are these in addition to
the boat piers! How many are planned!

I would also question the completeness of the draft MEIR. On page VII-E it is stated that the sole justification for choosing the absolute worst of the four possible plans is that there is no alternative convenient site for the ten-plus festivals planned for the Gateway Parcel. Since there ARE convenient alternative sites, I believe that the MEIR must examine each one and explain why it is not acceptable.

The most obvious example of an alternative venue is Thurman Field -- quite near by -- easy to get to -- has seating for 4,000 and ample parking. The concession facilities are also in place. We just spent a good deal of money to make this a very nice facility. Why can it not being used for the festivals?

Graceland Park is also nearby, convenient and is used for festivals. Why is it not acceptable for these ten-plus?

Other gatherings have been held successfully in roped-off streets downtown. Again, convenient with plenty of parking. Why is that not an acceptable alternative?

I'm sure there are more sites than those that could be used if one wanted to look for them. To ruin what could be a perfectly lovely spot with a plan that has so many "unavoidable" negative consequences on the flimsy -- and incorrect -- excuse that "there are no alternative sites" is just not acceptable.

Sincerely,

[Signature]

Caroline Mitton,
Conservation Co-chair
Letter N  
Sierra Club, Yokuts Group, Mother Lode Chapter  
August 8, 2001

N-1 The commentor requests the MEIR evaluate the annoyance and possible danger to the neighbors from increased traffic on their streets from TRRP activities and facilities. As noted on page IV-A-15, the short-term increase in traffic from events at the Gateway Parcel would create a noticeable increase in traffic congestion above typical patterns, which could create annoyance by area residents or commuters. As required by Mitigation Measures Traffic-1 and Traffic-2 on page IV-A-23 of the Draft MEIR, traffic management plans shall be create which identifies ways to reduce congestion during special events.

N-2 The commentor notes that Mitigation Measure Air-1 on page IV-B-13 of the Draft MEIR describes the use of a chemical stabilizer (to reduce dust emissions from construction activities). The commentor requests information about the potential impacts of the chemical stabilizer on wildlife and how long it will take to breakdown and migrate to the river. Mitigation Measure Air-1 has been revised in Chapter II of this Final MEIR to address this comment.

N-3 The commentor notes that the discussion of noise degradation on page IV-C-2 and IV-C-15 does not include the effects on the resident wildlife. Special events, including those at the amphimeadow, have been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available. The increase in noise levels at the nearby riparian areas from amplification of large special events and events held at the amphimeadow could potentially affect wildlife species, including State and federally-protected species. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed.

N-4 The commentor asks how many boat launches, overlooks, and access piers are proposed in the Master Plan. The Master Plan designates river access points to focus human activity along the riverfront in specific areas in order to limit human disturbance in the riparian corridor. Table III-2 identifies the type of proposed river access points and where they would be located in the TRRP.

### Table III-2  
TRRP River Access Points

<table>
<thead>
<tr>
<th>Area of TRRP</th>
<th>River Overlook</th>
<th>Fishing Pier</th>
<th>Canoe and Kayak Launch</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Area</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Legion Park</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Gallo/Mancini Area</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gateway Parcel</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Golf Course Area</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Carpenter Road Area</td>
<td>1</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>7</strong></td>
<td><strong>2</strong></td>
<td><strong>3</strong></td>
</tr>
</tbody>
</table>
The commentor requests that the MEIR evaluate alternative sites for large special events and explain why they are or are not acceptable alternatives to holding the events in the Gateway Parcel. The commentor recommends Thurman Field, Graceada Park, and roped-off streets downtown as alternative sites for special events.

As noted on page VII-8 of the Draft MEIR, "one of the main objectives of the Master Plan is to provide a variety of recreational experiences, including opportunities for both active and passive activities." The opportunities provided by the Tuolumne River for joint restoration and recreation are not afforded by other locations within the region." An advantage of the Gateway Parcel is that it could be designed to accommodate regional community events and provide an opportunity for people to enjoy the natural environment and learn about the natural riparian processes of the region. Also noted on page VII-8, holding special events would result in significant short-term traffic, parking, and air quality impacts in any conceivable location within an urban area.

Thurman Field is a Class A minor league baseball field that seats approximately 4,000 people. The field’s parking lot accommodates approximately 2,500 vehicles. Thurman Field is owned by the City of Modesto and is not under the control of the JPA. Scheduling conflicts could occur during the baseball season. Although Thurman Field could possibly be used for concerts in the future, the field is not suitable for the type of daytime regional community events envisioned to be held in the Gateway Parcel of the TRRP. Although regional events could be accommodated on the baseball field, it does not have a natural setting. Thus, this location would not provide the opportunity for people throughout the region to enjoy and learn about the Tuolumne River and its natural processes before or after the scheduled special event. Although Thurman Field’s parking lot would accommodate more visitors than the parking proposed in the Gateway Parcel, parking demand would exceed supply during large special events. Holding large special events at Thurman Field would not avoid the identified parking traffic, and air quality impacts of the Master Plan.

Graceada Park is a 12-acre park located to the north of Downtown Modesto. The park also includes and a 2,500-person amphitheater and play equipment. Seasonally, "concerts in the park" are held in the park’s amphitheater. No parking is provided within the park so during these events, parking spills into the surrounding residential neighborhood. The park is owned by the City of Modesto and is not under the control of the JPA. There is no direct access from the regional highways so park visitors would have to drive through the City of Modesto to reach the park for regional events, resulting in increased traffic impacts. The park is not designed to accommodate large regional community events and would not avoid the identified parking, traffic, and air quality impacts of the Master Plan.
Streets in downtown Modesto have been roped off for large events such as the X-Fest in the past. For these types of events, it is convenient to have easy access to restaurants and bars in downtown Modesto. Although large regional special events could be accommodated by roping off the streets of downtown Modesto, the downtown location would not provide the natural opportunities afforded by a location adjacent to the Tuolumne River. Although the parking supply in downtown would most likely be able to meet the demands of event visitors on weekends, this alternative would not avoid the identified traffic and air quality impacts of the TRRP Master Plan. In addition, to increase the number of annual events in the downtown where vehicle access would be limited may not be desirable for local merchants.
August 8, 2001

Fred Allen
Manager
Parks Planning and Development
1010 10th Street, Suite 4400
Modesto, CA 95354

SUBJECT: ENVIRONMENTAL REFERRALS, TUOLUMNE RIVER REGIONAL PARK (TRRP) MASTER PLAN - CITY OF MODESTO

Mr. Allen:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has no comments at this time.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

[Signature]

W. Richard Jantz, Deputy Executive Officer
Keith D. Bosga, Senior Management Consultant
Environmental Review Committee

KDB:sh

cc: ERC Members
Letter O  Stanislaus County Environmental Review Committee
August 8, 2001

O-1 The commentor states that they have reviewed the TRRP Master Plan MEIR and have no comments at this time. This comment is noted, no response is needed.
August 8, 2001

Mr. Fred Allen
Parks Planning and Development Manager
City of Modesto
1010 Tenth Street, Suite 4400
P.O. Box 642
Modesto, CA 95353
(209)577-5344
(209)579-5077

Dear Mr. Allen:

I have read the Draft Master Environmental Impact Report for the Tuolumne River Regional Park and have the following comments:

The EIR must fully evaluate construction and post-construction impacts when proposing permanent public access facilities within the Tuolumne River and Dry Creek floodplains. In addition, the EIR must also consider both the duration and frequency of potential impacts.

Mitigation Measures Bio-2 and 3 make mention of implementing sediment runoff controls, however language regarding the maintenance of these controls, silt fences in particular, needs to be included for these devices to be effective. Storm events (i.e. rain, wind), and vandalism diminishes the effectiveness of these controls; hence, appropriate measures need to be in place to properly maintain these sediment control devices.

Be advised that under the Endangered Species Act, harassment is the equivalent of a "take", therefore construction activities near the river channel, either on Dry Creek or the Tuolumne River, should coincide with periods when ESA recognized species are not likely to be in the river in appreciable numbers. In addition, post-project noise and activities from the proposed special events included in the Master Plan has the potential to impact or harass ESA species. These potential impacts to ESA species must be considered and addressed.
In general, activities that do not relate to the river, such as special events, should not be conducted near the river; hence, the location of the amphimeadow should be reconsidered to eliminate conflicts with recreational activities related to the river. If this alternative is not feasible at this stage, then pollution sources originating from the amphimeadow needs to be discussed. Of particular concern would be solid waste (food and beverage containers, cigarette butts, etc.,) and surface runoff entering Dry Creek. The amphimeadow, as designed, is very close to Dry Creek such that the riparian buffer may not be adequate to filter out surface runoff pollution and prevent its contamination of Dry Creek and the Tuolumne River. In addition, the amphimeadow’s proximity to Dry Creek would likely encourage foot traffic down to the river and increase the probability of solid waste inputs to Dry Creek. Obviously, the Master Plan has the greatest potential for producing these impacts.

The impacts of fertilizer and pesticide use in public areas of the TRRP to riparian and aquatic habitat must be evaluated.

Please consider these comments in your final TRRP plan.

Sincerely,

Cesar Cadana Blanco, Ph.D.
Fishery Biologist
U.S. Fish and Wildlife Service
Stockton Fish and Wildlife Office
4001 North Wilson Way
Stockton, CA 95205
(209)946-6400 ext 305
Letter P  United States Department of the Interior Fish and Wildlife Service  August 8, 2001

P-1  The commentor states that the MEIR must fully evaluate construction and post-construction impacts when proposing permanent public access facilities within the Tuolumne River and Dry Creek floodplains, and the duration and frequency of potential impacts. The MEIR has identified construction and post-construction environmental effects that could result with implementation of the TRRP Master Plan. Because the TRRP Master Plan is a long-range plan, additional design work would be completed prior to the implementation of individual park improvement projects. The MEIR identifies subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in this MEIR. When detailed implementation plans are developed for these Master Plan projects, additional environmental review would be required.

P-2  The commentor requests that language in Mitigation Measures Bio-2 and Bio-3 regarding the maintenance of sediment runoff controls, and silt fences in particular, be included in the MEIR. Mitigation Measures Bio-2 and Bio-3 have been revised in Chapter II of this Final MEIR to address this comment.

P-3  The commentor states that construction activities near the river channel, either on Dry Creek or the Tuolumne River should coincide with periods when ESA recognized species are not likely to be in the river in appreciable numbers. Mitigation Measure Bio-3 has been revised in Chapter II of this Final MEIR to address this comment.

P-4  The commentor states that post-project noise and activities from the proposed special events included in the Master Plan has the potential to impact or harass ESA species, and must be addressed in the MEIR. The increase in noise levels at nearby riparian areas from amplification of large special events and events held at the amphimeadow could potentially affect wildlife species, including State and federally-protected species. Impacts Noise-2 and Noise-3 have been revised in Chapter II of this Final MEIR to clarify the potential impacts associated with project-generated noise. Mitigation Measures Noise-2 and Noise-3 have been expanded to ensure that potential noise impacts to State and federally-protected wildlife species are addressed. In addition, special events, including those at the amphimeadow, have been identified as a subsequent project in the MEIR. Additional environmental review will be conducted when detailed plans are available.

P-5  The commentor recommends that the location of the amphimeadow should be reconsidered to eliminate conflicts with recreational activities related to the river. This comment is on the Master Plan and not the MEIR. This comment is noted for the record, no response is needed.
The commentor requests the MEIR discuss pollution sources originating from the amphimeadow, particularly solid waste (food and beverage containers, cigarette buts, etc.) and surface runoff entering Dry Creek. The commentor is concerned that the riparian buffer between the amphimeadow and Dry Creek would not be adequate to filter out surface runoff pollution and prevent its contamination of Dry Creek and the Tuolumne River. Event organizers would be responsible for event maintenance and would be required to clean-up any refuse left by people attending the event. See response to comment M-4 for a discussion of the creation of stormwater wetlands and vegetative swales to purify runoff and reduce the amount of non-point source pollution that enters Dry Creek and the Tuolumne River.

The commentor requests the MEIR evaluate the impacts of fertilizer and pesticide use in public areas of the TRRP to riparian and aquatic habitat. A goal of the Master Plan is to minimize or eliminate the use of pesticides and fertilizers that may run off into the river. See response to comment M-4 for a discussion of the use of pesticides and fertilizers in the TRRP and the creation of stormwater wetlands and vegetative swales to purify runoff and reduce the amount of non-point source pollution that enters Dry Creek and the Tuolumne River.
DRAFT MASTER ENVIRONMENTAL IMPACT REPORT

for the

TUOLUMNE RIVER REGIONAL PARK
MASTER PLAN

TRRP Joint Powers Authority

SCH# 2000022028

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1010 Tenth Street, Suite 4400
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Contact: Patrick Kelly, Principal Planner

PREPARED BY:
EDAW, Inc.
753 Davis Street
San Francisco, CA 94111

May 2001
# Tuolumne River Regional Park (TRRP) Master Plan
Draft Master Environmental Impact Report (MEIR)

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CHAPTER I. IMPLEMENTATION AND USE OF THIS MEIR

This Draft Master Environmental Impact Report (MEIR) has been prepared to provide an environmental assessment of the proposed Tuolumne River Regional Park (TRRP) Master Plan. The TRRP Master Plan is a long-range plan for a proposed riverfront park south of Downtown Modesto, California. Most of the land is along the northern bank of the river; however, there are some parcels of parkland along the south bank as well. The project site is over 500 acres and is along a seven-mile stretch of the Tuolumne River, generally bounded by Mitchell Road to the east and Carpenter Road to the west. The Master Plan provides a long-range vision for the park to guide projects that are intended to enhance the natural environment as well as recreational and educational opportunities at the park.

This Draft MEIR has been prepared to inform the City of Modesto, the City of Ceres, County of Stanislaus, responsible and trustee agencies, and the public of the environmental consequences of implementation of the TRRP Master Plan. The TRRP would be funded through a Joint Power Agency (JPA) including the City of Modesto, City of Ceres, and County of Stanislaus. The City of Modesto is the Lead Agency for CEQA Review; the City of Ceres and the County of Stanislaus are Responsible Agencies. This Draft MEIR has been prepared in accordance with and in fulfillment of the California Environmental Quality Act (CEQA) (Public Resources Code Sections 21000-21177) and the State CEQA Guidelines (California Code of Regulations Title 14, Chapter 3, Sections 15000-15387).

A. PURPOSE OF THIS MEIR

This EIR has been prepared as a Master EIR, which may be prepared for a general plan, element, general plan amendment, specific plan, or a project that consists of smaller individual projects which will be carried out in phases (Public Resources Code, Section 21157 (a)). The City of Modesto has prepared this Draft MEIR to assess the impacts of implementation of the TRRP Master Plan and identify appropriate mitigation measures for potentially significant environmental impacts.

Section 21157(b) of the Public Resources Code describes the minimum required contents of a MEIR. Consistent with Public Resources Code Section 21156, it is the intent of this MEIR to “evaluate the cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment of subsequent projects to the greatest extent feasible.” The MEIR may also identify subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the MEIR.

The purpose of this MEIR is to identify environmental effects that could result with implementation of the TRRP Master Plan. This MEIR is an informational document that is to be used in the planning and decision-making process. It is not the purpose of an MEIR to recommend approval or denial of a project. CEQA requires decision-makers to balance the benefits of a proposed project against its environmental consequences. If environmental impacts are identified as significant and unavoidable, the City of Modesto,
I. Implementation and Use of This MEIR

City of Ceres, and County of Stanislaus may still approve the project if they find that social, economic, or other benefits outweigh the unavoidable impacts. The City of Modesto, City of Ceres, and County of Stanislaus would then be required to state in writing the specific reasons for approving the project based on information contained in the MEIR and other information in the record. This reasoning is called a "Statement of Overriding Considerations" (CEQA Guidelines, Section 15093).

Because the TRRP Master Plan is a long-range plan, additional design work would be completed prior to the implementation of individual park improvement projects. As allowed by the Public Resources Code, Section 21157(b)(3), this MEIR identifies subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in this MEIR.

These projects are as follows:

- Landfill closure plan and subsequent development over the landfill
- Regional sports complex
- Special events, including those at the amphimeadow
- Treatment plant redesign or relocation¹
- Removal of Dennett Dam
- River overlook and fishing piers (not specifically located)
- Development and grading of children’s playgrounds and projects in the former ranch complex in the Gateway Parcel (with regards to hazardous materials site investigations only. Discussion provided in chapter IV-G).
- Development and grading for projects in all areas of the TRRP except the Gateway Parcel (with regards to hazardous materials site investigations only. Discussion provided in chapter IV-G)².

These subsequent projects have been reviewed in some topical sections where meaningful analysis was possible. Thus, some impacts and mitigation measures included in this MEIR address these subsequent projects. However, these analyses

¹ The Master Plan states that in the future it may be possible to expand the Carpenter Road Area of the TRRP by upgrading the treatment plant and consolidating the treatment ponds. However, future redesign of the water treatment plant is not considered part of the Master Plan.
² Because detailed engineering design plans are not available, some site-specific hazardous materials investigations have not yet been conducted. Site investigations (as specified in chapter IV-G) are required prior to development or grading of areas within the former ranch complex area (identified in Figure G-1) and development of children’s playgrounds in the Gateway Parcel. A Phase I site assessment is required prior to development or grading for projects in all areas of the TRRP, exclusive of the Gateway Parcel, which has been the subject of a Phase I analysis.
I. Implementation and Use of This MEIR

should not be construed as a full environmental assessment for these project components.

When detailed implementation plans are developed for these Master Plan projects, additional environmental review would be required pursuant to Public Resources Code Section 21157.1. If the City of Modesto determines, based on an Initial Study, that a proposed subsequent project will have no additional significant effect on the environment that was not identified in the Master EIR, then the City of Modesto shall make a written finding based on the Initial Study that the subsequent project is within the scope of the project covered by the Master EIR (Public Resources Code 21157.1). No new environmental documentation or findings shall be required in this case. Conversely, if a finding is made that the proposal may cause a significant environmental effect not studied in the Master EIR, subsequent focused environmental documentation will be prepared.

B. FOCUS OF THIS MEIR

The focus of this Draft MEIR was established after considering comments from public agencies and the community regarding the proposed project. An Initial Study and Notice of Preparation (NOP) was prepared in July 2000. From the responses to the NOP, the City of Modesto made a determination of which probable environmental effects need to be studied further in this MEIR and which environmental effects require no further analysis. The NOP and Initial Study are provided as Appendix A of this report.

Issues that are addressed in this MEIR include the following:

A. Traffic and Circulation Needs
B. Degradation of Air Quality
C. Generation of Noise
D. Loss of Sensitive Wildlife and Plant Habitat
E. Disturbance of Archaeological or Historical Sites
F. Flooding and Water Quality
G. Exposure to Hazardous Materials
H. Increased Demand for Fire Services

C. ENVIRONMENTAL EFFECTS FOUND NOT TO BE SIGNIFICANT

As allowed by Section 15063 of the CEQA Guidelines, several issues were identified as "not significant" or "less-than-significant" in the Initial Study (Appendix A), and are not addressed in this MEIR. These resource topics are as follows:
I. Implementation and Use of This MEIR

1. Increased Demand for Long-Term Water Supplies

The proposed project would have no significant effect on demand for long-term water supplies. The TRRP would only require minor extensions of water-related utilities, such as water pipelines for a limited number of restrooms and drinking fountains, primarily at the Gateway Parcel. The majority of the vegetation proposed for park is composed of native plants which will only require irrigation during a short period of initial establishment. The park will also require minor extensions of permanent water lines for use in the irrigation of a turf grass zone in the Gateway Parcel and for play fields in the Carpenter Road Area.

2. Loss of Productive Agricultural Land

The Gateway Parcel is designated Prime Farmland by the California Department of Conservation on the 1990 Stanislaus County Important Farmlands Map. Loss of agricultural land within the designated urban area boundary of Modesto was analyzed in the Master EIR for the Urban Area General Plan, 1995. Through this process, the City of Modesto acknowledged and made findings that if development was within the Baseline Developed Area as identified on the General Plan Growth Strategy Diagram, the project shall be considered to have a minimal effect on the conversion of agricultural lands, and no mitigation would be required (Modesto, 1995). Those areas on the north side of the Tuolumne River are within this boundary, including the Gateway Parcel. Further, the Mancini area (which is on the south side of the river) is not designated as Prime Farmland. No farmland would be converted outside the City of Modesto. For these reasons, the TRRP Master Plan is not anticipated to result in loss of productive agricultural land.

3. Landslides and Seismic Activity

There are no known active faults in the project area that would expose people or structures to potential, substantial adverse effects. The current Uniform Building Code indicates that Modesto is in the lower risk zone (Zone 3) for seismic activity. As no inhabitable structures would be constructed as part of the proposed project, there would be no impact related to seismic hazards, and issues associated with expansive soils are not considered significant. Because the general land slopes along the river banks are relatively slight, the potential for slope failures due to seismic activity is not significant.

4. Increased Demand for Sanitary Sewer Facilities

The increased demand for sanitary sewer facilities for the TRRP would be not be significant. New sanitary sewer facilities would be limited to a small number of restrooms, which would be constructed in the Carpenter Road area and on the Gateway Parcel. These facilities would comply with the wastewater treatment requirements of the Regional Water Quality Control Board. They would not result in the construction of new water or wastewater treatment facilities, the expansion of existing facilities, or cause significant environmental effects.

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3 City of Modesto, Final Master EIR of the Urban Area General Plan, 1995. Figure 4-1.
5. Increased Demand for Water Distribution Facilities

The proposed project would have no significant effect on demand for water distribution facilities. The TRRP would only require minor extensions of water-related utilities, such as water and wastewater pipelines for a limited number of restrooms and drinking fountains, primarily in the Gateway Parcel. The majority of the vegetation proposed for park is composed of native plants which would only require irrigation during a short period of initial establishment. The park would also require minor extensions of permanent water lines for use in the irrigation of a turf grass zone in the Gateway Parcel and for sports fields in the Carpenter Road Area.

6. Increased Demand for Storm Drainage Facilities

Development on the TRRP site, including roadways, parking areas, and multi-use trails would increase the amount of impervious surfaces, which may generate a small increase in runoff. This small increase in runoff would not require the construction of new storm drainage facilities or the expansion of existing facilities. Runoff would be distributed to the "stormwater wetlands" and vegetated swales within the park in order to filter the water before it reaches the river.

7. Increased Demand for Solid Waste Facilities

The project would involve activities that would generate small amounts of solid waste requiring collection, transportation, and disposal. In accordance with State-mandated recycling requirements, some solid waste reduction would be achieved through source reduction and recycling. Solid waste would be collected on site using trashcans spaced through out the park. Standard transportation and disposal methods would be followed. Solid waste generated by park visitors is not expected to substantially affect local landfill capacity or solid waste disposal services.

8. Increased Demand for Energy

Construction and operation of the project would require minimal use of electricity for night lighting along selected portions of the main trail, the amphimeadow, and the sports complex. California is experiencing a shortfall in electrical generation capacity. The State is pursuing comprehensive solutions to the current crisis. While any new development would increase electrical demand, the project's electrical demand is small enough to be served by the existing generation and transmission system. The project would not require additional facilities or substantial additional generation. Some gasoline would be consumed by construction and maintenance vehicles. The TRRP trail network would provide a convenient and important non-motorized transportation option for local residents, potentially reducing their overall use of gasoline for local transportation.

9. Increased Demand for Police Services

The Modesto Police Department maintains a service ratio of 1.65 police officers per 1,000 citizens, and can answer most emergency calls within 3-5 minutes (City of
I. Implementation and Use of This MEIR

Modesto, 1995). The Police Department operates out of two main facilities; 601 11th Street and 12th and F Streets. The proposed project would likely require additional police patrols daily for enhanced security due to the increased number of park users. Special events would require additional police presence for the duration of the event. These additional patrols would not substantially affect service ratios, response times, or other performance. No new police facilities would be needed as a result of the project (Joe Aja, Modesto Police Department, Personal Communication, November 21, 2000).

10. Increased Demand for Park Facilities and Open Spaces

Implementation of the proposed project would greatly increase the amount of parkland available and accessible to the public, thereby taking pressure off of other recreational facilities in the area. The proposed project would not increase the use of other neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of those facilities would occur.

The proposed project may also require additional parks personnel to maintain and administer the additional facilities and activities envisioned for the TRRP. The TRRP would be funded independently through the JPA, which includes the City of Modesto, City of Ceres, and County of Stanislaus. The number of additional parks personnel needed would not substantially reduce the Cities’ and County’s ability to provide such services elsewhere.

11. Increased Demand for School Facilities

The proposed project would not require additional school facilities as no students are anticipated as a result of project development.

12. Visual Resources

The TRRP Master Plan is located adjacent to the Tuolumne River, a significant natural landscape feature. The visual experience of the river corridor includes areas that are of high visual quality, and other areas where the visual environment has been degraded by urban development. Along the river corridor, the area with the highest existing visual quality is the eastern-most portion of the park, which supports a majestic, mature oak woodland on the north bank. The project would not damage existing scenic resources, including but not limited to significant or unique trees, rock outcroppings, or significant historic resources. The mature oak woodland would be preserved.

The natural environment in other reaches of the park has been degraded, resulting in an overall lower visual quality. These more degraded portions of the park are highly visible (i.e., the Gateway Parcel, Carpenter Road) from the Seventh Street, Ninth Street and Highway 99 bridges. Extensive planting of the project area would improve its appearance.
1. Implementation and Use of This MEIR

13. Mineral Resources

The project site is not known to contain any mineral resources that are important to the region or the State. The project site is not known to contain locally important mineral resources and none of these resources are delineated on a local plan, specific plan or other land use plan.

D. AREAS OF CONTROVERSY/ISSUES TO BE RESOLVED

The TRRP Master Plan was prepared through an interactive process that involved the public as well as representatives of local, regional, State, and federal agencies, including monthly interaction with the TRRP Citizen’s Advisory Committee (CAC), which was appointed by the TRRP Commission. These outreach efforts, and the comments gathered through the NOP process, revealed the following issues:

- Several commentors on the NOP were concerned about the size of the proposed amphimeadow. In addition, a few commentors stated that the TRRP should not include this use.
- Concern was expressed about the potential for the proposed project to negatively affect fish and wildlife resources.
- Traffic and parking impacts during special events were identified as potential issues.
- Several commentors noted that vegetation removal and ground disturbing activities could result in erosion impacts, which in-turn could be harmful to fish and spawning habitat.
- The potential for negative impacts on cultural resources was identified.
- Security issues were identified for current and future park users.
- Several commentors were concerned about the effect of the park on homeless people.
- Issues related to flood control, including possible inundation of the amphimeadow, were raised.

This list reflects issues that appear to be of most concern to the community. All of the comments gathered during the NOP scoping process were considered in the development of this MEIR. In particular, issues that raise significant environmental impact concerns are addressed. However, several issues are related to the merits of the project and the discretionary approval process. In addition, social and economic issues are not the subject of this environmental analysis (pursuant to Section 15131 of the CEQA Guidelines). Ultimately, the City of Modesto, City of Ceres, and County of Stanislaus must determine whether the proposed project is appropriate from a social standpoint through the discretionary approval process.
I. Implementation and Use of This MEIR

F. REPORT ORGANIZATION

This Draft MEIR is organized into the following chapters:

I. Implementation and Use of the MEIR.

II. Summary. Provides an introduction and overview describing the focus of this MEIR and the environmental review process. This chapter summarizes environmental consequences that would result from development of the proposed TRRP Master Plan, provides a summary table that denotes anticipated significant environmental impacts, describes recommended mitigation measures, and indicates the level of significance of impacts before and after mitigation.

III. Project Description. Describes the existing environmental setting of the project site and components of the proposed TRRP Master Plan. For more detail regarding the Master Plan, please refer to the TRRP Draft Master Plan (EDAW 2000), which is available from the City of Modesto.

IV. Environmental Analysis. Provides an analysis of the potential environmental impacts of the proposed Master Plan, and presents recommended mitigation measures to reduce their significance.

V. Cumulative Impacts. Provides a summary of the proposed TRRP Master Plan’s incremental effect when added to other, closely related past, present or reasonably foreseeable, probable future projects. This information is also presented in each of the topical sections in Chapter IV.

VI. Growth Inducing Impacts. Provides an analysis of how the proposed TRRP Master Plan, if implemented, could induce economic or population growth.

VII. Alternatives to the Project. Considers a range of reasonable alternatives to the project that could reduce one or more of the significant environmental impacts identified in Chapter IV, while still meeting the objectives of the project. (The project objectives are presented in Chapter III). This chapter also includes an analysis of the No Project Alternative, as required by CEQA.

VIII. References Cited. Identifies the organizations and persons consulted, and references of this Draft MEIR.

IX. Preparers of this Report. Identifies the preparers of this report.

F. ENVIRONMENTAL REVIEW PROCESS

Consistent with the requirements of CEQA, an Initial Study was prepared in July 2000 to determine whether implementation of the TRRP Master Plan, without mitigation, may have a significant environmental effect and if an MEIR should be prepared (CEQA Guidelines Section 15063). The City of Modesto determined that a MEIR should be prepared for the TRRP Master Plan. A good faith effort has been made during the
preparation of this MEIR to contact and consult with affected agencies, organizations, and persons who may have an interest in this project.

The City of Modesto has filed a Notice of Completion (NOC) with the Governor’s Office of Planning and Research, State Clearinghouse indicating that this Draft MEIR has been completed and is available for review and comment by the public. A Notice of Availability of the Draft MEIR has been published in the Modesto Bee concurrently with distribution of this document. A 45-day review period (from the date from the Notice of Availability) will be provided for the Draft MEIR. During this time, public agencies and the general public may review the document and submit comments on the adequacy of the Draft MEIR. A public hearing will be held during the 45-day period to receive comments on the Draft MEIR. A notice including the date, time, and location for the public hearing will be published in the Modesto Bee when the details have been finalized.

Reviewers of this Draft MEIR should focus on the sufficiency of the document in identification and analysis of the possible impacts of the project on the environment, and the ways in which the significant effects of the project might be avoided or mitigated.

Comments may be made on the Draft MEIR either in writing, before the end of the comment period, or orally during the public hearing. Following the close of the public comment period, responses to significant environmental points raised in comments on the Draft MEIR will be prepared and published as a separate document. The Draft MEIR text and technical appendices, together with the responses to the comments document, will constitute the Final MEIR.

Written comments on the Draft MEIR should be delivered to:

Mr. Patrick Kelly
Principal Planner
City of Modesto
P.O. Box 642
Modesto, CA 95353

The City of Modesto will review the Final MEIR for adequacy and consider it for certification pursuant to the requirements of Section 15090 of the State CEQA Guidelines. If the City of Modesto certifies the Final MEIR and the City of Modesto, City of Ceres, and County of Stanislaus decide to approve the TRRP Master Plan, findings on the feasibility of reducing or avoiding significant environmental effects will be made and, if necessary, a Statement of Overriding Considerations will be prepared. If the Cities and the County approve the Master Plan following completion of these tasks, a Notice of Determination will be prepared and filed with the State Clearinghouse and Stanislaus County Clerk. The Notice of Determination will include a description of the project, the date of approval, an indication of whether findings and a Statement of Overriding Considerations were prepared, and the address where the Final MEIR and record of project approval are available for review.
I. Implementation and Use of This MEIR

If the TRRP Master Plan MEIR is certified and the project is approved, subsequent environmental review of projects determined to be within the scope of the MEIR would be limited to the requirements described in the adopted mitigation measures for the project. City of Modesto review of subsequent projects, as outlined in the MEIR, would occur as detailed designs of the project are developed. At that time, if the City finds, pursuant to Section 15177 of the CEQA Guidelines, that no new effects could occur or no new mitigation measures would be required resulting from development of the subsequent project, the City can approve the activity as being within the scope of the project covered by this MEIR, and no new environmental documentation would be required. However, if a subsequent project would have significant environmental effects that were not examined in this MEIR, additional environmental review would be required (CEQA Guidelines Section 15178(c)(1)).

In the event that National Environmental Policy Act (NEPA) review is required, the existing setting section of this MEIR will serve as the "affected environment" for the NEPA analysis. If NEPA analysis is required to implement any action addressed by the TRRP Master Plan, this MEIR should be reviewed by the federal lead agency and used to the extent feasible for the NEPA documentation.
CHAPTER II. SUMMARY

This summary presents an overview of the environmental review and analysis of the proposed Tuolumne River Regional Park (TRRP) Master Plan, as contained in Chapter IV of this Draft MEIR. A summary of the environmental impacts and mitigation measures identified in the body of this report is found at the end of this section. The significance of each impact after mitigation is noted as follows: (S) significant adverse impact, (LTS) less-than-significant adverse impact, and (SU) significant and unmitigable impact. The summary is organized by the topical sections of this report. Detailed discussions are found within each of the applicable sections contained in Chapter IV.

A. PROJECT UNDER REVIEW

The TRRP Master Plan describes the joint plans by the City of Modesto as Lead Agency, the City of Ceres, and the County of Stanislaus to create a riverfront park along a seven-mile stretch of the Tuolumne River. The project area lies along the north bank of the river between Carpenter Road to Mitchell Road. The project area consists of City of Modesto property as well as unincorporated County property. In addition, non-contiguous portions of the south bank are included within the project. The Master Plan provides a long-range vision for the park including overall guidance for the conservation and improvement of the park. The Master Plan focuses on ecological restoration, enhancement of recreational amenities, and flood protection. Proposed improvements include a children’s play area, outdoor amphitheater, fishing piers, pedestrian and bicycle bridges, a regional sports complex, and parking lots. Other improvements include riparian restoration, creation of stormwater wetlands, and a pedestrian and bicycle trail system. A more detailed description of the project is provided in Chapter III.

B. MITIGATION MEASURES

This Draft MEIR recommends specific mitigation measures that would reduce the impacts identified in Chapter IV to less-than-significant levels to the extent feasible, as summarized in Table II-2 at the end of this chapter. As defined by the CEQA Guidelines (Section 15370), mitigation measures either avoid the identified impact; minimize the impacts by limiting the degree or magnitude of the action and its implementation; rectify the impact by repairing, rehabilitating, or restoring the affected environment; reduce or eliminate the impact over time by preservation and maintenance operations during the life of the action; or compensate for the impact by replacing or providing substitute resources or environments.

The mitigation measures in this Draft MEIR would form the basis of a Mitigation Monitoring Program to be implemented in accordance with Section 21081.6(b) of the State Public Resources Code, if the project is approved.

For subsequent projects within the TRRP Master Plan area, the projects will be required to incorporate all applicable mitigation measures from this MEIR prior to approval. Additional environmental review for subsequent projects may identify additional

II-1
II. Summary

mitigation measures; monitoring for the additional mitigation measures would be developed as part of that environmental review.

C. SUMMARY OF UNAVOIDABLE SIGNIFICANT IMPACTS

Chapter IV of this MEIR provides a description of the potential environmental impacts of the proposed project and recommends various mitigation measures to reduce impacts to the extent feasible. Several impacts have been identified where no feasible mitigation measures are available. The impacts involve the following resource areas:

- Traffic and Circulation
- Air Quality
- Noise

These impacts are summarized in the table at the end of this chapter. Unavoidable adverse impacts would require a Statement of Overriding Considerations if the project were to be approved by the City of Modesto, City of Ceres, and County of Stanislaus.

D. SUMMARY OF ALTERNATIVES TO THE PROJECT

CEQA requires the Lead Agency to consider alternatives to the proposed project that meet the project's basic objectives, while avoiding or reducing significant impacts (CEQA Guidelines Section 15126.6). Alternatives to the project are considered in the environmental analysis for each topic area if the recommended mitigation measures would not reduce impacts to a less-than-significant level. The following alternatives are examined in this Draft MEIR:

No Project Alternative. As required by the CEQA Guidelines (Section 15126.6(e)), the No Project Alternative is to be analyzed in an EIR to allow decision-makers to compare the impacts of approving the proposed project with the impact of not approving the proposed project. If the proposed Master Plan were not approved, the land use designation of the property would continue to be Open Space, as specified by the Modesto General Plan. Because a Master Plan would not guide the development of the regional park, it is assumed that the park would continue as it is today - that is, providing limited passive recreation opportunities. Special events would continue to occur to the east of Legion Park, but would not be expanded to the Gateway Parcel. It is also assumed that the amphimeadow and the regional sports complex would not be developed.
Table II-1
Summary of Effects of Project Alternatives

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Traffic and Circulation Needs</td>
<td>++</td>
<td>+</td>
<td>++</td>
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<tr>
<td>Degradation of Air Quality</td>
<td>++</td>
<td>=</td>
<td>++</td>
</tr>
<tr>
<td>Generation of Noise</td>
<td>++</td>
<td>++</td>
<td>++</td>
</tr>
<tr>
<td>Loss of Sensitive Wildlife and Plant Habitat</td>
<td>-</td>
<td>=</td>
<td>=</td>
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<tr>
<td>Disturbance of Archaeological or Historical Sites</td>
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<tr>
<td>Flooding and Water Quality</td>
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<tr>
<td>Exposure to Hazardous Materials</td>
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<td>=</td>
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<tr>
<td>Increased Demand for Fire Services</td>
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</tr>
</tbody>
</table>

++ Substantial improvement when compared to the proposed Master Plan
+ Improvement when compared to the proposed Master Plan
= Same as proposed Master Plan
- More adverse effect when compared to the proposed Master Plan

250-person Amphimeadow Alternative. This alternative would be identical to the proposed Master Plan with one exception: the proposed amphimeadow would only accommodate only 250 people, rather than the 3,000 proposed by the Master Plan. This reduction in size would make it feasible to have presentations at the amphimeadow without the use of amplification. This alternative would avoid this significant and unavoidable noise impact identified for the proposed Master Plan in Chapter IV of this MEIR (Impact Noise-2).

Passive Recreation/Sports Complex Alternative. In this alternative, no special events would occur at the Gateway Parcel and the amphimeadow would not be developed. Special events would continue to occur to the east of Legion Park, similar to existing conditions. Because the Regional Sports Complex is not expected to result in any significant and unavoidable impacts, this alternative continues to integrate this use. However, implementation of the mitigation measures associated with the regional sports complex, as recommended in this MEIR, would continue to be required to reduce potential impacts associated with this use to a less-than-significant level.

Table II-1 provides a summary of the alternatives analysis that is contained in Chapter VII. The Passive Recreation/Sports Complex Alternative would avoid all of the significant
II. Summary

and unavoidable impacts identified in this MEIR for the TRRP Master Plan. For this reason, this alternative is considered the environmentally superior alternative.

E. SUMMARY OF PROJECT IMPACTS AND MITIGATION

According to the CEQA Guidelines, a “significant effect on the environment” means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance (CEQA Guidelines Section 15382).

Implementation of the TRRP Master Plan has the potential to generate environmental impacts, as summarized in Table II-2. This table lists the environmental impacts of the proposed project, the level of significance before mitigation, recommended mitigation measures, and notes the level of impact significance after implementation of the mitigation measures. Impacts are numbered in accordance with the environmental topic to which they pertain and in the order in which they appear within each MEIR section. Please see Chapter IV of this MEIR for more information on the potentially significant impacts of the proposed project.
Table II-2
Summary of Significant Impacts and Mitigation Measures

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Significance Before Mitigation</th>
<th>Mitigation Measures</th>
<th>Significance With Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Traffic and Circulation Needs</strong></td>
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<td></td>
</tr>
</tbody>
</table>
| Impact Traffic-1: The increase in traffic associated with special events at the amphitheater would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with amphitheater visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact. | S | Mitigation Measure Traffic-1: Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphitheater is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events. The traffic management plan should identify the following:  
• Routes that will be used to access the park by visitors, emergency vehicles and staff;  
• Applicable signage to inform the public of access routes and advance message signing located far enough from the site to allow the public to select alternative routes and avoid the area of the event;  
• Methods and duration of protection for pedestrian crossings; and  
• Location and responsibilities of traffic control personnel and duration of their activities. Locations for uniformed traffic control officers and event volunteers should be noted.  
Implementation of this mitigation measure would reduce traffic impacts associated with the amphitheater, however, for a short time immediately before and after an event, congestion would still occur. For this reason, this impact is considered significant and unavoidable. | SU |
| Impact Traffic-2: The increase in traffic associated with large special events in the Gateway Parcel would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact. | S | Mitigation Measure Traffic-2: Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events and include the elements identified in Mitigation Measure Traffic-1. | SU |

S = Significant; LTS = Less than Significant; SU = Significant and Unavoidable
### Impact Traffic-3: Parking demand for the Regional Sports Complex during concurrent and consecutive games, such as scheduled during a tournament, would exceed the parking capacity in the Carpenter Road Area. This is a potentially significant impact.

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Significance Before Mitigation</th>
<th>Mitigation Measures</th>
<th>Significance With Mitigation</th>
</tr>
</thead>
</table>
| Implementation of this mitigation measure would reduce traffic impacts associated with large special events, however, for a short time immediately before and after an event, congestion would still occur. For this reason, this impact is considered significant and unavoidable. | **S** | **Mitigation Measure Traffic-3:** Pursuant to Public Resources Code Section 21157(b)(3), Implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for the Regional Sports Complex, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, a parking management plan shall be created which matches the use of the site to the available parking supply. The following measures may be included in the parking management plan:  
(a) Park managers could schedule events in a manner that minimizes concurrent parking demand.  
(b) If required, identify overflow parking lots and appropriate signage directing visitors to designated lots. While the balance of the TRRP parking supply is not particularly close to the Sports Complex, Robertson Elementary School is located on the north side of Robertson Road. Saturday use of school parking could be feasible.  
(c) If necessary, additional parking may be required at the Sports Complex, or the number of fields may need to be reduced to effectively balance parking demand.  
No overflow into the adjacent neighborhoods shall be allowed. Implementation of this mitigation measure would reduce this impact to a less-than-significant level. | **LTS** |

**S** = Significant; **LTS** = Less than Significant; **SU** = Significant and Unavoidable.
### Significance of Impact Before Mitigation

The parking management plan shall identify the locations of off-site parking sufficient for the prescribed event, note the location of signing to direct visitors to designated lots, the number and location of parking management personnel, and coordinate parking with traffic/access management activities. During special events it would be possible to provide coordinated bus service from downtown parking lots and garages to the Gateway Parcel. In addition, during the off-season, the City of Modesto may develop agreements with property owners to use employee parking facilities for special event overflow parking. To ensure that satellite parking areas are successful, information regarding the availability of on-site and off-site parking would need to be conveyed to approaching motorists on a "real time" basis. Signs noting "lots full" and directing motorists to ancillary parking areas would be needed. No overflow into the adjacent neighborhoods shall be allowed. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

### Impact Traffic-5: Implementation of the TRRP Master Plan could result in significant off site parking impacts when large special events are held. Events associated with Cinco De Mayo and other annual festivals are likely to result in parking demands that extend well beyond the limits of the TRRP. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is a significant impact.

### Mitigation Measure Traffic-5: Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created to reduce parking impacts on the surrounding neighborhood during large special events.

Development of an events parking management plan will be needed when the plans for the Gateway Parcel are finalized in order to make optimal use of satellite parking facilities, transit opportunities, etc, and to minimize impacts into adjoining areas. The parking management plan should include the elements identified in Mitigation Measure Traffic-4.

However, even with implementation of the event parking management plans there will likely be significant traffic impacts in the immediate vicinity of TRRP when large special events are staged. With event attendance reaching 15,000, there would not be a feasible measure available to ensure that employees and patrons of the surrounding neighborhoods would not be displaced. For this reason, this is a significant and unavoidable impact.

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**S** = Significant; **LTS** = Less than Significant; **SU** = Significant and Unavoidable
## II. Summary

<table>
<thead>
<tr>
<th>Degradation of Air Quality</th>
<th>Mitigation Measure Air-1: The following mitigation measures shall be implemented to reduce short-term, construction-generated emissions:</th>
<th>Significance With Mitigation</th>
</tr>
</thead>
</table>
| **Impact Air-1:** The Master Plan does not specify feasible SJVAPCD construction control mitigation measures as part of the projects' construction activities. Because construction significance is determined by means of whether SJVAPCD construction mitigation measures are implemented, construction emissions would be considered a short-term significant air quality impact. | (a) All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.  
(b) All on-site unpaved roads and off-site, unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.  
(c) All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.  
(d) When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.  
(e) All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Blower devices shall not be used.)  
(f) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.  
(g) On-site vehicle speeds on unpaved roads shall be limited to 15 mph.  
(h) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than one percent.  
(i) Wheel washers shall be installed for all exiting trucks and equipment, or wheels shall be washed to remove accumulated dirt prior to leaving the site. | LTS |

*S = Significant; LTS = Less than Significant; SU = Significant and Unavoidable*
### II. Summary

<table>
<thead>
<tr>
<th>Significant Impact</th>
<th>Significance Before Mitigation</th>
<th>Mitigation Measures</th>
<th>Significance With Mitigation</th>
</tr>
</thead>
<tbody>
<tr>
<td>(j) Excavation and grading activities shall be suspended when winds exceed 20 mph.</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>(k) Areas subject to excavation and grading at any one time shall be limited to the fullest extent possible.</td>
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<tr>
<td>(l) On-site equipment shall be maintained and properly tuned in accordance with manufacturers' specifications.</td>
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</tr>
<tr>
<td>(m) When not in use, on-site equipment shall not be left idling.</td>
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<td></td>
</tr>
<tr>
<td>Impact Air-2: Events occurring at the Gateway Parcel, such as special events and concerts, could result in potential increases in carbon monoxide concentrations, or “hot spots,” in excess of State or federal air quality standards. These carbon monoxide concentrations could negatively impact sensitive receptors, which may be located in the project vicinity or walking to and from the special events. This impact is potentially significant impact.</td>
<td>S Mitigation Measure Air-2: When special events, including concerts, occur at the Gateway Parcel, the City of Modesto shall implement a traffic and parking management control plan, as recommended in mitigation measures contained in Chapter IV-A of this MEIR. The smooth flow of traffic would decrease the potential for carbon monoxide “hot spots,” which could occur if vehicles are idling for long periods of time in high concentrations. However, it is unlikely that traffic congestion would be decreased enough to reduce the potential for high carbon monoxide concentrations when people are gathering or leaving large special events. For this reason, this is considered a significant and unavoidable impact for special events and concerts at the Gateway Parcel.</td>
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<td>Generation of Noise</td>
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<td>Impact Noise-1: Noise generated by activities conducted at the proposed sports complex could result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences that could potentially exceed the City's &quot;normally acceptable&quot; threshold of 60 dBA CNEL. This increase in noise would be attributable to noise from spectators and players, and amplified announcing that could accompany the games. In consideration of the potential for the sports complex to generate significant increases in ambient noise levels at nearby sensitive receptors (i.e., residences), this impact has been identified as potentially significant.</td>
<td>S Mitigation Measure Noise-1: Pursuant to Public Resources Code Section 21157(b)(3), Implementation of the Regional Sports Complex is identified as a &quot;subsequent project&quot; in this MEIR. When a detailed implementation plan is developed for this project, additional environmental review will be required. As part of this assessment, a detailed noise analysis shall be conducted. The following shall be required as part of the final noise mitigation developed for the project: (a) Activities at the proposed sports complex shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends.</td>
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S = Significant; LTS = Less than Significant; SU = Significant and Unavoidable
### II. Summary

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| Impact Noise-2: Noise associated with events at the amphitheater could reach approximately 74 dBA at the nearest residential land uses (assuming amplification of community events), which would exceed the City’s “normally acceptable” threshold of 60 dBA CNEQ. This noise level would be a noticeable increase (i.e., 3 dBA, or greater), and would be considered a significant impact. | **$S$** | (b) An acoustical engineer with experience in the prediction and mitigation of outdoor sound levels shall be consulted prior to design and construction of the proposed sports complex. The acoustical design documentation shall demonstrate that the proposed sports complex would not result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences.  
(c) If the acoustical analysis determines that regular activities at the sports complex would result in a 3 dBA or greater increase in ambient noise levels, noise control measures shall be required, such as noise barriers, requiring sound systems to be directed away from residences and other sensitive receptors, or disallowing amplified announcing. It shall be demonstrated that implementation of feasible noise control measures would reduce increases in noise levels at surrounding residences to less than 3 dBA. Implementation of the above measures would ensure that a noticeable increase in noise would not occur at nearby sensitive land uses, and would reduce this potential impact to a less-than-significant level. | **SU** |

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### Significant Impact

#### Impact Noise-3:
The crowds associated with special events held during the daytime would not cause a significant increase in ambient noise levels at nearby residences. In addition, the resultant increase in ambient noise levels at nearby residences would not be anticipated to exceed the City’s "normally acceptable" noise standard of 60 dBA CNEL. However, the use of amplified sound systems or special events occurring during the nighttime could potential result in a significant increase in the ambient noise levels at nearby residences. This is a potentially significant impact.

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<td>Mitigation Measure Noise-3: Special events shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. This would reduce potential noise impacts during the nighttime. Implementation of this mitigation measure would reduce noise impacts associated with large special events, however, the use of amplified sound systems during special events could result in a significant increase in the ambient noise levels at nearby residences. For this reason, this impact is considered significant and unavoidable.</td>
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#### Loss of Sensitive Plant and Wildlife Habitat

**Impact Blo-1:** The negative impacts to riparian habitats would be temporary during construction activities and Implementation of the TRRP Master Plan would result in a net increase in riparian habitat overtime, once riparian vegetation in replanted areas have been re-established. However, the short-term loss of existing riparian habitat would be considered a significant impact because this habitat has been identified as a sensitive natural plant community by federal, State, and local agencies.

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<td>Mitigation Measure Blo-1: To minimize disturbance to riparian habitat outside of the proposed area of disturbance, the following measures shall be implemented: (a) For any TRRP Master Plan project, prior to any grading or tree removal, riparian habitat outside of the proposed work areas will be protected by installing orange barrier fencing around habitat to be preserved and restricting vehicular or mechanical use of equipment in these areas. The project proponent shall retain a qualified biologist to serve as a compliance monitor and to ensure that all mitigation measures pertaining to riparian habitat protection are properly implemented. (b) Prior to project implementation, a Section 404 permit shall be obtained from USACE and a Section 1600 Streambed Alteration Agreement shall be obtained from CDFG. Additional mitigation for impacts to riparian areas will be developed through consultation with USACE and CDFG. A detailed riparian restoration plan shall be submitted to USACE as part of the 404 permit application. The plan must be approved by USACE prior to project implementation. Mitigation monitoring shall be conducted annually by a qualified biologist for 5 years or until the success criteria are met. Annual monitoring reports shall be submitted to USACE and CDFG. Implementation of the above mitigation measures in consultation with USACE and CDFG would ensure that impacts to riparian habitat are less-than-significant.</td>
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#### Significant Impact

- **Impact Bio-2**: The project area includes jurisdictional Waters of the U.S. (i.e., marsh and riverine habitats) subject to the regulatory authority of USACE. Any construction or restoration activity that occurs in or adjacent to the Tuolumne River could potentially impact these areas. Although most of the jurisdictional Waters of the U.S. are located between the banks of the Tuolumne River and within the Dry Creek channel, it is possible that additional jurisdictional areas are located outside of the channel. All adverse impacts to jurisdictional Waters of the U.S. would be considered significant.

#### Mitigation Measures

**Mitigation Measure Bio-2**: The following mitigation measures shall be implemented to ensure impacts to Waters of the U.S. are less-than-significant.

- (a) For any TRRP Master project, prior to grading or tree removal, a qualified biologist shall make a determination whether potential jurisdictional Waters of the U.S., including wetlands are present in the project area.

- (b) If potential jurisdictional Waters of the U.S., including wetlands, are present, a determination shall be made through the formal Section 404 wetland delineation process if any jurisdictional areas would be filled or otherwise disturbed as a result of the project. Authorization of a Section 404 and Section 10 permit shall be secured from USACE and a Section 1600 agreement shall be secured from CDFG, as appropriate.

- (c) As part of the permitting process, mitigation for impacts to jurisdictional Waters of the U.S., will be identified and implemented. Waters of the U.S. will be replaced or rehabilitated on a "no-net-loss" basis in accordance with USACE regulations. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to USACE.

- (d) For all projects with the potential to effect jurisdictional Waters of the U.S., all grading plans will include adequate setback for waters to be preserved. Measures to minimize erosion and runoff into seasonal and perennial Waters of the U.S. will be prepared for all projects covered by the Master Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants into preserved drainages.

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**Legend**

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| Impact Bio-3: Potential Impacts to fish and fish habitat resulting from implementation of the TRRP Master Plan could include both adverse and beneficial impacts. Impacts to most fish species would be less-than-significant because the impacts are short-term and no important habitat for these species would be permanently altered. However, any adverse impacts to steelhead, fall-run chinook salmon, and Sacramento splittail would be considered potentially significant because these species are all federally listed. Impacts to steelhead, fall-run chinook salmon, and Sacramento splittail are considered potentially significant because the project would result in the short-term loss and disturbance of habitat for these species. | S | Mitigation Measure Bio-3: The following mitigation shall be implemented for any project covered by the TRRP Master Plan that has the potential to affect perennial aquatic habitat.  
(a) The operation of heavy equipment in the active river channel shall not occur. Temporary sediment settling basins and structures such as sediment fencing or straw bales shall be used to prevent sediment-laden runoff from entering the river channel. River-adjacent construction activities shall occur during summer months when flows are low and rain is unlikely. Construction of bridges and near-river facilities shall be conducted during the summer when flows are low and rain is unlikely or as otherwise appropriate to avoid impacts during fish migrations and sensitive life stages.  
(b) The project proponent shall consult with NMFS and USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with the federal agencies, appropriate mitigation and avoidance measures will be determined and implemented.  
Implementation of the above mitigation measures in consultation with NMFS and USFWS would ensure that impacts to sensitive fish species are less-than-significant. | LTS |
| Impact Bio-4: Because the project could potentially remove elderberry bushes, which are habitat occupied by the valley elderberry longhorn beetle, this is considered a potentially significant impact. | S | Mitigation Measure Bio-4: The following measures shall be implemented to ensure that impacts to the valley elderberry longhorn beetle are less-than-significant:  
(a) Prior to any construction activity or grading for any Master Plan project, a qualified biologist shall conduct a survey to determine the number and location of elderberry shrubs on the project site.  
(b) If no elderberry shrubs are found on the project site or if all elderberry shrubs will be avoided by at least 100 feet, impacts to the valley elderberry longhorn beetle will be less-than-significant and no further mitigation is necessary.  
(c) If elderberry shrubs are found within the project area, the project proponent will consult with USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with USFWS, appropriate mitigation and avoidance measures will be determined and implemented. | LTS |

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| **Impact Bio-5:** Raptor nests could be affected by the removal of large trees and nearby construction activity during the breeding season (February 1 to August 31). This impact is considered potentially significant. | S | **Mitigation Measure Bio-5:** Implementation of the following mitigation measures would ensure that impacts to nesting raptors are less-than-significant:  
(a) If construction is proposed during the raptor nesting season (1 February to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist to identify active nests within 1/4 mile of the project area. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction and shall be within the nesting season.  
(b) If nesting raptors are found during the focused survey, no construction shall occur within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist), without prior approval by CDFG. Construction within 500 feet may be permitted if a nest monitor is present to ensure that disturbance to the nesting raptors is minimized to the maximum extent practicable. | LTS |

### Disturbance of Archaeological or Historical Sites

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| **Impact CR-1:** Project grading and earthmoving activities could disturb previously undiscovered historic resources or archaeological sites. This is a potentially significant impact. | S | **Mitigation Measure CR-1:** Construction personnel shall be instructed about the potential for discovery of unknown cultural resources, and the need for proper and timely reporting of such findings. If previously undiscovered historic or unique archaeological resources (including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris) are discovered, the following measures shall be implemented to ensure that impacts to these resources are less-than-significant:  
(a) Work shall halt within 100 feet of the discovery until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.  
(b) If the discovery is Native American, federally-recognized tribes in the county shall be consulted about the find to incorporate their suggestions for mitigation or protection.  
(c) If the discovery is historic, archival research may be necessary by a qualified historian. | LTS |

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<td>(d) If the project may alter the archaeological integrity and data values of the discovery, it will be evaluated for the California Register. If the resource is eligible for the California Register of Historical Resources, data recovery measures shall be implemented by a professional meeting the Secretary of Interior's Professional Qualifications Standards.</td>
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<td>Mitigation Measure CR-2: Construction personnel shall be instructed about the potential for discovery of human remains, and the need for proper and timely reporting of such finds. In the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, in accordance with State law. The Stanislaus County coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disintering, disturbing, or removing human remains from any location other than a dedicated cemetery. The County Coroner, upon recognizing the remains as being of Native American origin, shall contact the Native American Heritage Commission within 24 hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</td>
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<tr>
<td>Impact CR-2: Project grading and earthmoving activities could disturb previously undiscovered human remains. This is a potentially significant impact.</td>
<td>S</td>
<td>Mitigation Measure Hydro-1: The ultimate design of the Regional Sports Complex and Nature Interpretive Center shall be developed in accordance with local ordinances governing construction within the floodplain. Special attention shall be given to flood proofing proposed structures to withstand flooding and to minimize flood damages. Final design should include a detailed drainage plan to alleviate flooding and drain standing water once floodwaters have receded. The final design plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed development does not result in any increase in flood damages within the community during the occurrence of the base flood. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</td>
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<td>Flooding and Water Quality</td>
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<td>Impact Hydro-1: Construction of the Regional Sports Complex and Nature Interpretive Center in the 100-year floodplain could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact.</td>
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<td>Impact Hydro-2: The proposed grading in the Carpenter Road, Gateway Parcel, and Legion Park areas could increase water surface elevations during a 100-year flood. This is considered a potentially significant Impact.</td>
<td>S</td>
<td>Mitigation Measure Hydro-2: Detailed grading plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed grading does not result in any increase in base flood water surface elevations. The grading design shall not significantly increase river flow velocities. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</td>
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<td>Impact Hydro-3: Construction of overlook structures, fishing piers, boat docks, and any other structures within the floodway could increase water surface elevations during flood events and could cause localized bank erosion. This is considered a potentially significant Impact.</td>
<td>S</td>
<td>Mitigation Measure Hydro-3: The following mitigation measures shall be implemented to avoid hazards related to construction in the floodway: (a) Scour analyses shall be performed once detailed plans have been developed for the proposed structures. If necessary, erosion control measures shall be incorporated in the final design. (b) Structures shall be designed to allow adequate open space to pass flow and floating debris traveling downstream. (c) Structures shall be designed to withstand the forces of floodwaters to minimize damages during flood events. Implementation of these mitigation measures would reduce this impact to a less-than-significant level.</td>
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<td>Impact Hydro-4: The proposed riparian planting scheme may increase the hydraulic roughness of the channel and overbank areas and could lead to increases in the water surface elevations. This is considered a potentially significant Impact.</td>
<td>S</td>
<td>Mitigation Measure Hydro-4: Detailed riparian planting schemes shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations. The riparian planting scheme shall be designed to prevent creating floating debris dams during flood events that would impact flood conveyance. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</td>
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<td>Impact Hydro-5: The proposed amphitheater is likely to suffer frequent flooding inundation. This is considered a potentially significant impact.</td>
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<td>Mitigation Measure Hydro-5: The elevation of the amphitheater shall be raised to reduce the frequency of inundation. Detailed grading and construction plans for the amphitheater shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that construction of the amphitheater would not result in any increase in water surface elevations. Water shear and scour analyses shall also be performed and if necessary surface protection shall be provided for the banks and surrounding area to prevent scour and erosion. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.</td>
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| Impact Hydro-6: Construction of the Pedestrian Bridge Over Dry Creek. Construction of the proposed pedestrian bridge on Dry Creek could increase water surface elevations during flood events and could cause localized bank erosion and scour. | S                              | Mitigation Measure Hydro-6: The following mitigation measures shall be implemented to avoid potential flood hazards caused by the proposed pedestrian bridge:  
(a) Construction plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed pedestrian bridge would not result in any increase in base flood water surface elevations during the base flood.  
(b) The pedestrian bridge shall have adequate clearance above the base floodwater surface elevation so as not to impede flow or trap floating debris.  
(c) The pedestrian bridge shall be designed to withstand the forces of floodwaters to minimize damages during flood events.  
(d) Scour analyses of the bridge piers and abutments shall be performed once detailed plans have been developed for the proposed bridge. If necessary, erosion control measures shall be incorporated into the final design.  
Implementation of these mitigation measures would reduce this impact to a less-than-significant level. | LTS                          |
| Impact Hydro-7: Changes in channel and overbank configuration may cause increased localized velocities, which could lead to scour and erosion occurring at existing bridge locations. | S                              | Mitigation Measure Hydro-7: Once detailed grading plans have been developed, scour analyses of bridge piers and abutments shall be performed in accordance with standard engineering practices to determine if changes in channel and overbank configuration are likely to cause scour and erosion at existing bridge locations. If necessary, armorig and erosion control measures shall be installed at existing bridge locations. Implementation of this mitigation measure would reduce this impact to a less-than-significant level. | LTS                          |

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II-17
### II. Summary

| Impact HazMat-1: Development or grading of areas within the Gateway Parcel | Significant Impact | Mitigation Measures | Significance Before Mitigation | Mitigation Measure HazMat-1: Prior to ground disturbance on the Gateway Parcel, the RWQCB shall be contacted to identify the status of the Breshears investigations and remediation. If no additional investigations have been conducted, soil and groundwater sampling in the areas adjacent to the Breshears facility may be required to identify impacts to the Gateway Parcel, if any, from the Breshears operation. If a significant likelihood of contamination is revealed, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling. The RWQCB shall direct the appropriate action for the Gateway Parcel. All RWQCB recommended measures shall be implemented prior to ground disturbance or development at the Gateway Parcel. Completion of this measure shall be a condition of approval for any grading, demolition, or building permit within the Gateway Parcel. Implementation of this measure would ensure that potential impacts related to existing soil and groundwater contamination in the Gateway Parcel adjacent to the Breshears facility are reduced to a less-than-significant level. | Significant |
| Impact HazMat-2: Development or grading of areas within the former ranch complex area of the Gateway Parcel | Significant Impact | Mitigation Measure HazMat-2: A site investigation shall be conducted by a qualified professional (e.g., a California registered environmental assessor) to identify any potential chemical impacts to soil in the former ranch complex. If the results of the investigation(s) indicated the presence of hazardous materials, site remediation may be required by the applicable State or local regulatory agencies. Implementation of this measure would ensure that potential impacts related to existing soil contamination in the former ranch complex area are reduced to a less-than-significant level. | Significant |
| Impact HazMat-3: Potential health risks could result from placement of sensitive land uses, such as children’s playgrounds, in former agricultural areas due to residual concentrations of agricultural chemicals in the soil. This is considered a potentially significant impact. | Significant Impact | Mitigation Measure HazMat-3: A Phase II assessment including soil sampling, shall be performed to assess agricultural chemicals in areas designated for children’s playgrounds and other sensitive land uses. If chemicals are present in soils at concentrations at or above applicable regulatory agency action levels for the intended land use, remediation requirements in accordance with State and federal regulations would be required. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level. | Significant |

**Table:**

| Exposure to Hazardous Materials | Significant Impact | Mitigation Measures | Significance Before Mitigation | Mitigation Measure HazMat-1: Prior to ground disturbance on the Gateway Parcel, the RWQCB shall be contacted to identify the status of the Breshears investigations and remediation. If no additional investigations have been conducted, soil and groundwater sampling in the areas adjacent to the Breshears facility may be required to identify impacts to the Gateway Parcel, if any, from the Breshears operation. If a significant likelihood of contamination is revealed, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling. The RWQCB shall direct the appropriate action for the Gateway Parcel. All RWQCB recommended measures shall be implemented prior to ground disturbance or development at the Gateway Parcel. Completion of this measure shall be a condition of approval for any grading, demolition, or building permit within the Gateway Parcel. Implementation of this measure would ensure that potential impacts related to existing soil and groundwater contamination in the Gateway Parcel adjacent to the Breshears facility are reduced to a less-than-significant level. | Significant |
| Impact HazMat-2: Development or grading of areas within the former ranch complex area of the Gateway Parcel | Significant Impact | Mitigation Measure HazMat-2: A site investigation shall be conducted by a qualified professional (e.g., a California registered environmental assessor) to identify any potential chemical impacts to soil in the former ranch complex. If the results of the investigation(s) indicated the presence of hazardous materials, site remediation may be required by the applicable State or local regulatory agencies. Implementation of this measure would ensure that potential impacts related to existing soil contamination in the former ranch complex area are reduced to a less-than-significant level. | Significant |
| Impact HazMat-3: Potential health risks could result from placement of sensitive land uses, such as children’s playgrounds, in former agricultural areas due to residual concentrations of agricultural chemicals in the soil. This is considered a potentially significant impact. | Significant Impact | Mitigation Measure HazMat-3: A Phase II assessment including soil sampling, shall be performed to assess agricultural chemicals in areas designated for children’s playgrounds and other sensitive land uses. If chemicals are present in soils at concentrations at or above applicable regulatory agency action levels for the intended land use, remediation requirements in accordance with State and federal regulations would be required. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level. | Significant |

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<td><strong>Impact HazMat 4:</strong> Development or redevelopment of properties within the TRRP area (exclusive of the Gateway Parcel, which has been the subject of a Phase I analysis) could expose construction workers and/or the public to hazardous materials from existing soil and groundwater contamination during and/or following redevelopment. Sensitive receptors located near the development could be affected by releases of hazardous materials. This is considered a potentially significant impact.</td>
<td>S</td>
<td>Mitigation Measure HazMat-4: A Phase I Environmental Site Assessment (ESA) shall be conducted in accordance with American Society for Testing and Materials (ASTM) guidelines prior to the approval of development for any parcel within the TRRP Master Plan area. The Phase I ESA will include the findings of a site reconnaissance and investigation of prior uses of the property that could have resulted in contamination. If a significant likelihood of contamination is revealed by the Phase I ESA, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling and could result in remediation requirements in accordance with State and federal regulations. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.</td>
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<td><strong>Increased Demand for Fire Services</strong></td>
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<td>Mitigation Measure Fire-1: The MFD and SCFPD shall be consulted prior to finalization of the detailed site plans to ensure adequate emergency vehicle access is provided. Emergency access requirements of MFD and SCFPD shall be accommodated.</td>
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| **Impact Fire-2:** The increased risk of loss, injury or death involving wildland fires due to increased visitation to open space grasslands and riparian forests adjacent to urban areas is considered a potentially significant impact. | S                             | Mitigation Measure Fire-2: The Modesto Parks and Recreation Department shall create and implement a vegetation management program targeted toward fire prevention and control. This program would expand upon the fuel reduction and management plan outlined in the TRRP Master Plan. The TRRP vegetation management program shall:  
• Characterize existing and proposed vegetation fuels,  
• Identify potential ignition sources and locations,  
• Identify assets at risk in case of a fire,  
• Identify specific maintenance measures to reduce fuel loads,  
• Identify buffer zones between residential structures on adjacent developed parcels and vegetation in the TRRP, and  
• Make recommendations for fire resistant plantings.  
Implementation of this mitigation measure would reduce this impact to a less-than-significant level. | LTS                          |

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II. Summary

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CHAPTER III. PROJECT DESCRIPTION

This chapter provides a description of the proposed Tuolumne River Regional Park (TRRP) Master Plan and the components of the project that are analyzed in this MEIR.

A. ENVIRONMENTAL SETTING

1. Regional

The TRRP project area is located along the lower portion of the Tuolumne River near the cities of Modesto and Ceres in western Stanislaus County, as shown in Figure III-1. Stanislaus County is located in California’s Central Valley, southeast of the San Francisco Bay area.

The Tuolumne River is the largest tributary of the San Joaquin River, draining a 1,960 square-mile watershed that includes the northern half of Yosemite National Park. The Tuolumne River watershed is located between the Stanislaus River Basin to the north and the Merced River Basin to the south. The river supports a diverse biological community, including resident and migratory birds and wildlife as well as the largest naturally reproducing population of fall run Chinook salmon remaining in the San Joaquin Valley. In 1997, heavy rains and snowmelt caused catastrophic flooding of the Lower Tuolumne in the vicinity of Modesto. The 1997 flood has initiated multi-year studies, by the U.S. Army Corps of Engineers (ACOE) and others that address the flood conditions on the Tuolumne and the larger San Joaquin River system.

2. Local

a. TRRP Project Site Location and Characteristics

Most of the TRRP project site is located within the boundaries of the City of Modesto, however trail access and restoration of the riparian corridor is proposed on unincorporated lands south of the river and along the river’s edge on the Gallo Property. Municipal jurisdictions are shown in Figure III-2. The TRRP consists of over 500 acres of land along a seven-mile stretch of the Tuolumne River bounded by Mitchell Road to the east and extending across Carpenter Road to the west. Highway 99 crosses the TRRP near the center of the park. The majority of the TRRP is located on the north side of the river, with the exception of Mancini Park and a string of small, narrow, riverfront parcels near the western end of the park. Dry Creek, a tributary of the Tuolumne River, joins the Tuolumne near the park’s central Gateway Parcel.

The project site is generally composed of relatively flat, riverfront land within the Tuolumne River’s 100-year floodplain. In most places on the project site, a narrow row of riparian trees exists along the riverbank. Approximately 180 acres of TRRP land have already been developed for recreational purposes, and include open lawn areas, mature tree canopies, and park amenities (picnic benches, trails, restrooms, parking areas, etc.).

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Figure III-1  Project Location
Tuolumne River Regional Park
Master Plan MEIR
The area south of the Modesto City/County Airport is already developed as a park and has existing park-related amenities, such as benches and trails, and mature vegetation. Legion Park, located west of the airport, includes mowed lawns, play areas, picnic and barbecue sites, and restrooms. This 50-acre park is occasionally used for special events such as a Cinco de Mayo celebration, Scottish Games, and an Armenian festival. The 25-acre Mancini Park is located on the south side of the river and contains a children’s play area, a ball field, restrooms, and a parking area.

The remaining land in the TRRP has been used for agriculture and other purposes over the years, and now generally exists as unimproved open space. Much of the central Gateway Parcel is disked open land. The site was previously an orchard. Little vegetation exists in this area now, aside from a stand of valley oaks near the confluence of Dry Creek and the Tuolumne River, and a narrow strip of riparian vegetation along both waterways. Land west of the wastewater treatment plant is also consists of denuded open space.

A closed landfill is present within the western portion of the park, on both sides of Carpenter Road. Before this portion of the park is developed for public access and recreational purposes, a closure plan must be prepared in compliance with California State law (Postclosure Land Use, CCR Title 27, Section 21190).

b. Surrounding Land Uses

Lands in the vicinity of the TRRP are located in the City of Modesto, City of Ceres and unincorporated Stanislaus County. A mix of residential, commercial, industrial, open space/parks, public/institutional, and agricultural land uses surround the TRRP (Figure III-3).

The predominant land use adjacent to the TRRP is low density single-family residential. Residential structures adjacent to the park exhibit a wide variety of styles, ages, and conditions, and represent a range of socio-economic levels. Many of these residential uses occur near the western portion of the park, and along river bluffs lining the river’s south side, east of the confluence with Dry Creek. Other residential uses on the south side of the river include higher density mobile homes, located primarily in low-lying areas.

Few commercial uses exist in the immediate vicinity of the TRRP. The majority of commercial activity near the park occurs in downtown Modesto, several blocks north of the TRRP. Most commercial retail uses are concentrated on the southern side of the river, across from the Gateway Parcel, along Crow’s Landing Road and South 7th Street. Restaurants, gas stations, and other small-scale commercial uses also occur along South 9th Street, Mitchell Road, and Yosemite Boulevard.

There are a number of industrial uses adjacent to the TRRP, primarily located near the center of Modesto and the Gateway Parcel. The largest industrial use adjacent to the planning area is the Gallo Winery complex to the east of the Gateway Parcel. The Gallo Winery complex is the company’s main headquarters as well as the primary operations and production facility. Other industrial uses, such as warehouses, distribution centers,
and food processing facilities, occur to the north of the Gateway Parcel on the edges of downtown Modesto.

The primary public land use adjacent to the TRRP is the Modesto City-County Airport. The airport is located north of the river in the eastern portion of the TRRP, along Mitchell Road. Another major public use adjacent to the TRRP is the wastewater treatment plant. The plant is located on the northern bank of the river in the proposed Carpenter Road Area of the TRRP.

3. Relationship to Regional and Local Plans

The first master planning process for the TRRP began in December 1967 with the *Tuolumne River Regional Park Land Use Study for Long Range Development*. Additional plans were prepared in July 1975, May 1976, and April 1979 (Phase I, II, and III, respectively) to provide more detailed designs for smaller portions of the park. In February 1991, an additional plan was prepared for the Gateway Parcel (Phase IV). The Gateway Parcel, a pivotal property at the center of the park, was acquired in 1995 by the TRRP Joint Powers Authority (JPA). Prior to the acquisition, a conceptual plan was developed for study purposes, but never adopted.

The new TRRP Master Plan represents a comprehensive update to these prior TRRP planning documents. The new TRRP Master Plan provides a long-range vision for the park that is intended to guide future projects in the TRRP.

The TRRP Master Plan was also developed in consideration of the *Habitat Restoration Plan for the Lower Tuolumne River Corridor* (McBain and Trush 1999). The Restoration Plan is a technical resource document intended to aid in identifying areas of potential habitat improvement and provide guidance for restoring or rehabilitating these areas. The TRRP site falls within the "sand-bedded zone" of the Tuolumne River. The TRRP Master Plan integrates restoration strategies for the sand-bedded zone outlined in the Restoration Plan. These strategies include improving water quality through urban runoff management programs (stormwater wetlands) to improve salmon rearing capability; restoring a continuous corridor of native riparian hardwoods; removing exotic plants within the riparian corridor, and protecting remaining mature valley oaks.

B. PROJECT OBJECTIVES

Section 15124 of the CEQA Guidelines requires an EIR to include a description of the objectives of the proposed project. These objectives will be used to develop and evaluate a range of alternatives to the proposed project. The following project objectives have been identified for the proposed TRRP Master Plan.

- Restore a continuous riparian corridor along the length of the river.

- Provide a continuous bicycle and pedestrian trail from Carpenter Road to Mitchell Road with connections across the river.
B. PROJECT OBJECTIVES (Continued)

- Provide a variety of recreational experiences, including opportunities for both active and passive activities.
- Enhance the environmental values of the park.
- Provide access to the river.
- Integrate educational and interpretive elements into the park design.

C. PROJECT CHARACTERISTICS

The TRRP Master Plan is a land use vision and framework for improvements that will create a regional riverfront park approximately 500 acres in size. Riparian forests would be enhanced along the entire length of the park, with the exception of the Airport Area, which is already home to a large, mature valley oak forest. Much of the open space within the TRRP would be planted with native wildflower meadow grasses. A continuous paved trail would extend from one end of the TRRP to the other, allowing pedestrians and bicycles to travel through its entire seven-mile length. The Master Plan identifies six distinct areas of the park from west to east. These planning areas are identified in Figure III-4. A description of improvements outlined in the Master Plan for each planning area is provided below. In addition to the major planning zones, the TRRP also includes restoration of riparian vegetation in several riverfront parcels on the south side of the Tuolumne River in the Carpenter Road and Golf Course Areas. In the future, it might be possible to create a riparian trail along the river's south bank using these parcels as the foundation. For more detail on each of the development visions for the planning zones, please refer to the TRRP Draft Master Plan (EDAW 2000).

1. Carpenter Road Area

The Carpenter Road Area is approximately 180 acres in size. The former landfill site located in this area would be reclaimed to allow for park activities. Before this part of the park can be developed, a landfill closure plan must be prepared in order to comply with California State law (Postclosure Land Use, CCR Title 27, Section 21190). Because of the regulatory constraints related to landfill reclamation, development activities for this area has been identified as a subsequent project in this Master EIR.

The Master Plan identifies the development of a river promenade trail, restoration of the riparian corridor, creation of stormwater wetlands, and the development of a regional sports complex in this portion of the park. The stormwater wetlands would be located to the west of the wastewater treatment plant and would help purify some of the stormwater runoff from the adjacent urban areas before entering the Tuolumne River.

Floodplain terraces would be constructed where possible along the riparian corridor in the Carpenter Road Area. These floodplains would provide surfaces that inundate more frequently, restore hydrologic connectivity, and create different hydrologic niches that meet many riparian plant species' initiation and establishment requirements.
III. Project Description

The sports complex would be located north of the wastewater treatment plant and would include areas for field sports (soccer, football, or baseball). The sports complex has been identified as a subsequent project, to be analyzed in greater detail when more information is available.

2. Golf Course Area

Dryden Municipal Golf Course and portions of Modesto Municipal Golf Course are located along the north bank of the Tuolumne River. Currently, the JPA does not own land in this reach, and thus the Master Plan does not formally include this area. However, the Master Plan advocates a narrow trail and riparian restoration easement along the river’s edge adjacent to the golf courses.

A 20-acre, triangular parcel of land along the southern end of Neece Drive is part of the TRRP. The land is located between the two golf courses. The program for this park includes a loop trail, connections to the river promenade trail, a boat pier and a separate fishing pier and river overlook.

3. Gateway Parcel

The Gateway Parcel would be the focal point of the TRRP and would contain the majority of the active recreational and physical improvements. This area encompasses approximately 90 acres. A plan view of the Master Plan for the Gateway Parcel is provided in Figure III-5. The Master Plan for the Gateway Parcel includes the river promenade trail and an internal trail system, riparian corridor restoration, and multi-use meadows for community events and informal park activities. Special events like those currently held to the east of Legion Park could potentially be held in the open space areas of the Gateway Parcel. The potential for special events to occur in the Gateway Parcel has been identified as a subsequent project, to be analyzed in greater detail when more information is available.

The Gateway Parcel would be the focus of the park’s riparian restoration efforts, and would include a riparian restoration zone at least 185 feet wide. Riparian restoration zones within the park have been designed to follow natural plant distribution patterns. Floodplain terraces would be constructed where possible along the riparian corridor in the Gateway Parcel to encourage the natural establishment of riparian vegetation. Stormwater wetlands would also be created to help purify some of the stormwater runoff from the adjacent urban areas before entering the Tuolumne River.

A pedestrian bridge at the east end of the Gateway Parcel would create a link to the portions of the TRRP across Dry Creek. A new Loop Road would be constructed to connect with the Tuolumne Boulevard extension, between 7th and 10th Streets. The Tuolumne Boulevard extension is a project funded by local, State, and federal funding sources that is expected to be completed by 2004. The TRRP’s Loop Road would provide limited vehicular access into the center of the park. New parking areas would provide parking for approximately 530 cars.

III-10
III. Project Description

The Gateway Parcel would also include areas for active recreation. A children's play area would be constructed near Tuolumne Boulevard and the Loop Road. An "amphimeadow" (a grassy, outdoor amphitheater within a natural "meadow-like" setting) would be located near Dry Creek on the eastern edge of the parcel. The amphimeadow would be able to accommodate up to 3,000 people for regional and community events. The Gateway Parcel would also include special vista points, river overlooks, and river access piers.

Two wooden boat piers along the river would allow park visitors to launch small, non-motorized boats into the river. The Master Plan also calls for the removal of Dennett Dam. The dam currently blocks the migration route for local salmon and other fish, and impedes small boat passage. Special events at the amphimeadow, river outlooks and fishing piers, and the removal of Dennett Dam are identified as subsequent projects in this MEIR.

4. Gallo/Mancini Area

The Gallo/Mancini Area is located to the east of the Gateway Parcel, between the Tuolumne River's confluence with Dry Creek and Herndon Road. This part of the TRRP includes a narrow riparian trail corridor along the north riverbank and the existing 25-acre Mancini Park on the south bank. For this area, the Master Plan includes the continuation of the river promenade trail, restoration of the riparian corridor, and pedestrian and bike crossing across Dry Creek to the Gateway Parcel.

5. Legion Park

Legion Park is located between South Santa Cruz Road and Tioga Drive on the north bank of the Tuolumne River. The 50-acre park has an established trail network, play area, picnic and barbecue sites, and bathrooms. The Master Plan includes the addition of a covered picnic shelter, additional benches, a small public event space, and picnic areas and barbecue grills. The river promenade trail and restoration of the riparian corridor would continue in this area. A boat pier and a canoe and kayak "beach" would be created to launch rafts and other types of small boats into the water nearby. A pedestrian and bicycle bridge would connect Legion Park to Mancini Park on the south bank of the river. A recessed ancient river channel, once used by the Tuolumne River before natural forces changed its course to the present location, is located in the northern portion of Legion Park. Two low wooden bridges would extend the trail network over the ancient channel, providing wheelchair access to the rest of the park.

6. The Airport Area

The Airport Area is approximately 160 acres located south of the Modesto City/County Airport between Tioga Drive and Mitchell Road on the north bank of the Tuolumne River. The area is influenced by the adjacent airport in terms of appropriate uses and activities. The Airport Area is already developed as a park and has existing park-related amenities and mature vegetation. It's trails and vegetation would generally be left as they are now. The Master Plan includes developing the river promenade trail, some restoration of riparian vegetation, and constructing a river overlook and fishing pier in this area.
D. PROJECT PHASING

The Master Plan is intended to be implemented over a 20-year period, from 2001 to 2021. In general, park improvements would be phased as funding permits. Priority would be placed on the development of the Gateway Parcel, due to its high visibility, central location, and proximity to existing trails and park facilities at Legion Park and the Airport Area. The first project to be implemented under the Master Plan would likely be the trail from Beard Brook Park, along the eastern edge of the Gateway Parcel, continuing east across Dry Creek to the Gallo and Legion Park properties. In addition, it is anticipated that the planned earthwork (floodplain terracing) and riparian restoration at the Gateway Parcel would be implemented in the near-term, as well as the compacted earth pathways envisioned for the Gateway Parcel. Development of the amphimeadow would not occur until the planned Tuolumne Boulevard extension is constructed, which is currently funded and planned for completion by the City of Modesto in 2003-2004.

After development of the improvements at the Gateway Parcel, the next priority would be to integrate the remaining riparian areas into the park system. Due to the additional planning and extraordinary costs associated with the Carpenter Road landfill, it is assumed that improvements in this area would occur over the long-term. A conceptual schedule of park improvement phasing is provided in the Master Plan. However, this phasing schedule could be modified as funding or implementation opportunities arise.
CHAPTER IV. ENVIRONMENTAL ANALYSIS

A. TRAFFIC AND CIRCULATION NEEDS

This chapter summarizes the traffic impacts associated with implementing the TRRP Master Plan project in Modesto. The analysis contained in this chapter addresses near-term traffic conditions as well as cumulative conditions occurring in the future with other development in Modesto and continuing regional traffic growth. The analysis contained in this chapter was prepared by kdANDERSON Transportation Engineers.

A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the State CEQA Guidelines. This environmental setting is the baseline for determining whether an impact of the TRRP Master Plan is significant.

1. Study Area for Direct Impacts

The study area for direct impacts are the major roads and local streets that would provide access to the TRRP. This street system is detailed below.

The TRRP Master Plan area is currently accessed via several local streets that link portions of the park with the regional circulation system. Legion Park is already accessed via connections to South Santa Cruz Avenue and Tioga Drive. The Carpenter Road area of the TRRP would be accessed via connections to Hancock Street and Robertson Road. The Gateway Parcel would be accessed via connections to the planned Tuolumne Boulevard Extension. This route will join Highway 99 at the B Street Interchange with Yosemite Boulevard near Dry Creek. Prior to completion of the Tuolumne Boulevard Extension, "interim" access would be via 11th Street and South Morton Boulevard. This traffic analysis focuses on the major roads and local streets that will provide access to the TRRP. The text that follows describes key elements in the area's circulation system from west to east.

Carpenter Road is a north-south expressway that links Highway 99 at the Briggsmore Road interchange. In the study area Carpenter Road is a four lane street with major intersections controlled by traffic signals. Carpenter Road is eventually to be widened to six lanes.

Robertson Road is a collector street that extends easterly from Carpenter Road in the area of the TRRP. This two lane road runs for about a mile to Sutter Avenue.

Various local streets serve the residential area south of Robertson Road (i.e., Robertson Road Tract). John Street, Donald Street and Kenneth Street are residential streets that run parallel to Robertson Road. Vernon Street, Marlow Street, Thomas Street, Hancock Street, Hammond Street and Hays Street are local streets that intersect Robertson Road.

Several arterial and collector streets provide access to the existing recreational uses west of Highway 99 (i.e. the Golf Course Area and Carpenter Road area). Tuolumne Boulevard is an arterial street that extends westerly from the B Street interchange to Paradise Road. This street provides access to Neece Drive, a two lane local street. The area of the golf
IV. Environmental Analysis
A. Traffic and Circulation Needs

course is also served by Sutter Avenue and Roselawn Avenue, two north-south collector streets which link Robertson Road with Tuolumne Boulevard.

Seventh Street and Ninth Street run parallel to Highway 99 and link downtown Modesto with the unincorporated area of Stanislaus County south of the river. Both are four lane arterial streets with major signalized intersections, as well as southern connections to Highway 99.

D Street (SR 132) is an arterial street that extends easterly from Ninth Street to Yosemite Blvd. This four lane street is part of the State highway system that continues easterly across Modesto as Yosemite Boulevard.

Circulation in the area north of the Gateway Parcel occurs via the southern end of the downtown street grid and via links to the grid. The eastern end of Tuolumne Boulevard links Highway 99 with Seventh Street. Tuolumne Boulevard is a four lane street in this area. B Street links Seventh Street with Ninth Street and continues easterly into the south Modesto Industrial area. B Street is a wide industrial collector street. Tenth Street and Eleventh Street parallel Ninth Street and connect the park area with B Street and D Street.

Currently, access to the park is via South Morton Boulevard. This two lane road runs from a B Street intersection to Ninth Street, then along the northern edge of the park through intersections with Tenth Street, and Eleventh Street along Beard Brook Park to an intersection with Yosemite Blvd.

Access to the eastern portions of the TRRP (i.e., Legion park and the Airport Area) is via collector streets that extend southerly from Yosemite Blvd. Santa Cruz Avenue is a two lane street that extends for about a mile to the west end of Legion Park. Kerr Avenue and Tioga Drive are two lane collector streets that extend from Yosemite Blvd to the east end of Legion Park. Legion Park Drive connects Santa Cruz Avenue and Tioga Drive through the park.

East of Carpenter Road, Hatch Road connects Carpenter Road with Crows Landing Road. Hatch Road is a four lane expressway. Crater Avenue fronts the south side of the Tuolumne River in the area north of Hatch Road, and this two lane local street would be the southern terminus of a planned pedestrian crossing.

Circulation along the south side of the Tuolumne River makes use of Zeff Road and River Road. These two lane streets extend for about four miles from a connection to Crows Landing Road, beneath Seventh Street and Ninth Street to Mancini Park. From Mancini Park, River Road continues along the south side of the river to an intersection with Mitchell Road near the southwest end of the Modesto Airport. Herndon Road intersects River Road near Mancini Park, and this two lane street extends southerly to the area of the Highway 99 / Hatch Road interchange.

2. Study Area for Cumulative Impacts

The study area for cumulative impacts is the same as for direct impacts.
3. Existing Physical Conditions in the Study Area

   a. Existing Levels of Service

"Level of Service" (LOS) is a term used to describe the amount of congestion on any portion of the traffic circulation system. LOS is measured in different ways, depending on the facility in question and time period of analysis (i.e., weekday peak hour or average daily traffic (ADT)). One method of looking at system wide conditions is to compare the traffic volume on the important facilities to the carrying capacity of those facilities. This comparison establishes a relationship between a roadway or intersection’s capacity and the actual volume using that facility, the "volume/capacity" ratio. This can be translated into a "level of service," which is defined using letter grades ranging from “A” through “F” as shown in Table A-1. The minimum acceptable LOS standard established in the Modesto General Plan is LOS "D".

To determine existing traffic volumes and obtain more information about traffic conditions in the study area, daily count records from the City of Modesto, Stanislaus County and Caltrans were reviewed and relevant data was assembled. Figure A-1 presents current daily traffic counts on streets and highways in the vicinity of TRRP. Daily traffic counts are the basis for the LOS summary presented in Table A-2.

4. Existing Regulatory Policies Applying to the Study Area

   a. Federal Regulations

There are no applicable federal regulations regarding traffic and circulation needs.

   b. State Policies

State Proposition 111 requires each urban county in California to prepare a Congestion Management program (CMP). The Stanislaus Council of Governments (StanCOG) has been designated by the County as its Congestion Management Agency (CMA). The Stanislaus County CMP sets a standard of LOS "D" for urban roadways, except for those segments that already experience conditions worse than LOS "D" (within a city’s Sphere of Influence), and at LOS "C" for rural roadways (outside a city’s Sphere of Influence). In contrast, the City of Modesto has adopted an LOS "D" standard for all roadways. The designated CMP roadway system includes only the State highways within Stanislaus County.

   c. Stanislaus County Policies

The Stanislaus County General Plan Land Use Element ensures that an effective level of public service is provided in unincorporated areas, and that future growth shall not exceed the capacity of the provider of road systems.
### Table A-1
#### Level of Service Definitions

<table>
<thead>
<tr>
<th>Level of Service</th>
<th>Signalized Intersection</th>
<th>Unsignalized Intersection</th>
<th>Roadway (Daily)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>Uncongested operations, all queues clear in a single-signal cycle. Delay ≤ 10 sec</td>
<td>Little or no delay. Delay ≤ 10 sec/veh</td>
<td>Completely free flow.</td>
</tr>
<tr>
<td>B</td>
<td>Uncongested operations, all queues clear in a single cycle. Delay &gt; 10 sec and ≤ 20 sec</td>
<td>Short traffic delays. Delay &gt; 10 sec/veh and ≤ 15 sec/veh</td>
<td>Free flow, presence of other vehicles noticeable.</td>
</tr>
<tr>
<td>C</td>
<td>Light congestion, occasional backups on critical approaches. Delay &gt; 20 sec and ≤ 35 sec</td>
<td>Average traffic delays. Delay &gt; 15 sec/veh and ≤ 25 sec/veh</td>
<td>Ability to maneuver and select operating speed affected.</td>
</tr>
<tr>
<td>D</td>
<td>Significant congestions of critical approaches but intersection functional. Cars required to wait through more than one cycle during short peaks. No long queues formed. Delay &gt; 35 sec and ≤ 55 sec</td>
<td>Long traffic delays. Delay &gt; 25 sec/veh and ≤ 35 sec/veh</td>
<td>Unstable flow, speeds and ability to maneuver restricted.</td>
</tr>
<tr>
<td>E</td>
<td>Severe congestion with some long standing queues on critical approaches. Blockage of intersection may occur if traffic signal does not provide for protected turning movements. Traffic queue may block nearby intersection(s) upstream of critical approach(es). Delay &gt; 55 sec and ≤ 80 sec</td>
<td>Very long traffic delays, failure, extreme congestion. Delay &gt; 35 sec/veh and ≤ 50 sec/veh</td>
<td>At or near capacity, flow quite unstable.</td>
</tr>
<tr>
<td>F</td>
<td>Total breakdown, stop-and-go operation. Delay &gt; 80.0 sec</td>
<td>Intersection often blocked by external causes. Delay &gt; 50 sec/veh</td>
<td>Forced flow, breakdown.</td>
</tr>
</tbody>
</table>

Figure A-1  Current Daily Traffic Volumes

Tuolumne River Regional Park
Master Plan MEIR
IV. Environmental Analysis  
A. Traffic and Circulation Needs

**Table A-2**  
Existing Traffic Volumes on Roadways  
(In Weekday Average Daily Volume)

<table>
<thead>
<tr>
<th>Street</th>
<th>Location</th>
<th>Roadway Class</th>
<th>Lanes</th>
<th>LOS D Threshold</th>
<th>Daily Volume</th>
<th>Level of Service</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carpenter Road</td>
<td>Paradise Road to Hatch Road</td>
<td>Expressway</td>
<td>4</td>
<td>33,750</td>
<td>19,320</td>
<td>A</td>
</tr>
<tr>
<td>Robertson Road</td>
<td>Carpenter Road to Sutter Avenue</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>5,700</td>
<td>A</td>
</tr>
<tr>
<td>Hancock Street</td>
<td>John Street to Robertson Road</td>
<td>Local</td>
<td>2</td>
<td>11,250</td>
<td>&lt;400</td>
<td>A</td>
</tr>
<tr>
<td>Sutter Avenue</td>
<td>Robertson Road to Paradise Avenue</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>6,880</td>
<td>A</td>
</tr>
<tr>
<td>Roselawn Avenue</td>
<td>Colorado Avenue to Tuolumne Blvd</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>unavailable</td>
<td>A</td>
</tr>
<tr>
<td>Tuolumne Blvd</td>
<td>Paradise Road to SB Hwy 99 ramps</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>9,756</td>
<td>A</td>
</tr>
<tr>
<td>Hatch Road</td>
<td>Carpenter Rd to Crows Landing Rd</td>
<td>Expressway</td>
<td>4</td>
<td>33,750</td>
<td>unavailable</td>
<td>A</td>
</tr>
<tr>
<td>Crater Avenue</td>
<td>Aztecs Road to Dallas Street</td>
<td>Local</td>
<td>2</td>
<td>11,250</td>
<td>&lt;400</td>
<td>A</td>
</tr>
<tr>
<td>Seventh Street</td>
<td>B Street to Crows Landing Road</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>16,555</td>
<td>A</td>
</tr>
<tr>
<td>Ninth Street</td>
<td>B Street to River Road</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>20,623</td>
<td>A</td>
</tr>
<tr>
<td>B Street</td>
<td>Seventh Street to Ninth Street</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>15,079</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Ninth Street to Eleventh Street</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>10,885</td>
<td>D</td>
</tr>
<tr>
<td>Tenth Street</td>
<td>South of B Street</td>
<td>Local</td>
<td>2</td>
<td>11,250</td>
<td>&lt;400</td>
<td>A</td>
</tr>
<tr>
<td>Eleventh Street</td>
<td>D Street to B Street</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>4,131</td>
<td>A</td>
</tr>
<tr>
<td>Morton Avenue</td>
<td>B Street to Yosemite Boulevard</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>7,200</td>
<td>A</td>
</tr>
<tr>
<td>Yosemite Boulevard</td>
<td>D Street to Mitchell Road</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>29,000</td>
<td>D</td>
</tr>
<tr>
<td>Santa Cruz Ave</td>
<td>Yosemite Boulevard to Oregon Street</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>6,600</td>
<td>A</td>
</tr>
<tr>
<td>Tioga Avenue</td>
<td>Yosemite Boulevard to Monterey Street</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>unavailable</td>
<td>A</td>
</tr>
<tr>
<td>River Road</td>
<td>Seventh Street to Herndon Street</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>5,300</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Herndon Avenue to Mitchell Road</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>3,100</td>
<td>A</td>
</tr>
</tbody>
</table>
The Circulation Element ensures that a system of streets and roads is developed throughout the County that meets land use needs, while promoting safety and minimizing traffic congestion. Policies support a broad range of transportation modes. For instance, bikeways and pedestrian paths shall be routed to provide reasonable access from residential areas to major bicycle and pedestrian traffic destinations, such as schools, recreation and transportation facilities, centers of employment, and shopping areas (Conservation Element, Goals 6 and 11; Circulation Element, Goals 1 and 2).

d. City of Modesto Policies

The minimum acceptable LOS standard established in the Modesto General Plan is LOS "D". The Modesto General Plan employs daily traffic volumes to suggest current and future Levels of Service on major streets. The capacity and Level of Service thresholds employed are based on calculations using the Highway Capacity Manual (1997).

5. Regulatory Policies which Avoid Impacts

a. Stanislaus County Policies

There are no Stanislaus County regulatory policies that avoid impacts to traffic and circulation.

b. City of Modesto Policies

There are no City of Modesto regulatory policies that avoid impacts to traffic and circulation.

B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

The following information is provided in accordance with Section 15126.2 of the State CEQA Guidelines.

1. Thresholds of Significance Suggested by CEQA

CEQA identifies a significant effect on the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.

2. Thresholds of Significance Suggested by Other Analytical Methods

As previously described, the LOS analysis characterizes or rates the operation of roadways and intersections according to the degree of delay or congestion likely to be experienced. Conditions range from LOS "A", the best case condition characterized as free-flowing traffic; to LOS "F" representing the worse case condition, characterized by extensive delay and/or gridlock. These definitions and evaluations are described in Section A-3-a. The Modesto General Plan adopts a minimum acceptable LOS standard of LOS "D". The
IV. Environmental Analysis
A. Traffic and Circulation Needs

capacity and Level of Service thresholds employed are based on calculations using the Highway Capacity Manual.

In addition, most traffic and transportation engineers agree that a significant impact occurs when parking capacity is exceeded, or displacement of parking occurs.

3. Thresholds of Significance Adopted by the City of Modesto

After consideration of the methodological approaches suggested by the CEQA Guidelines and commonly accepted traffic engineering practices, the City has chosen to adopt the following thresholds of significance. The proposed project would have a significant impact on traffic if it would:

- Result in the decrease of weekday peak hour conditions on a street segment or at an intersection below the City’s minimum acceptable LOS D standard, or worsen conditions on a street segment or at an intersection already at LOS E or F.

- Result in a short-term increase in traffic that would result in LOS E or F on a street segment or at an intersection that would create a substantial increase in traffic congestion above typical patterns.

- Result in inadequate parking capacity.

4. Significant Direct Impacts
   a. Trip Generation

The Master Plan describes both passive and active recreational facilities. While various park elements are spread across the corridor, two active recreational areas are a key element of this study: the Regional Sports Complex and the Gateway Parcel. For this reason, trip generation estimates have been identified for typical park activities, Regional Sports Complex activities, special events held at the amphimeadow and larger special events that could occur periodically at the Gateway Parcel. Estimated trip generation for these uses has been determined based on “worst case” assumptions for site operation. Although a quantitative traffic analysis\(^1\) has not been developed for these activities and uses, these trip generation estimates are provided to support a qualitative analysis of short-term traffic impacts that could occur from special events.

---

\(^1\) A quantitative analysis of special events is not provided. The volumes and patterns associated with special events would vary from event to event. Short-term events are not conducive to standard traffic analysis procedures. A typical traffic analysis usually considers either average daily volumes, or typical peak-hour volumes. Because special events would only occur several times a year (i.e., likely not more than ten), these short-term volumes are not appropriately considered by an analysis that averages traffic volumes. Thus, special events are considered at a qualitative level, based upon the professional judgement of the traffic engineer preparing this analysis.
IV. Environmental Analysis
A. Traffic and Circulation Needs

<table>
<thead>
<tr>
<th>Use</th>
<th>Unit</th>
<th>Weekday</th>
<th>Saturday</th>
<th>Sunday</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Daily Peak Hour</td>
<td>Daily Peak Hour</td>
<td>Daily Peak Hour</td>
</tr>
<tr>
<td>Regional Park</td>
<td>acre</td>
<td>4.57</td>
<td>5.65</td>
<td>6.44</td>
</tr>
<tr>
<td>City Park</td>
<td>acre</td>
<td>1.59</td>
<td>not available</td>
<td></td>
</tr>
<tr>
<td>County Park</td>
<td>acre</td>
<td>2.28</td>
<td>12.14</td>
<td>4.13</td>
</tr>
</tbody>
</table>

Table A-4
Tuolumne River Regional Park Master Plan Trip Generation Estimates

<table>
<thead>
<tr>
<th>Use</th>
<th>Size</th>
<th>Weekday</th>
<th>Saturday</th>
<th>Sunday</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Daily Peak Hour</td>
<td>Daily Peak Hour</td>
<td>Daily Peak Hour</td>
</tr>
<tr>
<td>Regional Park</td>
<td>500 acre</td>
<td>2,285</td>
<td>2,825</td>
<td>3,220</td>
</tr>
</tbody>
</table>

Typical Park Activities

Trip generation estimates for various land uses have been developed based on national data by the Institute of Transportation Engineers (ITE). This information is presented in the ITE publication *Trip Generation, Sixth Edition*. As shown in Table A-3, trip generation rates have been compiled for regional parks, as well as for facilities that were classified as city and county parks. Review of this data indicated that the range of observed rates was wide and that the size of the TRRP most closely fell within the samples collected for larger regional parks, rather than for smaller city or county parks.

As shown in Table A-4, a 500-acre regional park could be expected to generate about 2,285 daily trips on a weekday, with about 100 trips occurring during the p.m. peak hour (i.e., 4:00 to 6:00 p.m.). These trips would be spread among the various activity centers within the TRRP.
IV. Environmental Analysis
A. Traffic and Circulation Needs

Table A-5
Regional Sports Complex Trip Generation

<table>
<thead>
<tr>
<th>Event</th>
<th>Daily</th>
<th>Before the Event</th>
<th>After Event</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>In</td>
<td>Out</td>
<td>Total</td>
</tr>
<tr>
<td>Weeknight Practice on one field (15 players)</td>
<td>20</td>
<td>20</td>
<td>40</td>
</tr>
<tr>
<td>Weeknight Practice on all 10 fields</td>
<td>200</td>
<td>200</td>
<td>400</td>
</tr>
<tr>
<td>Saturday Soccer Game on one field (30 players)</td>
<td>32</td>
<td>32</td>
<td>64</td>
</tr>
<tr>
<td>Saturday five games on 10 fields</td>
<td>1,600</td>
<td>1,600</td>
<td>3,200</td>
</tr>
</tbody>
</table>

*Traffic occurring during the weekday p.m. peak hour

Regional Sports Complex

The Regional Sports Complex envisions eventual development of multiple sports fields for outdoor recreational uses. The Master Plan suggests that sports fields for soccer, baseball, softball, and/or football could be developed. One field could be illuminated and provide bleacher seating. While the exact nature and operating schedule of the complex is not yet known, based on the size of the area devoted to the complex this preliminary analysis assumes development of up to ten sports fields.

The extent of organized activities at the park has not yet been determined. It is likely that the sports complex could be used by recreational and competitive community leagues in a manner that is consistent with existing activities elsewhere in the region. For this preliminary analysis we have assumed that the sports complex would likely be used during the week for team practice and early evening games, while tournament style play would be likely on weekends. Maximum concurrent use would result from development of ten soccer fields. While no decision has been made as to the actual nature of facilities to be created, the Master Plan suggests that the site is large enough to accommodate this use.

Estimates of the trip generation accompanying sports complex use are presented in Table A-5. As shown, on weeknights the fields could be used by teams for soccer practice. Assuming one team per field, this level of activity could generate about 400 daily trips using normal assumptions for automobile occupancy and drop-off. As the practice schedule is likely to begin before 6:00 p.m., about half of this traffic could occur during the p.m. peak traffic hour.
A greater traffic volume could accompany use of the facilities on weekends. Typical recreational soccer leagues schedule about five matches per field on a Saturday. As shown, this could result in about 3,200 daily trips being generated on a Saturday if all ten fields were used.

Amphimeadow

Activities in the Gateway Parcel could include events intended to draw citizens into the downtown area during weekdays and especially on weekends. The Gateway Parcel is to include an "amphimeadow" capable of seating 3,000 persons for regional or community events. It is estimated that a 3,000-person event could generate up to 2,400 daily trips, assuming an average of 2.5 persons per vehicle. Depending on the nature of an event, many of these trips could occur immediately before or after the event.

Large Special Events

Other larger special events could occur in the open space areas of the Gateway Parcel. Some of these activities already occur at other locations in Modesto. For example just east of Legion Park, a Cinco De Mayo celebration, Scotish Games and an Armenian Festival attract crowds totaling 10,000 to 15,000 persons. The Master Plan has the capability of attracting crowds of this size to the Gateway Parcel. However, these crowds would not all arrive or depart from the area at the same time, and as a result, the traffic impact would be spread over a broad period. Assuming about 2.5 persons per vehicle, these events probably generate about 8,000 to 12,000 daily trips.

b. Trip Distribution

The typical park use trip estimates were then assigned to the local street network based on the general location of planned parking facilities and the locations of residential destinations in the Modesto area. For this analysis it was assumed that all park visitors are residents of the Modesto Metropolitan area, including Modesto, Ceres, and western Stanislaus County, and that the regional distribution of project trips will likely mimic the population distribution within the City.

To quantify the regional distribution, a regional population distribution generated from the City of Modesto travel demand forecasting model was reviewed. In general, the distribution of typical park use trips generated by the TRRP is expected to follow the pattern summarized in Table A-6.

c. Existing Plus TRRP Traffic Volumes and Levels of Service

Typical Park Activities

The anticipated average weekday traffic projection for typical park use of the TRRP was assigned to the study area circulation system based on the distribution percentages noted in Table A-6. Resulting traffic volumes are presented in Figure A-2 and summarized in Table A-7.
IV. Environmental Analysis
A. Traffic and Circulation Needs

Table A-6
Trip Distribution

<table>
<thead>
<tr>
<th>Area</th>
<th>Travel to TRRP</th>
<th>Percentage of Total Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southeast Modesto</td>
<td>West via Yosemite Blvd</td>
<td>30%</td>
</tr>
<tr>
<td>Salida, Northwestern Modesto</td>
<td>South via Highway 99</td>
<td>15%</td>
</tr>
<tr>
<td>Ceres, southern Stanislaus County</td>
<td>North via Highway 99</td>
<td>15%</td>
</tr>
<tr>
<td>West Modesto</td>
<td>East via Tuolumne Blvd and Paradise Avenue</td>
<td>5%</td>
</tr>
<tr>
<td>Central Modesto</td>
<td>South via Ninth St to McHenry Ave and Tully Rd</td>
<td>30%</td>
</tr>
<tr>
<td>North Ceres</td>
<td>North via Ninth Street</td>
<td>5%</td>
</tr>
</tbody>
</table>
Figure A-2  Existing Plus Tuolumne River Regional Park Traffic Volumes

Tuolumne River Regional Park
Master Plan MEIR
### Table A-7
Existing Plus Traffic Volumes on Roadways
(in Weekday Average Daily Volume)

<table>
<thead>
<tr>
<th>Street</th>
<th>Location</th>
<th>Class</th>
<th>Lanes</th>
<th>LOS D Threshold</th>
<th>Existing Vol</th>
<th>Existing LOS</th>
<th>TRRP</th>
<th>Ex+Proj Vol</th>
<th>LOS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Carpenter Rd</td>
<td>Paradise Rd to Hatch Rd</td>
<td>Expressway</td>
<td>4</td>
<td>33,750</td>
<td>19,320</td>
<td>A</td>
<td>210</td>
<td>19,530</td>
<td>A</td>
</tr>
<tr>
<td>Robertson Rd</td>
<td>Carpenter Rd to Sutter Ave</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>5,700</td>
<td>A</td>
<td>270</td>
<td>5,970</td>
<td>A</td>
</tr>
<tr>
<td>Hancock St</td>
<td>John St to Robertson Rd</td>
<td>Local</td>
<td>2</td>
<td>11,250</td>
<td>&lt;400</td>
<td>A</td>
<td>300</td>
<td>700</td>
<td>A</td>
</tr>
<tr>
<td>Sutter Ave</td>
<td>Robertson Rd to Paradise Ave</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>6,880</td>
<td>A</td>
<td>300</td>
<td>7,180</td>
<td>A</td>
</tr>
<tr>
<td>Roselawn Ave</td>
<td>Colorado Ave to Tuolumne Blvd</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>unavailable</td>
<td></td>
<td>40</td>
<td>unavailable</td>
<td>A</td>
</tr>
<tr>
<td>Tuolumne Blvd</td>
<td>NB Hwy 99 ramps to Seventh St</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>9,756</td>
<td>A</td>
<td>265</td>
<td>10,021</td>
<td>A</td>
</tr>
<tr>
<td>Hatch Road</td>
<td>Carpenter Rd to Crows Landing Rd</td>
<td>Expressway</td>
<td>4</td>
<td>33,750</td>
<td>unavailable</td>
<td></td>
<td>90</td>
<td>unavailable</td>
<td>A</td>
</tr>
<tr>
<td>Crater Ave</td>
<td>Aztecs Road to Dallas Street</td>
<td>Local</td>
<td>2</td>
<td>11,250</td>
<td>&lt;400</td>
<td>A</td>
<td>10</td>
<td>410</td>
<td>A</td>
</tr>
<tr>
<td>Seventh St</td>
<td>B Street to Crows Landing Rd</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>16,555</td>
<td>A</td>
<td>10</td>
<td>16,565</td>
<td>A</td>
</tr>
<tr>
<td>Ninth St</td>
<td>B Street to River Road</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>20,623</td>
<td>A</td>
<td>110</td>
<td>20,733</td>
<td>A</td>
</tr>
<tr>
<td>B Street</td>
<td>Seventh St to Ninth St</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>15,079</td>
<td>A</td>
<td>475</td>
<td>15,554</td>
<td>A</td>
</tr>
<tr>
<td>Ninth St to Eleventh St</td>
<td>Collector</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>10,885</td>
<td>D</td>
<td>150</td>
<td>11,035</td>
<td>D</td>
</tr>
<tr>
<td>Tenth St</td>
<td>South of B Street</td>
<td>Local</td>
<td>2</td>
<td>11,250</td>
<td>&lt;400</td>
<td>A</td>
<td>0</td>
<td>&lt;400</td>
<td>A</td>
</tr>
<tr>
<td>Eleventh St</td>
<td>D Street to B St</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>4,131</td>
<td>A</td>
<td>540</td>
<td>4,671</td>
<td>A</td>
</tr>
<tr>
<td>Morton Ave</td>
<td>B Street to Yosemite Blvd,</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>7,200</td>
<td>A</td>
<td>325</td>
<td>7,525</td>
<td>A</td>
</tr>
<tr>
<td>Yosemite Blvd.</td>
<td>D Street to Mitchell Rd</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>29,000</td>
<td>D</td>
<td>685</td>
<td>29,685</td>
<td>D</td>
</tr>
<tr>
<td>Santa Cruz Ave</td>
<td>Yosemite Blvd. to Oregon St</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>6,600</td>
<td>A</td>
<td>300</td>
<td>6,900</td>
<td>A</td>
</tr>
<tr>
<td>Tioga Ave</td>
<td>Yosemite Blvd. to Monterey St</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>unavailable</td>
<td></td>
<td>210</td>
<td>unavailable</td>
<td>A</td>
</tr>
<tr>
<td>River Road</td>
<td>Seventh St to Herndon St</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>5,300</td>
<td>A</td>
<td>10</td>
<td>5,300</td>
<td>A</td>
</tr>
<tr>
<td></td>
<td>Herndon Ave to Mitchell Rd</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>3,100</td>
<td>A</td>
<td>10</td>
<td>3,110</td>
<td>A</td>
</tr>
</tbody>
</table>
As shown, on a typical weekday the TRRP would add a small number of trips to most of the streets in the study area. However, the incremental increase in traffic would not change the existing Levels of Service at any location, and on typical weekdays, City of Modesto's LOS "D" standard would not be exceeded as a result of this project. For this reason, this is considered a less-than-significant impact.

Regional Sports Complex

As noted above, on weeknights the Sports Complex could generate about 400 daily trips using normal assumptions for automobile occupancy and drop-off. As the practice schedule is likely to begin before 6:00 p.m., about half of this traffic could occur during the p.m. peak traffic hour. A greater traffic volume could accompany use of the facilities on weekends. Typical recreational soccer leagues schedule about five matches per field on a Saturday. This could result in about 3,200 daily trips being generated on a Saturday if all ten fields were used.

Each team would likely be coming and going at different times, spreading the trips out over a period of time. The incremental increase in traffic would not change the existing LOS at any location, either on the weekends or weekdays. The City of Modesto's LOS "D" standard would not be exceeded as a result of this project. For this reason, this is considered a less-than-significant impact.

Amphimeadow

The amphimeadow could be used for either weekend or weekday events such as daytime music concerts or festivals. A 3,000-person event could generate 2,400 daily trips, assuming an average vehicle occupancy of 2.5 people. Depending on the nature of an event, many of these trips could occur immediately before or after the event. The short-term influx of traffic would result in short-term periods of congestion that would exceed the City of Modesto's minimum acceptable LOS "D" standard. This short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create annoyance by area residents or commuters. This is considered a significant impact.

Impact Traffic-1: Traffic Impacts from Special Events at Amphimeadow. The increase in traffic associated with special events at the amphimeadow would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with amphimeadow visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact.

Large Special Events

As noted above, a large special event with 10,000 to 15,000 visitors would generate about 8,000 to 12,000 daily trips. These crowds would not all arrive or depart from the area at the same time, and as a result the traffic impact would be spread over a broad period of time.
IV. Environmental Analysis
A. Traffic and Circulation Needs

Currently, events such as the Cinco de Mayo celebration and other large special events are held just to the east of Legion Park. The City of Modesto Police Department meets with event sponsors prior to the event to develop a traffic and parking management plan. Traffic for large events is usually directed by police before, during, and after the event to reduce impacts.

With implementation of the TRRP Master Plan, it is anticipated that some of the large events currently held east of Legion Park and other large events would occur at the Gateway Parcel. During these events, roadways providing access to the Gateway Parcel would be at capacity and drivers would experience stop-and-go traffic. It is anticipated that the City of Modesto Police Department would continue to meet with event sponsor to develop event traffic management plans prior to the event. The traffic management plans would help alleviate traffic problems by directing the flow of traffic. However, even with the traffic management plans in place, the large special events would result in substandard operating conditions on the roadways providing access to the Gateway Parcel and off-site parking facilities. This is considered a significant impact.

Impact Traffic-2: Traffic Impacts from Large Special Events. The increase in traffic associated with large special events in the Gateway Parcel would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact.

e. Parking Impacts

The extent to which the Master Plan's proposed parking supply is adequate has been considered using the trip generation assumptions described earlier. An estimate of probable "worst case" parking demands was then compared to the available parking supply in the sections below.
IV. Environmental Analysis
A. Traffic and Circulation Needs

Table A-8
Regional Sports Complex Parking Demand

<table>
<thead>
<tr>
<th>Activity</th>
<th>Occupied Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weeknight practice on one field</td>
<td>3 - 5</td>
</tr>
<tr>
<td>(15 players)</td>
<td></td>
</tr>
<tr>
<td>Weeknight Practice on all 10 fields</td>
<td>30 - 50</td>
</tr>
<tr>
<td>(150 players)</td>
<td></td>
</tr>
<tr>
<td>Evening loading / drop-off</td>
<td>65 - 70</td>
</tr>
<tr>
<td>Total parking on Weeknights</td>
<td>85 - 120</td>
</tr>
<tr>
<td>Saturday Soccer Game on one field</td>
<td>16</td>
</tr>
<tr>
<td>(30 players)</td>
<td></td>
</tr>
<tr>
<td>Saturday Soccer Games on 10 fields</td>
<td>320</td>
</tr>
<tr>
<td>(600 players)</td>
<td></td>
</tr>
<tr>
<td>Drop off Activity</td>
<td>60 - 80</td>
</tr>
<tr>
<td>Total Saturday Parking Demand</td>
<td>380 - 400</td>
</tr>
</tbody>
</table>

Typical Park Activities

Implementation of the Master Plan would increase the number of parking spaces provided on-site. The current inventory of 446 parking spaces would be increased by 925 to a total of 1,371 parking spaces. As previously described, a 500-acre regional park could be expected to generate about 2,285 daily trips on a weekday, 2,825 daily trips on Saturday and 3,200 daily trips on Sunday. One visit to the park results in two trips, one arriving, and one departing. These trips would be spread among the various activity centers within the TRRP and throughout the day. The parking requirements for typical park activities would be accommodated in the 1,371 parking spaces provided in the TRRP. For this reason, this is considered a less-than-significant impact.

Regional Sports Complex

Parking demands at the Regional Sports Complex are expected to be different during the weeknight and weekends. The following analysis considers both conditions.

On weeknights some automobiles may park at the site during practice sessions. As shown in Table A-8, three to five vehicles per team would likely be at the park (up to fifty parked cars). With ten fields, another 65 to 70 vehicles would probably need short-term parking as they drop off and pick up participants. While it is unlikely that this total would occur concurrently, this demand could be accommodated in the 225 parking spaces that are expected on at the Sports Complex.
IV. Environmental Analysis
A. Traffic and Circulation Needs

Greater parking demands would likely occur on Saturdays. The actual parking demand would depend on the number of concurrent and consecutive games scheduled. If all ten fields are used for consecutive games, then up to 40 teams could be at the site at one time. The total parking demand for 40 teams could be about 320 spaces, with another 100 vehicles needing non-concurrent loading / short-term parking. Total loading and parking capacity of about 400 spaces would be needed. As the total on-site supply in this area is only about 225 spaces, the probable parking demand would spill over into the adjoining neighborhoods. This is a significant impact.

Although parking at the Sports Complex could become a problem, several measures could be implemented to avoid such problems. Primarily, park managers could schedule events in a manner that minimizes concurrent parking demand. It may be that not all of the fields could be used concurrently without exceeding the available parking supply. A method for making use of other parking for overflow parking may also need to be identified. While the balance of the TRRP parking supply is not particularly close to the Sports Complex, Robertson Elementary School is located on the north side of Robertson Road. Saturday use of school parking could be feasible, and measures to minimize neighborhood traffic by directing overflow parking to this site would be applicable.

**Impact Traffic-3: Parking for the Regional Sports Complex.** Parking demand for the Regional Sports Complex during concurrent and consecutive games, such as scheduled during a tournament, would exceed the parking capacity in the Carpenter Road Area. This is a potentially significant impact.

**Amphimeadow**

An event attracting 3,000 persons to the amphimeadow would generate most of its patrons by private automobile. Assuming a typical automobile occupancy rate of 2.5 persons per vehicle, it would be necessary to provide parking for about 1,200 vehicles. While the overall park's parking inventory exceeds this total, only about 530 spaces are projected in the area of the Gateway Parcel. Assuming 100 percent occupancy of that area, about 670 vehicles would need to park outside of the areas identified in the Master Plan.

This overflow demand could extend northerly from the park towards the downtown area. The surrounding land use in this area is commercial and industrial uses. Assuming that each downtown block could accommodate about forty-five to fifty vehicles and no other vehicles were parked on the street, then the overflow would extend to about E Street.

During the harvest season (June-September) processing activities occur at Stanislaus Foods and Gallo 24 hours a day, 7 days a week. Events held during the harvest season and other times when other parking demands also existed would result in overflow parking that extended further towards the downtown core.

The Master Plan acknowledges measures to help alleviate parking problems, and these actions should be incorporated into a parking management plan for major events at the TRRP. There are several overflow parking opportunities in the vicinity of the TRRP to accommodate overflow parking from special events held at the amphimeadow. The parking management plan could identify the locations of off-site parking sufficient for the prescribed event, note the location of necessary signing and coordinate parking with access.
management activities. It would be possible to provide coordinated bus service from downtown parking lots and garages. The City may be able to develop agreements with nearby property owners to use employee parking facilities for special event overflow parking during the off-season.

**Impact Traffic-4: Parking for Events held at the Amphimeadow**. An event attracting 3,000 persons to the amphimeadow would exceed the parking capacity in the Gateway Parcel. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is considered a potentially significant impact.

**Large Special Events**

Implementation of the TRRP Master Plan could result in significant off site parking impacts when large special events are held. Events associated with Cinco de Mayo and other annual festivals are likely to result in parking demands that extend well beyond the limits of the TRRP. Currently several large festivals, including the Cinco de Mayo celebration, are held to the east of Legion Park. Prior to the festivals the City of Modesto Police Department meets with event sponsors to develop an event traffic and parking management plan to minimize impacts to the surrounding neighborhood. Even with the event management plan in place, the events result in spillover parking onto neighborhood streets.

With implementation of the TRRP Master Plan, it is anticipated that some of the large events currently held to the east of Legion Park would move to the Gateway Parcel. It is also possible that other large events, not currently held in the TRRP, would also occur in the Gateway Parcel periodically. As noted above, like smaller events held in the amphimeadow, overflow demand from these large special events would extend northerly from the park towards the downtown area. Events held during the harvest season and other times when other parking demands also existed would result in overflow parking that extended further towards the downtown core.

**Impact Traffic-5: Parking for Large Special Events in the Gateway Parcel**. Implementation of the TRRP Master Plan could result in significant off site parking impacts when large special events are held. Events associated with Cinco De Mayo and other annual festivals are likely to result in parking demands that extend well beyond the limits of the TRRP. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is a significant impact.

5. **Significant Cumulative Impacts**

To evaluate the impacts of the TRRP Master Plan on future traffic conditions in the project area, Year 2025 conditions "Without TRRP Master Plan" and "With the TRRP Master Plan" were created and evaluated.

To create the baseline Year 2025 scenario, City of Modesto traffic model forecasts for the study area were obtained, identified and compared to current traffic volumes. These
IV. Environmental Analysis
   A. Traffic and Circulation Needs

Forecasts include the completion of the Tuolumne Boulevard Extension, as well as other projects addressed under the City of Modesto General Plan. These forecasts were completed by the City of Modesto staff using the citywide travel demand forecasting model.

The TRRP is identified in the current City of Modesto General Plan. Thus, the typical weekday trips generated by this use are already a part of the traffic volumes forecasts generated by the model, and the TRRP’s cumulative impacts have already been assessed as part of the General Plan Update Master EIR. Figure A-3 presents year 2025 traffic volumes on major streets in the study area. To provide a measure of the incremental contribution of TRRP traffic to the area street system, a "Year 2025 Without TRRP Master Plan" forecast was created by deleting TRRP trips from the model forecast.

Levels of Service on study area streets are presented in Table A-9. As shown, LOS is not appreciably different under the two scenarios. In this part of Modesto, year 2025 conditions in excess of the City's LOS “D” standard are only projected in one location, which is Ninth Street across the Tuolumne River. The planned four-lane arterial is projected to operate at LOS “F” whether the TRRP is developed or not. However, this impact was already disclosed in the Final Master EIR for the Urban Area General Plan (refer Figure 1-5 and Table 1-3).

Development of the TRRP has been addressed in the Modesto General Plan Master EIR. Review of year 2025 traffic volume forecasts generated by the current General Plan citywide travel demand forecasting model reveals that the TRRP does not result in any change to Levels of Service that were not already disclosed in the Master EIR. Thus, this is considered a less-than-significant impact.

6. Potential Impacts for Which There is Insufficient Information to Support a Full Analysis

The following are the potential impacts of anticipated subsequent projects for which there is not sufficient information reasonably available to support a full assessment (Public Resources Code 21157(b)(3)):

- Parking Impacts of the Regional Sports Complex; and
- Parking Impacts of Special Events.
Figure A-3 Year 2025 Traffic Volumes
Tuolumne River Regional Park
Master Plan NEIR

Source: KDAnderson Transportation Engineers (2001)
### Table A-9

#### Year 2025 Plus TRRP Traffic Volumes on Roadways
*(In Average Weekday Daily Volume)*

<table>
<thead>
<tr>
<th>Street</th>
<th>Location</th>
<th>Class</th>
<th>Lanes</th>
<th>Threshold</th>
<th>LOS D</th>
<th>Year 2025 Without TRRP Master Plan</th>
<th>Year 2025 With TRRP Master Plan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Vol</td>
<td>LOS</td>
</tr>
<tr>
<td>Carpenter Rd</td>
<td>Paradise Rd to Hatch Rd</td>
<td>Expressway</td>
<td>6</td>
<td>67,500</td>
<td>52,408</td>
<td>D</td>
<td>210</td>
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<tr>
<td>Robertson Rd</td>
<td>Carpenter Rd to Sutter Ave</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>7,055</td>
<td>A</td>
<td>270</td>
</tr>
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<td>Hancock St</td>
<td>John St to Robertson Rd</td>
<td>Local</td>
<td>2</td>
<td>11,250</td>
<td>&lt;400</td>
<td>A</td>
<td>300</td>
</tr>
<tr>
<td>Sutter Ave</td>
<td>Robertson Rd to Paradise Ave</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>2,986</td>
<td>A</td>
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<tr>
<td>Roselawn Ave</td>
<td>Colorado Ave to Tuolumne Blvd</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>7,709</td>
<td>A</td>
<td>40</td>
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<tr>
<td>Tuolumne Blvd</td>
<td>Paradise Rd to SB Hwy 99 ramps</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>26,553</td>
<td>C</td>
<td>265</td>
</tr>
<tr>
<td></td>
<td>NB Hwy 99 ramps to Ninth St</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>17,192</td>
<td>A</td>
<td>475</td>
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<td></td>
<td>Ninth Street to Yosemite Blvd</td>
<td>Collector</td>
<td>2-4</td>
<td>11,250</td>
<td>9,832</td>
<td>C</td>
<td>685</td>
</tr>
<tr>
<td>Hatch Road</td>
<td>Carpenter Rd to Crows Landing Rd</td>
<td>Expressway</td>
<td>4</td>
<td>46,750</td>
<td>28,599</td>
<td>A</td>
<td>90</td>
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<tr>
<td>Crater Ave</td>
<td>Aztecs Road to Dallas Street</td>
<td>Local</td>
<td>2</td>
<td>11,250</td>
<td>&lt;400</td>
<td>A</td>
<td>10</td>
</tr>
<tr>
<td>Seventh St</td>
<td>B Street to Crows Landing Rd</td>
<td>Arterial</td>
<td>4</td>
<td>33,750</td>
<td>12,760</td>
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<td>10</td>
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<tr>
<td>Ninth St</td>
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<td></td>
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<td>Arterial</td>
<td>4</td>
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<td>43,992</td>
<td>F</td>
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<td>Eleventh St</td>
<td>D Street to B St</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>2,423</td>
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</tr>
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<td>Yosemite Blvd.</td>
<td>D Street to Mitchell Rd</td>
<td>Arterial</td>
<td>6</td>
<td>50,000</td>
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<td>685</td>
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<td>Santa Cruz Ave</td>
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<td>300</td>
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<td>Tioga Ave</td>
<td>Yosemite Blvd. to Monterey St</td>
<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>3,441</td>
<td>A</td>
<td>210</td>
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<tr>
<td>River Road</td>
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<td>Collector</td>
<td>2</td>
<td>11,250</td>
<td>4,102</td>
<td>A</td>
<td>10</td>
</tr>
<tr>
<td></td>
<td>Herndon Ave to Mitchell Rd</td>
<td>Collector</td>
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<td>11,250</td>
<td>3,929</td>
<td>A</td>
<td>10</td>
</tr>
<tr>
<td>SR 99</td>
<td>Tuolumne Blvd to Crows Landing Rd</td>
<td>Freeway</td>
<td>8</td>
<td>180,000</td>
<td>169,910</td>
<td>D</td>
<td>90</td>
</tr>
</tbody>
</table>
C. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

The following information is provided in accordance with Section 15126.4 of the State CEQA Guidelines.

Impact Traffic-1: Traffic Impacts from Special Events at Amphimeadow. The increase in traffic associated with special events at the amphimeadow would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with amphimeadow visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact.

Mitigation Measure Traffic-1: Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphimeadow is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events. The traffic management plan shall identify the following:

- Routes that will be used to access the park by visitors, emergency vehicles and by staff;
- Applicable signage to inform the public of access routes and advance message signing located far enough from the site to allow the public to select alternative routes and avoid the area of the event;
- Methods and duration of protection for pedestrian crossings; and
- Location and responsibilities of traffic control personnel and duration of their activities. Locations for uniformed traffic control officers and event volunteers should be noted.

Implementation of this mitigation measure would reduce traffic impacts associated with the amphimeadow, however, for a short time immediately before and after an event, congestion would still occur. For this reason, this impact is considered significant and unavoidable.

Impact Traffic-2: Traffic Impacts from Large Special Events. The increase in traffic associated with large special events in the Gateway Parcel would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact.
IV. Environmental Analysis
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Mitigation Measure Traffic-2: Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a “subsequent project” in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events and include the elements identified in Mitigation Measure Traffic-1.

Implementation of this mitigation measure would reduce traffic impacts associated with large special events, however, for a short time immediately before and after an event, congestion would still occur. For this reason, this impact is considered significant and unavoidable.

Impact Traffic-3: Parking for the Regional Sports Complex. Parking demand for the Regional Sports Complex during concurrent and consecutive games, such as scheduled during a tournament, would exceed the parking capacity in the Carpenter Road Area. This is a potentially significant impact.

Mitigation Measure Traffic-3: Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a “subsequent project” in this MEIR. When detailed implementation plans are developed for the Regional Sports Complex, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, a parking management plan shall be created which matches the use of the site to the available parking supply. The following measures may be included in the parking management plan:

a) Park managers could schedule events in a manner that minimizes concurrent parking demand.

b) If required, identify overflow parking lots and appropriate signage directing visitors to designated lots. While the balance of the TRRP parking supply is not particularly close to the Sports Complex, Robertson Elementary School is located on the north side of Robertson Road. Saturday use of school parking could be feasible.

c) If necessary, additional parking may be required at the Sports Complex, or the number of fields may need to be reduced to effectively balance parking demand.

No overflow into the adjacent neighborhoods shall be allowed. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

Impact Traffic-4: Parking for Events held at the Amphimeadow. An event attracting 3,000 persons to the amphimeadow would exceed the parking capacity in the Gateway Parcel. Overflow parking could displace industrial and commercial employee or
patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is considered a potentially significant impact.

Mitigation Measure Traffic-4: Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphimeadow is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created.

The parking management plan shall identify the locations of off-site parking sufficient for the prescribed event, note the location of signing to direct visitors to designated lots, the number and location of parking management personnel, and coordinate parking with traffic/access management activities. During special events it would be possible to provide coordinated bus service from downtown parking lots and garages to the Gateway Parcel. In addition, during the off-season, the City of Modesto may develop agreements with property owners to use employee parking facilities for special event overflow parking. To ensure that satellite parking areas are successful, information regarding the availability of on-site and off-site parking would need to be conveyed to approaching motorists on a "real time" basis. Signs noting "lots full" and directing motorists to ancillary parking areas would be needed.

No overflow into the adjacent neighborhoods shall be allowed. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

Impact Traffic-5: Parking for Large Special Events in the Gateway Parcel.
Implementation of the TRRP Master Plan could result in significant off site parking impacts when large special events are held. Events associated with Cinco De Mayo and other annual festivals are likely to result in parking demands that extend well beyond the limits of the TRRP. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is a significant impact.

Mitigation Measure Traffic-5: Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created to reduce parking impacts on the surrounding neighborhood during large special events.

Development of an events parking management plan will be needed when the plans for the Gateway Parcel are finalized in order to make optimal use of satellite parking facilities, transit opportunities, etc, and to minimize impacts into adjoining areas. The parking management plan should include the elements identified in Mitigation Measure Traffic-4.
IV. Environmental Analysis
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However, even with implementation of the event parking management plans there will likely be significant traffic impacts in the immediate vicinity of TRRP when large special events are staged. With event attendance reaching 15,000, there would not be a feasible measure available to ensure that employees and patrons of the surrounding neighborhoods would not be displaced. For this reason, this is a significant and unavoidable impact.

1. Measures Which Mitigate Cumulative Impacts

No cumulative impacts have been identified.

2. Alternatives to the Proposed Project

The following information is provided in accordance with Section 15126.6 of the State CEQA Guidelines.

As described in the impacts and mitigation measures above, implementation and operation of the amphitheadow and special events at the Gateway Parcel would result in significant and unavoidable short-term traffic impacts. An alternative that would avoid this impact would be an alternative that does not include these uses. Further, a significant and unavoidable impact has been identified regarding overflow parking resulting from special events. Similarly, an alternative that would avoid this impact would be an alternative that does not include special events. This alternative is explored in Chapter VII.
CHAPTER IV. ENVIRONMENTAL ANALYSIS

B. DEGRADATION OF AIR QUALITY

This chapter provides an overview of the climate and meteorological setting for the TRRP project site and the San Joaquin Valley Air Basin, and the regulations that control air quality and air emissions. This summary is followed by an assessment of the potential for the proposed project to result in significant air quality impacts, and recommended mitigation measures to reduce these potentially significant impacts.

A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the State CEQA Guidelines. This environmental setting is the baseline for determining whether an impact of the TRRP Master Plan is significant.

1. Study Area for Direct Impacts

The study area for direct impacts is the TRRP Master Plan area and those properties immediately surrounding the Master Plan area.

2. Study Area for Cumulative Impacts

The study area for cumulative impacts is the San Joaquin Valley Air Basin.

3. Existing Physical Conditions in the Study Area

a. Climate and Meteorology

Ambient air quality is commonly characterized by climatological conditions, the meteorological influences on air quality, and the quantity and type of pollutants released. The following section describes pertinent characteristics of the air basin and provides an overview of the physical conditions affecting pollutant dispersion in the project area.

Regional Climate

The project site is located in the San Joaquin Valley Air Basin. The air basin is comprised of eight counties: San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and western and central Kern counties and is bounded to the east by the Sierra Nevada (approximately 8,000 to 14,000 feet elevation), to the west by the Coast Ranges (approximately 3,000 feet elevation), and to the south by the Tehachapi Mountains and the San Emigdio Mountains (approximately 8,000 feet elevation).

The concentration of air pollutants in the San Joaquin Valley Air Basin varies from day to day depending on the ability of the atmosphere to disperse pollutants. Air flow and pollutant transport within the air basin is complex and largely influenced by surrounding topographic features. In general, surrounding mountain ranges hinder air flow into and
IV. Environmental Analysis
   B. Degradation of Air Quality

out of the Valley. This weak air flow becomes blocked vertically by high barometric pressure over the San Joaquin Valley and renders the air basin susceptible to pollutant accumulation over time. Most of the surrounding mountains are above the normal height of summer inversion layers (1,500 to 3,000 feet). Local climatological effects, including wind speed and direction, temperature, inversion layers, and precipitation and fog, can exacerbate the air quality problems in the air basin (SJVAPCD 1998).

Local Climate

Stanislaus County is located in the northern portion of the eight-county air basin. The climate is semi-arid with winter and spring rainfall averaging approximately 11 inches per year. The rainfall is very seasonal with low heavy fog in the winter months. Temperatures within the project area range from a daily average January low of 37 degrees to a daily average July high of 94 degrees Fahrenheit (NOAA 1992). Winds are predominantly from the north during all seasons of the year with average annual wind speeds ranging from approximately 4 to 10 miles per hour (CARB 1994).

Due to the prevailing north winds during the summer, some of Stanislaus County's summer air quality problems are a result of pollutants being transported from outside the air basin. Major air quality problems throughout the area occur from late spring through early winter. From May to October high ozone levels are a recurring problem due to the region's intense heat and sunlight. Pollution problems also occur from October through January due to frequent strong temperature inversions, which trap pollutants near the earth's surface. The presence of visibility-reducing particulates is a problem during much of the year, caused largely by dust from spring winds and agricultural operations (SJVAPCD 1998).

Meteorological Influences on Air Quality

Regional wind flow patterns have an effect on air quality patterns by directing pollutants downwind of sources. Localized meteorological conditions, such as moderate winds disperse pollutants and reduce pollutant concentrations. When a warm layer of air traps cooler air close to the ground, an inversion layer is produced. Such temperature inversions especially hamper dispersion by creating a ceiling over the area and trapping air pollutants near the ground. During summer mornings and afternoons, such inversions are present over the project area. During summer's longer days, plentiful sunshine provides the energy needed to fuel photochemical reactions between nitrogen oxides (NOx) and reactive organic gases (ROG), which result in ozone (O3) formation.

In the winter, temperature inversions dominate during the night and early morning hours but frequently dissipate by afternoon. During these months, the greatest pollution problems are from carbon monoxide and NOx. High carbon monoxide concentrations occur on cold winter mornings with strong surface inversions and light winds.
b. Criteria Air Pollutants

Currently, most of the effort to improve air quality in the United States and California is directed toward the control of five pollutants, called "criteria" air pollutants: photochemical oxidants (ozone), carbon monoxide (CO), fine particulate matter (PM$_{10}$), nitrogen dioxide (NO$_2$), and sulfur dioxide (SO$_2$). Fifteen years ago, suspended particulate lead would have been included in this list, but the widespread availability and use of unleaded gasoline has effectively eliminated lead as an air quality concern. Criteria pollutants, including their formation and health effects, are discussed below.

Ozone (O$_3$)

O$_3$ is a colorless gas with a pungent odor that causes eye irritation and respiratory function impairment. Most O$_3$ in the atmosphere is formed as a result of the interaction of ultraviolet light, ROG, and NOx. ROG is composed of non-methane hydrocarbons, and NOx is made of different chemical combinations of nitrogen and oxygen, mainly nitrogen oxide and nitrogen dioxide (NO$_2$). Motor vehicles are the primary source of ROG and NOx. Because these photochemical reactions occur on a regional scale, O$_3$ is considered a regional pollutant.

Fine Particulate Matter (PM$_{10}$)

PM$_{10}$ are atmospheric particles resulting from fume-producing industrial and agricultural operations, and natural activities. Health impacts from breathing the particulates resulted in revision of the Total Suspended Particulate (TSP) standard to reflect particulates that are small enough to be inhaled (i.e., 10 microns or less in size). Current standards define acceptable concentrations of particulates that are smaller than 10 microns in diameter, referred to as PM$_{10}$. PM$_{10}$ includes a wide range of solid and liquid particles, including smoke, dust, aerosols, sulfates, and nitrates, which can cause lung damage.

Carbon Monoxide (CO)

CO is an odorless, colorless, gas that causes a number of health problems including fatigue, headache, confusion, and dizziness. The incomplete combustion of petroleum fuels in on-road vehicles is a major cause of CO. CO tends to dissipate rapidly into the atmosphere; consequently, violations of the CO standards are generally limited to major intersections during peak hour traffic conditions. CO is also produced during the winter from wood stoves and fireplaces.

Nitrogen Dioxide (NO$_2$)

NO$_2$ is an indirect product of fuel combustion in industrial sources, motor vehicles, and other mobile sources (e.g., off-road vehicles, trains, aircraft, mobile equipment, and utility equipment). NO$_2$ causes a number of health problems including risk of acute and chronic respiratory disease.
Sulfur Dioxide (SO$_2$)

SO$_2$ is a colorless gas with a pungent, irritating odor. The major source of SO$_2$ emissions is fuel-burning equipment in which fuel oil and/or coal are consumed. SO$_2$ causes a number of health problems including aggravation of chronic obstructive lung disease.

d. Existing Air Quality Monitoring Data

Air pollutant concentrations are measured at monitoring stations throughout the air basin. Baseline air quality in the study area can be inferred from ambient air quality measurements conducted at the Modesto-14 Street monitoring station. This monitoring station records several pollutants, and is the closest station in proximity to the project site that is generally representative of the air quality in the Modesto Urbanized Area. Table B-1 summarizes the last 3 years of published data from this monitoring station. Based on the information presented, air quality within the Modesto Urbanized Area over the last three years has exceed the State ambient air quality standards for ozone and PM$_{10}$, as well as the recently established national 8-hour ozone standard, on numerous occasions. The number of days exceeding the recently established national 8-hour ozone standard have steadily decreased over the last three years.

e. Existing Attainment Status

Monitored criteria air pollutants are classified in each air basin, county, or in some cases within a specific urbanized area. The classification is determined by comparing actual monitoring data with State and federal standards. If a pollutant concentration is lower than the standard, the pollutant is classified as "attainment" in that area. If an area exceeds the standard, the pollutant is classified as "non-attainment." If data are insufficient to determine whether or not the standard is exceeded, the area is designated "unclassified."

The attainment status designations of the air basin are presented in Table B-2. As indicated, the San Joaquin Valley Air Basin is classified "severe nonattainment" for the State ozone standard and "serious nonattainment" for the federal 1-hour ozone and PM$_{10}$ standards. The air basin is either unclassified or in attainment for the remaining federal and State air pollution standards. At this time, the attainment designation for the recently established 8-hour ozone and PM$_{2.5}$ standards have not been determined (SJVAPCD 2001).

4. Existing Regulatory Policies Applying to the Study Area

Air quality in the project vicinity is regulated by several jurisdictions including the Environmental Protection Agency (EPA), California Air Resources Board (CARB), and the San Joaquin Valley Air Pollution Control District (SJVAPCD). Each of these jurisdictions develop rules, regulations, policies, and/or goals to attain the goals or directives imposed upon them through legislation. Although EPA regulations may not be superseded, both State and local regulations may be more stringent.
### Table B-1

**Summary of Annual Air Quality Monitoring Data**

**Modesto-14th Street Station**

<table>
<thead>
<tr>
<th></th>
<th>1998</th>
<th>1999</th>
<th>2000</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>OZONE (O₃)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Standard</td>
<td>0.09 ppm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Standard</td>
<td>0.12 ppm</td>
<td>0.08 ppm</td>
<td></td>
</tr>
<tr>
<td>Maximum Concentration</td>
<td>0.134/0.119</td>
<td>0.119/0.104</td>
<td>0.131/0.101</td>
</tr>
<tr>
<td>Number of Days</td>
<td>24</td>
<td>13</td>
<td>7</td>
</tr>
<tr>
<td>State Standard</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Standards</td>
<td>0.08 ppm</td>
<td>0.022</td>
<td>NA</td>
</tr>
<tr>
<td>Maximum Concentration</td>
<td>0.088</td>
<td>0.103</td>
<td>0.079</td>
</tr>
<tr>
<td>Annual Mean</td>
<td>NA</td>
<td>0.022</td>
<td>NA</td>
</tr>
<tr>
<td>Number of Days</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>State Standard</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Standards</td>
<td>0.053 ppm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Concentration</td>
<td>0.088</td>
<td>0.103</td>
<td>0.079</td>
</tr>
<tr>
<td>Annual Mean</td>
<td>NA</td>
<td>0.022</td>
<td>NA</td>
</tr>
<tr>
<td>Number of Days</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>NITROGEN DIOXIDE (NO₂)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Standard</td>
<td>0.25 ppm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Standard</td>
<td>0.053 ppm</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Concentration</td>
<td>0.088</td>
<td>0.103</td>
<td>0.079</td>
</tr>
<tr>
<td>Annual Mean</td>
<td>NA</td>
<td>0.022</td>
<td>NA</td>
</tr>
<tr>
<td>Number of Days</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>CARBON MONOXIDE (CO)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Standard</td>
<td>20 ppm</td>
<td>9.1 ppm</td>
<td></td>
</tr>
<tr>
<td>National Standard</td>
<td>35 ppm</td>
<td>9.5 ppm</td>
<td></td>
</tr>
<tr>
<td>Maximum Concentration</td>
<td>9.4/7.34</td>
<td>11.4/6.36</td>
<td>NA/4.17</td>
</tr>
<tr>
<td>Number of Days</td>
<td>0/0</td>
<td>0/0</td>
<td>NA/0</td>
</tr>
<tr>
<td>State Standard</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Standards</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Concentration</td>
<td>0/0</td>
<td>0/0</td>
<td>NA/0</td>
</tr>
<tr>
<td><strong>SUSPENDED PARTICULATES (PM₁₀)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>State Standard</td>
<td>50 μg/m³</td>
<td></td>
<td></td>
</tr>
<tr>
<td>National Standard</td>
<td>150 μg/m³</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maximum Daily</td>
<td>125.0</td>
<td>132.0</td>
<td>112.0</td>
</tr>
<tr>
<td>Concentration</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Days Exceeding</td>
<td>11/0</td>
<td>27/0</td>
<td>8/0</td>
</tr>
<tr>
<td>State/National Standard - Measured</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Days Exceeding</td>
<td>33/0</td>
<td>84/0</td>
<td>24/0</td>
</tr>
<tr>
<td>State/National Standard - Calculated</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Note:** Measured days are those days that an actual measurement was greater than the level of the State or national standard. Measurements are typically collected every six days. Calculated days are the estimated number of days that a measurement would have been greater than the level of the standard had measurements been collected every day. Then number of days above the standard is not necessarily the number of violations of the standard for the year.

ppm = parts per million  
AAM = annual arithmetic mean  
μg/m³ = micrograms per cubic meter  
NA = not available

Table B-2
Ambient Air Quality Standards and SJVAB Attainment Status

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Designation/Classification</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Federal Standards</td>
</tr>
<tr>
<td>Ozone – One hour</td>
<td>Nonattainment</td>
</tr>
<tr>
<td>Ozone – Eight hour</td>
<td>Designation to be determined</td>
</tr>
<tr>
<td>PM$_{10}$</td>
<td>Nonattainment/Serious</td>
</tr>
<tr>
<td>PM$_{2.5}$</td>
<td>Designation to be determined</td>
</tr>
<tr>
<td>CO-Fresno Urbanized Area</td>
<td>Attainment</td>
</tr>
<tr>
<td>CO-Remainder of Fresno County</td>
<td>Unclassified/Attainment</td>
</tr>
<tr>
<td>CO – Merced, Madera and Kings Counties</td>
<td>Unclassified/Attainment</td>
</tr>
<tr>
<td>CO – Kern (SJVAB portion), Tulare, Stanislaus, San Joaquin</td>
<td>Unclassified/Attainment</td>
</tr>
<tr>
<td>Nitrogen Dioxide</td>
<td>Unclassified/Attainment</td>
</tr>
<tr>
<td>Sulfur Dioxide – Kern County (SJVAB portion)</td>
<td>Attainment</td>
</tr>
<tr>
<td>Sulfur Dioxide – All Other Counties</td>
<td>Unclassified</td>
</tr>
<tr>
<td>Lead (Particulate)</td>
<td>No Designation</td>
</tr>
<tr>
<td>Hydrogen Sulfide</td>
<td>No Federal Standard</td>
</tr>
<tr>
<td>Sulfates</td>
<td>No Federal Standard</td>
</tr>
<tr>
<td>Visibility Reducing Particulates</td>
<td>No Federal Standard</td>
</tr>
</tbody>
</table>


Pollutants subject to federal ambient standards are referred to as "criteria" pollutants because the EPA publishes criteria documents to justify the choice of standards. One of the most important reasons for air quality standards is the protection of those members of the population who are most sensitive to the adverse health effects of air pollution, termed "sensitive receptors." The term "sensitive receptors" refers to specific population groups as well as the land uses where they would reside for long periods. Commonly identified sensitive population groups are children, the elderly, the acutely ill, and the chronically ill. Commonly identified sensitive land uses are residences, schools, playgrounds, childcare centers, retirement homes or convalescent homes, hospitals, and clinics. The federal and State standards for the criteria pollutants and other State regulated air pollutants are shown in Table B-3.
### IV. Environmental Analysis

#### B. Degradation of Air Quality

**Table B-3**

<table>
<thead>
<tr>
<th>California a</th>
<th>National b</th>
</tr>
</thead>
<tbody>
<tr>
<td>Air Pollutant</td>
<td>Concentration</td>
</tr>
<tr>
<td>Ozone</td>
<td>0.09 ppm, 1-hr avg</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Carbon Monoxide</td>
<td>9.1 ppm, 8-hr avg</td>
</tr>
<tr>
<td></td>
<td>20 ppm, 1-hr avg</td>
</tr>
<tr>
<td>Nitrogen Dioxide</td>
<td>0.25 ppm, 1-hr avg</td>
</tr>
<tr>
<td>Sulfur Dioxide</td>
<td>0.04 ppm, 24-hr avg</td>
</tr>
<tr>
<td></td>
<td>0.25 ppm, 1-hr avg</td>
</tr>
<tr>
<td>Suspended Particulate Matter (PM_{10})</td>
<td>30 µg/m³ annual geometric mean</td>
</tr>
<tr>
<td></td>
<td>50 µg/m³, 24-hr avg</td>
</tr>
<tr>
<td>Suspended Particulate Matter (PM_{2.5}) c</td>
<td>--</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Lead</td>
<td>1.5 µg/m³, 30-day avg</td>
</tr>
<tr>
<td>Sulfates</td>
<td>25 µg/m³, 24-hr avg</td>
</tr>
<tr>
<td>Hydrogen Sulfide</td>
<td>0.03 ppm, 1-hr avg</td>
</tr>
<tr>
<td>Vinyl Chloride</td>
<td>0.01 ppm, 24-hr avg</td>
</tr>
<tr>
<td>Visibility Reducing Particles</td>
<td>Insufficient amount to produce an extinction coefficient of 0.23 per kilometer due to particles when the relative humidity is less than 70 percent.</td>
</tr>
</tbody>
</table>

**a** California standards for ozone, carbon monoxide, sulfur dioxide (1-hour), suspended particulate matter-PM_{10}, visibility reducing particles, are values that are not to be exceeded. The sulfur dioxide (24-hour), sulfates, lead, hydrogen sulfide, and vinyl chloride standards are not to be equaled or exceeded.

**b** National standards, other than ozone and those based on annual averages or annual arithmetic means, are not to be exceeded more than once a year. The ozone standard is attained when the expected number of days per calendar year with maximum hourly average concentrations above the standard is equal to or less than one.

**c** Based on newly established 8-hour ozone and PM-2.5 EPA standards. The 0.12 ppm 1-hour ozone standard will not be revoked in a given area until that area has achieved 3 consecutive years of air quality data meeting the 1-hour standard.

ppm parts per million by volume

µg/m³ micrograms per cubic meter

IV. Environmental Analysis
B. Degradation of Air Quality

a. Federal Regulations

The Federal Clean Air Act (CAA) of 1970 required the EPA to set National Ambient Air Quality Standards (NAAQS) for several air pollutants on the basis of human health and welfare criteria. The CAA also set deadlines for the attainment of these standards. The CAA Amendments of 1990 (CAA Amendments of 1990) made major changes in deadlines for attaining NAAQS and in the actions required of areas of the nation that exceeded these standards.

The CAA requires an air quality control plan referred to as the State Implementation Plan (SIP). The SIP contains the strategies and control measures California will use to attain the NAAQS. The CAA Amendments of 1990 require states containing areas that violate the NAAQS (such as the San Joaquin Valley Air Basin) to revise their SIPs to incorporate additional control measures to reduce air pollutants. If, when reviewing the SIP for conformity with CAA Amendments mandates, the EPA determines a SIP to be inadequate, it may prepare a Federal Implementation Plan (FIP) for the nonattainment area and may impose additional control measures.

b. State Policies

The California Clean Air Act (CCAA), 1988, requires that all air districts in the State endeavor to achieve and maintain California Ambient Air Quality Standards (CAAQS) for O₃, CO, SO₂, and NO₂. The CCAA requires air districts that exceed State standards to prepare plans showing how they would meet these standards. The CCAA specifies that districts focus particular attention on reducing the emissions from transportation and area-wide emission sources, and the act provides districts with new authority to regulate indirect sources. Each district plan is to achieve a 5 percent annual reduction, averaged over consecutive 3-year periods, in district-wide emissions of each nonattainment pollutant or its precursors. If this proves impossible, the plans must include “all feasible measures” to achieve emission reductions. The CCAA requires that the plans be updated every three years.

c. San Joaquin Valley Air Pollution Control District Policies

The SJVAPCD is the agency with jurisdiction over air quality regulation in the San Joaquin Valley Air Basin. The SJVAPCD has adopted several plans in an attempt to achieve State and federal air quality standards. In an effort to reach attainment of the State standards for O₃, the SJVAPCD has prepared and published its 1991 Air Quality Attainment Plan (AQAP). In addition to commitments to implement all feasible control measures, the governing board in adopting the 1991 AQAP on January 30, 1992 also committed to other requirements of the CCAA for severe non-attainment areas, including: (1) implementation of a permit program designed to achieve no net increase in emissions of nonattainment pollutants; (2) implementation of best available retrofit control technology (BARCT) measures for existing stationary sources; (3) implementation of best available control technology (BACT) for new or modified sources; and (4) implementation of transportation control measures. Conformity with the AQAP
is demonstrated through compliance with applicable Rules and Regulations adopted to achieve the goals of the AQAP (SJVAPCD 1992).

To meet the requirements of the federal CAAA, the SJVAPCD has adopted the Ozone Attainment Demonstration Plan and the PM\textsubscript{10} Attainment Demonstration Plan. Both plans establish a regulatory framework necessary for bringing the SJVAB into compliance with the NAAQS for ozone and PM\textsubscript{10}, respectively.

d. Stanislaus County Policies

State and federal legislation requires local governments to include strategies to increase the efficiency of transportation infrastructure and to reduce vehicle trips in their transportation plans. The SJVAPCD encourages local jurisdictions to support these strategies by promoting construction of infrastructure that reduces congestion or trips through the adoption of congestion management plans and transportation control measures (TCMs), including the promotion of alternative means of transportation. Congestion management programs are mandated by State law for urbanized counties having metropolitan areas of 50,000 or more residents. TCMs are required for the San Joaquin Valley by the CCAA and are part of the mobile source strategy in the SJVAPCD's AQAP. Within the City of Modesto Urbanized Area, congestion management and transportation control measures are implemented by the Stanislaus Council of Governments (StanCOG).

Stanislaus County does not address air quality in its General Plan. Further, the County does not have any local ordinances that address air quality or air emission control measures.

e. City of Modesto Policies

The City of Modesto does not address air quality in its General Plan. Further, the City does not have any local ordinances that address air quality or air emission control measures.

5. Regulatory Policies which Avoid Impacts

a. Stanislaus County Policies

There are no Stanislaus County regulatory policies that avoid impacts to air quality.

b. City of Modesto Policies

There are no City of Modesto regulatory policies which avoid impacts to air quality.
IV. Environmental Analysis  
B. Degradation of Air Quality

B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

The following information is provided in accordance with Section 15126.2 of the State CEQA Guidelines.

1. Thresholds of Significance Suggested by CEQA

CEQA identifies a significant effect of the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.

2. Thresholds of Significance Suggested by Other Analytical Methods

The SJVAPCD’s approach to CEQA analyses of short-term construction impacts is to require implementation of effective and comprehensive control measures in compliance with SJVAPCD Regulation VIII, rather than to require detailed quantification of emissions. Short-term construction impacts would be considered significant if development of the proposed land uses would result in increases in emissions that could adversely affect nearby sensitive receptors and if feasible SJVAPCD construction control mitigation measures are not included as part of the project.

With regard to regional air quality, the SJVAPCD has adopted standards of significance for determining the impact of a project on regional air quality. In accordance with these standards, the proposed project would be considered significant if regional emissions of ozone precursor pollutants (e.g., ROG or NOX) exceed 10 tons per year.

3. Thresholds of Significance Adopted by the City of Modesto

After consideration of the methodological approaches suggested by the CEQA Guidelines, the City has chosen to adopt the following thresholds of significance. The proposed project would have a significant impact to air quality if:

- Development of the proposed land uses would result in increases in emissions that could adversely affect nearby sensitive receptors and if feasible SJVAPCD construction control mitigation measures are not included as part of the project (SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts, 1998).

- Regional emissions of ozone precursor pollutants (e.g., ROG or NOX) exceed 10 tons per year (SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts, 1998).

- The proposed project would contribute to CO concentrations that would exceed State or national ambient air quality standards.
4. Significant Direct Impacts

a. Construction-related Impacts

Construction activities associated with the proposed project would temporarily generate short-term emissions of NOx, ROG, CO, and PM_{10} during clearing, grading, and general construction activities. The emissions produced during clearing, grading, and general construction activities are "short-term" in the sense that they would be limited to the construction period, and would only be experienced downwind of the project site.

Emissions would be generated primarily during excavation and grading activities associated with the construction of the proposed sports complex, amphitheater, trails, bike paths, and parking facilities. Emissions would vary substantially from day-to-day and could potentially produce substantial amounts of PM_{10}. The Master Plan does not specify feasible SJVAPCD construction control mitigation measures as part of the projects' construction activities.

**Impact Air-1: Generation of Short-term Construction-related Emissions.**
The Master Plan does not specify feasible SJVAPCD construction control mitigation measures as part of the projects' construction activities. Because construction significance is determined by means of whether SJVAPCD construction mitigation measures are implemented, construction emissions would be considered a short-term significant air quality impact.

b. Local Mobile Source Carbon Monoxide Emissions

The primary mobile source pollutant of local concern is CO. Carbon monoxide concentration is a direct function of vehicle idling time and, thus, traffic flow conditions. Carbon monoxide transport is extremely limited; it disperses rapidly with distance from the source under normal meteorological conditions. Under certain meteorological conditions, however, CO concentrations close to a congested roadway or intersection may reach unhealthy levels, affecting local sensitive receptors (residents, school children, hospital patients, the elderly, etc.). Typically, high CO concentrations, or "hot spots," are associated with roadways or intersections operating at high levels of service (LOS E, or worse), particularly those intersections located within areas that frequently experience elevated levels of background CO concentrations.

As discussed in Section IV-A: Transportation and Circulation, activities conducted at the Gateway parcel, including concerts and special events, would be anticipated to result in a substantial increase in vehicle traffic on area roadways. Attendance at these events could reach up to 15,000 people. Given the limited availability of parking within the area, increased congestion along some roadway segments and intersections would be anticipated. Increased congestion along area segments could potentially result in decreased levels of service, particularly if these events occur during peak traffic commute periods. As previously noted, increased vehicle congestion along roadways or at roadway intersections may result in elevated CO concentrations that could potentially exceed State or National standards and adversely affect nearby sensitive receptors.
IV. Environmental Analysis

B. Degradation of Air Quality

**Impact Air-2: Local Carbon Monoxide Emissions.** Events occurring at the Gateway Parcel, such as special events and concerts, could result in potential increases in carbon monoxide concentrations, or "hot spots," in excess of State or federal air quality standards. These carbon monoxide concentrations could negatively impact sensitive receptors, which may be located in the project vicinity or walking to and from the special events. This impact is potentially significant impact.

5. Significant Cumulative Impacts

   a. Long-term Operational Emissions

Implementation of the TRRP Master Plan, including operation of the proposed sports complex and amphimeadow facilities, would result in long-term air pollutant emissions primarily associated with the increased operation of motor vehicles. Long-term air emissions have the potential to affect the cumulative air quality of the San Joaquin Valley Air Basin. The urban emission model, URBEMIS7G, was used to predict the quantities of mobile source regional emissions attributable to the proposed project. URBEMIS7G default speeds, trip lengths, percent of those trips that started cold, the percentage of the trips that were made from home to work, from home to shopping, and from home to other were used assuming a vehicle fleet mix of light and medium duty automobiles.

Trip generation numbers obtained from the traffic analysis prepared for this project were also used in the analysis. Based on the traffic analysis prepared for this project, the proposed land uses would generate an average of approximately 2,285 daily trips during the weekdays (i.e., Monday through Friday). Daily use would increase slightly on the weekend to a maximum of approximately 2,825 trips on Saturdays and approximately 3,220 trips on Sundays. In general, outdoor park-related activities are typically considered seasonal, with slight decreases in trip generation typically occurring during the colder winter months.

In addition, it should be noted that the proposed project includes development of approximately 6 miles of off-street bicycle-accessible paths. These multi-modal paths would further supplement existing bicycle corridors within the Modesto Urbanized Area; would improve access between residential, commercial, and agricultural uses; and would link many of the existing and planned trail systems located in Stanislaus County. Consistent with the trip reduction strategies of the SJVAPCD's AQAP and the goals and objectives of the SCAAG's Congestion Management Program, construction of the proposed multi-modal path would provide safe, fast, and convenient options to the use of personal automobiles for commutes occurring within the Modesto Urbanized Area. Anticipated reductions in trip generation would result in reduction in mobile source vehicle emissions that could offset, to some degree, the predicted increases in emissions associated with development of the proposed amphimeadow and sports complex.

Predicted increases in regional emissions associated with this project were calculated using the ARB-approved URBEMIS7G computer program. To be conservative, the trip generation rates used in the model did not include any reductions due to seasonal
traffic congestion would be decreased enough to reduce the potential for high carbon monoxide concentrations when people are gathering or leaving large special events. For this reason, this is considered a significant and unavoidable impact for special events and concerts at the Gateway Parcel.

2. Measures Which Mitigate Cumulative Impacts

No cumulative impacts have been identified.

3. Alternatives to the Proposed Project

The following information is provided in accordance with Section 15126.6 of the State CEQA Guidelines.

As described in Impact Air-2, special events have the potential to cause short-term carbon monoxide "hot spots," which could negatively affect sensitive receptors who live in the area or are walking to and from the special events. An alternative that would avoid this impact would be an alternative that does not include special events at the Gateway Parcel. This alternative is explored in Chapter VII.
IV. Environmental Analysis
B. Degradation of Air Quality

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CHAPTER IV. ENVIRONMENTAL ANALYSIS

C. GENERATION OF NOISE

This chapter provides an overview of the noise environment at the TRRP project site and the regulations that control noise. This summary is followed by an analysis of potential noise impacts that could result from implementation of the TRRP Master Plan.

A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the State CEQA Guidelines. This environmental setting is the baseline for determining whether an impact of the TRRP Master Plan is significant.

1. Study Area for Direct Impacts

The study area for direct impacts is the TRRP Master Plan area and those properties immediately surrounding the Master Plan area.

2. Study Area for Cumulative Impacts

The study area for cumulative impacts includes the study area for direct impacts in addition to the roadways that would access the project site, and sensitive receptors in close proximity to those roadways. Additional vehicle trips to the project site could generate additional roadway noise that could result in cumulative effects to sensitive receptors in close proximity to the roadways.

3. Existing Physical Conditions in the Study Area

a. Acoustic Fundamentals

Noise Descriptors

Community noise levels are measured in terms of the "A-weighted decibel," abbreviated dBA. A-weighting is a frequency correction that correlates overall sound pressure levels with the frequency response of the human ear. Additional units of measurement have been developed to evaluate the long-term characteristics of sound. The equivalent energy (Leq) noise descriptor is commonly used to represent the corresponding steady state sound level that contains the same total energy as a time varying signal measured over a period of time (e.g., 1, 8, or 24-hour periods.) The Day-Night Averaged Level (Ldn) and the Community Noise Equivalent Level (CNEL) are commonly used to represent a time-weighted average of all measured noise levels that occur over a 24-hour period. Within the State of California, the CNEL noise descriptor is most widely used. Time-weighted refers to the fact that noise that occurs during the more noise-sensitive evening and nighttime hours is weighted (in calculations) more heavily. Both the Ldn and CNEL scales include a 10 dBA "penalty," or weighting, added for nighttime noise (10:00 p.m. to 7:00 a.m.) to account for the greater sensitivity to noise during this period. CNEL, the community equivalent noise level, is similar to Ldn, but adds an
IV. Environmental Analysis
C. Generation of Noise

additional 5 dBA "penalty," or weighting, to evening noise (7:00 p.m. to 10:00 p.m.). CNEL is used in this report for arterial/highway traffic generated noise assessment.

Characteristics of Sound Propagation and Attenuation

Noise can be generated by a number of sources, including mobile sources, such as automobiles, trucks and airplanes, and stationary sources, such as construction sites, machinery, and industrial operations. Noise generated by mobile sources typically attenuates at a rate between 3.0 to 4.5 dBA per doubling of distance. The rate depends on the ground surface and the number or type of objects between the noise source and the receiver. Hard and flat surfaces, such as concrete or asphalt, have an attenuation rate of 3.0 dBA per doubling of distance. Soft surfaces, such as uneven or vegetated terrain, have an attenuation rate of about 4.5 dBA per doubling of distance. Noise generated by stationary sources typically attenuates at a rate between 6.0 to 7.5 dBA per doubling of distance.

Placing barriers between the noise source and the receiver can reduce sound levels. In general, barriers contribute to decreasing noise levels only when the structure breaks the "line of sight" between the source and the receiver. Buildings, concrete walls, and berms can all act as effective noise barriers. Wooden fences or broad areas of dense foliage can also reduce noise, but are less effective than solid barriers.

Human Response to Noise

The human response to environmental noise is subjective and varies considerably from individual to individual. Noise in the community has often been cited as a health problem, not in terms of actual physiological damage, such as hearing impairment, but in terms of inhibiting general well-being and contributing to undue stress and annoyance. The health effects of noise in the community arise from interference with human activities, including sleep, speech, recreation, and tasks demanding concentration or coordination. Hearing loss can occur at the highest noise intensity levels. When community noise interferes with human activities or contributes to stress, public annoyance with the noise source increases. The acceptability of noise and the threat to public well-being are the basis for land use planning policies preventing exposure to excessive community noise levels.

Community Ambient Noise Degradation

In addition to the criteria discussed above, another consideration in defining impact criteria is based on the degradation of the existing noise environment. In community noise assessments, it is "generally not significant" if no noise-sensitive sites are located in the project area, or if increases in community noise level with the implementation of the project are expected to be 3 dBA or less at noise-sensitive locations, and the proposed project would not result in violations of local ordinances or standards. Noise-sensitive sites include residences, motels, hotels, public meeting rooms, auditoriums, schools, churches, libraries, hospitals, amphitheaters, parks, and other areas where quiet is essential.
b. Existing Noise Environment

The major noise sources affecting the project area include vehicular traffic on area roadways and aircraft flyovers from the nearby airports. Noise-sensitive land uses located along the Tuolumne River corridor consist primarily of single and multi-family residential dwellings. In the vicinity of the proposed sports complex, residential dwellings are located within approximately 100 feet of the proposed sports complex. Nearest noise-sensitive receptors located near the proposed amphitheater include residential dwellings located approximately 1,000 feet south of the site, across the Tuolumne River.

Ambient Noise Survey

To document existing noise conditions, four short-term (15-minute) daytime samples were taken in the vicinity of the proposed noise-generating sources (e.g., the sports complex and the amphitheater) and nearby noise-sensitive receptors (measurements occurred on March 7, 2001). Ambient noise survey results are summarized in Table C-1. The table displays the minimum (Lmin), maximum (Lmax), and average equivalent (Leq) sound levels measured during the survey. Based on the monitoring conducted, average daytime noise levels in the vicinity of the proposed sports complex range from approximately 47 to 53 dBA Leq, with maximum intermittent noise levels ranging from approximately 64 to 73 dBA. Average daytime noise levels in the vicinity of the proposed amphitheater measured approximately 47 dBA Leq with maximum noise levels approaching 54 dBA. Average daytime noise levels at the residential dwellings located nearest the proposed amphitheater, located approximately 1,000 feet to the south across Tuolumne River, measured approximately 54 dBA Leq and maximum noise levels measured approximately 70 dBA.

Existing Traffic Noise

Existing traffic noise levels on the project site were calculated using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA-RD-77-108). The input data included average daily traffic levels for nearby area roadways; day/night percentages of autos, medium and heavy trucks; vehicle speeds; ground attenuation factors; and roadway widths. Average daily traffic volumes were calculated from existing peak hour traffic data included in the traffic chapter of this report. Vehicle distribution percentages were based on California average vehicle distribution obtained from the California Department of Transportation.

The existing calculated traffic noise contours (in dBA CNEL) for roadways in the vicinity of the project site are presented in Table C-2. As depicted in Table C-2, existing traffic noise levels at 50 feet from the roadway centerline of area roadways range from approximately 50 to 68 dBA CNEL. Based on the modeling conducted, predicted day-night noise levels at residences located in the vicinity of the proposed sports complex would be estimated at approximately 62 dBA CNEL, or less.
IV. Environmental Analysis
C. Generation of Noise

Table C-1
Daytime Ambient Noise Monitoring

<table>
<thead>
<tr>
<th>Location</th>
<th>Monitoring Period</th>
<th>Measured Noise Level</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>$L_{\text{min}}$</td>
</tr>
<tr>
<td>Robertson Road west of Roselawn Avenue a</td>
<td>10:30 - 10:45</td>
<td>43.7</td>
</tr>
<tr>
<td>South of Intersection of John and Hays Streets a</td>
<td>11:00 - 11:15</td>
<td>40.8</td>
</tr>
<tr>
<td>Gateway Parcel, Amphimeadow Site</td>
<td>12:00 - 12:15</td>
<td>43.8</td>
</tr>
<tr>
<td>North of Intersection of River Road and Bystrum Road</td>
<td>9:45 - 10:00</td>
<td>45.3</td>
</tr>
</tbody>
</table>

Notes: Noise measurements were taken on February 1, 2001 using a Larson Davis model 820 digital sound level meter calibrated prior to measurement using a Larson Davis acoustic calibrator model CA250. Measurements were taken at a height of 4.5 feet.

a Measurements were taken at a distance of approximately 35 feet from roadway edge.


Residences located immediately south the proposed sports complex, across the Tuolumne River and north of River Road, would be exposed to existing day-night noise levels ranging from less than 60 dBA CNEL for those located along River Road to the mid-60s (dBA CNEL) for those located near 9th Street.

Existing Aircraft Noise

Existing ambient noise levels in the project area are also affected by occasional aircraft overflights originating from and destined for the nearby Modesto City-County Airport. The Modesto Airport is located in the southeastern portion of the City, west of Mitchell Road and north of the Tuolumne River. Existing airport noise contours range from approximately 60 dBA Ldn at approximately 1,300 feet to 75 dBA Ldn at approximately 400 feet from the main runway (Modesto 1995). Areas of the proposed Tuolumne River Regional Park located immediately south of the airport would be within the 60 to 75 dBA Ldn noise contours.
### Table C-2
**Existing Traffic Noise Levels**

<table>
<thead>
<tr>
<th>Roadway Segment</th>
<th>Predicted Traffic Noise Levels (dBA CNEL) at 50 feet from Roadway Centerline</th>
<th>Distance to Noise Contours</th>
</tr>
</thead>
<tbody>
<tr>
<td>carpenter Road, Paradise Rd. to Hatch Rd.</td>
<td>65.98</td>
<td>78.3</td>
</tr>
<tr>
<td>Robertson Road, Carpenter Rd. to Sutter Ave.</td>
<td>61.75</td>
<td>NC</td>
</tr>
<tr>
<td>Hancock Street, John St. to Robertson Rd.</td>
<td>50.21</td>
<td>NC</td>
</tr>
<tr>
<td>Sutter Ave., Robertson Rd. to Paradise Ave.</td>
<td>62.57</td>
<td>NC</td>
</tr>
<tr>
<td>Crater Ave., Aztecs Road to Dallas Street</td>
<td>50.21</td>
<td>NC</td>
</tr>
<tr>
<td>B Street, Seventh St. to Ninth St.</td>
<td>64.90</td>
<td>67.0</td>
</tr>
<tr>
<td>Ninth Street, B St. to River Road</td>
<td>66.12</td>
<td>82.3</td>
</tr>
<tr>
<td>Eleventh St., D St. to B St.</td>
<td>60.35</td>
<td>NC</td>
</tr>
<tr>
<td>Morton Ave, B St. to Yosemite Blvd.</td>
<td>62.77</td>
<td>NC</td>
</tr>
<tr>
<td>Yosemite Blvd., D St. to Mitchell Rd.</td>
<td>67.74</td>
<td>101.5</td>
</tr>
<tr>
<td>Santa Cruz Ave., Yosemite Blvd. to Oregon St.</td>
<td>62.39</td>
<td>NC</td>
</tr>
<tr>
<td>River Road, Herndon Ave. to Mitchell Rd.</td>
<td>59.11</td>
<td>NC</td>
</tr>
<tr>
<td>Tuolumne Blvd., Paradise Rd. to SB Hwy 99 Ramps</td>
<td>63.01</td>
<td>NC</td>
</tr>
<tr>
<td>Tuolumne Blvd., NB Hwy 99 Ramps to Seventh St.</td>
<td>65.01</td>
<td>68.1</td>
</tr>
</tbody>
</table>

**Notes:** Predicted noise levels were calculated using FHWA traffic noise prediction model (FHWA-RD-77-108). Based on the calculated average daily trips obtained from the traffic analysis prepared for this project. Assumes no intervening natural or man-made features.

NC = Not Calculated; Noise contour is within roadway right-of-way.

IV. Environmental Analysis
C. Generation of Noise

4. Existing Regulatory Policies Applying to the Study Area

Federal, state, and local governments have established noise standards and guidelines to protect citizens from potential hearing damage and various other adverse physiological and social effects associated with noise. In general, noise control regulations adopted by federal and state governments pertain to the control of transportation noise, land use compatibility, and occupational noise control. Local noise ordinances often establish additional noise standards and restrictions to ensure land use compatibility with noise-generating sources and for the control of nuisance noise. The standards and guidelines that are applicable to the proposed project are discussed below.

a. Federal Regulations

The U. S. Department of Housing and Urban Development (HUD) requires a determination for noise impacts for each request for funding to ascertain whether the project does not involve development of noise sensitive uses, or whether the ambient noise level is 65 Ldn or less, based upon HUD Noise Assessment Guidelines (NAG) for calculating noise levels. These regulations do not apply to the proposed project, as HUD funds are not being pursued.

b. State Policies

Guidelines for the Preparation and Content of the Noise Element of the General Plan were first prepared by the State Department of Health Services (DOHS) in 1976. The guidelines revised and clarified the requirements for the noise element of each city and county general plan. In November 1998, the Governor's Office of Planning and Research for the State of California released its most recent update of the State's Guidelines. As with the previous edition, the Guidelines are advisory, not mandatory, and include guidance for the acceptability of designated land uses within specific noise contours.

California law establishes minimum noise insulation standards for hotels, motels, dormitories, long-term care facilities, apartment houses and dwelling units other than detached single-family dwellings. However, because none of these uses are proposed by the TRRP Master Plan, these policies do not apply.

c. Stanislaus County Policies

The Stanislaus County General Plan Noise Element includes noise exposure information intended to serve as a basis for land use compatibility with exterior and interior noise environments within the unincorporated areas of the County. The noise exposure information is also intended to provide baseline levels for use in the development and enforcement of local noise control ordinances. The noise compatibility standards published by the California State Office of Noise Control (1976), as depicted in Table C-3, have also been adopted by Stanislaus County and incorporated into the Stanislaus County General Plan Noise Element.
d. City of Modesto Policies

The Noise Element of the Modesto Urban Area General Plan provides standards for evaluating the compatibility of land uses with respect to outdoor and certain indoor noise levels. The purpose of the land use compatibility analysis is to screen projects, which may require specific design considerations to mitigate noise impacts. The noise compatibility standards, shown in Table C-3, are derived from standards published by the California State Office of Noise Control (1976) and are provided in the Noise Element of the most recent update of the City of Modesto Urban Area General Plan (1995).

The noise standards presented in Table C-3 are based on the CNEL noise metrics for evaluating land use compatibility with exterior and interior noise environments. For instance, a recommended interior noise exposure of 45 dBA CNEL is typically recommended for noise-sensitive land uses (e.g., residential dwellings, hotels, etc.).

Assuming a typical exterior-to-interior noise reduction of approximately 12 to 18 dBA (with windows partially open), a 60 dBA CNEL exterior value identified as “normally acceptable” would provide for the recommended interior noise environment. These criteria require a rather broad interpretation, as illustrated by the ranges of acceptability for a given land use within a defined range of noise exposures.

In general, evaluation of land use which falls into the “normally acceptable”, “conditionally acceptable”, or “normally unacceptable” noise environments should include consideration of the type of noise source, the sensitivity of the noise receptor, the noise reduction likely to be provided by structures, and the degree to which the noise source may interfere with speech, sleep, or other activities characteristic of the land use.

In addition to the General Plan, the City of Modesto Municipal Code contains general noise regulations, including nuisance provisions. One of the provisions of this Code section limits noise-generating construction activities to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and between the hours of 9:00 a.m. and 9:00 p.m. on weekends and holidays.
### Table C-3

**Land Use Compatibility for Community Noise Environments**

<table>
<thead>
<tr>
<th>Land Use Category</th>
<th>Exterior Day/Night Noise Levels (DNL, dB)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Normally Acceptable</td>
</tr>
<tr>
<td>Residential Low-Density Single Family, Duplex, Mobile Homes</td>
<td>50 - 60</td>
</tr>
<tr>
<td>Residential Multi-Family</td>
<td>50 - 65</td>
</tr>
<tr>
<td>Transient Lodging-Motels, Hotels</td>
<td>50 - 65</td>
</tr>
<tr>
<td>Schools, Libraries, Churches, Hospitals, Nursing Homes</td>
<td>50 - 70</td>
</tr>
<tr>
<td>Auditoriums, Concert Halls, Amphitheaters</td>
<td>NA</td>
</tr>
<tr>
<td>Sports Arena, Outdoor Spectator Sports</td>
<td>NA</td>
</tr>
<tr>
<td>Playgrounds, Neighborhood Parks</td>
<td>50 - 70</td>
</tr>
<tr>
<td>Golf Courses, Riding Stables, Water Recreation, Cemeteries</td>
<td>50 - 75</td>
</tr>
<tr>
<td>Office Buildings, Business Commercial and Professional</td>
<td>50 - 70</td>
</tr>
<tr>
<td>Industrial, Manufacturing, Utilities, Agriculture</td>
<td>50 - 75</td>
</tr>
</tbody>
</table>

**Normally Acceptable:** Specified land use is satisfactory, based upon the assumption that any building involved are of normal conventional construction, without any special noise insulation requirements.

**Conditionally Acceptable:** New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply systems or air conditioning will normally suffice.

**Normally Unacceptable:** New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made, and needed noise insulation features must be included in the design.

**Clearly Unacceptable:** New construction or development should generally not be undertaken.

**NA:** Not applicable.

Source: Office of Noise Control, State of California; obtained from the City of Modesto Final Master Environmental Impact Report for the Urban Area General Plan, August 15, 1995.
5. Regulatory Policies which Avoid Impacts
   a. Stanislaus County Policies

There are no Stanislaus County regulatory policies which avoid noise impacts.

   b. City of Modesto Policies

Enforcement of the City of Modesto Municipal Code ensures that construction activities are limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays and between the hours of 9:00 a.m. and 9:00 p.m. on weekends and holidays (Modesto 1995).

B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

The following information is provided in accordance with Section 15126.2 of the State CEQA Guidelines.

1. Thresholds of Significance Suggested by CEQA

CEQA identifies a significant effect of the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.

2. Thresholds of Significance Suggested by Other Analytical Methods

As described above, both the City of Modesto and Stanislaus County employ land use compatibility criteria to screen projects that may require specific design considerations to mitigate noise impacts. The noise compatibility standards, shown in Table C-3, are derived from standards published by the California State Office of Noise Control (1976). These compatibility standards are often used as thresholds of significance for new land uses in environmental review documents.

In addition, most noise analysts and acoustical engineers agree that a noise impact can be considered significant if a noticeable increase (i.e., 3 dBA or greater) in ambient noise levels occurs at nearby noise sensitive land uses.

3. Thresholds of Significance Adopted by the City of Modesto

After consideration of the methodological approaches suggested by the CEQA Guidelines and the thresholds of significance suggested by other analytical methods, the City has chosen to adopt the following thresholds of significance. The proposed project would have a significant impact to noise if the project would:

- Result in a long-term noticeable increase (i.e., 3 dBA or greater) in ambient noise levels at nearby noise sensitive land uses.
IV. Environmental Analysis
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- Locate land uses within an area that exceeds the City's "conditionally acceptable" noise levels.

4. Significant Direct Impacts

a. Construction-generated Noise Impacts

Construction activities associated with implementation of the proposed project would include restoration of various areas along the river corridor, development of multi-modal pathways, and construction of the proposed amphimeadow outdoor theater, sports complex, and parking lot facilities. The duration of individual construction activities would vary depending on the activities being performed.

Construction noise typically occurs intermittently and varies depending on the nature or phase of construction (e.g., demolition/land clearing, grading and excavation, erection). Noise generated by construction equipment, including earth movers, material handlers, and portable generators, can reach high levels. Although noise ranges were found to be similar for all construction phases, the initial site preparation phase tended to involve the most equipment. The EPA has found that the average noise levels associated with the construction typically ranges from approximately 76 dBA to 84 dBA Leq, with maximum noise levels in excess of 90 dBA for brief periods of time, depending on the operational characteristics of the equipment being used. Typical operating cycles may involve 2 minutes of full power, followed by 3 or 4 minutes at lower settings (EPA 1971a). Table C-4 lists noise levels generated by typical construction equipment at a distance of 50 feet.

Noise from localized point sources (such as construction sites) typically decreases by about 6 dBA with each doubling of distance from source to receptor. Given this noise attenuation rate, the average noise level of construction activities would be 84 dBA Leq at the project site boundary. At this noise level, areas within approximately 1,500 feet of the project site could experience intermittent construction-generated noise levels in excess of 60 dBA for brief periods of time.

Noise levels in excess of 60 dBA may result in temporary interference with speech recognition and increased levels of annoyance, particularly within the outdoor activity areas of the residences, and would result in a noticeable increase (e.g., 3 dBA, or greater) in ambient noise levels. However, these impacts would be short-term. In accordance with the City of Modesto Municipal Code, noise-generating construction activities would be limited to daytime hours of 7:00 a.m. to 9:00 p.m. on weekdays and 9:00 a.m. to 9:00 p.m. on weekends. Because construction noise would be short-term and because compliance with the City's Municipal Code requirements would reduce annoyance and sleep disruption to occupants of nearby residences, construction-generated noise is considered less-than-significant.
Table C-4
Typical Construction Equipment Sound Levels

<table>
<thead>
<tr>
<th>Equipment</th>
<th>Typical Sound Level @ 50 Ft (in dBA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dump truck</td>
<td>88</td>
</tr>
<tr>
<td>Portable air compressor</td>
<td>81</td>
</tr>
<tr>
<td>Concrete mixer (truck)</td>
<td>85</td>
</tr>
<tr>
<td>Jackhammer</td>
<td>88</td>
</tr>
<tr>
<td>Scraper</td>
<td>88</td>
</tr>
<tr>
<td>Dozer</td>
<td>87</td>
</tr>
<tr>
<td>Paver</td>
<td>89</td>
</tr>
<tr>
<td>Generator</td>
<td>76</td>
</tr>
<tr>
<td>Pile driver</td>
<td>101</td>
</tr>
<tr>
<td>Rock drill</td>
<td>98</td>
</tr>
<tr>
<td>Pump</td>
<td>76</td>
</tr>
<tr>
<td>Pneumatic tools</td>
<td>85</td>
</tr>
<tr>
<td>Backhoe</td>
<td>85</td>
</tr>
</tbody>
</table>


b. Stationary Noise Sources

Implementation of the proposed Tuolumne River Regional Park Master Plan would introduce new noise sources to the area. Proposed uses that would have the potential to affect the existing noise environment would be the sports complex, amphimeadow, and various special events such as fairs and festivals. The sports complex would be located north of the Tuolumne River in the Carpenter Road Area. The amphimeadow would be constructed on the Gateway Parcel. Special events would also occur at the Gateway Parcel. Noise sources typically associated with these proposed facilities, resultant noise levels, and potential impacts to the existing noise environment are discussed below.

Sports Complex

The proposed sports complex would include up to ten active play fields, including a tournament level field equipped with exterior lighting and spectator bleachers. The types of play fields, to be determined by regional needs, could include soccer, tennis, baseball, football, or other sports. The Master Plan does not include specific hourly limitations during which sports activities at the complex would be allowed.

The nearest noise-sensitive receptors include residential dwellings located along John and Hays streets and Robertson Road, the nearest of which are located approximately
100 feet from the proposed play fields. Based on the monitoring conducted for this analysis, average daytime noise levels in the vicinity of the proposed sports complex currently range from approximately 47 to 53 dBA Leq.

Noise levels typically associated with recreational events (such as baseball and soccer games), including noise from spectators and players, can reach approximately 75 dBA at 50 feet. Assuming a maximum noise level of 75 dBA at 50 feet and a normal sound attenuation rate of 6 dBA per doubling of distance, predicted noise levels at the nearest residential dwellings would be approximately 69 dBA. If an amplified speaker system is used during tournament events additional increases in ambient noise levels at these nearby residences could occur. Noise generated by activities conducted at the proposed sports complex would result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at these nearby residences, especially if activities were to occur during the quieter late evening and nighttime hours. In addition, the resultant increase in ambient noise levels at these nearby residences would exceed the City’s “normally acceptable” noise standard of 60 dBA CNEL.

Detailed implementation plans have not been developed for the regional sports complex, and this project has been identified as a subsequent project in this MEIR, which would require additional analysis prior to implementation. It may be possible to design a sports complex that would not result in a noticeable increase in ambient noise levels. This could be achieved by limiting the hours of operation of the sports complex to the daytime and evening hours, providing noise control measures (i.e., barriers) between the fields and nearby residences, and limiting amplification of the sporting events.

Impact Noise-1. Noise Associated with the Regional Sports Complex. Noise generated by activities conducted at the proposed sports complex could result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences that could potentially exceed the City’s “normally acceptable” threshold of 60 dBA CNEL. This increase in noise would be attributable to noise from spectators and players, and amplified announcing that could accompany the games. In consideration of the potential for the sports complex to generate significant increases in ambient noise levels at nearby sensitive receptors (i.e., residences), this impact has been identified as potentially significant.

Amphimeadow

The amphimeadow would be constructed at the eastern end of the Gateway Parcel. The proposed amphimeadow stage would face westward so that amplified sound would be directed away from existing land uses and nearby noise-sensitive receptors. Seating would be located within the meadow area west of the stage and would accommodate up to 3,000 people. The proposed use of the amphimeadow has not yet been specified, although it would likely be used for regional and community events, such as plays, recitals, community celebrations, and concerts. The Master Plan does not prohibit amplified musical events, such as concerts.
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Noise levels generated by amphitheaters are primarily a function of the type of performance be provided. Noise levels can vary substantially depending on the use. For instance, sound levels associated with symphony orchestra typically average approximately 90 dBA; whereas, sound levels from a rock concert with an amplified speaker system can reach levels of approximately 120 dBA at 6 feet (Cunniff 1977; Lipscomb and Taylor 1978). Assuming a normal rate of six decibels per doubling of distance from the source and a maximum of 120 dBA at 6 feet, predicted maximum noise levels at 100 feet from the front of the stage would be approximately 96 dBA. Because noise associated with such events are typically directional, noise levels at equivalent distances to the rear and sides of the amphimeadow stage would likely be considerably less than sound levels at areas located directly in front of the stage.

The nearest noise-sensitive receptors are residential dwellings located approximately 1,000 feet south of the project site, across the Tuolumne River. Based on the monitoring conducted for this analysis, the average daytime noise level in the vicinity of these nearby residences is approximately 54 dBA Leq. Assuming a maximum noise generation potential of 120 dBA at 6 feet, predicted “worst-case” noise levels at the property line of the nearest residence would be approximately 74 dBA, which would result in a substantial increase in ambient noise levels, particularly during the quieter late evening and nighttime hours. In addition, the resultant increase in ambient noise levels at these nearby residences would exceed the City’s “normally acceptable” noise standard of 60 dBA CNEL. As a result, noise generated by the proposed amphimeadow uses would be considered to have a significant impact to nearby noise-sensitive land uses.

Impact Noise-2: Noise Associated with the Amphimeadow. Noise associated with events at the amphimeadow could reach approximately 74 dBA at the nearest residential land uses (assuming amplification of community events), which would exceed the City’s “normally acceptable” threshold of 60 dBA CNEL. This noise level would be a noticeable increase (i.e., 3 dBA, or greater), and would be considered a significant impact.

Special Events

Proposed development within the Gateway Parcel would also allow for special events to occur in areas located near Tuolumne Boulevard. For example, to the east of Legion Park, a Cinco De Mayo celebration, Scottish Games and an Armenian Festival attract crowds totaling 10,000 to 15,000 persons. The Master Plan has the capability of attracting crowds of this size to the Gateway Parcel. In the future, some of these events may be relocated to the Gateway Parcel. The Master Plan does not specify hours of restriction during which such activities would be allowed.
On-site crowd noise, primarily human speech, is typically the primary noise contributor associated with special events. Average sound levels typically associated with human speech are presented in Table C-5.

As depicted in Table C-5, average speech levels typically range from 50 to 88 dBA at one meter. Using the data presented in the table and assuming a normal attenuation rate of 6 dBA per doubling of distance from the source, the overall crowd noise can be predicted. Assuming that 50 percent of a crowd were male and 50 percent were female, a crowd of 500 people conversing simultaneously at normal levels of speech would generate predicted noise levels of approximately 53 dBA at 100 feet. Predicted noise levels would increase by approximately 3 dBA with each doubling in size of the crowd.

The City of Modesto reports that special events can have attendance up to 15,000 people. This attendance is not anticipated to be at a special event all at one time. However, because a maximum attendance of such events is unknown, this analysis considers the potential noise impact of 15,000 people at the Gateway parcel. Predicted sound levels at 100 feet would be approximately 68 dBA, without the use of amplified sound systems. Assuming a maximum sound level of 68 dBA at 100 feet and a "normal" attenuation rate of 6 dBA per doubling of distance from the source, predicted sound levels at approximately 1,000 feet would be approximately 48 dBA.

Predicted noise levels at the nearest residences, which are located in excess of 1,000 feet from the proposed events, would be less than the measured daytime ambient noise levels of approximately 54 dBA. Thus, the increase in noise associated with crowds at the Gateway parcel would not result in a noticeable increase (i.e., 3 dBA or greater) in daytime ambient noise levels at these residences. In addition, the resultant increase in ambient noise levels at these nearby residences would not be anticipated to exceed the City's "normally acceptable" noise standard of 60 dBA CNEq.

However, if the use of amplified sound systems are allowed at such seasonal events, noticeable increases in daytime noise levels at nearby residences would likely occur. In addition, events occurring during the quieter evening and nighttime hours (with or
without the allowed use of amplified sound systems) would also be anticipated to result in noticeable increases in ambient noise levels at these residences and, as such, would be anticipated to result in increased levels of annoyance to occupants of these residences.

**Impact Noise-3: Noise Associated with Special Events.** The crowds associated with special events held during the daytime would not cause a significant increase in ambient noise levels at nearby residences. In addition, the resultant increase in ambient noise levels at these nearby residences would not be anticipated to exceed the City's "normally acceptable" noise standard of 60 dBA CNEL. However, the use of amplified sound systems or special events occurring during the nighttime could potentially result in a significant increase in the ambient noise levels at these nearby residences. This is a potentially significant impact.

c. Land Use Compatibility

As previously discussed, the City of Modesto Urban Area General Plan includes noise standards to be applied to new development for purposes of ensuring compatibility with the existing noise environment (refer to Table C-3). Based on the thresholds identified, park-related land uses are considered "normally acceptable" within exterior noise environments of 70 dBA CNEL, or less, and "conditionally acceptable" within areas of 70 to 75 dBA CNEL. Noise environments of greater than 75 dBA CNEL are considered "normally unacceptable" for park-related land uses. Amphiheaters are considered "conditionally acceptable" at levels up to 70 dBA CNEL. Land uses involving spectator sports, such as the proposed sports complex, are considered "conditionally acceptable" at levels up to 75 dBA.

Based on the ambient noise surveys and traffic noise modeling conducted for this project, exterior noise levels within most areas of the Tuolumne River Regional Park do not exceed the "normally acceptable" exterior noise standard of 70 dBA CNEL for park-related land uses. The exception being the areas of the park located directly south of the Modesto City-County Airport. As previously discussed, portions of the Tuolumne River Regional Park located immediately south of the airport are within the 75 dBA noise contour of the airport. However, the proposed Master Plan does not propose construction of any new facilities within this portion of the park that would result in a prolonged exposure of members of the public to aircraft noise. Members of the public utilizing this area of the park would primarily be limited to those traveling along the multi-modal path and, as a result, would not be exposed to aircraft noise of sufficient duration that would result in excessive annoyance or physical harm.

The proposed sports complex, amphitheater, and special events would be located within areas that are within the "conditionally acceptable" noise thresholds for these land uses. The proposed use is an improvement to the existing land use (i.e., open space/park), and is not a change in land use. Further, the City of Modesto General Plan has a land use designation of open space for this property. Because no change in land use is proposed, and because the land uses are consistent with the City's General Plan, this is considered a less-than-significant impact.
### Table C-6
Predicted Traffic Noise Levels

<table>
<thead>
<tr>
<th>Roadway Segment</th>
<th>Predicted Traffic Noise Levels (dBA CNEL) at 50 feet from Roadway Centerline</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Existing</td>
</tr>
<tr>
<td>B Street, Seventh St. to Ninth St.</td>
<td>64.90</td>
</tr>
<tr>
<td>Carpenter Road, Paradise Rd. to Hatch Rd.</td>
<td>65.98</td>
</tr>
<tr>
<td>Crater Ave., Aztecs Road to Dallas Street</td>
<td>50.21</td>
</tr>
<tr>
<td>Eleventh St., D St. to B St.</td>
<td>60.35</td>
</tr>
<tr>
<td>Hancock Street, John St. to Robertson Rd.</td>
<td>50.21</td>
</tr>
<tr>
<td>Morton Ave, B St. to Yosemite Blvd.</td>
<td>62.77</td>
</tr>
<tr>
<td>River Road, Hemdon Ave. to Mitchell Rd.</td>
<td>59.11</td>
</tr>
<tr>
<td>Robertson Road, Carpenter Rd. to Sutter Ave.</td>
<td>61.75</td>
</tr>
<tr>
<td>Santa Cruz Ave., Yosemite Blvd. to Oregon St.</td>
<td>62.39</td>
</tr>
<tr>
<td>Sutter Ave., Robertson Rd. to Paradise Ave.</td>
<td>62.57</td>
</tr>
<tr>
<td>Tuolumne Blvd., Paradise Rd. to SB Hwy 99 Ramps</td>
<td>63.01</td>
</tr>
<tr>
<td>Tuolumne Blvd., NB Hwy 99 Ramps to Seventh St.</td>
<td>65.01</td>
</tr>
<tr>
<td>Yosemite Blvd., D St. to Mitchell Rd.</td>
<td>67.74</td>
</tr>
</tbody>
</table>

Notes: Predicted noise levels were calculated using FHWA traffic noise prediction model (FHWA-RD-77-108). Based on the calculated average daily trips for each scenario obtained from the traffic analysis prepared for this project. Assumes no intervening natural or man-made features.


5. **Significant Cumulative Impacts**

The increase in daily traffic volumes resulting from development of the proposed project would generate increased noise levels along nearby roadways, which may affect nearby noise sensitive receptors. The Federal Highway Administration’s Traffic Noise Prediction Model (FHWA-RD-77-108) was used to calculate the resultant increase in traffic noise levels along nearby affected roadways. The input data used in the model included average daily traffic levels for nearby area roadways; day/night percentages of autos, medium and heavy trucks; vehicle speeds; ground attenuation factors; and roadway widths.

Average daily traffic volumes were calculated from peak hour traffic data included in the traffic chapter of this report. Vehicle distribution percentages were based on California average vehicle distribution obtained from the California Department of Transportation.

Table C-6 summarizes the calculated noise levels (in dBA CNEL) at 50 feet from the roadway centerline for existing plus approved and existing plus project conditions and the resultant increases in traffic noise attributable to the proposed project. Based on the modeling conducted, average increases in traffic noise levels attributable to the
IV. Environmental Analysis
C. Generation of Noise

The proposed project would be substantially less than 1 dBA CNEL. As a result, project-generated traffic volumes would not result in a noticeable increase (i.e., 3 dBA, or greater) in traffic noise levels along nearby roadways. This impact is considered less-than-significant.

6. Potential Impacts for Which There is Insufficient Information to Support a Full Analysis

As indicated in Mitigation Measure Noise-1 in Section C below, there is not sufficient information to fully assess the noise impacts of the proposed regional sports complex (Public Resources Code 21157(b)(3)). Additional environmental review of the sports complex shall be required, including a project-specific acoustical analysis, as indicated in Mitigation Measure Noise-1.

C. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

The following information is provided in accordance with Section 15126.4 of the State CEQA Guidelines.

1. Measures Which Mitigate Direct Impacts

Impact Noise-1. Noise Associated with the Regional Sports Complex. Noise generated by activities conducted at the proposed sports complex could result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences that could potentially exceed the City’s "normally acceptable" threshold of 60 dBA CNEL. This increase in noise would be attributable to noise from spectators and players, and amplified announcing that could accompany the games. In consideration of the potential for the sports complex to generate significant increases in ambient noise levels at nearby sensitive receptors (i.e., residences), this impact has been identified as potentially significant.

Mitigation Measure Noise-1: Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When a detailed implementation plan is developed for this project, additional environmental review will be required. As part of this assessment, a detailed noise analysis shall be conducted. The following shall be required as part of the final noise mitigation developed for the project:

a) Activities at the proposed sports complex shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends.
b) An acoustical engineer with experience in the prediction and mitigation of outdoor sound levels shall be consulted prior to design and construction of the proposed sports complex. The acoustical design documentation shall demonstrate that the proposed sports complex would not result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences.

c) If the acoustical analysis determines that regular activities at the sports complex would result in a 3 dBA or greater increase in ambient noise levels, noise control measures shall be required, such as noise barriers, requiring sound systems to be directed away from residences and other sensitive receptors, or disallowing amplified announcing. It shall be demonstrated that implementation of feasible noise control measures would reduce increases in noise levels at surrounding residences to less than 3 dBA.

Implementation of the above measures would ensure that a noticeable increase in noise would not occur at nearby sensitive land uses, and would reduce this potential impact to a less-than-significant level.

Impact Noise-2: Noise Associated with the Amphimeadow. Noise associated with events at the amphimeadow could reach approximately 74 dBA at the nearest residential land uses (assuming amplification of community events), which would exceed the City's "normally acceptable" threshold of 60 dBA CNEL. This noise level would be a noticeable increase (i.e., 3 dBA, or greater), and would be considered a significant impact.

Mitigation Measure Noise-2: An acoustical engineer with experience in the prediction and mitigation of outdoor theater sound levels shall be consulted prior to design and construction of the proposed amphimeadow to identify and incorporate all feasible mitigation measures available for reducing noise-related impacts to nearby noise-sensitive receptors. Measures may include, but are not limited to, construction of noise barriers, and limitations on speaker orientation, noise-generation levels, or hours of activity. Implementation of the above mitigation measure would help to reduce noise generated by activities associated with the amphimeadow. However, noticeable increases (i.e., 3 dBA or greater) in ambient noise levels at nearby noise-sensitive receptors would still be anticipated as a result of music and performance amplification, which would be required with 3,000 people in attendance, as proposed. As a result, this impact is considered significant and unavoidable.

Impact Noise-3: Noise Associated with Special Events. The crowds associated with special events held during the daytime would not cause a significant increase in ambient noise levels at nearby residences. In addition, the resultant increase in ambient noise levels at nearby residences would not be anticipated to exceed the City's "normally acceptable" noise standard of 60 dBA CNEL. However, the use of amplified sound systems or special events occurring during the nighttime could potential result in a
significant increase in the ambient noise levels at nearby residences. This is a potentially significant impact.

Mitigation Measure Noise-3: Special events shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. This would reduce potential noise impacts during the nighttime.

Implementation of this mitigation measure would reduce noise impacts associated with large special events, however, the use of amplified sound systems during special events could result in a significant increase in the ambient noise levels at nearby residences. For this reason, this impact is considered significant and unavoidable.

2. Measures Which Mitigate Cumulative Impacts

No cumulative impacts have been identified.

3. Alternatives to the Proposed Project

The following information is provided in accordance with Section 15126.6 of the State CEQA Guidelines.

As described in Impact and Mitigation Measure Noise-2, implementation and operation of the amphitheater would result in a significant and unavoidable noise impact, which would result from music and performance amplification. An alternative that would avoid this impact would be an alternative that does not include amplified music or performances. Because this alternative would likely be infeasible with attendance of 3,000 persons (as proposed by the Master Plan), an alternative that includes a smaller capacity amphitheater is explored in Chapter VII. Under this alternative, no amplification would be allowed. This alternative would avoid Impact Noise-2. Although noise would continue to be generated, predicted noise levels at the nearest residences, which are located in excess of 1,000 feet from the proposed amphitheater, would be less than 40 dBA and would not result in a noticeable increase (i.e., 3 dBA or greater) in ambient noise levels.

As described in Impact and Mitigation Measure Noise-3, the use of amplified sound systems or special events occurring during the nighttime could potentially result in a significant increase in the ambient noise levels at nearby residences. An alternative that does not include large special events at the Gateway Parcel would avoid Impact Noise-3. Special events would continue to occur to the east of Legion Park as they would under the No Project Alternative.
CHAPTER IV. ENVIRONMENTAL ANALYSIS

D. LOSS OF SENSITIVE PLANT AND WILDLIFE HABITAT

This chapter provides an overview of the general and special-status biological resources that occur, or potentially occur, at the TRRP Master Plan area. This section also identifies potential impacts of the proposed project and mitigation measures to reduce impacts to less-than-significant levels.

A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the State CEQA Guidelines. This environmental setting is the baseline for determining whether an impact of the TRRP Master Plan is significant.

1. Study Area for Direct Impacts

The study area for direct impacts are the biological resources in the TRRP Master Plan project area and adjacent lands and waterways, including the portions of the Tuolumne River and Dry Creek that are adjacent to the park.

2. Study Area for Cumulative Impacts

The study area for cumulative impacts consists of the TRRP Master Plan project area and other Stanislaus County lands. Each biological resource requires different ecological conditions for its survival and thus each has a different range of habitats and conditions in which it may occur. The political boundary of Stanislaus County is used as the general study area for cumulative impacts because it encompasses the overlapping ranges of many sensitive species. It provides a distinct boundary in which to identify other proposed projects that might contribute to cumulative impacts on the biological resources that exist in the TRRP.

3. Existing Physical Conditions in the Study Area

This section describes the vegetation and wildlife habitat present in the TRRP project area and includes a list of sensitive species and their likelihood of presence in the project area. This information is based on information from the California Department of Fish and Game’s (CDFG) Natural Diversity Data Base (CNDDB), the California Native Plant Society’s (CNPS) Inventory of Rare and Endangered Vascular Plants, National Wetlands Inventory (NWI) maps, a riparian inventory (McBain and Trush 1998), and a visual and walking survey of the proposed TRRP Master Plan area conducted on Sept. 16, 1999.

a. Vegetation and Wildlife Habitat

The TRRP Master Plan area is located within and adjacent to the riparian corridor of the Tuolumne River. Major vegetation types and habitats occurring within the project area include non-native grassland, riparian woodland, disked open lands, and aquatic
IV. Environmental Analysis
D. Loss of Sensitive Plant and Wildlife Habitat

(riverine habitat). The importance of these habitats, their distribution within the project area, and representative wildlife species that inhabits these areas are discussed below.

Non-native Grassland

Areas of non-native grassland are primarily located in the western portion of the TRRP area. Plant species observed in this area included wild oats (Avena sp.), ripgut brome (Bromus sp.), wild mustard (Brassica sp.), and wild radish (Raphanus sp.).

Grasslands in the project area provide habitat for resident and migratory birds such as American kestrel (Falco sparverius), loggerhead shrike (Lanius ludovicianus), savannah sparrow (Passerculus sandwichensis), western meadowlark (Sturnella neglecta), and American goldfinch (Carduelis tristis). Mammals that may occur in non-native grasslands in the project area include voles, ground squirrels, rabbits, and coyotes.

Riparian Woodland

Riparian woodland habitat occurs along the Tuolumne River and Dry Creek, as well as portions of a secondary channel that runs through the Airport Parcel. According to the riparian inventory (McBain and Trush 1998), a considerable portion of the riparian vegetation remaining in the 24-mile reach of the lower Tuolumne River occurs within the TRRP Master Plan area. Figures D-1 and D-2 identify the locations of each riparian vegetation type in the TRRP Master Plan area. In the TRRP Master Plan area, 124 of 129 acres (96 percent) of the mapped riparian canopy is composed of native species.

Stands of mature valley oak (Quercus lobata) are present in the Airport Area, Legion Park, and in the Gateway Parcel near the Dry Creek confluence. Valley oak comprises over 50 percent of all mapped riparian vegetation in the project area. Because of their slow growth and declining populations, valley oaks are considered one of the most threatened native riparian plant species in the Tuolumne River corridor (McBain and Trush 1998a). The large stand of mature valley oak riparian forest adjacent to the airport is the largest contiguous stand of valley oaks in the sand-bedded reach of the lower Tuolumne River (McBain and Trush 1998a).

Representative riparian woodland bird species in the TRRP project area include acorn woodpecker (Melanerpes formicivorus), house wren (Troglodytes aedon), Swainson’s hawk (Buteo swainsoni), western scrub-jay (Aphelocoma californica), yellow-billed magpie (Pica nuttalli), and Nuttall’s woodpecker (Picoides nuttalli). Mammals that may occur in riparian woodland include gray fox (Urocyon cinereoargenteus) and hoary bat (Lasiurus cinereus).

Disked Open Lands

Recently disked open lands were observed in the Gateway Parcel during the site visit. According to Parsons Harland Bartholomew and Associates (1999), areas of disked open lands at the TRRP were formerly walnut orchards. Disked fields can provide foraging habitat for various bird species but are not considered important wildlife habitat.
Aquatic Habitat

The Tuolumne River and Dry Creek provide aquatic habitat in the TRRP Master Plan area. Dry Creek defines the eastern boundary of the TRRP Gateway Parcel. Both the Tuolumne River and Dry Creek are low-gradient and relatively slow moving, with a sand bed and banks. In the lower Tuolumne River, alterations of channel and floodplain morphology and interruption of fluvial processes have reduced and degraded habitat for native species and created habitat or increased habitat suitability for introduced species.

Thirty-five fish species occur in the lower Tuolumne River (Brown and Ford 1992). Of these, 22 species are introduced (based on Moyle et al. 1989). The majority of these species are members of the sunfish family (Centrarchidae) (eight species), minnow family (Cyprinidae) (four species), and catfish family (Ictaluridae) (four species). Several of the sunfish species (primarily largemouth and smallmouth bass) support recreational fisheries, while at the same time posing a management concern because they prey on native species of fish and amphibians (including juvenile chinook salmon).

The Tuolumne River and Dry Creek also provide habitat used by bird and mammal species. Representative species that may forage in or over the Tuolumne River include osprey (Pandion haliaetus), belted kingfisher (Ceryle alcyon), wood duck (Aix sponsa), cliff swallow (Hirundo pyrrhonota) (abandoned nests observed at TRRP), and various species of bats.

b. Sensitive Habitats

Sensitive habitats include those that are afforded special concern to resource agencies, or that are afforded specific consideration under the California Fish and Game Code, the Clean Water Act, and/or Section 10 of the Rivers and Harbors Act. The CNDDB also includes an inventory of sensitive plant communities in California. Sensitive habitats in the project area include jurisdictional Waters of the U.S. (including wetlands), great valley mixed riparian forest, and great valley oak riparian forest (CDFG 1999a, CDFG 1999b).

Jurisdictional Waters of the U.S. (including wetlands)

Jurisdictional Waters of the U.S., including wetlands in the TRRP Master Plan area were identified from field observations and National Wetlands Inventory (NWI) maps developed by the U.S. Fish and Wildlife Service (USFWS). A jurisdictional delineation was conducted in December 2000 on 6.64 acres in the southeastern portion of the Airport Area between the east end of the airport and the Tuolumne River, in the Modesto City-County Airport Runway 28R Projection Area. For all other areas of the TRRP, the NWI map designations were not field-verified and no other formal wetland delineations have been completed in the project area. NWI maps are prepared from high altitude aerial photographs and typically reflect conditions during the specific year and season they were taken. The four NWI maps covering the TRRP area were based on photographs taken in 1976, 1982, 1984, and 1987.
IV. Environmental Analysis  
D. Loss of Sensitive Plant and Wildlife Habitat  

All of the areas classified as wetlands on the NWI maps in the project area are represented by river channel or riparian habitats. One potential seasonal wetland (0.20 acre) was discovered during the jurisdictional delineation in the southeastern portion of the Airport Area (Sycamore Environmental Consultants, 2001). During the site visit, some other potential jurisdictional wetlands were observed in other areas of the TRRP that were not shown on the NWI maps, including a secondary channel that runs through Legion Park and the Airport area. Three emergent wetland types occur in the project area (Table D-1). The TRRP project site is located within the historical Tuolumne River floodplain. Floodplain soils do not typically support vernal pools. Vernal pools are associated with impervious hardpan soils not found on the alluvial valley floor. No evidence of vernal pools was observed during the site visit.

Table D-1  
Emergent Wetlands in the TRRP Master Plan Area

<table>
<thead>
<tr>
<th>NWI Wetland Type</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Palustrine Emergent Temporarily Flooded</td>
<td>Pond on floodplain near airport</td>
</tr>
<tr>
<td>Palustrine Emergent Artificially Flooded Excavated</td>
<td>Pond between sewage treatment plant and Dryden Golf Course</td>
</tr>
<tr>
<td>Palustrine Unconsolidated Bottom Artificially Flooded Excavated</td>
<td>Pond part of sewage treatment plant</td>
</tr>
</tbody>
</table>

Because the site visit was conducted in the fall (near the end of the dry season), no seasonal wetlands were readily apparent. However, during the site visit, some potential jurisdictional wetlands were observed that were not shown on the NWI maps. Some small depressions that may hold ponded water during the wet season were observed in the Gateway parcel and along the banks of the Tuolumne River.

c. Special-Status Species

A list of threatened, endangered, and sensitive plant and animal species whose distributions may include the TRRP Master Plan area is presented in Table D-2. The likelihood of habitat occurrence for a particular species was determined based on a literature review, a visual and walking survey of the TRRP site, and a query of the CNDDB (CDFG 1998). Table D-2 includes only those species that could potentially occur at TRRP based on current knowledge of their general distribution in the Central Valley. For some species the information presented relies heavily on the CNDDB. The CNDDB only includes reported occurrences of special-status species; therefore, some species may be present in the project area but not included in the CNDDB.
# Table D-2

Potential for Occurrence of Threatened, Endangered, and Special Status Species and Their Habitats in the TRRP Master Plan Area

<table>
<thead>
<tr>
<th>SPECIES</th>
<th>STATUS</th>
<th>LOCAL HABITAT ASSOCIATIONS</th>
<th>HABITAT PRESENT</th>
<th>LIKELIHOOD OF SPECIES OCCURRENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delta Button-Celery Eryngium racemosum</td>
<td>FSC; SE; 1B</td>
<td>Riparian scrub in fine clay with low pH (Edminster clay)</td>
<td>Possible (soil type unknown)</td>
<td>Unlikely because presumed extirpated from Stanislaus County</td>
</tr>
<tr>
<td>California Hibiscus Hibiscus lasiocarpus (californicus)</td>
<td>2</td>
<td>Freshwater marsh and moist banks along rivers and streams</td>
<td>Yes</td>
<td>Possible</td>
</tr>
<tr>
<td>Merced Monardella Monardella leucocephala</td>
<td>FSC; 1A</td>
<td>Valley and foothill grassland and riverbeds, in sandy, subalkaline soils</td>
<td>Possible</td>
<td>Unlikely because presumed extirpated from California</td>
</tr>
<tr>
<td>Sanford's Arrowhead Sagittaria sanfordii</td>
<td>FSC; 1B</td>
<td>Shallow freshwater marsh</td>
<td>Unlikely</td>
<td>Unlikely because no suitable habitat present</td>
</tr>
</tbody>
</table>

**INVERTEBRATES**

<table>
<thead>
<tr>
<th>SPECIES</th>
<th>STATUS</th>
<th>LOCAL HABITAT ASSOCIATIONS</th>
<th>HABITAT PRESENT</th>
<th>LIKELIHOOD OF SPECIES OCCURRENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Valley Elderberry Longhorn Beetle Desmocerus californicus dimorphus</td>
<td>FT</td>
<td>Associated with elderberries</td>
<td>Yes</td>
<td>Likely</td>
</tr>
<tr>
<td>Moestan Blister Beetle Lytta moesta</td>
<td>FSC</td>
<td>Unknown</td>
<td>Unknown</td>
<td>Unknown</td>
</tr>
<tr>
<td>Moestan Blister Beetle Lytta molesta</td>
<td>FSC</td>
<td>Vernal pools, non-native grassland and scrub communities</td>
<td>Yes</td>
<td>Unknown</td>
</tr>
</tbody>
</table>

**FISH**

<table>
<thead>
<tr>
<th>SPECIES</th>
<th>STATUS</th>
<th>LOCAL HABITAT ASSOCIATIONS</th>
<th>HABITAT PRESENT</th>
<th>LIKELIHOOD OF SPECIES OCCURRENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kern Brook Lamprey Lampetra hubbsi</td>
<td>FSC; CSC</td>
<td>Rivers, backwater habitats</td>
<td>Yes</td>
<td>Possible</td>
</tr>
<tr>
<td>River Lamprey Lampetra ayresi</td>
<td>CSC</td>
<td>Streams, estuaries, and marine waters</td>
<td>Yes</td>
<td>Confirmed&lt;sup&gt;d&lt;/sup&gt;</td>
</tr>
<tr>
<td>Pacific Lamprey Lampetra tridentata</td>
<td>FSC</td>
<td>Streams, estuaries, and marine waters</td>
<td>Yes</td>
<td>Confirmed&lt;sup&gt;d&lt;/sup&gt;</td>
</tr>
</tbody>
</table>
### IV. Environmental Analysis

D. Loss of Sensitive Plant and Wildlife Habitat

#### Table D-2 (cont.)

<table>
<thead>
<tr>
<th>SPECIES</th>
<th>STATUS</th>
<th>LOCAL HABITAT ASSOCIATIONS</th>
<th>HABITAT PRESENT</th>
<th>LIKELIHOOD OF SPECIES OCCURRENCE</th>
</tr>
</thead>
</table>
| **Steelhead (Central Valley ESU)**  
  *Oncorhynchus mykiss*                        | FT     | Streams, estuaries, and marine waters | Yes            | Possible                        |
| **Chinook Salmon (Central Valley fall-run ESU)**  
  *Oncorhynchus tshawytscha*                  | FC     | Streams, estuaries, and marine waters | Yes            | Confirmed                       |
| **Sacramento Splittail**  
  *Pogonichthys macrolepidotus*                | FT, CSC | Fresh to brackish rivers and streams | Yes            | Possible                        |

**AMPHIBIANS**

| **California Tiger Salamander**  
  *Ambystoma californiense*          | FC; CSC | Ephemeral or permanent pools and ponds (usually with no fish) and underground refuges required for reproduction; in annual grasslands (primary), valley foothill riparian, valley oak woodland, blue oak woodland (secondary) | Unlikely | Unlikely because no suitable habitat present |
| **Western Spadefoot**  
  *Scaphiopus hammondii*            | FSC; CSC | Temporary rain pools that lack aquatic predators primarily in grassland habitats; secondarily in valley-foothill hardwood woodlands | Unlikely | Unlikely because no suitable habitat present |
| **California Red-legged Frog**  
  *Rana aurora draytonii*           | FT, CSC | Ponds, streams, ditches | Present but poor quality | Unlikely because outside of range |

**REPTILES**

| **Western Pond Turtle**  
  *Clemmys marmorata*               | FSC; CSC | Slow-moving backwater, ponds, lakes, gravel mining pits | Yes | Likely |
| **California Horned Lizard**  
  *Phrynosoma coronatum frontale*   | FSC, CSC | Miscellaneous open habitats with undisturbed, sandy, friable soil | Yes | Possible |
| **Silvery Legless Lizard**  
  *Anniella pulchra pulchra*        | FSC, CSC | Areas with sandy or loamy soils undisturbed by agriculture or mining | Yes | Unlikely because area is disturbed |
| **Giant Garter Snake**  
  *Thamnophis gigas*                | FT, ST | Wetlands for foraging; burrows for winter hibernation | Yes | Unlikely because outside of range |
### Table D-2 (cont.)

<table>
<thead>
<tr>
<th>SPECIES</th>
<th>STATUS</th>
<th>LOCAL HABITAT ASSOCIATIONS</th>
<th>HABITAT PRESENT</th>
<th>LIKELIHOOD OF SPECIES OCCURRENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Great Blue Heron (rookery) Ardea herodias</td>
<td>SA</td>
<td>Nests in large trees near open water</td>
<td>Unlikely</td>
<td>Unlikely b</td>
</tr>
<tr>
<td>Great Egret (rookery) Casmerodius albus</td>
<td>SA</td>
<td>Nests in large trees near open water</td>
<td>Unlikely</td>
<td>Unlikely, no known rookeries in the area b</td>
</tr>
<tr>
<td>Snowy Egret (rookery) Egretta thula</td>
<td>SA</td>
<td>Nests in dense marshes or in trees near open water</td>
<td>Unlikely</td>
<td>Unlikely, nearest known rookery is on san joaquin river</td>
</tr>
<tr>
<td>Black-crowned Night Heron (rookery) Nycticorax nycticorax</td>
<td>SA</td>
<td>Nests in dense marshes, blackberry thickets, or in trees near open water</td>
<td>Unlikely</td>
<td>Unlikely, no known rookeries in the area</td>
</tr>
<tr>
<td>Aleutian Canada Goose (wintering) Branta canadensis leucoparela</td>
<td>Recovered, delisted March 2001</td>
<td>Open water (lakes and ponds); forages on grasslands</td>
<td>Yes</td>
<td>Unlikely, not known to occur in project area</td>
</tr>
<tr>
<td>Osprey (nesting) Pandion haliaetus</td>
<td>CSC</td>
<td>Nests in large trees, on cliffs, or on manmade structures</td>
<td>Yes</td>
<td>Possible b</td>
</tr>
<tr>
<td>White-tailed Kite (nesting) Elanus leucurus</td>
<td>FP</td>
<td>Nests in trees near open foraging areas</td>
<td>Yes</td>
<td>Possible b</td>
</tr>
<tr>
<td>Bald Eagle Haliaeetus leucocephalus</td>
<td>FT; SE (Proposed for delisting, 1999)</td>
<td>Near large bodies of fish-bearing water with adjacent snags or other perches</td>
<td>Yes</td>
<td>Possible, not expected to breed in area, may occur in small numbers during winter</td>
</tr>
<tr>
<td>Northern Harrier (nesting) Circus cyaneus</td>
<td>CSC</td>
<td>Grasslands and wetlands</td>
<td>Unlikely</td>
<td>Unlikely to nest in area because no suitable habitat is present, may forage in grasslands b</td>
</tr>
<tr>
<td>Cooper's Hawk (nesting) Accipiter cooperii</td>
<td>CSC</td>
<td>Woodland and riparian zones</td>
<td>Yes</td>
<td>Possible</td>
</tr>
</tbody>
</table>

IV. Environmental Analysis
D. Loss of Sensitive Plant and Wildlife Habitat
Table D-2 (cont.)

<table>
<thead>
<tr>
<th>SPECIES</th>
<th>STATUS</th>
<th>LOCAL HABITAT ASSOCIATIONS</th>
<th>HABITAT PRESENT</th>
<th>LIKELIHOOD OF SPECIES OCCURRENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Swainson's Hawk (nesting) Buteo swainsoni</td>
<td>ST</td>
<td>Riparian areas and oak savannah</td>
<td>Yes</td>
<td>Likely c</td>
</tr>
<tr>
<td>Ferruginous Hawk (wintering) Buteo regalis</td>
<td>FSC; CSC</td>
<td>Miscellaneous open habitat types</td>
<td>Yes</td>
<td>Unlikely, foraging habitat is of low value</td>
</tr>
<tr>
<td>Golden Eagle Aquila chrysaetos</td>
<td>CSC, FP</td>
<td>Open woodland</td>
<td>Present but poor quality</td>
<td>Unlikely, suitable nesting and foraging habitat is of low value</td>
</tr>
<tr>
<td>Merlin Falco columbarius</td>
<td>CSC</td>
<td>Wetlands and grasslands with adjacent trees</td>
<td>Yes</td>
<td>Possible</td>
</tr>
<tr>
<td>Mountain Plover (wintering) Charadrius montanus</td>
<td>FC; CSC</td>
<td>Open shortgrass plains, plowed fields with little vegetation, flooded disked agricultural lands</td>
<td>Yes</td>
<td>Unlikely, not expected to winter in vicinity of project area</td>
</tr>
<tr>
<td>Western Yellow-billed Cuckoo Coccyzus americanus occidentalis</td>
<td>SE</td>
<td>Nests in riparian forest along the broad, lower flood-bottoms of larger river systems</td>
<td>Yes</td>
<td>Unlikely, no recent nesting records</td>
</tr>
<tr>
<td>Western Burrowing Owl (burrow sites) Speotyto curiculatia hypugea</td>
<td>FSC; CSC</td>
<td>Grasslands, shrublands, levees, open habitat</td>
<td>Yes</td>
<td>Possible</td>
</tr>
<tr>
<td>Little Willow Flycatcher Empidonax trullii brewsteri</td>
<td>CSC</td>
<td>Wet meadow and montane riparian habitats, riparian woodland, especially with willow and buttonbush (nesting); riparian woodland (migration)</td>
<td>Yes</td>
<td>Unlikely, not known to breed in project area</td>
</tr>
<tr>
<td>California Horned Lark Eremophila alpestris acta</td>
<td>CSC</td>
<td>Short-grass prairie, bald hills, fallow grain fields, alkali flats</td>
<td>Yes</td>
<td>Possible</td>
</tr>
<tr>
<td>Loggerhead Shrike Lanius ludovicianus</td>
<td>FSC; CSC</td>
<td>Grassland, woodland, and scrubland</td>
<td>Yes</td>
<td>Confirmed b</td>
</tr>
<tr>
<td>California Yellow Warbler (nesting) Dendroica petechia brewsteri</td>
<td>CSC</td>
<td>Riparian woodland and conifer forest</td>
<td>Yes</td>
<td>Possible; nesting and migrants likely</td>
</tr>
</tbody>
</table>
### Table D-2 (cont.)

<table>
<thead>
<tr>
<th>SPECIES</th>
<th>STATUS</th>
<th>LOCAL HABITAT ASSOCIATIONS</th>
<th>HABITAT PRESENT</th>
<th>LIKELIHOOD OF SPECIES OCCURRENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SPECIES STATUS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Yellow-breasted Chat (nesting) <em>Icteria virens</em></td>
<td>CSC</td>
<td>Riparian woodland and early seral riparian vegetation</td>
<td>Yes</td>
<td>Unlikely, not known to breed in project area</td>
</tr>
<tr>
<td>Tricolored Blackbird (nesting colony) <em>Agelaius tricolor</em></td>
<td>FSC; CSC</td>
<td>Thick stands of bulrushes, tules, blackberries, or cattails usually adjacent to freshwater emergent marsh</td>
<td>Unlikely</td>
<td>Unlikely, no suitable habitat present</td>
</tr>
<tr>
<td><strong>MAMMALS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pallid Bat <em>Antrozous pallidus</em></td>
<td>CSC</td>
<td>Roost in buildings, trees, mines, caves, crevices, buildings, or bridges; feeds over water, along edge of woodlands, forests, and scrub, or in variety of open habitats</td>
<td>Unlikely</td>
<td>Unlikely, no suitable habitat present</td>
</tr>
<tr>
<td>Townsend's Western Big-eared Bat <em>Corynorhinus (Plecotus) townsendii townsendii</em></td>
<td>FSC; CSC</td>
<td>As above</td>
<td>Unlikely</td>
<td>Unlikely, no suitable habitat present</td>
</tr>
<tr>
<td>Myotis spp.:</td>
<td>FSC</td>
<td>As above</td>
<td>Unlikely</td>
<td>Unlikely, no suitable habitat present</td>
</tr>
<tr>
<td>-Long-eared Myotis (M. evotis)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-Fringed Myotis (M. thysanodes)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-Long-legged Myotis (M. volans)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-Small-footed Myotis (M. cillolabrum)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-Yuma myotis bat (M. yumanensis)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>California Mastiff Bat <em>Eumops perotis californicus</em></td>
<td>FSC; CSC</td>
<td>As above</td>
<td>Unlikely</td>
<td>Unlikely, no suitable habitat present</td>
</tr>
<tr>
<td>Riparian Brush Rabbit <em>Sylvilagus bachmani riparius</em></td>
<td>FE, SE</td>
<td>Dense riparian forests with forest clearings (considered to be restricted to Caswell State Park)</td>
<td>Yes</td>
<td>Unlikely, current distribution does not include project area</td>
</tr>
<tr>
<td>Merced Kangaroo Rat <em>Dipodomys heermannii dixoni</em></td>
<td>FSC</td>
<td>Annual grassland, coastal scrub, mixed and montane chaparral, and early successional stages of valley foothill hardwood and hardwood-conifer habitats</td>
<td>Yes</td>
<td>Possible</td>
</tr>
</tbody>
</table>

**IV. Environmental Analysis**

**D. Loss of Sensitive Plant and Wildlife Habitat**
### Table D-2 (cont.)

<table>
<thead>
<tr>
<th>SPECIES</th>
<th>STATUS *</th>
<th>LOCAL HABITAT ASSOCIATIONS</th>
<th>HABITAT PRESENT</th>
<th>LIKELIHOOD OF SPECIES OCCURRENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>San Joaquin Pocket Mouse <em>Perognathus inornatus inornatus</em></td>
<td>FSC</td>
<td>Dry, open grasslands or oak woodlands with fine-textured soil</td>
<td>Yes</td>
<td>Possible</td>
</tr>
<tr>
<td>San Joaquin Valley (Riparian) Woodrat <em>Neotoma fuscipes riparia</em></td>
<td>FE; CSC</td>
<td>Valley oak woodland adjacent to areas with dense understory such as willows</td>
<td>Yes</td>
<td>Unlikely, current distribution only Includes San Joaquin River</td>
</tr>
<tr>
<td>San Joaquin Kit Fox <em>Vulpes macrotis mutica</em></td>
<td>FE; ST</td>
<td>Grasslands, chenopod scrub, alkali sink, subshrub scrub, oak woodland, agricultural lands</td>
<td>Yes</td>
<td>Unlikely, current range does not include project area</td>
</tr>
</tbody>
</table>

* FE Listed as endangered under the federal Endangered Species Act.  
  FT Listed as threatened under the federal Endangered Species Act.  
  FPE Proposed for listing as endangered under the federal Endangered Species Act.  
  FPT Proposed for listing as threatened under the federal Endangered Species Act.  
  FC Federal candidate species.  
  FSC Species of Concern (former C2 candidate). (Note: Although the U. S. Fish and Wildlife Service does not maintain a list for these species, in most cases they represent species that are sensitive to impacts and/or that are documented as or suspected to be undergoing population declines.)  
  SE Listed as endangered under the California Endangered Species Act.  
  ST Listed as threatened under the California Endangered Species Act.  
  CSC CDFG species of special concern.  
  FP CDFG fully protected.  
  SA CDFG special animal. These species are considered to be biologically rare or declining in California, the population considered peripheral to the major portion of a taxon's range, or closely associated with a declining habitat.  
  1A Plants considered by the California Native Plant Society to be extirpated in California.  
  1B Plants considered by the California Native Plant Society to be rare, threatened, or endangered in California and elsewhere.  
  2 Plants considered by the California Native Plant Society to be rare, threatened, or endangered in California, but more common elsewhere.  

b Individual observed on site.  
c Included in the bird list for the Park in Dahlin (1997), but it is not specified whether the observation was a nesting record.  
e Confirmed at River Mile (RM) 5 by Stillwater Sciences (2000), and presence is believed possible farther upstream. The RM 5 is approximately 8 miles downstream of the TRRP Master Plan area.
Special-status Plants

Four special-status plants have been identified as having the potential to occur in the project vicinity: delta button-celery (*Eryngium racemosum*), California hibiscus (*Hibiscus lasiocarpus californicus*), Merced monardella (*monardella leucocphala*) and Sanford’s arrowhead (*Sagittaria sanfordii*) (USFWS 2000). Delta button-celery, Merced monardella, and Sanford’s arrowhead are not expected to occur in the project area because they are presumed extirpated from Stanislaus County (CNPS 2000). The distribution of California hibiscus is restricted to locations north of the project area (CNPS 2000). No occurrences for these or any other special-status plants have been recorded in the vicinity of the project area (CNPS 2000).

Special-status Wildlife

The USFWS has identified a number of special status species as having the potential to occur in the project area (USFWS 2000). These species are listed in Table D-2. Many of these species were eliminated from further consideration in this EIR because the project area is outside of the species current range or because no suitable habitat is present in the project area. Additional information is provided below for 21 special-status wildlife species that could occur in the project area.

**Valley Elderberry Longhorn Beetle**

Valley elderberry longhorn beetle is listed as federally threatened. This species is dependent on elderberry (*Sambucus mexicanus*) shrubs for both food and reproduction. The CNDDB includes three occurrences of valley elderberry longhorn beetle within a five-mile radius of the TRRP Master Plan area (Figure D-3).

**Western Pond Turtle**

The western pond turtle is a federal and California Species of Special Concern. Western pond turtles are found in slow-moving aquatic habitats, such as ponds, marshes, streams, and irrigation ditches. They use submerged or emergent vegetation for foraging and basking while partially submerged, and require logs or other objects for basking out of the water. Western pond turtles nest in upland habitats adjacent to aquatic sites that provide suitable thermal and hydric environment for incubation of eggs. This species is expected to occur in the project area.

**Chinook Salmon**

The Tuolumne River supports a naturally reproducing population of fall-run chinook salmon that is the largest population of fall-run chinook salmon in the San Joaquin Basin. Aquatic and riparian habitats in the TRRP are designated essential fish habitat (EFH) for fall-run chinook salmon (NMFS 1997). Abundance of this species in the Tuolumne River has fluctuated widely over recent decades, declining severely during prolonged droughts. Due to its periodic declines in abundance, this population has been the target of considerable management efforts. Numerous studies have been conducted.
by the Tuolumne and Modesto Irrigation Districts (TID/MID) to assess chinook salmon population dynamics and habitat in the lower Tuolumne River. These studies have identified predation by introduced species as among the primary factors limiting the salmon population in the Tuolumne River (TID/MID 1992). In 1995, as part of the Federal Energy Regulatory Commission (FERC) process that regulates the New Don Pedro Dam Project, TID/MID, USFWS, CDFG, FERC, and several environmental groups entered into a settlement agreement to protect and restore the Tuolumne River fall-run chinook salmon population.

Adult chinook salmon spawn in the Tuolumne River from September through December, with arrivals typically peaking in November. While spawning may occur throughout the gravel-bedded reach of the river, almost all spawning occurs upstream of Hickman Bridge (at Waterford). Spawning is most heavily concentrated in the reach between Old La Grange Bridge and Basso Bridge, approximately 30 miles upstream of the TRRP. The period of fry emergence varies depending upon the timing of adult arrival and incubation temperature. Emergence typically extends from January through March but may begin earlier and continue later. Young salmon may leave the river as fry or may remain in the river to rear. Salmon that rear in the river emigrate in late spring as juveniles or smolts. Little is known regarding use of the TRRP vicinity by chinook salmon for rearing or during other life-history stages.

**Steelhead**

Steelhead is the anadromous (swims upstream to spawn) form of rainbow trout. The historical abundance and distribution of steelhead in the San Joaquin River tributaries is not well understood, however, a review of historical documents by Trihey and Associates, Inc. (1996) indicates that steelhead did historically occur in the San Joaquin system. Adult winter steelhead in the Sacramento Basin migrate upstream in October and November and spawn in the winter (Cramer et al. 1995).

The Tuolumne River has recently been designated by NMFS as critical habitat for Central Valley steelhead (NMFS 2000). NMFS defines steelhead critical habitat in the Tuolumne River to include the river and adjacent riparian habitat that provides “shade, sediment, nutrient or chemical regulation, stream bank stability, and input of large woody debris or organic matter” (NMFS 2000).

**Kern Brook Lamprey, River Lamprey, Pacific Lamprey, Sacramento Splittail**

River and Pacific lampreys are anadromous and are known to occur in the Tuolumne River in the TRRP area. Kern brook lamprey are found in the Merced, Kaweah, Kings, and San Joaquin Rivers. They are not known to occur in the Tuolumne River, but because they have been recorded in the Merced River in habitat similar to the lower Tuolumne River, they have the potential to occur in the TRRP Master Plan Area. Sacramento splittail are endemic to the Central Valley. The CNDDDB lists no occurrences for the Tuolumne River, but successful spawning was recorded in wet years during the 1980's, at which both adults and juveniles were observed in Modesto (T. Ford, pers. comm., as cited in Moyle et al. 1995).
Figure D-3  California Natural Diversity Database Species Occurrences in TRRP Vicinity

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Osprey, White-tailed Kite, Northern Harrier, Cooper's Hawk, Swainson's Hawk, Merlin

Several species of raptors may occur and nest in the project area because it offers open space for foraging and mature trees for nesting. Osprey, white-tailed kite, northern harrier, Cooper's hawk, and merlin are California Species of Special Concern. White-tailed kites are also Fully Protected under the California Fish and Game Code. Swainson's hawks are State-listed as threatened. Osprey, white-tailed kite, Cooper's hawk, and Swainson's hawks nest in riparian and oak woodlands. Northern harriers nest on the ground in marshes and grasslands. White-tailed kite, northern harrier, Swainson's hawk, and merlin forage in grasslands and agricultural fields. Osprey forage for fish in rivers and lakes. Cooper's hawks forage in riparian and oak woodlands. All six of these raptors are known to occur in the project vicinity. The CNDDDB includes two occurrences of Swainson's hawk within a five-mile radius of the TRRP Master Plan area (Figure D-3). With the exception of merlin, which is present only during winter months, these raptors could nest in the project area.

Western Burrowing Owl

Western burrowing owls are a California Species of Special Concern. They prefer dry grasslands and other dry, open habitats. They typically nest and roost in burrow systems created by medium-sized mammals (e.g., ground squirrels) or in artificial sites (e.g., drain pipes and culverts). This species is not expected to occur in the project area but suitable habitat is present.

California Horned Lark, Loggerhead Shrike

California horned lark and loggerhead shrikes are designated California Species of Special Concern. They use open areas for foraging and nest grasslands and other open habitats. Loggerhead shrikes were observed foraging in grasslands in the TRRP Master Plan area. California horned lark could also occur in the project area but most of the area is considered unsuitable nesting habitat.

Yellow Warbler

The yellow warbler is a California Species of Special Concern. Yellow warblers breed in riparian woodlands. Historically, yellow warblers were locally common summer residents in suitable habitat throughout most of the State. However, yellow warbler populations have declined due to loss of riparian habitat to agriculture and urbanization and nest parasitism by the brown-headed cowbird (Molothrus ater). Yellow warblers are likely to occur in the project area during migration but they are not expected to use the area for nesting.

California Horned Lizard, San Joaquin Pocket Mouse, Merced Kangaroo Rat

California horned lizard, San Joaquin pocket mouse, and Merced kangaroo rat are federal Species of Special Concern. California horned lizard is also a California Species of Special Concern. They inhabit grasslands and weedy habitats on fine textured soils.
None of these species have been recorded in the TRRP Master Plan area. Grasslands in the TRRP area may represent suitable habitat for these three species.

4. Existing Regulatory Policies Applying to the Study Area

Many of the biological resources in the TRRP Master Plan area are protected and regulated by laws and policies. Prior to implementation, it would be necessary for the proposed project to be in compliance with these regulations. Key regulatory issues for this project are discussed below.

a. Federal Regulations

Clean Water Act

Waters of the U.S. are subject to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Waters of the U.S. are under the jurisdiction of the U.S. Army Corps of Engineers (USACE). The Tuolumne River is considered a Waters of the U.S. Section 404 establishes a requirement to obtain a permit prior to any activity that involves any discharge of dredged or fill material into Waters of the U.S., including wetlands. Waters of the U.S. include navigable waters, all other waters where the use or degradation or destruction of the waters could affect interstate or foreign commerce, tributaries to any of these waters, and wetlands that meet any of these criteria or that are somehow connected to any of these waters or their tributaries. Activities that require a permit under Section 404 include placing fill or riprap, grading, mechanized land clearing, and dredging. Any activity that results in the deposit of dredged or fill material within the Ordinary High Water Mark of Waters of the U.S. usually requires a permit, even if the area is dry at the time the activity takes place. Section 10 of the Rivers and Harbors Act establishes a requirement to obtain a permit from USACE prior to performing any work in, on, or under navigable Waters of the U.S. Riparian habitat (i.e., the land and plants bordering a watercourse or stream) within the Ordinary High Water Mark of jurisdictional Waters of the U.S. is also under regulatory authority of USACE.

Federal Endangered Species Act

Pursuant to the federal Endangered Species Act (ESA), USFWS and National Marine Fisheries Service (NMFS) have authority over projects that may affect the continued existence of a federally listed species or may adversely affect their designated critical habitat. If a USACE Section 404 permit is required for wetland fill or if a project results in a take of federally-listed species, an interagency consultation between USACE and USFWS under Section 7 of ESA would be required.

Section 7 of ESA outlines the procedures for federal interagency cooperation to conserve federally-listed species. Section 7 of ESA mandates that all federal agencies participate in the conservation and recovery of listed Threatened or Endangered species. Furthermore, Section 7 states that each federal agency shall ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed
species. Take of a federally listed species may be approved through a Section 7 consultation between the USFWS and another federal agency only if the following conditions are met. A Biological Assessment must be prepared to evaluate the effects on species listed and proposed for listing. Based on information from the Biological Assessment and other sources, the USFWS will prepare a Biological Opinion. The Biological Opinion will include a determination if the proposed action may jeopardize the continued existence of a species. The Biological Opinion may authorize a certain level of incidental take contingent upon the implementation of specified terms and conditions to minimize such take and mitigate for its effects.

b. State Policies

California Endangered Species Act

The potential of a State-listed species (e.g., Swainson's hawk) to be affected by the project would necessitate consultation with CDFG pursuant to the California Endangered Species Act (CESA) (Fish and Game Code Section 2080 et seq.). The State has the authority to issue an incidental take permit under §2081 of the Fish and Game Code. CESA directs that State agencies should not approve projects that would jeopardize the continued existence of an endangered or threatened species or result in the destruction or adverse modification of habitat essential to the continued existence of a species. Furthermore, CESA states that reasonable and prudent alternatives shall be developed by CDFG, together with the project proponent and the State lead agency, consistent with conserving the species, while at the same time maintaining the project purpose to the greatest extent possible (Fish and Game Code Section 2053).

For species that are listed under both ESA and CESA, take authorization under Section 7 of ESA could also suffice for take authorization under CESA if CDFG finds that the federal permit adequately protects the species. If CDFG believes additional protection measures are needed, a Section 2081 permit would need to be obtained.

Section 1600 of the Fish and Game Code

Riparian vegetation associated with rivers, stream, or lakes in California is subject to regulation by CDFG, pursuant to Sections 1600 through 1603 of the California Fish and Game Code. Section 1601 of the Code governs public agency projects. Activities regulated by CDFG include diversions, obstructions, or changes to the natural flow or bed, channel, or bank of any river, stream, or lake. Pursuant to Section 1601, a Streambed Alteration Agreement is required from CDFG for projects that have the potential to affect streambeds, lakebeds, or their associated riparian habitats.

c. Stanislaus County Policies

The Stanislaus County General Plan (1994) addresses the conservation and enhancement of biological resources in the project area. The Land Use Element discourages urban development in areas with high water tables or poor soil percolation, which are potential growth-limiting factors. Urban development is also prohibited in
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geological fault and hazard areas, floodplains, riparian zones, and airport hazard areas, unless measures to mitigate the problems are included as part of the application.

The Conservation/Open Space Element promotes protection and preservation of the County’s natural resources and open spaces by maintaining the natural environment in areas dedicated as parks and open space, assuring compatibility between natural areas and development, conserving water resources, preserving vegetation to protect waterways from bank erosion and siltation, protecting and enhancing oak woodlands and other native hardwood habitat, and protecting fish and wildlife species of the County.

d. City of Modesto Policies

The City of Modesto General Plan (1995) addresses the conservation and enhancement of biological resources in the project area. The Urban Area Open Space and Recreation Element preserves Dry Creek and Tuolumne River waterways, floodplains, and adjacent areas in its natural state to maintain a diversity of fish, wildlife, and vegetation habitat. The Conservation Element provides for protection and enhancement of riparian habitat occurring along Dry Creek and the Tuolumne River in order to minimize potential impacts to fish and wildlife populations.

5. Regulatory Policies which Avoid Impacts

a. Stanislaus County Policies

The County reviews all development requests to ensure that sensitive areas (e.g., riparian habitats, vernal pools, rare plants) are left undisturbed or that mitigation measures acceptable to appropriate State and federal agencies to protect the habitat are included in the project (Stanislaus County General Plan 1994).

b. City of Modesto Policies

The MEIR for the Modesto Urban Area General Plan contains measures intended to minimize impacts to sensitive biological resources due to development in the Planned Urbanizing Area, including the Dry Creek and Tuolumne River Comprehensive Planning districts. Focused EIR’s for these areas shall incorporate the “Mitigation Measures for Sensitive Biological Habitats” (Table 7-1, pg IV-7-7 of the Modesto Urban Area General Plan).

B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

The following information is provided in accordance with Section 15126.2 of the State CEQA Guidelines.
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1. Thresholds of Significance Suggested by CEQA

CEQA identifies a significant effect of the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.

2. Thresholds of Significance Suggested by Other Analytical Methods

Typically, qualified biological professionals in the State of California consider substantial adverse effects to special-status species and habitats as significant impacts to biological resources. Special-status species and habitats are defined as plants, animals, and habitats that are legally protected or that are otherwise considered sensitive by federal, State, or local resource conservation agencies and organizations.

3. Thresholds of Significance Adopted by the City of Modesto

After consideration of the methodological approaches suggested by the CEQA Guidelines, the City has chosen to adopt the following thresholds of significance. The proposed project would have a significant impact to biological resources if it would:

- Have a substantial direct or indirect adverse effect on any listed species (candidate, sensitive, special-status, threatened, endangered) identified by CDFG, USFWS, local/regional plans, policies or regulations.

- Have a substantial adverse effect on riparian habitats or other sensitive natural communities identified by CDFG, USFWS, local/regional plans, policies or regulations.

- Have a substantial adverse effect on federally protected wetlands (defined by Section 404 of the Clean Water Act).

- Interfere substantially with the movement of native resident or migratory fish or wildlife species or with corridors used by these species, or prevent the use of wildlife nursery sites.

- Conflict with any existing policies or ordinances protecting biological resources adopted by local governments.

- Conflict with provisions of adopted and approved conservation plans by the local, regional, or State government.

4. Significant Direct Impacts

a. General Terrestrial Habitat

The loss of non-native grassland and disked land is expected to occur under the proposed TRRP Master Plan during grading for floodplain terraces and construction of trails and the Loop Road. Grading and earthmoving activities to create the floodplain
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Terraces would remove non-native grassland in the Carpenter Road Area and disturb agricultural land in the Gateway Parcel. Removal of disked land would also occur during construction of the Loop Road and trails connecting to the river promenade trail in the Gateway Parcel. The loss of habitat would reduce the populations of some common plant and wildlife species in the area. Impacts on common wildlife would include direct mortality and the loss of foraging and breeding habitat.

Although there would be some loss of non-native grassland and disked land, open space within the TRRP would be preserved and planted with wildflower meadow grasses native to the Central Valley. Approximately 64 acres of park landscaping (wildflower meadow, lawn, landscape trees, specimen trees, street trees, and "path" trees) would be planted in the Gateway Parcel. Approximately 180 acres of park landscaping would be planted in the Carpenter Road Area, including lawn in the sports complex area and wildflower meadow to the west of the sewer treatment plant.

Although the grasslands and disked open lands in the TRRP Master Plan area support a number of common plant and wildlife species, these species are generally abundant locally and regionally. The loss of common plant and wildlife species and their habitat would not substantially affect the populations of these species in the local area. Therefore, this impact would be less-than-significant.

b. Impacts to Riparian Habitat

The riparian habitat on the TRRP site currently supports high wildlife diversity and functions as an important wildlife corridor. Grading and earthmoving activities to create the terraces would remove up to approximately 22 acres of existing riparian vegetation; 11 acres in the Gateway Parcel and 11 acres in the Carpenter Road Area. Additional riparian vegetation may be removed during construction of trails in the other portions of the TRRP. Riparian habitat is considered a sensitive habitat and often receives legal protection from CDFG and USACE. Riparian vegetation associated with rivers, streams, or lakes in California is also subject to regulation by CDFG, pursuant to Sections 1600 through 1603 of the California Fish and Game Code. Riparian habitat within the Ordinary High Water Mark of jurisdictional Waters of the U.S. is under regulatory authority of USACE. The Stanislaus County General Plan (1994) and the City of Modesto General Plan EIR (1995) address the conservation of riparian habitat.

One of the primary goals of the TRRP project is to restore a continuous riparian corridor along the Tuolumne River. According to preliminary estimates, approximately 79 acres of riparian vegetation would be planted as part of the TRRP project. In the Gateway Parcel, native riparian vegetation would be restored in a zone extending 185 feet from the Tuolumne River. In both the Gateway Parcel and the Carpenter Road Area, floodplain terraces would be created to provide surfaces that inundate more frequently, restore hydrologic connectivity, and create different hydrologic niches that meet many riparian plant species' initiation and establishment requirements. Approximately 22 acres of riparian vegetation would be replanted in the Gateway Parcel and approximately 28 acres in the Carpenter Road Area once the terraces have been created. Mature valley oaks would not be removed and would be protected from soil
compaction and damage during the projects construction phase. Areas that require summer irrigation, such as lawn, would not be planted in the vicinity of oaks to protect them from fungus infection.

**Impact Bio-1: Riparian Habitat.** The negative impacts to riparian habitats would be temporary during construction activities and implementation of the TRRP Master Plan would result in a net increase in riparian habitat over time, once riparian vegetation in replanted areas have been re-established. However, the short-term loss of existing riparian habitat would be considered a significant impact because this habitat has been identified as a sensitive natural plant community by federal, State, and local agencies.

c. Impact to Jurisdictional Waters of the U.S.

Implementation of the proposed project would require construction-related disturbance to jurisdictional Waters of the U.S. The disturbance of federally protected jurisdictional Waters of the U.S., as defined by Section 404 of the Clean Water Act, would be a significant effect. Wetland habitat has declined considerably this century in California as a result of flood control practices and conversion of wetlands to agricultural and urban uses. Wetlands have been given regulatory protection because of their multiple functions and values, including their importance to wildlife.

Grading for floodplain terraces and construction of fishing piers and bridges could potentially impact wetlands in the Master Plan area. Grading for floodplain terraces would occur in the Gateway Parcel and west of the sewage treatment plant in the Carpenter Road Area. The construction of pedestrian bridges could also potentially temporarily impact wetlands through short-term increase in sedimentation resulting from construction activities. Two low wooden bridges would extend the trail network over the ancient channel in Legion Park. Pedestrian bridges would also be constructed over Dry Creek, connecting the Gateway Parcel with the Gallo Property, and over the Tuolumne River, connecting Mancini Park with the north bank of the river. Additionally, wooden piers suitable for fishing and launching small non-motorized boats would be constructed in the Gateway Parcel, Carpenter Road Area and Legion Park. Project construction of bridges, trails, river overlooks, and other near-river facilities would cause short-term increases in bank erosion, which would likely result in temporarily elevated levels of sediment delivery to the Tuolumne River. Because a wetland delineation has not be conducted, it is unknown if wetlands occur outside of the Tuolumne River and Dry Creek channels.

Stormwater wetlands would be created on the Gateway Parcel and in the Carpenter Road Area to help purify some of the stormwater runoff from the adjacent urban areas. These wetland zones would use plants, such as tules, sedges, and cattails, to purify stormwater runoff from the adjacent neighborhoods, reducing the amount of non-point source pollution that enters the Tuolumne River in this area; this would be a beneficial effect of the project.
Impact Bio-2: Jurisdictional Waters of the U.S. The project area includes jurisdictional Waters of the U.S. (i.e., marsh and riverine habitats) subject to the regulatory authority of USACE. Any construction or restoration activity that occurs in or adjacent to the Tuolumne River could potentially impact these areas. Although most of the jurisdictional Waters of the U.S. are located between the banks of the Tuolumne River and within the Dry Creek channel, it is possible that additional jurisdictional areas are located outside of the channel. All adverse impacts to jurisdictional Waters of the U.S. would be considered significant.

d. Impacts Due to Increased Human Activity and Use

Walking trails and roads would be built in existing or restored riparian habitat. Expected traffic on trails, roadways and in parking lots would likely diminish the quality of habitat for wildlife species in the trail areas. The 1.5-mile section of the river promenade trail adjacent to Dryden Golf Course could have potentially greater impacts to riparian corridor species because of the narrow space between the golf course and the Tuolumne River. Efforts to minimize impacts to the riparian corridor in the Gateway Parcel by limiting trail areas and river access points would decrease impacts to wildlife in this area. River overlooks and two river access piers would be constructed in the Gateway Parcel to provide designated river access points, thus limiting impacts to the riparian corridor.

In order to maintain public safety, areas such as parking lots, access roads, the amphimeadow, the regional sports complex, and limited pathways may be illuminated at night. Lighting may diminish the quality of habitat for wildlife and limit use of the riparian corridor by nocturnal species. However, lighting is proposed only for the access areas and not the more natural areas of the TRRP. Because riparian vegetation would be enhanced throughout the park to form a continuous corridor and river access points would be limited, potential impacts from trail use, nighttime lighting, and other human activity would be less-than-significant.

e. Impacts to Special-status Fish

Six threatened, endangered, or otherwise sensitive fish species or their habitats have been identified as potentially occurring in the vicinity of the TRRP. These are: Kern brook lamprey, river lamprey, Pacific lamprey, Central Valley steelhead, fall-run chinook salmon, and Sacramento splittail. Of these, only the Kern brook lamprey and steelhead have not been documented in the vicinity of the TRRP. Aquatic and riparian habitat in the TRRP is designated critical habitat for Central Valley steelhead (NMFS 1999b) and essential fish habitat (EFH) for fall-run chinook salmon (NMFS 1997).

The project is expected to have a long-term benefit to native fish species and their habitats. Beneficial impacts are expected to result from removal of invasive exotic vegetation from riparian areas, reestablishment of native riparian vegetation species composition, reconnection of portions of the floodplain to the river (by terrace contouring), and the reestablishment of natural riparian vegetation and processes on the excavated terraces. Restoration of the natural riverbank configuration is expected to
result in long-term beneficial impacts to fish and fish habitat both in the TRRP and downstream. Throughout much of the TRRP, flow regulation and human alteration of the Tuolumne River and Dry Creek channel and floodplain has resulted in an incised channel and oversteepened banks that are either artificially stabilized or actively eroding. Beneficial impacts that are expected to result from the proposed bank recontouring at several locations on the Tuolumne River and Dry Creek include:

- substantial reductions in localized bank erosion and elimination of the need for artificial stabilization;
- increased floodway capacity;
- increased area available to salmonids and other fish for rearing and refuge during high flows;
- reestablishment of the connection between the river and its floodplain; and
- resumption of natural riparian vegetation recruitment and successional processes.

Although special-status fish will benefit from the project in the long-term, some short-term impacts are anticipated. Recontouring portions of the north bank of the Tuolumne River could result in physical disturbance to habitat for special-status fish and is considered a potentially significant impact. Temporarily elevated levels of total suspended solids (TSS) may also pose problems to fish of all life stages within the project area and downstream. Increased input of fine sediment during project construction could potentially result in direct impacts to chinook salmon, steelhead, lamprey, and Sacramento splittail, as well as other fish, and could cause local and downstream impacts to habitat. Bank recontouring can be expected to cause short-term increases in bank erosion, which would likely result in temporarily elevated levels of sediment delivery to the Tuolumne River.

A short-term loss of riparian vegetation is expected during construction of bridges, trails, river overlooks, and other facilities near the Tuolumne River and Dry Creek, and may lead to temporary adverse impacts to fish and aquatic resources in the TRRP area. Exposed bare soil on restored banks could result in greater bank erosion and sediment delivery to the river. Disturbance caused by heavy machinery and construction crews, both in and out of the river, may potentially impact fish and wildlife in those areas. The potential impacts of construction-related sediment on fish and in-stream habitat would depend on the timing and duration of the construction, the presence of sensitive fish and their habitat on-site and downstream, and the river flow conditions during construction. Adverse impacts would gradually be reduced as the new riparian vegetation matures. Since there are only three access points to the river from the TRRP described in the Master Plan, disturbance following construction would be minimal. Replanting would follow the planting palette developed for the TRRP Master Plan, which includes guidelines for species composition and planting location. Project construction that could result in direct disturbance and increased sediment input would be temporary, and therefore no significant long-term impacts are expected.
Construction of bridges may temporarily impede upstream passage by adult salmonids, lamprey, and splittail, and downstream passage by outmigrating juveniles or sub-adults. This is a potentially significant impact. Several bicycle and pedestrian bridges are included in the TRRP Master Plan. Construction of bridges may temporarily impede upstream passage by adult salmonids, lamprey, and splittail, and downstream passage by outmigrating juveniles or sub-adults. The effects of construction on fish passage and aquatic habitat connectivity would be limited to the construction period, and would depend on the life stage and migratory timing of sensitive species. Only one bridge, proposed to span the Tuolumne River channel, has the potential to adversely impact fish migration and aquatic habitat connectivity after construction. Depending on final design specifications, drops created by sills across the channel bed at this bridge location could impair upstream passage of adult chinook salmon and movement of other fish and aquatic species, resulting in significant adverse impacts to these species beyond the initial construction period. The potential impacts of this bridge structure would likely be influenced by river flow and would presumably be greatest during periods of low flow.

Construction of park facilities and recontouring of riverbanks in portions of the park are expected to cause temporary loss of riparian vegetation. Removal of riparian vegetation and vegetative ground cover (living and dead organic material) during construction could result in reduced stream shading, loss of overhead cover for fish and other aquatic organisms, reduced input of organic matter and terrestrial insects to the aquatic ecosystem, and increased riparian habitat fragmentation. These mechanisms could result in impacts to essential fish habitat for chinook salmon (NMFS 1997) and critical habitat for Central Valley steelhead (NMFS 1999b).

Although reduced stream shading has the potential to result in increased water temperatures, this is considered unlikely in the TRRP area because removal of riparian vegetation as a result of project construction and bank restoration would be confined to a few specific locations on the north bank of the Tuolumne River and the west bank of Dry Creek. The north bank of the Tuolumne River, because of the angle of the sun (due to latitude) and the east-west orientation of the Tuolumne River, generally does not provide as much shade to the channel as vegetation on the south bank. Therefore, no significant adverse water temperature impacts are expected.

Short-term reductions in overhead cover for fish and other aquatic organisms due to removal of riparian vegetation could result in temporary adverse impacts to species relying on this habitat feature within the TRRP project area. However, because ample overhead cover would be available to these species in adjacent areas where riparian vegetation remained undisturbed, adverse impacts would be expected to be minimal.

**Impact Bio-3: Special-status Fish.** Potential impacts to fish and fish habitat resulting from implementation of the TRRP Master Plan could include both adverse and beneficial impacts. Impacts to most fish species would be less-than-significant because the impacts are short-term and no important habitat for these species would be permanently altered. However, any adverse impacts to steelhead, fall-run chinook salmon, and Sacramento splittail would be considered potentially significant because
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these species are all federally listed. Impacts to steelhead, fall-run chinook salmon, and Sacramento splittail are considered potentially significant because the project would result in the short-term loss and disturbance of habitat for these species.

f. Impacts to Valley Elderberry Longhorn Beetle

Ground-disturbing activities, use of herbicides, or other activities may destroy occupied elderberry shrubs, resulting in potential take of the valley elderberry longhorn beetle. The Master plan is within the known range of the species and elderberry shrubs are located in the project area.

Impact Bio-4: Valley Elderberry Longhorn Beetle. Because the project could potentially remove elderberry bushes, which are habitat occupied by the valley elderberry longhorn beetle, this is considered a potentially significant impact.

g. Impacts to Western Pond Turtle

Bank recontouring and other construction activities may cause a short-term impact to suitable habitat for western pond turtle, a California Species of Special Concern. A low number of western pond turtles could also be killed during these activities. However, the project would result in a long-term benefit to western pond turtles by increasing and enhancing riparian habitat. No substantial effects on the local and regional populations are anticipated because suitable turtle habitat is abundant in the project vicinity. This impact would be-less-than significant.

h. Impact to Nesting Raptors

Tree-nesting raptors, including osprey, white-tailed kite, Cooper's hawk and Swainson's hawk, often use traditional nest sites. Implementation of the proposed TRRP Master Plan could result in the loss or disturbance of active raptor nests, which are protected under Section 3503.5 of California Fish and Game Code. Swainson’s hawk is also a State-listed Threatened species. Raptor nests could be affected by the removal of large trees during the breeding season (February 1 to August 31). Although significant tree removal is not currently planned, the project plans are currently conceptual, and there is the potential for tree removal to be proposed in the final implementation plans. Raptors could also be affected by nearby construction activity during the breeding season. This impact is considered potentially significant.

Impact Bio-5: Nesting Raptors. Raptor nests could be affected by the removal of large trees and nearby construction activity during the breeding season (February 1 to August 31). This impact is considered potentially significant.

5. Significant Cumulative Impacts

Cumulative impacts are the same as the direct impacts identified above. The analysis of biological resources issues takes into consideration cumulative impacts of Master Plan implementation, including the effect of the removal of habitat at the project site on the sustainability of biological resources in the region. In addition, the Master Plan is
consistent with the City of Modesto Urban Area General Plan. The potential for cumulative impacts to sensitive plant and wildlife habitat was analyzed in Chapter IV-7 of the Master Environmental Impact Report for the Urban Area General Plan. No additional cumulative impacts have been identified.

6. Potential Impacts for Which There is Insufficient Information to Support a Full Analysis

Impacts to biological resources have been identified in this MEIR at a “programmatic” level. Because detailed implementation plans are not available, some biological surveys and consultation have yet to be conducted. Specifically, as outlined in the mitigation measures below, a determination of potential impacts to Waters of the U.S. and consultation with regulatory agencies, including USACE, USFWS, NMFS, and CDFG, will be required prior to the implementation of individual Master Plan projects. However, all required protective measures and consultation requirements are specified in the mitigation measures detailed in Section C.

C. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

Mitigation measures are provided below to reduce significant or potentially significant impacts to biological resources resulting from implementation of the proposed Master Plan.

1. Measures Which Mitigate Direct Impacts

**Impact Bio-1: Riparian Habitat.** The negative impacts to riparian habitats would be temporary during construction activities and implementation of the TRRP Master Plan would result in a net increase in riparian habitat overtime, once riparian vegetation in replanted areas have been re-established. However, the short-term loss of existing riparian habitat would be considered a significant impact because this habitat has been identified as a sensitive natural plant community by federal, State, and local agencies.

**Mitigation Measure Bio-1:** To minimize disturbance to riparian habitat outside of the proposed area of disturbance, the following measures shall be implemented:

a) For any TRRP Master Plan project, prior to any grading or tree removal, riparian habitat outside of the proposed work areas will be protected by installing orange barrier fencing around habitat to be preserved and restricting vehicular or mechanical use of equipment in these areas. The project proponent shall retain a qualified biologist to serve as a compliance monitor and to ensure that all mitigation measures pertaining to riparian habitat protection are properly implemented.

b) Prior to project implementation, a Section 404 permit shall be obtained from USACE and a Section 1600 Streambed Alteration Agreement shall be obtained from CDFG. Additional mitigation for impacts to riparian areas
will be developed through consultation with USACE and CDFG. A detailed riparian restoration plan shall be submitted to USACE as part of the 404 permit application. The plan must be approved by USACE prior to project implementation. Mitigation monitoring shall be conducted annually be a qualified biologist for 5 years or until the success criteria are met. Annual monitoring reports shall be submitted to USACE and CDFG.

Implementation of the above mitigation measures in consultation with USACE and CDFG would ensure that impacts to riparian habitat are less-than-significant.

Impact Bio-2: Jurisdictional Waters of the U.S. The project area includes jurisdictional Waters of the U.S. (i.e., marsh and riverine habitats) subject to the regulatory authority of USACE. Any construction or restoration activity that occurs in or adjacent to the Tuolumne River could potentially impact these areas. Although most of the jurisdictional Waters of the U.S. are located between the banks of the Tuolumne River and within the Dry Creek channel, it is possible that additional jurisdictional areas are located outside of the channel. All adverse impacts to jurisdictional Waters of the U.S. would be considered significant.

Mitigation Measure Bio-2: The following mitigation measures shall be implemented to ensure impacts to Waters of the U.S. are less-than-significant.

a) For any TRRP Master project, prior to grading or tree removal, a qualified biologist shall make a determination whether potential jurisdictional Waters of the U.S., including wetlands are present in the project area.

b) If potential jurisdictional Waters of the U.S., including wetlands, are present, a determination shall be made through the formal Section 404 wetland delineation process if any jurisdictional areas would be filled or otherwise disturbed as a result of the project. Authorization of a Section 404 and Section 10 permit shall be secured from USACE and a Section 1600 agreement shall be secured from CDFG, as appropriate.

c) As part of the permitting process, mitigation for impacts to jurisdictional Waters of the U.S., will be identified and implemented. Waters of the U.S. will be replaced or rehabilitated on a "no-net-loss" basis in accordance with USACE regulations. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to USACE.

d) For all projects with the potential to effect jurisdictional Waters of the U.S., all grading plans will include adequate setback for waters to be preserved. Measures to minimize erosion and runoff into seasonal and perennial Waters of the U.S. will be prepared for all projects covered by the Master Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants into preserved drainages.
Impact Bio-3: Special-status Fish. Potential impacts to fish and fish habitat resulting from implementation of the TRRP Master Plan could include both adverse and beneficial impacts. Impacts to most fish species would be less-than-significant because the impacts are short-term and no important habitat for these species would be permanently altered. However, any adverse impacts to steelhead, fall-run chinook salmon, and Sacramento splittail would be considered potentially significant because these species are all federally listed. Impacts to steelhead, fall-run chinook salmon, and Sacramento splittail are considered potentially significant because the project would result in the short-term loss and disturbance of habitat for these species.

Mitigation Measure Bio-3: The following mitigation shall be implemented for any project covered by the TRRP Master Plan that has the potential to affect perennial aquatic habitat.

a) The operation of heavy equipment in the active river channel shall not occur. Temporary sediment settling basins and structures such as sediment fencing or straw bales shall be used to prevent sediment-laden runoff from entering the river channel. River-adjacent construction activities shall occur during summer months when flows are low and rain is unlikely. Construction of bridges and near-river facilities shall be conducted during the summer when flows are low and rain is unlikely or as otherwise appropriate would avoid impacts during fish migrations and sensitive life stages.

b) The project proponent shall consult with NMFS and USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with the federal agencies, appropriate mitigation and avoidance measures will be determined and implemented.

Implementation of the above mitigation measures in consultation with NMFS and USFWS would ensure that impacts to sensitive fish species are less-than-significant.

Impact Bio-4: Valley Elderberry Longhorn Beetle. Because the project could potentially remove elderberry bushes, which are habitat occupied by the valley elderberry longhorn beetle, this is considered a potentially significant impact.
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Mitigation Measure Bio-4: The following measures shall be implemented to ensure that impacts to the valley elderberry longhorn beetle are less-than-significant:

a) Prior to any construction activity or grading for any Master Plan project, a qualified biologist shall conduct a survey to determine the number and location of elderberry shrubs on the project site.

b) If no elderberry shrubs are found on the project site or if all elderberry shrubs will be avoided by at least 100 feet, impacts to the valley elderberry longhorn beetle will be less-than-significant and no further mitigation is necessary.

c) If elderberry shrubs are found within the project area, the project proponent will consult with USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with USFWS, appropriate mitigation and avoidance measures will be determined and implemented.

Impact Bio-5: Nesting Raptors. Raptor nests could be affected by the removal of large trees and nearby construction activity during the breeding season (February 1 to August 31). This impact is considered potentially significant.

Mitigation Measure Bio-5: Implementation of the following mitigation measures would ensure that impacts to nesting raptors are less-than-significant:

a) If construction is proposed during the raptor nesting season (1 February to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist to identify active nests within 1/4 mile of the project area. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction and shall be within the nesting season.

b) If nesting raptors are found during the focused survey, no construction shall occur within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist), without prior approval by CDFG. Construction within 500 feet may be permitted if a nest monitor is present to ensure that disturbance to the nesting raptors is minimized to the maximum extent practicable.

2. Measures Which Mitigate Cumulative Impacts

Cumulative impacts are the same as the direct impacts identified in this section, and thus the measures identified to mitigate those impacts would also ensure that cumulative impacts would not occur to sensitive or other biological resources in the area. No additional cumulative impacts have been identified.
3. Alternatives to the Proposed Project

The following information is provided in accordance with Section 15126.6 of the State CEQA Guidelines.

Because the identified impacts in this section could be adequately mitigated, there is no alternative design presented.
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CHAPTER IV. ENVIRONMENTAL ANALYSIS

E. DISTURBANCE OF ARCHAEOLOGICAL OR HISTORICAL SITES

This section describes the cultural resources setting, evaluates potential impacts, and recommends mitigation measures to reduce potential cultural resource impacts of the proposed TRRP Master Plan. The analysis contained in this chapter was prepared by William Self Associates (WSA).

A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the State CEQA Guidelines. This environmental setting is the baseline for determining whether an impact of the General Plan is significant.

1. Study Area for Direct Impacts

The study area for direct impacts is the TRRP Master Plan area.

2. Study Area for Cumulative Impacts

The study area for cumulative impacts is the same as for cumulative impacts.

3. Existing Physical Conditions in the Study Area

a. Cultural Background

Prehistory

The chronological sequence for central California and the Lower Sacramento Valley begins with the Windmiller Pattern (Fredrickson 1973). Sites from this period date from about 4500 to 3500 years before present (B.P.). Although earlier sites no doubt exist, sites from the Paleo-Indian Period, dating from about 12,000 to 8,000 B.P., and sites form an unnamed phase dating from about 8,000 to 4,500 B.P., are thought to be buried under Holocene alluvial deposits and are not well documented in this part of California. Various scholars have suggested Windmiller sites are associated with an influx of peoples from outside of California who brought with them an adaptation to river-wetland environments (Moratto 1984:207).

Windmiller sites are often situated in riverine, marshland, and valley floor setting on small knolls above seasonal floodplains. Most Windmiller sites possess burial in what are thought to be cemeteries. Typically, the human remains are found in an extended position and oriented towards the west. The burials frequently contain numerous mortuary artifacts, which often include large projectile points (spear or dart points), a variety of fishing paraphernalia such as net weights, bone hooks, and spear points, and the vertebrate faunal remains of large and small mammals. Seed-grinding implements such as mortars and pestles, often included in burials, point to the importance of the gathering and processing of seed resources. Other artifacts such as charmstones,
quartz crystals, *Olivella* and *Haliotis* shell beads that are found in association with burials suggest trade routes and various degrees of ceremonialism. The subsequent Berkeley Pattern (previously part of the Middle Horizon) covers a period from about 3500 to 1500 B.C. in the San Francisco Bay region. This pattern overlaps somewhat with Windmiller attributes at the beginning and with Late Prehistoric artifacts at the end. Berkeley Pattern sites are much more common and well documented, and therefore better understood than the Windmiller sites. The sites are distributed in more diverse environmental setting, although a riverine focus is common.

Deeply stratified midden deposits (resulting from generations of occupation) are common to Berkeley Pattern sites, as are an abundance of milling and grinding stones for processing vegetal resources. Projectile points are progressively smaller and lighter over time, culminating in the introduction of the bow-and-arrow during the late prehistoric period. As mentioned above, although there are shared traits with Windmiller manifestations, artifacts unique to Berkeley Pattern sites include slate pendants, steatite beads, ear ornaments, and burial techniques utilizing variable directional orientation, flexed body positioning, and a general reduction of mortuary goods (Frederickson 1973; Moratto 1984).

The late prehistoric period (formerly the Late Horizon) ranges from about 950 to 150 B.P. This period, characterized as the Augustine Pattern (Fredrickson 1973), is typified by intensive fishing, hunting and gathering (particularly acorns), a large population increase, increased trade and exchange networks, increases in ceremonial and social attributes, and the practice of cremation (in addition to flexed burial). Certain artifact types also typify the pattern: bone awls for use in basketry manufacture, small notched and serrated projectile points indicative of bow-and-arrow use, some pottery, clay effigies, bone whistles, and stone pipes. The Augustine Pattern and the late prehistoric period can be characterized as the apex of Native American cultural development in this part of California. Further analysis of the various cultural interrelationships can be found in Hughes (1994), Fredrickson (1993) and Elsasser (1986).

**Ethnography**

Archaeological sites in the northern San Joaquin Valley indicate that it has been occupied, at least intermittently, for the past 5,000 years or longer (Moratto 1984). The ethnographic inhabitants of the area were the Yokut Indian group who are known to have established semipermanent villages in the project vicinity (Kroeber 1970). Unique among the California natives, the Yokuts are divided into true tribes, each with a name, a dialect, and a geographical territory. Each of the Yokuts tribes were autonomous units, none being subordinate to any other tribe. Cook (1955) estimates the number of Valley Yokuts (Northern and Southern) in the 18th century as approximately 41,000 persons, which makes them the largest pre-contact ethnic group in California (Moratto 1984:173). The approximately 50 tribes of Yokuts, each with 300 to 400 persons, lived in the 250-mile long San Joaquin Valley as far north as where the San Joaquin River empties into the Sacramento and as far south as the foot of the Tehachapi Mountains (Emamels 1992:119). The exact boundaries of the Yokuts are still a matter of controversy, especially between the Plains division and the adjacent Miwoks (Kroeber 1970:442). Although each tribal group had one or more permanent villages, their
territory contained numerous smaller campsites used during seasonal rounds of resource exploitation. Because tule grew profusely in their territory along the small creeks, streams and rivers, many extended families lived in lodges of woven tule. Often they built their villages in street-like order (Emanels 1992:127). Ceremonial semi-subterranean men’s houses (called "sweathouses" by the Spanish), were built at the larger village sites also using grass and earth cover (Kroeber 1970). Given an abundant and continuous subsistence base, ceremony in Yokut life was fairly extensive, and scholars have written much about it based on early ethnographic accounts (Bennyhoff 1977; Kroeber 1970; Levy 1978).

Rituals associated with death were of great importance. Two forms of interment were practiced and mortuary goods were often placed into the grave at the time of burial. Cremation was also occasionally practiced, especially for those who died away from home so that the ashes might be transported for burial. Personal possessions were sometimes burned and the house of death was customarily abandoned. The ashes and unburned bones were gathered and placed in water, or else buried in a basket in the local cemetery (Gayton 1948, 2:236, 274).

The TRRP Master Plan area would have provided an excellent location for seasonal resource procurement camps. Tule or balsa canoes were used to navigate rivers and lakes and for hunting and gathering forays into the Delta. Scholars have suggested the early California environment offered a large assortment of resources for use by native people, although acorns, fish, and game mammals formed the staples of their diet (Baumhoff 1963). Plant foods in great variety were gathered as they came into season. Researchers have stressed that acorns were of the utmost importance, as they could be stored in great quantities.

The first Europeans to explore the area were the Spanish looking for inland mission sites. The Spanish named the low-lying portion of the San Joaquin Valley "Los Tulares" and the stream "Rio de los Tulares", hence the appellation "Tulareños" by which the Yokuts were known (Kroeber 1970:476). In 1829 conflicts between the missionaries and native populations were quelled by Mexican forces. These troops controlled the area until the Mexican-American War ended 1848 and Mexico sold California to the United States. By the mid 1800s the Yokut population was nearly extinct due to diseases and pressures brought by the influx of missionaries and miners since the beginning of the 19th century (Wallace 1978). Historic settlement of the region by Euro-Americans comprised of cattle ranching, agriculture, orchards, and similar land use. The discovery of gold in the nearby Sierra Nevada foothills, also in 1848, caused the population in the Tuolumne River area to balloon. By 1871, the town of Modesto was established along Central Pacific Railroad lines that connected it to Stockton to the north and, eventually, Bakersfield to the south.

b. Results of the Record and Literature Search

A record and literature search was conducted at the Central California Information Center on September 29, 1999 to establish the location of previously conducted cultural resource surveys and known resources within a ¼ mile radius of the TRRP Master Plan area (File IV-E-3)
No. 3567N). The search included a 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 (1990), and the California Points of Historical Interest listing (May 1992 and updates), the Historic Property Directory (Office of Historic Preservation current computer list), the Caltrans Local Bridge Survey (1989), the Survey of Surveys (1989), GLO Plats, and other pertinent historic data available at the CCIC for each specific county.

In the Gateway Parcel four previous cultural resources surveys were found to have been conducted within the area of the record search (Hatoff et al. 1995, Marvin and Davis-King 1996, Hill 1992, Jensen 1996). Two field surveys have been conducted outside the immediate project area but lie within a ¼-mile of the project area (Jones & Stokes 1996, Harmon 1992). No archaeological resources were found during those surveys. The archival search identified no known or recorded prehistoric resources within the Gateway Parcel. One historic archaeological site, the Thurman Field Trash Scatter, has been recorded within ¼-mile of the Gateway Parcel project area (Jones & Stokes 1996). Four cultural resources (Lion's Market, W. H. Breshears, Inc., Ninth Street Bridge, Tidewater Southern Crossing) and one resource currently eligible for the National Register of Historic Places (Seventh Street Bridge) occur within the Gateway Parcel.

The Native American Heritage Commission (NAHC) in Sacramento was contacted by letter with a description of the proposed project and a request for a listing of local, interested Native American Representatives, and information on traditional or sacred lands within the project area and vicinity. No individual or tribal members have been notified as part of this scope of work. The Native American Heritage Commission responded to the request, noting that a search of the sacred lands file failed to indicate the presence of Native American cultural resources in the immediate project area. (Appendix C: letter dated December 14, 2000 and list of Native American Contacts).

c. Known Cultural Resources

A reconnaissance field survey of the Gateway Parcel and the Gallo/Mancini Area from the eastern edge of Mancini Park and the western edge of Legion Park to the western side of the Seventh Street Bridge was conducted on November 28, 2000. The area was evaluated for the presence of historic or prehistoric site indicators, and the existing cultural resources within the project area were evaluated and documented. In those areas subject to pedestrian survey, a maximum survey interval of 30 meters (100 feet) or less was utilized. The field survey consisted of a mixed strategy: intensive in sensitive areas known to contain sites, and cursory in developed/residential areas, cultivated fields, farmland, and densely overgrown/poison oak covered terrain. Steep hillsides and overgrown creek bottoms were avoided. Areas of steep terrain or dense vegetation/poison oak were visually inspected as conditions permitted along the route of the Tuolumne River drainage.

Ground visibility was fair to poor due to marsh, thick vegetation, and weed or riparian plant growth. Trowel or foot clearing was used to displace vegetation at regular intervals to improve ground visibility. All visible ground surface, gopher borrows, and other exposed soil was examined for the presence of historic or prehistoric site
indicators. Indicators of prehistoric activity include charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, and pockets of dark, friable soils. Historic resources include glass, metal, ceramics, brick, wood and similar debris.

Five previously recorded historic sites were located during the survey. Although outside the immediate project area, the Thurman Field Scatter was also reexamined. A description of these historic sites is presented below.

**Seventh Street Bridge**

The Seventh Street Bridge (Bridge No. 38C-023), or ”Lion Bridge” as it is called locally, is located along the west side of the Gateway Parcel on Seventh Street across the Tuolumne River (Figures E-1 and E-2). Situated at the southern gateway to the City of Modesto, the Seventh Street Bridge is the only major example in the San Joaquin Valley of the ”City Beautiful” bridge. Adorned in Beaux Arts classical detail, two concrete lions stand guard at each portal. Designed through the collaborative efforts of the engineering firm of Leonard & Day and architect Fay Spangler, the Seventh Street Bridge is the most impressive extant example of “Canticrete” bridge design. Invented by John B. Leonard, this bridge form involves a cantilevered steel truss encased in concrete. Built in 1916 by C.E. Cotton & Co., the main span is 101 feet long and 35.8 feet wide with 14 additional spans for a total of 1170 feet. The Seventh Street Bridge was designated a Modesto Landmark Preservation Site by the Modesto City Council in 1992 (City of Modesto 1992). According to the Caltrans Bridge Inventory, the Seventh Street Bridge (38C-23) is eligible for inclusion on the National Register of Historic Places.

**Lion’s Market**

Lion’s Market P-50-000438, originally known as Sanders Bros. Grocery, is located at 439 Seventh Street. Although it was constructed in 1947 and served the adjacent Shady Acres Court (now know as the Del Rio Mobile Home Park), the building does not appear to be eligible for inclusion in the NRHP under any of the criteria. Under Criterion A it is associated with the growth and development of Modesto after World War II, but is not associated with any persons significant in history (Criterion B). It does not embody any distinctive architectural characteristics (Criterion C), nor is it likely to yield information important in history (Criterion D). Recorded in 1996 by Judith Marvin, the site is described as "a one-story rectangular concrete clock building with front elevation clad in stucco and a front gable roof clad in asphalt shingles.”

**W.H. Breshear’s Complex**

Located at 720 B Street on the north side of the Seventh Street Bridge, the W.H. Breshears, Inc. (originally Standard Oil of California Products) is a complex of industrial buildings used for the distribution of Chevron products. Situated on a bluff along the northwest edge of the Gateway Parcel, the complex dates from 1913 and 1946. Recorded in 1996 as P-50-000439, this historic site is described as a "an office, storage buildings, and storage tanks." The Breshear’s buildings do not appear to be eligible for inclusion in the National Register under any of the criteria. Under Criterion A, they are associated with the growth of the City of Modesto and the San Joaquin Valley when the
automobile and truck were replacing the horse and railroad as the primary methods of transportation, and oil and gasoline distribution facilities were developed along railroad lines as transfer stations. The buildings were constructed by an oil company and operated by a succession of managers and so does not appear to be eligible under Criterion B, nor does it appear to be likely to yield information important in history (Criterion D). Under Criterion C it does not retain any integrity of design or represent the work of a master or embody any distinctive characteristics of construction.

Ninth Street Bridge

The Ninth Street Bridge (Bridge 38C-61), is a pre-1950 highway bridge located in the Gateway Parcel project area at the Tuolumne River and 9th Street. According to the Caltrans Bridge Inventory, the Ninth Street Bridge is ineligible for inclusion on the National Register of Historic Places.

Union Pacific Railroad and Tidewater Southern Railway Bridges

Two pre-1950 railroad bridges are present in the Gateway Parcel project area. The two railroad bridges are standard wood truss type bridges, and thus not eligible for inclusion on the National Register as per the Memorandum of Understanding between Caltrans, the Federal Highway Administration and the California State Office of Historic Preservation. The Union Pacific Railroad Bridge (P-50-000083, UP-1 and UP-2) was built in 1912 by the independent Tidewater Southern Railway and acquired by the Western Pacific Railroad in 1917. The Union Pacific Railroad Bridge is located on the Turlock branch running from Modesto south to Turlock, one of three original segments of the Tidewater Southern Railway. The Tidewater Southern Railway began as an electric interurban passenger and freight line running south from Stockton to Modesto, a distance of 32 miles (Fickewirth 1992). A steam division was extended in July 1916 from Modesto to Turlock, a distance of 16 miles. Although unprofitable from the outset, passenger service survived until 1932 (Strapac 1974:10 in Hatoff, et al. 1995). The existing tracks reflect various stages of post-World War II modernization undertaken by the Western Pacific after 1917. The Union Pacific Railroad Bridge on the Turlock Branch shows signs of the most recent modernization. The rails were laid at these points some time after 1966 (Hatoff, et al. 1995).

The Tidewater Southern Railway Bridge was previously evaluated in 1996, but was determined ineligible for listing in the National Register of Historic Places due to a loss of integrity as per the Memorandum of Understanding (December 1980 among Caltrans, the Federal Highway Administration, and the California SHPO (CCIC 1999). The Tidewater Southern Railway Bridge was not recorded. Potential significance for this shortline relates chiefly to the fact that it was one of a small number of interurban electric train lines in the San Joaquin Valley. All vestiges of the old interurban line were dismantled in the 1930s when the line was converted to conventional motive power and in the 1940s when it was rebuilt for heavier diesel locomotives (Hatoff et al.1995). The Tidewater Southern Railway Bridge does not appear to be eligible for listing in the National Register of Historic Places because it does not retain integrity of setting, design, materials, workmanship, feeling and association.
Figure E-1  View looking southeast of Seventh Street Bridge
Tuolumne River Regional Park
Master Plan MEIR

Source: William Self Associates
Figure E-2  View looking northwest of Seventh Street Bridge
Tuolumne River Regional Park
Master Plan MEIR
Thurman Field Scatter

The Thurman Field Scatter CA-STA-393H, "a historic-era trash scatter containing four concentrations" is located outside the immediate project area, but within ¼ mile. Recorded in 1996 by Jones & Stokes, Inc. as part of the City of Modesto Thurman Field Expansion Project, the site is located between Neece Drive and the Tuolumne River and extends approximately 320 feet by approximately 80 feet with a depth of approximately 27 inches. Although visibility was low due to riparian vegetation, a number of medium-sized chunks of concrete were visible on the level surface along Neece Drive. The steep embankment and area below contains large pieces of broken concrete slab. No recent evidence of potholing was observed. No additional cultural resources were noted.

4. Existing Regulatory Policies Applying to the Study Area

a. Federal Regulations

National Historic Preservation Act (NHPA) of 1966, Title 16, U.S. Code, Section 470

The NHPA establishes a national policy to preserve for public use historic sites, buildings, and objects of national significance for the inspiration and benefit of the people of the United States. The National Register of Historic Places was established to recognize resources associated with the country’s history and heritage. Guidelines for nomination are based on significance in American history, architecture, archaeology, engineering, and culture is present in resources that possess integrity of location, design, setting, materials, workmanship, feeling, and association (National Register of Historic Places).

Executive Order 11593

Executive Order 11593, “Protection of the Cultural Environment,” May 13, 1971, 36 Code of Federal Regulations, Section 8921 as incorporated into Title 16, United States Code, Section 470, calls for the protection and enhancement of the cultural environment through providing leadership, establishing State offices of historic preservation, and developing criteria for assessing resource values.

American Indian Religious Freedom Act; Title 42 United States Code, Section 1996

The American Indian Religious Freedom Act protects Native American religious practices, ethnic heritage sites, and land uses.

b. State Policies

Title 14, Public Resources Code, Section 5024.1 establishes a California Register of Historic Places; sets forth criteria to determine significance; defines eligible properties; lists nomination procedures. To be eligible for California State Landmark registration, a cultural resource must have State-wide significance as the first and only, or most significant of a type in a region, be associated with an individual who has a profound influence on the history of California, or have architectural significance. The structure
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must also be visible and accessible to the public, and must be maintained by the owner in its historic style (California State Landmarks Board).

The criteria for governing California State Points of Historical Interest are generally the same as those which govern State Landmarks, but are oriented to local, city or county areas. Points of Interest should be significant to the County or local area’s social, cultural, economical, political, religious, or military history (California State Landmarks Board).

Title 14, Public Resources Code, Section 5097.5 prohibits any unauthorized removal or destruction of archaeological, paleontological resources on sites located on public lands. As used in this section, “public lands” means lands owned by, or under the jurisdiction of, the State, or any city, county, district, authority or public corporation, or any agency thereof.

Title 14, Public Resources Code 5097.98 prohibits obtaining or possessing Native American artifacts or human remains taken from a grave or cairn and sets penalties for such actions.

c. Stanislaus County Policies

The Stanislaus County General Plan Conservation/Open Space Element preserves areas of national, State, regional, and local historical importance. “Qualified Historical Buildings” as defined by the State Building Code shall be preserved (Conservation/Open Space Element, Goal 8, Policies 5 and 6).

d. City of Modesto Policies

City of Modesto Ordinance No. 2619 is the Landmark Preservation Ordinance. This ordinance establishes the recognition, preservation, enhancement, perpetuation, and use of structures, natural features, sites, and areas within the City of Modesto as having historic, architectural, archaeological, structural engineering, or aesthetic significance. The eligibility of a site is determined after public hearings by Modesto Landmark Preservation Commission recommendation, plus public hearing and final determination by the City Council.

5. Regulatory Policies which Avoid Impacts

a. Stanislaus County Policies

There are no Stanislaus County regulatory policies that avoid impacts to historic and archaeological resources.

b. City of Modesto Policies

The City of Modesto Landmark Preservation Ordinance (Ordinance No. 2619) serves to avoid impacts to historic and archaeological resources.
B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

The following information is provided in accordance with Section 15126.2 of the State CEQA Guidelines.

1. Thresholds of Significance Suggested by CEQA

CEQA identifies a significant effect of the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.

The CEQA Guidelines incorporate provisions for the evaluation or resources that might be eligible for the California Register. The Guidelines also state that archaeological sites, once identified, are to be evaluated for their significance, and specifically, that the lead agency must determine if the site is a historical resource under Section 15064.5 of the Guidelines. Determination of archaeological significance generally involves archaeological excavation to determine data potentials, site content, integrity of deposits, and the nature of constituent features and artifacts. Once it is determined that an archaeological site contains both the potential data for answering scientific or historical questions and integrity of deposits, then protection or other mitigation measures should be developed, in accordance with Section 15126.4 of the Guidelines.

Effects on archaeological sites may also be considered significant if the site is either a historical resource pursuant to 4850-4858 (Title 14) of the Public Resources Code or a unique archaeological resource. Further, steps are outlined in the CEQA Guidelines if the project disturbs any human remains, including those interred outside formal cemeteries. Finally, a lead agency is to make provisions for inadvertent discoveries (accidental discoveries during construction) (CEQA Guidelines 15064.5).

2. Thresholds of Significance Suggested by Other Analytical Methods

   a. National Historic Preservation Act (NHPA)

The NHPA established eligibility requirements for inclusion on the National Register of Historic Places. The Act also requires that federal agency heads, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any historic landmark. The National Register of Historic Places criteria (contained in 36 CFR 60.4) are used to evaluate resources when complying with NHPA Section 106. Those criteria state that eligible resources comprise:

...districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that (a) are associated with events that have made a significant contribution to the broad patterns of our history; or (b) that are associated with the lives of persons significant in our past; or (c) that embody the distinctive characteristics of a type, period, or method of construction, or that possess high artistic values, or that
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represent a significant distinguishable entity whose components may lack individual distinction; or (d) that have yielded or may be likely to yield, information important to history or prehistory.

The National Register of Historic Places was established to recognize resources associated with the country’s history and heritage. Guidelines for nomination are based on significance in American history, architecture, archaeology, engineering, and culture is present in resources that possess integrity of location, design, setting, materials, workmanship, feeling, and association (National Register of Historic Places).

Archeological site evaluation assesses the potential of each site to meet one or more of the criteria for NRHP eligibility based upon visual surface and subsurface evidence (if available) at each site location, information gathered during the literature and record searches, and the researcher’s knowledge of and familiarity with the historic or prehistoric context associated with each site.

b. The State Historic Preservation Officer (SPHO)

The SHPO coordinates State participation in the implementation of the National Historic Preservation Act by identifying historic properties, assessing the effects on them and considering alternatives to avoid or reduce those effects.

c. Landmark Preservation Commission

The Landmark Preservation Commission is responsible for the designation of historic landmarks within the City of Modesto. The landmark preservation designation process is as follows. The most desirable initiation is by an enthusiastic property owner with a property meeting the landmark guidelines for designation. However, for the six-year life of the Commission, individual Commissioners have placed sites on the Inventory of Potential Sites. The process includes a letter from the Chair to the property owner. The City Council requires that the property owner be in favor of designation. Staff then analyze the site and sets dates for public hearings. The public hearing will result in: (1) approval of the request if the Landmark Preservation Ordinance can make findings based on Section 9-10.04(b) of the Municipal Code, (2) continuing the hearing for more information, or (3) denying the request based on inability to make findings.

3. Thresholds of Significance Adopted by the City of Modesto

After consideration of the methodological approaches suggested by the CEQA Guidelines, the National Historic Preservation Act, the State Historic Preservation Officer, and the Landmark Preservation Commission, the City has chosen to adopt the following thresholds of significance. The proposed project would have a significant impact to cultural resources if it would:

• Result in substantial modification or demolition of a listed historic resource or a structure over 50 years old.
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- Involves the removal of known resources, results in discovery of undiscovered archaeological resources, or if it involves construction within an area of high archaeological sensitivity.

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

- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines.

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

4. Significant Direct Impacts
   a. Impacts to Known Cultural Resources

Impacts to cultural resources may result either directly or indirectly during the pre-construction, construction, and operation of the project. Direct impacts are those which may result from the immediate disturbance of resources, whether from vegetation removal, vehicle travel over the surface, earth-moving activities, excavation or alteration of the setting of a resource. Indirect impacts are those which may result from increased erosion due to site clearance and preparation, or from inadvertent damage or outright vandalism to exposed resource materials due to improved accessibility.

Based upon the on-site evaluation and limited archival research, none of the known cultural resource sites in the Gateway Parcel or the Gallo/Mancini TRRP project vicinity would be adversely affected by implementation of the proposed TRRP Master Plan. The Seventh Street Bridge (No. 38C-023) has been determined eligible for inclusion in the National Register of Historic Places (DOE Process 12/24/85). There would be an adverse effect if the bridge is removed or it or its surrounding environment significantly altered. Because the TRRP Master Plan does not propose to remove or alter the Seventh Street bridge, there would be no impact to this historic resource.

   b. Potential Discovery of Unknown Resources

Implementation of the TRRP Master Plan would allow for subsurface grading and construction of new recreational facilities within the TRRP, primarily in the Gateway Parcel. Based upon the findings of the recent record and literature search, impacts to significant cultural resource sites within the project area are not anticipated. It is, however, possible that buried or otherwise unknown resources may be discovered during construction grading or vegetation removal. Prehistoric resources include chert or obsidian flakes, projectile points, mortars and pestles, and dark, friable midden soil containing bone and shell. Historic resources include glass, metal, ceramics, wood and similar debris. In addition to cultural resources, the potential for fossil materials to be found during project construction activities, remains uncertain until the ground surface has been broken and excavation of sub-surface soils takes place. Such resources, if uncovered during project
development, would be subject to potential damage or destruction prior to the assessment of their importance and development of mitigation measures.

**Impact CR-1: Potential Discovery of Unknown Cultural Resources.** Project grading and earthmoving activities could disturb previously undiscovered historic resources or archaeological sites. This is a potentially significant impact.

c. Potential Discovery of Human Remains

The TRRP Master Plan area has no known human remains, including those interred outside of formal cemeteries. However, it is possible that human remains may be discovered when site excavation and grading occurs. If uncovered during project development, construction activities may disturb the human remains. Sections 5097.98 and 5097.99 of the Public Resources Code calls for protection of Native American human burials and skeletal remains from vandalism and inadvertent destruction.

**Impact CR-2: Potential Discovery of Human Remains.** Project grading and earthmoving activities could disturb previously undiscovered human remains. This is a potentially significant impact.

5. Significant Cumulative Impacts

The direct impacts described in this section are the same as cumulative impacts. Cultural resource issues associated with the TRRP Master Plan are site- and project-specific. No cultural resource conditions exist around the project site that could, in combination with other cultural effects, result in a larger cumulative impact. Thus, no cumulative cultural resource impacts are anticipated.

6. Potential Impacts for Which There is Insufficient Information to Support a Full Analysis

There are no potential impacts for which there is insufficient information to support a full analysis.

C. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

The following information is provided in accordance with Section 15126.4 of the State CEQA Guidelines.

1. Measures Which Mitigate Direct Impacts

**Impact CR-1: Potential Discovery of Unknown Cultural Resources.** Project grading and earthmoving activities could disturb previously undiscovered historic resources or archaeological sites. This is a potentially significant impact.

*Mitigation Measure CR-1:* Construction personnel shall be instructed about the potential for discovery of unknown cultural resources, and the need for proper and timely reporting of such findings. If previously undiscovered historic or
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unique archaeological resources (including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris) are discovered, the following measures shall be implemented to ensure that impacts to these resources are less-than-significant.

a) Work shall halt within 100 feet of the discovery until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.

b) If the discovery is Native American, federally-recognized tribes in the county shall be consulted about the find to incorporate their suggestions for mitigation or protection.

c) If the discovery is historic, archival research may be necessary by a qualified historian.

d) If the project may alter the archaeological integrity and data values of the discovery, it will be evaluated for the California Register. If the resource is eligible for the California Register of Historical Resources, data recovery measures shall be implemented by a professional meeting the Secretary of Interior's Professional Qualifications Standards.

Impact CR-2: Potential Discovery of Human Remains. Project grading and earthmoving activities could disturb previously undiscovered human remains. This is a potentially significant impact.

Mitigation Measure CR-2: Construction personnel shall be instructed about the potential for discovery of human remains, and the need for proper and timely reporting of such finds. In the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, in accordance with State law. The Stanislaus County coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disintering, disturbing, or removing human remains from any location other than a dedicated cemetery.

The County Coroner, upon recognizing the remains as being of Native American origin, shall contact the Native American Heritage Commission within 24 hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant.

Implementation of this mitigation measure would reduce this impact to a less-than-significant level.
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2. Measures Which Mitigate Cumulative Impacts

Because the direct impacts described in this section are the same as cumulative impacts, the mitigation measures given for direct impacts would also serve as mitigation measures for cumulative impacts.

3. Alternatives to the Proposed Project

The following information is provided in accordance with Section 15126.6 of the State CEQA Guidelines.

Because the identified impacts in this section could be adequately mitigated, there is no alternative design presented.
CHAPTER IV. ENVIRONMENTAL ANALYSIS

F. FLOODING AND WATER QUALITY

This section describes existing flooding and water quality conditions at the project site and the potential hydrological impacts of the proposed TRRP Master Plan. The analysis contained in this chapter was prepared by HDR Engineering.

A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the State CEQA Guidelines. This environmental setting is the baseline for determining whether an impact of the TRRP Master Plan is significant.

1. Study Area for Direct Impacts

The study area for direct impacts is the seven miles of Tuolumne River and associated floodplain, floodway and tributaries adjacent to the TRRP.

2. Study Area for Cumulative Impacts

The study area for cumulative impacts is the Tuolumne River and associated floodplain, floodway and tributaries upstream and downstream of the TRRP.

3. Existing Physical Conditions in the Study Area

The surface water bodies adjacent to the project site are the Tuolumne River and Dry Creek. The following sections describe these water bodies, and the associated 100-year floodplain.

a. Tuolumne River

The largest tributary of the San Joaquin River, the Tuolumne River drains a 1,960 square-mile watershed that includes the northern half of Yosemite National Park. The Tuolumne River watershed is located between the Stanislaus River Basin to the north and the Merced River Basin to the south. The Tuolumne River watershed is shown on Figure F-1.

The climate in the Tuolumne River basin is Mediterranean. Winters are mild at low elevations, and precipitation is highly seasonal. Winter storms travel eastward from the North Pacific and rise over the Sierra Nevada mountains. The east-west land cover gradients in the basin are strongly related to the precipitation gradient, which ranges from less than 10 inches per year along the San Joaquin River to more than 60 inches per year at the higher elevations in the Sierra Nevada.
Figure F-1 Tuolumne River Watershed Boundaries

Tuolumne River Regional Park
Master Plan MEIR

Source: HDR Engineering, 1999
At lower elevations, this water falls as rain and runoff ensues directly during the winter. At higher elevations, however, the precipitation falls as snow, and the resulting runoff is delayed until late spring or early summer snowmelt.

Snowmelt from the Sierra portion of the watershed provides a majority of the water for the Tuolumne River. Stream flow varies seasonally, with an average of 65 percent of the runoff occurring from April to July as the snowpack melts (R. W. Beck and Associates 1992).

The flow of the Tuolumne River is regulated by reservoirs and dams located upstream from Modesto. Most of the Tuolumne's dams, reservoirs, and water control structures are located on the Upper Tuolumne River, above River Mile (RM) 52.2 (La Grange Dam). These include New Don Pedro Dam and Reservoir, Hetch Hetchy, Cherry Lake, and Lake Eleanor Reservoirs. Smaller reservoirs below New Don Pedro Dam include La Grange, Turlock, and Modesto Reservoirs (Turlock and Modesto are offstream reservoirs) (EDAW 1999). The Hetch Hetchy Reservoir (capacity 360,400 acre-feet [af]) on the Tuolumne River in Yosemite Park is operated by the City and County of San Francisco primarily for domestic water supply.

The New Don Pedro Dam and Reservoir is the largest water storage facility on the Tuolumne River. It was jointly constructed by the Turlock Irrigation District (TID) and Modesto Irrigation District (MID) with financial support from the City and County of San Francisco and the Army Corps of Engineers. The multi-purpose dam and reservoir were constructed in 1970 and provide water supply storage for urban and agricultural use, hydropower generation, 340,000 acre-feet of flood control storage, and recreation. The maximum storage capacity is 2,030,000 acre-feet with a maximum outlet release of approximately 15,000 cubic feet per second (cfs) (EDAW 1999).

As is typical for rivers originating in the Sierra Nevada mountains, the peak annual flows of the Tuolumne River usually occur in the early summer months fed by snowmelt runoff. However, winter storms can also create high flows, generally of shorter duration. Such a storm occurred in January 1997 causing massive runoff and record water inflows into the New Don Pedro Dam. During the storm, the total regulated and unregulated flow entering the Tuolumne River channel reached approximately 60,000 cubic-feet-per-second (cfs) at the dam. The Tuolumne River at Modesto rose to an elevation of 70.9 feet at the peak flow of approximately 56,000 cfs and included the unregulated flow from Dry Creek and other smaller tributaries. During this storm event, much of the TRRP area was inundated.

Following the flood of January 1997, the Federal Emergency Management Agency (FEMA) prepared a study of the flood hazard areas along the Tuolumne River in the vicinity of the TRRP (FEMA 1999). The focus of the study was a reach of the Tuolumne from river mile 10 to 22, and to river mile 2 along Dry Creek. The FEMA Flood Hazard Mitigation Study concluded that the peak discharge for the 10-year flood on the Tuolumne River at the Modesto 9th Street bridge is 10,500 cfs, the 50-year flood is 32,000 cfs, the 100-year flood is 70,000 cfs, and the 500-year flood is 154,000 cfs (FEMA 1999b).
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b. Dry Creek

Dry Creek, an unregulated stream, is the main tributary of the Tuolumne River downstream of New Don Pedro Dam and Reservoir. Dry Creek is located to the north of the Tuolumne, with headwaters in the Sierra Nevada. From the mountains, it flows downhill to its confluence with the Tuolumne River in the City of Modesto (at Tuolumne River RM 16.44). This confluence occurs roughly in the center of the TRRP and defines the eastern edge of the Gateway Parcel.

Unlike the Tuolumne River, Dry Creek's annual flow levels have not been recorded in a systematic manner using a gauging stations. For this reason, little quantifiable information is available about the historical flows of Dry Creek. Dry Creek's flow levels appear to be largely influenced by stormwater runoff from residential and agricultural areas in its watershed, and by the water level in the Tuolumne River.

Hydraulic analysis conducted by FEMA concludes that the peak discharge for the 10-year flood on Dry Creek is 4,730 cfs, the 50-year flood is 9,300 cfs, the 100-year flood is 11,800 cfs, and the 500-year flood is 18,100 cfs (FEMA 1999b). The maximum flow recorded for Dry Creek (December 22, 1996) was approximately 5,000 cfs (unregulated) (USACE 1998). A significant amount of flooding occurs near the confluence when high flows in the Tuolumne River cause a backwater effect along Dry Creek. The backwater effect not only raises the water levels near the confluence but reduces the capability of Dry Creek to convey peak flows into the river. Localized storm centers can also cause flooding in the lower reaches of Dry Creek. In most instances, the peak flows of Dry Creek are not concurrent with peak flows on the Tuolumne River (EDAW 1999).

c. 100-Year Floodplain

The 100-year flood, also referred to as the base flood, is defined as the flood having a one percent probability of being equaled or exceeded in any given year. The boundaries of the 100-year floodplain and designated floodway are delineated by FEMA on the basis of hydrology, topography, and modeling of flow during predicated storm events.

On December 15, 1999, FEMA issued a Letter of Map Revision (LOMR) for the City of Modesto and Stanislaus County based upon the findings of the Flood Hazard Mitigation Study, which modified the elevations and boundary delineations of the base floodplain and the regulatory floodway along the Tuolumne River. On June 30, 2000, FEMA issued Preliminary Flood Insurance Rate Maps (FIRMs) and Flood Insurance Study reports which included much of the TRRP study area within the 100-year floodplain. The revised FIRMs are expected to be adopted in 2001. These proposed floodplains, consistent with the LOMR, are provided in Figure F-2.
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d. Water Quality

The lower Tuolumne has been designated an "impaired waterbody" pursuant to Section 303(d) of the Clean Water Act. Water quality in the Tuolumne River is affected by a number of point sources within the TRRP project site. The confluence of the Tuolumne with the muddy flow from Dry Creek produces a visible change in water quality below the confluence. Two additional major point sources that can potentially impair water quality within the TRRP project area are the wastewater treatment plant, to the east of Carpenter Road, and the old landfill site, immediately adjacent to Carpenter Road to the east and west. The wastewater treatment plant is only a water quality concern during high flows when floodwaters may inundate the treatment ponds. Little is known about the contents of the nearby landfill, which is believed to be unlined and uncapped, and could be contributing pollutants to the nearby water table and river. To date, no ground water characterization has been performed at the landfill.

4. Existing Regulatory Policies Applying to the Study Area

a. Federal Regulations

National Flood Insurance Program

The National Flood Insurance Act of 1968 established the National Flood Insurance Program (NFIP) to provide flood insurance for property owners and to discourage development in hazardous areas. FEMA administers the NFIP and is responsible for mapping flood prone areas and determining flooding risks. FEMA determines flood hazard areas with reference to the "100-year" flood standard, which is the national standard on which the NFIP regulations are based. It is also the standard adopted by virtually every federal agency for administration of their floodplain management programs.

The regulatory floodway, which is adopted into the community's floodplain management ordinance, is the stream channel plus that portion of the overbanks that must be kept free from encroachment in order to discharge the one percent annual chance flood without increasing flood levels by more than 1.0 foot. The intention of the floodway is not to preclude development. Rather, it is intended to assist communities in prudently and soundly managing floodplain development and prevent additional damages to other property owners. The community is responsible for prohibiting encroachments, including fill, new construction, and substantial improvements, within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses that the proposed encroachment will not increase flood levels within the community. In areas that fall within the one percent annual chance floodplain, but are outside the floodway (termed the "floodway fringe"), development will, by definition, cause no more than a 1.0-foot increase in the 1-percent annual chance water-surface elevation (FEMA 2000).
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Federal Energy Regulatory Commission

Operation of the New Don Pedro Reservoir is licensed by the Federal Energy Regulatory Commission (FERC), an independent regulatory agency within the Department of Energy. FERC regulates key interstate aspects of the electric power, natural gas, oil pipeline, and hydroelectric industries, and is responsible for licensing and inspecting private, municipal and State hydroelectric projects (FERC 2000).

In 1992 FERC initiated a reevaluation of the New Don Pedro operations, and prepared a Final Environmental Impact Statement (FEIS) in compliance with the National Environmental Policy Act (NEPA). The resulting FERC Settlement Agreement (FSA) established new instream flow requirements for the Tuolumne River to protect the native chinook salmon population. The minimum stream flow schedule for the lower Tuolumne River ranges from 50 cfs in critically dry summer months to 300 cfs during maximum wet winter and spring months (EDAW 1999).

b. State Policies

Reclamation Board of the State of California Resources Agency

The Reclamation Board of the State of California Resources Agency is the State agency charged with regulating encroachments within designated floodways on the Sacramento and San Joaquin Rivers as well as their tributaries. Section 8710 of the California Water Code requires that a Board permit be obtained prior to start of any work, including excavation and construction activities, within the Tuolumne River Designated Floodway, an adopted plan of flood control (State Reclamation Board 2000). Much of the TRRP falls within the Tuolumne River Designated Floodway.

The Reclamation Board can require geotechnical exploration, soil testing, hydraulic or sediment transport studies, biological surveys, environmental surveys and other analyses prior to taking action on an encroachment permit application (State Reclamation Board 2000).

c. Stanislaus County Policies

The Stanislaus County General Plan Land Use Element discourages urban development in areas with growth-limiting factors such as high water table, floodplains or riparian areas, unless measures to mitigate any impacts are included as part of the application. These measures apply to unincorporated lands in the county. The County will continue to provide proper ordinances to ensure that flood insurance can be made available to qualified property owners through State and federal programs. Development on lands that are subject to flooding, landslide, faulting or any natural disaster is discouraged to minimize loss of life and property. Development is not allowed in areas that are within the designated floodway (City of Modesto 1995).
d. City of Modesto Policies

The Modesto General Plan Public Safety Element, Flooding Hazards section identifies programs for reducing flood losses, including channel maintenance and development, flood forecasting, zoning, exclusions from designated floodways, building code requirements and evacuation from flood areas. Undeveloped floodway and floodplain areas shall be preserved for non-urban use. The Conservation Element calls for the continued support of land acquisition and recreational use development in Tuolumne River Regional Park.

5. Regulatory Policies Which Avoid Impacts

a. Stanislaus County Policies

Stanislaus County Code, Chapter 16.50, Flood Damage Prevention, governs development within areas of special flood hazards within the jurisdiction of the County, and contains provisions which prohibit encroachments into the floodway that increase the base flood elevation. Chapter 16.50 also sets minimum standards for construction within the floodway relating to anchoring of structures, construction methods and materials, flood proofing and elevation of structures, and structural stability.

b. City of Modesto Policies

Modesto City Code, Chapter 4, Flood Damage Prevention, governs development within areas of special flood hazards within the jurisdiction of the City of Modesto. Building permits are required to ensure that the proposed development will not increase the water surface elevation of the base flood more than one (1) foot at any point and that the proposed site is reasonably safe from flooding. Chapter 4, Article 4 sets provisions for flood hazard reduction, including standards for anchoring of structures, construction materials and methods, and elevation and flood proofing of structures. For development within floodways, the ordinance also requires certification by a registered civil engineer or licensed architect demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

The following information is provided in accordance with Section 15126.2 of the State CEQA Guidelines.

1. Thresholds of Significance Suggested by CEQA

CEQA identifies a significant effect of the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.
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2. Thresholds of Significance Suggested by Other Analytical Methods

Hydrology expert opinion suggests that an impact is considered significant if the proposed action would substantially change absorption rates, drainage patterns, flow velocities or water surface elevations resulting in increased exposure of persons or property to damage from flood waters (HDR Engineering 2000).

3. Thresholds of Significance Adopted by the City of Modesto

After consideration of methodological approaches suggested in the CEQA Guidelines and other analytical methods, the City has chosen to adopt the following thresholds of significance. Impacts to hydrology and water quality will be significant if the proposed project would:

- Place within a 100-year flood hazard area structures which would impede or redirect flood flows, or
- 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.

4. Significant Direct Impacts

All of the TRRP falls within the 100-year floodplain and much of the park falls within the proposed 100-year floodway as designated by FEMA. It also falls within the floodway designated by the State Reclamation Board. Although no housing or other inhabitable structures would be constructed within the defined flood zones, some structures would be placed in the flood hazard zone. Preliminary grading, and planting plans were analyzed by HDR Engineering to identify potential flooding and water quality impacts. The preliminary plans were developed for study purposes, and are not presented in the Master Plan. Because the Master Plan is intended to be implemented over a 20-year time period, detailed engineering design and construction plans would be developed prior to construction of projects identified in the Master Plan. HDR's analysis of the preliminary plans found that it is feasible to develop construction, grading and planting plans that would not increase water surface elevations during a 100-year flood and would avoid other potentially significant impacts to flooding and water quality.

Because detailed construction, grading, and planting plans would be developed at a later date, potentially significant impacts to flooding and water quality impacts have been identified below. The mitigation measures identified below specify performance standards that would be used once exact engineering designs are developed, to mitigate the potentially significant flooding and water quality effects of the project. The City of Modesto would require implementation of the mitigation measures prior to the approval of construction and grading permits.
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a. Water Quality

The TRRP Master Plan project does not propose any uses or pollution sources that would further compromise the existing water quality, further violate water quality standards, or necessitate waste discharge requirements. Any alterations of development within the landfill or the wastewater treatment plant are considered future projects and are not analyzed in this MEIR. The enhanced riparian systems as a result of the project may improve the water quality on the lower Tuolumne River. Thus, after construction, the proposed TRRP Master Plan would not result in significant impacts to water quality.

b. Storm Drainage Pattern

Development on the TRRP site, including roadways, parking areas, and multi-use trails would increase the amount of impervious surfaces, which may generate a small increase in runoff. This small increase in runoff would not require the construction of new storm drainage facilities or the expansion of existing facilities. Although the proposed project may contribute additional runoff, it is not anticipated to substantially alter the existing drainage pattern of the site or area. Much of the runoff would be distributed to the "stormwater wetlands" and vegetated swales within the park in order to filter the water before it reaches the river. Thus, the proposed TRRP Master Plan would not result in significant impacts to the storm drainage system.

c. Construction within the 100-year Floodplain

Construction of the Regional Sports Complex and Nature Interpretive Center would be located within the 100-year floodplain but outside of the floodway. During certain base flood events these facilities would become inundated and inaccessible and flood damage may occur. Because the Sports Complex and Nature Interpretive Center would be located within the 100-year floodplain, careful consideration would be necessary during design to ensure that the construction of these improvements within the flood plain would not increase water surface elevations during a 100-year flood.

**Impact Hydro-1: Construction within the 100-year Floodplain.** Construction of the Regional Sports Complex and Nature Interpretive Center in the 100-year floodplain could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact.

d. Grading for Floodplain Terraces and Proposed Construction Projects

Proposed grading in the Carpenter Road, Gateway Parcel and Legion Park areas could increase water surface elevations during a 100-year flood. The proposed park design in the Carpenter Road area consists of terracing back the right overbank which creates more conveyance to pass the 100-year flow. The 100-year water surface elevation at the utmost end of the park in this area (RM 13.94) would be lowered slightly by the proposed grading. The proposed grading would have little effect on river flow velocities.
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The proposed design of the Gateway area includes cutting back the right bank and developing a rolling hill landscape. The proposed design would increase flow conveyance through the reach without increasing the elevation of the existing right overbank area. Increasing conveyance lowers velocities throughout the Gateway Parcel reach. Water surface elevations, through the majority of the reach, would be reduced due to the proposed changes. At the Ninth Street Bridge (RM 16.25) however, the water surface would be raised slightly (approximately 0.15 feet) under the proposed grading plan. This increase in water surface elevation would attenuate out by location RM 21 (approximately 1,200 feet downstream of Codoni). The slight increase in water surface elevation in the Tuolumne River would have no effect on Dry Creek at its confluence (RM 16.44).

The proposed park design in the Legion Park area consists of grading to create terraces in the right overbank area. The proposed grading slightly reduces the existing flow area of the river but has little or no effect on velocity and base flood water surface elevations.

**Impact Hydro-2: Grading for Floodplain Terraces and Proposed Construction Projects.** The proposed grading in the Carpenter Road, Gateway Parcel, and Legion Park areas could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact.

e. Construction of Near-River Structures

Construction of overlook structures, fishing piers and boat docks is proposed in the floodway. Encroachment into the floodway with structures may cause a loss of flood conveyance and could increase water surface elevations while their placement may increase the likelihood of localized bank erosion. Such structures would also be subject to damage from flood flows.

**Impact Hydro-3: Construction of Near-River Structures.** Construction of overlook structures, fishing piers, boat docks, and any other structures within the floodway could increase water surface elevations during flood events and could cause localized bank erosion. This is considered a potentially significant impact.

f. Hydraulic Roughness

The introduction of additional riparian planting into the channel and overbank areas has the potential to increase water surface elevations by increasing hydraulic roughness. However, since the FEMA Flood Hazard Mitigation Study, Hydraulic Study Report of February 1999 used high roughness for the overbank area, it should be possible to design a riparian planting scheme that does not increase the hydraulic roughness above that used in the FEMA study.

**Impact Hydro-4: Hydraulic Roughness.** The proposed riparian planting scheme may increase the hydraulic roughness of the channel and overbank areas and could lead
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to increases in the water surface elevations. This is considered a potentially significant impact.

g. Inundation of the Amphimeadow

Because the amphimeadow is located along the edge of Dry Creek, careful consideration would be necessary during design to ensure that the amphimeadow would withstand high flows and long durations of standing water. Although the amphimeadow is along Dry Creek, flooding would be a direct result of water surface elevation in the Tuolumne River.

**Impact Hydro-5: Inundation of the Amphimeadow.** The proposed amphimeadow is likely to suffer frequent flooding inundation. This is considered a potentially significant impact.

h. Construction of Pedestrian Bridges

The proposed pedestrian bridge across Dry Creek near its confluence with the Tuolumne River is located within the designated floodway and could increase water surface elevations during flood events. Possible scour problem may also develop around piers and abutments if velocities increase due to bridge construction and placement. The bridge may also trap floating debris during flood events and could impact flood conveyance.

**Impact Hydro-6: Construction of the Pedestrian Bridge over Dry Creek.** Construction of the proposed pedestrian bridge on Dry Creek could increase water surface elevations during flood events and could cause localized bank erosion and scour.

i. Changes in Channel and Overbank Configuration

Floodplain terraces would be constructed where possible along the riparian corridor in the Gateway Parcel and Carpenter Road area west of the wastewater treatment plant. These floodplains would provide surfaces that inundate more frequently to restore hydrologic connectivity and create different hydrologic niches that meet many riparian plant species’ initiation and establishment requirements. The changes in the channel and overbank configuration could increase water velocities which could cause scour and erosion at existing bridge locations.

**Impact Hydro-7: Scour and Erosion at Existing Bridge Locations.** Changes in channel and overbank configuration could cause increased localized velocities, which could lead to scour and erosion occurring at existing bridge locations.

5. Significant Cumulative Impacts

Potential direct flooding and water quality impacts are identified in consideration of cumulative flooding and water quality considerations, specifically, the Tuolumne River
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and Dry Creek. Thus, the hydrology and water quality impact analysis contained in the direct impacts section adequately considers cumulative conditions related to hydrology and water quality.

6. Potential Impacts for Which There is Insufficient Information to Support a Full Analysis

The former landfill site located in the Carpenter Road Area would be reclaimed to allow for park activities. Development over the landfill may result in water quality impacts. Before this part of the park can be developed, a landfill closure plan must be prepared in order to comply with California State law (Postclosure Land Use, CCR Title 27, Section 21190). Because the regulatory constraints related to landfill reclamation, development activities for the area has been identified as a subsequent project in this MEIR.

C. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

The following information is provided in accordance with Section 15126.4 of the State CEQA Guidelines.

1. Measures Which Mitigate Direct Impacts

Impact Hydro-1: Construction within the 100-year Floodplain. Construction of the Regional Sports Complex and Nature Interpretive Center in the 100-year floodplain could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact.

Mitigation Measure Hydro-1: The ultimate design of the Regional Sports Complex and the Nature Interpretive Center shall be developed in accordance with local ordinances governing construction within the floodplain. Special attention shall be given to flood proofing proposed structures to withstand flooding and to minimize flood damages. Final design should include a detailed drainage plan to alleviate flooding and drain standing water once floodwaters have receded. The final design plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed development does not result in any increase in flood damages within the community during the occurrence of the base flood. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

Impact Hydro-2: Grading for Floodplain Terraces and Proposed Construction Projects. The proposed grading in the Carpenter Road, Gateway Parcel, and Legion Park areas could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact.

Mitigation Measure Hydro-2: Detailed grading plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed grading does not result in any increase in base flood...
water surface elevations. The grading design shall not significantly increase river flow velocities. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

**Impact Hydro-3: Construction of Near-River Structures.** Construction of overlook structures, fishing piers, boat docks, and any other structures within the floodway could increase water surface elevations during flood events and could cause localized bank erosion. This is considered a potentially significant impact.

**Mitigation Measure Hydro-3:** The following mitigation measures shall be implemented to avoid hazards related to construction in the floodway:

a) Once detailed plans have been developed for the proposed structures, hydrologic and hydraulic analyses shall be performed in accordance with standard engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations.

b) Scour analyses shall be performed once detailed plans have been developed for the proposed structures. If necessary, erosion control measures shall be incorporated in the final design.

c) Structures shall be designed to allow adequate open space to pass flow and floating debris traveling downstream.

d) Structures shall be designed to withstand the forces of floodwaters to minimize damages during flood events.

Implementation of these mitigation measures would reduce this impact to a less-than-significant level.

**Impact Hydro-4: Hydraulic Roughness.** The proposed riparian planting scheme may increase the hydraulic roughness of the channel and overbank areas and could lead to increases in the water surface elevations. This is considered a potentially significant impact.

**Mitigation Measure Hydro-4:** Detailed riparian planting schemes shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations. The riparian planting scheme shall be designed to prevent creating floating debris dams during flood events that would impact flood conveyance. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

**Impact Hydro-5: Inundation of the Amphimeadow.** The proposed amphimeadow is likely to suffer frequent flooding inundation. This is considered a potentially significant impact.
Mitigation Measure Hydro-5: The elevation of the amphimeadow shall be raised to reduce the frequency of inundation. Detailed grading and construction plans for the amphimeadow shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that construction of the amphimeadow would not result in any increase in water surface elevations. Water shear and scour analyses shall be also be performed and if necessary surface protection shall be provided for the banks and surrounding area to prevent scour and erosion. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

Impact Hydro-6: Construction of the Pedestrian Bridge Over Dry Creek.
Construction of the proposed pedestrian bridge on Dry Creek could increase water surface elevations during flood events and could cause localized bank erosion and scour.

Mitigation Measure Hydro-6: The following mitigation measures shall be implemented to avoid potential flood hazards caused by the proposed pedestrian bridge:

a) Construction plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed pedestrian bridge would not result in any increase in base flood water surface elevations during the base flood.

b) The pedestrian bridge shall have adequate clearance above the base floodwater surface elevation so as not to impede flow or trap floating debris.

c) The pedestrian bridge shall be designed to withstand the forces of floodwaters to minimize damages during flood events.

d) Scour analyses of the bridge piers and abutments shall be performed once detailed plans have been developed for the proposed bridge. If necessary, erosion control measures shall be incorporated into the final design.

Implementation of these mitigation measures would reduce this impact to a less-than-significant level.

Impact Hydro-7: Scour and Erosion at Existing Bridge Locations. Changes in channel and overbank configuration may cause increased localized velocities, which could lead to scour and erosion occurring at existing bridge locations.

Mitigation Measure Hydro-7: Once detailed grading plans have been developed, scour analyses of bridge piers and abutments shall be performed in accordance with standard engineering practices to determine if changes in channel and overbank configuration are likely to cause scour and erosion at existing bridge locations. If necessary, armoring and erosion control measures shall be installed...
at existing bridge locations. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

2. Measures Which Mitigate Cumulative Impacts

Because the direct impacts described in this section are the same as cumulative impacts, the mitigation measures given for direct impacts would also serve as mitigation measures for cumulative impacts.

3. Alternatives to the Proposed Project

The following information is provided in accordance with Section 15126.6 of the State CEQA Guidelines.

Because identified impacts in this section could be adequately mitigated, there is no alternative design presented.
CHAPTER IV. ENVIRONMENTAL ANALYSIS

G. EXPOSURE TO HAZARDOUS MATERIALS

The following assessment of potential hazardous materials impacts resulting from implementation of the TRRP Master Plan is based on a Phase I preliminary environmental assessment and a records review that was prepared for the Gateway Parcel (EKI 1995) and existing available information regarding hazardous materials within the TRRP area.

A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the State CEQA Guidelines. This environmental setting is the baseline for determining whether an impact of the TRRP Master Plan is significant.

1. Study Area for Direct Impacts

The study area for direct impacts is the TRRP Master Plan project area and the W.H. Breshears, Inc. property, and any other properties adjacent to the TRRP project site that may contain hazardous materials. The former landfill site in the Carpenter Road Area is not included in this analysis of hazardous materials because it has been identified as a subsequent project requiring further analysis.

2. Study Area for Cumulative Impacts

The study area for cumulative impacts includes the W.H. Breshears, Inc. property and any other properties adjacent to the TRRP project site that may contain hazardous materials.

3. Existing Physical Conditions in the Study Area

A Phase I Preliminary Environmental Assessment report was prepared by Erler & Kalinowski, Inc. (EKI) in June 1995 for the former Podesto Property, which is 22 acres of land bordered on the south by the Tuolumne River, on the north by Tuolumne Boulevard, on the east by Dry Creek and on the west by the Modesto Municipal Golf Course. The property is roughly the location of the area identified as the Gateway Parcel in the TRRP Master Plan, with a small part of the property extending into the Golf Course Area, west of Highway 99 and east of the Modesto Municipal Golf Course. For simplicity, this property will be referred to as the Gateway Parcel in this section. The Phase I assessment was conducted prior to the City of Modesto’s acquisition of the land for the purposes of preservation and riparian restoration. The purpose of the Phase I assessment was to identify significant environmental concerns, if any, associated with the property related to past and present on-site land uses and nearby off-site land uses. The assessment was based on a database search, discussions with Stanislaus County personnel, a review of historical aerial photographs, and a site reconnaissance. No soil or groundwater samples were collected by EKI as part of this assessment.
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Phase I assessments have not been conducted for other areas identified in the Master Plan area. However, the Phase I assessment for the Gateway Parcel provides some information regarding surrounding land uses and potential hazardous materials issues. This information is also presented in the following sections.

a. Current and historic land uses associated with hazardous materials

With the exception of the Carpenter Road Area, most of the TRRP area is currently undeveloped open space or existing parkland. Hazardous materials are not currently generated, handled, or transported in the TRRP site. Approximately 37 acres of land on both sides of Carpenter Road were formerly used as a landfill and are presently being monitored for methane gas discharges. Development or disturbance of the landfill property has been identified as a subsequent project in this MEIR, therefore, hazardous materials impacts associated with the landfill will assessed during future environmental review of the landfill closure plan and subsequent development over the landfill.

The Municipal Sewage Treatment Plant is located in the Carpenter Road area of the TRRP, but is not part of the Master Plan project. The Modesto City-County Airport is located north of the eastern portion of the TRRP. The predominant land use adjacent to the TRRP is low-density single-family residential neighborhoods. Agricultural lands are located to the east of the Airport area and adjacent to the south side parcels of the TRRP.

Most identified industrial uses adjacent to the TRRP are located primarily near the center of Modesto and the Gateway Parcel. Above-ground storage tanks, used to store fuel, are located at the W.H. Breashears facility directly adjacent to the Gateway Parcel (Figure G-1). The largest industrial use adjacent to the planning area is the Gallo Winery complex located across Dry Creek, directly west of the Gateway Parcel. Industrial uses are also located on the south side of the river across from the Gateway Parcel and to the west of Highway 99. These industrial uses include warehousing, auto-related uses, and auto wrecking yards. A tallow plant is located across the Tuolumne River from the Dryden Municipal Golf Course.

A Santa Fe Pacific petroleum pipeline is located on the Southern Pacific Railway easement on the Gateway Parcel as indicated on Figure G-1. This pipeline is an 8-inch diameter pipe that is used to transport jet fuel (EKI, 1995). No leaks in the pipeline have been reported on or near the Gateway Parcel since its installation in 1960.

Two sanitary sewer pipelines cross the Gateway Parcel. One 36-inch diameter and one 54-inch diameter pipe carry untreated wastewater to the Modesto wastewater treatment plant located in the Carpenter Road area, two miles southeast of the Gateway Parcel.

A review of historic aerial photographs of the Gateway Parcel from the dates June 17, 1963, April 1, 1985, and March 31, 1990 indicate that the majority of the Gateway Parcel was used as an orchard since before June 17, 1963. No visible indications of chemical disposal were noted in the photographs reviewed.
Figure G-1 Sites on the Gateway Parcel with Potential Hazardous Materials Concerns

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A ranch complex possibly used for equipment maintenance and repair, and possible agricultural chemical handling was noted in the aerial photographs. No historic aerial photographs were reviewed for the other areas of the TRRP.


In 1995, Stanislaus County Department of Environmental Services records were searched to identify reported chemical release and chemical use sites within approximately 1.5 miles of the Gateway Parcel (EKI 1995). No chemical releases or chemical use sites were reported on the Gateway Parcel itself. Thirty-four documented chemical release sites were found within 0.75 mile of the Gateway Parcel and forty-four within 1.5 miles. These sites are detailed in Appendix C.

Of the reported sites, EKI identified only one as having potential impacts on the Gateway Parcel based on the distance to the property and inferred groundwater flow direction. On March 4, 1990, approximately 6,000 gallons of gasoline were released from the W.H. Breshears, Inc. bulk fuel facility. Approximately 4,000 cubic yards of impacted soil were excavated from the spill site and replaced with clean fill beginning on March 5, 1990. Monitoring wells were installed to determine the extent of soil and groundwater contamination on the adjoining Gateway Parcel. Petroleum in groundwater was found to have migrated onto the Gateway Parcel a distance of approximately 60 to 70 feet, contaminating soil in the saturated zone (i.e., soil below the groundwater table). No further investigations or remediation has occurred since the Phase I assessment conducted by EKI. The California Regional Water Quality Control Board (RWQCB) is now the overseeing agency for remediation of the site. Three additional wells will be installed in Spring of 2001 to replace 3 wells that were destroyed by vandalism and the 1997 flood. At that time, RWQCB will reevaluate the extent of the contamination and may recommend additional investigations and remediation measures at that time. Any residual soil or groundwater contamination from the spill poses no immediate human health risk (personal communication, Mr. Joe Mello, Central Valley RWQCB, personal communication, December 19, 2000).

A records search has not been conducted to identify chemical release and chemical use sites on or affecting the other areas of the TRRP.

c. Other Potential Hazardous Material Issues

Ranch Complex

A small ranch complex was located on the Gateway Parcel east of the W.H. Breshears bulk fuel facility. The approximate location of the ranch complex is shown on Figure G-1. Several sheds and buildings located in this area were used to support farming operations. All but one of these buildings were removed from the property in 1998. The remaining building is currently used by the City of Modesto for storage of park play equipment and construction materials. Farming equipment and miscellaneous equipment including used tires, scrap metal, and scrap lumber observed throughout the ranch complex during the Phase I investigation have since been removed (personal
correspondence, Mr. Fred Allen, City of Modesto Parks and Recreation Department, December 5, 2000).

During the Phase I investigation, evidence of chemical use and storage was observed at several locations in the ranch complex. Several small containers labeled as lubricants and cleaning products were located on shelves in a small cinder-block building. In the past this building was used to store solvents used to clean metal parts and to mix pesticides applied to the adjacent orchard. Approximately 10 to 15 steel drums were located in the ranch complex, most of which contained trash or general refuse. Two of the drums contained approximately 80-gallons of waste oil. Gasoline was historically stored in a former underground storage tank (UST) located in the ranch complex. The UST was excavated in the early 1980s, intact and free of leaks. A 240-gallon capacity above-ground storage tank used to store diesel fuel was present in the ranch complex at the time of the walk-through. The steel drums, above-ground storage tank, and general refuse have since been removed from the site.

Agricultural Chemical Usage

Much of the TRRP Master Plan area was historically under agricultural cultivation. The presence of residual levels of agricultural chemicals in shallow soils in current and former agricultural areas is common throughout much of the Central Valley region of California. Prior to the 1940s, inorganic compounds (containing metals such as arsenic, copper, or mercury) were commonly used as herbicides, insecticides, and fungicides. Beginning in the 1940s, a variety of organic compounds became commonly used. Some of these agricultural chemicals may not rapidly break down into harmless by products; potentially harmful residues may be present in soils for decades after application. Soils in areas near former farm outbuildings, where agricultural chemicals may have been stored, mixed, or disposed of, may have high concentrations of agricultural chemical residues as a result of spills.

Chemicals reportedly applied to the orchard on the Gateway Parcel in the 1980s and 1990s include: Guthion, Diazinon, Zolone, Lorsban, Asana, and Round-up. These chemicals may be present at residual concentrations in soils in the orchard areas, and at higher concentrations in areas where the chemicals were mixed or loaded into the farm equipment in the former ranch complex.

4. Existing Regulatory Policies Applying to the Study Area

The use, production and disposal of hazardous materials and waste are regulated extensively by federal, State, regional, and local regulations and guidance, with the objective of protecting the public health and environment.

a. Federal Regulations

The United States Environmental Protection Agency (EPA) is the agency responsible for enforcing federal regulations that affect public health and the environment. The EPA designates much of its regulatory authority to the individual states. The California Department of Toxic Substances Control (DTSC) within California EPA enforces
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hazardous materials laws and regulations in California in conjunction with the federal EPA.

b. State Policies

The California Code of Regulations (CCR) presents California’s hazardous waste laws. In general, a material is hazardous if it poses a threat to human health or the environment. Under California law, approximately 800 substances are listed as potentially hazardous depending upon their property or combination of properties. Generally, State requirements mirror federal requirements, and in some cases are more stringent than federal requirements.

The State Department of Health Services and the State Water Resources Control Board list hazardous sites selected for remedial action, and underground storage tanks with a reported unauthorized release of toxic materials. The TRRP area is located within the jurisdiction of the Central Valley RWQCB (Region 5). The RWQCB is authorized by the Porter-Cologne Water Quality Act of 1969 to protect the waters of the State. The RWQCB provides oversight for sites where the quality of groundwater or surface waters are threatened. Extraction and disposal of contaminated groundwater due to investigation/remediation activities or due to dewatering during construction would require a permit from the RWQCB if the water were discharged to storm drains, surface water, or land. A permit from the local sanitary treatment facility would be required if water were discharged to the sanitary sewer.

c. Stanislaus County Policies

Implementation of policies in the Stanislaus County General Plan Safety Element minimizes the effects of hazardous conditions that might cause loss of life and property in the unincorporated areas of the county. The Hazardous Waste Management Plan provides guidelines for managing hazardous waste in the county (Stanislaus County General Plan Conservation Element, Goal 5; Safety Element, 1994). The County Department of Environmental Resources coordinates efforts to identify locations of hazardous materials and prepare and implement plans for management of spilled hazardous materials, as required throughout the County (i.e., in both incorporated and unincorporated areas).

d. City of Modesto Policies

The City of Modesto General Plan Community Services Element identifies hazardous materials management policies, including identification of potential contamination and hazardous waste sites, notification of the City of Modesto and the County Health Services Department, and preparation of site remediation plans.
5. Regulatory Policies which Avoid Impacts

a. Stanislaus County Policies

Any proposed project within the proposed TRRP Master Plan boundary must comply with federal, State, regional and local laws which regulate the generation, transportation, storage or disposal of hazardous materials. Such laws also require the listing of known hazardous materials sites.

b. City of Modesto Policies

Any proposed project within the proposed TRRP Master Plan boundary must comply with federal, State, regional and local laws which regulate the generation, transportation, storage or disposal of hazardous materials. Such laws also require the listing of known hazardous materials sites.

B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

The following information is provided in accordance with Section 15126.2 of the State CEQA Guidelines.

1. Thresholds of Significance Suggested by CEQA

CEQA identifies a significant effect of the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project.

2. Thresholds of Significance Suggested by Other Analytical Methods

There is a great deal of informed opinion, but no established methodology, for analyzing the impacts of hazardous materials. For example, lists of potential site contaminants have been compiled by the EPA, California EPA, the Central Valley RWQCB, and the Stanislaus County Department of Environmental Resources. These sites are monitored for unauthorized release of contaminants or slated for remediation. Because impacts could be created whenever hazardous materials are stored, produced, or transported, these lists have been established to identify the locations of such materials.

3. Thresholds of Significance Adopted by the City of Modesto

After consideration of the methodological approaches suggested by the CEQA Guidelines and other analytical methods, the City has chosen to adopt the following thresholds of significance. The proposed TRRP Master plan would have a significant impact on public health and safety from hazardous materials if it would:

- Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (CEQA Guidelines, Appendix G).
IV. Environmental Analysis
G. Exposure to Hazardous Materials

- 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 (CEQA Guidelines, Appendix G).

- Be located on or adjacent to 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.

4. Significant Direct Impacts

Implementation of the TRRP Master Plan would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials as no unusual use of hazardous materials are anticipated as a result of the project. The proposed project would not emit hazardous emissions and does not include the handling of hazardous or acutely hazardous materials. Pesticides and herbicides would be used according to EPA registration and label directions, and thus would not result in a significant impact.

a. Potential Contamination Related to the Breshears, Inc. Facility

The 1990 gasoline spill from the Breshears facility has impaired groundwater on the Gateway Parcel but poses no immediate human health risk to park users. The RWQCB will oversee the replacement of monitoring wells in the Spring of 2001, reevaluation of the contamination, and the subsequent remediation plan, if warranted.

There is no evidence which documents that a chemical release has occurred on the Breshears facility other than the 1990 surface spill (EKI 1995). However, given the long-term existence of the Breshears bulk petroleum distribution facility adjacent to the Gateway Parcel, a potential exists for petroleum related compounds to be present in soil or groundwater on the Gateway Parcel from past unknown or unreported spills or releases, if any, from the Breshears facility. The additional investigations that will be conducted in Spring 2001 would identify any additional contamination from the Breshears operations. The status of the Breshears investigations and remediation should be periodically checked.

**Impact HazMat-1: Potential Contamination Related to the Breshears, Inc. Facility.** Development or grading of areas within the Gateway Parcel could expose construction workers and/or the public to hazardous materials from potential soil and groundwater contamination from past spills or releases at the Breshears, Inc. facility. This is considered a potentially significant impact.

b. Potential Contamination Related to the Ranch Complex

Several areas of potential environmental concern were noted at the former ranch complex on the Gateway Parcel during the Phase I investigation. These include:

- The site of the former underground fuel storage tank;
IV. Environmental Analysis
G. Exposure to Hazardous Materials

- The above ground diesel fuel storage tank;
- Current and former chemical use and storage areas;
- Current and former farm equipment and machinery repair and maintenance areas; and
- Current and former chemical mixing and/or loading areas.

All unused or abandoned containers, the above ground storage tank, equipment and general debris and refuse throughout the ranch complex were removed prior to City of Modesto acquisition of the property. The Phase I report recommended additional investigations to confirm that chemical impacts to soil in the former ranch complex were not present. To date, no additional investigations have occurred in the ranch complex area.

**Impact HazMat-2: Potential Contamination Related to the Ranch Complex.**
Development or grading of areas within the former ranch complex area of the Gateway Parcel could expose construction workers and/or the public to hazardous materials during and/or following redevelopment. This is considered a potentially significant impact.

c. Potential Contamination Related to Past Agricultural Use

Shallow soils in former orchards and other agricultural areas throughout the TRRP may contain residual concentrations of agricultural chemicals. If chemicals are present in soils at residual or trace concentrations, and these levels fall below applicable regulatory agency action levels for the intended land uses, no significant human health risks would be expected. Because anticipated TRRP land use is for passive recreation and hiking trails, a sampling of shallow soils in the existing orchard areas for agricultural chemicals is not warranted. However, more sensitive (e.g., children’s playgrounds) land uses in the former orchard areas or other agricultural lands could cause potential health risks depending on the levels of residual chemicals that are present.

**Impact HazMat-3: Potential Contamination Related to Past Agricultural Use.**
Potential health risks could result from placement of sensitive land uses, such as children’s playgrounds, in former agricultural areas due to residual concentrations of agricultural chemicals in the soil. This is considered a potentially significant impact.

d. Potential for Unknown Hazardous Materials Issues

A Phase I assessment has not been conducted for areas of the TRRP other than the Gateway Parcel. Potential unknown releases of hazardous materials to the surface and subsurface may have impacted soils and groundwater quality within these other areas of the TRRP. Soils throughout the TRRP area could be disturbed during re-grading and site development. The soils may contain a variety of chemical compounds associated with
fuels, oils, solvents, metals, agricultural chemicals, or other hazardous substances originating from historical land uses. In addition, possible historic releases of chemical compounds on- or off-site may have migrated from their original source area and affected groundwater quality in the TRRP area. If excavations were to extend to the groundwater table, dewatering could be required. Extracted contaminated groundwater would require on-site management and/or treatment. If contaminated soils or groundwater were encountered during re-grading or development activities, potential health risks to construction workers and/or the public could result.

Impact HazMat-4: Potential for Unknown Hazardous Materials Issues. Development or re-grading of areas within the TRRP area (exclusive of the Gateway Parcel, which has been the subject of a Phase I analysis) could expose construction workers and/or the public to hazardous materials from existing soil and groundwater contamination during and/or following redevelopment. Sensitive receptors located near the development could be affected by releases of hazardous materials. This is considered a potentially significant impact.

5. Significant Cumulative Impacts

The direct impacts described in this section are the same as cumulative impacts. There are no known additional hazardous materials issues in close proximity to the project that would compound existing hazardous materials issues at the project site. Thus, no cumulative hazardous materials impacts are anticipated.

6. Potential Impacts for Which There is Insufficient Information to Support a Full Analysis

Impacts related to hazardous materials have been identified in this MEIR to the extent possible, given existing documentation. Because detailed engineering design plans are not available, some site-specific hazardous materials investigations have not yet been conducted. Site investigations (as specified in the mitigation measures detailed in Section C, below) are required prior to development or grading of areas within the former ranch complex area (identified in Figure G-1) and development of children’s playgrounds in the Gateway Parcel. A Phase I site assessment is required prior to development or grading for projects in all areas of the TRRP, exclusive of the Gateway Parcel, which has been the subject of a Phase I analysis.

C. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

The following information is provided in accordance with Section 15126.4 of the State CEQA Guidelines.

1. Measures Which Mitigate Direct Impacts

Impact HazMat-1: Potential Contamination Related to the Breshears, Inc. Facility. Development or grading of areas within the Gateway Parcel could expose
G. Exposure to Hazardous Materials

construction workers and/or the public to hazardous materials from potential soil and groundwater contamination from past spills or releases at the Breshears facility during and/or following redevelopment. This is considered a potentially significant impact.

**Mitigation Measure HazMat-1:** Prior to ground disturbance on the Gateway Parcel, the RWQCB shall be contacted to identify the status of the Breshears investigations and remediation. If no additional investigations have been conducted, soil and groundwater sampling in the areas adjacent to the Breshears facility may be required to identify impacts to the Gateway Parcel, if any, from the Breshears operation. If a significant likelihood of contamination is revealed, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling. The RWQCB shall direct the appropriate action for the Gateway Parcel. All RWQCB recommended measures shall be implemented prior to ground disturbance or development at the Gateway Parcel. Completion of this measure shall be a condition of approval for any grading, demolition, or building permit within the Gateway Parcel. Implementation of this measure would ensure that potential impacts related to existing soil and groundwater contamination in the Gateway Parcel adjacent to the Breshears facility are reduced to a less-than-significant level.

**Impact HazMat-2: Potential Contamination Related to the Ranch Complex.** Development or grading of areas within the former ranch complex area of the Gateway Parcel could expose construction workers and/or the public to hazardous materials during and/or following redevelopment. This is considered a potentially significant impact.

**Mitigation Measure HazMat-2:** A site investigation shall be conducted by a qualified professional (e.g., a California registered environmental assessor) to identify any potential chemical impacts to soil in the former ranch complex. If the results of the investigation(s) indicated the presence of hazardous materials, site remediation may be required by the applicable State or local regulatory agencies. Implementation of this measure would ensure that potential impacts related to existing soil contamination in the former ranch complex area are reduced to a less-than-significant level.

**Impact HazMat-3: Potential Contamination Related to Past Agricultural Use.** Potential health risks could result from placement of sensitive land uses, such as children’s playgrounds, in former agricultural areas due to residual concentrations of agricultural chemicals in the soil. This is considered a potentially significant impact.

**Mitigation Measure HazMat-3:** A Phase II assessment including soil sampling, shall be performed to assess agricultural chemicals in areas designated for children’s playgrounds and other sensitive land uses. If chemicals are present in soils at concentrations at or above applicable regulatory agency action levels for
IV. Environmental Analysis
G. Exposure to Hazardous Materials

the intended land use, remediation requirements in accordance with State and federal regulations would be required. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.

Development or redevelopment of properties within the TRRP area (exclusive of the Gateway Parcel, which has been the subject of a Phase I analysis) could expose construction workers and/or the public to hazardous materials from existing soil and groundwater contamination during and/or following redevelopment. Sensitive receptors located near the development could be affected by releases of hazardous materials. This is considered a potentially significant impact.

Mitigation Measure HazMat-4: A Phase I Environmental Site Assessment (ESA) shall be conducted in accordance with American Society for Testing and Materials (ASTM) guidelines prior to the approval of development for any parcel within the TRRP Master Plan area. The Phase I ESA will include the findings of a site reconnaissance and investigation of prior uses of the property that could have resulted in contamination. If a significant likelihood of contamination is revealed by the Phase I ESA, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling and could result in remediation requirements in accordance with State and federal regulations. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.

2. Measures Which Mitigate Cumulative Impacts

Because direct impacts described in this section are the same as cumulative impacts, the mitigation measures given for direct impacts would also serve as mitigation measures for cumulative impacts.

3. Alternatives to the Proposed Project

The following information is provided in accordance with Section 15126.6 of the State CEQA Guidelines.

Because the identified impacts in this section could be adequately mitigated, there is no alternative design presented.
CHAPTER IV. ENVIRONMENTAL ANALYSIS

H. INCREASED DEMAND FOR FIRE SERVICES

This chapter provides an overview of existing fire services provided by the Modesto Fire Department and the Stanislaus Consolidated Fire Protection District. Further, this chapter contains analyses of the potential environmental impacts associated with the provision of fire services to the TRRP project.

A. ENVIRONMENTAL SETTING

The following information is provided in accordance with Section 15125 of the State CEQA Guidelines. This environmental setting is the baseline for determining whether an impact of the TRRP Master Plan is significant.

1. Study Area for Direct Impacts

The study area for direct impacts is the TRRP Master Plan project site. In addition, if build-out of the Master Plan would result in the need for additional or expanded fire facilities, direct impacts could also occur at the new or expanded facility location off-site.

2. Study Area for Cumulative Impacts

The study area for cumulative impacts is the combined service areas for the Modesto Fire Department (MFD) and the Stanislaus Consolidated Fire Protection District (SCFPD). The Modesto Fire Department service area includes all incorporated areas of the City of Modesto. The Stanislaus Consolidated Fire Protection District is responsible for the unincorporated areas in its service district. The SCFPD service district is a 200 square mile area in Stanislaus County between Modesto and Hughson along the Tuolumne River.

3. Existing Physical Conditions in the Study Area

The MFD and the SCFPD are both responsible for providing fire protection services to portions of the TRRP area and surrounding lands. Both districts provide fire and wildfire suppression, hazardous materials response, rescue and “first-responder” emergency medical services. The MFD jurisdiction covers the TRRP areas within the Modesto city limits, including the Carpenter Road, Golf Course, Gateway Parcel, Mancini Park, Legion Park and Airport areas of the TRRP, both north and south of the river. The SCFPD’s jurisdiction includes the Gallo Property and unincorporated areas around the park that may be affected if a fire breaks out on site. Automatic aid agreements exist between the two fire departments, allowing each to assist in the other’s jurisdiction if needed.

The MFD answers approximately 92 to 94 percent of all calls within 6 minutes, and has 10 active fire stations in the city (City of Modesto 1995). The TRRP would be served primarily by four MFD fire stations. Station 2, currently located at 629 Second Street serves the portion of the TRRP west of Ninth Street. MFD plans to move Station 2 to the James Marshall Park on Sutter Avenue within two years but it would still serve the same area of the TRRP. Station 1, located at 610 Eleventh Street serves the portion of
the TRRP between Ninth Street and the Gallo/Mancini area. Station 8, located at 637 Airport Way, serves the portion of the TRRP east of Gallo/Mancini Area to the Mitchell Road Bridge. Station 10, located at 148 Imperial Avenue, serves Mancini Park and areas south of the Tuolumne River. Three staff and a single engine company are located at each station. The fire engines are not able to traverse unpaved areas. Station 1 also has two small rescue boats and a fire truck with a ladder used for specialized rescue work. The staff at Station 1 is trained for swift water rescue. It is estimated that currently MFD responds to fewer than 25 incidents in the TRRP area annually, including one or two water rescue incidents (personal correspondence, Fire Chief Doug Hannick, MFD, November 21, 2000).

The SCFPD fire station closest to the TRRP is Station 31, located on Mitchell Drive and Tenaya Dr., one block from the eastern edge of the park. The SCFPD call response in the TRRP area is within the first 6 minutes and District-wide is within the first 8 minutes. A SCFPD goal is to maintain three staff at each station, however Station 31 is currently staffed with two people. Equipment at Station 31 includes a truck company, engine company, county hazardous materials response unit, and a rescue unit. The staff is trained for swift water rescue. The truck company is not able to traverse off-road areas. This station responds to approximately 900 to 1000 calls per year (2 to 3 calls per day). Very few of these calls are attributable to the TRRP area. SCFPD estimates that Station 31 would be able to respond to a 25 percent increase in calls before needing to increase in staff (personal communication, Fire Chief Kurt Latipow, SCFPD, October 17, 2000).

4. Existing Regulatory Policies Applying to the Study Area

   a. Federal Regulations

There are no applicable federal regulations.

   b. State Policies

There are no applicable State policies.

   c. Stanislaus County Policies

The Stanislaus County General Plan Safety Element has a number of policies that relate to fire protection on unincorporated county lands. The policies ensure that new developments have adequate water to meet flow standards and that the Uniform Fire Code be followed in inspections and maintenance of structures. The policies also call for coordination between the County Fire Safety Department, the California Department of Forestry and Fire Protection, and local fire districts to minimize the damage from wildfire.
d. City of Modesto Policies

The City of Modesto General Plan has a number of existing policies to minimize the potential loss of life and property due to fire. The Modesto General Plan identifies a response time standard of 6 minutes for first emergency response unit, 10 minutes for a full alarm assignment and 15 minutes for a second alarm assignment to maintain adequate fire-protection services in the incorporated areas. The General Plan also recommends the MFD to maintain staffing levels adequate to achieve an Insurance Service Office (ISO) rating of Class 2.

The General Plan also includes a policy to provide adequate road widths and corner radii in the street design of the City’s circulation system to facilitate a rapid response by emergency vehicles. The Modesto Fire Department reviews all development proposals in Modesto to determine the adequacy of emergency access.

5. Regulatory Policies which Avoid Impacts

a. Stanislaus County Policies

Development proposals in unincorporated areas shall be reviewed by the County Fire Safety Department to ensure compliance with the Uniform Fire Code. In the TRRP area, the SCFPD is contracted by the County to perform these development plan reviews. The standards of the Uniform Fire Code help to ensure that water fire-flows are adequate, that roads are of adequate width to provide emergency access, and that clearances around structures are of adequate width.

b. City of Modesto Policies

Development proposals within Modesto shall be reviewed by the MFD for compliance with the Uniform Fire Code.

B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS

The following information is provided in accordance with Section 15126.2 of the State CEQA Guidelines.

1. Thresholds of Significance Suggested by CEQA

CEQA identifies a significant effect of the environment as a substantial or potentially substantial, adverse change in any of the physical conditions within the area affected by the project. An economic or social change by itself shall not be considered a significant effect on the environment. A social or economic change related to a physical change may be considered in determining whether the physical change is significant (CEQA Guidelines 15382).
Environmental Analysis

H. Increased Demand for Fire Services

2. Thresholds of Significance Suggested by Other Analytical Methods

There are no known thresholds of significance suggested by other analytical methods.

3. Thresholds of Significance Adopted by the City of Modesto

After consideration of methodological approaches suggested in the CEQA Guidelines, the City has chosen to adopt the following threshold of significance. Impacts from increased demand for fire services would be significant if the proposed project would:

- Require a new or physically altered fire station to maintain adequate fire protection service, the construction of which could cause significant environmental impacts.
- Result in inadequate emergency access.
- 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.

4. Significant Direct Impacts

a. Provision and Delivery of Emergency Services

Implementation of the TRRP Master Plan could have an impact on the provision and delivery of emergency services, especially emergency medical and water rescue services. Development of the project would increase the number of visitors to the TRRP area annually through the creation of trails and active and passive recreation areas. The MFD anticipates that as the park is developed and utilized, the number of service requests would grow to over 100 requests for service annually, including 10 to 20 anticipated water rescue service calls (personal communication, Fire Chief Doug Hannick, MFD, November 21, 2000). This estimated figure is derived from MFD experience with other parks in Modesto and anticipated special-event use of the amphimeadow to its 3000-person capacity approximately 10 times per year.

In order to maintain response times for the additional requests for service, the MFD anticipates the need for additional staff and equipment. During special events, an additional staff person should either be on-call at Station 1 or on-site to respond to emergency medical requests. To respond to additional calls for water rescue, two personal watercraft (sometimes called jet skis) and water rescue-trained staff are recommended at Station 2, where they may quickly access the river along the western half of the proposed park for search or rescue operations. Water rescue operations standards call for rescues to be conducted with pairs of watercrafts. The rescue boats would use the launch points identified in the Master Plan. An additional launch point near the Gateway Parcel's east fishing pier is also recommended.

Although the increase in calls anticipated at full buildout of the proposed TRRP Master Plan would result in the need for increased staff and equipment as described above, it is
not expected to necessitate the construction of any new fire protection facilities to maintain adequate fire protection services. It is anticipated that the additional calls would be directed to the existing MFD Stations 1, 2, 8 and 10 or to SCPFD Station 31, which would provide the additional staff and equipment necessary to respond to the emergency calls. Because implementation of the TRRP Master plan would not necessitate the construction of new fire protection facilities, or the physical alteration of existing facilities to maintain adequate fire protection services, this is considered a less-than-significant impact.

b. Provision of Adequate Emergency Access

The TRRP Master Plan is a conceptual plan for the area and thus specific roadway and pathway designs would be specified in the future. Roadway designs will be required to meet Uniform Fire Code emergency access design standards, administered by the MFD and SCFPD during development design and construction reviews. Emergency access to other portions of the park, particularly the trails and water access points, should be reviewed by the MFD and SCFPD as detailed designs are developed.

**Impact Fire-1: Emergency Access.** Inadequate emergency access to TRRP is considered a potentially significant impact.

c. Potential for Wildland Fires

The proposed Master Plan calls for the enhancement and maintenance of riparian forests as wildlands along the length of the park. The trails proposed in the Master Plan would provide greater access to wildland areas than currently exists. Increased public access to wildlands increases possible ignition sources and therefore also increases the likelihood for wildland fires, and the risk of loss, injury or death due to wildland fires both on-site and for the adjacent developed parcels. In general, wildlands along riparian corridors are considered low to moderate risk of wildland fire, however the location of the park adjacent to urban land uses increases the possible damage that could occur if a wildfire starts. The TRRP Master Plan recommends maintenance measures to reduce the fuel load in the meadow areas and thus reduce the risk of wildfire. The City of Modesto’s requirement that buildings meet Uniform Fire Code standards reduces the risk of damage to adjacent buildings during a fire. Fire hazard warning signs and possible closure of trails through wildland areas of the park during high-risk fire hazard days (primarily during the summer and early fall months) could also be considered as a method to reduce the risk.

**Impact Fire-2: Wildland Fires.** The increased risk of loss, injury or death involving wildland fires due to increased visitation to open space grasslands and riparian forests adjacent to urban areas is considered a potentially significant impact.
IV. Environmental Analysis
H. Increased Demand for Fire Services

5. Significant Cumulative Impacts

The MFD and SCFPD have been contacted as part of this environmental review, and they have assisted in providing an analysis of the project’s effects on their systems in consideration of other planned projects. The anticipated increases in staff as a result of this project, in combination with anticipated increases in staff needed for other planned projects in the downtown Modesto area and within the SCFPD Station 31’s jurisdiction would not necessitate additional fire facilities or expansion of existing facilities. As a result, cumulative impacts on fire prevention services are no greater than the direct impacts described above.

6. Potential Impacts for Which There is Insufficient Information to Support a Full Analysis

There are no potential impacts for which there is insufficient information to support a full analysis.

C. MITIGATION MEASURES ADOPTED TO MINIMIZE SIGNIFICANT EFFECTS

The following information is provided in accordance with Section 15126.4 of the State CEQA Guidelines.

1. Measures Which Mitigate Direct Impacts

Impact Fire-1: Emergency Access. Inadequate emergency access to TRRP is considered a potentially significant impact.

Mitigation Measure Fire-1: The MFD and SCFPD shall be consulted prior to finalization of the detailed site plans to ensure adequate emergency vehicle access is provided. Emergency access requirements of MFD and SCFPD shall be accommodated.

Impact Fire-2: Wildland Fires. The increased risk of loss, injury or death involving wildland fires due to increased visitation to open space grasslands and riparian forests adjacent to urban areas is considered a potentially significant impact.

Mitigation Measure Fire-2: The Modesto Parks and Recreation Department shall create and implement a vegetation management program targeted toward fire prevention and control. This program would expand upon the fuel reduction and management plan outlined in the TRRP Master Plan. The TRRP vegetation management program shall:

- Characterize existing and proposed vegetation fuels,
- Identify potential ignition sources and locations,
- Identify assets at risk in case of a fire,
H. Increased Demand for Fire Services

- Identify specific maintenance measures to reduce fuel loads,
- Identify buffer zones between residential structures on adjacent developed parcels and vegetation in the TRRP, and
- Make recommendations for fire resistant plantings.

Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

2. Measures Which Mitigate Cumulative Impacts

Because the direct impacts described in this section are the same as cumulative impacts, the mitigation measures given for direct impacts would also serve as mitigation measures for cumulative impacts.

3. Alternatives to the Proposed Project

The following information is provided in accordance with Section 15126.6 of the State CEQA Guidelines.

Because identified impacts in this section could be adequately mitigated there is no alternative design presented.
CHAPTER V. CUMULATIVE IMPACTS

Cumulative impacts refer to two or more individual effects that, when considered together, are considerable or that compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment that results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time (CEQA Guidelines 15355).

The TRRP Master Plan is consistent with the City of Modesto Urban Area General Plan. The potential for cumulative impacts was analyzed for each of the environmental topics in Chapter IV of the Master Environmental Impact Report for the Urban Area General Plan. No additional significant cumulative impacts (beyond identified direct impacts) have been identified in this MEIR. A more detailed discussion of the cumulative issues, including study area and method of analysis, is provided for each of the environmental topics in Chapter IV: Environmental Analysis of this report.
CHAPTER VI. GROWTH INDUCING IMPACTS

An EIR must discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly in the surrounding environment. Included in this are projects that would remove obstacles to population growth (a major expansion of a wastewater treatment plant might, for example, allow for more construction in service areas). In addition, increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects (CEQA Guidelines 15126.2(d)).

The proposed project is consistent with the site’s existing General Plan and zoning designations. The proposed TRRP Master Plan does not include the development of any residential dwelling units, nor would it remove obstacles to population growth by extending services to a currently unserved area or requiring the construction of new community facilities. The TRRP is currently served by small utility and infrastructure systems. There are few water lines for irrigation and plumbing, few electrical connections, and a very small wastewater system. As the Master Plan is implemented, it will be necessary to upgrade these utility systems to meet the needs of park users. This expansion will be sized to only accommodate the proposed park uses, and therefore would not be growth-inducing. As a long-planned regional park, the TRRP project is not expected to foster economic or population growth or any other growth that could affect the environment.
CHAPTER VII. ALTERNATIVES TO THE PROJECT

The TRRP Master Plan, as proposed, has been described and analyzed in the previous chapters with an emphasis on potentially significant impacts and recommended mitigation measures to avoid these impacts. The State CEQA Guidelines also require the description and comparative analysis of a range of reasonable alternatives that have been developed to avoid or substantially lessen one or more of the significant effects identified for the project analyzed in the MEIR (CEQA Guidelines Section 15126.6(c)). Based on the authority of the above-cited Guidelines, this MEIR focuses on alternatives that would lessen or avoid significant impacts that have been identified in Chapter IV of this document.

The following discussion is intended to inform the public and decision-makers of project alternatives that could be developed and the positive and negative aspects of those alternatives. This chapter also includes an analysis of the No Project Alternative, as required by CEQA.

Implementation of the proposed Master Plan would result in significant impacts in the following resource areas: traffic and circulation, air quality, noise, biological resources, archaeological or historic resources, hydrology and water quality, hazardous materials, and fire services. Of these impacts, those to traffic, air quality, and noise could either be reduced or avoided through the Master Plan alternatives presented in this chapter. Other potential impacts identified in this Draft MEIR (biological resources, archaeological or historic resources, hydrology and water quality, hazardous materials, and fire services) have the potential to occur with any scenario, and would not be substantially changed (i.e., reduced or increased) by a different Master Plan scenario. For these issue areas, the most appropriate and feasible mitigation is the implementation of the measures recommended in this Draft EIR. For these reasons, these issue areas are not addressed further for the modified Master Plan alternatives. However, because the No Project Alternative could result in changes to these potential impacts, all of the environmental issue areas are discussed for this alternative.

The three alternatives that are compared in this chapter are the following:

1. No Project Alternative
2. 250-person Amphimeadow Alternative
3. Passive Recreation/Sports Complex Alternative

1 Any Master Plan scenario would need to meet the project objectives outlined in Chapter III: Project Description.
VII. Alternatives to the Project

Table VII-1
Summary of Effects of Project Alternatives

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++ Substantial improvement when compared to the proposed Master Plan
+ Improvement when compared to the proposed Master Plan
= Same as proposed Master Plan
- More adverse effect when compared to the proposed Master Plan

Table VII-1 summarizes the results of the alternatives analysis. This analysis is qualitative rather than quantitative. If any of these alternatives were pursued, additional environmental review would be required to quantify the anticipated impacts and to recommend appropriate mitigation measures consistent with the level of impact.

In the following sections, each alternative is first described, and is then analyzed in consideration of the proposed Master Plan, according to whether it would have a mitigating or adverse effect. Section D summarizes these findings and presents conclusions about which alternative is environmentally superior. Section E examines off-site alternatives.

A. NO PROJECT ALTERNATIVE

As required by the CEQA Guidelines (Section 15126.6(e)), the No Project Alternative is to be analyzed in an EIR to allow decision-makers to compare the impacts of approving the proposed project with the impact of not approving the proposed project. If the proposed Master Plan were not approved, the land use designation of the property would continue to be Open Space, as specified by the Modesto General Plan. Individual improvement projects could continue to occur, but would be approved through the City
VII. Alternatives to the Project

of Modesto's discretionary review process on a project-by-project basis, rather than through a unified Master Plan. Because a Master Plan would not guide the development of the regional park, it is assumed that the park would continue as it is today - that is, providing limited passive recreation opportunities. It is further assumed that the restoration and education efforts proposed by the Master Plan would not occur. Special events would continue to occur at Legion Park, but would not be expanded to the Gateway Parcel. It is also assumed that the amphimeadow and the regional sports complex would not be developed.

1. Traffic and Circulation Needs

Because special events would not occur at the Gateway Parcel, and development of the amphimeadow and the regional sports complex would not occur under the No Project Alternative, the traffic, circulation, and parking impacts associated with these uses would be avoided. Traffic attributable to the regional park would not grow considerably under this alternative. Traffic could increase minimally in association with population growth in the area or in response to improvements that could be made to the existing passive recreation facilities. This growth would be consistent with the assumptions make for a regional park in the City of Modesto Urban Area General Plan and the City of Modesto's traffic model.

The significant peak traffic impacts that could occur with the proposed Master Plan (which would be attributable with peak ingress and egress associated with special events, including those at the amphimeadow) would not occur with the No Project Alternative. Although these impacts of the proposed Master Plan would be short-term, they are considered significant and unavoidable. In addition, by not accommodating special events at the Gateway Parcel, significant parking impacts would also be avoided. As identified in Chapter IV, this is a significant an unavoidable impact that would occur with special events at the Gateway Parcel. Although these special events currently occur at Legion Park, these are existing activities that would continue under the No Project Alternative, and no additional impacts would be anticipated.

In summary, by not introducing special events or the amphimeadow at the Gateway Parcel, the No Project Alternative would avoid the following significant and unavoidable impacts: peak traffic associated with special events (including those at the amphimeadow), and a shortage of parking supply associated with special events. Thus, the No Project Alternative is considered better than the proposed project from a traffic and circulation perspective.

2. Degradation of Air Quality

Because the No Project Alternative would not include special events at the Gateway Parcel, no additional air quality impacts would occur. This alternative would avoid the significant and unavoidable impact identified for carbon monoxide "hot spots" attributable to vehicular ingress and egress associated with special events (including those at the amphimeadow). Thus, the No Project Alternative would be considered better than the proposed project from an air quality perspective.
VII. Alternatives to the Project

3. Generation of Noise

Because the No Project Alternative would not include an amphitheater, the significant and unavoidable noise impact attributable to this use would not occur. Thus, the No Project Alternative would be considered better than the proposed project with regard to noise. In addition, because the regional sports complex would not be constructed, and because special events would not occur at the Gateway Parcel, no change in the existing ambient noise environments would be anticipated.

4. Loss of Sensitive Wildlife and Plant Habitat

The No Project Alternative does not include the extensive riparian restoration planned through the TRRP Master Plan. Thus, this restoration would likely not occur. Although several impacts have been identified for the Master Plan as a result of site disruption associated with flood plain creation, facility construction, and native plantings, these impacts to biological resources are considered short-term and could be rendered less-than-significant with the implementation of the mitigation measures outlined in this report. Because the No Project Alternative would result in no net improvement to biological values, this alternative is considered worse than the proposed Master Plan in this regard.

5. Disturbance of Archaeological or Historical Sites

Because substantial construction at the TRRP site would be significantly reduced with the No Project Alternative, cultural resources would likely not be disturbed. However, the proposed project would not result in unavoidable impacts to this resource area. Conversely, no known cultural resources that would be affected are known to exist at the project site. Thus, construction associated with the TRRP Master Plan is not anticipated to disturb cultural resources. However, it is impossible to be sure about the presence or absence of cultural resources until the ground is disturbed. For this reason, this MEIR recommends mitigation measures to address the discovery of unknown resources. Such mitigation measures should apply to all ground-disturbing activities at the TRRP site.

6. Flooding and Water Quality

All of the TRRP falls within the 100-year floodplain and much of the park falls within the proposed 100-year floodway. The No Project Alternative would not change this condition; however, new land uses would likely not be introduced to the TRRP site. Although no housing or other inhabitable structures would be constructed within the defined flood zones with implementation of the proposed Master Plan, some structures would be placed in the flood hazard zone and proposed re-grading and planting schemes could increase water surface elevations during a 100-year flood. However, all of the potential impacts of the proposed Master Plan could be avoided with the implementation of the mitigation measures recommended in this MEIR. Thus, this No Project Alternative and the proposed Master Plan are considered to have similar flooding impacts. In addition, potential short-term water quality impacts associated with construction of the facilities proposed by the Master Plan could also be reduced to a
VII. Alternatives to the Project

less-than-significant level with the implementation of the measures recommended in this MEIR. Thus, the No Project Alternative and the proposed Master Plan are considered essentially the same from a hydrology and water quality perspective.

7. Exposure to Hazardous Materials

The hazardous materials impacts of the No Project Alternative are essentially the same as those for the proposed Master Plan. Although the need for additional hazardous materials investigations may not be triggered by the No Project Alternative (because additional development may not occur), the additional investigations recommended in this MEIR should be implemented prior to any new development within the TRRP.

8. Increase Demand for Fire Services

The No Project Alternative would avoid the impacts identified for the proposed Master Plan, which are associated with an increase in the number of users at the park. The potentially significant impacts of the proposed Master Plan include the potential for inadequate emergency access and increases in wildfire hazards associated with increased use of the park. Although these impacts would not have the potential of occurring with the No Project Alternative, they are easily mitigated with the implementation of the mitigation measures recommended in this MEIR. Thus, the No Project Alternative and the proposed Master Plan are essentially the same from a fire services and hazards perspective, assuming the mitigation measures identified in this MEIR are implemented.

B. 250-PERSON AMPHIMEADOW ALTERNATIVE

This alternative would be identical to the proposed Master Plan with one exception: the proposed amphimeadow would only accommodate only 250 people, rather than the 3,000 proposed by the Master Plan. This reduction in size would make it feasible to have presentations at the amphimeadow without the use of amplification. If amplification were to be accommodated under this alternative, it is assumed to be minimal and could likely be controlled so that significant noise impacts do not occur to surrounding sensitive uses. This alternative would avoid this significant and unavoidable noise impact identified for the proposed Master Plan in Chapter IV of this MEIR (Impact Noise-2).

The environmental consequences of this alternative are explored below. This analysis focuses on traffic and circulation, air quality, and noise. These are the environmental consequences where conclusions may be different for this alternative when compared to the proposed Master Plan.

1. Traffic and Circulation Needs

Because this alternative would substantially reduce the number of people attending amphimeadow events, peak traffic associated with these activities could likely be reduced to a less-than-significant level with the implementation of an event traffic management plan. In addition, sufficient parking for the events at the reduced capacity
VII. Alternatives to the Project

amphimeadow would be provided by the 530 parking spaces in the Gateway Parcel. However, significant and unavoidable impacts would still occur with implementation of this alternative as a result of peak traffic and parking associated with special events, which would be allowed to occur at the Gateway Parcel. Because the number of significant and unavoidable traffic and circulation impacts would be reduced, this alternative is considered better than the proposed Master Plan from a traffic and circulation perspective. However, this improvement would not be considered substantial because special events would continue to have these types of impacts.

2. Degradation of Air Quality

The 250-person Amphimeadow Alternative would not avoid the identified significant and unavoidable air quality impact of the Master Plan. This alternative may limit the number of events where carbon monoxide "hot spots" could potentially occur, because the special events associated with the amphimeadow would be limited in size. However, carbon monoxide "hot spots" could still occur as a result of short-term congestion resulting from the ingress and egress of people from special events. Because these events would occur with implementation of both the Master Plan and the 250-person Amphimeadow Alternative, the differences with regard to air quality is not considered substantial.

3. Generation of Noise

The 250-person Amphimeadow Alternative would avoid the significant and unavoidable noise impact identified in this MEIR for the TRRP Master Plan. Specifically, with the smaller event size, it is assumed that amplification would not be required at the amphimeadow. Thus, this alternative is considered substantially better than the proposed project with regard to noise. All other noise impacts identified in this MEIR could be reduced to a less-than-significant level with the implementation of the measures identified in this report.

C. PASSIVE RECREATION/SPORTS COMPLEX ALTERNATIVE

In this alternative, no special events would occur at the Gateway Parcel and the amphimeadow would not be constructed. They would continue to occur in Legion Park, similar to existing conditions. Because the regional sports complex is not expected to result in any significant and unavoidable impacts,\(^2\) this alternative continues to integrate this use. However, implementation of the mitigation measures associated with the regional sports complex, as recommended in this MEIR, would continue to be required to reduce potential impacts associated with this use to a less-than-significant level.

The environmental consequences of this alternative are explored below. This analysis focuses on traffic and circulation, air quality, and noise. These are the environmental

\(^2\) The Regional Sports Complex has been identified in this MEIR as a subsequent project which will require additional environmental review when detailed implementation plans are developed. However, based upon the program-level analysis contained in this Draft MEIR, it is likely that all impacts could be reduced to a less-than-significant level with the implementation of the mitigation measures presented herein.
consequences where conclusions may be different for this alternative when compared to the proposed Master Plan.

1. Traffic and Circulation Needs

Because this alternative would not include special events of any sort at the Gateway Parcel, short-term traffic and parking impacts associated with special events (including those at the amphimeadow) would be avoided. Although a potentially significant parking impact is identified in this MEIR for the proposed sports complex, this impact could be reduced with the implementation of the mitigation measure recommended in this document. Thus, this alternative is considered substantially better than the proposed Master Plan from a traffic and circulation perspective.

2. Degradation of Air Quality

The Passive Recreation/Sports Complex Alternative would avoid the identified significant and unavoidable air quality impact of the Master Plan. This alternative would remove the potential for carbon monoxide "hot spots" because traffic would be spread more evenly over a longer time period. Thus, the potential for traffic congestion and carbon monoxide "hot spots" would be reduced to a less-than-significant level. Thus, the Passive Recreation/Sports Complex Alternative is considered substantially better than the proposed Master Plan from an air quality perspective.

3. Generation of Noise

The Passive Recreation/Sports Complex Alternative would avoid the significant and unavoidable noise impact identified in this MEIR for the TRRP Master Plan. Specifically, because special events would not occur, the potential for noise impacts resulting from activities at the Gateway Parcel would be avoided. Thus, this alternative is considered substantially better than the proposed project from a noise perspective. All other noise impacts identified in this MEIR could be reduced to a less-than-significant level with the implementation of the measures identified in this report.

D. ENVIRONMENTALLY-SUPERIOR ALTERNATIVE

As summarized above, the No Project Alternative, the 250-person Amphimeadow Alternative, and the Passive Recreation/Sports Complex Alternative would avoid traffic, air quality, and noise impacts. However, the No Project Alternative would also not include the biological resource and habitat enhancement benefits that are attributable to the proposed Master Plan.

The 250-person Amphimeadow Alternative would avoid the significant and unavoidable noise impact associated with the TRRP Master Plan, but would only avoid some of significant and unavoidable traffic and air quality impacts. The Passive Recreation/Sports Complex Alternative would avoid all of the significant and unavoidable impacts identified in this MEIR for the TRRP Master Plan. In summary, as shown in Table VII-1, the Passive Recreation/Sports Complex Alternative is considered the environmentally superior alternative.
VII. Alternatives to the Project

E. OFF-SITE ALTERNATIVES

This analysis does not provide a detailed evaluation of alternative sites. Per Section 15126.6(f)(2) of the CEQA Guidelines, the key question to ask when considering whether alternative locations should be analyzed in an EIR is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need be considered for inclusion in the EIR. Alternative locations would not avoid the impacts discussed in the preceding sections. Placing an amphitheater and holding special events would result in significant short-term traffic, parking, and air quality impacts in any conceivable location within an urban area.

Although a location outside of the urbanized area could be selected for these special facilities to avoid potential noise impacts to sensitive receptors, it could not be developed with the integrated active and passive recreation uses that are proposed for the TRRP. The opportunity that is provided by this existing riverfront park is unique. The existing park has the potential to attract a variety of users due to its location along the river and in close proximity to downtown Modesto and the City of Ceres. A site further away from the urban core would not provide an opportunity to draw upon downtown uses and current activities in the cities. From a transportation perspective, people would have fewer opportunities to walk or bike to events at a site outside of the city and event planners would not be able to utilize existing nearby parking facilities. One of the main objectives of the Master Plan is to "provide a variety of recreational experiences, including opportunities for both active and passive activities." The opportunities provided by the Tuolumne River for joint restoration and recreation are not afforded by other locations within the region.

In addition to the opportunities provided by this particular site, construction-related impacts (e.g., air quality, water quality, biology, etc.) would exist at other areas of the City of Modesto or the region, especially along any other stretch of the Tuolumne River. Although restoration of this river stretch may result in these short-term impacts, the long-term benefits of river restoration in the TRRP outweigh these limited impacts. These types of construction-related impacts are most appropriately mitigated to less-than-significant levels with the implementation of construction-related measures and best management practices, as outlined in this Draft MEIR, and should not drive the consideration of alternative locations.
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TUOLUMNE RIVER REGIONAL PARK
MASTER PLAN DRAFT MEIR

APPENDIX A: Notice of Preparation / Initial Study
TUOLUMNE RIVER REGIONAL PARK JOINT POWERS AUTHORITY (JPA)
• CITY OF MODESTO, CITY OF CERES, STANISLAUS COUNTY •

PROJECT:

NOTICE OF PREPARATION/INITIAL STUDY

Tuolumne River Regional Park (TRRP)
Master Plan

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## TUOLUMNE RIVER REGIONAL PARK MASTER PLAN

## MASTER EIR

### NOTICE OF PREPARATION / INITIAL STUDY

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I. Notice of Preparation Process

A. CEQA Authority

Section 21080.4 of the Public Resources Code requires the Tuolumne River Regional Park Joint Powers Authority (JPA), (comprised of the City of Modesto, the City of Ceres, and Stanislaus County), as lead agency, to notify certain public agencies that the JPA is preparing a Master Environmental Impact Report (Master EIR). Those public agencies are classified as either: "Responsible Agencies"; agencies "having jurisdiction by law over natural resources affected by the project," (so-called "Trustee Agencies"); or "appropriate Federal agencies."

The goal for the JPA's Notice of Preparation (NOP) process is to seek relevant guidance from appropriate public agencies to help us prepare the Master EIR for the Tuolumne River Regional Park (TRRP) Master Plan.

B. Your Expected Role as Public Agency

In accordance with Section 21080.4 of the Public Resources Code, the City of Modesto requests the following information from your agency:

Is your agency a "Responsible Agency," a "Trustee Agency," or an "appropriate Federal agency" for the TRRP Master Plan? If so, what statutory authority do you have over the TRRP Master Plan and/or its implementation?

What is the "scope and content of the environmental information" which your agency wishes to include in the Master EIR for the TRRP Master Plan? Section IV of this NOP is carefully structured to help you respond to this question. To the degree that the JPA has focused the environmental issues to be studied, we have stated so, and we have invited specific agencies to provide feedback to us on how well we have focused that issue. In any event, please feel free to comment on any aspect of this NOP.

Who will be the contact person(s) for your agency? Feel free to name more than one, if appropriate.

C. Purpose of the Master EIR

As Lead Agency, the JPA will prepare an EIR to assess the impacts of development of the TRRP Master Plan. The EIR will be prepared pursuant to CEQA (Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Section 15000 et seq.), as amended. CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority.
The EIR is a public document that discloses the significant environmental impacts of a project and measures to reduce these effects; significant impacts that cannot be avoided; growth-inducing impacts; effects found not to be significant; and significant cumulative impacts of past, present, and reasonably foreseeable future projects. An EIR is an informational document that is to be used in the planning and decision-making process.

Specifically, the JPA will be preparing a “Master EIR” for the TRRP Master Plan. Section 21157(b) of the Public Resources Code describes the minimum required contents of a Master EIR. A Master EIR may be prepared for projects consisting of smaller individual projects to be implemented in phases. The Master EIR may be used to limit review of subsequent projects that are within the scope of the Master EIR. Further, the Master EIR may identify subsequent projects that require additional focused environmental review for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the Master EIR. The purpose of the Master EIR will be to perform environmental review for TRRP Master Plan pursuant to Section 21157 of the Public Resources Code.
II. Readers' Guide

As permitted under Sections 15063(f) and 15082 of the CEQA Guidelines, this NOP is also intended to serve as the Initial Study for the TRRP Master Plan. We are requesting specific responses from all responsible agencies for the TRRP Master Plan. This NOP is divided into six sections, including this Readers' Guide. Contents of each section are summarized below.

A. Sections I and II contain information regarding the use of the NOP and how it relates to preparation of a Master EIR for the project.

B. A description of the proposed project ("Tuolumne River Regional Park Master Plan") is provided in Section III.

C. Section IV, the bulk of this NOP, contains the description of "probable environmental effects" by topic and the requests for responses from responsible agencies.

D. Section V provides a compilation of specific questions directed to specific agencies in Section IV (Probable Environmental Effects).

E. Section VI provides the references used to develop this NOP.
III. Project Description

Section 15082 of the CEQA Guidelines requires that the NOP contain sufficient information describing the project to enable the responsible agencies to make a meaningful response. The following is a description of the proposed project for purposes of this NOP.

A. Project Location

The TRRP is located within the City of Modesto in Stanislaus County, California. The City of Modesto is situated 27 miles south of Stockton and 90 miles north of Fresno on State Route 99. The project area encompasses approximately 500 acres along the Tuolumne River and south of downtown Modesto. Most of the land is along the northern bank of the river; however, there are some parcels of parkland along the south bank as well. These parcels are much smaller in area and do not form a continuous band along the river. Overall, the TRRP stretches from Carpenter Road on the west to Mitchell Road on the east. Figure 1 depicts the project location and Figure 2 shows the proposed TRRP Master Plan.

B. Planning Process

The TRRP planning process began in late 1998 when the TRRP JPA issued a Request for Proposals to prepare the plan. In early 1999, a planning consulting team lead by EDAW was selected to assist the JPA to prepare a master plan for the park. The consultant team was to work with the TRRP Citizen's Advisory Committee (CAC), appointed by the TRRP Commission, on the preparation of the plan. The CAC meets monthly and provides recommendations to the TRRP Commission on all matters related to the park.

At the outset of the planning process "stakeholder" meetings were held with approximately one dozen individuals representing political leaders, community interests and agency personnel. The purpose of these meetings was to gain an understanding of key issues associated with the TRRP.

To date, three broadly noticed public workshops have been held in Modesto at key intervals in the planning process. On September 29th, 1999 the first public workshop on the plan was held. During this meeting, participants were introduced to the site and asked to provide ideas for the park. The second public workshop was held on December 9, 1999. During this workshop, conceptual plans for the park and the Gateway Parcel were presented, and members of public were asked to provide comments on the plan. On February 14, 2000, a public presentation was made to a joint meeting of the TRRP Commission and Citizen's Advisory Committee. The meeting was open to the public for review and comment. A third public workshop was held on April 17, 2000 to present a refined master plan for the park. Each workshop was held in the evening, and
Figure 1: Project Location
was well attended, with approximately 50 to 60 members of the public in attendance. Meetings with the JPA staff (i.e., Modesto, Ceres and Stanislaus County) and regulatory agencies were also convened earlier in the day on September 29th, December 9th, and April 17th. Currently, JPA staff is hosting public workshops on the TRRP Master Plan in different locations of Stanislaus County.

In addition to the public workshops, project briefings were held with various local, State and federal departments/agencies to provide information about the park master planning process and to receive input from these groups.

C. Project Objectives

Section 15124 of the CEQA Guidelines requires an EIR to include a description of the objectives of the proposed project. The following are project objectives that have been identified for the proposed project.

1. Restore a continuous riparian corridor along the length of the river.
2. Provide a continuous bicycle and pedestrian trail from Carpenter Road to Mitchell Road with connections across the river.
3. Provide a variety of recreational experiences, including opportunities for both active and passive activities.
4. Enhance the environmental values of the park.
5. Provide access to the river.
6. Integrate educational and interpretive elements into the park design.

D. Project Description

The TRRP Master Plan is a land use vision and framework for improvements that will create a regional riverfront park approximately 500 acres in size. The Master Plan identifies six distinct areas of the park from west to east. These planning areas are identified in Figure 2. The corresponding numbers for the planning areas are used throughout this document for reference.

The following sections provide further description of the components of the Master Plan for the planning areas.

1. Carpenter Road Area

The Carpenter Road Area is approximately 180 acres in size. The former landfill site that is included in this area would be reclaimed to allow for public and park activities in the area. Because of the regulatory constraints related to landfill reclamation, development activities for this area will be identified as a subsequent project in the Master EIR. Included in the Master Plan is the development of a
Figure 2: TRRP Planning Areas

See Figure III-4
Page III-11
river promenade trail, restoration of the riparian corridor, creation of stormwater wetlands, and the development of a regional sports complex.

2. Golf Course Area

Currently, the JPA does not own land in this reach. Therefore, the acreage of this zone is not included in the Master Plan. However, the Master Plan advocates a narrow trail and riparian restoration easement along the river’s edge in this reach.

3. Gateway Parcel

The Gateway Parcel would be the focal point of the TRRP Master Plan and would contain the majority of the active recreational and physical improvements. This area encompasses approximately 90 acres. A plan view of the Master Plan for the Gateway Parcel is provided in Figure 2. The Master Plan for the Gateway Parcel includes a river promenade trail and an internal trail system, riparian corridor restoration, multi-use meadows for community events and informal park activities, an “amphimeadow” (an outdoor amphitheater within a natural “meadow-like” setting) that seats 5,000 people, a children’s play area, and parking for approximately 530 cars. The Master Plan also includes the removal of Dennett Dam as a subsequent project.

4. Gallo/Mancini Area

Mancini Park is approximately 25 acres. In this area, the plan includes the river promenade trail, restoration of the riparian corridor, and pedestrian/bike crossing across Dry Creek to the Gateway Parcel.

5. Legion Park

The Legion Park area is approximately 50 acres and would include the river promenade trail, restoration of the riparian corridor, picnic areas, a canoe/kayak beach, small group public event space, and a pedestrian/bike river crossing to Mancini Park.

6. The Airport Area

The Airport Area is approximately 160 acres and is influenced by the adjacent airport in terms of appropriate uses and activities. Overall, this is a low use area focused on study and enjoyment of the natural environment. For this area, the Master Plan includes the river promenade trail, restoration of the riparian corridor, and a river overlook and fishing pier.

E. Project Alternatives

Though alternative approaches were discussed throughout the planning process described in Section IIIB, at this time the JPA has not identified any specific
project alternatives for examination in the Master EIR. In the EIR, the State CEQA Guidelines require that the description and comparative analysis of a range of reasonable alternatives be developed to avoid or substantially lessen one or more of the significant effects identified for the project analyzed in the EIR. The Master EIR will include this analysis. Respondents may suggest project alternatives for analysis in the EIR.

F. Subsequent Projects

As allowed by the Public Resources Code, Section 21157(b)(3), the Master EIR will identify subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the Master EIR. These activities would require additional focused environmental review prior to their implementation. Based upon the JPA’s initial assessment of planned activities and projects, the following are expected to be identified in the Master EIR as “subsequent projects”:

1. Landfill closure plan and subsequent development over the landfill (Planning Area 1)
2. Regional sports complex (Planning Area 1)
3. Treatment plant redesign or relocation (Planning Area 1)
4. Removal of Dennett Dam (Planning Area 3)
5. Special events at the Gateway Parcel (Planning Area 3)
6. Special events and/or concerts at the amphimeadow (Planning Area 3)
7. Pedestrian bridge overcrossings (Planning Areas 2, 3, 4, and 5)
8. Fishing piers and river overlooks (not specifically located)
IV. Probable Environmental Impacts

As allowed by CEQA Guidelines Section 15082, the JPA has reviewed the proposed project and made an initial determination of which probable environmental effects need to be studied further and which environmental effects require no further analysis. This section provides sufficient information to responsible agencies reviewing the NOP on the project's probable environmental effects. This section also asks for responses from those agencies that are identified in Appendix B of the CEQA Guidelines as having statutory authority over specific areas of environmental expertise.

A. Traffic and Circulation Needs

THIS ISSUE WILL BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":
   (CEQA Guidelines Section 15082(a)(1)(C))

Based on the traffic analysis prepared for the Modesto General Plan (1990), roadways within the vicinity of the TRRP are generally operating at good levels of service (i.e., LOS C or better). Congested links in the vicinity of the planning area include the Ninth Street Bridge (LOS E) and B Street between 9th and 11th Streets (LOS F). Congestion occurs during the AM and/or PM peak commute hours. Under the buildout of the General Plan, these routes are anticipated to remain congested.

Implementation of the TRRP Master Plan would include recreational improvements throughout most of the planning area that would attract increased numbers of people to the park. The Gateway Parcel in particular would become a major recreational destination for the region as a whole. In general, peak recreational traffic occurs during off-peak hours (i.e., weekends or evenings).

The potential for large events to take place at the Gateway Parcel could be expected to cause a substantial increase in traffic. At the present time, events that accommodate 5,000 to 10,000 people are periodically staged at the nearby Legion Park portion of the TRRP and at the Gallo winery. Implementation of the project would relocate these types of large events to the Gateway Parcel. In addition, the development of facilities, such as the proposed amphitheadow (5,000-person capacity), could result in programming of additional special events. These events would cause a substantial increase in traffic in the area. Special events could also generate significant parking demands.

Though it is acknowledged that parking demands and traffic generated by special events could create significant traffic impacts, the environmental effects of special events and concerts at the Gateway Parcel will not be
examined in detail in the Master EIR. As allowed by Section 21157(b)(3)
of the Public Resources Code, the Master EIR will identify these activities
as subsequent projects for which there is not sufficient information
reasonably available to support a full assessment of potential impacts in
the Master EIR. These activities would require additional subsequent
environmental review to be implemented.

The TRRP Master Plan would provide a system of Class I bicycle and
pedestrian paths through the park that would link to other non-motorized
routes in the area. The Plan provides for three bridge crossings: (1) over
Dry Creek between Gateway and the Gallo properties; (2) across the
Tuolumne River at Mancini Park; (3) across the Tuolumne River in the
vicinity of the Dryden Golf Course. This system would provide excellent
improvements to the overall circulation system which is currently
fragmented in the east-west direction (due to the land use patterns) and
in the north-south direction (the river creates a barrier to circulation in this
direction). In order to provide pedestrian connections between the
Gateway Parcel and adjacent urban areas and neighborhoods, crossings of
the new Tuolumne Boulevard extension would be required.

The Master EIR will identify and evaluate traffic-generated effects caused
by the implementation of the TRRP Master Plan. Further, the Master EIR
will provide a description of potential impacts of anticipated subsequent
projects for which there is not sufficient information reasonably available
to support a full assessment of potential impacts in the Master EIR.

2. "Meaningful Responses" are requested from potentially Responsible
Agencies: (CEQA Guidelines Section 15082(a)(1))

The parties/agencies listed below may have statutory responsibility in this
environmental area; some are listed in Appendix B of the CEQA
Guidelines. The questions below are to determine if there is any
information related to your agency's area of responsibility that should
considered in the TRRP Master Plan EIR (CEQA Guidelines Section
15082(b)).

a. City of Modesto Engineering and Transportation Department
   (Glen Lewis, Director)

   Is there information relating to the above Traffic and Circulation
   items that you would like to have included in the EIR? If so, also
   indicate what analysis should be included in the TRRP Master Plan
   EIR.

b. City of Ceres Planning and Community Development Director
   (Randy Hatch)
Is there information relating to the above Traffic and Circulation items that you would like to have included in the EIR? If so, also indicate what analysis should be included in the TRRP Master Plan EIR.

c. **City of Ceres Public Works Director** (Joe Hollstein)

   Is there information relating to the above Traffic and Circulation items that you would like to have included in the EIR? If so, also indicate what analysis should be included in the TRRP Master Plan EIR.

d. **Stanislaus County Planning and Community Development Director** (Ron Freitas)

   Is there information relating to the above Traffic and Circulation items you wish to provide in response to this NOP? If so, also indicate what analysis should be included in the TRRP Master Plan EIR.

e. **Stanislaus County Public Works Director** (George Stillman)

   Is there any information regarding the County's circulation system that you wish to have included in the EIR? If so, also indicate what analysis should be included in the TRRP Master Plan EIR.

3. **Responses Requested from Other Parties**

   a. **Caltrans District 10**

      State Highway 99 crosses the TRRP. A Class I pedestrian and bicycle path is proposed to cross under this structure. Do you have any concerns that should be addressed in the Master EIR?

B. **Increased Demand for Long-Term Water Supplies**

   1. "**Probable Environmental Effects**: (CEQA Guidelines Section 15082(a)(1)(C))

   THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

   The proposed project would have no significant effect on demand for long-term water supplies. The TRRP would only require minor extensions of water-related utilities, such as water pipelines for a limited number of restrooms and drinking fountains, primarily at the Gateway Parcel. The majority of the vegetation proposed for park is composed of native plants which will only require irrigation during a short period of initial
establishment. The park will also require minor extensions of permanent water lines for use in the irrigation of a turf grass zone in the Gateway Parcel and for soccer fields in the Carpenter Road Area.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:
   (CEQA Guidelines Section 15082(a)(1))

   Responses from responsible agencies are not requested regarding demand for long-term water supplies. However, responsible agencies may respond if desired.

3. Responses Requested from Other Parties

   None requested.

C. Degradation of Air Quality

   THIS ISSUE WILL BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":
   (CEQA Guidelines Section 15082(a)(1)(C))

   The TRRP is located within the San Joaquin Air Basin, a large basin that includes the eight counties of the southern Central Valley region. Within the TRRP area (i.e., Modesto), ozone and particulates are the key air quality issues. According to California Air Resources Board (CARB), data for the 14th Street station in Modesto, State and federal standards for ozone and particulates have been exceeded through 1997 to 1999; standards for carbon monoxide have not been exceeded during this period. The TRRP is adjacent to numerous sensitive receptors including residential neighborhoods, elementary schools, and parks.

   Implementation of the TRRP Plan would result in grading and earthwork in the Gateway Parcel and in other areas of the park. Temporary air quality impacts due to these construction activities (diesel fumes and particulate dust) are anticipated.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:
   (CEQA Guidelines Section 15082(a)(1))

   The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any information related to your agency’s area of responsibility that should
considered in the TRRP Master Plan EIR (CEQA Guidelines Section 15082(b)).

a. **San Joaquin Valley Unified Air Pollution Control District**

With regard to Section 2.3.1 of your Agency's "Guide for Assessing and Mitigating Air Quality Impacts," are there any recent changes to the guide or other information you would like to have addressed in the Master EIR regarding air quality effects of the TRRP? When providing this information, please indicate what analysis should be included in the EIR.

b. **State Air Resources Board**

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have addressed in the Master EIR regarding air quality effects of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

3. **Responses Requested from Other Parties**

None requested.

D. **Loss of Productive Agricultural Land**

**THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.**

1. "**Probable Environmental Effects**: (CEQA Guidelines Section 15082(a)(1)(C))

The Gateway Parcel is designated Prime Farmlands by the California Department of Conservation on the 1990 Stanislaus County Important Farmlands Map.¹ Loss of agricultural land within the designated urban area boundary of Modesto was analyzed in the Master EIR for the Urban Area General Plan, 1995. Through this process, the City of Modesto acknowledged and made findings that if development was within the Baseline Developed Area as identified on the General Plan Growth Strategy Diagram, the project shall be considered to have a minimal effect on the conversion of agricultural lands, and no mitigation would be required (Modesto, 1995). Those areas on the north side of the Tuolumne River are within this boundary, including the Gateway Parcel. Further, the Mancini area (which is on the south side of the river) is not designated as

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¹ City of Modesto, Final Master EIR of the Urban Area General Plan, 1995. Figure 4-1.
Prime Farmland. For these reasons, the TRRP Master Plan is not anticipated to result in loss of productive agricultural land.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:
(CEQA Guidelines Section 15082(a)(1))

Responses from responsible agencies are not requested regarding agricultural resources. However, responsible agencies, may respond if desired.

3. Responses Requested from Other Parties

None requested.

E. Generation of Noise

THIS ISSUE WILL BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":
(CEQA Guidelines Section 15082(a)(1)(C))

Noise generators in the project area include roadways, railroads, the Modesto City/County Airport, and nearby industry. Sensitive receptors to noise include residences, schools, parks, churches, and local wildlife.

The TRRP is envisioned as a quiet, contemplative space providing visual and auditory relief from adjacent urban areas. The TRRP would not introduce uses that would permanently increase ambient noise levels. As a result, the proposed project would not likely result in a substantial permanent increase in ambient noise.

Special events and concerts at the proposed amphitheater in the Gateway Parcel may be amplified which may increase noise levels. Though it is acknowledged that these special events could generate noise that could result in significant noise impacts, potential impacts of special events will not be examined in detail in the Master EIR. As allowed by Section 21157(b)(3) of the Public Resources Code, the Master EIR will identify these activities as subsequent projects for which there is not sufficient information available to support a full assessment of potential impacts in the Master EIR. These activities would require additional subsequent environmental review to be implemented.

To assess potential short-term noise impacts, the Master EIR will identify sensitive receptors and their relative exposure including the nearby schools and residential areas. Noise levels of specific construction equipment will be determined and resultant noise levels at receptors will
be calculated. Predicted noise levels will be compared with applicable State and local standards, and the significance of short-term noise impacts will be determined.

Implementation of the TRRP may expose additional people to existing noise generators, including Highway 99 and the Union Pacific Railroad, both extending over the Gateway Parcel, and the City/County Airport adjacent to the easternmost segment of the park. As the TRRP itself is considered a sensitive receptor, the EIR will evaluate the effects of exposing additional numbers of people to these existing noise generators.

2. **"Meaningful Responses" are requested from potentially Responsible Agencies:**

(CEQA Guidelines Section 15082(a)(1))

The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any information related to your agency's area of responsibility that should considered in the TRRP Master Plan EIR (CEQA Guidelines Section 15082(b)).

a. **City of Modesto Engineering and Transportation Department**  
(Airport manager, Glen Lewis/Howard Cook)

Is there other information you feel should be added to the TRRP Master EIR regarding noise and the implementation of the TRRP Master Plan? If so, please indicate what analysis should be included in the EIR.

b. **Stanislaus County Planning and Community Development Director**  
(Ron Freitas)

Is there information you would like to have added to the TRRP Master EIR regarding generation of noise? When providing this information, please indicate what analysis should be included in the EIR.

c. **State Aeronautics Department**

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the TRRP Master EIR regarding generation of noise, or any information regarding changes to noise levels from the Modesto City/County Airport? When providing this information, please indicate what analysis should be included in the EIR.
d. **State Department of Fish and Game**

Your agency is listed as having statutory authority over noise in Appendix B of the CEQA Guidelines as excessive noise may affect wildlife. Do you have any criteria for evaluating noise on wildlife? Is there information you would like to have added to the TRRP EIR regarding generation of noise? When providing this information, please indicate what analysis should be included in the EIR.

e. **State Health Services Department, State Office of Noise Control**

(Russ Dupree)

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the TRRP Master EIR regarding generation of noise? When providing this information, please indicate what analysis should be included in the EIR.

3. **Responses Requested from Other Parties**

None requested.

F. **Loss of Sensitive Wildlife and Plant Habitat**

THIS ISSUE WILL BE STUDIED IN THE MASTER EIR.

1. **“Probable Environmental Effects”**: 
   (CEQA Guidelines Section 15082(a)(1)(C))

The TRRP is located within and adjacent to the riparian corridor of the Tuolumne River. The parklands consist of developed areas such as existing parks, and other recreation facilities, as well as undeveloped land. Although most of the undeveloped land within the TRRP Master Plan area has been subject to past disturbance, a portion of the land consists of remnant riparian forest. However, much of this existing riparian habitat is degraded. Implementation of the Master Plan is intended to improve the habitat value along these corridors. The Tuolumne River and environs is also habitat and potential habitat for several State and federally listed or candidate species.

Although the Tuolumne River itself is a water body of the United States and is therefore regulated by Section 404 of the Clean Water Act, there are no known federally protected wetlands on the project site. However, wetland areas do exist along the stream banks, and could be affected by construction activities.
2. "Meaningful Responses" are requested from potentially Responsible Agencies:
(CEQA Guidelines Section 15082(a)(1))

The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any information related to your agency's area of responsibility that should be considered in the TRRP Master Plan EIR (CEQA Guidelines Section 15082(b)).

a. National Marine Fisheries Service (Dennis Smith)

Your agency is responsible for restoration of habitat for threatened and endangered fisheries. The Tuolumne River is critical habitat for steelhead and fall run Chinook Salmon. Is there any information you would like to have added to the TRRP Master EIR regarding wildlife and plant habitat effects from implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

b. State Department of Fish and Game
(William Loudermilk, Regional Manager; Timothy Heyne, Biologist)

Your agency is responsible for the enforcement of the 185-foot riparian easement over the Gateway Parcel. In addition, we anticipate your involvement in implementing a fish count facility and oversight of restoration plans and various permitting processes. Is there any information you would like to have added to the TRRP Master EIR regarding wildlife and plant habitat effects from implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

c. State Department of Parks and Recreation

Your agency is listed as having statutory authority over biological resources in Appendix B of the CEQA Guidelines. Is there any information you would like to have added to the TRRP Master EIR regarding wildlife and plant habitat effects from implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.
d. State Department of Health Services

Your agency is listed as having statutory authority biological resources in Appendix B of the CEQA Guidelines. Is there any information you would like to have added to the TRRP Master EIR regarding wildlife and plant habitat effects from implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

e. State Water Resources Control Board

Your agency is listed as having statutory authority over biological resources in Appendix B of the CEQA Guidelines. Is there any information you would like to have added to the TRRP Master EIR regarding wildlife and plant habitat effects from implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

f. United States Fish and Wildlife Service

Your agency has statutory authority over biological resources. Is there any information you would like to have added to the TRRP Master EIR regarding wildlife and plant habitat effects from implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

3. Responses Requested from Other Parties

a. Turlock Irrigation District (Tim Ford, Biologist)

Is there any information you would like to have added to the TRRP Master EIR regarding wildlife and plant habitat effects from implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

G. Potential Disturbance of Archaeological or Historical Sites

THIS ISSUE WILL BE STUDIED IN THE MASTER EIR.

1. “Probable Environmental Effects”:
(CEQA Guidelines Section 15062(a)(1)(C))

A review of files at the Central California Information Center in Turlock determined that the only known significant historic resource in the TRRP is the 7th Street Bridge, which crosses over the Gateway Parcel. The review
also identified one historic-era trash pit near John Thurman Ball Field, which has not been evaluated for its historic significance. Although no Native American archaeological sites have been discovered in the TRRP, only a small portion of the park has been surveyed for such resources, and there exists the potential for unknown subsurface archaeological sites near the current and historic shorelines of the Tuolumne River and Dry Creek.

Implementation of the TRRP Master Plan would allow for subsurface grading and construction of new recreational facilities within the TRRP, primarily in the Gateway Parcel. These activities would not affect the historic 7th Street Bridge. However, construction grading may disturb previously unknown subsurface archaeological or historic resources at the Gateway Parcel or other areas of the TRRP, if present.

The Master EIR will include mitigation measures related to specific, ground-disturbing projects.

The site has no known human remains, including those interred outside of formal cemeteries. However, it is impossible to be sure about the presence or absence of human remains on a site until site excavation and grading occurs. In the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, in accordance with state law. The Stanislaus County coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery.

2. "Meaningful Responses" are requested from potentially Responsible Agencies: (CEQA Guidelines Section 15082(a)(1))

The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any information related to your agency’s area of responsibility that should be considered in the TRRP Master EIR (CEQA Guidelines Section 15082(b)).

a. California State Office of Historic Preservation
   (Daniel Abeyta, Acting SHPO)

   Your agency is listed as having statutory authority over cultural resources in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the TRRP Master EIR on effects to cultural resources in the TRRP? When providing this
information, please indicate what analysis should be included in the EIR.

b. Native American Heritage Commission

Your agency is listed as having statutory authority over cultural resources in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the TRRP Master EIR on effects to cultural resources in the TRRP? When providing this information, please indicate what analysis should be included in the EIR.

c. Caltrans District 10

Your agency has statutory authority over the 7th Street Bridge. Is there information you would like to have added to the Master EIR? When providing this information, please indicate what analysis should be included in the EIR.

d. State Lands Commission

Your agency is listed as having statutory authority over cultural resources in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the TRRP Master EIR? When providing this information, please indicate what analysis should be included in the EIR.

3. Responses Requested from Other Parties

None requested.

H. Flooding and Water Quality

THIS ISSUE WILL BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects": (CEQA Guidelines Section 15082(a)(1)(C))

All of the TRRP falls within the 100-year floodplain and much of the park falls within the proposed 100-year floodway as designated by FEMA. It also falls within the floodway designated by the State Reclamation Board. No housing or other inhabitable structures would be constructed within the defined flood zones. Although the proposed project may contribute additional runoff, it is not anticipated to substantially alter the existing drainage pattern of the site or area.
The Lower Tuolumne has been designated an "impaired waterbody" pursuant to Section 303(d) of the Clean Water Act. The constituent pollutants include Group A Pesticides, DDT, and unknown toxicity. The primary human health-related water quality issue in the lower Tuolumne River is high levels of fecal coliform. The Stanislaus County Department of Health recommends posting bathing areas with a warning sign against water contact when fecal coliform counts exceed 200 organisms per 100 mL for two consecutive monthly samples or for a single sample of greater than 400 organisms per 100 mL. Data from the Stanislaus County Department of Health (1994) indicate that these criteria had been exceeded several times from 1991 to 1994. In 1991, six of the seven sites sampled near Modesto exceeded these criteria; in 1992, four of seven sites exceeded criteria; and in 1993 and 1994, neither of two sites exceeded criteria.

Water quality in the Tuolumne River is also affected by a number of point sources within the Tuolumne River Regional Park project site. The confluence of the Tuolumne with the muddy flow from Dry Creek produces a visible change in water quality below the confluence. Dry Creek generally carries a higher sediment and nutrient load than the Tuolumne above this point due to the grazing and agricultural land uses in its watershed. Two additional major point sources that can potentially impair water quality within the TRRP project area are the wastewater treatment plant, to the east of Carpenter Road, and the old landfill site, immediately adjacent to Carpenter Road to the east and west. The wastewater treatment plant is only a water quality concern during high flows when floodwaters may inundate the treatment ponds. Little is known about the contents of the nearby landfill, which is believed to be unlined and uncapped, and could be contributing pollutants to the nearby water table and river.

The project does not propose any uses or pollution sources that would further compromise the existing water quality, further violate water quality standards, or necessitate waste discharge requirements. The project would not alter the existing landfill or the wastewater treatment plant. The enhanced riparian systems as a result of the project may improve the water quality on the lower Tuolumne River.

There is no known potential for tsunamis or seiches at the project site.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:
(CEQA Guidelines Section 15082(a)(1))

The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any
information related to your agency's area of responsibility that should be considered in the TRRP Master EIR (CEQA Guidelines Section 15082(b)).

a. **State Department of Water Resources, Reclamation Board** (Peter D. Rabbon, General Manager, Ricardo Pineda, Chief Engineer)

With regard to your Agency's jurisdiction is there information you would like to have added to the Master EIR regarding potential policy conflicts? When providing this information, please indicate what analysis should be included in the EIR.

b. **City of Ceres Public Works Director** (Joe Hollstein)

Is there additional information you wish to provide with regard to flooding and water quality effects that should be included in the TRRP Master EIR? Please provide this information, and tell us what analysis should be provided in the EIR.

c. **City of Modesto Engineering and Transportation, Utilities Planning Division** (Glen Lewis)

Is there additional information you wish to provide with regard to flooding and water quality effects that would require new analysis? Specifically, are there new NPDES requirements that should be included in the Master EIR? Please provide this information, and tell us what analysis should be provided in the EIR.

d. **Federal Emergency Management Agency Region IX**
   (Martha Whetstone, Director)

FEMA is responsible for reducing damage due to flooding and other natural disasters. We are aware of the recent revisions to the 100-year flood plain and floodway boundaries. Are there any additional considerations that we should be aware of? What type of analysis should be included in the Master EIR?

e. **Regional Water Quality Control Board, Central Valley Region (5)**

Your agency has statutory responsibility over setting and enforcing the water quality standards in the area. Are there any recent revisions to the regional water quality standards that should be included in the TRRP Master EIR? Is there any recent water quality information that can be added to the analysis? Is there any other information you would like to have added to the TRRP Master EIR regarding the best management practices in the park? When providing this information, please indicate what analysis should be included in the EIR.
f. Stanislaus County Public Works Director (George Stillman)

Is there information you would like to have added to the TRRP Master EIR regarding flooding and water quality effects of implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

g. State Department of Fish and Game (William Loudermilk)

Your agency is listed as having statutory authority over water quality in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the TRRP Master EIR regarding water quality and its effect on fish and wildlife in the riparian areas of the Tuolumne River and Dry Creek from implementation of the TRRP Master Plan? When providing this information, please indicate what analysis should be included in the EIR.

h. United States Army Corps of Engineers

Your agency has statutory responsibility over flooding and hydrology, and has permit authority over stream channel alterations. In addition, there have been several studies prepared to date, including a 1998 Reconnaissance Study, that address flood control issues on the Tuolumne River. Is there information you would like to have added to the TRRP Master EIR regarding flooding? When providing this information, please indicate what analysis should be included in the EIR.

3. Responses Requested from Other Parties

a. Modesto Irrigation District (Walter Ward)

Is there additional information you wish to provide with regard to flooding and water quality effects that should be included in the TRRP Master EIR? Please provide this information, and tell us what analysis should be provided in the EIR.

b. Turlock Irrigation District

Is there additional information you wish to provide with regard to flooding and water quality effects that should be included in the TRRP Master EIR? Please provide this information, and tell us what analysis should be provided in the EIR.
I. Landslides and Seismic Activity

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. “Probable Environmental Effects”:  
   (CEQA Guidelines Section 15082(a)(1)(C))

   There are no known active faults in the project area that would expose people or structures to potential, substantial adverse effects. The current Uniform Building Code indicates that Modesto is in the lower risk zone (Zone 3) for seismic activity. As no inhabitable structures (i.e., restrooms and overlook platforms could be constructed) would be constructed as part of the proposed project, there would be no impact related to seismic hazards, and issues associated with expansive soils are not considered significant. Because the general land slopes along the river banks are relatively slight, the potential for slope failures due to seismic activity is not significant.

2. “Meaningful Responses” are requested from potentially Responsible Agencies:  
   (CEQA Guidelines Section 15082(a)(1))

   Since there are no anticipated impacts to landslides and seismic activity as a result of the TRRP, responses from responsible agencies are not being requested at this time. Please feel free to comment on this subject, however, if desired.

3. Responses Requested from Other Parties

   None requested.

J. Hazardous Materials

THIS ISSUE WILL BE STUDIED IN THE MASTER EIR.

1. “Probable Environmental Effects”:  
   (CEQA Guidelines Section 15082(a)(1)(C))

   The proposed project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials as no unusual use of hazardous materials are anticipated as a result of the project. The proposed project would not emit hazardous emissions and does not include the handling of hazardous or acutely hazardous materials.

   Approximately 37 acres of land on both sides of Carpenter Road were formerly used as a landfill and are presently being monitored for methane.
gas discharges. The Carpenter Road west site (approximately 28 acres) was open from 1956 to 1967. The Carpenter Road East site (approximately 9 acres) was open from 1967 to 1968. Neither of the sites had been used as a burn site, and hazardous materials are not known to have been received at the sites. Both sites were “trench-and-fill” construction. Cover material for each of these sites is native soil. Landfill gases have not been detected at off-site locations, and no gas collection system exists at these sites. In 1987, at the request of the Air District, the City of Modesto performed emissions screening and driven hole tests at the site. Nine locations exceeding 10 parts per million (ppm) were noted at the Carpenter Road West site and three locations were noted at the Carpenter Road East site. Driven hole tests resulted in 47% and 43% methane concentrations at Carpenter Road East and West. More recent test data is not available.

The landfill would be required to be capped prior to reuse for recreational purposes. Any post closure land use changes (i.e., implementation of the TRRP Master Plan) must be submitted to the California Integrated Waste Management Board for review. Requirements for the design and maintenance of post closure land uses are contained in Title 27, Section 21190 of the California Code of Regulations. Construction of a park and a trail through this area, as provided by the project, could expose people to methane gas.

Though it is acknowledged that development of the landfill property could result in potentially significant hazard impacts, the Master EIR will not examine this issue in detail. As allowed by Section 21157(b)(3) of the Public Resources Code, the Master EIR will identify disturbance or development of the landfill property as a subsequent project for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the Master EIR. Development of the landfill property would require additional subsequent environmental review to be implemented.

2. “Meaningful Responses” are requested from potentially Responsible Agencies:
(CEQA Guidelines Section 15082(a)(1))

The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any information related to your agency’s area of responsibility that should considered in the TRRP Master Plan EIR (CEQA Guidelines Section 15082(b)).
a. **City of Modesto Fire Department** (Doug Hannink)

Is there additional information you would like to provide regarding the potential exposure of additional people to wildfires resulting from implementation of the TRRP? In providing this information, please tell us what analysis should be included in the EIR.

b. **Regional Water Quality Control Board, Central Valley Region** (5)

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the Master EIR regarding generation of hazardous materials effects from implementation of the TRRP? When providing this information, please indicate what analysis should be included in the EIR.

c. **Solid Waste Management Board** (Susan Markie)

The Solid Waste Management Board is currently monitoring this site for methane gas production. Is there information you would like to have addressed in the Master EIR?

d. **Stanislaus Consolidated Fire Protection District**

Is there additional information you would like to provide regarding the potential exposure of additional people to wildfires resulting from implementation of the TRRP? In providing this information, please tell us what analysis should be included in the EIR.

e. **Stanislaus County Department of Environmental Resources**

Is there information you would like to have added to the Master EIR regarding effects from implementation of the TRRP? When providing this information, please indicate what analysis should be included in the EIR.

e. **Stanislaus County Environmental Health Department**

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the Master EIR regarding generation of hazardous materials effects from implementation of the TRRP? When providing this information, please indicate what analysis should be included in the EIR.
f. **State Department of Conservation**

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the Master EIR regarding effects on agricultural lands from implementation of the TRRP? When providing this information, please indicate what analysis should be included in the EIR.

g. **State Department of Fish and Game**

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the Master EIR regarding potential effects on fish and wildlife habitat from implementation of the TRRP? When providing this information, please indicate what analysis should be included in the EIR.

h. **State Department of Water Resources**

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the Master EIR regarding effects on water resources from implementation of the TRRP? When providing this information, please indicate what analysis should be included in the EIR.

i. **State Integrated Waste Management Board**

Your agency is listed as having statutory authority over this environmental area in Appendix B of the CEQA Guidelines. Is there information you would like to have added to the Master EIR regarding potential effects from implementation of the TRRP Land Use Plan Update? When providing this information, please indicate what analysis should be included in the EIR.

j. **United States Environmental Protection Agency, Region IX**

Your agency has statutory authority over this environmental area. Is there information you would like to have added to the Master EIR regarding effects from implementation of the TRRP? With this information, please indicate what analysis should be included in the EIR.

3. **Responses Requested from Other Parties**

None requested.
K. Increased Demand for Sanitary Sewer Facilities

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":
(CEQA Guidelines Section 15082(a)(1)(C))

The increased demand for sanitary sewer facilities for the TRRP will be not be significant. New sanitary sewer facilities will be limited to a small number of restrooms, which will be constructed in the Carpenter Road area and on the Gateway Parcel. These facilities will comply with the wastewater treatment requirements of the Regional Water Quality Control Board. They will not result in the construction of new water or wastewater treatment facilities, the expansion of existing facilities, or cause significant environmental effects.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:
(CEQA Guidelines Section 15082(a)(1))

Responses from responsible agencies are not requested regarding sanitary sewer facilities. However, responsible agencies may respond if desired.

3. Responses Requested from Other Parties

None requested.

L. Increased Demand for Water Distribution Facilities

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":
(CEQA Guidelines Section 15082(a)(1)(C))

The proposed project would have no significant effect on demand for water distribution facilities. The TRRP would only require minor extensions of water-related utilities, such as water and wastewater pipelines for a limited number of restrooms and drinking fountains, primarily in the Gateway Parcel. The majority of the vegetation proposed for park is composed of native plants which will only require irrigation during a short period of initial establishment. The park will also require minor extensions of permanent water lines for use in the irrigation of a turf grass zone in the Gateway Parcel and for soccer fields in the Carpenter Road Area.
2. "Meaningful Responses" are requested from potentially Responsible Agencies:
   (CEQA Guidelines Section 15062(a)(1))

   Responses from responsible agencies are not requested regarding water distribution facilities. However, responsible agencies may respond if desired.

3. Responses Requested from Other Parties

   None requested.

M. Increased Demand for Storm Drainage Facilities

   THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

   1. "Probable Environmental Effects":
      (CEQA Guidelines Section 15062(a)(1)(C))

      Development on the TRRP site, including roadways, parking areas, and multi-use trails would increase the amount of impervious surfaces, which may generate a small increase in runoff. This small increase in runoff will not require the construction of new storm drainage facilities or the expansion of existing facilities. Much of the runoff will be distributed to the "stormwater wetlands" and vegetated swales within the park in order to filter the water before it reaches the river.

   2. "Meaningful Responses" are requested from potentially Responsible Agencies:
      (CEQA Guidelines Section 15062(a)(1))

      Responses from responsible agencies are not requested regarding storm drainage facilities. However, responsible agencies may respond if desired.

   3. Responses Requested from Other Parties

      None requested.

N. Increased Demand for Solid Waste Facilities

   THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

   1. "Probable Environmental Effects":
      (CEQA Guidelines Section 15062(a)(1)(C))

      The project would involve activities that would generate small amounts of solid waste requiring collection, transportation, and disposal. In
accordance with State-mandated recycling requirements, some solid waste reduction would be achieved through source reduction and recycling. Solid waste will be collected on site using trash cans spaced throughout the park. Standard transportation and disposal methods will be followed. Solid waste generated by park visitors is not expected to substantially affect local landfill capacity or solid waste disposal services.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:
(CEQA Guidelines Section 15082(a)(1))

Responses from responsible agencies are not requested regarding solid waste facilities. However, responsible agencies may respond if desired.

3. Responses Requested from Other Parties

None requested.

O. Increased Demand for Energy

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":
(CEQA Guidelines Section 15082(a)(1)(C))

Construction and operation of the project would only require minimal use of electricity for night lighting along selected portions of the main trail, the amphimeadow, and the sports complex. Some gasoline will be consumed by construction and maintenance vehicles. The TRRP trail network will provide a convenient and important non-motorized transportation option for local residents, potentially reducing their overall use of gasoline for local transportation.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:
(CEQA Guidelines Section 15082(a)(1))

Responses from responsible agencies are not requested regarding demand for energy. However, responsible agencies may respond if desired.

3. Responses Requested from Other Parties

None requested.
P. Increased Demand for Police Services

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":
   (CEQA Guidelines Section 15082(a)(1)(C))

   The Modesto Police Department maintains a service ratio of 1.65 police officers per 1,000 citizens, and can answer most emergency calls within 3-5 minutes (City of Modesto, 1995). The Police Department operates out of two main facilities; 601 11th Street and 12th and F Streets. The proposed project would likely require additional police patrols for enhanced security due to the increased number of park users. These additional patrols would not substantially affect service ratios, response times, or other performance. No new police facilities would be needed as a result of the project.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:
   (CEQA Guidelines Section 15082(a)(1))

   The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any information related to your agency’s area of responsibility that should considered in the TRRP Master EIR (CEQA Guidelines Section 15082(b)).

   a. **City of Modesto Police Department** (Paul Jefferson)

      Is there additional information you would like to provide regarding the increased demand for police services resulting from implementation of the TRRP?

   b. **Stanislaus County Sheriff** (Les Weidman)

      Is there additional information you would like to provide regarding the increased demand for police services resulting from implementation of the TRRP?

3. **Responses Requested from Other Parties**

   None requested.
Q. Increased Demand for Fire Services

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects": (CEQA Guidelines Section 15082(a)(1)(C))

   The Modesto Fire Department answers approximately 92-94% of all calls within 6 minutes, and has 10 active fire stations in the city (City of Modesto, 1995). The two closest fire stations to the TRRP are located at 601 11th Street and 629 2nd Street. Implementation of the proposed project would not substantially increase the fire hazard beyond what currently exists at the TRRP. For these reasons, there would be no impacts to fire protection as a result from the proposed project.

2. "Meaningful Responses" are requested from potentially Responsible Agencies: (CEQA Guidelines Section 15082(a)(1))

   The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any information related to your agency's area of responsibility that should be considered in the TRRP Master EIR (CEQA Guidelines Section 15082(b)).

   a. City of Modesto Fire Department (Doug Hannink)

      Is there additional information you would like to provide regarding the increased demand for fire protection services resulting from implementation of the TRRP?

   b. Stanislaus County Consolidated Fire District Chief

      Is there additional information you would like to provide regarding the increased demand for fire protection services resulting from implementation of the TRRP?

3. Responses Requested from Other Parties

   None requested.
Increased Demand for Park Facilities and Open Spaces

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects": (CEQA Guidelines Section 15082(a)(1)(C))

   Implementation of the proposed project would greatly increase the amount of parkland available and accessible to the public, thereby taking pressure off of other recreational facilities in the area. The proposed project would not increase the use of other neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of those facilities would occur.

   The proposed project may also require additional city parks personnel to maintain and administer the additional facilities and activities envisioned for the TRRP. The number of additional city parks personnel needed would not substantially reduce the department's ability to provide such services elsewhere in the city.

2. "Meaningful Responses" are requested from potentially Responsible Agencies: (CEQA Guidelines Section 15082(a)(1))

   The parties/agencies listed below may have statutory responsibility in this environmental area; some are listed in Appendix B of the CEQA Guidelines. The questions below are to determine if there is any information related to your agency's area of responsibility that should considered in the TRRP Master EIR (CEQA Guidelines Section 15082(b)).

   a. City of Modesto Park Planning and Development (Fred Allen)

      Is there additional information you would like to provide regarding the increased demand for city parks personnel resulting from implementation of the TRRP? In providing this information, please tell us what analysis should be included in the EIR.

3. Responses Requested from Other Parties

   None requested.
S. Increased Demand for School Facilities

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":
   (CEQA Guidelines Section 15082(a)(1)(C))

   The proposed project would not require additional school facilities as no students are anticipated as a result of project development.

2. "Meaningful Responses" are requested from potentially Responsible Agencies:
   (CEQA Guidelines Section 15082(a)(1))

   Responses from responsible agencies are not requested regarding school facilities. However, responsible agencies may respond if desired.

3. Responses Requested from Other Parties

   None requested.

T. Visual Resources

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects":
   (CEQA Guidelines Section 15082(a)(1)(C))

   The TRRP Master Plan is located adjacent to the Tuolumne River, a significant natural landscape feature. The visual experience of the river corridor includes areas that are of high visual quality, and other areas where the visual environment has been degraded by urban development. Along the river corridor, the area with the highest existing visual quality is the eastern-most portion of the park, which supports a majestic, mature oak woodland on the north bank. The project would not damage existing scenic resources, including but not limited to significant or unique trees, rock outcroppings, or significant historic resources. The mature oak woodland would be preserved.

   The natural environment in other reaches of the park has been degraded, resulting in an overall lower visual quality. These more degraded portions of the park are highly visible (i.e., the Gateway Parcel, Carpenter Road) from the Seventh Street Ninth Street and Highway 99 bridges. Extensive planting of the project area would improve its appearance.
2. "Meaningful Responses" are requested from potentially Responsible Agencies: 
(CEQA Guidelines Section 15082(a)(1))

No agencies with statutory responsibility in this issue area have been identified to date.

3. Responses Requested from Other Parties

None requested.

U. Mineral Resources

THIS ISSUE WILL NOT BE STUDIED IN THE MASTER EIR.

1. "Probable Environmental Effects": 
(CEQA Guidelines Section 15082(a)(1)(C))

The project site is not known to contain any mineral resources that are important to the region or the State. The project site is not known to contain locally important mineral resources and none of these resources are delineated on a local plan, specific plan or other land use plan.

2. "Meaningful Responses" are requested from potentially Responsible Agencies: 
(CEQA Guidelines Section 15082(a)(1))

Responses from responsible agencies are not requested regarding mineral resources. However, responsible agencies may respond if desired.

3. Responses Requested from Other Parties

None requested.
V. **Specific Questions Directed to Specific Agencies**

We have attempted to notify all relevant agencies and have included those agencies indicated in CEQA Guidelines Appendix B as having Statutory Authority. However, do not rely strictly on the guidance presented below. In fact, any agency is free to comment on any aspect of this NOP.

Those agencies, the information requested, and the references where discussed in Section IV, “Probable Environmental Effects” are:

1. **Caltrans, District 10**
   a. Information Requested on:
      (1) Traffic and Circulation Needs: Item IV-A
      (2) Potential Disturbance of Archaeological or Historical Sites: Item IV-G

2. **City of Ceres Planning and Community Development Director**
   a. Information Requested on:
      (1) Traffic and Circulation Needs: Item IV-A

3. **City of Ceres Public Works Director**
   a. Information Requested on:
      (1) Traffic and Circulation Needs: Item IV-A
      (2) Flooding and Water Quality: Item IV-H

4. **City of Modesto Fire Chief**
   a. Information Requested on:
      (1) Generation of Hazardous Materials: Item IV-J
      (2) Increased Demand for Fire Services: Item IV-Q

5. **City of Modesto Police Chief**
   a. Information Requested on:
      (1) Increased Demand for Police Services: Item IV-P

6. **City of Modesto Engineering and Transportation Department**
   a. Information Requested on:
      (1) Traffic and Circulation Needs: Item IV-A
      (2) Generation of Noise: Item IV-E

7. **City of Modesto Engineering and Transportation Department, Utilities Planning Division**
   a. Information Requested on:
      (1) Flooding and Water Quality: Item IV-H
8. City of Modesto Park Planning and Development
   a. Information Requested on:
      (1) Increased Demand for Park Facilities and Open Space: Item IV-R

   a. Information Requested on:
      1) Flooding and Water Quality: Item IV-H

10. Modesto Irrigation District
    a. Information Requested on:
       (1) Flooding and Water Quality: Item IV-H
       (2) Increased Demand for Energy: Item IV-O

11. National Marine Fisheries Service
    a. Information Requested on:
       (1) Loss of Sensitive Wildlife and Plant Habitat: Item IV-F

12. Native American Heritage Commission
    a. Information Requested on:
       (1) Potential Disturbance of Archeological or Historical Sites: Item IV-G

13. Regional Water Quality Control Board, Central Valley Region (5)
    a. Information Requested on:
       (1) Flooding and Water Quality: Item IV-H
       (2) Generation of Hazardous Materials: Item IV-J

14. San Joaquin Valley Unified Air Pollution Control District
    a. Information Requested on:
       (1) Degradation of Air Quality: Item IV-C

15. Solid Waste Management Board
    a. Information Requested on:
       (1) Generation of Hazardous Materials: Item IV-J

16. Stanislaus Consolidated Fire Protection District
    a. Information Requested on:
       (1) Generation of Hazardous Materials: Item IV-J

17. Stanislaus County Consolidated Fire Department
    a. Information Requested on:
       (1) Increased Demand for Fire Services: Item IV-Q

18. Stanislaus County Department of Environmental Resources
    a. Information Requested on:
       (1) Generation of Hazardous Materials: Item IV-J
19. Stanislaus County Environmental Health Department
   a. Information Requested on:
      (1) Generation of Hazardous Materials: Item IV-J

20. Stanislaus County Planning and Community Development Director
   a. Information Requested on:
      (1) Traffic and Circulation Needs: Item IV-A
      (2) Generation of Noise: Item IV-E

21. Stanislaus County Public Works Director
   a. Information Requested on:
      (1) Traffic and Circulation Needs: Item IV-A
      (2) Flooding and Water Quality: Item IV-H

22. Stanislaus County Sheriff
   a. Information Requested on:
      (1) Increased Demand for Police Services: Item IV-P

23. State Air Resources Board
   a. Information Requested on:
      (1) Degradation of Air Quality: Item IV-C

24. State Aeronautics Department
   a. Information Requested on:
      (1) Generation of Noise: Item IV-E

25. State Department of Conservation
   a. Information Requested on:
      (1) Generation of Hazardous Materials: Item IV-J

26. State Department of Fish and Game
   a. Information Requested on:
      (1) Generation of Noise: Item IV-E
      (2) Loss of Sensitive Wildlife and Plant Habitat: Item IV-F
      (3) Flooding and Water Quality: Item IV-H
      (4) Generation of Hazardous Materials: Item IV-J

27. State Department of Health Services
   a. Information Requested on:
      (1) Generation of Noise: Item IV-E
      (2) Loss of Sensitive Wildlife and Plant Habitat: Item IV-F

28. State Department of Parks and Recreation
   a. Information Requested on:
      (1) Loss of Sensitive Wildlife and Plant Habitat: Item IV-F
29. State Department of Water Resources
   a. Information Requested on:
      (1) Flooding and Water Quality: Item IV-H
      (2) Generation of Hazardous Materials: Item IV-J

30. State Integrated Waste Management Board
   a. Information Requested on:
      (1) Generation of Hazardous Materials: Item IV-J

31. State Lands Commission
   a. Information Requested on:
      (1) Potential Disturbance to Archaeological and Historical Sites:
          Item IV-G

32. State Office of Historic Preservation
   a. Information Requested on:
      (1) Potential Disturbance of Archaeological or Historical Sites:
          Item IV-G

33. State Water Resources Control Board
   a. Information Requested on:
      (1) Loss of Sensitive Wildlife and Plant Habitat: Item IV-F

34. Turlock Irrigation District
   a. Information Requested on:
      (1) Loss of Sensitive Wildlife and Plant Habitat: Item IV-F
      (2) Flooding and Water Quality: Item IV-H

35. United States Army Corps of Engineers
   a. Information Requested on:
      (1) Flooding and Water Quality: Item IV-H

36. United States Environmental Protection Agency (EPA), Region IX
   a. Information Requested on:
      (1) Generation of Hazardous Materials: Item IV-J

37. United States Fish and Wildlife Service
   a. Information Requested on:
      (1) Loss of Sensitive Wildlife and Plant Habitat: Item IV-F
VI. References


TUOLUMNE RIVER REGIONAL PARK
MASTER PLAN DRAFT MEIR

APPENDIX B: Native American Heritage Letter and
List of Native American Contacts
December 14, 2000

William Self
WILLIAM SELF ASSOCIATES
P.O. Box 2192
61 Avenida de Orinda
Orinda, CA 94563

RE: Tuolumne River Regional Park, Stanislaus County

Sent By Fax: (925) 254-3553
Pages Sent: 2

Dear Mr. Self:

A record search of the sacred lands file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend other with specific knowledge. A minimum of two weeks must be allowed for responses after notification.

If you receive notification of change of addresses and phone numbers from any these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-4038.

Sincerely,

Debbie Pilas-Treadway
Associate Governmental Program Analyst
TUOLUMNE RIVER REGIONAL PARK
MASTER PLAN DRAFT MEIR

APPENDIX C: Hazardous Materials Site Identification
# SITE ASSESSMENT PLUS REPORT
(EXTENDED BY 1/2 MILE)

## SITE INVENTORY

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<th>PROPERTY AND THE ADJACENT AREA (within 3/8 mile)</th>
<th>DISTANCE DIRECTION</th>
<th>NPPL/PROPT</th>
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<th>SPL</th>
<th>CERCLIS</th>
<th>GCCL</th>
<th>SWLF</th>
<th>DEED/RSRT</th>
<th>CORTESE</th>
<th>TOXIC PITS</th>
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X = search criteria; * = tag-along (beyond search criteria).
For more information call VISTA Environmental Information at 1-800-767-0403.
Report ID: 076015-001 Date of Report: June 9, 1995
Version 2.3
| MAP ID | PROPERTY AND THE ADJACENT AREA (within 5/8 mile) | CONTRACTS | SPILLS | SCALE | SOLVENT | SPECIES | CARRIERS | DIESEL | FUMIGATE | CEREBUS | PERMITS | TRAVEL | IMPLANT | ENSHR | ENTR
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Version 2.3
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X = search criteria; • = tag-along (beyond search criteria).
For more information call VISTA Environmental Information at 1-800-767-0403.
Report ID: 076015-001 Date of Report: June 9, 1995
Version 2.3 Page 2/13
## SITES IN THE SURROUNDING AREA

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For more information call VISTA Environmental Information at 1 - 800 - 767 - 0403.
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Report ID: 0780015-001 Date of Report: June 9, 1995
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For more information call VISTA Environmental Information at 1-800-767-0403.
Report ID: 076015-001
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Version 2.3
CEQA FINDINGS OF FACT
and
STATEMENT OF OVERRIDE CONSIDERATIONS
for the
TUOLUMNE RIVER REGIONAL PARK MASTER PLAN

TRRP Joint Powers Authority

SCH# 2000022028

DRAFT

October 2001
**CEQA FINDINGS OF FACT**  
AND STATEMENT OF OVERRIDING CONSIDERATIONS  
FOR THE  
TUOLUMNE RIVER REGIONAL PARK (TRRP) MASTER PLAN  

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I. INTRODUCTION

The Final Master Environmental Impact Report ("Final MEIR") prepared for the Tuolumne River Regional Park (TRRP) Master Plan (the "Master Plan") addresses the potential environmental effects associated with a proposed riverfront park for a site along the Tuolumne River in Stanislaus County, California partially within the City of Modesto and near the City of Ceres. These findings have been prepared to comply with requirements of the California Environmental Quality Act ("CEQA") (Public Resources Code, Section 21000 et. seq.) and the CEQA Guidelines (California Code of Regulations [CCR], Title 14, Section 15000 et seq.). Because the MEIR identified significant effects that would occur as a result of the Master Plan and in accordance with the provisions of CEQA, the City of Modesto hereby adopts these findings as part of the approval of the Master Plan.

II. DESCRIPTION

The TRRP Master Plan describes the joint plans by the City of Modesto as Lead Agency, the City of Ceres, and the County of Stanislaus (Cities and County) to create a riverfront park along a seven-mile stretch of the Tuolumne River. The TRRP would be funded through a Joint Power Agency (JPA) formed by the Cities and County. The Master Plan provides a long-range vision for the park including overall guidance for the conservation and improvement of the park. The Master Plan focuses on ecological restoration, enhancement of recreational amenities, and flood protection. Proposed improvements include a children's play area, outdoor amphitheater, fishing piers, pedestrian and bicycle bridges, a regional sports complex, and parking lots. Other improvements include riparian restoration, creation of stormwater wetlands, and a pedestrian and bicycle trail system. For more detail on the development vision for the park, please refer to the TRRP Master Plan (EDAW 2001). A description of the Master Plan is also provided in Chapter III of the Draft MEIR.

The TRRP consists of over 500 acres of land along the Tuolumne River bounded by Mitchell Road to the east and extending across Carpenter Road to the west, as shown in Figure III-1 of the Draft MEIR. Highway 99 crosses the TRRP near the center of the park. Most of the TRRP Master Plan area is located within the boundaries of the City of Modesto, however trail access and restoration of the riparian corridor is proposed on unincorporated lands south of the river and along the river's edge on the Gallo Property. The majority of the TRRP is located on the north side of the river, with the exception of Mancini Park and a string of small, narrow, riverfront parcels near the western end of the park. Dry Creek, a tributary of the Tuolumne River, joins the Tuolumne near the park's central Gateway Parcel.

The project site is generally composed of relatively flat, riverfront land within the Tuolumne River's 100-year floodplain. In most places on the project site, a narrow row of riparian trees exists along the riverbank. Approximately 180 acres of TRRP land have already been developed for recreational purposes, and include open lawn areas, mature tree canopies, and park amenities (picnic benches, trails, restrooms, parking areas, etc.). The remaining land in the TRRP has been used for agriculture and other purposes over the years, and now generally exists as unimproved open space.

A closed landfill is present within the western portion of the park, on both sides of Carpenter Road. Before this portion of the park is developed for public access and recreational purposes, a
A. PROJECT OBJECTIVES

As set forth in the MEIR, the following objectives have been identified for the Master Plan (Draft MEIR, p. III-6 and III-9):

- Restore a continuous riparian corridor along the length of the river.
- Provide a continuous bicycle and pedestrian trail from Carpenter Road to Mitchell Road with connections across the river.
- Provide a variety of recreational experiences, including opportunities for both active and passive activities.
- Enhance the environmental values of the park.
- Provide access to the river.
- Integrate educational and interpretive elements into the park design.

B. PROJECT PHASING

The City of Modesto, as Lead Agency, prepared the EIR as a Master EIR, which may be prepared for a general plan element, general plan amendment, specific plan, or a project that consists of smaller individual projects which will be carried out in phases (Public Resources Code, Section 21157 (a)). Because the TRRP Master Plan is a long-range plan, additional design work would be completed prior to the implementation of individual park improvement projects. As allowed by the Public Resources Code, Section 21157(b)(3), the MEIR identified subsequent projects for which there is not sufficient information reasonably available to support a full assessment of potential impacts in the MEIR.

These projects are as follows:

- Landfill closure plan and subsequent development over the landfill
- Regional sports complex
- Special events, including those at the amphimeadow
- Treatment plant redesign or relocation
- Removal of Dennett Dam
- River overlook, fishing piers, and pedestrian bridges (not specifically located)
- Development and grading of children's playgrounds and projects in the former ranch complex in the Gateway Parcel (with regards to hazardous materials site investigations only. Discussion provided in chapter IV-G).
• Development and grading for projects in all areas of the TRRP except the Gateway Parcel (with regards to hazardous materials site investigations only. Discussion provided in chapter IV-G).

These subsequent projects were reviewed in some topical sections of the Draft MEIR where meaningful analysis was possible. Thus, some impacts and mitigation measures included in the MEIR address these subsequent projects. However, these analyses should not be construed as a full environmental assessment for these project components. When detailed implementation plans are developed for these Master Plan projects, additional environmental review would be required pursuant to Public Resources Code Section 21157.1.

The Master Plan is intended to be implemented over a 20-year period, from 2001 to 2021. In general, park improvements would be phased as funding permits. Priority would be placed on the development of the Gateway Parcel, due to its high visibility, central location, and proximity to existing trails and park facilities at Legion Park and the Airport Area. The first project to be implemented under the Master Plan would likely be the trail from Beard Brook Park, along the eastern edge of the Gateway Parcel, continuing east across Dry Creek to the Gallo and Legion Park properties. In addition, it is anticipated that the planned earthwork (floodplain terracing) and riparian restoration at the Gateway Parcel would be implemented in the near-term, as well as the compacted earth pathways envisioned for the Gateway Parcel. Development of the amphimeadow would not occur until the planned Tuolumne Boulevard extension is constructed, which is currently funded and planned for completion by the City of Modesto in 2003-2004.

After development of the improvements at the Gateway Parcel, the next priority would be to integrate the remaining riparian areas into the park system. Due to the additional planning and extraordinary costs associated with the Carpenter Road landfill, it is assumed that improvements in this area would occur over the long-term. A conceptual schedule of park improvement phasing is provided in the Master Plan. However, this phasing schedule could be modified as funding or implementation opportunities arise.

III. THE DRAFT AND FINAL MEIR

Pursuant to Section 15146(a) of the CEQA Guidelines, the Draft MEIR for the Master Plan summarizes the effects of a series of actions the City of Modesto, City of Ceres, and County of Stanislaus, jointly through the JPA, will need to undertake to implement the Master Plan.

The Final MEIR also incorporates within the impact analysis the responses to comments received on the Draft EIR. The information in the Final MEIR replaces and supersedes the Draft EIR and was the basis for the environmental analysis of the Master Plan, which the City of Modesto independently reviewed and on which it relied in approving the Master Plan. (Collectively, the Draft MEIR and the Final MEIR shall be referred to throughout these findings as the "MEIR").

The MEIR for the Master Plan fulfills all the necessary requirements of CEQA and the Guidelines issued thereunder. Pursuant to CEQA, the MEIR includes mitigation measures for each significant environmental impact and a mitigation monitoring program.

The MEIR was prepared by a private consulting firm under contract to, at the direction of, and in consultation with, the City of Modesto. The MEIR and all of its conclusions have been
independently reviewed by the City of Modesto and they represent the City's independent judgment.

IV.
FINDINGS UNDER CEQA

Section 15091 of the CEQA Guidelines requires that, for each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three allowable conclusions. The first is that “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR”. The second potential finding is that “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency”. The third permissible conclusion is that “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR”.

V.
LEGAL EFFECTS OF FINDINGS

To the extent that these findings conclude that various proposed mitigation measures outlined in the MEIR are feasible and have not been modified, superseded or withdrawn, the City of Modesto hereby binds itself to implement these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when decision makers formally approve the Master Plan.

VI.
MITIGATION MONITORING PROGRAM

A Mitigation Monitoring Program (MMP) has been prepared for the Master Plan and has been adopted concurrently with these Findings. (See Public Resources Code, Section 21081.6 (a)(1).) The City of Modesto will use the MMP to track compliance with Master Plan mitigation measures. The MMP will remain available for public review during the compliance period.

VII.
SIGNIFICANT EFFECTS AND MITIGATION MEASURES

The MEIR identified several significant environmental effects (or “impacts”) that the TRRP Master Plan will cause. Some of these significant effects can be fully avoided through the adoption of feasible mitigation measures. Others cannot be avoided by the adoption of feasible mitigation measures or feasible environmentally superior alternatives that meet the project’s objectives; however, these effects are outweighed by overriding consideration as set forth in Section IX below. This section (VII) presents in greater detail the City of Modesto’s findings with respect to the environmental effects of the Master Plan.
A. TRAFFIC AND CIRCULATION NEEDS

Impact:

Impact Traffic-1: Traffic Impacts from Special Events at Amphimeadow. (Draft MEIR, p. IV-A-15)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will substantially lessen, but not avoid, this significant impact as identified in the MEIR. The effect therefore remains significant and unavoidable.

Explanation:
The increase in traffic associated with special events at the amphimeadow would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with amphimeadow visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact. (Draft MEIR, p. IV-A-15)

Mitigation:
Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphimeadow is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. The environmental review will include, but not be limited to, a Comprehensive Traffic Study and a Site Access Study consistent with General Plan requirements. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events. The traffic management plan shall identify the following:

- Routes that will be used to access the park by visitors, emergency vehicles and by staff;
- Applicable signage to inform the public of access routes and advance message signing located far enough from the site to allow the public to select alternative routes and avoid the area of the event;
- Methods and duration of protection for pedestrian crossings; and
- Location and responsibilities of traffic control personnel and duration of their activities. Locations for uniformed traffic control officers and event volunteers should be noted.

Implementation of this mitigation measure would reduce traffic impacts associated with the amphimeadow, however, for a short time immediately before and after an event, congestion would still occur. (Draft MEIR, p. IV-A-23)

Significance after Mitigation:
Significant and unavoidable. (Draft MEIR, p. IV-A-23)
Impact:

Impact Traffic-2: Traffic Impacts from Large Special Events. (Draft MEIR, p. IV-A-16)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will substantially lessen, but not avoid, this significant impact as identified in the MEIR. The effect therefore remains significant and unavoidable.

Explanation:
The increase in traffic associated with large special events in the Gateway Parcel would exceed the City of Modesto's LOS "D" standard within the project vicinity. Because this impact would be associated with visitors arriving and departing special events, this impact would be short-term. However, this short-term increase in traffic would create a noticeable increase in traffic congestion above typical patterns, which could create substantial annoyance by area residents or commuters. This is considered a significant impact. (Draft MEIR, p. IV-A-16)

Mitigation:
Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. This environmental review will include, but not be limited to, a Comprehensive Traffic Study and a Site Access Study consistent with General Plan requirements. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events and include the elements identified in Mitigation Measure Traffic-1.

Implementation of this mitigation measure would reduce traffic impacts associated with large special events, however, for a short time immediately before and after an event, congestion would still occur. (Draft MEIR, p. IV-A-24)

Significance after Mitigation:
Significant and unavoidable. (Draft MEIR, p. IV-A-24)

Impact:


Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
Parking demand for the Regional Sports Complex during concurrent and consecutive games, such as scheduled during a tournament, would exceed the parking capacity in the Carpenter Road Area. (Draft MEIR, p. IV-A-18)
Mitigation:
Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a “subsequent project” in this MEIR. When detailed implementation plans are developed for the Regional Sports Complex, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, a parking management plan shall be created which matches the use of the site to the available parking supply. The following measures may be included in the parking management plan:

a) Park managers could schedule events in a manner that minimizes concurrent parking demand.

b) If required, identify overflow parking lots and appropriate signage directing visitors to designated lots. While the balance of the TRRP parking supply is not particularly close to the Sports Complex, Robertson Road Elementary School is located on the north side of Robertson Road. Saturday use of school parking could be feasible.

c) If necessary, additional parking may be required at the Sports Complex, or the number of fields may need to be reduced to effectively balance parking demand.

No overflow into the adjacent neighborhoods shall be allowed. Implementation of this measure would reduce this impact to a less-than-significant level. (Draft MEIR, p. IV-A-24)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-A-24)

Impact:
Impact Traffic-4: Parking for Events held at the Amphimeadow. (Draft MEIR, p. IV-A-19)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
An event attracting 3,000 persons to the amphimeadow would exceed the parking capacity in the Gateway Parcel. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is considered a potentially significant impact. (p. IV-A-19)

Mitigation:
Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphimeadow is identified as a “subsequent project” in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created.
The parking management plan shall identify the locations of off-site parking sufficient for the prescribed event, note the location of signing to direct visitors to designated lots, the number and location of parking management personnel, and coordinate parking with traffic/access management activities. During special events it would be possible to provide coordinated bus service from downtown parking lots and garages to the Gateway Parcel. In addition, during the off-season, the City of Modesto may develop agreements with property owners to use employee parking facilities for special event overflow parking. To ensure that satellite parking areas are successful, information regarding the availability of on-site and off-site parking would need to be conveyed to approaching motorists on a "real time" basis. Signs noting "lots full" and directing motorists to ancillary parking areas would be needed.

No overflow into the adjacent neighborhoods shall be allowed. Implementation of this measure would reduce this impact to a less-than-significant level. (Draft MEIR, p. IV-A-25)

**Significance after Mitigation:**
Less than significant. (Draft MEIR, p. IV-A-25)

**Impact:**
**Impact Traffic-5: Parking for Large Special Events in the Gateway Parcel.** (Draft MEIR, p. IV-A-19)

**Finding:**
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will substantially lessen, but not avoid, this significant impact as identified in the MEIR. The effect therefore remains significant and unavoidable.

**Explanation:**
Implementation of the TRRP Master Plan could result in significant off-site parking impacts when large special events are held. Events associated with Cinco de Mayo and other annual festivals are likely to result in parking demands that extend well beyond the limits of the TRRP. Overflow parking could displace industrial and commercial employee or patron parking, and could also result in short-term traffic congestion resulting from people looking for additional parking. This is a significant impact. (Draft MEIR, p. IV-A-19)

**Mitigation:**
Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created to reduce parking impacts on the surrounding neighborhood during large special events.

Development of an events parking management plan will be needed when the plans for the Gateway Parcel are finalized in order to make optimal use of satellite parking facilities, transit opportunities, etc, and to minimize impacts into adjoining areas. The parking management plan should include the elements identified in Mitigation Measure Traffic-4.
However, even with implementation of the event parking management plans there will likely be significant traffic impacts in the immediate vicinity of TRRP when large special events are staged. With event attendance reaching 15,000, there would not be a feasible measure available to ensure that employees and patrons of the surrounding neighborhoods would not be displaced. (Draft MEIR, p. IV-A-25)

Significance after Mitigation:
Significant and unavoidable. (Draft MEIR, p. IV-A-26)

B. DEGRADATION OF AIR QUALITY

Impact:
Impact Air-1: Generation of Short-term Construction-related Emissions. (Draft MEIR, p. IV-B-11)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
The Master Plan does not specify feasible San Joaquin Valley Air Basin Pollution Control District (SJVAPCD) construction control mitigation measures as part of the projects’ construction activities. Because construction significance is determined by means of whether SJVAPCD construction mitigation measures are implemented, construction emissions would be considered a short-term significant air quality impact. (Draft MEIR, p. IV-B-11)

Mitigation:
The following mitigation measures shall be implemented to reduce short-term, construction-generated emissions:

a) All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, or vegetative ground cover.

b) All on-site unpaved roads and off-site, unpaved access roads shall be effectively stabilized of dust emissions using water.

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

d) When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.

e) All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The
use of dry rotary brushes is prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Blower devices shall not be used.)

f) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water.

g) On-site vehicle speeds on unpaved roads shall be limited to 15 mph.

h) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than one percent.

i) Wheel washers shall be installed for all exiting trucks and equipment, or wheels shall be washed to remove accumulated dirt prior to leaving the site.

j) Excavation and grading activities shall be suspended when winds exceed 20 mph.

k) Areas subject to excavation and grading at any one time shall be limited to the fullest extent possible.

l) On-site equipment shall be maintained and properly tuned in accordance with manufacturers' specifications.

m) When not in use, on-site equipment shall not be left idling.

The SJVAPCD has determined that implementation of the above mitigation measures would reduce short-term construction-generated emissions to less-than-significant levels. (Draft MEIR, p. IV-B-13, IV-B-14)

Significance after Mitigation:
Less than significant. (Draft MEIR, p.IV-B-14)
Mitigation:
When special events, including concerts, occur at the Gateway Parcel, the City of Modesto shall implement a traffic and parking management control plan, as recommended in mitigation measures for impacts identified for Traffic and Circulations. The smooth flow of traffic would decrease the potential for carbon monoxide "hot spots," which could occur if vehicles are idling for long periods of time in high concentrations. However, it is unlikely that traffic congestion would be decreased enough to reduce the potential for high carbon monoxide concentrations when people are gathering or leaving large special events. For this reason, this is considered a significant and unavoidable impact for special events and concerts at the Gateway Parcel. (Draft MEIR, p. IV-B-14, IV-B-15)

Significance after Mitigation:
Significant and unavoidable. (Draft MEIR, p. IV-B-15)

C. GENERATION OF NOISE

Impact:
Impact Noise-1. Noise Associated with the Regional Sports Complex. (Draft MEIR, p. IV-C-12)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
Noise generated by activities conducted at the proposed sports complex could result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences that could potentially exceed the City’s "normally acceptable" threshold of 60 dBA CNEL. This increase in noise would be attributable to noise from spectators and players, and amplified announcing that could accompany the games. In consideration of the potential for the sports complex to generate significant increases in ambient noise levels at nearby sensitive receptors (i.e., residences), this impact has been identified as potentially significant. (Draft MEIR, p. IV-C-12)

Mitigation:
Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When a detailed implementation plan is developed for this project, additional environmental review will be required. As part of this assessment, a detailed noise analysis shall be conducted. The following shall be required as part of the final noise mitigation developed for the project:

a) Activities at the proposed sports complex shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. The sports complex could stay open until 10:00 p.m. However, sporting events shall be scheduled to end at 9:00 p.m.
b) An acoustical engineer with experience in the prediction and mitigation of outdoor sound levels shall be consulted prior to design and construction of the proposed sports complex. The acoustical design documentation shall demonstrate that the proposed sports complex would not result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences.

c) If the acoustical analysis determines that regular activities at the sports complex would result in a 3 dBA or greater increase in ambient noise levels, noise control measures shall be required, such as noise barriers, requiring sound systems to be directed away from residences and other sensitive receptors, or disallowing amplified announcing. It shall be demonstrated that implementation of feasible noise control measures would reduce increases in noise levels at surrounding residences to less than 3 dBA.

Implementation of the above measures would ensure that a noticeable increase in noise would not occur at nearby sensitive land uses, and would reduce this potential impact to a less-than-significant level. (Draft MEIR, p IV-C-17, IV-C-18, Final MEIR, p. II-25)

**Significance after Mitigation:**
Less than significant. (Draft MEIR, p IV-C-17, IV-C-18, Final MEIR, p. II-25)

**Impact:**

**Impact Noise-2: Noise Associated with the Amphimeadow.** (Draft MEIR, p. IV-C-13, Final MEIR, p. II-25)

**Finding:**
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will substantially lessen, but not avoid, this significant impact as identified in the MEIR. The effect therefore remains significant and unavoidable.

**Explanation:**
Noise associated with events at the amphimeadow could reach approximately 74 dBA at the nearest residential land uses (assuming amplification of community events), which would exceed the City’s “normally acceptable” threshold of 60 dBA CNEL. This noise level would be a noticeable increase (i.e., 3 dBA, or greater). In addition, the increase in noise levels at the Dry Creek riparian area could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact. (Draft MEIR, p. IV-C-13, Final MEIR, p. II-25)

**Mitigation:**
To minimize the impacts of noise associated with events at the amphimeadow, the following measures shall be implemented:

a) An acoustical engineer with experience in the prediction and mitigation of outdoor theater sound levels shall be consulted prior to design and construction of the proposed amphimeadow to identify and incorporate all feasible mitigation measures available for reducing noise-related impacts to nearby residences and other noise-sensitive receptors and riparian areas. Measures may include, but are not limited to, construction of
temporary noise barriers, and limitations on speaker orientation, noise-generation levels, or hours of activity.

b) Prior to the design and construction of the proposed amphimeadow, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation, including locational considerations for the amphimeadow, limits on the noise levels generated through amplification, and/or directional restrictions for speaker orientation.

The acoustical report and provision of project-specific mitigation measures shall be developed prior to the issuance of building permits for the amphimeadow. Implementation of the above mitigation measure would help to reduce noise generated by activities associated with the amphimeadow. These measures would reduce the potential noise impacts to State and federally-protected wildlife species to a less-than-significant level. However, noticeable increases (i.e., 3 dBA or greater) in ambient noise levels at nearby residences and other noise-sensitive receptors could still be anticipated as a result of music and performance amplification, which would be required with 3,000 people in attendance, as proposed. As a result, this impact is considered significant and unavoidable. (Draft MEIR, p. IV-C-18, Final MEIR, p. II-26)

Significance after Mitigation:
Significant and unavoidable. (Draft MEIR, p. IV-C-18, Final MEIR, p. II-26)

Impact:
Impact Noise-3: Noise Associated with Special Events. (Draft MEIR, p. IV-C-15, Final MEIR, p. II-27)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will substantially lessen, but not avoid, this significant impact as identified in the MEIR. The effect therefore remains significant and unavoidable.

Explanation:
The crowds associated with special events held during the daytime would not cause a significant increase in ambient noise levels at nearby residences. In addition, the resultant increase in ambient noise levels at these nearby residences would not be anticipated to exceed the City’s “normally acceptable” noise standard of 60 dBA CNEL. However, the use of amplified sound systems or special events occurring during the nighttime could potentially result in a significant increase in the ambient noise levels at these nearby residences. In addition, a substantial increase in noise levels from amplified sound could potentially affect wildlife species, including State and federally-protected species. This is a potentially significant impact. (Draft MEIR, p. IV-C-15, Final MEIR, p. II-27)
Mitigation:
To minimize the impacts of noise associated with large special events, the following measures shall be implemented:

a) The use of amplified sound systems shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. This would reduce potential noise impacts during the nighttime. Consistent with City of Modesto practices, the park could stay open until 10:00 p.m.

b) Prior to the first large special event using sound amplification, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat to the area to be used for the events, and suggest measures such as orientation of speakers and maximum allowable decibel levels to limit noise levels in those areas. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on State and federally-protected wildlife species. If it is shown that noise levels could negatively affect State and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation. The identified mitigation measures would be implemented at all subsequent events. If the sound requirements for a subsequent event should differ significantly from the event used to identify the mitigation measures, consultation with an acoustical engineer and appropriate resource agencies shall occur.

Implementation of this mitigation measure would reduce noise impacts associated with large special events. These measures would reduce the potential noise impacts to State and federally-protected wildlife species to a less-than-significant level. However, the use of amplified sound systems during special events could result in a significant increase in the ambient noise levels at nearby residences. For this reason, this impact is considered significant and unavoidable. (Draft MEIR, p. IV-C-19, Final MEIR, p. II-27 and II-28)

Significance after Mitigation:
Significant and unavoidable. (Draft MEIR, p. IV-C-19, Final MEIR, p. II-28)

D. LOSS OF SENSITIVE PLANT AND WILDLIFE HABITAT

Impact:
Impact Bio-1: Riparian Habitat. (Draft MEIR, p. IV-D-24)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
The negative impacts to riparian habitats would be temporary during construction activities and implementation of the TRRP Master Plan would result in a net increase in riparian habitat over time, once riparian vegetation in replanted areas has been re-established. However, the short-term loss of existing riparian habitat would be considered a significant impact because this habitat
has been identified as a sensitive natural plant community by federal, State, and local agencies. (Draft MEIR, p. IV-D-24)

Mitigation:
To minimize disturbance to riparian habitat outside of the proposed area of disturbance, the following measures shall be implemented:

a) For any TRRP Master Plan project, prior to any grading or tree removal, riparian habitat outside of the proposed work areas will be protected by installing orange barrier fencing around habitat to be preserved and restricting vehicular or mechanical use of equipment in these areas. The project proponent shall retain a qualified biologist to serve as a compliance monitor and to ensure that all mitigation measures pertaining to riparian habitat protection are properly implemented.

b) Prior to project implementation, a Section 404 permit shall be obtained from the United States Army Corps of Engineers (USACE) and a Section 1600 Streambed Alteration Agreement shall be obtained from California Department of Fish and Game (CDFG). Additional mitigation for impacts to riparian areas will be developed through consultation with USACE and CDFG. A detailed riparian restoration plan shall be submitted to USACE as part of the 404 permit application. The plan must be approved by USACE prior to project implementation. Mitigation monitoring shall be conducted annually by a qualified biologist for 5 years or until the success criteria are met. Annual monitoring reports shall be submitted to USACE and CDFG. (Draft MEIR, p. IV-D-29, IV-D-30)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-D-30)

Impact:

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
The project area includes jurisdictional Waters of the U.S. (i.e., marsh and riverine habitats) subject to the regulatory authority of USACE. Any construction or restoration activity that occurs in or adjacent to the Tuolumne River could potentially impact these areas. Although most of the jurisdictional Waters of the U.S. are located between the banks of the Tuolumne River and within the Dry Creek channel, it is possible that additional jurisdictional areas are located outside of the channel. All adverse impacts to jurisdictional Waters of the U.S. would be considered significant. (Draft MEIR, p. IV-D-25)

Mitigation:
The following mitigation measures shall be implemented to ensure impacts to Waters of the U.S. are less than significant.
a) For any TRRP Master Plan project, prior to grading or tree removal, a qualified biologist shall make a determination whether potential jurisdictional Waters of the U.S., including wetlands are present in the project area.

b) If potential jurisdictional Waters of the U.S., including wetlands, are present, a determination shall be made through the formal Section 404 wetland delineation process if any jurisdictional areas would be filled or otherwise disturbed as a result of the project. Authorization of a Section 404 and Section 10 permit shall be secured from USACE and a Section 1600 agreement shall be secured from CDFG, as appropriate.

c) As part of the permitting process, mitigation for impacts to jurisdictional Waters of the U.S., will be identified and implemented. Waters of the U.S. will be replaced or rehabilitated on a "no-net-loss" basis in accordance with USACE regulations. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to USACE.

d) For all projects with the potential to affect jurisdictional Waters of the U.S., all grading plans will include adequate setback for waters to be preserved. Measures to minimize erosion and runoff into seasonal and perennial Waters of the U.S. will be prepared for all projects covered by the Master Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants into preserved drainages. All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design.  
(Draft MEIR, p. IV-D-30, Final MEIR, p. II-29)

**Significance after Mitigation:**
Less than significant. (Draft MEIR, p. IV-D-30, Final MEIR, p. II-29)

**Impact:**
Impact Bio-3: Special-status Fish. (Draft MEIR, p. IV-D-27)

**Finding:**
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

**Explanation:**
Potential impacts to fish and fish habitat resulting from implementation of the TRRP Master Plan could include both adverse and beneficial impacts. Impacts to most fish species would be less-than-significant because the impacts are short-term and no important habitat for these species would be permanently altered. However, any adverse impacts to steelhead, fall-run chinook salmon, and Sacramento splittail would be considered potentially significant because these
species are all federally listed. Impacts to steelhead, fall-run chinook salmon, and Sacramento splittail are considered potentially significant because the project would result in the short-term loss and disturbance of habitat for these species. (Draft MEIR, p. IV-D-27)

Mitigation:
The following mitigation shall be implemented for any project covered by the TRRP Master Plan that has the potential to affect perennial aquatic habitat.

a) The operation of heavy equipment in the active river channel shall not occur. Temporary sediment settling basins and structures such as sediment fencing or straw bales shall be used to prevent sediment-laden runoff from entering the river channel. All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design.

b) River-adjacent construction activities shall occur during summer months when flows are low and rain is unlikely. Construction of bridges and near-river facilities shall be conducted during the summer when flows are low and rain is unlikely or as otherwise appropriate to avoid impacts during fish migrations and sensitive life stages. Construction shall not occur near the river from September through December, as this is the period when most ESA species would be in the river in appreciable numbers.

c) The project proponent shall consult with NMFS and USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with the federal agencies, appropriate mitigation and avoidance measures will be determined and implemented. (Draft MEIR, p. IV-D-31, Final MEIR, p. II-29 and II-30)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-D-31, Final MEIR, p. II-30)

Impact:
Impact Bio-4: Valley Elderberry Longhorn Beetle. (Draft MEIR, p. IV-D-28)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
Because the project could potentially remove elderberry bushes, which are habitat occupied by the valley elderberry longhorn beetle, this is considered a potentially significant impact. (Draft MEIR, p. IV-D-28)
Mitigation:
The following measures shall be implemented to ensure that impacts to the valley elderberry longhorn beetle are less-than-significant:

a) Prior to any construction activity or grading for any Master Plan project, a qualified biologist shall conduct a survey to determine the number and location of elderberry shrubs on the project site.

b) If no elderberry shrubs are found on the project site or if all elderberry shrubs will be avoided by at least 100 feet, impacts to the valley elderberry longhorn beetle will be less-than-significant and no further mitigation is necessary.

c) If elderberry shrubs are found within the project area, the project proponent will consult with USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with USFWS, appropriate mitigation and avoidance measures will be determined and implemented. (Draft MEIR, p. IV-D-31, IV-D-32)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-D-31, IV-D-32)

Impact:
Impact Bio-5: Nesting Raptors. (Draft MEIR, p. IV-D-28)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
Raptor nests could be affected by the removal of large trees and nearby construction activity during the breeding season (February 1 to August 31). This impact is considered potentially significant. (Draft MEIR, p. IV-D-28)

Mitigation:
Implementation of the following mitigation measures would ensure that impacts to nesting raptors are less-than-significant:

a) If construction is proposed during the raptor nesting season (February 1 to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist to identify active nests within 1/4 mile of the project area. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction and shall be within the nesting season.

b) If nesting raptors are found during the focused survey, no construction shall occur within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist), without prior approval by CDFG. Construction within 500 feet may be...
permitted if a nest monitor is present to ensure that disturbance to the nesting raptors is minimized to the maximum extent practicable. (Draft MEIR, p. IV-D-32)

**Significance after Mitigation:**
Less than significant. (Draft MEIR, p. IV-D-32)

E. DISTURBANCE OF ARCHAEOLOGICAL OR HISTORICAL SITES

**Impact:**
Impact CR-1: Potential Discovery of Unknown Cultural Resources. (Draft MEIR, p. IV-E-14)

**Finding:**
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

**Explanation:**
Project grading and earthmoving activities could disturb previously undiscovered historic resources or archaeological sites. This is a potentially significant impact. (Draft MEIR, p. IV-E-14)

**Mitigation:**
Construction personnel shall be instructed about the potential for discovery of unknown cultural resources, and the need for proper and timely reporting of such findings. If previously undiscovered historic or unique archaeological resources (including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris) are discovered, the following measures shall be implemented to ensure that impacts to these resources are less than significant.

a) Work shall halt within 100 feet of the discovery until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.

b) If the discovery is Native American, federally-recognized tribes in the county shall be consulted about the find to incorporate their suggestions for mitigation or protection.

c) If the discovery is historic, archival research may be necessary by a qualified historian.

D) If the project may alter the archaeological integrity and data values of the discovery, it will be evaluated for the California Register. If the resource is eligible for the California Register of Historical Resources, data recovery measures shall be implemented by a professional meeting the Secretary of Interior’s Professional Qualifications Standards. (Draft MEIR, p. IV-E-15)
Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-E-15)

Impact:
Impact CR-2: Potential Discovery of Human Remains. (Draft MEIR, p. IV-E-14)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
Project grading and earthmoving activities could disturb previously undiscovered human remains. This is a potentially significant impact. (Draft MEIR, p. IV-E-14)

Mitigation:
Construction personnel shall be instructed about the potential for discovery of human remains, and the need for proper and timely reporting of such finds. In the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, in accordance with State law. The Stanislaus County coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery.

The County Coroner, upon recognizing the remains as being of Native American origin, shall contact the Native American Heritage Commission within 24 hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant. (Draft MEIR, p. IV-E-15)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-E-15)

F. FLOODING AND WATER QUALITY

Impact:
Impact Hydro-1: Construction within the 100-year Floodplain. (Draft MEIR, p. IV-F-11)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.
Explanation:
Construction of the Regional Sports Complex and Nature Interpretive Center in the 100-year floodplain could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact. (Draft MEIR, p. IV-F-11)

Mitigation:
The ultimate design of the Regional Sports Complex and the Nature Interpretive Center shall be developed in accordance with local ordinances governing construction within the floodplain. Special attention shall be given to flood proofing proposed structures to withstand flooding and to minimize flood damages. Final design should include a detailed drainage plan to alleviate flooding and drain standing water once floodwaters have receded. The final design plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed development does not result in any increase in flood damages within the community during the occurrence of the base flood. Implementation of this mitigation measure would reduce this impact to a less-than-significant level. (Draft MEIR, p. IV-F-14)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-F-14)

Impact:
Impact Hydro-2: Grading for Floodplain Terraces and Proposed Construction Projects. (Draft MEIR, p. IV-F-12)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
The proposed grading in the Carpenter Road, Gateway Parcel, and Legion Park areas could increase water surface elevations during a 100-year flood. This is considered a potentially significant impact. (Draft MEIR, p. IV-F-12)

Mitigation:
Detailed grading plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed grading does not result in any increase in base flood water surface elevations. The grading design shall not significantly increase river flow velocities. (Draft MEIR, p. IV-F-14, IV-F-15)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-F-15)
Impact:

Impact Hydro-3: Construction of Near-River Structures. (Draft MEIR, p. IV-F-12)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
Construction of overlook structures, fishing piers, boat docks, and any other structures within the floodway could increase water surface elevations during flood events and could cause localized bank erosion. This is considered a potentially significant impact. (Draft MEIR, p. IV-F-12)

Mitigation:
The following mitigation measures shall be implemented to avoid hazards related to construction in the floodway:

a) Once detailed plans have been developed for the proposed structures, hydrologic and hydraulic analyses shall be performed in accordance with standard engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations.

b) Scour analyses shall be performed once detailed plans have been developed for the proposed structures. If necessary, erosion control measures shall be incorporated in the final design. The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).

c) Structures shall be designed to allow adequate open space to pass flow and floating debris traveling downstream.

d) Structures shall be designed to withstand the forces of floodwaters to minimize damages during flood events. (Draft MEIR, p. IV-F-15, Final MEIR, p. II-30)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-F-15, Final MEIR, p. II-30)

Impact:

Impact Hydro-4: Hydraulic Roughness. (Draft MEIR, p. IV-F-12, IV-F-13)
Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
The proposed riparian planting scheme may increase the hydraulic roughness of the channel and overbank areas and could lead to increases in the water surface elevations. This is considered a potentially significant impact. (Draft MEIR, p. IV-F-12, IV-F-13)

Mitigation:
Detailed riparian planting schemes shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations. The riparian planting scheme shall be designed to prevent creating floating debris dams during flood events that would impact flood conveyance. Implementation of this mitigation measure would reduce this impact to a less-than-significant level. (Draft MEIR, p. IV-F-15)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-F-15)

Impact:
Impact Hydro-5: Inundation of the Amphimeadow. (Draft MEIR, p. IV-F-13)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
The proposed amphimeadow is likely to suffer frequent flooding inundation. Because the amphimeadow is located along the edge of Dry Creek, careful consideration would be necessary during design to ensure that the amphimeadow would withstand high flows and long durations of standing water. Although the amphimeadow is along Dry Creek, flooding would be a direct result of water surface elevation in the Tuolumne River. This is considered a potentially significant impact. (Draft MEIR, p. IV-F-13)

Mitigation:
The elevation of the amphimeadow shall be raised to reduce the frequency of inundation. Detailed grading and construction plans for the amphimeadow shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that construction of the amphimeadow would not result in any increase in water surface elevations. Water shear and scour analyses shall also be performed and, if necessary, surface protection shall be provided for the banks and surrounding area to prevent scour and erosion. The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian
streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering). (Draft MEIR, p. IV-F-15, IV-F-16, Final MEIR, p. II-30 and II-31)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-F-15, IV-F-16, Final MEIR, p. II-30, II-31)

Impact:
Impact Hydro-6: Construction of the Pedestrian Bridge Over Dry Creek. (Draft MEIR, p. IV-F-13)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
Construction of the proposed pedestrian bridge on Dry Creek could increase water surface elevations during flood events and could cause localized bank erosion and scour. (Draft MEIR, p. IV-F-13)

Mitigation:
The following mitigation measures shall be implemented to avoid potential flood hazards caused by the proposed pedestrian bridge:

a) Construction plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed pedestrian bridge would not result in any increase in base floodwater surface elevations during the base flood.

b) The pedestrian bridge shall have adequate clearance above the base floodwater surface elevation so as not to impede flow or trap floating debris.

c) The pedestrian bridge shall be designed to withstand the forces of floodwaters to minimize damages during flood events.

d) Scour analyses of the bridge piers and abutments shall be performed once detailed plans have been developed for the proposed bridge. If necessary, erosion control measures shall be incorporated into the final design. The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering). (Draft MEIR, p. IV-F-16, Final MEIR, p. II-31)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-F-16, Final MEIR, p. II-31)
Impact:
Impact Hydro-7: Scour and Erosion at Existing Bridge Locations. (Draft MEIR, p. IV-F-13)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
Changes in channel and overbank configuration may cause increased localized velocities, which could lead to scour and erosion occurring at existing bridge locations. (Draft MEIR, p. IV-F-13)

Mitigation:
Once detailed grading plans have been developed, scour analyses of bridge piers and abutments shall be performed in accordance with standard engineering practices to determine if changes in channel and overbank configuration are likely to cause scour and erosion at existing bridge locations. If necessary, armoring and erosion control measures shall be installed at existing bridge locations. (Draft MEIR, p. IV-F-16, IV-F-17)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-F-16, IV-F-17)

G. EXPOSURE TO HAZARDOUS MATERIALS

Impact:
Impact HazMat-1: Potential Contamination Related to the Breshears, Inc. Facility. (Draft MEIR, p. IV-G-8)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
Development or grading of areas within the Gateway Parcel could expose construction workers and/or the public to hazardous materials from potential soil and groundwater contamination from past spills or releases at the Breshears, Inc. facility. This is considered a potentially significant impact. (Draft MEIR, p. IV-G-8)

Mitigation:
Prior to ground disturbance on the Gateway Parcel, the RWQCB shall be contacted to identify the status of the Breshears investigations and remediation. If no additional investigations have been conducted, soil and groundwater sampling in the areas adjacent to the Breshears facility may be required to identify impacts to the Gateway Parcel, if any, from the Breshears operation. If a significant likelihood of contamination is revealed, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling. The RWQCB shall direct the
appropriate action for the Gateway Parcel. All RWQCB recommended measures shall be implemented prior to ground disturbance or development at the Gateway Parcel. Completion of this measure shall be a condition of approval for any grading, demolition, or building permit within the Gateway Parcel. (Draft MEIR, p. IV-G-11)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-G-11)

Impact:
Impact HazMat-2: Potential Contamination Related to the Ranch Complex. (Draft MEIR, p. IV-G-9)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
Development or grading of areas within the former ranch complex area of the Gateway Parcel could expose construction workers and/or the public to hazardous materials during and/or following redevelopment. This is considered a potentially significant impact. (Draft MEIR, p. IV-G-9)

Mitigation:
A site investigation shall be conducted by a qualified professional (e.g., a California registered environmental assessor) to identify any potential chemical impacts to soil in the former ranch complex. If the results of the investigation(s) indicated the presence of hazardous materials, site remediation may be required by the applicable State or local regulatory agencies. (Draft MEIR, p. IV-G-11)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-G-11)

Impact:
Impact HazMat-3: Potential Contamination Related to Past Agricultural Use. (Draft MEIR, p. IV-G-9)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.
Explanation:
Potential health risks could result from placement of sensitive land uses, such as children’s playgrounds, in former agricultural areas due to residual concentrations of agricultural chemicals in the soil. This is considered a potentially significant impact. (Draft MEIR, p. IV-G-9)

Mitigation:
A Phase II assessment including soil sampling, shall be performed to assess agricultural chemicals in areas designated for children’s playgrounds and other sensitive land uses. If chemicals are present in soils at concentrations at or above applicable regulatory agency action levels for the intended land use, remediation requirements in accordance with State and federal regulations would be required. (Draft MEIR, p. IV-G-11, IV-G-12)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-G-12)

Impact:

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
Development or redevelopment of properties within the TRRP area (exclusive of the Gateway Parcel, which has been the subject of a Phase I analysis) could expose construction workers and/or the public to hazardous materials from existing soil and groundwater contamination during and/or following redevelopment. Sensitive receptors located near the development could be affected by releases of hazardous materials. This is considered a potentially significant impact. (Draft MEIR, p. IV-G-10)

Mitigation:
A Phase I Environmental Site Assessment (ESA) shall be conducted in accordance with American Society for Testing and Materials (ASTM) guidelines prior to the approval of development for any parcel within the TRRP Master Plan area. The Phase I ESA will include the findings of a site reconnaissance and investigation of prior uses of the property that could have resulted in contamination. If a significant likelihood of contamination is revealed by the Phase I ESA, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling and could result in remediation requirements in accordance with State and federal regulations. (Draft MEIR, p. IV-G-12)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-G-12)
H. INCREASED DEMAND FOR FIRE SERVICES

Impact:

Impact Fire-1: Emergency Access. (Draft MEIR, p. IV-H-5)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
Inadequate emergency access to TRRP is considered a potentially significant impact. (Draft MEIR, p. IV-H-5)

Mitigation:
The Modesto Fire Department and Stanislaus Consolidated Fire Protection District shall be consulted prior to finalization of the detailed site plans to ensure adequate emergency vehicle access is provided. Emergency access requirements of MFD and SCFPD shall be accommodated. (Draft MEIR, p. IV-H-6)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-H-6)

Impact:

Impact Fire-2: Wildland Fires. (Draft MEIR, p. IV-H-5)

Finding:
Changes or alterations have been required in, or incorporated into, the TRRP Master Plan that will mitigate to a less-than-significant level or avoid this significant impact as identified in the MEIR.

Explanation:
The increased risk of loss, injury or death involving wildland fires due to increased visitation to open space grasslands and riparian forests adjacent to urban areas is considered a potentially significant impact. (Draft MEIR, p. IV-H-5)

Mitigation:
Mitigation Measure Fire-2: The Modesto Parks and Recreation Department shall create and implement a vegetation management program targeted toward fire prevention and control. This program would expand upon the fuel reduction and management plan outlined in the TRRP Master Plan. The TRRP vegetation management program shall:

- Characterize existing and proposed vegetation fuels,
- Identify potential ignition sources and locations,
• Identify assets at risk in case of a fire,
• Identify specific maintenance measures to reduce fuel loads,
• Identify buffer zones between residential structures on adjacent developed parcels and vegetation in the TRRP, and
• Make recommendations for fire resistant plantings.
(Draft MEIR, p. IV-H-6, IV-H-7)

Significance after Mitigation:
Less than significant. (Draft MEIR, p. IV-H-6, IV-H-7)

VII. PROJECT ALTERNATIVES

If a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. An alternative may be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. Thus, “feasibility” under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors of a project.

As described in Section VII of these findings, with respect to the TRRP Master Plan, the following impacts remain potentially significant:

• Impact Traffic-1: Traffic Impacts from Special Events at Amphimeadow.
• Impact Traffic-2: Traffic Impacts from Large Special Events.
• Impact Traffic-5: Parking for Large Special Events in the Gateway Parcel.
• Impact Air-2: Local Carbon Monoxide Emissions.
• Impact Noise-2: Noise Associated with the Amphimeadow.
• Impact Noise-3: Noise Associated with Special Events.

These Findings address the extent to which particular alternatives might or might not be environmentally superior with respect to these impacts. These Findings address the environmental merits of the alternatives with respect to all broad categories of impacts. The Findings also assess whether each alternative is feasible in light of the Master Plan objectives and compliance with the goals and policies of the Master Plan objectives.

The Draft MEIR identified the following three potentially feasible alternatives to the proposed Master Plan: No Project Alternative, 250-person Amphimeadow Alternative, and the Passive
Recreation/Sports Complex Alternative. In addition, the MEIR discusses whether any of the significant effects identified for the Master Plan would be avoided or substantially lessened by putting the project in another location.

Implementation of the proposed Master Plan would result in significant impacts in the following resource areas: traffic and circulation, air quality, noise, biological resources, archaeological or historic resources, hydrology and water quality, hazardous materials, and fire services. Impacts to traffic, air quality, and noise could either be reduced or avoided through the Master Plan alternatives presented in this chapter. Other potential impacts identified in the MEIR (biological resources, archaeological or historic resources, hydrology and water quality, hazardous materials, and fire services) have the potential to occur with any scenario, and would not be substantially changed (i.e., reduced or increased) by a different Master Plan scenario. For these issue areas, the most appropriate and feasible mitigation is the implementation of the measures recommended in the MEIR. For these reasons, these issue areas are not addressed further for the modified Master Plan alternatives. However, because the No Project Alternative could result in changes to these potential impacts, all of the environmental issue areas are discussed for this alternative.

A. NO PROJECT ALTERNATIVE

Description
As required by the CEQA Guidelines (Section 15126.6(e)), the No Project Alternative is to be analyzed in an EIR to allow decision-makers to compare the impacts of approving the proposed project with the impact of not approving the proposed project. If the proposed Master Plan were not approved, the land use designation of the property would continue to be Open Space, as specified by the Modesto General Plan. Individual improvement projects could continue to occur, but would be approved through the City of Modesto's discretionary review process on a project-by-project basis, rather than through a unified Master Plan. Because a Master Plan would not guide the development of the regional park, it is assumed that the park would continue as it is today - that is, providing limited passive recreation opportunities. It is further assumed that the restoration and education efforts proposed by the Master Plan would not occur. Special events would continue to occur at Legion Park, but would not be expanded to the Gateway Parcel. It is also assumed that the amphimeadow and the regional sports complex would not be developed.

Traffic and Circulation Needs
By not introducing special events or the amphimeadow at the Gateway Parcel, the No Project Alternative would avoid the following significant and unavoidable impacts: peak traffic associated with special events (including those at the amphimeadow), and a shortage of parking supply associated with special events. Thus, the No Project Alternative is considered better than the proposed project from a traffic and circulation perspective.

Degradation of Air Quality
Because the No Project Alternative would not include special events at the Gateway Parcel, no additional air quality impacts would occur. This alternative would avoid the significant and unavoidable impact identified for carbon monoxide "hot spots" attributable to vehicular ingress and egress associated with special events (including those at the amphimeadow). Thus, the No Project Alternative would be considered better than the proposed project from an air quality perspective.
Generation of Noise
Because the No Project Alternative would not include an amphitheadow, the significant and unavoidable noise impact attributable to this use would not occur. Thus, the No Project Alternative would be considered better than the proposed project with regard to noise. In addition, because the regional sports complex would not be constructed, and because special events would not occur at the Gateway Parcel, no change in the existing ambient noise environments would be anticipated.

Loss of Sensitive Wildlife and Plant Habitat
The No Project Alternative does not include the extensive riparian restoration planned through the TRRP Master Plan. Thus, this restoration would likely not occur. Although several impacts have been identified for the Master Plan as a result of site disruption associated with flood plain creation, facility construction, and native plantings, these impacts to biological resources are considered short-term and could be rendered less-than-significant with the implementation of the mitigation measures outlined in this report. Because the No Project Alternative would result in no net improvement to biological values, this alternative is considered worse than the proposed Master Plan in this regard.

Disturbance of Archaeological or Historical Sites
Because substantial construction at the TRRP site is not anticipated with the No Project Alternative, cultural resources would likely not be disturbed. However, the proposed project would not result in unavoidable impacts to this resource area. Conversely, no known cultural resources that would be affected are known to exist at the project site. Thus, construction associated with the TRRP Master Plan is not anticipated to disturb cultural resources. However, it is impossible to be sure about the presence or absence of cultural resources until the ground is disturbed. For this reason, this MEIR recommends mitigation measures to address the discovery of unknown resources. Such mitigation measures should apply to all ground-disturbing activities at the TRRP site.

Flooding and Water Quality
All of the TRRP falls within the 100-year floodplain and much of the park falls within the proposed 100-year floodway. The No Project Alternative would not change this condition; however, new land uses would likely not be introduced to the TRRP site. Although no housing or other inhabitable structures would be constructed within the defined flood zones with implementation of the proposed Master Plan, some structures would be placed in the flood hazard zone and proposed re-grading and planting schemes could increase water surface elevations during a 100-year flood. However, all of the potential impacts of the proposed Master Plan could be avoided with the implementation of the mitigation measures recommended in this MEIR. Thus, this No Project Alternative and the proposed Master Plan are considered to have similar flooding impacts. In addition, potential short-term water quality impacts associated with construction of the facilities proposed by the Master Plan could also be reduced to a less-than-significant level with the implementation of the measures recommended in this MEIR. Thus, the No Project Alternative and the proposed Master Plan are considered essentially the same from a hydrology and water quality perspective.

Exposure to Hazardous Materials
The hazardous materials impacts of the No Project Alternative are essentially the same as those for the proposed Master Plan. Although the need for additional hazardous materials investigations may not be triggered by the No Project Alternative (because additional
development may not occur), the additional investigations recommended in this MEIR should be implemented prior to any new development within the TRRP.

**Increase Demand for Fire Services**

The No Project Alternative would avoid the impacts identified for the proposed Master Plan, which are associated with an increase in the number of users at the park. The potentially significant impacts of the proposed Master Plan include the potential for inadequate emergency access and increases in wildfire hazards associated with increased use of the park. Although these impacts would not have the potential of occurring with the No Project Alternative, they are easily mitigated with the implementation of the mitigation measures recommended in this MEIR. Thus, the No Project Alternative and the proposed Master Plan are essentially the same from a fire services and hazards perspective, assuming the mitigation measures identified in this MEIR are implemented.

(Draft MEIR, p. VII-2 – VII-5)

**Conclusion**

As summarized above, the No Project Alternative would avoid the impacts identified for the proposed Master Plan. However, the No Project Alternative would also not include the biological resource and habitat enhancement benefits that are attributable to the proposed Master Plan. Moreover, the No Project Alternative would not provide the integrated active and passive recreation uses that are proposed for the TRRP, including providing a location for regional community events close to the commercial centers of Modesto and Ceres, and easily accessible to the rest of the region. Because of its failure to meet key project objectives, and for the reasons stated in the Statement of Overriding Considerations, the City of Modesto rejects the No Project Alternative.

**B. 250-PERSON AMPHIMEADOW ALTERNATIVE**

**Description**

This alternative would be identical to the proposed Master Plan with one exception: the proposed amphimeadow would accommodate only 250 people, rather than the 3,000 proposed by the Master Plan. This reduction in size would make it feasible to have presentations at the amphimeadow without the use of amplification. If amplification were to be accommodated under this alternative, it is assumed to be minimal and could likely be controlled so that significant noise impacts do not occur to surrounding sensitive uses. This alternative would avoid this significant and unavoidable noise impact identified for the proposed Master Plan in Chapter IV of this MEIR (Impact Noise-2).

The environmental consequences of this alternative are explored below. This analysis focuses on traffic and circulation, air quality, and noise. These are the environmental consequences where conclusions may be different for this alternative when compared to the proposed Master Plan.

**Traffic and Circulation Needs**

Because this alternative would substantially reduce the number of people attending amphimeadow events, peak traffic associated with these activities could likely be reduced to a less-than-significant level with the implementation of an event traffic management plan. In addition, sufficient parking for the events at the reduced capacity amphimeadow would be provided by the 530 parking spaces in the Gateway Parcel. However, significant and unavoidable
impacts would still occur with implementation of this alternative as a result of peak traffic and parking associated with special events, which would be allowed to occur at the Gateway Parcel. Because the number of significant and unavoidable traffic and circulation impacts would be reduced, this alternative is considered better than the proposed Master Plan from a traffic and circulation perspective. However, this improvement would not be considered substantial because special events would continue to have these types of impacts.

Degradation of Air Quality

The 250-person Amphimeadow Alternative would not avoid the identified significant and unavoidable air quality impact of the Master Plan. This alternative may limit the number of events where carbon monoxide "hot spots" could potentially occur, because the special events associated with the amphimeadow would be limited in size. However, carbon monoxide "hot spots" could still occur as a result of short-term congestion resulting from the ingress and egress of people from special events. Because these events would occur with implementation of both the Master Plan and the 250-person Amphimeadow Alternative, the differences with regard to air quality is not considered substantial.

Generation of Noise

The 250-person Amphimeadow Alternative would avoid the significant and unavoidable noise impact identified in this MEIR for the TRRP Master Plan. Specifically, with the smaller event size, it is assumed that amplification would not be required at the amphimeadow. Thus, this alternative is considered substantially better than the proposed project with regard to noise. All other noise impacts identified in this MEIR could be reduced to a less-than-significant level with the implementation of the measures identified in this report.

(Draft MEIR, p. VII-5 – VII-6)

Conclusion

The 250-person Amphimeadow Alternative would avoid the significant and unavoidable noise impact associated with the TRRP Master Plan, but would only avoid some of significant and unavoidable traffic and air quality impacts. The 250-person Amphimeadow Alternative meets some project objectives. The City nevertheless rejects the 250-person Amphimeadow Alternative. A 250-person amphimeadow would not accommodate the regional events envisioned for the park. The proposed 3,000-person amphimeadow in the Master Plan presents an opportunity to properly accommodate community events that are now held in areas that are poorly equipped to handle it. For this reason, and as particularly stated in the Statement of Overriding Considerations, the City of Modesto has concluded that the 250-person Amphimeadow Alternative would not meet the basic project objectives, and specific economic, social, or other considerations make it infeasible.

C. PASSIVE RECREATION/SPORTS COMPLEX ALTERNATIVE

Description

In this alternative, no special events would occur at the Gateway Parcel and the amphimeadow would not be constructed. They would continue to occur in Legion Park, similar to existing conditions. Because the regional sports complex is not expected to result in any significant and unavoidable impacts, this alternative continues to integrate this use. However, implementation of the mitigation measures associated with the regional sports complex, as recommended in this MEIR, would continue to be required to reduce potential impacts associated with this use to a less-than-significant level.
The environmental consequences of this alternative are explored below. This analysis focuses on traffic and circulation, air quality, and noise. These are the environmental consequences where conclusions may be different for this alternative when compared to the proposed Master Plan.

**Traffic and Circulation Needs**
Because this alternative would not include special events of any sort at the Gateway Parcel, short-term traffic and parking impacts associated with special events (including those at the amphimeadow) would be avoided. Although a potentially significant parking impact is identified in this MEIR for the proposed sports complex, this impact could be reduced with the implementation of the mitigation measure recommended in this document. Thus, this alternative is considered substantially better than the proposed Master Plan from a traffic and circulation perspective.

**Degradation of Air Quality**
The Passive Recreation/Sports Complex Alternative would avoid the identified significant and unavoidable air quality impact of the Master Plan. This alternative would remove the potential for carbon monoxide "hot spots" because traffic would be spread more evenly over a longer time period. Thus, the potential for traffic congestion and carbon monoxide "hot spots" would be reduced to a less-than-significant level. Thus, the Passive Recreation/Sports Complex Alternative is considered substantially better than the proposed Master Plan from an air quality perspective.

**Generation of Noise**
The Passive Recreation/Sports Complex Alternative would avoid the significant and unavoidable noise impact identified in this MEIR for the TRRP Master Plan. Specifically, because special events would not occur, the potential for noise impacts resulting from activities at the Gateway Parcel would be avoided. Thus, this alternative is considered substantially better than the proposed project from a noise perspective. All other noise impacts identified in this MEIR could be reduced to a less-than-significant level with the implementation of the measures identified in this report.

(Draft MEIR, p. VII-6 - VII-7)

**Conclusion**
The Passive Recreation/Sports Complex Alternative would avoid all of the significant and unavoidable impacts identified in the MEIR for the TRRP Master Plan. For this reason, this alternative is considered the environmentally superior alternative. However, the Passive Recreation/Sports Complex Alternative would not provide the integrated active and passive recreation uses that are proposed for the TRRP, including providing a location for regional community events close to the commercial centers of Modesto and Ceres, and easily accessible to the rest of the region. Because of its failure to meet key project objectives, and for the reasons stated in the Statement of Overriding Considerations, the City of Modesto rejects the Passive Recreation/Sports Complex Alternative.

D. OFF-SITE ALTERNATIVES

As described in the MEIR, alternative locations would not avoid the impacts identified for the Master Plan and meet the objectives of the project. Placing an amphitheater and holding special events would result in significant short-term traffic and air quality impacts in any conceivable location within an urban area. In the Final MEIR, Thurman Field, Graceada Park, and roped-off
streets of downtown Modesto were considered as alternative sites for special events. Thurman Field and Graceada Park would not avoid the traffic, parking and air quality impacts identified for the Master Plan. Although the parking supply in downtown Modesto would most likely be able to meet the demands of event visitors on weekends, this alternative site for special events would not avoid the identified traffic and air quality impacts of the TRRP Master Plan. In addition, none of these other sites are owned or controlled by the JPA.

Although a location outside of the urbanized area could be selected for these special facilities to avoid potential noise impacts to sensitive receptors, it could not be developed with the integrated active and passive recreation uses that are proposed for the TRRP. The opportunity that is provided by this existing riverfront park is unique. The existing park has the potential to attract a variety of users due to its location along the river and in close proximity to downtown Modesto and the City of Ceres. A site further away from the urban core would not provide an opportunity to draw upon downtown uses and current activities in the cities. From a transportation perspective, people would have fewer opportunities to walk or bike to events at a site outside of the city and event planners would not be able to utilize existing nearby parking facilities. One of the main objectives of the Master Plan is to "provide a variety of recreational experiences, including opportunities for both active and passive activities." The opportunities provided by the Tuolumne River for joint restoration and recreation are not afforded by other locations within the region.

In addition to the opportunities provided by this particular site, construction-related impacts (e.g., air quality, water quality, biology, etc.) would exist at other areas of the City of Modesto or the region, especially along any other stretch of the Tuolumne River. Although restoration of this river stretch may result in these short-term impacts, the long-term benefits of river restoration in the TRRP outweigh these limited impacts. These types of construction-related impacts are most appropriately mitigated to less-than-significant levels with the implementation of construction-related measures and best management practices, as outlined in this Draft MEIR, and should not drive the consideration of alternative locations. For these reasons and because of the failure to meet key project objectives, the City of Modesto rejects off-site alternatives as infeasible.

E. CONCLUSION

None of these alternatives would meet the project’s basic objectives. No other feasible alternatives that would attain the project’s basic objectives and would avoid or substantially reduce the significant unavoidable impacts of the Project are known.

In sum, the City of Modesto finds that the TRRP Master Plan is an efficient and environmentally sensitive means of creating a regional park that accommodates active and passive recreational experiences and is oriented towards and compatible with the Tuolumne River, its water, natural resources, and processes.

IX. STATEMENT OF OVERRIDING CONSIDERATIONS

As set forth in the preceding sections, the City of Modesto’s approval of the TRRP Master Plan will result in impacts that, even with mitigation, remain significant and unavoidable. As described in Section VII of these findings, with respect to the TRRP Master Plan, the following impacts remain potentially significant:
- Impact Traffic-1: Traffic Impacts from Special Events at Amphimeadow.
- Impact Traffic-2: Traffic Impacts from Large Special Events.
- Impact Traffic-5: Parking for Large Special Events in the Gateway Parcel.
- Impact Noise-2: Noise Associated with the Amphimeadow.
- Impact Noise-3: Noise Associated with Special Events.

Despite these impacts, however, the City of Modesto has chosen to approve the Master Plan (as mitigated). To do so, the City of Modesto must first adopt this Statement of Overriding Considerations.

Section 21081(3)(b) of the Public Resource Code and Section 15093 of the CEQA Guidelines require public agencies to balance the benefits of a proposed project, including specific economic, social, planning, land use, or other considerations, against its unavoidable environmental risks in determining whether to approve the project. The City of Modesto has reviewed and considered the information contained in the MEIR. Based on this information, the City of Modesto has determined that the TRRP Master Plan should be approved and that any remaining unmitigated environmental impacts attributable to the Master Plan are outweighed by the following specific economic, fiscal, social, environmental, land use and other overriding considerations. Any one of the reasons for approval cited below is sufficient to justify approval of the Master Plan.

A. PROVIDE INTEGRATED ACTIVE AND PASSIVE RECREATION USES

The adoption and implementation of the TRRP Master Plan will provide a variety of recreational experiences, including opportunities for both active and passive activities. The TRRP provides a unique opportunity for community gathering and special events due to its close proximity to downtown Modesto and the City of Ceres. The existing park has the potential to attract a variety of users due to its location along the river and in close proximity to downtown Modesto and the City of Ceres, and access to Highway 99. The opportunities provided by the Tuolumne River for joint restoration and active and passive recreation are not afforded by other locations within the region.

The TRRP Master Plan has been developed according to a conceptual framework that divides the park into active and passive recreation areas, zones for intensive restoration work and areas intended for nature study and interpretation. In general the centrally located Gateway Parcel will be the primary public gathering area and home to informal, active recreational areas, including a grassy outdoor “amphimeadow” that can accommodate up to 3,000 people for regional and community events. The Carpenter Road Area’s sports complex will be the other active recreation zone, complete with sports fields located far from the river corridor. The rest of the TRRP is oriented towards quieter, passive recreation, focused around trail networks and picnic areas.

The TRRP provides a unique opportunity to draw upon downtown uses and current activities in the cities, while providing an opportunity for people to enjoy the natural environment and learn about the natural riparian processes of the Tuolumne. As such, the City of Modesto hereby finds
and declare that the provision of integrated active and passive recreational experiences is a benefit associated with this project.

B. RESTORE AND ENHANCE PLANT AND WILDLIFE HABITATS

The TRRP has been designed to protect and enhance sensitive habitats and natural areas and provide improved habitat for fish and wildlife. Park trails and facilities have been designed to protect the fragile ecosystems while making these educational and recreational resources accessible to the public.

Implementation of the TRRP Master Plan will restore a continuous riparian corridor along the length of the Tuolumne River. Riparian zones provide multiple benefits to aquatic and terrestrial ecosystems and are widely recognized as centers of biodiversity and dispersal corridors for plants and animals. The goal of the park’s riparian restoration zones is to restore the valuable, rich ecological corridor as well as the processes that help to create and maintain it over time.

The Tuolumne River provides aquatic habitat for a variety of species, including the largest population of fall-run chinook salmon in the San Joaquin Basin. The riparian corridor restoration work in the TRRP will benefit the salmon and many other species. The canopy of riparian forests benefits fish and wildlife by providing leaf litter to in-stream food webs, large woody debris and shade for fish habitat, and cover and migratory corridors for terrestrial wildlife.

In addition to the rich riparian zones, other areas of the park will enhance wildlife habitat. Wildflower meadows will be planted in much of the park’s open space areas, attracting ground-nesting birds and mammals, and providing seed and nectar food sources. The TRRP will also be planted with thousands of trees along its interior streets and pathways, and clusters of trees and shrubs will be grouped throughout the park’s open spaces. The planned riparian restoration work and increased vegetation on the site will greatly enhance existing aquatic and terrestrial habitat, attracting more wildlife to the park. As such, the City of Modesto hereby finds and declares that the restoration and enhancement of plant and wildlife habitats is a benefit associated with this project.

C. SERVE THE REGIONAL COMMUNITY

The TRRP Master Plan has been designed to serve the residents of Stanislaus County. The location near Highway 99, other major roadways, and public transit, and the extension of pedestrian and bicycle trail networks allows for convenient regional access to the park.

The park’s development presents a significant opportunity to enhance the existing regional open space network and provide focus to the system. The seven-mile, riverfront TRRP will connect many of the recreational areas in Stanislaus County. The TRRP will enhance and provide access to the Tuolumne River.

The TRRP will also provide a location for regional community and sporting events, close to the commercial centers of Modesto and Ceres, and accessible to the rest of the region along major arterial streets and Highway 99. This location for regional events provides the opportunity for people to enjoy and learn about the Tuolumne River and its natural processes before or after the scheduled events. The proposed amphitheadow in the Gateway Parcel and the regional sports complex in the Carpenter Road Area could be designed to better accommodate the facility needs of anticipated regional community events, such as the annual Cinco de Mayo celebration.
currently held in Legion Park. The internal loop road and pedestrian and bicycle trails would also facilitate access for the handicapped and those who cannot comfortably walk across the park's entire width, so that all community members could attend the festivals and events. The City of Modesto hereby finds and declares that the benefits of the TRRP Master Plan are regional in nature and will benefit the entire community.

D. ENHANCE PEDESTRIAN AND BICYCLE TRAIL NETWORKS

Implementation of the TRRP Master Plan will provide a continuous bicycle and pedestrian trail from Carpenter Road to Mitchell Road with connections across Dry Creek and Tuolumne River. The creation of a continuous riverfront trail along the north side of the river would tremendously improve access through the park, and pedestrian/bicycle bridges across the river will enhance north-south connections. The trail network will make pedestrian and bicycle travel more convenient and viable throughout the region. The substantial TRRP trail network will unite many of the existing and planned trail systems in Stanislaus County. For example, the new TRRP pedestrian and bike paths present exciting opportunities to link to the Dry Creek Parkway, the Hetch-Hetchy right-of-way, and other greenways in the area. Such a system will create a network of Class 1 (off-street) bicycle and pedestrian paths that will be an attractive alternate means of transportation, while enhancing livability throughout the region. As such, the City of Modesto hereby finds and declares that the provision of pedestrian and bicycle paths that improve access through the park and link to paths in the region is a benefit associated with this project.

E. APPROPRIATE USE OF THE FLOODPLAIN

The TRRP has been designed to consider the Tuolumne River's natural tendency to flood, particularly during wet winter and spring weather. The park is designed to withstand periodic floods, and to gracefully handle regular increases in flow levels. The Gateway Parcel is designed with flood terraces that expand flood capacity on the site while enhancing the regeneration of riparian woodland habitats. These riparian forests also naturally serve to help control bank erosion. In addition, the Master Plan generally avoids the construction of permanent structures within the 100-year floodway in order to prevent the flood stage elevations from increasing and impacting the surrounding land uses. The TRRP would provide the region with recreational opportunities and as also act as a functioning river floodplain. As such, the City of Modesto hereby finds and declares that the joint use of the floodplain for recreation and flood control purposes is a benefit associated with this project.

F. PROVIDE NATURAL STORMWATER PURIFICATION

The TRRP Master Plan incorporates stormwater purification wetlands and vegetated swales to reduce nonpoint source pollutants entering the Tuolumne River. Stormwater runoff from the adjacent urban and agricultural areas contribute to water quality issues in the Tuolumne. Stormwater wetlands and vegetated swales use native plants to partially purify the runoff before it enters the river. Stormwater purification wetlands are proposed on the Gateway Parcel and in the Carpenter Road area. Impervious surfaces have been minimized within the park landscape in order to reduce additional runoff-related problems. Where hard surfaces do exist, vegetated swales will edge all new parking lots and streets in the TRRP to help purify the new stormwater runoff. Water released by these special wetlands and swales will be cleaner than it was when it went in, and will help to protect the overall water quality of the Tuolumne River. As such, the City of Modesto hereby finds and declares that the creation and use of stormwater purification wetlands and vegetated swales is a benefit associated with this project.
G. EDUCATIONAL OPPORTUNITIES

The TRRP's natural environmental provides an excellent opportunity to ecological education and interpretation. Signage and other amenities, in conjunction with educational and interpretive programs, would educate the public about natural river processes, migrating salmon and other wildlife, and the importance of healthy riparian corridors. In addition, special events would draw people from the region and provide further opportunities for environmental education. The location of the TRRP also provides an opportunity to highlight the unique and important issues that arise where urban populations and natural resources coexist. As such, the City of Modesto finds and declares that the provision of ecological educational and interpretive opportunities is a benefit associated with this project.

H. CONCLUSION

In sum, the City of Modesto approves the proposed TRRP Master Plan, despite the significant and unavoidable environmental effects described in these findings. The City of Modesto further finds that it has incorporated all feasible mitigation measures to lessen, to the extent feasible, the project's significant environmental effects. The City of Modesto finds that the Master Plan's unavoidable effects are outweighed by the project's benefits.
TUOLUMNE RIVER REGIONAL PARK
MASTER PLAN

MITIGATION MONITORING PROGRAM

In June 2001, the City of Modesto (City) distributed to public agencies and the general public the Draft Master Environmental Impact Report (Draft MEIR) for the Tuolumne River Regional Park (TRRP) Master Plan. In accordance with the California Environmental Quality Act (CEQA) Guidelines, a public review period for the Draft MEIR has been completed, ending on August 1, 2001.

All comments on the Draft MEIR and response to these comments are published in the Final MEIR. The City of Modesto City Council certified the EIR on December 12, 2001. In order to support its decision on the project, the City prepared and adopted written findings of fact for each significant environmental impact identified in the EIR.

When an agency makes findings on significant effects identified in an EIR, it must also adopt a program for reporting or monitoring mitigation measures that were adopted. This document is the Mitigation Monitoring Program for the TRRP Master Plan. Some of the measures included in this monitoring program will be the responsibility of contractors to the City; however, until mitigation measures have been completed, the City of Modesto remains responsible for ensuring that the implementation of the mitigation measures occurs in accordance with this program (CEQA Guidelines Section 15097 (a)).

The following table includes four columns: (1) Mitigation Measures / Actions, (2) Implementation Timing, (3) Implementation Responsibility, and (4) Monitoring Responsibility. The mitigation measures / actions are the measures that were adopted by the Modesto City Council. Implementation timing indicates when these measures must be completed. The timing indicated is either prior to a specific City approval (e.g., entitlement or permit) or during a particular phase of the project. Implementation responsibility refers to the City department or agency responsible for completing the specified analysis or directing the implementation of the actions. Monitoring refers to a second tier of review that will ensure the specified actions have been completed according to the required timing. The department responsible for monitoring is responsible for reporting the status of required actions to the City Council, if so requested.
TUOLUMNE RIVER REGIONAL PARK
MASTER PLAN

MITIGATION MONITORING PROGRAM

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| Traffic-1                   | Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphitheater is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events. The traffic management plan should identify the following:  
  - Routes that will be used to access the park by visitors, emergency vehicles and by staff;  
  - Applicable signage to inform the public of access routes and advance message signing located far enough from the site to allow the public to select alternative routes and avoid the area of the event;  
  - Methods and duration of protection for pedestrian crossings; and  
  - Location and responsibilities of traffic control personnel and duration of their activities. Locations for uniformed traffic control officers and event volunteers should be noted. | Once detailed plans are available for the amphitheater, prior to approval of the facility. | Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division) | Modesto Community Development Department (Planning Division) (concurrent with additional environmental review) |
<p>| Air-2                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                       | Modesto Police Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |               |
| Traffic-2                   | Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a &quot;subsequent project&quot; in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall traffic impact from these events shall be determined. At that time, a traffic management plan shall be created which identifies ways to reduce congestion during the events and include the elements identified in Mitigation Measure Traffic-1. | Once detailed plans are available for active recreation areas within the Gateway Parcel, prior to approval. | Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division) | Modesto Community Development Department (Planning Division) (concurrent with additional environmental review) |
| Air-2                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                       | Modesto Police Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |               |</p>
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| Traffic-3  Air-2             | Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for the Regional Sports Complex, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, a parking management plan shall be created which matches the use of the site to the available parking supply. The following measures may be included in the parking management plan:  
  a) Park managers could schedule events in a manner that minimizes concurrent parking demand.  
  b) If required, identify overflow parking lots and appropriate signage directing visitors to designated lots. While the balance of the TRRP parking supply is not particularly close to the Sports Complex, Robertson Elementary School is located on the north side of Robertson Road. Saturday use of school parking could be feasible.  
  c) If necessary, additional parking may be required at the Sports Complex, or the number of fields may need to be reduced to effectively balance parking demand.  
  No overflow into the adjacent neighborhoods shall be allowed. | Once detailed plans are available for the Regional Sports Complex, prior to approval of the facility. | Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)  
Modesto Community Development Department (Planning Division) (concurrent with additional environmental review) | Modesto Community Development Department (Planning Division)  
Operations and Maintenance Department (Parking Division)  
Operations and Maintenance Department (Parking Division) |
| Traffic-4  Air-2             | Pursuant to Public Resources Code Section 21157(b)(3), implementation of special events at the amphitheadow is identified as a "subsequent project" in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created.  
<continued on following page>                                                                                                                                                                                                 | Once detailed plans are available for the amphitheadow, prior to approval of the facility. | Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)  
Community Development Department (Planning Division) (concurrent with additional environmental review) | Modesto Community Development Department (Planning Division)  
Operations and Maintenance Department (Parking Division)  
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<td>Traffic-4 (cont.)</td>
<td>The parking management plan shall identify the locations of off-site parking sufficient for the prescribed event, note the location of signing to direct visitors to designated lots, the number and location of parking management personnel, and coordinate parking with traffic/access management activities. During special events it would be possible to provide coordinated bus service from downtown parking lots and garages to the Gateway Parcel. In addition, during the off-season, the City of Modesto may develop agreements with property owners to use employee parking facilities for special event overflow parking. To ensure that satellite parking areas are successful, information regarding the availability of on-site and off-site parking would need to be conveyed to approaching motorists on a &quot;real time&quot; basis. Signs noting &quot;lots full&quot; and directing motorists to ancillary parking areas would be needed. No overflow into the adjacent neighborhoods shall be allowed.</td>
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<td>Traffic-5 Air-2</td>
<td>Pursuant to Public Resources Code Section 21157(b)(3), implementation of large special events at the Gateway Parcel is identified as a &quot;subsequent project&quot; in this MEIR. When detailed implementation plans are developed for these projects and activities, additional environmental review will be required. As part of this assessment, the overall parking requirements of the facilities shall be determined. At that time, an event parking management plan shall be created to reduce parking impacts on the surrounding neighborhood during large special events. Development of an events parking management plan will be needed when the plans for the Gateway Parcel are finalized in order to make optimal use of satellite parking facilities, transit opportunities, etc, and to minimize impacts into adjoining areas. The parking management plan should include the elements identified in Mitigation Measure Traffic-4.</td>
<td>Once detailed plans are available for active recreation areas within the Gateway Parcel, prior to approval.</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
<td>Community Development Department (Planning Division) (concurrent with additional environmental review)</td>
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<tr>
<td>Air-1</td>
<td>The following mitigation measures shall be implemented to reduce short-term, construction-generated emissions:</td>
<td>During project grading and construction.</td>
<td>Engineering and Transportation Department (Construction Administration Division)</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
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<td></td>
<td>a) All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water or vegetative ground cover.</td>
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<td>b) All on-site unpaved roads and off-site, unpaved access roads shall be effectively stabilized of dust emissions using water.</td>
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<td>c) All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.</td>
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<td>d) When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.</td>
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<td>e) All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Blower devices shall not be used.)</td>
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<td>f) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water.</td>
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<td>g) On-site vehicle speeds on unpaved roads shall be limited to 15 mph.</td>
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<td>h) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than one percent.</td>
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<td>i) Wheel washers shall be installed for all exiting trucks and equipment, or wheels shall be washed to remove accumulated dirt prior to leaving the site.</td>
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<td>j) Excavation and grading activities shall be suspended when winds exceed 20 mph.</td>
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<td>k) Areas subject to excavation and grading at any one time shall be limited to the fullest extent possible.</td>
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<td>l) On-site equipment shall be maintained and properly tuned in accordance with manufacturers' specifications.</td>
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<td>m) When not in use, on-site equipment shall not be left idling.</td>
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| **Noise-1**                 | Pursuant to Public Resources Code Section 21157(b)(3), Implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When a detailed implementation plan is developed for this project, additional environmental review will be required. As part of this assessment, a detailed noise analysis shall be conducted. The following shall be required as part of the final noise mitigation developed for the project:  
  a) Activities at the proposed sports complex shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. The sports complex could stay open until 10:00 p.m. However, sporting events shall be scheduled to end at 9:00 p.m.  
  b) An acoustical engineer with experience in the prediction and mitigation of outdoor sound levels shall be consulted prior to design and construction of the proposed sports complex. The acoustical design documentation shall demonstrate that the proposed sports complex would not result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences.  
  c) If the acoustical analysis determines that regular activities at the sports complex would result in a 3 dBA or greater increase in ambient noise levels, noise control measures shall be required, such as noise barriers, requiring sound systems to be directed away from residences and other sensitive receptors, or disallowing amplified announcements. It shall be demonstrated that implementation of feasible noise control measures would reduce increases in noise levels at surrounding residences to less than 3 dBA. | Limitations of activity timing shall be a condition of approval for the Regional Sports Complex. | Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division) | Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division) (concurrent with additional environmental review) |
| **Noise-2**                 | To minimize the impacts of noise associated with events at the amphitheater, the following measures shall be implemented:  
  a) An acoustical engineer with experience in the prediction and mitigation of outdoor theater sound levels shall be consulted prior to design and construction of the proposed amphitheater to identify and incorporate all feasible mitigation measures available for reducing noise-related impacts to nearby residences and other noise-sensitive receptors and riparian areas. Measures may include, but are not limited to, construction of temporary noise barriers, and limitations on speaker orientation, noise-generation levels, or hours of activity. | Once detailed plans are available for the amphitheater, prior to entitlement of the facility. | Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division) | Modesto Community Development Department (Planning Division) (concurrent with additional environmental review) |
### Impact and Mitigation Number

#### Noise-2 (cont.)

- **b)** Prior to the design and construction of the proposed amphitheater, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on state and federally-protected wildlife species. If it is shown that noise levels could negatively affect state and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation, including locational considerations for the amphitheater, limits on the noise levels generated through amplification, and/or directional restrictions for speaker orientation. The acoustical report and provision of project-specific mitigation measures shall be developed prior to the issuance of building permits for the amphitheater.

#### Noise-3

- **a)** The use of amplified sound systems shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. This would reduce potential noise impacts during the nighttime. Consistent with City of Modesto practices, the park could stay open until 10:00 p.m.

- **b)** Prior to the first large special event using sound amplification, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat to the area to be used for the events, and suggest measures such as orientation of speakers and maximum allowable decibel levels to limit noise levels in those areas. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on state and federally-protected wildlife species. If it is shown that noise levels could negatively affect state and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation. The identified mitigation measures would be implemented at all subsequent events. If the sound requirements for a subsequent event should differ significantly from the event used to identify the mitigation measures, consultation with an acoustical engineer and appropriate resource agencies shall occur.

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<td>Noise-2 (cont.)</td>
<td><strong>b)</strong> Prior to the design and construction of the proposed amphitheater, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on state and federally-protected wildlife species. If it is shown that noise levels could negatively affect state and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation, including locational considerations for the amphitheater, limits on the noise levels generated through amplification, and/or directional restrictions for speaker orientation. The acoustical report and provision of project-specific mitigation measures shall be developed prior to the issuance of building permits for the amphitheater.</td>
<td>Ongoing limitations on use of amplified sound systems.</td>
<td>Modesto Parks, Recreation &amp; Planning Department (Parks Planning and Development Division)</td>
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<td><strong>a)</strong> The use of amplified sound systems shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends. This would reduce potential noise impacts during the nighttime. Consistent with City of Modesto practices, the park could stay open until 10:00 p.m.</td>
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<td>Modesto Parks, Recreation &amp; Planning Department (Parks Planning and Development Division)</td>
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<td>Noise-3</td>
<td><strong>b)</strong> Prior to the first large special event using sound amplification, an acoustical engineer shall examine potential noise levels at the nearest riparian habitat to the area to be used for the events, and suggest measures such as orientation of speakers and maximum allowable decibel levels to limit noise levels in those areas. Project proponents shall consult with appropriate resource agencies to ensure noise levels would not have an adverse impact on state and federally-protected wildlife species. If it is shown that noise levels could negatively affect state and federally-protected species, appropriate measures to avoid such impacts would be developed during the consultation. The identified mitigation measures would be implemented at all subsequent events. If the sound requirements for a subsequent event should differ significantly from the event used to identify the mitigation measures, consultation with an acoustical engineer and appropriate resource agencies shall occur.</td>
<td>Prior to holding the first special event using sound amplification.</td>
<td>Modesto Parks, Recreation &amp; Planning Department (Parks Planning and Development Division)</td>
<td>Modesto Community Development Department (Planning Division) (concurrent with additional environmental review)</td>
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<td>a) For any TRRP Master Plan project, prior to any grading or tree removal, riparian habitat outside of the proposed work areas will be protected by installing orange barrier fencing around habitat to be preserved and restricting vehicular or mechanical use of equipment in these areas. The project proponent shall retain a qualified biologist to serve as a compliance monitor and to ensure that all mitigation measures pertaining to riparian habitat protection are properly implemented.</td>
<td>Prior to grading and tree removal.</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division) Modesto Operations and Maintenance Department (Parks Division)</td>
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<td>b) Prior to project Implementation, a Section 404 permit shall be obtained from USACE and a Section 1600 Streambed Alteration Agreement shall be obtained from CDFG. Additional mitigation for impacts to riparian areas will be developed through consultation with USACE and CDFG. A detailed riparian restoration plan shall be submitted to USACE as part of the 404 permit application. The plan must be approved by USACE prior to project implementation. Mitigation monitoring shall be conducted annually by a qualified biologist for 5 years or until the success criteria are met. Annual monitoring reports shall be submitted to USACE and CDFG.</td>
<td>Prior to implementation of project activities within waterways.</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division) Modesto Community Development Department (Planning Division)</td>
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<tr>
<td>a) For any TRRP Master project, prior to grading or tree removal, a qualified biologist shall make a determination whether potential jurisdictional Waters of the U.S., including wetlands are present in the project area.</td>
<td>Prior to grading and tree removal.</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division) Modesto Community Development Department (Planning Division)</td>
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<tr>
<td>b) If potential jurisdictional Waters of the U.S., including wetlands, are present, a determination shall be made through the formal Section 404 wetland delineation process if any jurisdictional areas would be filled or otherwise disturbed as a result of the project. Authorization of a Section 404 and Section 10 permit shall be secured from USACE and a Section 1600 agreement shall be secured from CDFG, as appropriate.</td>
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<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division) Modesto Community Development Department (Planning Division)</td>
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<td>Blo-2 (cont.)</td>
<td>c) As part of the permitting process, mitigation for impacts to jurisdictional Waters of the U.S. will be identified and implemented. Waters of the U.S. will be replaced or rehabilitated on a &quot;no-net-loss&quot; basis in accordance with USACE regulations. Habitat restoration, rehabilitation, and/or replacement shall be at a location and by methods agreeable to USACE.</td>
<td>Erosion control measures shall be incorporated into grading plans. Monitoring of runoff controls shall occur on an ongoing basis.</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
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<td>Blo-2</td>
<td>d) For all projects with the potential to affect jurisdictional Waters of the U.S., all grading plans will include adequate setback for waters to be preserved. Measures to minimize erosion and runoff into seasonal and perennial Waters of the U.S. will be prepared for all projects covered by the Master Plan. Appropriate runoff controls such as berms, storm gates, detention basins, overflow collection areas, filtration systems, and sediment traps shall be implemented to control siltation and the potential discharge of pollutants into preserved drainages. All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design.</td>
<td>During construction. Monitoring of runoff controls shall occur on an ongoing basis.</td>
<td>Modesto Park, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
<td>Modesto Park, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
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<td>Blo-3</td>
<td>a) The operation of heavy equipment in the active river channel shall not occur. Temporary sediment settling basins and structures such as sediment fencing or straw bales shall be used to prevent sediment-laden runoff from entering the river channel. All runoff controls shall be monitored and maintained to ensure storm events, vandalism, or other activities do not diminish the effectiveness of these controls. Monitoring should occur after major storm events and on a scheduled basis to address potential vandalism of the control measures. Specific control measures and the appropriate maintenance program will be developed during project design.</td>
<td>During construction. Monitoring of runoff controls shall occur on an ongoing basis.</td>
<td>Modesto Engineering and Transportation Department (Construction Administration Office Division)</td>
<td>Modesto Engineering and Transportation Department (Engineering Division)</td>
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<td>Bio-3</td>
<td><strong>b) River-adjacent construction activities shall occur during summer months when flows are low and rain is unlikely. Construction of bridges and near-river facilities shall be conducted during the summer when flows are low and rain is unlikely or as otherwise appropriate to avoid impacts during fish migrations and sensitive life stages. Construction shall not occur near the river from September through December, as this is the period when most ESA species would be in the river in appreciable numbers.</strong></td>
<td>During construction.</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
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<td><strong>c) The project proponent shall consult with NMFS and USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with the federal agencies, appropriate mitigation and avoidance measures will be determined and implemented.</strong></td>
<td>After detailed grading and project plans are developed; consultation shall occur prior to construction near the Tuolumne River or Dry Creek.</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
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<td>Bio-4</td>
<td>The following measures shall be implemented to ensure that impacts to the valley elderberry longhorn beetle are less-than-significant:</td>
<td>Prior to project grading or construction.</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
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<td></td>
<td>a) Prior to any construction activity or grading for any Master Plan project, a qualified biologist shall conduct a survey to determine the number and location of elderberry shrubs on the project site.</td>
<td></td>
<td>Modesto Community Development Department (Planning Division)</td>
<td>Modesto Community Development Department (Planning Division)</td>
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<td>b) If no elderberry shrubs are found on the project site or if all elderberry shrubs will be avoided by at least 100 feet, impacts to the valley elderberry longhorn beetle will be less-than-significant and no further mitigation is necessary.</td>
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<td>c) If elderberry shrubs are found within the project area, the project proponent will consult with USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take authorization is needed. Through consultation and negotiations with USFWS, appropriate mitigation and avoidance measures will be determined and implemented.</td>
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<tr>
<td>Bio-5</td>
<td>Implementation of the following mitigation measures would ensure that impacts to nesting raptors are less-than-significant:</td>
<td>Prior to project grading or construction.</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
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<td>a) If construction is proposed during the raptor nesting season (1 February to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist to identify active nests within 1/4 mile of the project area. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction and shall be within the nesting season.</td>
<td></td>
<td>Modesto Community Development Department (Planning Division)</td>
<td>Modesto Community Development Department (Planning Division)</td>
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<td>b) If nesting raptors are found during the focused survey, no construction shall occur within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist), without prior approval by CDFG. Construction within 500 feet may be permitted if a nest monitor is present to ensure that disturbance to the nesting raptors is minimized to the maximum extent practicable.</td>
<td></td>
<td>Engineering and Transportation Department (Construction Administration Office)</td>
<td>Engineering and Transportation Department (Construction Administration Office)</td>
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<tr>
<td>CR-1</td>
<td>Construction personnel shall be instructed about the potential for discovery of unknown cultural resources, and the need for proper and timely reporting of such findings.</td>
<td>Prior to project grading or construction.</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
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| CR-1                        | If previously undiscovered historic or unique archaeological resources (including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris) are discovered, the following measures shall be implemented to ensure that impacts to these resources are less-than-significant.  
  a) Work shall halt within 100 feet of the discovery until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.  
  b) If the discovery is Native American, federally-recognized tribes in the county shall be consulted about the find to incorporate their suggestions for mitigation or protection.  
  c) If the discovery is historic, archival research may be necessary by a qualified historian.  
  If the project may alter the archaeological integrity and data values of the discovery, it will be evaluated for the California Register. If the resource is eligible for the California Register of Historical Resources, data recovery measures shall be implemented by a professional meeting the Secretary of Interior's Professional Qualifications Standards. | During project grading and construction.                                                                   | Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)                                                                                                      | Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)                                                                                          |
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| CR-2                        | Construction personnel shall be instructed about the potential for discovery of human remains, and the need for proper and timely reporting of such finds.  
In the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, in accordance with State law.  
The Stanislaus County coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery.  
The County Coroner, upon recognizing the remains as being of Native American origin, shall contact the Native American Heritage Commission within 24 hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant. | Prior to project grading or construction.                                                                                                                                  | Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)  
Engineering and Transportation Department (Construction Administration)                                                                                                    | Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)  
Engineering and Transportation Department (Construction Administration)                                                                                               |
| Hydro-1                     | The ultimate design of the Regional Sports Complex and the Nature Interpretive Center shall be developed in accordance with local ordinances governing construction within the floodplain. Special attention shall be given to flood proofing proposed structures to withstand flooding and to minimize flood damages. Final design should include a detailed drainage plan to alleviate flooding and drain standing water once floodwaters have receded.  
The final design plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed development does not result in any increase in flood damages within the community during the occurrence of the base flood. | Prior to final approval of the Regional Sports Complex and Nature Interpretive Center.                                                                                       | Modesto Parks, Recreation & Neighborhoods Department (Parks Planning and Development Division)  
Community Development Department (Development Services)                                                                                                               | Modesto Community Development Department (Planning Division) (concurrent with additional environmental review) |
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<td>Hydro-2</td>
<td>Detailed grading plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed grading does not result in any increase in base flood water surface elevations. The grading design shall not significantly increase river flow velocities.</td>
<td>Prior to grading implementation.</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
<td>Modesto Parks Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
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| Hydro-3                     | The following mitigation measures shall be implemented to avoid hazards related to construction in the floodway:  
  a) Once detailed plans have been developed for the proposed structures, hydrologic and hydraulic analyses shall be performed in accordance with standard engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations.  
  b) Scour analyses shall be performed once detailed plans have been developed for the proposed structures. If necessary, erosion control measures shall be incorporated in the final design. The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).  
  c) Structures shall be designed to allow adequate open space to pass flow and floating debris traveling downstream.  
  d) Structures shall be designed to withstand the forces of floodwaters to minimize damages during flood events. | Prior to Notice to Proceed.                     | Modesto Engineering and Transportation Department (Engineering Division) | Modesto Community Development Department (Planning Division) (concurrent with additional environmental review) |
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<td>Hydro-4</td>
<td>Detailed riparian planting schemes shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed structures do not result in any increase in base flood water surface elevations. The riparian planting scheme shall be designed to prevent creating floating debris dams during flood events that would impact flood conveyance.</td>
<td>Prior to implementation of riparian planting schemes.</td>
<td>Modesto Engineering and Transportation Department (Engineering Division)</td>
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<td>Hydro-5</td>
<td>The elevation of the amphitheater shall be raised to reduce the frequency of inundation. Detailed grading and construction plans for the amphitheater shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that construction of the amphitheater would not result in any increase in water surface elevations. Water shear and scour analyses shall be also be performed and if necessary surface protection shall be provided for the banks and surrounding area to prevent scour and erosion. The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).</td>
<td>Prior to development of the amphitheater.</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
<td>Modesto Community Development Department (Planning Division) (concurrent with additional environmental review)</td>
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### Mitigation Measures / Actions

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<td>Hydro-6</td>
<td>Prior to construction of the pedestrian bridge.</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
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<tr>
<td>Hydro-7</td>
<td>Prior to Implementation of grading plans.</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
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<td>Modesto Engineering and Transportation Department (Engineering Division)</td>
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The following mitigation measures shall be implemented to avoid potential flood hazards caused by the proposed pedestrian bridge:

a) Construction plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed pedestrian bridge would not result in any increase in base flood water surface elevations during the base flood.

b) The pedestrian bridge shall have adequate clearance above the base floodwater surface elevation so as not to impede flow or trap floating debris.

c) The pedestrian bridge shall be designed to withstand the forces of floodwaters to minimize damages during flood events.

d) Scour analyses of the bridge piers and abutments shall be performed once detailed plans have been developed for the proposed bridge. If necessary, erosion control measures shall be incorporated into the final design. The most natural bank stabilization approach shall be used for erosion control. Where feasible and appropriate, the project proponents will use biotechnical bank protection methods that allow restoration of riparian streambank vegetation and shaded riverine aquatic habitat. Examples of biotechnical methods include live vegetation, live log crib walls, large woody debris bundles, erosion mats, and brush mattresses (brush layering).

Once detailed grading plans have been developed, scour analyses of bridge piers and abutments shall be performed in accordance with standard engineering practices to determine if changes in channel and overbank configuration are likely to cause scour and erosion at existing bridge locations. If necessary, arming and erosion control measures shall be installed at existing bridge locations.
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<td>HazMat-1</td>
<td>Prior to ground disturbance on the Gateway Parcel, the RWQCB shall be contacted to identify the status of the Breshears Investigations and remediation. If no additional investigations have been conducted, soil and groundwater sampling in the areas adjacent to the Breshears facility may be required to identify impacts to the Gateway Parcel, if any, from the Breshears operation. If a significant likelihood of contamination is revealed, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling. The RWQCB shall direct the appropriate action for the Gateway Parcel. All RWQCB recommended measures shall be implemented prior to ground disturbance or development at the Gateway Parcel. Completion of this measure shall be a condition of approval for any grading, demolition, or building permit within the Gateway Parcel.</td>
<td>Prior to ground disturbance on the Gateway Parcel.</td>
<td>Modesto Operations and Maintenance Department (Parks Division)</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
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<td>HazMat-2</td>
<td>A site investigation shall be conducted by a qualified professional (e.g., a California registered environmental assessor) to identify any potential chemical impacts to soil in the former ranch complex. If the results of the investigation(s) indicated the presence of hazardous materials, site remediation may be required by the applicable State or local regulatory agencies.</td>
<td>Prior to development around the former ranch complex.</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division) Operations and Maintenance Department (Parks Division)</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
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<td>HazMat-3</td>
<td>A Phase II assessment including soil sampling shall be performed to assess agricultural chemicals in areas designated for children’s playgrounds and other sensitive land uses. If chemicals are present in soils at concentrations at or above applicable regulatory agency action levels for the intended land use, remediation requirements in accordance with State and federal regulations would be required. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.</td>
<td>Prior to development of children’s playgrounds or other areas to be specifically used by children.</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division) Operations and Maintenance Department (Parks Division) Engineering and Transportation Department (Engineering Division)</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
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<td>HazMat-4</td>
<td>A Phase I Environmental Site Assessment (ESA) shall be conducted in accordance with American Society for Testing and Materials (ASTM) guidelines prior to the approval of development for any parcel within the TRRP Master Plan area. The Phase I ESA will include the findings of a site reconnaissance and investigation of prior uses of the property that could have resulted in contamination. If a significant likelihood of contamination is revealed by the Phase I ESA, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling and could result in remediation requirements in accordance with State and federal regulations. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.</td>
<td>Prior to ground disturbance in the TRRP planning area.</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division) Operations and Maintenance Department (Parks Division) Engineering and Transportation Department (Engineering Division)</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Development Division)</td>
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<td>Fire-1</td>
<td>The Modesto Fire Department (MFD) and Stanislaus County Fire Department (SCFPD) shall be consulted prior to finalization of the detailed site plans to ensure adequate emergency vehicle access is provided. Emergency access requirements of MFD and SCFPD shall be accommodated.</td>
<td>Prior to the finalization of detailed site plans for any portion of the TRRP Master Plan.</td>
<td>Modesto Fire Department</td>
<td>Modesto Parks, Recreation &amp; Neighborhoods Department (Parks Planning and Consolidated Fire Development Protection District Division)</td>
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<td>Fire-2</td>
<td>The Modesto Parks, Recreation and Neighborhoods Department shall create and implement a vegetation management program targeted toward fire prevention and control. This program would expand upon the fuel reduction and management plan outlined in the TRRP Master Plan. The TRRP vegetation management program shall: • Characterize existing and proposed vegetation fuels, • Identify potential ignition sources and locations, • Identify assets at risk in case of a fire, • Identify specific maintenance measures to reduce fuel loads, • Identify buffer zones between residential structures on adjacent developed parcels and vegetation in the TRRP, and • Make recommendations for fire resistant plantings.</td>
<td>Upon project approval. The vegetation management plan should be updated as project facilities are added to the TRRP.</td>
<td>Modesto Fire Department</td>
<td>Modesto Park, Recreation &amp; Neighborhoods Department (Parks Planning and Consolidated Fire Development Protection District Division)</td>
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MODESTO CITY COUNCIL
RESOLUTION NO. 2001-664

A RESOLUTION APPROVING THE MASTER PLAN FOR THE TUOLUMNE RIVER REGIONAL PARK

WHEREAS, on February 22, 1972, the City of Modesto entered into an agreement with the City of Ceres and the County of Stanislaus relating to the acquisition, development and operation of the Tuolumne River Regional Park (TRRP), and

WHEREAS, said agreement formed the Tuolumne River Regional Park Joint Powers Authority (JPA), and

WHEREAS, on August 15, 1995, the City Council by Resolution No. 95-409 adopted the City of Modesto Urban Area General Plan which contains Community Development policies including the Tuolumne River Comprehensive Planning District, and

WHEREAS, the JPA has prepared the Tuolumne River Regional Park Master Plan (TRRP Master Plan) which implements the Tuolumne River Comprehensive Planning District policies of the Modesto Urban Area General Plan, and

WHEREAS, the TRRP Master Plan is a long-range plan which will guide the restoration and development of the TRRP, and be adopted by each agency in the JPA, and

WHEREAS, prior to adopting the TRRP Master Plan, the California Environmental Quality Act (CEQA) requires that each agency of the JPA consider the environmental consequences of the proposed project, and

WHEREAS, on September 28, 2001, the Tuolumne River Regional Park Citizens Advisory Committee recommended approval of the TRRP Master Plan to the TRRP Commission, and

WHEREAS on October 8, 2001, the Tuolumne River Regional Park Commission recommended approval of the TRRP Master Plan to the City of Modesto, County Of Stanislaus and the City of Ceres, and

WHEREAS, on November 19, 2001, the Planning Commission of the City of Modesto adopted a Resolution No. 2001-67 recommending that the City Council certify the Final Master Environmental Impact Report (FMEIR) for the TRRP Master Plan, subject to a Statement of
Findings of Facts and Overriding Considerations and adoption of a Mitigation Monitoring and Reporting Checklist Program and recommending approval of the TRRP Master Plan to the City Council, and

WHEREAS, by an agenda report dated November 20, 2001 from the Parks, Recreation and Neighborhoods Director, staff recommended to the Council approving the TRRP Master Plan, a copy of said report is on file in the office of the City Clerk, and

WHEREAS, on December 12, 2001, the Modesto City Council adopted Resolution 2001-663 certifying the FMEIR, adopting the Statement of Findings of Fact and Overriding Considerations, and a Mitigation Monitoring Program, and

WHEREAS, the Council has reviewed and considered the information contained in the FMEIR for the TRRP Master Plan, the TRRP Master Plan, the City of Modesto Urban Area General Plan and all other documentation and testimony presented at the hearing,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby finds that the Tuolumne River Regional Park Master Plan is complete and adequate, that it has been prepared and completed in accordance with the provisions of CEQA and that the TRRP Master Plan is consistent with the City of Modesto Urban Area General Plan, and it hereby adopts the TRRP Master Plan, a copy of which is on file in the office of the City Clerk.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of December, 2001, by Councilmember Friedman, who moved its adoption, which motion being duly seconded by Councilmember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Fisher, Friedman, Smith, Mayor Sabatino

NOES: Councilmembers: None

ABSENT: Councilmembers: Conrad, Frohman, Serpa

APPROVED AS TO FORM:

By:  
MICHAEL D. MILICH, City Attorney

Attest:  
JEAN ZAHIR, City Clerk
Master Plan
Tuolumne River Regional Park
Tuolumne River Regional Park Master Plan

Master Plan
Tuolumne River Regional Park

Prepared for the Joint Powers Authority:
City of Modesto, City of Ceres, Stanislaus County

Prepared by:
EDAW, Inc.
733 Davis Street
San Francisco, CA 94111
(415) 933-1994

With assistance from:
McBain and Trush, Stillwater Sciences, and HDR Engineering, Inc.

November 2001
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Chapter 1: Introduction

The Tuolumne River is one of the most significant natural resources in California's Great Central Valley. From its headwaters in the Sierras in Yosemite National Park to the San Joaquin River, the Tuolumne is the largest tributary of the San Joaquin River. It is almost impossible to express the significance of the Tuolumne in every aspect of life in Stanislaus County. The river brings water and power to homes and businesses and, along with other rivers in the San Joaquin-Sacramento system, supports an agricultural region of significant wealth and productivity. The river is a defining feature of the landscape: a sinuous watery ribbon meandering its way across the valley floor; an oasis of green in an arid environment. The river supports a diverse biological community, including resident and migratory birds and wildlife as well as the largest naturally reproducing population of chinook salmon remaining in the San Joaquin Valley. The river is also an awesome force of nature. In 1997, heavy rains and snowmelt caused catastrophic flooding of the lower Tuolumne in the vicinity of Modesto. The 1997 flood has initiated multi-year studies, by the U.S. Army Corps of Engineers and others, that address the flood conditions on the Tuolumne and the larger San Joaquin River system.

Despite its significant presence within the region, the Tuolumne River is not a resource that can be easily enjoyed by the public. The river is often inaccessible in rural areas, bounded by agricultural fields that are cultivated up to the riverbank. Its presence is also hidden within the urban landscape. Glimpses of the river can be gained while travelling over vehicular bridges, but access points to the water are limited. Rather than building upon the river corridor to define a unique regional identity, the mighty Tuolumne has become more of an incidental element.

As long as 40 years ago civic leaders in Stanislaus County began acquiring land along the Tuolumne with a vision that the river could become an important focus for life in the region. This land has been set aside as the Tuolumne River Regional Park (TRRP). Today, the TRRP consists of over 500 acres of land along a seven-mile stretch of the river generally bounded...
by Mitchell Road to the east and Carpenter Road to the west. Of the land acquired by the TRRP Joint Powers Authority (comprised of Stanislaus County and the Cities of Ceres and Modesto), only approximately 180 acres have been developed for recreational purposes. In 1995, the TRRP Joint Powers Authority acquired a pivotal property along the park corridor. This remnant walnut orchard at the foot of 10th Street, referred to as the “Gateway Parcel,” completed the missing link in the chain of park land along the Tuolumne and provided significant focus to the regional park.

**Purpose of the Tuolumne River Regional Park Master Plan**

This Master Plan represents a comprehensive update to the master plan that was prepared in 1968 for the Tuolumne River Regional Park. The new Master Plan builds on many of the ideas set forth in the 1968 plan, with respect to environmental awareness, while also responding to contemporary environmental practices, recreational preferences, and issues of regulatory compliance. The new Tuolumne River Regional Park Master Plan will provide a long-range vision for the park and will guide the Tuolumne River Regional Park Commission in undertaking projects that will enhance the recreational amenities, environmental values, and educational and interpretative programs of the park. This Master Plan is intended to provide the overall guidance for the conservation and improvement of the park; however, a more refined design of each of the park’s planning areas will be undertaken in the future.

**TRRP Master Planning Process**

This Master Plan was prepared through an interactive process that involved the public as well as representatives of local, regional, state, and federal agencies. Over an approximate 12-month period, day-long workshops were held at key junctures in the plan development process to gather input and suggestions for the Master Plan. A series of working papers, covering a range of topics, were prepared to set the foundation for the Master Plan concepts. Paper topics included an evaluation of the 1968 Master Plan and associated documents, an examination of existing conditions, a preliminary identification of goals for the park, and a compilation of appropriate recreational and educational elements.

Public workshops were held to gather ideas and suggestions from the community and to present plans for the park. Members of the public were asked to brainstorm ideas, comment on preliminary concepts, and refine elements related to the conservation, recreation, and educational aspects of the park. Similarly, members of local, state, and federal agencies were asked to provide input into the development of the plan.

Public workshops allowed local residents to participate in the TRRP planning process.
Preliminary Goals and Objectives

Preliminary goals and objectives for the TRRP Master Plan were prepared at the outset of the planning process to provide overall guidance for the design and management of the park. These goals are summarized below.

Overall Goals

- Create a park where the recreational experience is oriented towards and compatible with the Tuolumne River, its water, natural resources, and processes.
- Provide a park that is a source of pride for the citizens of Stanislaus County and reflects and accommodates the County's diverse peoples and cultures.
- Design areas within the park to accommodate multiple purposes and changes in recreational preferences over time, wherever possible.
- Expand the park and its trail system to the east and west, and within its current reach, as land becomes available.
- Develop priorities for the acquisition of new park land and trail easements.
- Create active and passive areas within the park.
  - Focus the passive activities on the linear and more natural portions of the park, east and west of the Gateway Parcel.
  - Focus the more active, people-intensive activities on the Gateway Parcel, where vehicular access is good and the noise and intensity of these uses will not be disruptive to the passive areas of the park.
- Provide universal access to the variety of recreational experiences and natural resources located within the park.
  - Design all facilities to ADA standards.
- Develop adequate support facilities for activities within the park, including restrooms, drinking fountains, barbecues, picnic tables, garbage cans, lighting, signage, and parking.
  - Consider the natural forces influencing the site, including potential flooding, prevailing winds, sun orientation, and topography.
  - Avoid locating permanent structures in the floodplain, when possible.
  - Investigate flood-tolerant building types and materials that may be used for structures to be located in the floodplain.
  - Incorporate energy conservation measures and alternative energy production techniques into structures wherever possible.

Land Use and Recreation

- Design areas within the park to accommodate multiple purposes and changes in recreational preferences over time, wherever possible.
- Expand the park and its trail system to the east and west, and within its current reach, as land becomes available.
- Develop priorities for the acquisition of new park land and trail easements.
Circulation and Parking
- Create identifiable park entrances.
- Provide adequate circulation, free of modal conflicts, throughout the park in order to accommodate pedestrians, bicyclists, and vehicles, as well as equestrians and boaters, if appropriate.
- Provide opportunities for park access via public transportation.
- Provide a continuous trail linkage throughout the park that includes a range of experiences.
- Provide vehicular and pedestrian connections to the park that are direct and user-friendly.
  - Identify potential access points to the park from the City of Ceres
  - Provide connections to downtown Modesto.
- Provide adequate parking for park activities.

Vegetation
- Protect and enhance sensitive habitats and natural areas, including wetlands and riparian corridors.
  - Restore native riparian vegetation along the river’s edge in areas of the park where it is degraded or missing.
  - Preserve and enhance stands of existing mature trees.
  - Emphasize native vegetation in park landscaping.
  - Eradicate non-native, invasive species where possible.

Wildlife
- Preserve and enhance existing wildlife habitat areas.
  - Protect and preserve important wildlife habitat features such as mature trees with cavities, downed trees, and snags where they do not conflict with public health and safety issues.
  - Maintain and enhance wildlife corridors.

Aquatic Resources
- Protect and enhance aquatic species and habitat.
  - Promote healthy, diverse riparian and wetland vegetation that provides shade, cover, and nutrients necessary for support of the aquatic community, including salmon spawning, rearing, and feeding.

Hydrology and Water Quality
- Promote a flood management program that provides protection from catastrophic flooding and contributes to the ecological values of the river corridor.
- Improve water quality to protect public health and ensure a healthy aquatic community.
  - Minimize or eliminate the use of pesticides and fertilizers that may run off into the river.
  - Maintain or restore streambanks to minimize erosion and siltation of the river.
  - Treat stormwater runoff onsite using constructed wetlands and vegetated swales where possible.
**Education and Interpretation**

- Develop and support public information and educational programs that emphasize individual and community responsibility for resource protection and conservation, and foster an appreciation for the natural resources, history, and water quality of the park and the river.
- Encourage scientific study of the river and its resources.
- Develop natural resource education programs for school age children.
- Develop an interpretive program highlighting the importance of the Tuolumne River in the overall Bay-Delta and San Joaquin Basin ecosystems.
- Develop interpretive programs emphasizing the anadromous fish life cycle.
- Organize community work days dedicated to park and river clean-ups, the planting of new vegetation, resource monitoring, and other enhancement and restoration projects.
- Develop public information brochures and maps.
- Develop an identifiable and comprehensive program of park signage and graphics.

**Historical and Archaeological Resources**

- Preserve and protect historical and archaeological resources within the park.

**Outreach and Coordination**

- Establish and maintain cooperative and coordinated relationships with public agencies, applicable public interest groups, and local, neighborhood, and community groups.

**Park Management**

- Assure the safety and security of park visitors.
- Maintain appropriate staff levels and equipment for adequate park maintenance.
- Provide visitors with a clean and attractive park environment along its entire length.
Relationship to the California Environmental Quality Act

A Master Environmental Impact Report (EIR), pursuant to the requirements of California Environmental Quality Act (CEQA), is being prepared to analyze the potential impacts of this Master Plan and identify appropriate mitigation measures. The Master Plan and the environmental document have been prepared in close coordination with one another; thus, many aspects of the plan mitigate or improve environmental conditions of the Tuolumne River Regional Park.

The Master EIR will assess the implications of the TRRP Master Plan proposals. As this is a very long-range plan, there will be additional design work that will be completed before the park improvements are implemented. Some of these more specific designs will be within the scope of this EIR; others will not and will require additional, focused environmental studies. If the Joint Powers Authority determines, based on an Initial Study, that a proposed subsequent project will have no additional significant effect on the environment that was not identified in the Master EIR, then the JPA shall make a written finding based on the Initial Study that the subsequent project is within the scope of the project covered by the Master EIR. No new environmental documentation or findings shall be required in this case. Conversely, if a finding is made that the proposal may cause a significant environmental effect not studied in the Master EIR, subsequent focused environmental documentation will be prepared.

Background Reports

This Master Plan is based on data collected in a series of technical memoranda, prepared as background reports, including:

- Technical Memorandum #1: Plan Summary and Critique, EDAW, McBain and Trush, Stillwater Sciences and HDR Engineering, September 1999.
- Technical Memorandum #2: Findings and Impressions, EDAW, September 1999.
- Technical Memorandum #3: Preliminary Park Program, EDAW, September 1999.

A California ground squirrel forages in meadow grasses.
Chapter 2: Issues and Opportunities

Existing conditions around the Tuolumne River Regional Park (TRRP) and the Gateway Parcel pose issues and opportunities that affect the park's development and have shaped the current master plan. A summary of these issues and opportunities is given below. For a more detailed assessment of existing conditions, please refer to TRRP Technical Memorandum #4 and Technical Memorandum #5.

Context: Regional Open Space System

Tuolumne River Regional Park will be the crown jewel in the Stanislaus County regional park system. Comparable in scope to Frederick Law Olmsted's Emerald Necklace park system near Boston and other major regional parks across the country, the TRRP will unite the surrounding region through the natural landscape. The TRRP's restoration work and park enhancements will showcase the magnificent Tuolumne River and bring it into the hearts and minds of people throughout the region.

The TRRP is intended to serve residents of Stanislaus County. The park's development presents a significant opportunity to enhance the existing regional open space network and provide focus to the system. The seven-mile riverfront TRRP will connect many of the recreational areas in Stanislaus County. For example, the new TRRP Riverwalk, a paved pedestrian and bicycle path, presents exciting opportunities to link to the Dry Creek Parkway, the Hetch Hetchy right-of-way, and other greenways in the area, existing and planned. Such a system would create a network of Class I (off-street) bicycle and pedestrian paths that would be an attractive alternative means of transportation, while enhancing livability throughout the region. The Tuolumne River extends for many miles beyond the proposed park. Expanding the park boundaries to the east and west in the future would provide additional park access for residents throughout the county.
Land Use and Planning

Land use patterns in the areas surrounding the Tuolumne River have changed dramatically over the last few hundred years. Before European-Americans came to the Central Valley, the Yokut tribe and other Native American groups hunted in the woods, fished in the river, and collected foods and fibers that grew along the river's banks. By the 1830s and 1840s, large Spanish and Mexican missions and ranches were established in the Central Valley. Cattle grazed the land near the lower Tuolumne River. As Gold Rush miners arrived during the late 1840s, the Tuolumne was used more and more during the high water season for steamboat transportation. Mining operations upstream soon clogged the river with silt, inhibiting most commercial traffic. After the Civil War ended in mid-1860s, land near the river was cleared of its native vegetation and converted to farmland to take advantage of the fertile soils created by the river. In the twentieth century, the practice of clearing the riparian forest accelerated, until very little tree cover remained next to the river (Dahlin, 1997).

Land use and planning responsibilities in the areas surrounding the TRRP are currently divided into a mosaic of three different jurisdictions: the City of Modesto, the City of Ceres, and Stanislaus County. Figure 3 illustrates the interconnected boundaries of these jurisdictions. The TRRP is within the jurisdiction of Stanislaus County and the City of Modesto, but development of the park is a collaborative undertaking shared by the three governing bodies. The TRRP is owned by all three agencies.

As Figure 2 (page 3) illustrates, the TRRP corridor varies in width along the river. The widest portions of the park are at either end and in the centrally located Gateway Parcel. The TRRP presents an opportunity to unite these core areas with a continuous trail along two narrow riparian corridors near Dryden Municipal Golf Course, Modesto Municipal Golf Course, and the Gallo Property.

The Tuolumne River has been the County's "back door" in the past, historically serving both as a transportation backbone and waste disposal system for the region. A mix of residential, commercial, industrial, and agricultural land uses now reach right up to the river banks in some places and surround the TRRP. The park will link all of these areas together and improve bicycle and pedestrian circulation between them. Over the long-term, there is the opportunity to reorient adjoining land uses to the river park corridor to reinforce its role within the urban fabric, heighten awareness of the river, and, in so doing, turn the Tuolumne River into the County's "grand entrance." Over time, this may involve redevelopment of commercial and industrial uses adjacent to the park.

There are also several adjacent land uses that require special consideration. A closed landfill is present on the western end of the park near Carpenter Road. Before this portion of the park is developed for public access and recreational purposes, a closure plan must be prepared in compliance with California state law (Postclosure Land Use, CCR Title 27, Section 21190).

The Modesto City/County Airport lies at the eastern end of the park. Park planning should proceed in accordance with airport regulations regarding flight path considerations, as set forth in the Vegetation Management Plan for the Modesto City-County Airport and Adjacent Tuolumne River Interface. Consequently, large group gathering areas will not be constructed in this portion of the park. This area is more suitable for quiet, small group, nature appreciation activities due to the presence of an important gallery forest of mature valley oaks. It is also likely that tree canopy heights along the flight path will need to be monitored to keep them out of the airport's air space, over time.

Although most of the TRRP will be located on the Tuolumne River's north bank, several narrow strips of land along the south bank, as well as Manori Park, will also be included as part of the park. In the future, these areas could be expanded to improve access to the TRRP from the south side, perhaps through an extension of the park's trail system. On this side of the river, available land is very scarce and park expansion will be somewhat difficult. Outside of the TRRP land, homeowners along the south bank should be encouraged to take part in the restoration work in their riverfront backyards. Such restoration could strengthen their often steep and eroding slopes and help to provide much-needed shade for the aquatic habitat below.
The Tuolumne River is one of the most important natural resources of California's Central Valley. The largest tributary of the San Joaquin River, the Tuolumne drains a 1,860 square-mile watershed that includes the northern half of Yosemite National Park. (Figure 4) The Tuolumne River watershed is located between the Stanislaus River Basin to the north and the Merced River Basin to the south. Stanislaus County contains most of the Lower Tuolumne River, a 52-mile reach, from La Grange Dam to its confluence with the San Joaquin River. As the Tuolumne River emerges from the Sierra Nevada foothills into the Central Valley, it carries precious agricultural, ranching, mining, and municipal water supplies to a highly developed and diversified regional economy (McBain and Trush, 2000). The river also supplies drinking water to 2.3 million people in four counties of the San Francisco Bay Area, via the 152-mile long Hetch Hetchy Aqueduct (FERC, 1996).

As is typical for rivers originating in the Sierra Nevada mountains, the peak annual flows of the Tuolumne River usually occur in the late spring and early summer months, fed by snowmelt runoff. Winter storms can also create high flows, generally of shorter duration. The unimpaired flow levels of the Tuolumne vary greatly from year to year.

Prior to major human settlement and land development in the Central Valley, the lower Tuolumne River was a dynamic, meandering alluvial river, with broad floodplains and terraces, large gravel bar deposits, and extensive riparian wetlands and forests harboring a rich diversity of species. In its natural state, the Tuolumne River had the ability to frequently move its riverbed and banks, scour coarse sediments and transport them downstream, and replace them with comparable material transported from upstream. In this way, the shape of the river channel was maintained in a state of "dynamic equilibrium" by the force of running water. This condition provided the physical foundation of the riverine ecosystem upon which native plant and animal communities depend for their survival (McBain and Trush, 2000).

The channel, floodplain, and flow levels of the Tuolumne River have changed substantially over the last two hundred years as the result of human activities. The operation of gold dredgers, the extensive gravel mining in the active channel and floodplain, and the encroachment of agriculture and urban development into the riparian zone have reshaped the riverbed, banks, and floodplain, turning many parts of the formerly active river into virtual lakes, alien environments for many of the native plant and wildlife species (FERC, 1996).

In addition to these urban and industrial impacts, the Tuolumne River also has a long history of streamflow regulation and diversion, dating from the mid-1800s. Presently, over half of the 1.9 million acre-feet of runoff in the Tuolumne River basin is diverted from the river for agricultural and municipal use each year (McBain and Trush, 1999). La Grange Dam, the first major dam on the Tuolumne River, was built in 1893 at river mile (RM) 52.2 in order to regulate the river for flood control and water supply purposes for the Turlock and Modesto Irrigation Districts (TID/MID). Most of the Tuolumne's dams, reservoirs, and water control structures are now located on the Upper Tuolumne River, above RM 52.2. Increased demands for water resulted in the construction of the Don Pedro Dam in 1923, which was replaced by the New Don Pedro Project in 1971. From 1970 to 1996, flow levels of the Lower Tuolumne River were managed by the New Don Pedro Dam at levels below "critically dry" so that most of the water could be used for agricultural and urban purposes. This has had disastrous consequences for the native salmon fishery and other wildlife.

This collection of water control structures has dramatically altered the historic flow levels and flood regimes, creating a much more regulated and (somewhat) more predictable flood pattern. On January 4, 1997, the flow of the Tuolumne River,
The January 1997 flood inundated portions of the TRRP and many surrounding streets. The image above, taken near the TRRP, and the aerial photograph below, centered on the Gateway Parcel, show the magnitude of the flooding. Combined with the volume of water already stored in the New Don Pedro Reservoir, surpassed the capacity of the reservoir and flooded Modesto with a 56,000 cfs flow at the 9th Street gauging station. Floodwaters filled the TRRP and some of the surrounding neighborhoods. With the exception of the 1997 flood, the New Don Pedro Reservoir has limited the maximum flood stage at the Modesto gauging station to a level 12 feet lower than the previous historical record. In so doing, it has altered the hydrologic processes that had been responsible for shaping the channel and maintaining its vital biological systems (McBain and Trush, 2000).

The Federal Energy Regulatory Commission (FERC), previously known as the Federal Power Commission, issued the original New Don Pedro Project (NDPP) license in 1964 (FERC Project No. 2299·024). This license required TID/MID to release minimum streamflows to protect the native chinook salmon populations. The NDPP license also required FERC to re-evaluate the project's minimum streamflow requirements after 20 years of operation. FERC initiated this evaluation in 1992 and prepared a Final Environmental Impact Statement in compliance with the National Environmental Policy Act (NEPA). The first ever FERC-initiated mediation process resulted in adoption of the 1995 FERC Settlement Agreement. The FERC Settlement Agreement participants included TID/MID, the City and County of San Francisco and other water suppliers, state and federal resource agencies, and several environmental groups. The Agreement revised streamflow requirements, required habitat restoration to improve conditions for chinook salmon, and ordered additional fishery studies to evaluate flow and non-flow measures.

Implications for the TRRP

The creation of a new TRRP master plan presents a variety of opportunities to restore some of the lost hydrological processes that are vital to the river and its biological communities. Such opportunities include: potential restoration of the flow levels released from the upstream dam (if required by the FERC Settlement Agreement or another authority); revegetation of the banks with native riparian forest vegetation to improve fish and wildlife habitat; and the use of the TRRP both as a recreational park and as a functioning river floodplain.

Since the Tuolumne River has a natural tendency to flood, particularly during wet winter and spring weather, land uses and facilities within the park must be able to withstand and accommodate this flood pattern. For all practical purposes, structures cannot be planned within the FEMA designated 100-year floodway, shown in Figure 5 on the previous page. New park uses must be consistent with the requirements of FEMA and the California Reclamation Board. This flood pattern also presents an opportunity for expanding the park in the future by incorporating additional adjacent land that is chronically flood-prone.

Dry Creek and the Tuolumne River (particularly below the confluence with Dry Creek) have persistent water quality problems generated by upstream land uses. An unregulated stream, Dry Creek is the main tributary of the Tuolumne River downstream of New Don Pedro Dam and Reservoir. It joins the Tuolumne from the north, along the eastern edge of the Gateway Parcel. Dry Creek drains a largely agricultural and urban watershed of approximately 192 square miles. Since this watershed contains large cattle grazing areas directly adjacent to the waterway, Dry Creek is a major contributor of fine sediment to the Tuolumne River. The water quality in the Tuolumne River is visibly impaired by Dry Creek's muddy effluent below the confluence (U.S. Army Corps of Engineers, 1998).
Water quality issues for the river also arise due to stormwater runoff from the adjacent urban and agricultural areas, bringing nonpoint source pollutants into contact with the river's ecosystems. The park design presents an opportunity to improve this situation through the inclusion of stormwater wetlands and vegetated swales that use native plants to partially purify the runoff before it enters the river.

Overall, the Tuolumne River is a tremendous local resource for hydrology-related interpretation and education, exploring both the natural river system and the impacts of man's developments on the river's natural processes. The TRRP presents an opportunity to celebrate the river and to use it as an asset for recreation as well as natural resource conservation.

**Biological Resources**

An enormous biological community depends on the Tuolumne River and its surrounding riparian environment. The term "riparian" describes the unique physical environment and associated plant communities along the banks of freshwater bodies, watercourses, estuaries, surface-emergent aquifers, and adjacent areas. Streamflow and groundwater in these areas provide greater soil moisture than is available from local rainfall and allow these special places to support water-loving vegetation.

Before the Gold Rush era of the late 1840s and early 1850s, lush riparian forests along the Tuolumne River were created and maintained by complex interactions between the river's physical processes and the individual tolerances of each plant species. The magnitude and timing of flows and floods, groundwater table fluctuations, changes in the shape and size of the channel, sediment deposition on floodplain terraces, and the transportation of woody debris all affected the growth of riparian plant species and the composition of the aquatic community, and helped them to flourish. Vast forests of Fremont cottonwood, valley oak, western sycamore, and Oregon ash once protected the Tuolumne River's banks and floodplains, extending several miles wide in the lower San Joaquin Valley, and merging into the riparian forests of the neighboring Merced, Stanislaus, and San Joaquin rivers. Vines often stretched from the tree canopies above to the thick vegetation on the forest floor. Alder trees and a variety of willows blanketed the edges of the active river channel where the moving water constantly rearranged the landscape. These riparian woodlands provided foraging and breeding habitats for a diverse array of resident and migratory bird and wildlife populations, including tremendous populations of migratory waterfowl that often filled the sky (McBain and Trush, 2000).

As discussed above, industrial, urban, and agricultural land uses surrounding the river, as well as upstream dams and reservoirs, have applied great pressure to riparian forests over the last two hundred years. At present, less than 15% of the historical riparian forests remain along the Tuolumne River. In many places, the forest has been cleared almost all the way to the riverbanks. Dams now capture the majority of the large floods and their sediment loads and change the timing and quantity of water that is released for the vegetation, fish, and wildlife. These interrelated issues have substantially reduced plant growth and riparian biodiversity. For example, the new pattern favors willow species over other native trees such as cottonwoods, allowing them to dominate rather than share the river's edge. These hydrological changes and resulting loss of tree regeneration and diversity have reduced wildlife habitat in and along the river, causing wildlife populations to plummet (McBain and Trush, 2000).

The Airport Area of the TRRP holds the largest remaining contiguous stand of mature valley oak trees on the lower 24-mile stretch of the Tuolumne River. These majestic trees are one of the park's many assets.

The Airport Area of the TRRP holds the largest remaining, contiguous stand of mature valley oak trees on the lower 24-mile stretch of the Tuolumne River. These majestic trees are one of the park's many assets.
outside the park. It is important to protect these trees during the project's construction and to keep summer irrigation away from their delicate, fungus-prone root systems. In addition to valley oaks, mature Fremont cottonwoods, Oregon ash, western sycamore, and box elder trees should be preserved within the park, as they are also important components of riparian woodlands. To further enhance the park's biological integrity, non-native riparian vegetation could be removed within the TRRP and replaced with native riparian species throughout the park.

Despite the habitat losses along the river, the Tuolumne River still supports the largest naturally reproducing population of fall-run chinook salmon in the San Joaquin Valley (McBain and Trush, 2000). The life of a salmon begins in the gravel beds of rivers like the Tuolumne. In the late fall, salmon eggs are laid and fertilized in small patches of carefully groomed river-bottom gravel called "redds." Sixty to ninety days later, salmon "alevins" hatch from their eggs and remain in the gravel for several weeks as they grow and absorb their yolk sacs. The small fish "fry" then seek shelter in the river's water column and protective vegetation. In late winter and early spring, the juvenile fish start to migrate to the San Francisco Bay delta, leaving the Tuolumne River in April or May. They then generally spend two to five years living in the ocean and then return to the river they were born in to spawn and die, completing their life cycle (McBain and Trush, 2000).

Fall-run chinook salmon and other native fish are important components of the Tuolumne River ecosystem and part of the foundation of the Bay Area's ocean fishing industry. At least thirty-eight species of fish, fourteen of them native to the area, have been observed in the Tuolumne River since 1981 (Brown and Ford, 1992). The restoration components of the TRRP present a wonderful opportunity to enhance the river's aquatic habitat and increase the abundance of native fish. Salmon and most other native fish prefer cool water, so the shade from overhanging vegetation is very important. Plants that grow along the edges of the river also provide places for fish to hide from predators.

Many wildlife species are currently present in and around the Tuolumne River. Riparian and floodplain habitats in the Central Valley support at least 50 amphibian and reptile species, 147 bird species, and 55 mammal species (Mayer and Landen, 1988). The Tuolumne River corridor is home to animals such as mule deer, coyotes, opossums, river otters, muskrats, California ground squirrels, garter snakes, and skunks. California quail, great blue herons, snowy and great egrets, and black crowned night herons may also be found along the river (McBain and Trush, 2000). The TRRP presents an opportunity to expand the habitat needed by these majestic and beautiful creatures, while making them visible to park visitors.

The TRRP's natural environment provides an excellent opportunity for ecological education and interpretation. Signage and other amenities, in conjunction with educational and interpretive programs, could educate the public about natural river processes, migrating salmon and other wildlife, and the importance of healthy riparian corridors. The location of the TRRP also provides an opportunity to highlight the unique and important issues that arise where urban populations and natural resources coexist.

Opossums are one of the many mammals that live in riparian and floodplain habitats in the Central Valley.
Utilities and Infrastructure

The TRRP is currently served by very small utility and infrastructure systems. There are few water lines for irrigation and plumbing, few electrical connections, and a very small wastewater system. As the park is expanded, it will be necessary to upgrade these utility systems to meet the needs of park users without compromising the ecological integrity or beauty of the park.

Utility systems and infrastructure from abutting land uses greatly affect the character and environmental quality of the park in some places. For example, in its current configuration, the wastewater treatment plant near the west end of the TRRP detracts from the surrounding park land. There is an opportunity to reconfigure the plant somewhat to make it more compatible with the park. Such a reconfiguration could potentially integrate state-of-the-art technology, public artwork, and education to create “waterworks gardens” and educational programs.

Numerous stormdrains throughout the area currently empty near the Tuolumne River. Urban stormdrains are a potential source of water pollution for the river because they frequently drain local streets, parking lots, and other developed areas where nonpoint source pollutant residues build up. New constructed wetlands could be established within the park to purify this stormwater runoff somewhat before it reaches the river. They will also beautify the landscape, attract wildlife, and serve as educational resources.

Circulation

Since the TRRP will be a regional destination, it is important that it be accessible to private vehicles, public transit, bicycles, and pedestrians. It is essential to link the park to existing and planned road and trail networks and to improve movement along the park corridor as well as across it. Currently, there are no direct, continuous east-west routes that serve this purpose. Existing land uses abutting the river block passage or make travel circuitous. It is also very difficult to access the park from the south side of the river. The creation of a continuous riverfront trail along the north side of the river would tremendously improve access through the park, and pedestrian/bicycle bridges across the river will enhance north-south connections. Future park development could also include a similar trail along the south side of the river, if land becomes available, to further enhance southern park access points. The TRRP trail system could also be expanded to the east or west along the river if land becomes available in the future.
The TRRP Master Plan has been designed with a strong conservation-oriented approach in order to protect and enhance the Tuolumne River and the surrounding unique and beautiful natural resources. The key components of this approach are:

- design strategies consistent with natural hydrologic processes;
- riparian restoration along the Tuolumne River and Dry Creek;
- restoration of riparian terraces along the Gateway Parcel and Carpenter Road Area;
- protection of existing mature forests;
- creation of native plant meadows;
- enhancement of aquatic and terrestrial wildlife habitats;
- ecologically appropriate planting guidelines;
- purification of urban stormwater runoff using constructed wetlands;
- use of ecologically compatible construction materials; and
- adoption of ecologically appropriate maintenance practices.

In addition, the plan also encourages a future redesign of the existing wastewater treatment plant in the western portion of the park so that it will be more compatible with the surrounding river and park land uses.

**Chapter 3: Conservation and Open Space**

**Design Strategies Consistent with Natural Hydrologic Processes**

The flow and flood cycles of the Tuolumne River and Dry Creek have historically shaped the landscape that surrounds them. Dams located upstream from the TRRP have diminished the Tuolumne River’s land-moving power, but the park and surrounding neighborhoods are still subject to cycles of increased flows and periodic inundation.
The TRRP Master Plan reflects these natural hydrologic cycles. The park is designed to withstand periodic floods and to gracefully handle regular increases in flow levels. The Gateway Parcel, for example, is designed with flood terraces (described in more detail below) that expand flood capacity on the site while enhancing the regeneration of riparian woodland habitats. These riparian forests also naturally serve to help control bank erosion. In addition, the Master Plan generally avoids the construction of permanent structures within the 100-year floodway in order to prevent the flood stage elevations from increasing and impacting the surrounding land uses.

**Riparian Restoration**

Riparian zones provide multiple benefits to aquatic and terrestrial ecosystems and are widely recognized as centers of biodiversity and dispersal corridors for plants and animals (Gregory et al. 1991). Riparian forests will be enhanced along the entire length of the park, with the exception of the Airport Area, which is already home to a large, mature valley oak forest. The Gateway Parcel will be the focus of the park's riparian restoration efforts and will include a riparian restoration zone at least 185 feet wide. Riparian restoration zones within the park have been designed to follow natural plant distribution patterns. As the plantings mature, the stands will be thinned by the river's normal flow and flood regimes. The goal of the park's riparian restoration zones is to restore the valuable, rich ecological corridor as well as the processes that help to create and maintain it over time.
Restoration of Riparian Terraces

Historical land uses throughout the lower Tuolumne River have eliminated most of the functional floodplains and dramatically reduced riparian vegetation, restricting it to only one tree width in many locations. Fremont cottonwood forests are now generally missing along the lower Tuolumne River. The reduction in contiguous riparian vegetation and its further fragmentation by urban development has, in turn, caused the decline of many bird, animal, and fish species. The opportunity exists in the TRRP's Gateway Parcel to recreate lost habitat, benefiting numerous wildlife species and hydrologically reconnecting the river to its floodplain.

Riparian Vegetation Benefits

Many riparian plant species need specific substrates and hydrologic conditions in order to successfully regenerate on their own (Auble and Scott 1998, Mahoney and Rood 1998, Roe 1958, Scott et al. 1996). Fremont cottonwoods and many types of willows disperse their seeds during and shortly after the annual spring snowmelt runoff peaks (Scott et al. 1993). These species rely on the available substrate during this time to provide the conditions necessary for seed germination. Snowmelt flood recession rates affect groundwater elevations, and, consequently, soil moisture adjacent to the river channel. This is an important factor in determining seedling survival. Studies have shown that cottonwood seedlings cannot survive groundwater drawdown rates exceeding 0.10 feet a day (3-4 cm/day) (Segelquist et al. 1993). Therefore, successful seedling recruitment requires not only exposed floodplain surfaces with moist substrate for germination, but also surfaces where seedlings can grow roots down to the summer groundwater and keep up with the snowmelt flood recession and correlated groundwater declines (McBain and Trush 1997, McBain and Trush 1998).

Floodplain terraces will be constructed where possible along the riparian corridor in the Gateway Parcel and the Carpenter Road Area to create places where cottonwoods and willows can naturally establish and develop self-maintaining stands, given adequate hydrologic conditions. These floodplains will provide surfaces that inundate more frequently, restore hydrologic connectivity, and create different hydrologic niches that meet many riparian plant species' initiation and establishment requirements (Table 1). Floodplain terrace construction will greatly increase riparian vegetation through natural regeneration and artificial propagation.

Hydrologic Conveyance Benefits

As riparian plant species naturally regenerate on the constructed floodplains, they could potentially begin to influence flood stage elevations. Current regulatory constraints prevent any change to the predicted 100-year and 500-year recurrence interval flood water surface elevations. Lowering the Gateway Parcel's surface within the 185-foot easement and constructing floodplains will increase the flow conveyance area along the Gateway Parcel. While young riparian vegetation will increase cross section roughness values, slowing the water down, the increased flow conveyance area would partially, or fully, mitigate this situation.

<table>
<thead>
<tr>
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<td>Floodplain and Upland edge of floodplain</td>
</tr>
<tr>
<td>100-, 500-year flood</td>
<td>Floodplain Patches across constructed floodplain</td>
<td>Floodplain Patches across constructed floodplain</td>
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<tr>
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<td>Upland edge of floodplain</td>
<td>Upland edge of floodplain</td>
</tr>
<tr>
<td>5-year floods</td>
<td>Lower reaches \nspread across floodplain</td>
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<tr>
<td>1-year floods</td>
<td>Upstream \nedge of floodplain</td>
<td>Upstream edge of floodplain</td>
</tr>
</tbody>
</table>

Table 1: Riparian Terrace Configuration

Table 1 illustrates common plants found along the Tuolumne River, the associated range of discharges that the series falls within, and the recurrence intervals of the discharges pre- and post-New Don Pedro Dam (NDPP). Adapted from McBain and Trush 1998, FEMA 1999.
Mature vegetation will be protected near the confluence of the Tuolumne River and Dry Creek.

Protection of Mature Forests

The TRRP is home to the largest contiguous stand of mature valley oak trees in the lower 24 miles of the Tuolumne River (McBain and Trush 1998). This beautiful, slow-growing gallery forest along the river near the Modesto Airport is one of the most precious resources in the TRRP since valley oaks have almost disappeared from the Tuolumne's banks outside the park. Another smaller stand of mature oak trees can be found on the Gateway Parcel near the Tuolumne's confluence with Dry Creek. These trees will be protected from soil compaction and damage during the project's construction phase. In addition, irrigated lawn areas, which promote the growth of a fungus that can kill the trees, have been carefully sited away from the mature oak trees. If irrigation is necessary adjacent to resident oaks, an arborist would be consulted to ensure that impacts to the existing oaks would not occur. In addition to valley oaks, mature Fremont cottonwoods, Oregon ash, and box elder trees will be preserved within the park wherever possible. A variety of bird species already use the existing forests, including: the yellow-billed magpie, the Nuttall's woodpecker, the acorn woodpecker, the Swainson's hawk, and the oak titmouse.

Creation of Native Plant Meadows

Much of the open space within the TRRP will be planted with native wildflower meadow grasses typical of the Central Valley's Great Valley Grasslands. The feathery meadows of California bunch grasses, California poppies, and many other plants will enhance wildlife habitat and beautify the park with subtle colors and textures that wave in the breeze. After a period of initial establishment, the meadows will not be irrigated, allowing them to follow natural patterns of seasonal color change. There are many species of birds and mammals that will benefit from the food sources and cover offered by this enhanced habitat. Ground nesting birds such as quails, lazuli buntings, mourning doves, and burrowing owls will be particularly at home here. A network of small pathways will wind through the meadows, providing recreational access for park visitors.

In some areas of the park, the rich meadow habitats will also be sprinkled with patches of elderberry bushes. These "elderberry savannas" will provide additional habitat cover and food sources for small mammals, such as ground squirrels, and a variety of birds including warblers and sparrows.

Multi-use meadows will be planted throughout the park.
Wildlife Habitat Enhancement

The TRRP is home to a wide variety of wildlife species, both in the water and on the land. The planned riparian restoration work and increased vegetation on the site will greatly enhance existing aquatic and terrestrial habitat, attracting more wildlife to the park. The canopy of riparian forests benefits fish and wildlife by providing leaf litter to in-stream food webs, large woody debris and shade for fish habitat, and cover and migratory corridors for terrestrial wildlife. Park trails and facilities have been designed to protect the fragile ecosystems while making these educational and recreational resources accessible to the public.

The river provides aquatic habitat for a variety of species, including anadromous fish. Thirty-eight fish species have been identified in the lower Tuolumne River (Brown and Ford, 1992). Of these, twenty-four species do not occur naturally in this area. Several of the non-native fish species, primarily largemouth and smallmouth bass, support recreational fisheries while at the same time posing a management concern because they prey on native species of fish and amphibians, including juvenile chinook salmon (McBain and Trush, 2000).

Chinook salmon are an important management species in the Tuolumne River. The Tuolumne supports the largest population of fall-run chinook salmon in the San Joaquin Basin. The salmon population abundance, however, has fluctuated widely in recent decades, declining severely during prolonged droughts (McBain and Trush, 2000). This has made habitat enhancement efforts even more important. The riparian corridor restoration work in the TRRP will benefit the salmon and many other species. For example, Dennett Dam, an old concrete weir spanning the Tuolumne River under the 7th Street Bridge, currently poses an obstacle to migrating salmon and other fish and impedes small boat passage. The TRRP Master Plan calls for the removal of this structure in order to improve this situation.

In addition to fish and amphibians, the Tuolumne River and Dry Creek provide aquatic habitat used by bird and mammal species. Representative wildlife species that may forage in or around the Tuolumne River include river otters, ospreys, great egrets, belted kingfishers, wood ducks, cliff swallows, and bats.

In addition to the rich riparian zones, other areas of the park will enhance wildlife habitat. As mentioned above, wildflower meadows will be planted in much of the park's open space areas, attracting ground-nesting birds and mammals and providing seed and nectar food sources. The stormwater wetlands and vegetated swales will also be useful to many of the same species. The TRRP will also be planted with thousands of trees along its interior streets and pathways, and clusters of trees and shrubs will be grouped throughout the park's open spaces. These plantings will create nesting areas and cover for canopy dwelling species and provide rich food sources in the form of nuts and berries.
Majestic valley oak trees already occur along the Airport Area of the TRRP. They will be planted throughout the Gateway Parcel and in other parts of the park.

Ecologically Appropriate Planting Guidelines

Plant Species Selection

Plants were selected for the park according to their place of origin, their habitat and hydrologic values, and their aesthetic appearance. Appendix A details the planting palette to be used in the TRRP. The list is divided into the following categories: trees, shrubs, grasses, wetland plants, annuals and perennials, and vines and groundcovers. All plants on the list are native to California, and most are native to the Central Valley, the Sierra mountains, or the foothills. Riparian plants that will be used for restoration or buffer strips are printed in bold lettering in the plant list.

A wide variety of tree species will be included in the park. Some plantings, along streets and pathways, will be somewhat formal while others will be arranged with a more naturalistic aesthetic, particularly within the park’s restoration zones. Big leaf maples and western sycamores will have seasonally changing foliage with brilliant fall leaves that will delight park visitors. Evergreen trees, such as incense cedar, California bay laurel, and canyon live oak will present lush year-round greenery in the park. Pacific madrone, California buckeye, oak, and toyon trees are some of the species that will produce fruits and nuts for local wildlife.

Many of the shrubs and herbaceous plants will have attractive overall forms, foliage, and flowers. Western redbud, blue blossom wild lilac, golden sticky monkey flower, and other shrubs will be striking additions to the landscape, appreciated by park visitors as well as wildlife. California poppies, miniature lupines, Douglas violets, yarrow, and many other herbaceous plants will brighten the meadows with their colorful flowers throughout the year.

Plant Installation Specifications

Most of the new plants in the TRRP, including those in the riparian restoration areas, will require supplemental irrigation during their first year or two in the park. After this period of initial establishment, irrigation systems will not be needed in most places, with the exception of the few zones of irrigated turf in the Gateway Parcel’s Loop Road, part of the Golf Course Area, and the Carpenter Road Area’s sports complex. In general, it is best to install the majority of the park’s plants in the late fall, right before the winter rainy season, to reduce the need for supplemental irrigation and to conserve water.

A variety of planting techniques and plant sizes will be used in the park. The TRRP Master Plan recommends that large specimen trees be planted along streets and in other special park zones such as the interior portion of the Loop Road on the Gateway Parcel. This is appropriate for the park environment and will allow these areas to look mature more quickly. Smaller trees and cuttings are the specified planting materials for the riparian restoration zones because they will adapt to the wet environment more quickly than larger specimens and have been shown to be more successful in these areas over time. The stormwater wetlands will be planted in a similar fashion using small container plants. The native plant meadows and the stormwater swales will be planted from seed using a hydroseed method.

Golden sticky monkey flower
**Constructed Wetlands and Vegetated Swales for Stormwater Purification**

Stormwater wetlands and vegetated swales are shallow depressions in the landscape, filled with native plants such as tules, sedges, and cattails. They are designed to intercept some of the stormwater runoff from adjacent lands and partially purify it before it enters the nearby river. Rain water will naturally flow from the adjacent urban and agricultural lands, on a higher elevation, into the park, located at a lower elevation. Some of the runoff will be directed across the landscape and into the special stormwater wetlands and swales, where it will be slowed down by the tall marsh grasses planted there. The slowly moving water will then drop some of the sediment and pollutants it generally carries among the tall grasses, where the plants' roots and soil bacteria can break them down into less harmful substances. Water released by these special wetlands and swales will be cleaner than it was when it went in and will help to protect the overall water quality of the Tuolumne River. (Figure 7)

The TRRP Master Plan incorporates stormwater purification wetlands on the Gateway Parcel and in the Carpenter Road Area. Impervious surfaces have been minimized within the park landscape in order to reduce additional runoff-related problems. Where hard surfaces do exist, vegetated swales will edge all new parking lots and streets in the TRRP to help purify the new stormwater runoff. The stormwater wetlands and swales will also beautify the park landscape, attract wildlife, and serve as educational resources.

**Ecologically Compatible Construction Materials**

The park landscape will be constructed using materials that are compatible with the ecologically sensitive river environment. River overlooks, piers, and boardwalks will be constructed using materials that will not leach harmful chemicals into the surrounding environment. Paved areas have been kept to a minimum in the park, and permeable paving materials were chosen, where suitable. For example, the overflow parking area on the Gateway Parcel will be "paved" using "grass cells" that allow water to percolate through the surface and into the ground below. Although the main park trail will be paved to facilitate bicycle and wheelchair access, the majority of the secondary pathways through the park will be surfaced with natural materials such as compacted earth.

**Figure 7: Stormwater Wetlands**

Stormwater wetlands will be constructed in the TRRP to help keep Tuolumne River water clean.
Ecologically Appropriate Maintenance Practices

It is important to follow maintenance guidelines that will promote the growth of the new vegetation and restoration work in the park, while also accommodating the seasonal needs of park visitors and the park's resident and migratory wildlife species.

In general, the TRRP landscape should be maintained without the use of chemical pesticides or herbicides in order to prevent water pollution and harm to wildlife and visitors. In rare circumstances, it may be necessary to use spot applications of these chemicals. This practice should be kept to a minimum, excluded from the riparian zone near the water's edge, accomplished with products that biodegrade quickly, and done with respect for the needs of nesting wildlife. Since the majority of the plants are native to the area and are adapted to the local soil types, use of any type of fertilizer or soil amendment is not recommended, except perhaps in irrigated turf zones (applied only as needed).

The majority of the park landscape is designed with a natural aesthetic in mind and will require minimal maintenance. After a period of initial establishment, most of the vegetation in the riparian zones, floodplain forest areas, native plant meadows, elderberry savannahs, and stormwater wetlands and swales should be left to grow naturally, without pruning, irrigation, disking, or mowing. None of these areas will require annual care to maintain their aesthetic appearance, as they will all be composed of native plants that are adjusted to the growing conditions present in this climate and are intended to have a natural look. The stormwater wetlands and swales, while generally maintenance free, should be evaluated every ten years, or as required by applicable standards, to make sure that they are not filling up with sediment carried by the stormwater runoff they are designed to purify. Trees in the Airport Area of the park should be periodically evaluated to see if their canopy heights comply with airport regulations governing clear flight paths and airspace. A vegetation management plan has been adopted by the airport and the TRRP which provides specific guidelines for balancing the need to protect riparian resources with the need for airport flight safety.

If fire hazard reduction becomes a concern in the meadow areas, controlled burns are the best tool to use to reduce plant biomass in these zones. Controlled burns should be planned for the period of time between the first rainstorm (generally in November) and April 1st, when the ground and vegetation are moist. This window of time also respects the nesting season of ground nesting wildlife (April – August). Controlled burns should occur no more than once every few years.

If controlled burns are not an option, another potential fire hazard reduction strategy is to mow the meadow plants a maximum of once per year, again avoiding the nesting season. Mowing, however, will damage the soil, plants, and nesting wildlife communities if done improperly. Care should be taken during mowing to avoid soil compaction that might harm wildlife burrows and plant root systems. It is important to schedule annual mowing according to the nesting seasons of the wildlife species that may be present. This timing will also maximize native plant cover and minimize the spread of exotic plant species in these areas. The use of goats or other grazing animals to remove fire hazard potential is not recommended, unless the grazing is very light, because they can disturb the delicate ground surface, harm the meadow plants, and have negative impacts on ground nesting wildlife.
A few areas of the park are designed somewhat more formally than the naturalistic zones and have typical park maintenance needs. The paved pedestrian and bicycle trail, which extends the entire length of the park, will act as an access route for the small maintenance vehicles used for routine park maintenance tasks such as garbage collection. If vegetation encroaches on the trail, it should be carefully trimmed so that it will not obstruct the path. Formally planted street trees can be pruned occasionally to maintain balanced proportions and remove any limbs that may obstruct transportation corridors. Portions of the Gateway Parcel and other small areas of the park have irrigated turf, which may be mowed, as needed, on a weekly or monthly schedule. It would be best to time these mowing needs to reflect peaks of park visitor use and the timing of occasional large events. The turf portions of the Carpenter Road Area sports complex should be maintained in a manner consistent with the typical needs of sports fields. Use of fertilizers, pesticides, and herbicides should be avoided in irrigated turf zones, if possible, to prevent the contamination of adjacent natural areas and protect park visitors.

Wastewater Treatment Plant: Future Redesign Option

The Master Plan encourages a future redesign of the existing wastewater treatment plant in the Carpenter Road Area of the park so that it will be more compatible with the surrounding river and park land uses. Over time, it might be possible to remove some of the concrete-lined water treatment ponds and convert the land to additional park space.
Tuolumne River Regional Park (TRRP) will provide many opportunities for recreation, nature observation, and public education. It will contain a mixture of active and passive recreational zones, from soccer fields to picnic areas; public gathering areas, large and small; formal and informal plantings, from street trees to forests; mature and restored riparian habitats, from tree-lined river banks to grassy meadows; and educational opportunities, from interpretive signage to outdoor classroom space. The following section will describe each of the seven major planning areas of the park in greater detail, touching on each of these themes.

As shown in the TRRP Illustrative Plan (Figure 2), the major park planning areas include: the Airport Area, Legion Park, the Gallo/Mancini Area, the Gateway Parcel, the Golf Course Area, and the Carpenter Road Area. In this seven-mile regional park, four of these planning areas are considered large "core" areas of the park, and two are vital riparian trail linkages. The trail linkages are the Gallo/Mancini Area and the Golf Course Area. Without these two important segments, the larger, remaining core areas would simply be a series of smaller parks. A seventh, smaller planning area, referred to as the South Side Parcels, will also be discussed. The South Side Parcels are located in the Carpenter Road Area and the Golf Course Area, on the Tuolumne River's south bank.

The master plan for the TRRP has been developed according to a conceptual framework that divides the park into active and passive recreation areas, zones for intensive restoration work, and areas intended for nature study and interpretation. Each of these themes will be discussed in the sections below in greater detail. In general, the centrally located Gateway Parcel will be the primary public gathering area and home to informal, active recreational activities. The Carpenter Road Area's sports complex will be the other active recreation zone, complete with sports fields located far from the river corridor. The rest of the TRRP is oriented towards quieter, passive recreation, focused around trail networks and picnic areas. The Tuolumne River banks and floodplain throughout the park have been designed to encourage riparian restoration, nature study, and interpretation.
Airport Area

The Airport Area is located between Tioga Drive and Mitchell Road on the north bank of the Tuolumne River. The Modesto City/County Airport is adjacent to the site and influences the park in terms of appropriate uses and activities.

Overall, this 140-acre portion of the TRRP will be a low use area focused on the study and enjoyment of the natural environment. Emphasis will be placed on the beauty and habitat value of the mature riparian corridor. Trails and interpretive signage will provide opportunities to explore this area and learn more about it.

The Airport Area of the TRRP is already developed as a park and has existing park-related amenities and mature vegetation. A magnificent gallery forest of slow-growing valley oak trees and other associated plants lines the riverbanks and other places within the park. This forest is the largest of its kind in the lower 24 miles of the Tuolumne River. Valley oaks have almost disappeared from the Tuolumne's banks outside the park, so this forest is particularly important to preserve, protect, study, and enjoy.

Since this part of the TRRP is already developed, its trails, amenities, and vegetation will generally be left as they are now. The existing main trail in the park will become part of the TRRP's paved 7-mile Riverwalk, appropriate for pedestrians and bicycle use. If the TRRP expands to the east in the future, the existing park trail may be extended to facilitate this connection.

Interpretive signage, park benches, and bicycle racks will be added to the Airport Area to allow the character of this site to match the other parts of the TRRP. A river overlook will be added to the park near Tioga Drive. It will be a particularly nice place to get an elevated view of the river and gaze upstream.

The adjacent airport also presents some management issues for this portion of the park. Trees in the Airport Area should be periodically evaluated to see if their canopy heights comply with airport regulations governing clear flight paths and airspace. A vegetation management plan has been adopted by the airport and the TRRP, which provides specific guidelines for balancing the need to protect riparian resources with the need for airport flight safety.
Legion Park

Legion Park is located between South Santa Cruz Avenue and Tioga Drive on the north bank of the Tuolumne River. Legion Park Drive, an existing street, runs parallel to the river and connects South Santa Cruz Avenue and Tioga Drive through the park. Legion Park is an ideal place for outdoor education and nature study due to its status as an existing park with well-established vegetation.

The 50-acre park is home to a mature riparian forest with graceful oak trees hung with lush trailing vines. The northern portion of the park site includes a recessed ancient river channel, once used by the Tuolumne River before natural forces changed its course to the present location. A forest has grown in this older river bed since it was abandoned by the moving water, providing a myriad of opportunities for educational instruction about river processes. Two low wooden bridges will extend the trail network over the ancient channel and provide wheelchair access into this unique environment. Interpretive signage near the abandoned channel will explain its significance and evolution over time.

A large, inviting wildflower meadow fills the central portion of the park. This area is suitable for informal, small group recreation, family and group picnics, and other similar activities. This part of the park already includes a trail network, play areas, some picnic and barbecue sites, and bathrooms. The Master Plan will add a small covered picnic shelter to facilitate small group activities and additional benches, picnic areas, and barbecue grills in appropriate places. Bicycle racks will also be added to the park to encourage this type of transportation and to increase the use of the TRRP's overall trail network.

The portion of the site south of Legion Park Drive has an existing riparian forest with beautiful oak trees lining the riverbank. A wooden overlook will be built in this area to provide elevated views from the top of the river bank while protecting the fragile slope below. This view point will be an outstanding place to see the river from above. Since this portion of the river is particularly wide and suitable for boating, two types of simple facilities will be provided for launching non-motorized watercraft. A wooden boat pier will be placed at the water level for launching rafts in one location. An additional canoe and kayak "beach" will make it easier to put other types of small boats into the water nearby.

Since this part of the TRRP is well suited to nature study, the riverfront portion of Legion Park will also be the site of a rustic, small group public event space suitable for visiting classes of students from the region, day camp groups, and other community gatherings. This gathering place will be created using a collection of log benches, grouped as a small amphitheater along the riverbank. If possible, logs will be gathered to create the benches from other places along the TRRP that need to be cleared to build the park.
Legion Park will be an ideal place for outdoor education, nature study, and passive forms of recreation. The two cross section diagrams (left) and the sketch (right) illustrate the aspects of the park that contribute to this overall character.

**Illustrative Cross Section A**

Figure 10 shows the Riverwalk and other informal pathways near the Tuolumne River that allow park visitors to enjoy views of the water and the riverbank's mature trees without damaging the fragile slope. Picnic areas, interpretive signage, meadows, and additional trees will be located farther away from the river.

**Illustrative Cross Section B**

Figure 11 highlights the ancient river channel that runs through the upper portion of the site. Pedestrian bridges will span this channel in two places so that park visitors may easily cross this zone. The bridges and associated interpretive signs will also help visitors to enjoy and understand this part of the park.

**Sketch**

Figure 12 illustrates the overall ambiance of Legion Park. The canopies of mature oak trees already shade much of the riverbank in this area. A simple, riverside outdoor classroom, nestled under the trees, will allow local teachers to bring their students to the park for formal and informal lessons. The outdoor classroom space will also be useful for community group meetings and other small gatherings. The nearby kayak beach will be an ideal place for launching small, non-motorized boats. River overlooks and the Riverwalk trail will provide wonderful views of the river.
The Gallo/Mancini Area, located to the west of Legion Park, between the Tuolumne River’s confluence with Dry Creek and Herndon Road, is an essential link in the overall park system. This part of the TRRP includes a narrow, half-mile riparian trail corridor along the Tuolumne’s north bank and an existing 25-acre park on its south bank. A new pedestrian and bicycle bridge spanning the river near Herndon Road will unite these two elements.

Since the trail in this area will be located adjacent to the Tuolumne River along the Gallo property, the corridor will be enhanced with riparian restoration to improve wildlife habitat, beautify the pathway, and increase park visitors’ enjoyment of the trail. The restoration work will also provide additional educational opportunities in the form of interpretive signage to be placed in a few selected locations along the trail.

A circular river overlook near the Tuolumne’s confluence with Dry Creek will be a beautiful place to rest along the trail. Another overlook will be added to the riverbank portion of Mancini Park. A pedestrian bridge at Herndon Road, near the edge of Legion Park, will allow pedestrians and bicyclists to cross the river at this point for the first time. The bridge will also bring Mancini Park into the TRRP system and encourage TRRP access from the south side of the river. TRRP signage, benches, and other standard amenities will be added to the existing facilities in Mancini Park to make its character similar to the other areas of the TRRP.
Figure 13: Gallo/Mancini Area - Illustrative Plan
Gateway Parcel

The Gateway Parcel is located roughly in the center of the TERRP between State Highway 99 and the Tuolumne River's confluence with Dry Creek. This 87-acre area is the crown jewel of the TERRP system. It is envisioned as a high-profile public gathering place, close to the commercial centers of Modesto and Ceres, and accessible to the rest of the region along major arterial streets and Highway 99. In addition to several large public gathering areas, the park will include a substantial trail network, a pedestrian bridge across Dry Creek, river access points, active and passive recreational zones, extensive riparian restoration work, stormwater purification wetlands, and educational interpretive areas.

Recreation Elements

The Gateway Parcel will have a wide range of recreational opportunities and public access amenities. The Riverwalk, a paved river promenade trail, will wind through the park providing pedestrian and bicycle access from east to west. An additional paved trail along Dry Creek will connect Beard Brook Park (to the north) with the Riverwalk. An unpaved, internal trail network will provide additional access through the parcel's meadow lands, forests, and stormwater wetlands. A pedestrian bridge at the east end of the Gateway Parcel will create a link to the portions of the TERRP across Dry Creek and allow pedestrian and bicycle passage in this area for the first time. A new Loop Road, off of Tuolumne Boulevard between 7th and 10th Streets, will provide limited vehicular access to the center of the park in order to assist those who might have trouble walking the full distance to the river's edge.

There will be many group gathering areas within the Gateway Parcel. The largest, formal gathering area will be the "amphitheater," a grassy, outdoor amphitheater near Dry Creek on the eastern edge of the parcel. The amphitheater will be able to accommodate up to 3,000 people for regional and community events. In addition, two open-air, covered tents (one large and one small) will be located near Tuolumne Boulevard and convenient parking areas. These seasonal, removable tents may be used to host regional fairs, such as farmers' markets and craft shows, to shade summer camp picnics outings, or to shelter rainy day outdoor group activities of many different types.

The Gateway Parcel will also include several different types of informal group gathering areas. A twelve-acre portion of the park, within the Loop Road, will be planted with an irrigated lawn, perfect for informal gatherings. Clusters of picnic tables and barbecue grills will be sprinkled throughout this zone, making it an ideal place for family and community picnics, large and small, and other types of informal recreational activities. A children's play area will also be included in the park near Tuolumne Boulevard and the Loop Road. The play area will include a variety of play apparatuses, appropriate for children in a wide age range.

The Gateway Parcel will also include special vista points, river overlooks, and river access piers. Confluence Point, located on the tip of the Gateway Parcel where Dry Creek meets the Tuolumne River, will be the site of a new informal gathering place. Low seating walls will provide places for small groups to sit and enjoy the natural beauty of the river and the charm and shade of a mature oak forest canopy. Other special vista points will be created within the park to highlight exceptional views of the waterways and open space areas. Two such places will be slightly elevated earthen mounds located near Dry Creek. Two other, quite different elevated view points will be created above the Gateway Parcel. One will be built along B Street to take advantage of the substantial grade change between this urban area of Modesto and the lower park zone. It will be possible to see most of the Gateway Parcel from this vantage point. The second elevated vista point will be built into the new 9th Street bridge structure, suspended above the Tuolumne River. This significant elevation will allow park visitors to gaze up and downstream quite a distance.
The remnants of Dennett Dam, located under the 9th Street Bridge, currently pose an obstacle to fish migration and impede boat passage. The TRRP Master Plan recommends that it be removed to improve these conditions.

In addition to these special vista points, a series of wooden deck overlooks and riverfront piers will be distributed throughout the park. Three such overlooks will be sited at the ends of formal pathways to accentuate view corridors within the park. One wooden overlook and two fishing piers will be placed near the water to facilitate fishing and visual access to the Tuolumne River while protecting the fragile riverbanks.

Conservation Elements

In addition to its emphasis on recreation and public access, the Gateway Parcel will be a showcase of riparian restoration and conservation-oriented efforts. The park plan includes a riparian restoration corridor at least 185-feet wide along the entire northern riverbank (almost three quarters of a mile long). The riverbank will be recontoured to establish riparian terraces and reconnect the river with its floodplain. These terraces will enhance the survival and natural recruitment of riparian vegetation stands and increase the flood capacity of the parcel. They will also be rich habitat areas for the local wildlife that will be attracted to the enhanced shelter, food sources, and places to nest.

The new riverfront vegetation will be accompanied by new wildflower meadows and enhanced by large, new groves of native trees. Special care will be taken to preserve mature, slow-growing oak trees on the site, particularly near Confluence Point.

The Tuolumne River channel will also be improved in this reach. The remnants of Dennett Dam, an old concrete weir spanning the Tuolumne River under the 9th Street Bridge, currently pose an obstacle to fish migration and impede small boat passage. The TRRP Master Plan calls for the removal of this structure in order to improve this situation.

Stormwater wetlands will be created on the Gateway Parcel to help purify some of the stormwater runoff from the adjacent urban areas. Wetland plants, such as tules, sedges, and cattails, and their associated soil microorganisms will act as filters to remove nonpoint source pollutants from the runoff water before it reaches the river. Vegetated swales will be used instead of traditional curb and gutter systems wherever large areas of new pavement are added. For example, runoff created by the new parking lots and the Loop Road will be cleansed by vegetated swales along their edges.

Educational Elements

The Gateway Parcel will be a useful educational site for schools in the region that wish to bring students to study river processes, native plants, and local wildlife species. The covered, open air tents and plentiful picnic areas in this park will be useful as large and small group meeting places for educational groups as well as others. The park will also be filled with helpful interpretive signs, useful for formal and informal educational purposes, that will describe all of the significant restoration zones in the area.
Circulation Patterns

Circulation patterns on the Gateway Parcel will be predominantly oriented towards pedestrian and bicycle travel. The paved Riverwalk trail, extending the entire seven-mile length of the TRRP, will cross the southern portion of the Gateway Parcel above the riparian terraces. A new pedestrian and bicycle bridge will allow the Riverwalk to continue across Dry Creek. Another paved trail will connect nearby Beard Brook Park, to the north, with the Riverwalk, significantly increasing pedestrian and bicycle access.

The Gateway Parcel will also be served by a network of unpaved earth trails that connect the park’s amenities to the Riverwalk and parking areas. Some of the trails have been designed to provide access to the overlooks along the banks of the Tuolumne River. Other trails will allow leisurely, meandering walks through the park’s meadows and along its riparian terraces and wetlands.

The proposed Tuolumne Boulevard extension will be the main vehicular access road for the park. A paved sidewalk will also be constructed along the southern edge of Tuolumne Boulevard to make this area more accessible to pedestrians. A narrow, arcing Loop Road will extend into the park, facilitating river access for those who cannot comfortably walk across the park’s entire width. As illustrated in Figure 17, the Loop Road will be 20 feet wide, including one slow moving 12-foot travel lane, and one 8-foot parallel parking lane. The road will be designed with raised, textured crosswalks to slow traffic and provide pedestrians a safe crossing.

Vehicular traffic will be served by: three parking lots along Tuolumne Boulevard, with a total of 180 spaces; 150 parallel parking spaces along the Loop Road; and 200 additional parking spaces in an overflow parking lot north of Tuolumne Boulevard. The overflow lot will be paved with vegetated “grass-cells” that will give it a meadow-like appearance when it is not in use.
Riparian Terraces

As illustrated in the cross section diagram below, the Gateway Parcel will be terraced to improve the Tuolumne River's connectivity to its floodplain and to revitalize its riparian vegetation. This configuration will also make the park's design more compatible with the river's natural flow patterns.

The lowest terrace, located along the river, will be planted with a narrow leaf willow plant community that is very well suited for wet conditions. This terrace will be expected to flood almost every year. A box elder and arroyo willow plant community will be located on the second terrace, in the 1.5-year to 5-year floodplain. Fremont cottonwoods, black willows, and other associated plants will be located on the third terrace in the 5-year to 20-year floodplain. The highest terrace, expected to flood every 20 to 100 years, will be home to valley oaks and many other plant species that prefer drier conditions. Matching the plant communities to their preferred elevations in this manner will reduce park maintenance needs over time. The majority of the park's amenities will be located on the upper two terraces so that they will remain dry most of the time.

For more information about riparian terraces on the Gateway Parcel and elsewhere in the park, please see Chapter 3: Conservation and Open Space, pages 20-21.
Golf Course Area

The Golf Course Area of the TRRP is a riparian trail corridor on the northern bank of the Tuolumne River between Leon Avenue and State Highway 99. This area is adjacent to Dryden Municipal Golf Course and portions of Modesto Municipal Golf Course. The Joint Powers Authority does not currently own the riparian corridor in this reach. For this reason, the TRRP Master Plan does not formally include this area. However, since this zone is a vital link in the TRRP's riparian trail system, it is hoped that a narrow easement along the river can be arranged in the future.

If a riparian trail easement can be obtained for this area, the site should include a paved pedestrian and bicycle trail along the one and a half mile riverbank in order to connect the Carpenter Road Area, to the west, with the Gateway Parcel, to the east. This trail segment would vastly improve the pedestrian and bicycle circulation through the park and create a continuous system that makes the entire trail network more useful to park visitors.

The Golf Course Area is also a perfect place to add a pedestrian bridge across the Tuolumne River. Such a bridge would facilitate access to the TRRP from the south side of the river, making the park accessible to these pedestrians and bikers for the first time. Dallas Street is the preferred location for such a bridge because it is an easily accessible street and because it is located near additional TRRP land on the south side of the river.

Since the trail in the Golf Course Area would be located near the river, the corridor would also be enhanced with native riparian restoration to improve habitat, beautify the corridor, and increase park visitors' enjoyment of the trail. The restoration work would also provide additional educational opportunities in the form of interpretive signage to be placed in a few selected locations along the trail.

A twenty-acre, triangular parcel of land along the southern end of Neece Drive in this area is currently part of the TRRP. The land is located between two large, adjacent golf courses. The program for this park includes a loop trail, connections to the main paved trail system, a canoe and kayak launch, and a separate fishing pier/river overlook. This portion of the Golf Course Area will also be planted with shade trees and have an irrigated lawn to allow informal recreation and activities such as picnicking and nature appreciation.
Carpenter Road Area

The Carpenter Road Area is located at the western end of the TRRP, roughly bounded by Ohio Avenue and Leon Avenue. The largest arterial street that crosses this part of the park is South Carpenter Road. The 185-acre Carpenter Road Area is adjacent to a large wastewater treatment plant and wraps around it to the north and south.

The Carpenter Road Area is envisioned as a regional sports destination, a place for land and water reclamation and restoration, and an exciting opportunity for educational interpretation. This large site will include a regional sports complex, a river promenade trail network, a mile and a half of riparian corridor restoration work, more than 100 acres of new forests and meadows, and new stormwater purification wetlands.

Much of the park land in the western portion of the Carpenter Road Area will be created on top of a former landfill site. Before this part of the park can be developed, a landfill closure plan must be prepared in order to comply with California state law (Postclosure Land Use, CCR Title 27, Section 271150). This section of the park will be devoted to informal recreational activities centered around a trail system that weaves its way through the new meadows and forests. Wooden overlooks will provide visual access to the river in three places along the trail network. An additional pier will offer physical access to the river and be suitable for recreational fishing as well as launching small, non-motorized boats.

The riverbank in the Carpenter Road Area will be enhanced through riparian restoration work. This will improve the wildlife habitat and educational value of the area while also decreasing potential riverbank erosion. Stormwater purification wetlands will be created in the southern third of the park between Carpenter Road and Hancock Street. These wetland zones will use plants, such as tules, sedges, and cattails, to purify stormwater runoff from the adjacent neighborhoods, reducing the amount of nonpoint source pollution that enters the Tuolumne River in this area. In addition, vegetated swales, a type of stormwater wetland arranged in narrow bands along the edges of paved surfaces, will be used instead of traditional curb and gutter systems wherever large areas of new pavement are added. Swales will be installed along the park’s new internal access road (connecting Hancock Street and Carpenter Road) and along the edges of any parking lots that are created.

The northeast portion of the Carpenter Road Area, north of the wastewater treatment plant, will become a regional sports complex with up to ten active play fields. The types of play fields, to be determined by regional needs, could include soccer, baseball, football, or other sports. One field will be a tournament-level play field, with bleachers and night lighting. The sports complex will also include a regional sports center building with locker rooms, a ticket office, a meeting room, and limited office space for recreational administration. This sports complex will expand the public facilities offered through the county park system, and enhance organized recreational activities in the region.

A nature interpretive center will be located near the sports complex. The interpretive center building itself will be designed in an environmentally responsible manner. For example, the structure will incorporate energy conservation measures, energy production techniques (e.g., solar panels), and "green building materials" wherever possible.

The interpretive center will host exhibits about the riparian restoration in the park, the new forests and meadows, and the many wildlife species that live in and along the river. It will also provide information about the conversion of the former landfill to public park space and the water purification system used in the onsite stormwater wetlands. If a portion of the adjacent wastewater treatment facility is turned into park land in the future, this would also be an appropriate topic for an exhibit at the interpretive center. Interpretive signs, placed throughout the park along the paved main trail, will reinforce these educational themes.
A small portion of the Carpenter Road Area will be used as a native plant nursery. The nursery will raise native and riparian vegetation to be used in the restoration of the park landscape as the park plan is implemented over time. When possible, the nursery should be encouraged to focus on local seed sources, such as acorns from the existing mature oak trees onsite, to preserve the genetic integrity of the local native plant populations. When the park is completed, the nursery area may be retained to supply replacement plant material, as needed, or converted into part of the park landscape. If desired, the plant nursery may be temporarily located on part of the park land that will be developed in one of the last implementation phases.

In the future, it may be possible to expand the Carpenter Road Area of the TRRP by upgrading the treatment plant and consolidating the treatment ponds, making more of the riverfront land available for park-oriented recreation and restoration. This configuration is reflected in the Figure 20 Illustrative Plan on page 47.

**Carpenter Road Area Landscape**

The Carpenter Road Area will be a regional sports destination, a place for land and water reclamation and restoration, and an ideal place for educational interpretation. The two cross section diagrams (left) and the sketch (right) illustrate the aspects of the park that contribute to this overall character.
South Side Parcels

In addition to the major planning zones discussed above, the TRRP also includes several riverfront parcels on the south side of the Tuolumne in the Carpenter Road and Golf Course Areas. Some of the parcels are located around the planned Dallas Street pedestrian bridge. In the future, it might be possible to create a riparian trail along the river's south bank using these parcels as the foundation. Such a trail would increase the usefulness of the pedestrian and bicycle bridge and make it more convenient for visitors to approach the park from the south.

The south side parcels are also quite important from a restoration perspective. The river ecosystem will be healthiest if it has a substantial amount of vegetative cover on both sides of the channel, providing habitat cover for aquatic species and keeping the water temperature cool during the hot summer months. The south bank is a particularly important part of the restoration process because it will produce far more shade than the north side, due to the direction that shadows are cast by the sun.

TRRP Amenities throughout the Park

Each section of the TRRP will have park amenities appropriate to its location. Larger elements, such as river overlooks and piers, pedestrian and bicycle bridges, group gathering areas, new parking lots, and special recreation zones, have been discussed in the context of the individual sites. The TRRP as a whole, however, will receive a consistent set of smaller-scale park amenities that will unite the various portions of the regional park and make park visitors more comfortable.

All of the entrances to the TRRP, from roadways and major bicycle and pedestrian paths, will be marked with TRRP "welcome" signs. This will foster a sense of arrival for park visitors and will help to solidify the park's identity in the public eye.

A continuous paved trail will extend from one end of the TRRP to the other, allowing pedestrians and bicycles to travel through its entire seven-mile length. The trail will be accented by interpretive signs approximately every quarter mile that inform visitors about the landscape they are traveling through, the restoration work in the immediate vicinity, and the wildlife and native plants that are present in the surrounding riparian corridor and floodplain. It is envisioned that site specific, educational artwork be imbedded in the trail's pavement throughout its length to provide additional, playful nature interpretation. Small mileage posts will be placed at regular intervals along the path to inform trail users of their progress, and directional arrows will be placed at strategic locations so that visitors will be able to find their way easily in the park. The trail will also be outfitted with benches at particularly scenic locations and appropriate rest stops. Bicycle racks will be added to all of the core areas of the park near vehicular parking lots and other important stopping places to encourage use of the trail system.

Each of the core areas of the park will be outfitted with picnic clusters that include three to five picnic tables, a barbecue grill, and trash cans. Additional trash cans will be located throughout the park to help keep it clean. Larger trash collection facilities will be located in the Carpenter Road Area, the Gateway Parcel, and Legion Park. Park benches will be placed throughout the TRRP along trails, as mentioned above, and in other scenic locations. Drinking fountains will be added to selected locations within the TRRP's core areas. A limited number of restrooms will be included in the Carpenter Road Area and the Gateway Parcel. Appropriate restrooms already exist in Legion Park and the Airport Area.
Tuolumne River Regional Park (TRRP) will be a significant regional destination, accessible to pedestrians, bicycles, private vehicles, and public transit. The access and circulation systems in and around the park will substantially improve movement along the park corridor (east-west) as well as across it (north-south). The TRRP will also be a key link in the regional trail network, opening new travel possibilities for bicycles and pedestrians.

**Trails**

The TRRP's trail networks will make it possible, for the first time, to travel on foot and by bicycle through this scenic seven-mile corridor along the Tuolumne River. New pedestrian bridges will unite the north and south banks of the river, providing park access to those traveling to the TRRP from the south and making pedestrian and bicycle travel more convenient and viable throughout the region.

The seven-mile park corridor will be served by a 12-foot wide, paved bicycle and pedestrian Riverwalk that runs the length of the park and crosses Dry Creek near Confluence Point over a new bridge. An additional paved trail will connect Beard Brook Park with the Gateway Parcel's Riverwalk. In addition to the main Riverwalk, each section of the park will include smaller trails surfaced with compacted earth. In some cases, wooden boardwalks and concrete sidewalks will also be built. This new trail network includes more than seven miles of paved bicycle and pedestrian paths, a total of almost eight miles of compacted earth trails, one mile of wooden boardwalks, and two-thirds of a mile of new concrete sidewalks. Additional trails already exist in the Airport Area, Legion Park, and Mancini Park.

**Chapter 5: Access and Circulation**
Big Dry Creek, Littleton, Colorado

The TRRP will be served by the Riverwalk, a 7-mile paved bicycle and pedestrian trail, as well as 8 miles of earth pathways, and a network of other trails, sidewalks, and boardwalks.

New pedestrian and bicycle bridges across the Tuolumne River are planned near Herndon Road and Dallas Street. The Herndon Road Bridge will link Mancini Park with Legion Park for the first time. The Dallas Street Bridge will unite the Golf Course Area neighborhoods to the south. Both bridges will encourage access to the TRRP from the south side of the river.

This substantial TRRP trail network will unite many of the existing and planned trail systems in Stanislaus County. For example, the new TRRP pedestrian and bike path presents exciting opportunities to link to the Dry Creek Parkway, the Hetch Hetchy right-of-way, and other greenways in the area. Such a system will create a network of Class I (off-street) bicycle and pedestrian paths that will be an attractive alternative means of transportation, while enhancing livability throughout the region. If the park boundaries are expanded along the Tuolumne River in the future, the trail network would be able to provide additional access to residents throughout the county.

**Streets and Parking Areas**

The park will be accessible to private vehicles from many of the arterial streets on the north side of the river and several on the south side. Carpenter Road, Tuolumne Boulevard, Mitchell Road, and Herndon Road are some of the more significant park access points for visitors arriving by car. Highway 99 will serve as a convenient travel corridor for park users from outside of the immediate area.

The TRRP includes several small internal streets that will facilitate private vehicle circulation within the park. The Airport Area and Legion Park already include such small vehicular access roads. The Gateway Parcel will include a new Loop Road that will allow private vehicle access into a portion of the park. The Carpenter Road Area will include a narrow road that will connect Hancock Street with South Carpenter Road through the park, removing some of the park's traffic from the adjacent neighborhood.

The TRRP will also provide approximately 1371 parking spaces for private vehicles. Parking lots already exist in the Airport Area (349 spaces), Legion Park (21 spaces), and Mancini Park (76 spaces). A total of 925 new spaces are planned throughout the TRRP to accommodate the anticipated increase in park visitation.

New parking lots are planned in the following locations:

- **Legion Park:** 115 spaces
- **Mancini Park:** 25 spaces
- **Gateway Parcel:**
  - 150 spaces in three parking lots
  - 150 parallel parking spaces along the Loop Road
  - 200 spaces in an additional overflow parking lot
- **Golf Course Area:** 30 spaces
- **Carpenter Road Area:** 225 spaces

**Public Transit**

Some public transit is already provided to areas near the TRRP. The Master Plan recommends that public transit routes and schedules be modified slightly to make it more convenient to reach the park. For example, new bus stops could be added along the new Tuolumne Boulevard extension in the Gateway Parcel to provide regular access to this major TRRP attraction. The Carpenter Road Area, with its substantial sports complex, will be another important location for future public transit stops. It will also be particularly important to coordinate the schedule for these stops with the timing of large public events. This will make such public gatherings more enjoyable for park visitors and relieve the parking burden onsite.
This chapter of the Master Plan presents capital costs associated with the proposed master plan facilities and improvements, potential revenue sources, a phasing plan, and a recommended implementation strategy for the Tuolumne River Regional Park.

Overall Park Capital Improvement Costs

The proposed conservation, recreation, and educational facilities described in this Master Plan will result in one-time capital costs associated with construction and improvements that total approximately $80 million dollars. As shown in Table 2, the majority of these costs, approximately $50 million, are associated with improvement of the Carpenter Road area. This estimate for Carpenter Road does not include the cost of preparing a landfill closure plan and remediating the site. To put these costs in perspective, Guadalupe River Park in San Jose, approximately 100 acres, cost approximately $100 million, and Crissy Field, a 150-acre park, cost approximately $30 million.

The following section summarizes the major cost elements by type of improvement:

Trails

Approximately 17 miles of trails are proposed in the Master Plan, including asphalt bicycle and pedestrian trails, decomposed granite and compacted earth trails, wooden deck paths in wet areas, and bicycle and pedestrian bridges. Overall, the cost of trails through the 500-acre park totals approximately $4 million. The trails, as well as the pedestrian bridges, provide an efficient non-motorized circulation system which links to important routes on both sides of the river. As such, these facilities appear to be excellent candidates for TEA-21 funding.
Cost Estimate Summary by Park

- Airport Area: $190,000
- Legion Park: $5,050,000
- Mancini Park (south of the river): $1,250,000
- Gallo Riparian Area (north of the river): $500,000
- Gateway Parcel: $19,400,000
- Golf Course Area: $5,850,000
- Carpenter Road Area: $49,900,000
- South Side Parcels: $610,000

TOTAL: $82,750,000

Table 2: Cost Estimate Summary by Park

Cost Estimate Summary by Item

- Trails: $4,250,000
- Restoration: $17,180,000
- Landscaping: $35,060,000
- Site Furnishings: $2,740,000
- Streets / Parking: $2,020,000
- Utilities: $750,000
- Special Features: $20,750,000

TOTAL: $82,750,000

Table 3: Cost Estimate Summary by Item

Riparian Restoration

The Master Plan provides for restoration of riparian planting along the seven-mile river corridor. Significant costs in this category include the cost of earthmoving associated with the re-creation of riparian terraces. On the Gateway Parcel, there is additional cost associated with the protection of the mature oaks at Confluence Point. As described in the following section, there appear to be numerous sources of grant funding for riparian restoration projects. These funds should be pursued for river restoration projects.

Park Landscaping

This is the largest cost item in the Master Plan, at approximately $35 million, and includes landscape enhancement throughout the 500-acre park. This cost is reflective of the sheer amount of acreage that currently is in an unnatural, poorly vegetated state. Overall, the approach to park landscaping is to revegetate the area with multiple-use meadows and oak savannas using a native planting palette. Areas of irrigated turf are limited in the park. As a whole, this landscaping approach is a cost-effective one. Like the riparian work described above, much of the park landscaping can be viewed as habitat restoration. Once established, the restored park landscape will require lower levels of maintenance than a typical city park.

Special Features

This cost category incorporates all of the special park facilities, such as river overlooks, the amphimeadow, and the interpretive center, not including trails and landscaping, that are included in the Master Plan. These features total an estimated $20 million. The most costly of these facilities include: the interpretive center/sports complex building ($9.8 million); the conversion of three wastewater treatment ponds to riparian park corridor ($6.2 million); and the three pedestrian
bridges over the Tuolumne and two pedestrian/bike bridges over the "ancient channel" in Legion Park ($1.7 million).

Site Furnishings

The site furnishings category includes typical park facilities such as picnic tables and benches, drinking fountains, restroom buildings, trash receptacles, bicycle racks, and interpretive signage. Site furnishings for the park area are estimated to cost $2.7 million.

Streets/Parking Areas

This category includes streets for circulation within the park as well as parking areas. These facilities are primarily located on the Gateway Parcel, within the Carpenter Road Area, and Legion Park, and total approximately $2 million in capital costs.

Current and Potential Park Funding Sources

Current Sources of Revenue

Currently, there are three primary sources of funding for the TRRP: (1) contributions from Stanislaus-County and the cities of Ceres and Modesto; (2) revenues generated by land leases and rental of picnic areas, buildings, etc.; and (3) grants. The budget currently totals $600,000 annually. Approximately 70% of the revenue (or $420,600) is attributable to contributions from the three member agencies and the remainder ($70,900) is from grants and leases. As a revenue source, grants vary on an annual basis. In terms of expenditures, the majority of the budget is currently dedicated to operations and maintenance (70%), with the remaining funds allocated to capital projects.

Potential Sources of Park Funding

It is estimated that the park will continue to be funded through these three primary sources of revenue. Grants appear to be a potential growth area because recommended park improvements fulfill multiple objectives of federal, state, regional, and nonprofit agencies, such as enhancement of environmental resources, provision of recreational opportunities, and provision of facilities for non-motorized transportation. There are numerous potential grant sources available to fund capital improvements in the TRRP. Some of the most relevant grants are summarized in the following section.

Government-Sponsored Grants

State Park Bond 2000 Funds (Proposition 12)

In March 2000, California voters approved the "Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000" (Proposition 12), which provided $824 million for local assistance grants. Local grants included within the bill are disbursed on a per capita basis as well as a competitive basis. The Per Capita Grant Programs are intended to provide funds for projects that accomplish the following:

A. Rehabilitate facilities at existing local parks that will provide for more efficient management and reduced operational costs.

B. Develop facilities that promote positive alternatives for youth and that promote cooperation between local park and recreation service providers and youth-serving nonprofit organizations.

C. Promote family-oriented recreation, including art activities.

D. Provide for open, safe and accessible local park lands, facilities, and botanical gardens.
Projects eligible for 2000 Bond Act funds include acquisition, development, improvement, rehabilitation, restoration, enhancement, and interpretation of local park and recreation lands and facilities. Funding will be available beginning in the 2001/2002 fiscal year.

The preliminary estimates of the per capita grants disbursement are $2,468,100 for Stanislaus County, $396,600 for Ceres and $2,261,350 for Modesto, for a total disbursement of $5.1 million for the three member agencies. Each jurisdiction will decide on how to use these funds. However, it is assumed that some portion of the funds will be dedicated to the TRRP.

In addition to the per capita grants discussed above, the 2000 Bond Act provided for competitive grant programs in a number of areas that would be applicable to the TRRP. These are as follows:

- Roberti-Zberg-Harris Program—$200 million statewide— for urban parks and open space.
- Riparian and Riverine Habitats Grant Program—$10 million statewide—for river and stream trail projects.
- Non-Motorized Trails—$10 million statewide—for recreational trails.

Applications for these competitive grants will be staggered throughout the 2001/02 fiscal year.

Land and Water Conservation Fund Program
The Land and Water Conservation Fund Program is administered by the National Parks Service through California State Parks. The money is used for statewide planning and for acquiring and developing outdoor recreation areas and facilities. LWCF grants to local agencies require a dollar-for-dollar match.

Recreational Trails Program
The Recreational Trails Program provides funds for recreational trails and trail-related projects. The program is administered by the Federal Highway Administration (FHWA) through the California Department of Parks and Recreation. The Recreational Trails Program is a matching program that provides up to 80% of project costs.

Habitat Conservation Fund Program
The Habitat Conservation Fund Program is a competitive grant program that is administered through the California Department of Parks and Recreation. Currently, funds are targeted to habitat categories, including riparian habitat and rare, threatened, endangered and fully protected species. The Habitat Conservation Fund Program requires a dollar-for-dollar match from a non-state source.

California Riparian Habitat Conservation Program
The Wildlife Conservation Board administers funds for the protection and restoration of the state's riparian ecosystems. The TRRP received one of these grants to assist in the purchase of the Gateway Parcel.

TEA 21 Grants
The Transportation Equity Act for the 21st Century (TEA 21) was enacted in 1998 and provides funds for surface transportation for the 6-year period 1998 to 2003. TEA 21 funds are applicable to a wide range of transportation-related projects, including bicycle and pedestrian paths and recreational trails. TEA 21 Grants typically require local matching funds.

Solid Waste Disposal and Codisposal Site Cleanup Program
Under the Solid Waste Disposal and Codisposal Site Cleanup Program, local governments can finance a wide range of remediation projects. The California Integrated Waste Management Board (CIWMB) may expend funds directly for
cleanup or emergency actions, provide loans to responsible parties who demonstrate the ability to repay state funds, or provide matching grants to local governments to assist in remediation of environmental problems at landfills. For this program, there is a continuous application period. Each grant is brought before the Permitting and Enforcement committee and the Board individually for award.

**Nonprofit Foundation Sponsored Grants**

The David and Lucille Packard Foundation

The Packard Foundation provides grants to nonprofit organizations in a number of areas including conservation. The Foundation’s assets were approximately $13 billion as of December 31, 1999. Grant awards totaled approximately $411 million in 1999, and the Foundation expects to make grants of approximately $500 million in 2000.

One of the grant programs supported by the Foundation is the Conserving California Landscapes Initiative. This is a five-year, $175-million initiative aimed at preserving the natural ecosystems and agricultural resources in California. In 1999 the Packard Foundation granted approximately $43 million in grants to nonprofits for conserving California landscapes. Funds are used for land acquisition, policy analysis, planning, capacity-building, and restoration and stewardship.

**LEGACI Grants**

Each year, the Great Valley Center awards over one-half million dollars in monetary grants to nonprofit groups, community organizations, and local governments that are working to improve the well-being of the Great Central Valley through initiatives in the areas of Land Use, the Environment, Growth, Agriculture, Conservation and Investment (LEGACI).

To be eligible for support, projects must have an area of focus within at least one of the Valley’s 19 counties. Proposals that incorporate collaboration with other local groups are viewed favorably by the Center’s Board of Directors.

**Other Sources of Revenue**

**User Fees**

Certain facilities within the park are currently subject to user fees. The TRRP presently generates approximately $70,000 dollars each year from user fees associated with the lease of picnic areas, land, and Legion Hall. In the future, user fees will continue to be generated by the facilities in the TRRP, as well as picnic and meadow areas in the Gateway Parcel, the Amphitheater at the Gateway Parcel, the Sports Complex in the Carpenter Road Area. Other user fees that may be considered include park entrance fees and parking fees.

**Revenue-Generating Facilities**

Another potential source of revenue would be associated with concessions. Concessions that are in keeping with the nature of the park, such as bicycle, canoe, and skate rental as well as limited food sales in association with the regional sports complex, could generate revenue for the park and serve its users. There may also be opportunities for entrepreneurial ventures, such as commercial land development in appropriate areas, to generate revenue for the park. Entrepreneurial ventures that enhance enjoyment of the park and generate revenue for the park should be pursued.

**Development Impact Fees**

As a rapidly growing area, the member agencies may consider levying a development impact fee for TRRP. However, such fees need to demonstrate that there is a clear relationship between the amount charged and the cost of the related improvement.

**Private and Nonprofit Sponsors**

Private sponsors, including philanthropic organizations and corporate sponsors, is a potential area that could be pursued for the TRRP. A growing area of funding for parks comes from corporate donations in exchange for some form of recognition.

[Image of Cornerstone Park, Littleton, Colorado]
within the park. This is a practice that is becoming more common as a mechanism to finance public facilities. Clearly, a vital and attractive park is a marketable asset that can attract private investment. Care should be taken, however, to ensure that recognition of corporate donors does not take over the identity of the park.

**County-Wide Park Bonds or General Obligation Bonds**

Another potential source of revenue for capital expenditures would involve the issuance of a General Obligation Bond. This is a mechanism that has been used successfully by other counties and park districts in California to finance land acquisition and capital expenditures for park facilities. A park bond measure would require approval by a two-thirds majority vote.

**Phasing of Park Improvements**

**Recommended Park Improvement Phasing**

The capital costs included in the Master Plan are assumed to be implemented over a 20-year period, from 2001 to 2021. In general, park improvements should be phased as funding permits, with early term projects focusing on trail linkages and riparian and landscape restoration. Priority should be placed on development of the Gateway Parcel, due to its high visibility, central location and proximity to existing trails and park facilities at Legion Park and the Airport Area.

Due to the additional planning and extraordinary costs associated with the Carpenter Road landfill, it is assumed that improvements in this area would occur in the long-term. A generalized schedule of park improvement phasing is summarized in Table 4.

**Implementation Strategy**

The implementation strategy for the Tuolumne River Regional Park is based on the following elements:

- Ongoing commitment of funds contributed by the three member agencies to fund operation and maintenance costs of the park and early term capital improvements.
- Commitment of additional funds from the three member agencies based on the availability of Park Bond 2000 (Proposition 12) Funds starting in 2001. If the TRRP could obtain 10% of the Park Bond 2000 Per Capita funds from the member agencies, there would be approximately $500,000 to begin implementation projects.
- An aggressive approach to securing grants and private contributions for park improvements.
- Leveraging available funding for capital improvements (Park Bond Funds in early years) to maximize financial impact. In early years, priority should be placed on using available funds for capital improvements that can:
  - Attract additional funding (i.e., matching grants), or
  - Generate revenue through user fees or leases.
- In the long term, the county or the three member agencies should consider a General Obligation Bond to fund park and recreation capital improvements.
Table 4: Conceptual Phasing Schedule

<table>
<thead>
<tr>
<th>Area / Item</th>
<th>Phase</th>
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<tr>
<td><strong>AIRPORT AREA</strong></td>
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<tr>
<td>Trails</td>
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<tr>
<td>Riparian Restoration</td>
<td>2</td>
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<tr>
<td>Special Features:</td>
<td></td>
</tr>
<tr>
<td>Site Furnishings</td>
<td>3</td>
</tr>
<tr>
<td>Overlook</td>
<td>3</td>
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</tbody>
</table>

| **LEGION PARK**   |       |
| Trails            | 1     |
| Riparian Restoration | 2     |
| Park Landscaping  | 3     |
| Special Features: |       |
| Small Pedestrian Bridges | 3 |
| Deck Overlooks    | 3     |
| Boat Pier         | 3     |
| Canoe & Kayak Beach | 3    |
| Small Group Event Space | 3 |
| Picnic Shelter   | 3     |
| Site Furnishings  | 3     |
| Streets/Parking  | 3     |

| **MANCINI PARK**  |       |
| Trails            | 3     |
| Riparian Restoration | 3     |
| Park Landscaping  | 3     |
| Special Features: |       |
| Pedestrian Bridge | 3     |
| Overlook          | 3     |
| Site Furnishings  | 3     |
| Parking           | 3     |

| **GALLO RIPARIAN AREA** |       |
| Trails                | 1     |
| Riparian Restoration  | 1     |
| Park Landscaping      | 1     |
| Special Features:     |       |
| Pedestrian Bridge     | 1     |
| Amphitheater          | 3     |
| Stormwater Wetlands   | 3     |
| Overlooks             | 3     |
| Fishing Piers         | 3     |
| Children's Play Area  | 3     |
| Vista Points          | 3     |
| Site Furnishings      | 3     |
| Utilities             | 3     |
| Streets/Parking Areas | 3     |

| **GOLF COURSE AREA** |       |
| Trails              | 2     |
| Riparian Restoration | 2     |
| Park Landscaping    | 3     |
| Special Features:   |       |
| Pedestrian Bridge   | 3     |
| Overlook            | 3     |
| Canoe & Kayak Launch | 3     |
| Site Furnishings    | 3     |
| Streets/Parking Areas | 3    |

| **GATEWAY PARCEL**  |       |
| Trails              | 1-3   |
| Riparian Restoration | 1     |
| Park Landscaping    | 1-3   |
| Special Features:   |       |
| Pedestrian Bridge   | 1     |
| Overlook            | 3     |
| Fishing Piers       | 3     |
| Children's Play Area | 3    |
| Vista Points        | 3     |
| Site Furnishings    | 3     |
| Utilities           | 3     |
| Streets/Parking Areas | 3    |

| **CARPENTER ROAD AREA** |       |
| Trails                | 2-3   |
| Riparian Restoration  | 2-3   |
| Park Landscaping      | 3     |
| Special Features:     |       |
| Overlooks             | 3     |
| Canoe & Kayak Launch  | 3     |
| Sports Complex        | 3     |
| Interpretive Center/Sports Bldg | 3 |
| Stormwater Wetlands   | 3     |
| Treatment Plant Upgrade | 3   |
| Site Furnishings      | 3     |
| Site Utilities        | 3     |
| Streets/Parking       | 3     |

| **SOUTH SIDE PARCELS** |       |
| Trails                | 3     |
| Riparian Restoration  | 3     |
| Site Furnishings      | 3     |
| Street Trees          | 3     |

Note: This phasing schedule has been developed for illustrative purposes only. Actual phasing will vary.
TRRP Implementation Action Plan

Phase 1: Improve and Connect the Gateway Parcel into the Park System

Centrally located and highly visible, the Gateway Parcel represents the ideal first phase of park development. The site also contains a blend of public access, recreation, and environmental restoration programs that would address a broad cross section of public interest.

Specific Actions:

1. Develop Schematic Design and Construction Documents for the Gateway Site. The next step in implementing the Gateway parcel is to develop detailed construction documents.

2. Pursue an Agreement with the City of Modesto to Use the Parking Area at Beard Brook Park as a Staging Area for Gateway. The Tuolumne Boulevard Extension will not occur for several years (estimated 2003-2004). In the meantime, access and parking for the TRRP could be obtained via Beard Brook Park, immediately north of the Gateway site. The TRRP should pursue an agreement with Modesto to use this area for access to Gateway.

3. Pursue an Agreement with Gallo Regarding a Trail Easement Between Dry Creek and Legion Park. Once completed, the half-mile trail linkage between Gateway and Legion will result in a continuous 3.5-mile linkage along the river from Highway 99 to Mitchell Road. The Gallo section of this trail is a critical linkage.

4. Implement the Dry Creek Trail Connection from Beard Brook Park to Legion Park. As described above, this would be the first priority park improvement.

5. Complete Earthwork Over the Gateway Site. Earthwork must be completed in order to implement any of the park improvements, including the riparian restoration.

6. Complete Riparian Restoration Planting and Trail. Once the earthwork is complete, including the re-created riparian terraces, the riparian zone can be replanted to improve the environmental quality of the site and the river. A trail along the river in this vicinity would be a significant amenity to the system.

Phase 2: Integrate the Remaining Riparian Areas into the Park System

The following phase of work should focus on implementing the riparian restoration and trail system along the length of the park. This phase of work will require a number of specific actions that should be pursued opportunistically. For example, further evaluation and refinement of the stormwater wetlands concept for the Carpenter Road area may be studied as part of a larger stormwater management study for the adjacent area. Similarly, the regional sports complex should be pursued in conjunction with other regional sports park planning efforts taking place in the County.

Specific Actions:

1. Pursue Agreements for a Trail Easement and Riparian Restoration along the Modesto Municipal and Dryden Golf Courses. A trail linkage through this zone would add significantly to the overall system.

2. Complete a Closure Plan for the Carpenter Road Landfill. Improvement of the Carpenter Road area, including trails and roadways for access to facilities will depend on assessing the landfill and determining what actions are necessary to construct park facilities in this area.
Phase 3: Larger Park Improvements

The third phase of park improvement includes many of the park improvements aside from the river trail and riparian restoration. These should be developed as funding permits.

Operations and Maintenance

Throughout the development of the TRRP Master Plan, considerable concern has been expressed by the public and agencies regarding maintenance, safety and enforcement issues. In its current state, the park represents undeveloped land within an urban area, and as such, attracts inappropriate uses and activities. To a large extent, improving the park with trails and recreational activities as described in the Master Plan will begin to activate the park and bring in more "legitimate" users and activities. However, it will be critical to provide a higher level of enforcement and maintenance in order to provide users with a safe park experience and to protect the natural resources of the park.

Long-term Expansion of the TRRP

This Master Plan has addressed the land which is currently within the ownership of the Tuolumne River Regional Park Joint Powers Authority. Initially, the vision of the park was "from the mountains to the sea." Clearly, extending the park upstream and downstream and along both sides of the river should continue to be a priority. Toward this end, the TRRP JPA should look opportunistically for additions to the park, through a number of mechanisms, including land acquisition, dedication, or conservation easements. As new areas are added to the park, the overall approach taken in this Master Plan can continue to be implemented. Overall, these elements include:

- Restore a continuous riparian corridor.
- Provide a continuous river trail.
- Provide connections to the river.
- Provide a variety of experiences related to recreation, education, and conservation.
- Maintain a consistent set of park amenities, such as signage, to foster a unified sense of place and a coherent park identity.

Many specific elements of this Master Plan, such as the approach to the re-created riparian terraces, the planting palette, and the maintenance guidelines, will be directly applicable to new lands acquired by the TRRP.
Background Reports

This Master Plan is based on data collected in a series of technical memoranda, prepared as background reports, including:


References


California State Parks - Web site. 2000 Bond Act Description of Grant Programs. <www.parks.ca.gov/grants>
Toyon trees have berries that turn a bright red color in the fall and winter.


Tuolumne River Regional Park. *1999/00 Budget*.

U.S. Army Corps of Engineers (1998). *Northern California Streams: Tuolumne River, California, Reconnaissance Study*. Section 905 (b) (WRDA 86) Analysis. South Pacific Division, Sacramento District.

Image Sources

All photographs, maps, diagrams, and illustrations were produced by EDAW, Inc. unless otherwise noted next to the image. These additional image sources include:

California Academy of Sciences
California Department of Fish and Game
City of Modesto
Mc Bain and Trush
Mc Henry Museum and Historical Society
St. Mary’s College of California
University of California, Berkeley - Digital Image Library

Native grape vines blanket some of the park’s oak trees and provide additional wildlife habitat.

Willows and other water-loving plants grow along the edge of the Tuolumne River.
Appendix A:
Proposed Planting Palette for Tuolumne River Regional Park

Appendix B:
Conceptual Cost Estimates for Tuolumne River Regional Park

Appendices
### Proposed Planting Palette for Tuolumne River Regional Park


### TREES

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Fall Color</th>
<th>Native Region</th>
<th>Generally Found in These Vegetation Types</th>
</tr>
</thead>
<tbody>
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<td>1 Acer macrophyllum</td>
<td>big-leaf maple</td>
<td>Yellow</td>
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<td>California buckeye</td>
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<td>Riparian</td>
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<tr>
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<td>Riparian</td>
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<td>5 Arbutus menziesii</td>
<td>Pacific madrone</td>
<td>Evergreen</td>
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<td>Riparian</td>
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<td>11 Heteromeles arbuitfolia</td>
<td>toyon</td>
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<td>Foothills</td>
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<td>Fremont cottonwood</td>
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Blue oak (foreground) and foothill pine (background)
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<th>Scientific Name</th>
<th>Common Name</th>
<th>Fall Color</th>
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<th>Generally Found in These Vegetation Types</th>
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<td><em>Salix melanopsis</em></td>
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<td>Central Valley</td>
</tr>
<tr>
<td>37</td>
<td><em>Sambucus mexicana</em></td>
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</tr>
<tr>
<td>38</td>
<td><em>Spinus densiflora</em></td>
<td>Mountain spirea</td>
<td>Evergreen</td>
<td>Sierra</td>
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# GRASSES

<table>
<thead>
<tr>
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<th>Native Region</th>
<th>Generally Found in These Vegetation Types</th>
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<tbody>
<tr>
<td>1 Agrostis exarata</td>
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</tr>
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<td>tufted hairgrass</td>
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<td>Wetland, grassland</td>
</tr>
<tr>
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</tr>
<tr>
<td>5 Elymus glaucus</td>
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<td>Evergreen</td>
<td>Central Valley</td>
<td>Grassland</td>
</tr>
<tr>
<td>6 Elymus trachycaulus</td>
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<td>Grassland</td>
</tr>
<tr>
<td>7 Festuca idahoensis</td>
<td>blue bunchgrass</td>
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</tr>
<tr>
<td>8 Hordeum brachyantherum</td>
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<td>Grassland</td>
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<tr>
<td>9 Leymus triticeolus</td>
<td>creeping wildrye</td>
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<tr>
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<td>California melic</td>
<td>Evergreen</td>
<td>Foothills</td>
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<td>12 Nassella ciliata</td>
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<td>Grassland</td>
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<td>15 Picea sitchensis</td>
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Common fyle, native to wetland zones in the Central Valley, will be planted along the river and in the park's stormwater wetlands and swales.

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<tr>
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<td>yerba mansa</td>
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<tr>
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<td>Evergreen</td>
<td>Central Valley</td>
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<td>Wetland</td>
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<tr>
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<tr>
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<td>Wetland</td>
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<td>Common Name</td>
<td>Fall Color</td>
<td>Native Region</td>
<td>Generally Found In These Vegetation Types</td>
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<td>Brown</td>
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<tr>
<td>11 Lupinus bicolor</td>
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<td>Brown</td>
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<tr>
<td>12 Mentzelia sp.</td>
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<td>Riparian</td>
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<tr>
<td>13 Mimulus cardinalis</td>
<td>scarlet monkeyflower</td>
<td>Brown</td>
<td>Central Valley</td>
<td>Riparian</td>
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<tr>
<td>14 Mimulus guttatus</td>
<td>monkey flower</td>
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<td>Riparian, wetland</td>
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<tr>
<td>15 Oenothera elata ssp. haworthiana</td>
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<tr>
<td>16 Penstemon apureus var. atatusius</td>
<td>azure penstemon</td>
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<td>Sierra</td>
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<tr>
<td>17 Penstemon centranthophyllus</td>
<td>scarlet bugler</td>
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<td>18 Urtica dioica ssp. haplosperma</td>
<td>hoary nettle</td>
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<td>Riparian</td>
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<tr>
<td>19 Viola douglasii</td>
<td>Douglas violet</td>
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<td>Central Valley</td>
<td>Grassland</td>
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</tbody>
</table>

Miniature lupines and many other flowering plants will brighten the park's meadows.
## VINES & GROUNDCOVERS

<table>
<thead>
<tr>
<th>Scientific Name</th>
<th>Common Name</th>
<th>Fall Color</th>
<th>Native Region</th>
<th>Generally Found in These Vegetation Types</th>
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<tbody>
<tr>
<td>Arctostaphylos nevadensis</td>
<td>pine mat, manzanita</td>
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<td>Sierra</td>
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<tr>
<td>Arctostaphylos uva-ursi</td>
<td>bearberry, kinnikinnik</td>
<td>Evergreen</td>
<td>Sierra</td>
<td>Mixed conifer</td>
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<tr>
<td>Aristolochia californica</td>
<td>Dutchman's pipe</td>
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<td>Riparian</td>
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<tr>
<td>Ceanothus divercisfolius</td>
<td>pine mat</td>
<td>Evergreen</td>
<td>Sierra</td>
<td>Mixed conifer</td>
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<td>mahala mat, squaw carpet</td>
<td>Evergreen</td>
<td>Sierra</td>
<td>Mixed conifer</td>
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<td>Clematis ligusticifolia</td>
<td>virgin'sbower, yerba de chiva</td>
<td>Yellow</td>
<td>Central Valley</td>
<td>Riparian</td>
</tr>
<tr>
<td>Rubus leucodermis</td>
<td>black cap raspberry</td>
<td>Red</td>
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<td>Riparian, woodland</td>
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<tr>
<td>Rubus ursinus</td>
<td>California blackberry</td>
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<tr>
<td>Toxicodendron diversilobum</td>
<td>poison oak</td>
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<td>western dog violet</td>
<td>Evergreen</td>
<td>Sierra</td>
<td>Riparian, grassland</td>
</tr>
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<td>Viola gatelia</td>
<td>stream violet</td>
<td>Evergreen</td>
<td>Sierra</td>
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<td>Viola californica</td>
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</tbody>
</table>

The fruit of the California grape is an important food source for bird and wildlife species.

Dutchman's pipe, a vine found in Central Valley riparian zones, attracts local butterfly species.
### Appendix B
Conceptual Cost Estimates for Tuolumne River Regional Park

<table>
<thead>
<tr>
<th>Area / Item</th>
<th>Estimated Cost</th>
</tr>
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<td><strong>AIRPORT AREA</strong></td>
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<tr>
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<td>Riparian Restoration</td>
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<td>River Overlook</td>
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<td>Boat Pier</td>
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<td>Riparian Restoration</td>
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<td>Park Landscaping</td>
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<td>Special Features:</td>
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<td>Overlooks</td>
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<td>Canoe &amp; Kayak Launch</td>
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<td>Sports Complex</td>
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<td>Interpretive Center / Sports Bldg</td>
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<td>Stormwater Wetland Upgrade</td>
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<td>Treatment Plant Upgrade</td>
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<td>Site Furnishings</td>
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<td>Site Utilities</td>
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<td><strong>SOUTH SIDE PARCELS</strong></td>
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<td><strong>TOTAL</strong></td>
<td>$82,750,000</td>
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Acknowledgments

Many people helped to produce the Tuolumne River Regional Park Master Plan.

Tuolumne River Regional Park Commission

Ray Simon, Commission Chair, Member Stanislaus County Board of Supervisors
Paul Caruso, Commission Vice Chair, Chairman Stanislaus County Board of Supervisors
Carman Sabatino, Mayor, Modesto City Council
Kenni Friedman, Vice Mayor, Modesto City Council
Louie Arrollo, Mayor, Ceres City Council

Tuolumne River Regional Park Citizens Advisory Committee

David Gianelli, Chair, City of Modesto
Mary Grogen, City of Modesto
Margaret Learman, City of Modesto
David Durham, County District #1
William Howard, County District #2
Karen Henry, County District #3
Clyde Dunlap, County District #4
Charles Stone, Vice Chair, County District #5
Barbara Baker, City of Ceres
Leonard Shepherd, City of Ceres

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Yaping Chai, Landscape Architect, EDAW
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Barry O'Regan, Engineer, HDR Engineering, Inc.
Tina Stott, Planner, Stott Planning Associates
Thomas Prosek, Illustrator, Prosek Design

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