MODESTO CITY COUNCIL
RESOLUTION NO. 90-801

A RESOLUTION APPOINTING DEPUTY CITY MANAGER PAUL BAXTER TO
THE POSITION OF ACTING CITY MANAGER AND PROVIDING FOR
ACTING PAY.

WHEREAS, upon the retirement of Garth Lipsky, City Manager, it is
appropriate that Deputy City Manager Paul Baxter be appointed to serve in the
position of Acting City Manager until such time as the appointment of a new
City Manager is made and the new City Manager assumes said position,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that Paul Baxter, Deputy City Manager, is hereby appointed to the position of
Acting City Manager in the absence of the City Manager.

BE IT FURTHER RESOLVED that an increase of 15% Acting Pay, effective
October 2, 1990, is hereby granted to the Acting City Manager, and said acting
pay shall continue until such time as the appointment of a new City Manager is
made and the new City Manager actually assumes said position.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the ___ day of ___ ,
1990, by Councilmember ___Patterson___, who moved its adoption, which motion
being duly seconded by Councilmember ___Muratore___, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: ________________
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
09/19/90

10209CA2
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND RECREATION SYSTEMS, INC. FOR LANDSCAPE DESIGN SERVICES FOR TUOLUMNE RIVER REGIONAL PARK

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Recreation Systems, Inc. for landscape design services for Tuolumne River Regional Park be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: _________________________________
                  NORRINE COYLE, City Clerk
A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $12,000 FROM CONTINGENCY RESERVE TO COVER COST OF LANDSCAPE DESIGN SERVICES FOR THE TUOLUMNE RIVER REGIONAL PARK

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Contingency Reserve ($12,000)
(890 800 8000 8003)

TO: Services, Professional & Other ($12,000)
(890 310 3912 0235)

Funds are needed to contract with Recreation Systems, Inc. for design services for a portion of the Tuolumne River Regional Park.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: NORMINE COYLE, CITY CLERK
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND STANISLAUS COUNTY FOR PLAN CHECKING AND INSPECTION RESPONSIBILITIES FOR THE ROSELLE MIDDLE SCHOOL

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Stanislaus County for plan checking and inspection responsibilities for the Roselle Middle School be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-805

A RESOLUTION ESTABLISHING CONDITIONS FOR ISSUING ENCROACHMENT PERMITS TO PLACE NEWS RACKS IN THE SIDEWALK-PLANTING STRIPS AND SUPERSEDING RESOLUTION NO. 77-1081.

WHEREAS, Section 7-1.104 of the Modesto Municipal Code authorizes the Public Works and Transportation Director to issue encroachment permits for placement of "News Racks" in the sidewalk-planting strip in accordance with certain conditions established by the City Council from time to time by resolution, and

WHEREAS, "News Racks" are defined, for purposes of this resolution, as any self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display and sale or distribution, without charge, of newspapers or news periodicals.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a master encroachment permit may be issued by the Public Works and Transportation Director for placement of News Racks within the sidewalk-planting strip as defined in Section 7-1.102 (g) of the Modesto Municipal Code subject to the following terms and conditions:

1. The applicant shall supply the name, address and telephone number of those responsible for installation, use and maintenance of the News Rack(s) and shall describe in detail the location(s) for placement of said News Rack(s).

2. No News Rack shall be installed, used or maintained in any location where such installation, use or maintenance endangers the safety of persons or property or unreasonably interferes with public utility, public transportation or other public use. In addition, said News Rack(s) shall not unreasonably interfere with or impede the flow of pedestrians, bicyclists, wheelchairs or vehicular traffic, access to or from any residence, place of business or any legally parked or stopped...
vehicle. In addition, said News Rack(s) shall not interfere with the use or visibility of traffic signs or signals, hydrants, emergency call boxes or mailboxes.

3. Multi-unit News Racks shall be permanently affixed to the ground. Permanent single unit News Racks may be permanently affixed to the ground or may be skirted and weighted in such a manner preventing movement of the News Rack or may be chained to other News Racks with a noncorrosive coated chain in a manner preventing movement of the News Rack. In no case shall the News Rack be chained or otherwise attached to a bus shelter, bus bench, street light, parking meter posts, utility pole, sign pole, tree, shrub or other plant or situated upon any landscaped area.

4. News Racks shall only be placed near a curb or adjacent to the wall of a building and shall be parallel to said curb or wall. The back of the News Rack placed near a curb shall be no less than eighteen (18) inches and no more than twenty-four (24) inches from the face of the curb. The back of a News Rack placed adjacent to the wall of a building shall be no more than six (6) inches from the wall. No News Rack shall be located opposite another News Rack.

5. The following minimum distances shall be maintained for the placement, installation, use or maintenance of any News Rack(s). No News Rack shall be placed:

   a. Within three (3) feet of any marked crosswalk.

   b. Within fifteen (15) feet of the curb return of any unmarked crosswalk.

   c. Within five (5) feet of any fire hydrant, fire call box, police call box or other emergency facility.

   d. Within three (3) feet of any driveway, building entrance or sidewalk leading to the entrance of a building.

   e. Within three (3) feet ahead of, or five (5) feet to the rear of, any sign marking a designated bus stop.

   f. Within three (3) fee of any bus bench.

   g. At any location where the clear space for the passageway of pedestrians is reduced to less than five (5) feet.

6. In no case shall any News Rack which exceeds three (3) feet in height be permitted within the "Clear Vision Triangle" which is defined as that triangular area of a corner location formed by
lines measured twenty-five (25) feet from the property line along each street and joining the points of those extended lines to form a triangle. This three (3) foot height limit shall be measured from the lowest curb elevation within the triangular area.

7. Each News Rack shall be in good repair and shall be maintained in a clean, safe, neat condition at all times.

8. News Racks that have been damaged shall be replaced or repaired as soon as is practical, unless the permit holder chooses to abandon the location, in which event the permit holder shall immediately remove the News Rack. Should a News Rack be removed, for any reason, the location shall be restored to an acceptable condition in accordance with the City of Modesto Public Works Engineering Standard Specifications by the person(s) responsible for its installation and maintenance.

9. No News Rack shall be used for advertising signs or publicity purposes other than one concerned with the display, sale or distribution of the newspaper or news periodical distributed from it.

10. In the event any News Rack is placed in violation of this resolution, the person(s) responsible for its installation and maintenance shall be notified by the Public Works and Transportation Director and be given five (5) working days from the receipt of notice to remedy the violation or to request a hearing before the Public Works and Transportation Director. If the violation is not remedied, CITY may seize the News Rack(s) and store in a safe place. Immediate seizure of the News Rack by the City may be allowed in the event that said News Rack poses an immediate danger to pedestrians or vehicles, as determined by the City Engineer. The permit holder will be given written notice of said seizure within five (5) working days after said seizure. In the event of such a seizure, the person(s) responsible for the installation and maintenance of said News Rack shall pay to the City the cost of removal and storage of said News Rack from the date of said seizure.

11. If a News Rack remains empty for thirty (30) consecutive days or is not claimed within thirty (30) days of seizure, said News Rack(s) shall be deemed abandoned, except that a News Rack remaining empty due to labor strike or a temporary interruption of distribution or publication by the newspaper sold from that News Rack shall not be deemed abandoned. Abandoned News Racks shall be removed from the public right of way by the permit holder within five (5) working days from the receipt of written notice from the Public Works and Transportation Director. Should said abandoned News Rack not be removed within five (5)
working days from the receipt of said written notice from City, the City may remove said News Rack and permit holder shall pay the cost for City to remove and store said abandoned News Rack.

12. News Racks shall be of a standard type in trade use with individual cases with a display window and automatic coin return. News Racks shall not exceed five (5) feet in height from the ground to the top surface of the News Rack, except that the News Rack shall not exceed three (3) feet in height when placed in an area where a three (3) foot height limitation exists as required by the Modesto Municipal Code.

13. The applicant shall have a copy of the policy or certificate of insurance for public liability and property damage in an amount specified by Modesto Municipal Code Section 7-1.109 on file with the City Clerk during the term of said encroachment permit.

14. The applicant agrees to be responsible for any and all claims and liabilities for damages from the extent they arise from the installation, maintenance, operation or use of said encroachment and, in the event any such claim or liability for damages is made against or imposed upon the City or any department, officer or employee thereof, the applicant agrees to defend, indemnify and hold each of them harmless from such claim or liability.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that no fees or bonds shall be required to apply for or secure an encroachment permit for the placement of News Racks within the public right of way.

BE IT FURTHER RESOLVED that Modesto City Council Resolution No. 77-1081 is hereby superseded.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-806

A RESOLUTION APPROVING THE FINAL MAP OF THE MAC ESTATES
SUBDIVISION OF THE CITY OF MODESTO.

WHEREAS, Turner-Edwards Development, a California corporation is
possessed of a tract of land situate in the City of Modesto, County of
Stanislaus, consisting of 1.758 acres, known as the Mac Estates Subdivision,
and

WHEREAS, a tentative map of said tract was approved by the Planning
Commission of the City of Modesto on the 16th day of January, 1990, 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 Mac 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 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 subdividers have 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 Agreement hereinafter referred to.

BE IT FURTHER RESOLVED that the City Manager and the City Clerk be authorized to execute and attest, respectively, an agreement with subdividers 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 2nd day of October, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: 
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
RESOLUTION ACCEPTING IMPROVEMENTS IN OXFORD PLACE SUBDIVISION
AND
AUTHORIZING RELEASE OF SUBDIVISION BONDS

WHEREAS, Florsheim Bros., subdividers of Oxford Place Subdivision, have filed subdivision bonds for faithful performance and labor and materials in the amount of $605,400.00 and $302,700.00 respectively to guarantee improvements in Oxford Place Subd. and;

WHEREAS, the Director of Public Works in a memorandum dated September 25, 1990, indicates that all work required by the subdivision agreement has been completed to the satisfaction of the Engineering Department; and

WHEREAS, the Director of Engineering 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 subdivision bonds upon expiration of the statutory period.

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

1. The improvements in Oxford Place Subdivision are hereby accepted.

2. The City Clerk is hereby authorized to release the subdivision bond for faithful performance in the amount of $605,400.00 upon recordation of notice of completion.

3. The City Clerk is hereby authorized to release the subdivision bond for labor and materials in the amount of $302,700.00 upon expiration of the statutory period.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson,
Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND EQUALITY COUNCIL FOR HOUSING OPPORTUNITIES OF STANISLAUS FOR A GRANT OF $20,000 UNDER THE 1990-91 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Equality Council for Housing Opportunities of Stanislaus for a grant of $20,000 to continue fair housing testing and counseling activities, under the 1990-91 Community Development Block Grant Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1990, by Councilmember Patterson, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

ATTEST: ________________________________
NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-809

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF A DONATION OF A THOROUGHBRED HORSE FROM THE GREATER MODESTO COMMUNITY FOUNDATION TO THE CITY OF MODESTO.

WHEREAS, out of affection and regard for the greater Modesto community, Dean Hagstrom has donated Mio Dee, a 6 year and 4 month old thoroughbred horse, to the Greater Modesto Community Foundation, and

WHEREAS, the donor desires that the horse be used in the Modesto Police Department for appropriate law enforcement operations or related activities, or for such other uses as the Council of the City of Modesto or the Modesto Police Department may determine to be suitable, and

WHEREAS, said horse is needed by the Modesto Police Department to replace one horse in the equestrian unit which has gone lame,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Dean Hagstrom's generous gift of a thoroughbred horse to the Greater Modesto Community Foundation and then transferred from the Foundation to the City of Modesto, as intended by the donor, is hereby accepted with appreciation.

BE IT FURTHER RESOLVED that, as desired by the donor, the horse shall be used by the Modesto Police Department for appropriate law enforcement operations or related activities, or for such other use as may be determined suitable by the Council of the City of Modesto or the Modesto Police Department.

BE IT FURTHER RESOLVED that the City Manager or his authorized designee is hereby authorized to execute the necessary documents to accept said gift, Mio Dee, a 6 year and 4 month old thoroughbred horse.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE DEPARTMENT OF TRANSPORTATION UNITED STATES OF AMERICA, FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964, AS AMENDED.

WHEREAS, the Secretary of Transportation is authorized to make grants for a mass transportation program of projects, and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant, including the provision by it of the local share of the project costs in the program, and

WHEREAS, it is required by the U. S. Department of Transportation in accordance with the provisions of Title VI of the Civil Rights Act of 1964, as amended, the applicant give an assurance that it will comply with Title VI of the Civil Rights Act of 1964 and the U. S. Department of Transportation requirements thereunder, and

WHEREAS, it is the goal of the applicant that disadvantaged business enterprises be utilized to the fullest extent possible in connection with these projects, and that definite procedures shall be established and administered to ensure that disadvantaged business shall have the maximum construction contracts, supplies, equipment contracts, or consultant and other services,

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

1. That the City Manager of the City of Modesto is authorized to execute and file an application on behalf of the City of Modesto with the U. S. Department of Transportation to aid in the financing of planning,
capital and/or operating assistance projects pursuant to Section 9 of the Urban Mass Transportation Act of 1964, as amended, and listed in the Section 9 Program of Projects attached hereto marked Exhibit A and incorporated herein by reference.

2. That the City Manager of the City of Modesto is authorized to execute and file with such application an assurance or any other document required by the U. S. Department of Transportation effectuating the purpose of Title VI of the Civil Rights Act of 1964.

3. That the Transit Manager is authorized to furnish such additional information as the U. S. Department of Transportation may require in connection with the application for the Program of Projects and budget.

4. That the City Manager of the City of Modesto is authorized to set forth and execute affirmative disadvantaged business policies in connection with the Program of Projects.

5. That the City Manager of the City of Modesto is authorized to execute grant agreements on behalf of the City of Modesto with the U. S. Department of Transportation for aid in the financing of the planning, capital and/or operating assistance Program of Projects and budget.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
Urbanized Area: Modesto, California
Designated Recipient: California Department of Transportation
Grantee: City of Modesto

Anticipated Apportionment for FY 1990/91: $1,249,234
Carryover funds: 402,222
Transfer funds: 0
Total Federal Funds Available: $1,651,456

* Includes $342,222 deobligated from CA-90-X265 and CA-90-X385 for operating assistance and $60,000 deobligated from CA-90-X365 "Rebuild Buses."

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Local</th>
<th>Federal</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. CAPITAL PROJECTS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Additional Funding for Transportation Center</td>
<td>$267,890</td>
<td>$289,770</td>
<td>$557,660</td>
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<td>2. Purchase and install bus stop signs</td>
<td>$7,200</td>
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<td>3. Purchase Automobile</td>
<td>$2,600</td>
<td>$10,400</td>
<td>$13,000</td>
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<tr>
<td>SUBTOTAL</td>
<td>$277,690</td>
<td>$328,970</td>
<td>$606,660</td>
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<tr>
<td>II. OPERATING ASSISTANCE for period from 7/1/90 to 6/30/91</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SUBTOTAL</td>
<td>$1,753,887</td>
<td>$1,325,258</td>
<td>$3,079,145</td>
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<tr>
<td>TOTAL</td>
<td>$2,031,577</td>
<td>$1,654,428</td>
<td>$3,685,805</td>
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</tbody>
</table>

EXHIBIT A
MODESTO CITY COUNCIL
RESOLUTION NO. 90-810

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH
THE DEPARTMENT OF TRANSPORTATION UNITED STATES OF AMERICA,
FOR A GRANT UNDER THE URBAN MASS TRANSPORTATION ACT OF 1964,
AS AMENDED.

WHEREAS, the Secretary of Transportation is authorized to make
grants for a mass transportation program of projects, and

WHEREAS, the contract for financial assistance will impose certain
obligations upon the applicant, including the provision by it of the local
share of the project costs in the program, and

WHEREAS, it is required by the U. S. Department of Transportation in
accordance with the provisions of Title VI of the Civil Rights Act of 1964, as
amended, the applicant give an assurance that it will comply with Title VI of
the Civil Rights Act of 1964 and the U. S. Department of Transportation
requirements thereunder, and

WHEREAS, it is the goal of the applicant that disadvantaged business
enterprises be utilized to the fullest extent possible in connection with
these projects, and that definite procedures shall be established and
administered to ensure that disadvantaged business shall have the maximum
construction contracts, supplies, equipment contracts, or consultant and other
services,

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

1. That the City Manager of the City of Modesto is authorized to
execute and file an amendment to an application on behalf of the City of
Modesto with the U. S. Department of Transportation to aid in the financing of
planning, capital and/or operating assistance projects pursuant to Section 9

100190

-1-

10320CA2
of the Urban Mass Transportation Act of 1964, as amended, and listed in the
Section 9 Program of Projects attached hereto marked Exhibit A and
incorporated herein by reference.

2. That the City Manager of the City of Modesto is authorized to
execute and file with such amendment to application an assurance or any other
document required by the U. S. Department of Transportation effectuating the
purpose of Title VI of the Civil Rights Act of 1964.

3. That the Transit Manager is authorized to furnish such
additional information as the U. S. Department of Transportation may require
in connection with the amendment to application for the Program of Projects
and budget.

4. That the City Manager of the City of Modesto is authorized to
set forth and execute affirmative disadvantaged business policies in
connection with the Program of Projects.

5. That the City Manager of the City of Modesto is authorized to
execute grant agreements on behalf of the City of Modesto with the U. S.
Department of Transportation for aid in the financing of the planning, capital
and/or operating assistance Program of Projects and budget.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
### FY 1990-91
#### SECTION 9
#### PROGRAM OF PROJECTS

**Urbanized Area:** Modesto, California  
**Designated Recipient:** California Department of Transportation  
**Grantee:** City of Modesto  

<table>
<thead>
<tr>
<th>Anticipated Apportionment for FY 1990-91: $1,249,234</th>
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* Includes $342,222 deobligated from CA-90-X265 and CA-90-X385 for operating assistance and $60,000 deobligated from CA-90-X365 "Rebuild Buses."

### Project Description

#### I. CAPITAL PROJECTS

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<td>$13,000</td>
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**SUBTOTAL**

| | $277,690 | $328,970 | $606,660 |

#### II. OPERATING ASSISTANCE for period from 7/1/90 to 6/30/91

| | $1,753,887 | $1,325,258 | $3,079,145 |

**SUBTOTAL**

| | $2,031,577 | $1,654,228 | $3,685,805 |

**TOTAL**

---

EXHIBIT A
MODESTO CITY COUNCIL  
RESOLUTION NO. 90-811  

A RESOLUTION DESIGNATING THE MODESTO ASH TREE LOCATED AT  
THE CORNER OF 3RD STREET AND SIERRA STREET AS A MODESTO  
LANDMARK PRESERVATION SITE.  

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code  
establishes Landmark Preservation Site status as a way to recognize, preserve,  
enhance and perpetuate significant landmarks in the community, and  

WHEREAS, a public hearing was held on October 16, 1989, in the City  
Council Chambers, City Hall, 801 11th Street, Modesto, California, in which  
the Landmark Preservation Commission found and recommended in their Resolution  
No. 6, that the Modesto Ash Tree is eligible for designation as a Landmark  
Preservation Site for the following reasons:  

1. The location and setting is compatible with future preservation  
and use.  

2. The physical condition is such that preservation, maintenance,  
or adaptive use is economically feasible.  

3. The distinguishing characteristics of significance are for the  
most part original and intact or capable of restoration.  

4. The existing or proposed use is compatible with the  
preservation and maintenance of the site.  

and  

WHEREAS, after a public hearing held on October 9, 1990, in the City  
Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council  
found and determined that the Modesto Ash Tree is eligible for designation as  
a Landmark Preservation Site for the reasons set forth by the Landmark  
Preservation Commission,  

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto  
that the Modesto Ash Tree located on property at the corner of 3rd Street and
Sierra Street has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. The original Modesto Ash, planted before 1911, is culturally significant in that this tree is unique to Modesto. All other Modesto Ash trees have been grafted from this tree.

2. The Modesto Ash tree is located in West Side Park and is maintained by the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: NORME COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-812

A RESOLUTION DESIGNATING THE MODESTO PUMP STATION LOCATED AT 10TH STREET AND NEEDHAM AVENUE AS A MODESTO LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on October 16, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 5, that the Modesto Pump Station No. 9 is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.
2. The physical condition is such that preservation, maintenance, or adaptive use is economically feasible.
3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.
4. The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on October 9, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the Modesto Pump Station No. 9 is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Modesto Pump Station No. 9 located on property at 10th Street and
Needham Avenue has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. It is architecturally significant as a fine example of the California Mission Revival style.

2. It was designed by A. O. Carley after a pump station in Sunol which was designed by Willis Polk.

3. Financially, it is owned and maintained by the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-813

A RESOLUTION DESIGNATING THE F. W. WOOLWORTH SIGN LOCATED
AT 1014 10TH STREET AS A MODESTO LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code
establishes Landmark Preservation Site status as a way to recognize, preserve,
enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on October 16, 1989, in the City
Council Chambers, City Hall, 801 11th Street, Modesto, California, in which
the Landmark Preservation Commission found and recommended in their Resolution
No. 4, that the F. W. Woolworth Company sign is eligible for designation as a
Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation
   and use.

2. The physical condition is such that preservation, maintenance,
   or adaptive use is economically feasible.

3. The distinguishing characteristics of significance are for the
   most part original and intact or capable of restoration.

4. The existing or proposed use is compatible with the
   preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on October 9, 1990, in the City
Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council
found and determined that the F. W. Woolworth Company sign is eligible for
designation as a Landmark Preservation Site for the reasons set forth by the
Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that the F. W. Woolworth Company sign located on property at 1014 10th Street
has historic and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. The F. W. Woolworth Company sign, installed in 1949 is historically significant as a symbol of the Woolworth store's "new image" at that time as a reflection of its change from the 5 and 10 era.

2. It is economically viable since it indicates the Woolworth store.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: NORRINE COYLE, City Clerk

(Seal)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION DESIGNATING FIRE STATION NO. 2 LOCATED AT 629 SECOND STREET AS A MODESTO LANDMARK PRESERVATION SITE.

WHEREAS, Chapter 10 of Title IX of the Modesto Municipal Code establishes Landmark Preservation Site status as a way to recognize, preserve, enhance and perpetuate significant landmarks in the community, and

WHEREAS, a public hearing was held on October 16, 1989, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, in which the Landmark Preservation Commission found and recommended in their Resolution No. 7, that Fire Station No. 2 is eligible for designation as a Landmark Preservation Site for the following reasons:

1. The location and setting is compatible with future preservation and use.

2. The physical condition is such that preservation, maintenance, or adaptive use is economically feasible.

3. The distinguishing characteristics of significance are for the most part original and intact or capable of restoration.

4. The existing or proposed use is compatible with the preservation and maintenance of the site.

and

WHEREAS, after a public hearing held on October 9, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that Fire Station No. 2 is eligible for designation as a Landmark Preservation Site for the reasons set forth by the Landmark Preservation Commission,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Fire Station No. 2 located on property at 629 Second Street has historic
and architectural significance and is hereby designated a Landmark Preservation Site for the following reasons:

1. Fire Station No. 2, built in 1924, is significant as the only remaining fire house in Modesto of this vintage. It is a good example of a fire house of the 1920's.

2. It is economically viable since it is owned and maintained by the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Muratore, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: NORMINE COYLE, City Clerk

(SIGNATURE)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ACCEPTING THE BID OF WESTERN STONE PRODUCTS, INC. FOR THE UNION AVENUE RAILROAD CROSSING

WHEREAS, Resolution No. 90-731, adopted by the Council of the City of Modesto on September 4, 1990, approved the plans and specifications for the Union Avenue railroad crossing and authorized the calling for bids; and

WHEREAS, the bids received for the Union Avenue railroad crossing were opened at 11:00 a.m. on September 27, 1990, and later tabulated by the Director of Public Works & Transportation for the consideration of the Council; and

WHEREAS, the Director of Public Works & Transportation has recommended that the bid of Western Stone Products, Inc. in the amount of $30,018 be accepted as the lowest responsible bid.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the bid of Western Stone Products, Inc. in the amount of $30,018 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 9th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Whiteside

ATTEST: NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-816

A RESOLUTION APPROVING APPROPRIATION TRANSFER OF $8,500 NEEDED TO COMPLETE THE UNION AVENUE RAILROAD CROSSING PROJECT

BE IT RESOLVED by the Council of the City of Modesto that the following appropriation transfer(s) are approved:

FROM: Gas Tax Reserves
(070 800 8000 8003) $8,500.00
TO: TSRR Crossing at Union Avenue
(070 430 G288 9000) $8,500.00

Funds are needed to complete the City's portion of the Union Avenue railroad crossing project. Factors contributing to the shortfall:
1) long delay waiting for Railroad to complete their work; 2) Engineer's estimate too low for sidewalk and curb; and 3) Railroad requirement for additional insurance.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird
NOES: Councilmembers: None
ABSENT: Councilmembers: Mayor Whiteside

ATTEST: NORMINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ART AND CHARLENE BORNESTEIN FOR SEWER SERVICE TO PROPERTY OUTSIDE CITY LIMITS AT 1814 LAS VEGAS AVENUE

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Art and Charlene Bornstein for sewer service to property outside City limits at 1814 Las Vegas Avenue, located on the east side of Las Vegas between Glenn and Butte Streets be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-818

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND COMPUTIL CORPORATION FOR THE PROCESSING OF PARKING CITATIONS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Computil Corporation for the processing of parking citations be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October , 1990, by Councilmember Lang , who moved its adoption, which motion being duly seconded by Councilmember Muratore , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: ____________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-819

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND AD VENTURES OF STOCKTON TO PROMOTE/ADVERTISE MODESTO'S CITY TRANSIT SYSTEMS

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Ad Ventures of Stockton, to promote/advertise Modesto's City transit systems be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: Norrine Coyle, City Clerk
A RESOLUTION ADOPTING THE TRANSIT DIVISION'S DISADVANTAGED BUSINESS ENTERPRISE 1990-91 FISCAL YEAR GOAL OF 13% PARTICIPATION IN TRANSIT CONTRACT AWARDS

WHEREAS, on May 2, 1988, the Council of the City of Modesto adopted the Transit Section's Disadvantaged Business Enterprise Program entitled, "Disadvantaged Business Enterprise Program - Transit", with a 1988-89 and 1989-90 goal of 13% participation; and

WHEREAS, the Urban Mass Transportation Administration requires each grantee to submit its goal for Disadvantaged Business Enterprise participation in contract awards on an annual basis, and has recommended adoption of a 13% goal for Modesto; and

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Modesto does hereby adopt the Transit Division's goal of 13% for Disadvantaged Business Enterprise participation in contract awards for 1990-91.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: NORMA COYLE, City Clerk
A RESOLUTION APPROVING A CONTRACT AMENDMENT TO EXTEND THE STATE GRANT FOR THE TRANSPORTATION CENTER THROUGH JUNE 30, 1992

WHEREAS, the State granted the City of Modesto $160,000 for the Transportation Center requiring completion of the Transportation Center by June 30, 1988; and

WHEREAS, an amendment to the grant contract was approved on April 5, 1988, extending the contract through June 30, 1989, and again on April 4, 1989, extending the contract through December 30, 1990; and

WHEREAS, the Transportation Center will not be completed by December 30, 1990, and it is necessary to request the grant contract be extended through June 30, 1992.

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a contract amendment to extend the State grant in the amount of $160,000 for the Transportation Center through June 30, 1992, and authorizes the Acting City Manager to execute the amended grant agreement 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 9th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: __________________________
NORRINE COYLE, City Clerk
A RESOLUTION WAIVING THE FRANCHISE REQUIREMENT OF A SIXTY-DAY NOTICE TO THE CITY OF MODESTO PRIOR TO A CABLE FRANCHISE RATE INCREASE.

WHEREAS, it is a requirement of the cable franchise that Post Newsweek provide subscribers with 30 days' notice of a rate increase, and

WHEREAS, it is also a requirement of the cable franchise that Post Newsweek provide the City of Modesto with 60 days' notice of a rate increase, and

WHEREAS, the City of Modesto recently enacted a utility user tax on cable which will become effective on November 1, 1990, and

WHEREAS, Post Newsweek had planned to increase their rates effective January, 1991, and

WHEREAS, in order to avoid having cable bills increase twice in two months, Post Newsweek is now planning to make their rate increase effective at the same time as the City's utility user tax, and

WHEREAS, by increasing their rates at the same time the City's utility user tax goes into effect, Post Newsweek will be able to satisfy the requirement of notification to subscribers 30 days in advance but will not be able to provide formal notification to the City 60 days in advance, and

WHEREAS, this change in the effective date of the Post Newsweek rate increase is precipitated by the City's action on the utility user tax, and

WHEREAS, staff has recommended approval of a one-time waiver of the 60-day notice to the City of a rate increase,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves a one-time waiver of the formal 60-day
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-823

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND THEODORE M. COOK FOR THE LEASE OF 500 NINTH STREET, SUITE H

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Theodore M. Cook, for the lease of 500 Ninth Street, Suite H be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: ____________________________
NORRINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-824
AMENDED
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND HENDLEY-SKYTREK FUEL, INC. AT THE MODESTO CITY-COUNTY AIRPORT

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the amended agreement between the City of Modesto and Hendley-Skytrek Fuel, Inc. to reflect a change in the fuel flowage fee charged to the fuel supplier at the Airport be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: __________________________
NORRINE COYLE, City Clerk
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MULTI-CULTURAL CENTER FOR A GRANT OF $25,000 UNDER THE 1990-91 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the agreement between the City of Modesto and Multi-Cultural Center for a grant of $25,000 to provide continuation of a Job Readiness and Job Development Program, under the 1990-91 Community Development Block Grant Program be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated city officials be authorized.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October , 1990 , by Councilmember Dobbs , who moved its adoption, which motion being duly seconded by Councilmember Irizarry , was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Acting Mayor Bird

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Whiteside

ATTEST: NORMINE COYLE, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-826

A RESOLUTION AMENDING CITY COUNCIL RESOLUTION NO. 82-855, AS AMENDED BY RESOLUTION NO. 90-24, TO ADD NEW AREAS TO THE MODESTO, CALIFORNIA REDEVELOPMENT SURVEY AREA, AND REDEscribing THE BOUNDARIES OF said REDEVELOPMENT SURVEY AREA.

WHEREAS, the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) provides authority for the designation and description by resolution of survey areas, and

WHEREAS, the City Council by Resolution No. 82-855, adopted on November 23, 1982, designated a redevelopment survey area and determined that said area required study to determine if a redevelopment project or projects within the area would be feasible, and

WHEREAS, the City Council by Resolution No. 90-24 adopted on January 16, 1990, adopted a revised redevelopment survey area which included the downtown grid and commercial and industrial areas adjacent to downtown Modesto; and also included County Center 3, at the request of the County of Stanislaus, and the commercial strip along Paradise Road, and

WHEREAS, in September 1990, the City received a request, jointly made by Modesto City Schools, the Yosemite Community College District, and the County Superintendent of Education, to include additional lands in the survey area, said additional lands to include the west campus of Modesto Junior College, Modesto High School, and the Modesto City Schools administrative offices and property on Locust Street, and

WHEREAS, in addition to the school areas, City staff has recommended minor modifications to include several City parks that are adjacent to the survey area, and to connect Modesto High School to the downtown area, and
WHEREAS, the City Council desires to have the additional areas described in this resolution studied to determine if a redevelopment project or projects within said areas would be feasible.

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

SECTION 1. The map and the description of the area described in Resolution No. 82-855 as amended by Resolution No. 90-24, are hereby amended to add additional areas to the redevelopment survey area as shown on the "Map of Amended Redevelopment Survey Area," attached hereto and marked as Exhibit "A", and described as set forth in the "Redevelopment Survey Area," attached hereto and marked as Exhibit "B", which exhibits include the redevelopment survey area designated by City Council Resolution No. 82-855, and as amended by Resolution No. 90-24.

SECTION 2. The City Council hereby finds and determines that the areas described in Section 1 of this resolution require study to determine if a redevelopment project or projects within said areas are feasible.

SECTION 3. All other provisions of said City Council Resolution Nos. 82-855, and 90-24 not in conflict with this resolution shall remain in full force and effect.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Dobbs, who moved its adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Bird

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney

APPROVED AS TO DESCRIPTION:

By John L. Christiansen

Public Works and Transportation Department, Engineering Division
All that real property in the State of California, County of Stanislaus, City of Modesto, being a portion of the Southeast quarter of Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Blocks 1300 and 1319 of the City of Modesto and those portions of Oakdale Road and Scenic Drive bordering said Blocks.

Exhibit "B"
All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 31, Township 3 South, Range 9 East, and the North half of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Southeastern corner of Block 3093 of the City of Modesto, said point being on the South line of said Section 31;

1. thence Westerly and Northwesterly along the Southern boundary of said Block 3093 and the alley in Block 3092 to Paradise Road;

2. thence Southwesterly along said Paradise Road to the Western line of Block 3091 of the WALNUT GROVE Subdivision, as per map filed November 14, 1958 in Volume 19 of Maps, Page 9, Stanislaus County Records;

3. thence Southerly along said Western line of Block 3091 to its intersection with a line which is parallel with and 250.00 feet, measured at right angles, Southeasterly from the Southeastern line of former 50.00 foot Paradise Road;

4. thence Southwesterly along said parallel line to the Southeastern corner of Assessor's Parcel 37-08-11;

5. thence Westerly along the Southern line of said Parcel 37-08-11 to a Northeastern corner of Assessor's Parcel 37-08-02;

6. thence Southerly along the most Easterly line of said Parcel 37-08-02 to the Southeastern corner thereof;

7. thence Westerly along the Southern line of Parcel 37-08-02 to Wade Avenue;

8. thence Northerly along said Wade Avenue to Paradise Road;

9. thence Southwesterly along said Paradise Road to the Northeastern line of Parcel 2, as per map filed December 18, 1989, in Book 42 of Parcel Maps, Page 60, Stanislaus County Records;

10. thence Northwesterly along said Northeastern line of Parcel 2 to Beverly Drive;

11. thence Easterly along said Beverly Drive to the Western line of Assessor's Parcel 37-04-39;

12. thence Northerly and Easterly along the boundary of said Parcel 37-04-39 to Harris Avenue;

13. thence Northerly along said Harris Avenue to the alley in Block 4028 of the AMENDED MAP OF PARADISE ORCHARD TRACT, as per map filed December 3, 1946 in Volume 16 of Maps, Page 3A, Stanislaus County Records;
14. thence Northeasterly along the alleys in Blocks 4028, 4029, and 4030 and the Southeasterly line of Lot 14 and the Northwestern line of Lots 13, 12, and 11 of Block 4030 of said Amended Map of Paradise Orchard Tract to a point on the Western line of Lot 10 in said Block 4030;

15. thence Northerly along said Western line of Lot 10 in Block 4030 to Chicago Avenue;

16. thence Easterly along said Chicago Avenue to the Southwestern corner of the ELLEN TRACT, as per map filed May 25, 1939 in Volume 11 of Maps, Page 60, Stanislaus County Records;

17. thence Northerly along the Western line of said Ellen Tract to the Northwestern corner thereof;

18. thence Easterly along the Northern line of the Ellen Tract and the Northern line of Assessor's Parcel 30-21-09 to a point on the Western line of Parcel "B", as per map filed October 30, 1980 in Book 30 of Parcel Maps, Page 172, Stanislaus County Records;

19. thence Northerly along said Western line of Parcel "B" to Briggs Avenue;

20. thence Easterly along said Briggs Avenue to North Martin Luther King Drive;

21. thence Southerly along said North Martin Luther King Drive to the Northern line of the C-1 Zone in Block 343 of the City of Modesto;

22. thence Easterly along said last-mentioned Northern line to the Northern corner of Lot 2 in said Block 343;

23. thence Southeasterly along the Northeastern line of Lot 2 in Block 343 to Paradise Avenue;

24. thence Southwesterly along said Paradise Avenue to its intersection with the Northerly extension of the Eastern line of the Western 2.00 feet of Lot 8 in Block 353 of the City of Modesto;

25. thence Southerly along said Northerly extension of and the Eastern line of the Western 2.00 feet of Lot 8 in Block 353 to the East-West alley in Block 353;

26. thence Westerly along said East-West alley in Block 353 to Sutter Avenue;

27. thence Southerly along said Sutter Avenue to said Southeastern corner of Block 3093 and the point of beginning.

28. Including those portions of Paradise Road, Wade Avenue, Beverly Drive, Harris Avenue, Mayette Avenue, Florette Avenue, Chicago Avenue, Ellen Avenue, Briggs Avenue, North Martin Luther King Drive, Paradise Avenue, Tuolumne Boulevard, and Sutter Avenue bordering the above-described property.
All that real property in the State of California, County of Stanislaus, being a portion of Sections 24 and 25, Township 3 South, Range 8 East, and Sections 19, 27, 28, 29, 30, 31, 32 and 33, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the intersection of the centerlines of Carpenter Road and Kansas Avenue;

1. thence Westerly 670 feet, more or less, along said centerline of Kansas Avenue to its intersection with the Southerly extension of the Eastern line of the PHEASANT VALLEY Subdivision, as per map filed March 16, 1988 in Volume 32 of Maps, Page 76, Stanislaus County Records;

2. thence Northerly 1,146 feet, more or less, along said Southerly extension of and the Eastern line of said Pheasant Valley Subdivision to the Northwestern corner of Parcel "2", as per map filed June 27, 1974, in Book 19 of Parcel Maps, Page 50, Stanislaus County Records;

3. thence Northeasterly 158 feet, more or less, along a Northwestern line of Parcel "2";

4. thence Southeasterly 10 feet, more or less, along a Northeasterly line of Parcel "2";

5. thence Northerly 101 feet, more or less, to the centerline of Torrid Avenue;

6. thence Easterly 340 feet, more or less, along said centerline of Torrid Avenue to its intersection with said centerline of Carpenter Road;

7. thence Northerly 990 feet, more or less, along said centerline of Carpenter Road to the Southeastern corner of Lot 1 in Block 1 of the PLEASANT HOMES Subdivision, as per map filed August 17, 1922 in Volume 9 of Maps, Page 67, Stanislaus County Records;

8. thence Westerly 165 feet, more or less, along the Southern line of said Lot 1 of Block 1 of the Pleasant Homes Subdivision;

9. thence Northerly 350 feet, more or less, to the centerline of Woodland Avenue and the North line of said Section 25;

10. thence Easterly 165 feet, more or less, along said centerline of Woodland Avenue and said North line of Section 25 to the centerline of Carpenter Road;

11. thence Northerly 1,330 feet, more or less, along the centerline of Carpenter Road to the Southeastern corner of Lot 10 of the CARMICHAEL COLONY, as per map filed December 16, 1912 in Volume 7 of Maps, Page 20, Stanislaus County Records;
12. thence Westerly 1,992 feet, more or less, along the Southern line of
Lots 10, 9 and 8 of said Carmichael Colony to the Southwestern
corner of Parcel "2", as per map filed July 30, 1982, in Book 33 of
Parcel Maps, Page 12, Stanislaus County Records;

13. thence Northerly 1,327 feet, more or less, along the Western line of
Parcel "2" and the centerline of Prichard Avenue to the centerline
of former 40.00-Foot Blue Gum Avenue and the East-West quarter
section line of said Section 24;

14. thence Westerly 1990 feet, more or less, along said centerline of
Blue Gum Avenue and said East-West quarter section line to the West
line of the East half of the Northwest quarter of Section 24 and the
Southerly extension of the Western line of 40.00-foot Poust Avenue;

15. thence Northerly 2,649 feet, more or less, along said Southerly
extension and said Western line of Poust Avenue, to the North line
of Section 24;

16. thence Easterly 2,510 feet, more or less, along said North line of
Section 24, to the Southwestern line of the 100.00-foot Southern
Pacific Railroad Right-of-Way;

17. thence Southeasterly 2,072 feet, more or less, along said
Southwestern line of the Southern Pacific Railroad Right-of-Way to
the centerline of Carpenter Road;

18. thence Northerly along the centerline of Carpenter Road and the East
line of Section 24, to its intersection with the Southwestern line
of Freeway 99;

19. thence Southeasterly along said Southwestern line of Freeway 99 to a
Southeastern line of the NORTH 99 ADDITION (195), as per description
filed June 28, 1966, as Instrument 23028, Stanislaus County Records;

20. thence Northeasterly 329 feet, more or less, along said Southeastern
line of ADDITION (195) to a point on the Northern line of Clayton
Avenue;

21. thence Easterly 305 feet, more or less, along said Northern line of
Clayton Avenue to its intersection with the Northerly extension of
the Western line of the CAMPUS EDGE ADDITION (71), as per
description filed July 24, 1956, as Instrument 20020, Stanislaus
County Records;

22. thence Southerly 712 feet, more or less, along said Northerly
extension and the Western line of ADDITION (71), to the Southwestern
corner of ADDITION (71);

23. thence Easterly 874 feet, more or less, along the Southern line of
ADDITION (71) to the centerline of Carver Road;

24. thence Northerly 67 feet, more or less, along said centerline of
Carver Road to its intersection with the centerline of West Roseburg
Avenue;
25. thence Easterly 411 feet, more or less, along said centerline of West Roseburg Avenue to its intersection with the Northerly extension of the Eastern line of Parcel "1", as per map filed March 14, 1985 in Book 36 of Parcel Maps, Page 39, Stanislaus County Records;

26. thence Southerly 946 feet, more or less, along said Northerly extension of the Eastern line of Parcel "1", the Eastern line of Parcels "1" and "2" and the Southerly extension of said Eastern line of Parcel "2" to a point on the Northern line of Parcel "B" as per map filed March 26, 1976 in Book 22 of Parcel Maps, Page 78, Stanislaus County Records;

27. thence Easterly 1,123 feet, more or less, along said Northern line of Parcel "B" and its Easterly extension and the Northern Line of property conveyed to the City of Modesto (J.M. Pike Park) by deed recorded July 22, 1948, as Instrument 15495, Stanislaus County Records, to the centerline of Kearney Avenue;

28. thence Southerly 820 feet, more or less, along said centerline of Kearney Avenue to the Northwestern corner of Lot 8 of the EVERGREEN ACRES Subdivision, as per map filed September 21, 1912 in Volume 7 of Maps, Page 9, Stanislaus County Records;

29. thence Easterly 264 feet, more or less, along the Northern line of said Lot 8 of Evergreen Acres to the Northeastern corner of Lot 8;

30. thence Southerly 550 feet, more or less, along the Eastern line of Lot 8, said line also being the Western line of Lots 7 and 9, of said Evergreen Acres to the Northwestern corner of Lot 21 of Evergreen Acres;

31. thence Easterly 776 feet, more or less, along the Northern line of said Lot 21, 20, 19, 18 and 17 of Evergreen Acres to the Northeastern corner of Lot 17 of Evergreen Acres;

32. thence Southerly 59 feet, more or less, along the Eastern line of said Lot 17 of Evergreen Acres to the Northwestern corner of Lot 16 of Evergreen Acres;

33. thence Easterly 281 feet, more or less, along the Northern line of said Lot 16 of Evergreen Acres to the centerline of Tully Road;

34. thence Southerly 1,324 feet, more or less, along said centerline of Tully Road to its intersection with the centerline of Stoddard Avenue;

35. thence Easterly 620 feet, more or less, along said centerline of Stoddard Avenue to its intersection with the Northwesterly extension of the Northeastern boundary of the COLLEGE PARK TRACT NO. 2, as per map filed September 13, 1940 in Volume 14 of Maps, Page 3, Stanislaus County Records;

36. thence Southeasterly 622 feet, more or less, along said Northeasterly boundary of said College Park Tract No. 2;
37. thence Southwesterly along a curve to the left having a radius of 371.77 feet to its point of tangency on the Northwesterly line of the 120-foot wide Modesto Irrigation District Lateral No. 4;

38. thence Southwesterly along said Northwesterly line of said Lateral No. 4 to its intersection with the Northerly extension of the centerline of Nellie Avenue;

39. thence Southerly along said Northerly extension of the centerline of Nellie Avenue and the centerline of Nellie Avenue to its intersection with a line which is parallel with and 172.5 feet, measured at right angles, Northerly from the centerline of former 65-foot Needham Street;

40. thence Easterly 199 feet, more or less, along said parallel line to the centerline of the alley in Block 506 of the CITY OF MODESTO, as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records;

41. thence Northerly 17 feet, more or less, along said alley centerline to its intersection with a line which is parallel with and 189.24 feet, measured at right angles, Northerly from said centerline of former 65-foot Needham Street;

42. thence Easterly 187 feet, more or less, along said last-mentioned parallel line to the centerline of College Avenue;

43. thence Southerly 51 feet, more or less, along said centerline of College Avenue to its intersection with a line which is parallel with and 138.1 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;

44. thence Easterly 187 feet, more or less, along said last-mentioned parallel line to the centerline of the alley in Block 509 of said City of Modesto;

45. thence Southerly 2 feet, more or less, along said last-mentioned alley centerline to its intersection with a line which is parallel with and 136.5 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;

46. thence Easterly 186 feet, more or less, along said last-mentioned parallel line to the centerline of Olive Avenue;

47. thence Southerly 0.4 feet, more or less, along said centerline of Olive Avenue to its intersection with a line which is parallel with and 136.1 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;

48. thence Easterly 186 feet, more or less, along said last-mentioned parallel line to the centerline of the alley in Block 510 of said City of Modesto;
with and 134.9, measured a right centerline of 65-foot Needham Street;

50. thence Easterly 186 feet, more or less, along said last-mentioned parallel line to the centerline of Orange Avenue;

51. thence Northerly 25 feet, more or less, along said centerline of Orange Avenue to its intersection with a line which is parallel with and 159.1 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;

52. thence Easterly 186 feet, more or less, along said last-mentioned parallel line to the centerline of the alley in Block 515 of said City of Modesto;

53. thence Southerly 2 feet, more or less, along said last-mentioned alley centerline to its intersection with a line which is parallel with and 157.5 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;

54. thence Easterly 186 feet, more or less, along said last-mentioned parallel line to the centerline of Virginia Avenue;

55. thence Southerly 50 feet, more or less, along said centerline of Virginia Avenue to its intersection with a line which is parallel with and 107.3 feet, measured at right angles, Northerly from said centerline of 65-foot Needham Street;

56. thence Easterly 186 feet, more or less, to the centerline of the alley in Block 516 of said City of Modesto;

57. thence Southerly 107 feet, more or less, along said last-mentioned alley centerline to said centerline of 65.00-foot Needham Avenue;

58. thence Easterly 932 feet, more or less, along said centerline of 65.00-foot Needham Street to the centerline of Park Avenue;

59. thence Northerly 1,277 feet, more or less, along said centerline of Park Avenue to the centerline of Stoddard Avenue;

60. thence Easterly 375 feet, more or less, along said centerline of Stoddard Avenue to the centerline of Sycamore Avenue;

61. thence Southerly 1,276 feet, more or less, along said centerline of Sycamore Avenue, to said centerline of Needham Street;

62. thence Easterly 1,127 feet, more or less, along said centerline of 65.00-foot Needham Street to the centerline of McHenry Avenue;

63. thence Southerly 57 feet, more or less, along said centerline of McHenry Avenue to the centerline of Downey Avenue;
64. thence Easterly 390 feet, more or less, along said centerline of
Downey Avenue to the centerline of Semple Street;

65. thence Northerly 180 feet, more or less, along said centerline of
Semple Street to the centerline of the alley in Block 579 of said
City of Modesto;

66. thence Easterly 338 feet, more or less, along said last-mentioned
alley centerline to the centerline of Kimble Street;

67. thence Northerly 60 feet, more or less, along said centerline of
Kimble Street to the centerline of an East-West alley in Block 580
of said City of Modesto;

68. thence Easterly 180 feet, more or less, along said last-mentioned
alley centerline to the centerline of the North-South alley in said
Block 580;

69. thence Northerly 75 feet, more or less, along said last-mentioned
alley centerline to the centerline of an East-West alley in Block
580;

70. thence Easterly 180 feet, more or less, along said last-mentioned
alley centerline to the centerline of High Street;

71. thence Northerly 100 feet, more or less, along said centerline of
High Street to the centerline of an East-West alley in Block 587 of
said City of Modesto;

72. thence Easterly 180 feet, more or less, along said last-mentioned
alley centerline to the centerline of the North-South alley in said
Block 587;

73. thence Northerly 75 feet, more or less, along said last-mentioned
alley centerline to the centerline of an East-West alley in Block
587;

74. thence Easterly 180 feet, more or less, along said last-mentioned
alley centerline to the centerline of Melrose Street;

75. thence Northerly 102 feet, more or less, along said centerline of
Melrose Street to the centerline of the East-West alley in Block 590
of the City of Modesto;

76. thence Easterly 180 feet, more or less, along said last-mentioned
alley centerline to the centerline of the North-South alley in said
Block 590;

77. thence Northerly 160 feet, more or less, along said last-mentioned
alley centerline to its intersection with the Westerly extension of
the Northern line of Lot 23 in Block 590;
78. thence Easterly 407 feet, more or less, along said Western extension of said Northern line of Lot 23; the Northern line of Lot 23 and the Easterly extension of the Northern line of Lot 23 to its intersection with the Eastern line of Block 595 of said City of Modesto;

79. thence Southerly along said Eastern line of Block 595 to the centerline of Scenic Drive;

80. thence Easterly 1,332 feet, more or less, along said centerline of Scenic Drive to its intersection with the Southerly extension of the Eastern line of the ST. STANISLAUS CEMETERY, as per map filed March 12, 1941, in Volume 14 of Maps, Page 13, Stanislaus County Records;

81. thence Northerly 575 feet, more or less, along said Southerly extension of said Eastern line and the Eastern line of said St. Stanislaus Cemetery to a point on a Southern line of the GRANT TRACT, as per map filed May 26, 1950, in Volume 16 of Maps, Page 74, Stanislaus County Records;

82. thence Easterly 500 feet, more or less, along said Southern line of the Grant Tract;

83. thence Northeasterly 389 feet, more or less, along a Southeastern line of said Grant Tract and its Northeasterly extension to the centerline of Coffee Road, said point also being the Northwestern corner of Lot 27 of SUNNYSIDE ACRES, as per map filed May 24, 1911, in Volume 5 of Maps, Page 45, Stanislaus County Records;

84. thence Northeasterly 410 feet, more or less, along the Northwestern line of said Lot 27, Lot 28 and Lot 29 of said Sunnyside Acres to the Northeastern corner of Lot 29 of Sunnyside Acres;

85. thence Southerly 315 feet, more or less, along the Eastern line of said Lot 29 to the centerline of Scenic Drive;

86. thence Northeasterly 85 feet, more or less, along said centerline of Scenic Drive to its intersection with the Northwestern extension of the Northeastern line of Assessor's Parcel 34-15-02;

87. thence Southeasterly 171 feet, more or less, along said Northwestern extension and the Northeastern line of said Assessor's Parcel 34-15-02 to a point on the Northern line of Assessor's Parcel 34-18-03;

88. thence Westerly 236 feet, more or less, along said Northern line of Assessor's Parcel 34-18-03 to the Northwestern corner thereof;

89. thence Southerly 268 feet, more or less, along the Western line of said Assessor's Parcel 34-18-03 to the centerline of Dry Creek;

90. thence Southwesterly 3,600 feet, more or less, along said centerline of Dry Creek to the centerline of La Loma;
92. thence Northerly 734 feet, more or less, along said centerline of North Morton Boulevard, to a point on the Westerly extension of the Southern line of Block 597 of the City of Modesto;

93. thence Easterly along said Westerly extension to the Southwestern corner of said Block 597;

94. thence Northerly 330 feet, more or less, along the Western line of Block 597 to its intersection with the Easterly extension of the Southern line of the East-West alley in Block 596 of the City of Modesto;

95. thence Westerly 190 feet, more or less, along said Easterly extension of and said Southern line of said alley and the Westerly extension of the Southern line of said alley to the centerline of Bodem Street;

96. thence Southerly 90 feet, more or less, along said centerline of Bodem Street to its intersection with the Easterly extension of the Southern line of an East-West alley in Block 589 of the City of Modesto;

97. thence Westerly 180 feet, more or less, along said Easterly extension of and the Southern line of said alley to the centerline of the North-South alley in said Block 589;

98. thence Southerly 70 feet, more or less, along said alley centerline to the Southern line of an East-West alley in Block 589;

99. thence Westerly 217 feet, more or less, along said Southern alley line and its Westerly extension to the centerline of Melrose Avenue;

100. thence Southerly 170 feet, more or less, along said centerline of Melrose Street to the centerline of Downey Street;

101. thence Westerly 223 feet, more or less, along said centerline of Downey Street to the centerline of James Street;

102. thence Southerly 754 feet, more or less, along said centerline of James Street to the centerline of "G" Street;

103. thence Westerly 275 feet, more or less, along said centerline of "G" Street to its intersection with the Northerly extension of the Western line of Assessor's Parcel 107-06-21;

104. thence Southerly 190 feet, more or less, along said Northerly extension of and the Western line of Assessor's Parcel 107-06-21 to the Southern line of Lot 7 in Block 205 of said City of Modesto;

105. thence Westerly 165 feet, more or less, along said Southern line and its Westerly extension to the centerline of Burney Street;
107. thence Easterly 1,190 feet, more or less, along said centerline of Jennie Street to the centerline of North Morton Boulevard;

108. thence Southerly along said centerline of North Morton Boulevard to the centerline of Grand Street;

109. thence Southerly along the centerline of South Morton Boulevard to the Northern line of Beard Brook Park;

110. thence Easterly along said Northern line of Beard Brook Park to the Westerly line of Dry Creek;

111. thence Southerly along said Westerly line of Dry Creek to the Southeasterly corner of Beard Brook Park;

112. thence Westerly along the Southerly line of Beard Brook Park and the Southern line of South Morton Boulevard, to the centerline of South Ninth Street;

113. thence Southeasterly along said centerline of South Ninth Street to its intersection with a Northwestern line of the Primary Floodway of the Tuolumne River, as designated by the State Reclamation Board;

114. thence Southwesterly along said Northwestern line of the Primary Floodway of the Tuolumne River to the centerline of South Seventh Street;

115. thence Northerly along said centerline of South Seventh Street to its intersection with the Northeasterly extension of a Southeastern line of Assessor's Parcel 102-16-01;

116. thence Southwesterly 190 feet, more or less, along said Northeasterly extension of and a Southeastern line of said Assessor's Parcel 102-16-01;

117. thence Southeasterly 132 feet, more or less, along a Northeastern line of Parcel 102-16-01;

118. thence Southwesterly 43 feet, more or less, along a Southeastern line of Parcel 102-16-01;

119. thence Northwesterly 185 feet, more or less, along a Southwestern line and its Northwesterly extension to the centerline of Tuolumne Boulevard;

120. thence Southwesterly 110 feet, more or less, along said centerline of Tuolumne Boulevard to its intersection with the Southeastern extension of the Northeastern line of Lot 27 in Block 305 of said City of Modesto;
121. thence Northwesterly 250 feet, more or less, along said Northeastern line of and the Northwestern extension of said Northeastern line of Lot 27 in Block 305 to its intersection with the centerline of an alley in Block 305;

122. thence Northeasterly 93 feet, more or less, along said alley centerline;

123. thence continuing Northerly 525 feet, more or less, along the centerline of the alley in Block 305 and its Northerly extension to a point on the centerline of "C" Street;

124. thence Northeasterly 75 feet, more or less, along said centerline of "C" Street to its intersection with the Southeasterly extension of the centerline of the alley in Block 28 of said City of Modesto;

125. thence Northwesterly 960 feet, more or less, along said Southeasterly extension of and the centerline of the alley in Blocks 28 and 29 and the Northwesterly extensions of said alley centerlines to the centerline of "E" Street;

126. thence Southwesterly 760 feet, more or less, along said centerline of "E" Street extended to its intersection with the Southeasterly extension of the centerline of the alley in Block 13 of said City of Modesto;

127. thence Northwesterly 1,300 feet, more or less, along said Southeasterly extension of and the centerline of the alley in Blocks 13, 14 and 15 and the Northwesterly extensions of said alley centerlines to the intersection with the Northeasterly extension of the Southeastern line of Lot 29 in said Block 15;

128. thence Southwesterly 950 feet, more or less, along said Northeasterly extension of and the Southeastern line of said Lot 29 in Block 15, the Southeastern line of Lots 4 and 29 in Block 10, the Southeastern line of Lots 4 and 29 in Block 4 and the Southwesterly extensions of said lot lines to the centerline of Second Street;

129. thence Northwesterly 50 feet, more or less, along said centerline of Second Street to its intersection with the Northeasterly extension of the Southeastern line of Lot 2 in Block 2 of the City of Modesto;

130. thence Southwesterly 190 feet, more or less, along said Northeasterly extension of and the Southeastern line of said Lot 4 and its Southwesterly extension to the centerline of the alley in said Block 2;

131. thence Southeasterly 430 feet, more or less, along said centerline of the alley in Block 2 and its Southeasterly extension to the Northwestern line of Block 2 of the City of Modesto;

132. thence Southwesterly and Southerly along the Northwestern and Western line of said Block 2 and the Southerly extension of said Western line to the centerline of Sierra Drive;
133. thence Westerly 360 feet, more or less, along said centerline of Sierra Drive to the centerline of Rosedale Avenue;

134. thence Southerly 1,235 feet, more or less, along said centerline of Rosedale Avenue to the centerline of Tuolumne Boulevard;

135. thence Westerly 660 feet, more or less, along said centerline of Tuolumne Boulevard to the centerline of Yosemite Avenue;

136. thence Northerly 660 feet, more or less, and Northwesterly 250 feet, more or less, along said centerline of Yosemite Avenue to the centerline of "H" Street;

137. thence Northeasterly along said centerline of "H" Street to the centerline of South Jefferson Street;

138. thence Northerly along said centerline of South Jefferson Street to the centerline of Vine Street;

139. thence Easterly 430 feet, more or less, along said centerline of Vine Street to the centerline of South Washington Street;

140. thence Southerly along said centerline of South Washington Street to the centerline of First Street;

141. thence Southeasterly along said centerline of First Street to its intersection with the Southwesterly extension of the Southeastern line of Lot 21 in Block 1 of the City of Modesto;

142. thence Northeasterly 570 feet, more or less, along said Southwesterly extension of and the Southeastern line of Lots 21 and 12 in said Block 1, and the Northeasterly extensions of said lot lines to the centerline of Second Street;

143. thence Southeasterly 25 feet, more or less, along said centerline of Second Street to its intersection with the Southwesterly extension of the Southeastern line of Lot 20 in Block 5 of the City of Modesto;

144. thence Northeasterly 190 feet, more or less, along said Southwesterly extension of and the Southeastern line of Lot 20 and its Northeasterly extension to the centerline of the alley in said Block 5;

145. thence Northwesterly 525 feet, more or less, along said centerline of Block 5 and the centerline of the alley in Block 6 and the Northwesterly extension of said alley centerlines to the intersection with the Southwesterly extension of the Northwestern line of Lot 13 in said Block 6 of said City of Modesto;

146. thence Northeasterly 760 feet, more or less, along said Southwesterly extension of and the Northwestern line of said Lot 13 in Block 6, the Northwestern line of Lots 20 and 13 in Block 8, the Northwestern line of Lot 20 in Block 17 and the Northeasterly extensions of said Lot lines to the centerline of the alley in Block 17 of said City of Modesto;
148. thence Westerly 1,962 feet, more or less, along said Easterly extension of the alley centerline in Block 418, the alley centerlines in Blocks 419, 420, and 4095 of the City of Modesto, and the Westerly extensions of said alley centerlines to a point on the Western line of Lot 1 of the SPENCER COLONY, as per map filed December 16, 1904 in Volume 2 of Maps, Page 3, Stanislaus County Records;

149. thence Northerly 173 feet, more or less, along said Western line of Lot 1 and its Northerly extension to the centerline of Maze Boulevard;

150. thence Easterly along said centerline of Maze Boulevard to its intersection with the Southerly extension of the Eastern line of Assessor's Parcel 29-25-16;

151. thence Northerly 185 feet, more or less, along said Southerly extension of and the Eastern line of said Parcel 29-25-16 to a point on the Southern line of Assessor's Parcel 29-25-17;

152. thence Easterly 23 feet, more or less, along said Southern line of Parcel 29-25-17 to the Southeastern corner thereof;

153. thence Northerly 193 feet, more or less, along the Eastern line and the Northerly extension of the Eastern line of Parcel 29-25-17 to the centerline of Locust Street;

154. thence Westerly 303 feet, more or less, along said centerline of Locust Street to its intersection with the Southerly extension of the Western line of the Modesto City School District property (Assessor's Parcel 29-27-01);

155. thence Northerly 459 feet, more or less, along said Western line of the Modesto City School District property to the Southern line of the Modesto Irrigation District Lateral No. 4 Right-of-Way;

156. thence Easterly and Northeasterly along said Southern line of Lateral No. 4 to the centerline of North Martin Luther King Drive;

157. thence Southerly along said centerline of North Martin Luther King Drive to the intersection with the Westerly extension of the alley centerline in Block 421 of the City of Modesto;

158. thence Easterly 1,297 feet, more or less, along said Westerly extension of and said alley centerlines in Blocks 421, 422, and 423 of the City of Modesto, and the Easterly extension of said alley centerlines to a point on the former centerline of Washington Street;

159. thence Northerly along said former centerline of Washington Street to the centerline of Freeway 99;
161. thence Westerly along said Easterly extension of and the Northern line of said REORGANIZATION (195) to the centerline of Bennett Avenue;

162. thence Southerly 250 feet, more or less, along said centerline of Bennett Avenue to the centerline of Laurel Street;

163. thence Westerly 935 feet, more or less, along said centerline of Laurel Street to the centerline of North Emerald Avenue;

164. thence Northerly 973 feet, more or less, along said centerline of North Emerald Avenue to the Southern line of Future State Highway 132;

165. thence Westerly along said Southern line of Future State Highway 132 to the centerline of Carpenter Road;

166. thence Northerly along said centerline of Carpenter Road to said centerline of Kansas Avenue and the end of this description.

167. Including those portions of Kansas Avenue, Torrid Avenue, Carpenter Road, Woodland Avenue, Prichard Avenue, Blue Gum Avenue, Poust Avenue, Shoemake Avenue, Brink Avenue, Clayton Avenue, Carver Road, West Roseburg Avenue, Kearney Avenue, Tully Road, Stoddard Avenue, Nellie Avenue, Needham Street, College Avenue, Olive Avenue, Orange Avenue, Virginia Avenue, Park Avenue, Sycamore Avenue, McHenry Avenue, Downey Street, Semple Street, Kimble Street, High Street, Melrose Street, Scenic Drive, La Loma Avenue, North Morton Boulevard, Bodem Street, Downey Avenue, James Street, "G" Street, Burney Street, Jennie Street, South Morton Boulevard, Grand Street, South Ninth Street, South Seventh Street, Tuolumne Boulevard, "C" Street, "E" Street, First Street, Second Street, Sierra Drive, Rosedale Avenue, Yosemite Avenue, "H" Street, South Jefferson Street, Vine Street, South Washington Street, Maze Boulevard, Locust Street, North Martin Luther King Drive, Bennett Avenue, Laurel Avenue and North Emerald Avenue bordering the above described property.
A RESOLUTION AMENDING SECTION 1 OF MODESTO CITY COUNCIL RESOLUTION NO. 80-344 ENTITLED "A RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED-DEVELOPMENT ZONE, P-D(262)."

WHEREAS, City Council Ordinance No. 1939-C.S., which became effective on May 18, 1980, granted a Planned Development Zone, P-D(262), to allow a roller skating rink and batting cage, property located on the south side of Floyd Avenue east of Oakdale Road, and

WHEREAS, City Council Resolution No. 80-344, which was adopted on April 15, 1980, approved a development plan for P-D(262) and contained the conditions of approval for the development of said uses on the P-D(262) property, and

WHEREAS, a verified application for an amendment to P-D(262) was filed by Gregg Duffin on April 9, 1990, to allow conversion of the roller skating rink to business/professional office space, and

WHEREAS, said application was set for a public hearing before the Planning Commission on September 17, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, and

WHEREAS, after said public hearing held on September 17, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 90-78, that amendment of P-D(262) to allow business and professional office uses as allowed in the P-O, Professional Office Zone, in addition to the skating rink and batting cage, is required by public necessity, convenience and general welfare for the following reasons:
1. That the proposed office conversion is in accordance with community objectives as set forth in the General Plan, which provides for office locations near centers of activity.

2. That a Negative Declaration recommended by the Environmental Assessment Committee in the initial study dated May 2, 1990, should be certified as adopted.

and

WHEREAS, said matter was set for a public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on October 16, 1990, at 7:30 p.m., and

WHEREAS, after said public hearing held on October 16, 1990, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, the Council found and determined that the application of Greg Duffin to amend P-D(262) to allow business and professional offices uses as allowed in the P-O, Professional Office Zone, in addition to the skating rink and batting cage, should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 90-78 and quoted above, and

WHEREAS, on October 16, 1990, the Council introduced Ordinance No. 2735—C.S. amending Planned Development Zone, P-D(262), to allow business and professional office uses as allowed in the P-O, Professional Office Zone, in addition to the skating rink and batting cage.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that Section 1 of Modesto City Council Resolution No. 80-344 entitled "A Resolution Approving A Development Plan For Planned-Development Zone, P-D(262)" is hereby amended to read as follows:
Development Zone, P-D(262), is hereby approved to allow business and professional office uses as allowed in P-O, Professional Office Zone, in addition to the skating rink and batting cage, subject to the following conditions:

1. All development shall conform to the plot plan and floor plans titled "Office Building Floyd and Oakdale Road, Modesto, California" as amended in red, stamped approved by the City Council on October 16, 1990.

2. The Floyd Avenue frontage shall be improved to major street standards prior to the occupancy of the office building or when requested by the Public Works and Transportation Director to alleviate a health, safety, or traffic problem in the area.

3. Prior to occupancy of the office building, improvement plans for required improvements shall be prepared by a registered civil engineer and approved by the Public Works and Transportation Director. Improvements shall be constructed in accordance with the approved plans.

4. The developer shall dedicate to the City of Modesto a street tree planting easement along the Floyd Avenue frontage as required by the Parks and Recreation Director.

5. Prior to occupancy of the office building the developer shall dedicate public utility easements as required by the utility companies and the Public Works and Transportation Director.

6. That prior to occupancy of the office building, the developer shall pay storm drainage fees as established for the Orchard Storm Drain Area.

7. Prior to occupancy of the office building, the developer shall obtain certification from the Parks and Recreation Director that the landscaping and irrigation systems generally conform to City standards and/or any previously approved plans.
BE IT FURTHER RESOLVED that all other provisions of Council
Resolution No. 80-344 not in conflict with this resolution shall remain in
full force and effect.

The foregoing resolution was introduced at a regular meeting of the
Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion
being duly seconded by Councilmember Bird, was upon roll call
carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-828

A RESOLUTION CERTIFYING REVIEW OF ENVIRONMENTAL ASSESSMENT AND DIRECTING THE PLANNING AND COMMUNITY DEVELOPMENT DIRECTOR TO FILE A NOTICE OF DETERMINATION OF THE ENVIRONMENTAL IMPACT RELATING TO AN AMENDMENT TO P-D(262) PROPERTY LOCATED ON THE SOUTH SIDE OF FLOYD AVENUE EAST OF OAKDLE ROAD. (DUFFIN)

WHEREAS, on October 16, 1990, the City Council introduced Ordinance No. 2735-C.S. giving approval to a project relating to an amendment to Planned Development Zone, P-D(262), property located on the south side of Floyd Avenue East of Oakdale Road, and

WHEREAS, the City Council certifies that at said Council meeting it reviewed and considered the findings of the City of Modesto Environmental Assessment Committee which resulted in a negative declaration in regard to the environmental impact of the subject project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Planning and Community Development Director of the City of Modesto is hereby directed to file or cause to be filed with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the subject project relating to an amendment to Planned Development Zone, P-D(262), property located on the south side of Floyd Avenue east of Oakdale Road.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside
NOES: Councilmembers: None
ABSENT: Councilmembers: None

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-289

A RESOLUTION OF THE MODESTO CITY COUNCIL ADOPTING THE
VILLAGE ONE SPECIFIC PLAN AND VILLAGE ONE FINANCING PLAN,
AND MAKING FINDINGS OF OVERRIDING CONSIDERATIONS.

WHEREAS, Government Code Section 65450 et seq. permits 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 3, 1989, the Modesto City Council adopted Urban Growth Management policies that reflected recommendations of the Tier I and II Urban Growth Policy Review Committee, and

WHEREAS, the Urban Growth Management policies call for future development of the City's "Urban Reserve" to be planned as "villages" using Specific Plans, and

WHEREAS, these Growth Management policies require that the village planning process address environmental concerns; address the cost of growth so that new growth pays for itself; analyze citywide capital improvement needs; and provide the public with a comprehensive development plan instead of sewer extensions, and

WHEREAS, these Growth Management policies also require that the village planning process addresses Modesto's long-term employment needs and jobs/housing balance by designating from 10 to 15 percent of the land for business park development; and that it includes an affordable housing program using a variety of techniques including but not limited to housing trusts, inclusionary zoning, and density bonuses as needed to provide affordable housing, and

WHEREAS, in October of 1989, the City of Modesto initiated the process to prepare a Specific Plan for Village One, the first village to be
developed in the Urban Reserve, and assigned the responsibility for overall
guidance of the Village One planning program to the Modesto Planning
Commission, and

WHEREAS, in October of 1989, the City of Modesto hired two
consulting firms, ROMA Design Group and Economic Planning Systems, to help the
Planning Commission and city staff prepare the Village One General Plan
Amendment, Specific Plan, Financing Plan, and Environmental Impact Report
("EIR"), and

WHEREAS, a "Scoping Session," attended by representatives of various
local agencies, city departments, and property owners, was held on October 27,
1989 to identify issues that should be addressed by the Village One Specific
Plan, Village One Financing Plan and Village One Specific Plan EIR, and

WHEREAS, the City of Modesto issued a Notice of Preparation on
February 22, 1990 announcing that the City of Modesto was preparing an EIR for
the Village One Specific Plan and seeking the input of state and local
agencies in the identification of issues that should be addressed in the
Village One EIR, and

WHEREAS, on April 30, 1990, the Draft Village One Specific Plan and
Draft Village One Financing Plan was presented to a joint meeting of the City
Council and Planning Commission, and

WHEREAS, the Draft Village One Specific Plan and Draft Village One
Financing Plan reflected the concerns and issues of the City Council, Planning
Commission, area residents, city staff and other agency staff involved in many
meetings held with these groups and consultants between October 10, 1989 and
April 30, 1990, and

WHEREAS, changes to the April 30th Village One Draft Specific Plan
and Draft Financing Plan are recommended by consultants and staff to address
issues raised during the public review of these documents, and to accommodate mitigation measures identified in the Final EIR, and

WHEREAS, the Planning Commission, held a duly noticed public hearing on September 4, 1990, and adopted Resolution No. 90-75 recommending that the City Council certify the Village One Final EIR, adopt the Village One General Plan Text and Map Amendment, and adopt the Village One Specific Plan and Village One Financing Plan, and

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

WHEREAS, the City Council adopted Resolution No. 90-757, which contained findings that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR, pursuant to Section 15091(a)(1) of the Guidelines, and

WHEREAS, the Village One Final EIR identifies one or more significant environmental effects that cannot be mitigated to a level of less-than-significance, and

WHEREAS, Section 15093 of the CEQA Guidelines requires that the City Council adopt a Statement of Overriding Considerations when approving a project that has one or more significant environmental effects that cannot be mitigated to a level of less-than-significance, and

WHEREAS, the City Council held a duly noticed public hearing on September 11, 1990, at 7:30 p.m., for the purpose of receiving public comment on the Village One General Plan Amendment at which time all interested persons were heard, and all oral and written testimony considered, and
WHEREAS, the City Council passed Resolution No. 90-758 on September 11, 1990, adopting the Village One General Plan Amendment, which requires that each "village" be accompanied by a Specific Plan and a Financing Plan, and

WHEREAS, the Village One General Plan Amendment became effective on October 12, 1990, thirty days after its approval by the City Council, and

WHEREAS, the City Council held a duly noticed public hearing on October 16, 1990, at 7:30 p.m., for the purpose of receiving public comment on the Village One Specific Plan and Financing Plan, at which time all interested persons were heard and all oral and written testimony considered,

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

SECTION 1. The City Council has reviewed and considered the information contained in the Final EIR prior to adoption of the Village One Specific Plan and Financing Plan.

SECTION 2. The City Council hereby reaffirms the findings made pursuant to Section 15091(a)(1) of the Guidelines regarding the changes or alterations that have been made in the project to avoid or substantially lessen significant environmental effects contained in City Council Resolution No. 90-757, adopted September 11, 1990.

SECTION 3. The City Council hereby reaffirms the findings made pursuant to Section 15091(a)(3) of the Guidelines regarding the specific economic, social, or other conditions that make infeasible certain mitigation measures or project alternatives contained in City Council Resolution No. 90-757, adopted September 11, 1990.

SECTION 4. The City Council hereby finds that the proposed Village One Specific Plan and Financing Plan are internally consistent with the City of Modesto's General Plan, the 1974 Modesto Urban Area General Plan as amended from time to time.
SECTION 5. The City Council hereby adopts the Village One Specific Plan and Financing Plan, marked as Exhibit A-1 for the Specific Plan and Exhibit A-2 for the Financing Plan, copies of which are on file in the Office of the City Clerk.

SECTION 6. In adopting the Village One Specific Plan and Financing Plan, the City Council hereby adopts the Statement of Overriding Considerations, attached hereto as Exhibit B and hereby incorporated by reference.

SECTION 7. This resolution shall become effective 30 days from the date it was passed.

SECTION 8. The City Clerk is hereby authorized and directed to certify copies of said Specific Plan and Financing Plan to the Board of Supervisors of the County of Stanislaus.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES:  Councilmembers: Bird, Dobbs, Irizarry, Lang, Muratore, Patterson, Mayor Whiteside

NOES:  Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
The California Environmental Quality Act (CEQA) requires that decision making bodies balance the benefits of proposed projects against their unavoidable environmental effects. When project benefits outweigh the unavoidable adverse effects, the adverse effects may be considered acceptable. Section 15093 of the CEQA Guidelines requires that the specific reasons for accepting adverse environmental effects be included in a Statement of Overriding Considerations when approving a project with one or more unavoidable significant environmental effects.

The Village One project, made possible by the approval of the Village One General Plan Text and Map Amendment, will result in the following unavoidable significant environmental effects: loss of farmland, cumulative loss of farmland, decreased regional air quality, cumulative air quality impacts, traffic related noise increases, cumulative noise increases, and construction phase noise increases. These effects are documented in the Village One Final EIR and were found by the City Council, pursuant to Section 15090 of the Guidelines, to be unavoidable as a result of not having mitigation measures or by mitigation measures that do not reduce their effects to a less-than-significant level.

In approving the Village One General Plan Text and Map Amendment, the City Council finds that the following benefits outweigh the unavoidable significant environmental effects identified in the Final EIR:

1. Need for Additional Land to Accommodate Urban Growth

In 1989 the City had an estimated 1,236 acres available within the City limits for urban growth and development. At the average rate of land absorption experience over the past decade, the City will run out of land by 1992. The orderly and planned development of the Village One area would add an additional 1,775 acres and permit continued growth and development of the community.

2. Direct and Indirect Economic and Employment Benefits

The development of Village One is expected to result in 7,888 person years of construction employment, and 1,667 new nonconstruction jobs when secondary employment multipliers are included. Village One total employment is expected to add $29,929,333 to the local economy from wages and salaries alone, and contribute $47,109,610 from to the region's economy when all forms of income are included.

3. Affordable Housing

By continuing to produce housing, Village One will help insure that Modesto's housing market is not artificially inflated by an absence of new housing.
will utilize both public and private resources to accomplish these objectives.

4. Environmentally Superior Development

Village One represents an important departure from past development policies that characterize newer areas of Modesto. In this regard, the Village One project is an environmentally superior design, particularly when compared to the Neighborhood Prototype of the Modesto General Plan. Village One offers environmentally sound design and development principles including: potential for light rail, pedestrian-oriented design; bicycle lanes and pedestrian trails developed in conjunction with major and minor streets; metered water service; dual water system for public landscaping; greater open space and park facilities ranging from mini-parks to a community park; generous landscaping and landscaped medians on neighborhood connector streets and other major streets; includes a village center complete with shopping and public facilities (police, fire and library); offers nearby employment and a better future jobs/housing balance; and livable streets.
EXECUTIVE SUMMARY

This Specific Plan for Village One provides for a new mixed-use planned community on approximately 1,775.1 acres of land within Modesto's Sphere of Influence. As set forth by state law, it establishes the objectives and policies to guide the location, intensity and character of land uses, the circulation pattern and necessary infrastructural improvements, the organization and design of the community, and the implementation actions required to realize plan recommendations. It is separately accompanied by a Financing Plan, an Environmental Impact Report, and a General Plan Amendment.

More specifically, the plan calls for the development of:

- A predominantly single-family residential community with up to 8,000 dwelling units within three primary residential districts to the west of Claus.

- Approximately 700,000 square feet of commercial uses primarily organized within a pedestrian-oriented Village Center.

- Up to 2.3 million square feet of industrial/business uses, which will generate employment activities located along the rail tracks and which will serve as a transition to agricultural areas to the east.

- A variety of community facilities which will not only serve the specific needs of the new residential area, but will also help to structure the development and add to the overall quality of life of the village as it evolves over time.

The Specific Plan places emphasis on the creation of a sociable, pedestrian-oriented community which is responsive to larger environmental issues affecting development in the Central Valley. It organizes the entire community around the Village Center, with residential districts focused on parks and schools. Linkages between activity centers within the village are made along heavily landscaped streets which provide for pedestrian, bicycle and transit use as well as vehicular access. Innovative approaches to residential design are set forth to achieve more attractive, livable neighborhoods.
PLAN OVERVIEW

PURPOSE OF THE SPECIFIC PLAN

The Village One Specific Plan is the first Specific Plan to be prepared in Modesto, and it represents new beginnings for the city as a whole. In expanding the city boundaries to the Sphere of Influence, this Specific Plan will set a precedent for the village planning efforts to follow. The Village One Specific Plan represents an effort conducted over approximately five months, one year to prepare a plan for approximately 1,775.1,784 acres of rural land at the northeastern edge of the city. It has been prepared in an attempt to address numerous issues and concerns which have arisen over the past few years, related primarily to the quality and character of new development, the sequencing of community facilities and infrastructure, the affordability of new housing, and the creation of jobs along with housing. It is intended to establish in more specific terms the nature, character and location of activities and development; to guide the orderly growth of the area; and to provide the basis for future implementing actions, including annexation of the site presently in the city's Sphere of Influence, extension of necessary utilities and services, and processing of development applications. The implementation of the Specific Plan will involve modification of city zoning, commitments to public and private improvements and to precise development plans consistent with Specific Plan policies and design guidelines.

SCOPE OF THE PLAN

Specific Plans are set forth under California law (Government Code Section 65451 et. seq.) to provide a greater level of specificity in planning sites of special interest or value to a community. As required under California law, a Specific Plan is to contain:

(a) a text and diagram or diagrams which specify all of the following in detail:

(1) The distribution, location and extent of the uses of land, including open space, within the area covered by the plan.
Standards and criteria by which development will proceed and standards for the conservation, development and utilization of land resources, where applicable.

A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out paragraphs 1, 2 and 3 above.

(b) A statement of the relationship of the Specific Plan with the General Plan.

The Specific Plan process creates the opportunity to plan for a site comprehensively, as well as on the basis of more specific information than possible in a General Plan or ordinance. A General Plan is, by its nature, broad based and unlikely to address site-specific issues in great detail. On the other hand, zoning promulgates specific rules to be applied generically within a community and, therefore, seldom addresses the unique conditions and problems of a particular area in great depth. In contrast, a specific plan provides a forum for community input and discussion on specific issues and more detailed potential solutions. For an extremely important site on the fringe of the city, such as Village One, it creates the vehicle for further examination of the implications of growth and development.

The Village One Specific Plan is organized into the following elements: Land Use; Housing Affordability; Circulation; Community Facilities; Community Design; Utilities and Storm Drainage; and Implementation. Each element includes background information, plan objectives and policies, and standards as appropriate. Additionally, illustrations are provided to further indicate plan policies.

PLANNING PROCESS

The planning process for Village One has followed a series of steps, leading from the identification of opportunities and constraints and including the definition and review of development strategies, to the selection and refinement of a concept for the site and the preparation of this specific plan, separately accompanied by the Program EIR.

Public involvement in the planning process has involved numerous community workshops, Planning Commission study sessions, as well as joint Planning Commission/City Council meetings to address concerns and identify preliminary objectives; to review opportunities and constraints and confirm basic data; to consider the alternative development strategies; and to present the proposed design guidelines and development standards.

Upon certification of the EIR and adoption of the specific plan, the extension of sanitary sewer services to the village will be subject to an advisory vote by city residents. Upon favorable approval to proceed by the City Council, annexation proceedings will follow,
PLANNING APPROACH

The Village One Specific Plan marks an unprecedented step toward planning the future of Modesto. For the first time since the late 1800's, the City has developed a plan for a large piece of land (1,775 acres) prior to annexation and the granting of development approvals. The purpose of this effort is to marshal the forces of growth in realizing positive change and improvement within the community. Rather than responding to the incremental and uncoordinated effects of development by individual builders and developers, the Village One Specific Plan provides the opportunity to think about a large site in a comprehensive and far-sighted fashion, balancing public objectives and community values with the multiple interests and considerations of private property owners.

The planning approach which has been taken for Village One goes beyond functional considerations to address the qualitative issues which directly affect the character of a community. A fundamental premise of the plan is that urban form greatly influences social opportunity, and it takes great care to ensure that the friendly sociability that now characterizes life in Modesto is reinforced in the future. As a result, the plan is fairly specific, not only in terms of the location of desired land uses, but also in terms of the design and character of the elements which comprise the village — the Village Center, the streets, community facilities (schools and parks), and residential neighborhoods and buildings.

The relationship between physical form and social opportunity has long been recognized by city builders. Since earliest times, cities have been designed to reflect the values and aspirations of residents, or their leaders. However, over the past several years, American suburbs have been laid out less in consideration of a larger vision than in response to conveniences made possible by this technological age. The automobile has been the primary force that has shaped the suburbs, particularly since World War II, but it has been accompanied by other technological innovations such as the lawn mower, irrigation sprinkler and the air conditioner, which have similarly contributed to the suburban lifestyle and appearance of developing areas. The spread-out appearance of residential areas, with detached single-family homes individually placed on relatively large lots and surrounded by lawn, became characteristic of the postwar suburb. Advances in construction techniques further enabled the mass production of homes, and affected the look of developing areas as well as the affordability of housing and the rate of growth.

As the first in a series of villages envisioned at the periphery of the current city limits, Village One offers the chance to establish a new direction for Modesto which builds on the city's traditions and responds to current issues and problems. The opportunity to rethink standard approaches and develop innovative solutions on specific sites of special significance is appropriate to the role of a specific plan, and it is, in large part, what the original specific plan legislation was intended to accomplish. The challenge of the Village
One Specific Plan is to achieve a quality living environment that promotes a more balanced, self-sufficient community that includes affordable housing and which can adapt over time to various lifestyles and new technologies.

Throughout the planning process, Modestans repeatedly stated their desire to reinforce the small town "feel" and friendly, extroverted character of the community in planning for Village One. The ability to recognize neighbors, to share common experiences, and be linked into a larger web of human relations are all contributing factors to the quality of life held dear in Modesto. The question is, how can small town livability be realized in a rapidly changing valley town, where tremendous growth has occurred over the past several years; where people increasingly travel long distances for work; where family composition and size are shifting; and where housing prices continue to rise?

The Village One Specific Plan poses new direction to these issues. The plan calls for the development of a pedestrian-oriented mixed-use village that focuses community life within the community. Even though people may be driving long distances for work, when they are "at home," they should not have to rely upon the automobile for everyday errands—be it shopping, picking up the children from school, visiting friends, or going to a park for relaxation or exercise. The development of a Village Center and a fine-grain mix and diversity of uses in Village One fosters a sense of belonging and identity and can encourage an environment where face-to-face encounters amongst neighbors are a part of daily life. Furthermore, the plan encourages the development of living and working environments, providing an opportunity for a balance to be achieved over time, thus reducing automobile dependency and leading to a more vital, active and sustainable community.

The success of the Village One Specific Plan depends to a great extent on its ability to respond to existing needs, values and available technologies. It also is designed to be flexible, with the capability to adapt over time in response to changes in technology and community values. Major shifts are taking place in the way in which people live and work today, and an important function of the plan is to anticipate lifestyle trends and create a framework that can be successful now and in the future. Towards this end, streets are designed to accommodate potential future transit (along the most logical "desire lines" of travel), parks and open spaces can accommodate the possible increase in density of the area over time, parking areas within the Village Center can be adapted to eventual building sites, and the Santa Fe rail tracks on the eastern edge of the site are maintained for future use in linking distant regions with one another.

SUMMARY OF VILLAGE PLAN PRINCIPLES

There are a number of basic principles that underlie the Village One Specific Plan:

- The village is defined not by its edges nor by isolation from the rest of the city, but rather by a focus of activities that are common to the village as a whole.
The village is organized in a hierarchical fashion comprised of well-defined but interrelated districts and neighborhoods, creating a clear and comprehensible structure and a more meaningful community identity.

The village is characterized by streets which serve as structuring elements and significant open spaces that can contribute to the overall quality of life as well as fulfill the needs for vehicular, bicycle and pedestrian circulation.

There are a number of basic elements which give structure and identity to Village One. They include the Village Center, the districts, the neighborhoods, the streets, the individual residential parcels and the Industrial Business Park. These are reviewed in turn below.

Village Center. The Village Center is planned at the geographic heart of the community to create a higher density, mixed-use activity center that is pedestrian oriented in character. The Village Center will include local neighborhood shopping facilities, some office uses, and higher density housing, as well as a village green adjoined by a nearby fire/police station and other community facilities. The Village Center will not only serve as a convenient place for local shopping, but will also contribute greatly to the social life of the community. It provides a place which is common to the entire village and an attractive setting for all village residents to get together and socialize.

Districts. A district is given its identity by the central location and clustering of the schools and parks which serve it. Three residential districts, of approximately three-quarter mile by one mile in size, make up Village One, and within them, the necessary schools and parks have been combined into three joint campuses for a better utilization of land resources, for more efficient sharing of facilities, and to more equally distribute students from surrounding neighborhoods. Four elementary (K-5) schools are planned, together with two middle schools, and they are easily accessible by foot from surrounding residential neighborhoods.

Neighborhoods. The individual neighborhoods within Village One vary in size, but are roughly one-quarter mile by one-quarter mile areas. Diversity between residential neighborhoods is encouraged within established standards. Rather than designating specific zones for each housing type, the plan requires a minimum density, with a variety of possible solutions that developers can choose to pursue. Village One will be predominantly single-family detached homes of a slightly higher density than the current standard. These higher densities will encourage a more compact pattern and greater conservation of surrounding valuable farmlands.

Small parks play an important role in the character of these neighborhoods. Averaging about one-half acre in size, these parks are planned to serve every 150 single-family residences, and will be distributed evenly throughout the neighborhoods to serve the special recreational and social needs of residents. Some may be designed to be more active in nature and include, for instance, swimming pools and tennis courts, whereas others may be more passive in nature.
Streets. Streets bind the various elements of the urban framework together. Roselle and
Floyd are the major gateway streets that traverse the site for access to the village to the
north and to the planned Clau Expressway to the east. Certain connector streets are
linking elements within the village, with the axial streets connecting the major activity
centers (i.e., the schools and parks with the Village Center) and the ring road looping
around the village connecting the various districts and the schools and parks with one
another. The combination of grid, axial and curving alignments responds to the existing
conditions of the area but, at the same time, will create a well-ordered village pattern that
is legible and easily understandable by residents as well as visitors.

At the neighborhood scale, streets will be continuously landscaped—not broken up by
numerous driveways nor dominated by garage doors. Instead, the residential streets will
establish a positive relationship to adjoining residences by locating habitable rooms along
the street, encouraging transitional elements (such as porches and stoops) to the front
yards, and de-emphasizing storage and service functions. In addition, garages will be
minimized in terms of size and located back from the main portion of the house or
recessed from the rear. In this way, the streetspace will become a friendly, interactive place
with gracious transitions between public and private areas.

Residential Lots. Individual residential parcels are planned to maximize livability and to
enhance the attractiveness of neighborhoods. Since many of the single-family lots will be
smaller than the current standard, special efforts will be required to make sure that they
add to the appearance and character of neighborhoods. In particular, it is important that
the garage size, location and design be carefully handled so that it does not dominate the
streetscape. Design solutions for the smaller lots require garages to be located to the rear
of the parcel or minimized in size so as not to give the street the feeling of a service
corridor, but rather a welcoming pedestrian area and public domain for the neighborhood
as a whole.

Industrial Business Park. A large portion of the overall village has been set aside at the
eastern edge of the site for employment-generating uses. A wide range of industrial and
business uses are encouraged in this area, at a maximum Floor Area Ratio of 0.25. This
area of the site is planned as a transition between agricultural uses to the east and
residential uses to the west.
THE SITE AND ITS CONTEXT

Modesto was first established over 100 years ago, in 1870, as the county seat in the midst of a rich wheat growing region. Modesto Village, as it was then known, was laid out in 300 by 400-foot blocks and divided into standard parcels of 25-foot width, with alleys providing mid-block access. All streets were laid out on grid pattern centered on the railroad tracks and terminal and were of a standard 80-foot width. Outside the downtown area, the grid
The Central Valley was traversed by a ribbon of rail tracks built in the late 1800's to transport agricultural products, in particular, wheat to seaports for shipping to distant markets. In 1896, the San Francisco and San Joaquin Valley Railroad crossed the Stanislaus and was completed to Bakersfield in 1897. The railroad was incorporated in 1897 by Claus Spreckles and others to compete with the Central Pacific in the San Joaquin Valley and was sold to the Atchison, Topeka and the Santa Fe Railroad the following year. As a result of the railroad, a railroad stop and post office were established on the Village One site and named Clauston in 1901. The town of Clauston had existed before 1895 and the establishment of the post office gave it a legitimacy. The town name was changed in 1902 to Claus and closed in 1907.

VILLAGE ONE LOCATION AND EXISTING USES

Village One encompasses approximately 1.77 acres of the land, east of the city limits but within the city's Sphere of Influence. The site boundaries include Sylvan Avenue to the north (and a 75-acre area to the north of Sylvan along Roselle); the Santa Fe Railroad tracks to the east; Parker Road, Briggsmore Avenue and Floyd Avenue (to the west of Roselle) to the south; and west to Oakdale Road.

The majority of the site is in agricultural use, and some new, nonagricultural uses on the site include larger homes on estate-size parcels (i.e., ranchettes) and several churches. Anticipating the growth of the area, a post office has recently been constructed along Sylvan, and sites for a junior high school and neighborhood park have been purchased by the City and school district. Residential subdivisions border the southern and western site boundary.

Village One was selected as the first in a series of villages to be planned in Modesto because its soils are considered to be less valuable for agriculture as compared with other areas adjoining the existing city limits (City of Modesto Conservation Element, 1978; and the Stanislaus Area Association of Governments' Environmental Resources Management Element, 1974). Even though a good portion of the area is classified as prime farmlands, the majority is categorized as nonprime farmlands (USDA Soil Survey: Eastern Stanislaus Area, California, 1964). The area is generally within a larger association of poorer soils (the Madera Association), which is underlain by a hardpan at a depth of between 18 to 35 inches. In contrast to other undeveloped lands skirting the city boundary of Modesto, this area is not in predominant orchard use, but rather has been used primarily as irrigated pasture and small grain production. These soils cover a smaller area proportionately than they do other areas adjoining the existing city limits. Many agricultural parcels within the site are currently subject to Williamson Act contracts; however, upon annexation, all of these contracts will be terminated.
Unlike some of the new Central Valley towns currently being planned at Mapes Ranch, Weston Ranch, Mountain House and Lakeborough, or any of the major new communities planned elsewhere in the state such as Irvine and other parts of southern California, Village One is not under one single ownership, but instead is comprised of 145-153 separate owners, with parcel sizes averaging approximately 11 acres each. Many of the smaller ownerships of less than 10 acres are generally located at the exterior edges of the three districts, and the larger parcels tend to be located centrally within these areas, and particularly clustered along the east side of Roselle Avenue north of Floyd Avenue and to the west side of Claus between Merle and Sharon.

A number of the parcels in Village One are in public or semi-public ownership. The Modesto Irrigation District has two facilities in the area, the railroad owns right-of-way along its tracks, and the Sylvan and Modesto School Districts have already purchased sites in anticipation of the future growth in the area.

TWO HISTORIC NEIGHBORHOODS—
GRACEADA PARK AND THE COLLEGE DISTRICT

To better understand the special identity of Modesto, the Graceada Park and College Areas were studied as part of planning for Village One. Both areas were built in the early 1900’s and reflect many traditional qualities associated with the city. Like many older neighborhoods in town, the attractive appearance of both these areas comes to a great extent from the mature street trees planted along well-scaled streets. Street rights-of-way are characterized by planting along a landscaped strip adjacent to the curb. By placing the street tree next to the curb and between the parking strip and front yard, the traditional parkway planting strip provides enclosure and scale to the street and, at the same time, provides a safe and attractive place for pedestrians to walk in a transitional space between the street and adjacent private yard areas.

The Graceada Park neighborhood, immediately adjacent to downtown, is laid out on a rectilinear configuration, with smaller lots but a greater amount of public park space than the College Area. In Graceada Park, lots average around 7,000 square feet in size and are narrow and long (50 feet by 140 feet). Residential parcels are rear accessed from alleys. The use of alleys and resulting absence of curb cuts allows an uninterrupted pattern of tree planting, increases on-street parking, and establishes a front yard space that is protected from vehicles entering and exiting on driveways. In addition, the long-narrow lot configuration yields a larger and more protected private yard space, which also improves the long-term livability of the community.

The College Area is organized around arching streets and has a more garden-like appearance, with larger (9,500 square foot) lots. Back alleys are also provided, but houses are “accessed from the front”, with many garages set back to the rear of the property line.
The location of garages to the rear of the lot or off of the alley is an effective way of dealing with the automobile, allowing the front of the house to relate in a more positive way to the street.

A MODERN MODESTO NEIGHBORHOOD

The Orchard Neighborhood, immediately adjacent to the site, can be contrasted against the Graceada Park area and the College Neighborhood to illustrate more recent development standards and approaches. The densities and lot sizes of the Orchard Neighborhood are comparable to those found in the Graceada Park area (6,000 square feet in the Orchard Neighborhood versus 7,000 square feet in the Graceada Park Area); lot configurations show a striking contrast. The Graceada Park lot is narrow and long in comparison to the wider and more shallow Orchard Neighborhood lot. The narrow-long lot configuration is one which has received quite a bit of renewed interest in the building community. In general, what this kind of lot produces is a more public orientation of buildings to the street. However, the benefits of more narrow lot widths are defeated with the standard two and three-car garages, because these tend to consume the entire frontage and create the appearance of an auto-oriented service corridor, which is not conducive to pedestrians nor to the public spirit of the community. Therefore, as in the Graceada example, the alley becomes an effective way of dealing with the automobile and with the service requirements of individual homes. The absence of garages enables the front of the house to relate in a more positive way to the street.

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A number of sociological changes have occurred over the past several years that have dramatically altered the nature of American communities. The traditional nuclear family, comprised of two parents and their children, has been replaced by a tremendous diversity in the nature and composition of households. An increasing proportion of households are now headed by single persons or two or more persons with no legal or biological ties to one another. Further, since women have entered the work force in such large numbers, most parents of small children are both employed. As a consequence, it is anticipated that 80 percent of children in the 1990's and beyond will be placed in day care facilities for their early years by their parents.

When suburban communities in the United States underwent explosive growth in the years following World War II, lifestyles were much the same amongst residents. From each household, a single breadwinner commuted from outlying areas into a central city for employment, and transportation improvements were made to accommodate fairly simple or direct relationships between a core area and the expanding region around it. Rapidly growing areas, such as California, faced three "waves" of suburban development, beginning first with the expansion of residential areas onto raw land, followed by the construction of major shopping facilities (i.e., the shopping mall) to serve these areas, and most recently by the development of large employment centers (suburban activity centers) rivaling traditional downtown areas. With a diversity of new employment centers and more than 50 percent of married women working today, commute patterns have become extremely complex, with many households traveling in separate directions for work.

Another factor influencing the form and character of new communities is the increasing cost of land. Over the past few years, land prices have risen by more than 25 percent, making less expensive areas on the urban fringe even more attractive for housing. To compensate for diminishing affordability, builders have begun to look toward the development of smaller lots, and residential densities have naturally increased. The 6,000 square foot lot which once prevailed as the standard suburban lot throughout California is viewed as an estate in areas such as Orange County, where low-density residential lots begin at
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The concept of the low-density residential suburb is one that has emerged relatively recently in the United States. It was only about 100 years ago that the idea of the “romantic suburb” in a pastoral retreat captivated the imaginations of Americans, partly in reaction to the blight of industrial cities and the unhealthy living environment which they created. Up through the mid-1800’s, the 25-foot lot was standard and minimum required setbacks did not exist. Houses were typically built as attached units even in small towns, until transportation advances facilitated growth of outlying areas and values changed to embrace the concept of the detached house in its own garden setting on a large lot and surrounded by lawn.

Today, an entirely new set of values have come into being as a result of diminishing resources, rising costs of land, changing family structure, and the time and costs involved in long distance commuting. The suburban community that has been built since World War II no longer appears responsive to the needs and demands of modern life. Instead, the traditional American small town, with its friendly sociability, pedestrian scale and sense of community, has become more the model of what a community can be in the future than the garden suburb of the past. In striving to attain these same qualities, Village One in Modesto holds promise in setting a new direction for other new communities to follow.

LOCAL TRENDS AND DEVELOPMENT ISSUES

Modesto is unique in that it never has been an urban community subservient to a larger metropolitan center. Rather, it has traditionally served a role as the center city within a larger agricultural region. Unlike many suburbs, Modesto has maintained a small town character, with a higher residential density, a mix of office, commercial and industrial uses, and a strong commitment to the quality of community life.

The changes that have occurred elsewhere in the state, however, are also beginning to affect Modesto. Growth is taking place at a relatively rapid pace, housing prices are increasing dramatically, and lifestyles are shifting as an increasing number of residents travel greater and greater distances to work. The dynamics of growth and change together with Modesto’s location at the threshold to the Bay Region have placed it in a key position with respect to more urbanized areas to the west and the agricultural areas which surround it.

In the future, Modesto will have to face new issues and challenges. Some of these in particular include: how can the city maintain its small town livability and continue to be an attractive environment for families; how can it continue to house a diversity of residents when new housing is affordable by only a small percentage of people; how can it ensure that community services and facilities keep pace with development; and how can further traffic congestion be avoided so that residents can circulate freely within and through their community?
Market Demand and Public Policy

Modesto has, at present, a robust market for a wide range of residential, commercial (retail services, and office) and industrial uses. Residential demand can be linked to the growing role which Modesto and other near-in Central Valley towns have begun to play in providing lower cost housing for those commuting to jobs in the Bay Area. Seventy percent of the more recent homebuyers are from the Bay Area and a large proportion work in Santa Clara County. Residential growth has been occurring at an average annual rate of approximately four to five percent, with most of the development in single-family units. Assuming an inventory use of approximately 415 acres per year and no additional annexations of land, it is estimated that Modesto would run out of available supply by the end of 1991.

Industrial and commercial demand is strong as well. The demand potential for light industrial space is projected to be 540,000 square feet per year through 2010. If well-priced and well-located industrial land is made available in Modesto, it will be in a position to capture a significant share of county-wide demand. In addition, office demand is projected to average 400,000 square feet per year in Stanislaus County over the next twenty years. Competitively priced locations in Modesto could expect to capture a major portion of that demand, given Modesto's dominant role as an administrative and commercial center. Despite the strong demand for light industrial and commercial office uses, sites in Modesto are scarce and, within the local context, Salida and Riverbank have begun to establish themselves in the marketplace as competitive locations for these uses.

In 1978, the Modesto Citizens Advisory Growth Management Act (Measure A), was adopted by the voters, which requires an Advisory Vote prior to the extension of sewer trunk services into the city's Urban Reserve (that portion of the city's Sphere of Influence that is unclassified but reserved for future development). Under Resolution 79-566, the City Council in 1979 adopted a revised growth policy to consider the means of implementing Measure A. An Urban Growth Committee, comprised of members of the Modesto Chamber of Commerce, the Building Industry Association, Ecology Action and GOAL, made recommendations on the city's growth to the City Council. The recommendation of that group were adopted by City Council in 1989. A key feature of the revised growth policy is to require expansion into the Urban Reserve in the form of "urban villages" through Specific Plans. Village One is an essential first step in the effort to develop more detailed Specific Plans prior to the Advisory Vote so that the citizenry can better understand how an area to be served by a new sewer extension would be developed.

GOALS, OBJECTIVES AND POLICIES

As required under state law, this element of the Specific Plan sets forth the location, character and intensity of land uses envisioned for Village One. In addition, it outlines those policies required to achieve a new kind of community in Modesto—one which addresses issues of concern to the future growth and development of the community. For this reason, the plan calls for a mixed-use village in a compact urban pattern that will conserve surrounding valuable agricultural lands, encourage transit ridership, and enhance
GOAL
Establish a self-sufficient, pedestrian-oriented community with a mixture of uses within Village One.

Piecemeal development of the city in individual subdivisions and commercial projects has produced an urban pattern that is not responsive to many community concerns. The comprehensive planning of Village One calls for a new pattern which builds up on some of the special qualities found in Modesto today and draws upon lessons learned from other planned communities while, at the same time, addressing modern planning issues in an innovative and creative fashion. It establishes an efficient use of land for development in an area that is of less significance and value for agricultural use. It further provides for a mix of uses that gives the opportunity to create a more self-sufficient community that is integrated with the existing city and serves as a buffer to more valuable farmland to the east.

The general breakdown of land area by land use is described below. For a more detailed breakdown of the land uses within Village One, refer to Table 3.2.

<table>
<thead>
<tr>
<th>Table 3.1: General Land Use Overview</th>
<th>Acres</th>
<th>Percent</th>
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<tbody>
<tr>
<td>Total Gross Area</td>
<td>1,784</td>
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<td>Residential</td>
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<td>Churches</td>
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<td>Civic Use, Safety Center</td>
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<tr>
<td>M.I.D. Substation</td>
<td>23</td>
<td>1</td>
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<tr>
<td>Major Streets and Roads</td>
<td>193</td>
<td>11</td>
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</table>
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LAND USE ELEMENT

BACKGROUND

A number of sociological changes have occurred over the past several years that have dramatically altered the nature of American communities. The traditional nuclear family, comprised of two parents and their children, has been replaced by a tremendous diversity in the nature and composition of households. An increasing proportion of households are now headed by single persons or two or more persons with no legal or biological ties to one another. Further, since women have entered the work force in such large numbers, most parents of small children are both employed. As a consequence, it is anticipated that 80 percent of children in the 1990's and beyond will be placed in day care facilities for their early years by their parents.

When suburban communities in the United States underwent explosive growth in the years following World War II, lifestyles were much the same amongst residents. From each household, a single breadwinner commuted from outlying areas into a central city for employment, and transportation improvements were made to accommodate fairly simple or direct relationships between a core area and the expanding region around it. Rapidly growing areas, such as California, faced three "waves" of suburban development, beginning first with the expansion of residential areas onto raw land, followed by the construction of major shopping facilities (i.e., the shopping mall) to serve these areas, and most recently by the development of large employment centers (suburban activity centers) rivaling traditional downtown areas. With a diversity of new employment centers and more than 50 percent of married women working today, commute patterns have become extremely complex, with many households traveling in separate directions for work.

Another factor influencing the form and character of new communities is the increasing cost of land. Over the past few years, land prices have risen by more than 25 percent, making less expensive areas on the urban fringe even more attractive for housing. To compensate for diminishing affordability, builders have begun to look toward the development of smaller lots, and residential densities have naturally increased. The 6,000 square foot lot which once prevailed as the standard suburban lot throughout California is viewed as an estate in areas such as Orange County, where low-density residential lots begin at
A MODERN MODESTO NEIGHBORHOOD

The Orchard Neighborhood, immediately adjacent to the site, can be contrasted against the Graceada Park area and the College Neighborhood to illustrate more recent development standards and approaches. The densities and lot sizes of the Orchard Neighborhood are comparable to those found in the Graceada Park area (6,000 square feet in the Orchard Neighborhood versus 7,000 square feet in the Graceada Park Area); lot configurations show a striking contrast. The Graceada Park lot is narrow and long in comparison to the wider and more shallow Orchard Neighborhood lot. The narrow-long lot configuration is one which has received quite a bit of renewed interest in the building community. In general, what this kind of lot produces is a more public orientation of buildings to the street. However, the benefits of more narrow lot widths are defeated with the standard two and three-car garages, because these tend to consume the entire frontage and create the appearance of an auto-oriented service corridor, which is not conducive to pedestrians nor to the public spirit of the community. Therefore, as in the Graceada example, the alley becomes an effective way of dealing with the automobile and with the service requirements of individual homes. The absence of garages enables the front of the house to relate in a more positive way to the street.

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Figure 2.1
Regional Context
The Central Valley was traversed by a ribbon of rail tracks built in the late 1800's to transport agricultural products, in particular, wheat to seaports for shipping to distant markets. In 1896, the San Francisco and San Joaquin Valley Railroad crossed the Stanislaus and was completed to Bakersfield in 1897. The railroad was incorporated in 1897 by Claus Spreckles and others to compete with the Central Pacific in the San Joaquin Valley and was sold to the Atchison, Topeka and the Santa Fe Railroad the following year. As a result of the railroad, a railroad stop and post office were established on the Village One site and named Clauston in 1901. The town of Clauston had existed before 1895 and the establishment of the post office gave it a legitimacy. The town name was changed in 1902 to Claus and closed in 1907.

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Village One encompasses approximately 1,775 acres of the land, east of the city limits but within the city’s Sphere of Influence. The site boundaries include Sylvan Avenue to the north (and a 75-acre area to the north of Sylvan along Roselle); the Santa Fe Railroad tracks to the east; Parker Road, Briggsmore Avenue and Floyd Avenue (to the west of Roselle) to the south; and west to Oakdale Road.

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Total Acres: 1,784

Figure 2.3
Property Ownership
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Contemporary Neighborhood Analysis: Orchard Neighborhood Area

LOT SIZE: 60'x100'

HOUSE SIZE: 2,400 S.F.

DENSITY (NET): 6.7 D.U./AC

F.A.R. = 0.40
LAND USE ELEMENT

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Modesto is unique in that it never has been a metropolitan center. Rather, it has traditionally served a role as the center city within a larger agricultural region. Unlike many suburbs, Modesto has maintained a small town character, with a higher residential density, a mix of office, commercial and industrial uses, and a strong commitment to the quality of community life.

The changes that have occurred elsewhere in the state, however, are also beginning to affect Modesto. Growth is taking place at a relatively rapid pace, housing prices are increasing dramatically, and lifestyles are shifting as an increasing number of residents travel greater and greater distances to work. The dynamics of growth and change together with Modesto’s location at the threshold to the Bay Region have placed it in a key position with respect to more urbanized areas to the west and the agricultural areas which surround it.

In the future, Modesto will have to face new issues and challenges. Some of these in particular include: how can the city maintain its small town livability and continue to be an attractive environment for families; how can it continue to house a diversity of residents when new housing is affordable by only a small percentage of people; how can it ensure that community services and facilities keep pace with development; and how can further traffic congestion be avoided so that residents can circulate freely within and through their community?
Market Demand and Public Policy

Modesto has, at present, a robust market for a wide range of residential, commercial (retail services, and office) and industrial uses. Residential demand can be linked to the growing role which Modesto and other near-in Central Valley towns have begun to play in providing lower cost housing for those commuting to jobs in the Bay Area. Seventy percent of the more recent homebuyers are from the Bay Area and a large proportion work in Santa Clara County. Residential growth has been occurring at an average annual rate of approximately four to five percent, with most of the development in single-family units. Assuming an inventory use of approximately 415 acres per year and no additional annexations of land, it is estimated that Modesto would run out of available supply by the end of 1991. Industrial and commercial demand is strong as well. The demand potential for light industrial space is projected to be 540,000 square feet per year through 2010. If well-priced and well-located industrial land is made available in Modesto, it will be in a position to capture a significant share of county wide demand. In addition, office demand is projected to average 400,000 square feet per year in Stanislaus County over the next twenty years. Competitively priced locations in Modesto could expect to capture a major portion of that demand, given Modesto’s dominant role as an administrative and commercial center. Despite the strong demand for light industrial and commercial office uses, sites in Modesto are scarce and, within the local context, Salida and Riverbank have begun to establish themselves in the marketplace as competitive locations for these uses.

In 1978, the Modesto Citizens Advisory Growth Management Act (Measure A), was adopted by the voters, which requires an Advisory Vote prior to the extension of sewer trunk services into the city’s Urban Reserve (that portion of the city’s Sphere of Influence that is unclassified but reserved for future development). Under Resolution 79-566, the City Council in 1979 adopted a revised growth policy to consider the means of implementing Measure A. An Urban Growth Committee, comprised of members of the Modesto Chamber of Commerce, the Building Industry Association, Ecology Action and GOAL, made recommendations on the city’s growth to the City Council. The recommendation of that group were adopted by City Council in 1989. A key feature of the revised growth policy is to require expansion into the Urban Reserve in the form of “urban villages” through Specific Plans. Village One is an essential first step in the effort to develop more detailed Specific Plans prior to the Advisory Vote so that the citizenry can better understand how an area to be served by a new sewer extension would be developed.

GOALS, OBJECTIVES AND POLICIES

As required under state law, this element of the Specific Plan sets forth the location, character and intensity of land uses envisioned for Village One. In addition, it outlines those policies required to achieve a new kind of community in Modesto—one which addresses issues of concern to the future growth and development of the community. For this reason, the plan calls for a mixed-use village in a compact urban pattern that will conserve surrounding valuable agricultural lands, encourage transit ridership, and enhance
GOAL
Establish a self-sufficient, pedestrian-oriented community with a mixture of uses within Village One.

Piecemeal development of the city in individual subdivisions and commercial projects has produced an urban pattern that is not responsive to many community concerns. The comprehensive planning of Village One calls for a new pattern which builds up on some of the special qualities found in Modesto today and draws upon lessons learned from other planned communities while, at the same time, addressing modern planning issues in an innovative and creative fashion. It establishes an efficient use of land for development in an area that is of less significance and value for agricultural use. It further provides for a mix of uses that gives the opportunity to create a more self-sufficient community that is integrated with the existing city and serves as a buffer to more valuable farmland to the east.

The general breakdown of land area by land use is described below. For a more detailed breakdown of the land uses within Village One, refer to Table 3.2.

Table 3.1: General Land Use Overview
Revised September 26, 1990

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Residential Objectives

OBJECTIVE 1
Provide for predominantly residential uses in Village One.

Residential uses are the substance of a community. More than any other use, they reflect the multifaceted personality and individual character of the people who inhabit the community. They provide the proper setting for the development of a sense of place.

There exists tremendous demand for residential uses within Stanislaus County, and Modesto, as the major city in the county, would traditionally be the location for residential development to occur. One of the important purposes of this plan is to set forth a coordinated vision for an area prior to the Measure A Advisory Vote. Without the extension of services and annexation of lands, Modesto is expected to run out of land to be developed by the end of 1991.

These three quadrants of the village—known as the Merle, Roselle and Claus neighborhoods, have long been envisioned by the City for residential use. They would be in keeping with residential neighborhoods to the south and west, and can easily form a part of a larger, coherent urban pattern.

POLICY 1
Concentrate residential uses to the west of the proposed Claus Expressway and organize these within a hierarchy of districts and neighborhoods.

The proposed Claus Expressway makes an appropriate edge to the residential uses within Village One, not only because of the projected trips and attendant noise impacts but also because of the triangular shape and its constrained situation, wedged between the railroad tracks to the east and the future expressway to the west.

The residential community will be organized in a hierarchical fashion, with smaller developments forming neighborhoods and larger neighborhoods grouping together to create a tight, interrelated pattern within the village, and will thus help to establish a strong sense of identity and community. Each of the districts will be focused on schools and parks and will be closely tied to one another by a well-structured street system.

POLICY 2
Allow up to 8,000 dwelling units with a mix of densities and unit types.

In keeping with its role as a center city in a large agricultural region, Modesto has long supported a variety of housing types, at higher overall densities than would be ordinarily found in traditional suburban communities. Currently, the densities are approximately
At the same time, as land prices increase in California, the trend is toward the construction of smaller and smaller lot sizes and increasingly higher densities, which can be more easily afforded by prospective homebuyers. As a result, the plan accommodates a mix of housing types and densities. Although predominantly (89.74 percent) single family, it includes the provision for multiple family, for an overall average of slightly greater than 10.2 d.u.'s/acre. Higher densities are achieved by a larger proportion of smaller single-family lots, with 20 percent assumed to be lots less than 5,000 square feet in size. A higher level of design control is required in higher-density single-family residential neighborhoods to ensure that the automobile does not dominate the streetscape nor the building frontages and to ensure that a friendly, pedestrian-oriented environment is developed.

A more detailed breakdown of the illustrative residential development program is illustrated shown in Table 3.3.

POLICY 3
Encourage a fine-grain mixture of residential densities.

Housing choice and gener-...dability can be improved by increasing the number and diversity of housing types within Village One.

A range of housing types would include multiple family, single-family attached and single-family detached. The recommended mix is generally as follows for approximately 74 percent to be in single-family (attached and detached) with 26 percent in multiple-family.

50%—Lots larger than 5,000 square feet
30%—Lots smaller than 5,000 square feet
20%—Multiple-family and senior housing

In order to avoid an overconcentration of any one type of housing, and to increase the overall interest and variety of the community, an even distribution of housing types would be suggested. At the same time, it makes sense to locate more traditionally transit-dependent residents in housing closer in to the Village Center and Roselle, and to frame the Village Center with a higher density ring of smaller lot single-family as well as multiple-family dwellings and senior housing, as shown on the Land Use Plan and Regulatory Framework maps. In addition, higher density attached units are called for along Roselle Avenue, the proposed transit street, and large 12,000 square foot lots are required along Floyd Avenue, Claus Road, and Oakdale Avenue to better respond to noise impacts on adjacent roadways, as identified in the EIR.
POLICY 9.12

Require that new residential development meet high standards for quality to ensure that they are not only attractive, but that they also are livable and have the capability to increase in value over time.

Residential development not only responds to a need for shelter, but it, more than any other element, can contribute to the quality of life and the overall sense of community. There are a variety of specific design issues and concerns that are addressed more fully in the Community Design element of this plan, related to such considerations as:

- Usable Open Space
- Garage Location
- Setbacks
- Transitions in Housing Type and Density
- Architectural Character

Commercial Objectives

Commercial objectives relate to the broad range of uses, including both retail shopping facilities which serve the local resident population within the village as well as general commercial uses, office and industrial/business park uses, which comprise approximately 13 percent of the overall land area of the village.

<table>
<thead>
<tr>
<th>Illustrative Village Center Commercial Program</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grocery store/food shops</td>
<td>45,000</td>
</tr>
<tr>
<td>Neighborhood-serving retail</td>
<td>35,000</td>
</tr>
<tr>
<td>Restaurants/food service</td>
<td>20,000</td>
</tr>
<tr>
<td>Theaters</td>
<td>30,000</td>
</tr>
<tr>
<td>Athletic Club</td>
<td>25,000</td>
</tr>
<tr>
<td>Neighborhood services</td>
<td>25,000</td>
</tr>
<tr>
<td>Civic uses</td>
<td>20,000</td>
</tr>
<tr>
<td>Total Program</td>
<td>200,000</td>
</tr>
</tbody>
</table>
Higher density single-family residential uses are envisioned within the Village Center where they can take advantage of transit connections along Roselle and the retail activities focused within the heart of the community. These higher density single-family residential uses should achieve a net density of approximately ten dwelling units per acre, and they could be either attached or detached housing units.

POLICY 7.2
Designate multiple-family sites (at a maximum density of 21 d.u.’s/net acre) in locations where they can best benefit from community amenities, where access to connectors is good, and where assembly of land can be accommodated.

Based upon information provided by local builders, it is anticipated that most of the multiple-family projects will be relatively large in size, with a minimum of 150 units each for ease of operations and maintenance; however, none would exceed 225 units in size.

The plan calls for eight multiple-family sites, totaling approximately 1,300 units. These would be distributed throughout the village. Because of their relatively less amount of private open space, multiple-family sites would be generally located closer to proposed public parks.

They would also be located along connector roadways in order to minimize through-traffic within single-family residential areas. Finally, sites are identified which would be easier to assemble, due to a fewer number of property owners.

POLICY 8.10
Designate senior housing sites (at maximum density of 50 d.u.’s/net acre) within the Village Center.

There is a need to provide senior housing in the City of Modesto, and the Village Center area provides a tremendous opportunity for seniors to reside within walking distance of community amenities (village green), medical/emergency facilities, shopping facilities and active public places. Senior housing can also be a great resource for a community, diversifying its composition and adding to the activity of public spaces. Each of the senior housing complexes is anticipated to include approximately 150 units.

POLICY 11
Provide for mixed-use (residential and retail) development within the Village Center.

A small development with retail on the ground floor and approximately fifty units of residential development on upper floors is envisioned within the higher density Village Center. While this type of development is relatively unconventional in the Central Valley,
MODesto has been and continues to be a predominantly single-family residential community, and the city prides itself as a place which is attractive and supportive of family life. In general, in most places in the United States today, it is the single-family residential dwelling which is the most preferred form. For everyone to have their own house on their own lot is an accepted part of the “American dream.”

The village single-family residential areas should be comprised of lot sizes, as follows will be required to achieve minimum densities of 7.5 d.u.’s/acre (adjacent to required setback areas) and 8.5 d.u.’s/acre elsewhere.

In the residential areas with a minimum density of 7.5 d.u.’s/acre, the following is an illustrative breakdown of lot sizes:

- 40% - Larger Lot (Greater than 5,000 square feet)
- 25% - Standard Lot (5,000 square feet)
- 35% - Smaller Lot (Less than 5,000 square feet)

In the 8.5 d.u.’s/acre minimum density areas, the following composition of lot sizes is suggested:

- 35% - Larger Lot (Greater than 5,000 square feet)
- 25% - Standard Lot (5,000 square feet)
- 40% - Smaller Lot (Less than 5,000 square feet)

It is not, however, the intent of the plan to mandate the specific mix of single-family lot sizes. Instead, the plan allows flexibility for individual developers to decide upon their program mix, while still achieving the required minimum density. The illustrative mix of lot sizes can be combined effectively to achieve neighborhood diversity within the minimum required density, but is not necessary to conform to that specific mix for approval.

POLICY 5

Establish a minimum density of 7.5 d.u.’s/acre for single-family residential areas adjacent to required setback areas.

Establishing a minimum density is one of the tools commonly employed to conserve surrounding agricultural areas by accommodating a certain number of people or dwelling units within designated development areas. It also helps generally to achieve a greater affordability of housing within the community, and supports the potential for higher levels of transit ridership.
At the same time, as land prices increase in California, the trend is toward the construction of smaller and smaller lot sizes and increasingly higher densities, which can be more easily afforded by prospective homebuyers. As a result, the plan accommodates a mix of housing types and densities. Although predominantly (89.74 percent) single family, it includes the provision for multiple family, for an overall average of slightly greater than 10.2 d.u.'s/net acre. Higher densities are achieved by a larger proportion of smaller single-family lots, with 50 percent assumed to be lots less than 5,000 square feet in size. A higher level of design control is required in higher density single-family residential neighborhoods to ensure that the automobile does not dominate the streetscape nor the building frontages and to ensure that a friendly, pedestrian-oriented environment is developed.

A more detailed breakdown of the illustrative residential development program is illustrated shown in Table 33.

**POLICY 3**

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POLICY 2
Allow up to 8,000 dwelling units with a mix of densities and unit types.

In keeping with its role as a center city in a large agricultural region, Modesto has long supported a variety of housing types, at higher overall densities than would be ordinarily found in traditional suburban communities. Currently, the densities are approximately
| Land Use                     | Acres | | Acres |
|-----------------------------|-------| |-------|
| Residential                 |       | |       |
| 7,000–8,000 d.u.’s          | 979   | |       |
| Elementary School (x4)      | 40    | |       |
| Middle School (x2)          | 37    | | 127   |
| High School                 | 50    | |       |
| School                      |       | |       |
| Neighborhood Park (x3)      | 45    | |       |
| Neighborhood Mini-Park      | 20    | |       |
| Park                        |       | |       |
| Community Park              | 25    | | 108   |
| Claus Road Linear Trail     | 6     | |       |
| Floyd Avenue Gateway Park   | 10    | |       |
| Town Center Park            | 2     | |       |
| Commercial                  |       | |       |
| Village Center              |       | |       |
| Retail/Service Commercial   | 26    | | 200,000 s.f. |
| Office                      |       | | 50,000 s.f. |
| General Commercial          | 26    | | 250,000 s.f. |
| Approved Commercial         | 16    | | 200,000 s.f. |
| Business Park               | 224   | | 1.4–2.3 m.s.f. |
| Other Community Facilities  |       | |       |
| Churches (5 existing)       | 21    | | 24    |
| Civic Center                | 3     | |       |
| (Town Hall, Fire, Police Station) | | | |
| Utilities                   |       | |       |
| M.I.D. Substation (2 existing) | 23 | | 61    |
| Retention Basin             | 38    | |       |
GOAL

Establish a self-sufficient, pedestrian-oriented community with a mixture of uses within Village One.

Piecemeal development of the city in individual subdivisions and commercial projects has produced an urban pattern that is not responsive to many community concerns. The comprehensive planning of Village One calls for a new pattern which builds up on some of the special qualities found in Modesto today and draws upon lessons learned from other planned communities while, at the same time, addressing modern planning issues in an innovative and creative fashion. It establishes an efficient use of land for development in an area that is of less significance and value for agricultural use. It further provides for a mix of uses that gives the opportunity to create a more self-sufficient community that is integrated with the existing city and serves as a buffer to more valuable farmland to the east.

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In the residential areas with a minimum density of 7.5 d.u.'s/acre the following is an illustrative breakdown of lot sizes:

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- 25% - Standard Lot (5,000 square feet)
- 35% - Smaller Lot (Less than 5,000 square feet)

In the 8.5 d.u.'s/acre minimum density areas, the following composition of lot sizes is suggested:

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It is not, however, the intent of the plan to mandate the specific mix of single-family lot sizes. Instead, the plan allows flexibility for individual developers to decide upon their program mix while still achieving the required minimum density. The illustrative mix of lot sizes can be combined effectively to achieve neighborhood diversity within the minimum required density, but is not necessary to conform to that specific mix for approval.

POLICY 5
Establish a minimum density of 7.5 d.u.'s/net acre for single-family residential areas adjacent to required setback areas.

Establishing a minimum density is one of the tools commonly employed to conserve surrounding agricultural areas by accommodating a certain number of people or dwelling units within designated development areas. It also helps generally to achieve a greater affordability of housing within the community, and supports the potential for higher levels of transit ridership.
POLICY 8
Provide for higher density single-family residential uses in the Village Center.

Higher density single-family residential uses are envisioned within the Village Center where they can take advantage of transit connections along Roselle and the retail activities focused within the heart of the community. These higher density single-family residential uses should achieve a net density of approximately ten dwelling units per acre, and they could be either attached or detached housing units.

POLICY 72
Designate multiple-family sites (at a maximum density of 21 d.u.'s/net acre) in locations where they can best benefit from community amenities, where access to connectors is good, and where assembly of land can be accommodated.

Based upon information provided by local builders, it is anticipated that most of the multiple-family projects will be relatively large in size, with a minimum of 150 units each for ease of operations and maintenance; however, none would exceed 225 units in size.

The plan calls for eighteen multiple-family sites, totaling approximately 1,300 units. These would be distributed throughout the village. Because of their relatively less amount of private open space, multiple-family sites would be generally located closer to proposed public parks.

They would also be sited along connector roadways in order to minimize through-traffic within single-family residential areas. Finally, sites are identified which would be easier to assemble, due to a fewer number of property owners.

POLICY 8.10
Designate senior housing sites (at maximum density of 50 d.u.'s/net acre) within the Village Center.

There is a need to provide senior housing in the City of Modesto, and the Village Center area provides a tremendous opportunity for seniors to reside within walking distance of community amenities (village green), medical/emergency facilities, shopping facilities and active public places. Senior housing can also be a great resource for a community, diversifying its composition and adding to the activity of public spaces. Each of the senior housing complexes is anticipated to include approximately 150 units.

POLICY 11
Provide for mixed-use (residential and retail) development within the Village Center.

A small development with retail on the ground floor and approximately fifty units of residential development on upper floors is envisioned within the higher density Village Center. While this type of development is relatively unconventional in the Central Valley,
POLICY 9.12

Require that new residential development meet high standards for quality to ensure that they are not only attractive, but that they also are livable and have the capability to increase in value over time.

Residential development not only responds to a need for shelter, but it, more than any other element, can contribute to the quality of life and the overall sense of community. There are a variety of specific design issues and concerns that are addressed more fully in the Community Design element of this plan, related to such considerations as:

- Usable Open Space
- Garage Location
- Setbacks
- Transitions in Housing Type and Density
- Architectural Character

Commercial Objectives

Commercial objectives relate to the broad range of uses, including both retail shopping facilities which serve the local resident population within the village as well as general commercial uses, office and industrial/business park uses, which comprise approximately 15 percent of the overall land area of the village.

<table>
<thead>
<tr>
<th>Illustrative Village Center</th>
<th>Commercial Program</th>
<th>Square Feet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grocery store/food shops</td>
<td>45,000</td>
<td></td>
</tr>
<tr>
<td>Neighborhood-serving retail</td>
<td>35,000</td>
<td></td>
</tr>
<tr>
<td>Restaurants/food service</td>
<td>20,000</td>
<td></td>
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<tr>
<td>Theaters</td>
<td>30,000</td>
<td></td>
</tr>
<tr>
<td>Athletic Club</td>
<td>25,000</td>
<td></td>
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<tr>
<td>Neighborhood services</td>
<td>25,000</td>
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<tr>
<td>Civic uses</td>
<td>20,000</td>
<td></td>
</tr>
<tr>
<td>Total Program</td>
<td>200,000</td>
<td></td>
</tr>
</tbody>
</table>
OBJECTIVE 2
Develop a pedestrian-oriented Village Center which serves as a shopping, social and recreational center for the surrounding community.

The Village Center will house the major concentration of retail uses within the village and will also serve as the living room of the community and focus of social activities.

POLICY 1
Locate the Village Center at the geographic heart of the community, with direct connections to the village districts.

The Village Center is envisioned as a place where people go on an everyday basis to shop, conduct business, socialize with neighbors, and gather for community events. It serves as one of the fundamental elements for creating a strong sense of community. Therefore, direct access from throughout Village One on both primary and secondary roads is essential.

The Village Center is a compact district with a hierarchy of streets, sidewalks and pedestrian passageways. Commercial buildings are clustered around key intersections and along streets which lead directly into adjacent residential neighborhoods. Historical precedents for certain design aspects of the Village Center include the traditional Main Street or Commons that forms the focus of small towns throughout the United States.

The Village Center is essentially a hybrid form of commercial development that includes the best pedestrian-oriented features of the traditional small town and the automobile orientation of strip shopping centers. By locating the Village Center at the heart of the community and concentrating commercial uses within it, the number of daily trips related to automobile traffic can be substantially reduced.

POLICY 2
Provide for a concentration and mixture of uses within the Village Center. Plan to accommodate initially approximately 200,000 square feet of commercial (retail and office) uses within the core area. Additionally, create an appropriate environment for the inclusion of higher density single-family residential dwellings, senior housing, a small open space, and community facilities.

The Village Center includes a diverse mixture of uses that are concentrated in a distinct district. Boundaries between properties and uses are soft and not clearly delineated. Retail shops, general commercial establishments and some professional offices will comprise the majority of the local-serving commercial uses. The suggested commercial program for the Village Center is outlined in the table above; however, it is illustrative of an initial phase only. Intensification of the Village Center and expansion of the commercial program, with the conversion of surface to structured parking, are encouraged.
Higher density single-family and senior housing should ring the Village Center. In addition, selected parcels within the predominantly commercial core and adjacent to the small village green (approximately two and a half acres in size) are planned to accommodate mixed-use or higher density residential apartments or condominiums.

POLICY 3
Place emphasis on pedestrian activities and linkages, and provide for the possibility of future transit along Roselle Avenue to serve the Village Center.

The Village Center should be people oriented and easily accessible to all residents of the Village One by foot or bicycle. Due to its important role within the community, the Village Center must also accommodate the required flow of automobile traffic and provide ease of access and parking convenience. However, it is important that the image of the Center is not dominated by the automobile.

Parking areas should be located so as not to interrupt pedestrian movement along streets and passageways wherever possible. Off-street parking lots should be located behind buildings or screened by landscaping, so that the dominant image of the Center is one of buildings and pedestrian activity. Over time, as market demand increases and intensification occurs, these surface parking lots should be connected to building sites with structured parking. The Village Center is a logical location for future transit service due to its concentration of uses, higher density housing and central location.

POLICY 4
Establish an attractive image and identity for the Village Center through the unique configuration of streets and open spaces. Maintain detailed design guidelines that establish a consistent character and quality standards for buildings.

The creation of an attractive image and identity for the Village Center will add to the potential success of the commercial activities, but also can lend an image and identity to the entire Village One, providing a stronger sense of place and orientation. The design of individual buildings and open spaces can reinforce the role of the place, not only for shopping, but also as a people-oriented gathering place.

OBJECTIVE 3
Restrict commercial development within the boundaries of Village One to the specifically zoned Village Center district and to selected areas as designated below.

POLICY 1
Limit commercial development on sites not designated by the City for that purpose.

Typically, cities are overzoned for commercial purposes. The result is that the supply of available retail space exceeds demand, thus reducing the overall viability of many enterprises.
OBJECTIVE 4
Establish a major new employment center in Village One comprised of commercial office and industrial uses, which will provide the opportunity to achieve a jobs/housing balance over time.

POLICY 1
Locate the employment center to the east of Claus Road.

Claus Road, a designated expressway, will, in the future, provide good accessibility to the Village One area, making the potential for office and industrial uses quite good.

The area to the east of the railroad tracks not only is well located with respect to Claus, but it also would be inappropriate for residential, due to the location of the railroad tracks, the proximity of the mosquito abatement airfield to the east, and the triangular configuration of the parcel. This use creates an excellent transition between residential uses to the west and existing agricultural lands to the east.

POLICY 2
Provide for a variety of office and industrial uses.

To take best advantage of the future opportunities which may exist in the future, and to allow flexibility to respond to potential market changes over time, designations of specific commercial office and industrial uses are not set forth. Certain institutional (or public/semi-public) uses, such as a city corporation yard may be permitted in the area, however, residential and retail commercial uses would be specifically prohibited.

As described in the Implementation Element, there will be the requirement for preparation of a Precise Plan outlining specific uses prior to development in this area.

POLICY 3
Allow development in the Industrial/Business Park at a maximum intensity of 0.25 Floor Area Ratio (FAR).

It is anticipated that development intensity would be overall relatively low in this area, however, it would allow a higher density, associated more with office business parks (0.25 FAR), for greater flexibility.

The development of employment uses would create a base of employees with the potential to live close to their places of work. By achieving a better jobs/housing balance, the plan sets the framework for a more viable, self-sufficient community.
AFFORDABLE HOUSING

INTRODUCTION

Affordable housing is defined as housing units with prices or rents not exceeding 30 percent of income for households earning less than 120 percent of the median income for the region. There are three levels of housing within the affordable category. Very low income households are defined as those earning less than 50 percent of the median; low income households between 50 percent and 80 percent of the regional median; and moderate income households between 80 percent and 120 percent of the regional median income.

As housing prices have escalated in recent years as a result of strong economies and restrictions on new development in many places, it has become very difficult to produce and retain housing for much of the population. Fewer affordable units have been produced in recent years. This is partly because of decreasing amounts of federal involvement as well as changes in the tax code which have made private ownership of rental housing less advantageous than in the past. Housing demand in Modesto has increased dramatically. This high demand is partly locally generated, and partly a result of Bay Area households moving toward less expensive housing markets, even if they still make long commutes back to Bay Area jobs.

Village One is anticipated to accommodate development in Modesto for several years, and the City wishes to make it a successful component of the community. It is expected to achieve several of the goals expressed in the 1984 Housing Element, namely: encouraging the availability of housing at affordable prices, and maximizing housing choice throughout the community. In including the full range of housing opportunities, Village One will only be expected to meet its fair proportion of affordable housing. Achieving affordable housing in Village One is but one component of an evolving overall city plan for affordable housing. It is also essential that affordable housing not diminish the high quality residential environment planned for Village One.

The following sections lay out the affordable housing objectives, policies, and implementation procedures for Village One.
The affordable housing goals have two components: maintaining 15 percent of Village One housing as affordable by policy for 30 years, and encouraging an additional 10 percent of the housing to be built at prices which make them initially affordable without assistance or subsidy. At present, market rents for many apartments in Modesto are affordable to small low or moderate income households, and this should be encouraged to continue. The following policies shall guide the development of Village One affordable housing:

POLICY 1
Include a mix of housing prototypes to provide increased opportunity for diverse income groups.

The Specific Plan for Village One contains a variety of potential housing types, ranging from senior housing in the Village Center to multi-family housing to single-family housing on lots ranging from 2,750 square feet to half an acre. The senior housing, multi-family housing, and small lot homes will make it possible to produce and maintain affordable housing.

POLICY 2
Maintain the 15 percent designated affordable units as affordable for no less than 30 years.

It is important that units not just be affordable at construction, but that they remain affordable. State law requires that affordable units produced through provision of density bonuses remain affordable for 30 years. This is an appropriate standard to set for all units designated to remain affordable; however, because of the potential negative effect on below-market residents at year 30, the City should also consider either a permanent affordable designation or a 5 to 10-year transition beyond the 30 years to bring units from affordable status to full market price or rent.

POLICY 3
Determine the mix of affordable units for very low, low, and moderate income households on a project-by-project basis, generally consistent with needs established in the City Housing Element.

The 1983 Housing Needs Report produced by the Stanislaus Area Association of Governments indicated that Modesto's affordable housing needs were distributed 39 percent very low income, 29 percent low income, and 32 percent moderate income. Until new data are available from the Census and a Housing Element is updated in 1992 as required by State law, the City could use this ratio for overall guidance. It is not realistic, however, to impose the same ratio on each housing type.
Table 4.1:
Modesto Village One
Affordable Housing Goals by Need Category
Revised October 4, 1990

<table>
<thead>
<tr>
<th>Housing Prototype</th>
<th>Density (d.u./ac.)</th>
<th>Total Units</th>
<th>Affordable Goals</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Percent</td>
</tr>
<tr>
<td>Senior Housing</td>
<td>53.5</td>
<td>375</td>
<td>100</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>21.0</td>
<td>1,470</td>
<td>30</td>
</tr>
<tr>
<td></td>
<td>25.0</td>
<td>50</td>
<td>30</td>
</tr>
<tr>
<td>Single-Family</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Lot Size</td>
<td>Ranchette</td>
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<tr>
<td></td>
<td>&gt;5,000 s.f.</td>
<td>1,975</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>5,000 s.f.</td>
<td>1,317</td>
<td>6</td>
</tr>
<tr>
<td></td>
<td>&lt;5,000 s.f.</td>
<td>2,159</td>
<td>6</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>7,426</td>
<td>15</td>
</tr>
<tr>
<td>Percent of Affordable Units</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Because the subsidies required to make a low-density house on a large lot affordable to very low income households are so large, units for very low income households are likely to be restricted to higher density rental multi-family and senior housing developments. Housing for low income households can be produced in senior and multi-family units with little or no initial subsidy, or a limited number can be made available in single-family homes. Units for moderate income households can be integrated with all housing types, and include sales as well as rental units (see Table 4.1).

POLICY 4

Locate senior housing in close proximity to Village Center services in high-density and mixed-use developments.

An aging population suggests an increasing need for senior housing. The segment of the senior population needing housing assistance can best be accommodated in higher density units in the Village Center, with good access to amenities, shopping, and transit service. Such housing could achieve densities of 50 to 60 units per acre in three to four-story elevator buildings, including mixed-use buildings over retail or service uses. Standard parking requirements can be reduced for such housing.
responsible for approximately half of the affordable housing objectives through inclusionary requirements or in-lieu fees. The remaining portion will involve the City accessing federal and state assistance and tax incentive programs, encouraging density bonus provisions, and taking other potential actions to assist developers in the provision of affordable housing. It will be important that the specific affordability requirements to be met by each developer be clearly set forth in the development agreement executed for each project.

Institutional Actions

OBJECTIVE 3
Implement a variety of institutional actions by the City that will help achieve greater housing affordability.

POLICY 1
The City will designate specific staff with the responsibility for ensuring development of affordable housing.

This City staff must be aware of all available federal and state programs to assist with affordable housing, and have the responsibility to ensure that affordable housing programs are implemented.

POLICY 2
The City will take steps to establish or attract a nonprofit developer, a Housing Development Corporation, or explore the potential of greater utilization of the Stanislaus County Housing Authority to assist in production of affordable housing.

Experience in other communities has indicated that nonprofit developers can contribute significant efforts to achieving affordable housing goals, either handling projects themselves or in conjunction with for-profit developers. Quasi-public housing development corporations have also been used, particularly where development fees or public revenues are available for investment in affordable housing. The Stanislaus County Housing Authority has a good record in the construction and management of affordable housing and is a potential community resource for the Village One affordable housing program.

POLICY 3
The City will pursue the full range of state, federal, and private assistance and incentive programs available at the time of implementation.

Although the federal role in production of affordable housing is diminishing, there are still funds available for Section 202 Senior Housing, and limited funds for other assistance
programs such as Section 8 rent assistance. Federal incentive programs, such as mortgage revenue bonds, low income tax credits, and mortgage credit certificates, are examples of sources available at this time, although with great restrictions.

Current state housing assistance programs include Proposition 77 and 84 funds, and examples of private programs include foundation or corporate grants and Community Reinvestment Act low interest loans from financial institutions.

**POLICY 4**

The City shall use in-lieu fees collected from developers to assist with affordable housing production in Village One by such means as acquiring appropriate sites within Village One and providing subsidy assistance.

Although the program should encourage the direct production of affordable units by developers, the affordable housing program will generate in-lieu fees that will be used to assist in the production of affordable housing in Village One. Examples could include the public purchase of a site for reduced price sale to a nonprofit developer, or city provision of a low interest loan in exchange for a commitment of greater affordability in the development.

**POLICY 5**

Require a maximum density for multi-family housing without a density bonus will be of 21 units per acre, and the City will promote a 25 percent density bonus in exchange for greater affordability as specified in state law.

Government Code Sections 65913.4, 65915 and 65917 contain the State Density Bonus Law as of January 1, 1990, which stipulates that a jurisdiction will allow a density bonus of at least 25 percent over the otherwise maximum allowable residential density plus an additional concession or incentive in exchange for making 20 percent of the development's units available for low income households or 10 percent for very low income households.

**POLICY 6**

Utilize mixed-use development and reduced parking requirements can be utilized in order to achieve affordability in senior housing developments.

Housing over Village Center retail or a community facility can reduce the land cost associated with a senior housing development, thus reducing the need for additional subsidies. Reduced parking requirements would also allow greater site utilization.
Demand for affordable housing units is always very high, and the City will need to establish and monitor the guidelines and procedures for selecting tenants and buyers and verifying continued eligibility for residents. The City should also consider establishing a requirement that Modesto residents be given priority for the affordable housing created in Village One.

**Developer Requirements**

**OBJECTIVE 4**

Establish specific requirements for developers to assist in the implementation of affordable housing.

**POLICY 1**

Village One developers will be responsible for approximately half of the plan's long-term affordable housing objectives. Developer requirements to meet this objective will be established by the City Council prior to the approval of any Precise Plans, and shall be based on the recommendations of a Village One Affordable Housing Task Force. In making its recommendations to the City Council, the Village One Affordable Housing Task Force shall review a wide variety of housing programs that will accomplish this objective, including but not limited to: inclusionary zoning, in lieu fees, Mortgage Credit Certificates, housing trust, HUD's Joint Venture for Affordable Program, Proposition 84 Funds, and other HUD, HCD, and CHFA. The Affordable Housing Program of Village One Specific Plan shall be amended to reflect the program or programs selected by the City Council to implement this objective.

### Table 4.2:

<table>
<thead>
<tr>
<th>Housing Prototype</th>
<th>Density (d.u./ac.)</th>
<th>Total Units</th>
<th>Affordable Goals</th>
<th>Developer Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Senior Housing</td>
<td>33.8</td>
<td>375</td>
<td>100</td>
<td>15</td>
</tr>
<tr>
<td>Multi-Family</td>
<td>21.0</td>
<td>1,470</td>
<td>30</td>
<td>15</td>
</tr>
<tr>
<td></td>
<td>15.0</td>
<td>50</td>
<td>30</td>
<td>15</td>
</tr>
<tr>
<td>Single-Family</td>
<td>Lot Size</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ranchette</td>
<td>30</td>
<td>0</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>&gt;5,000 sq. ft</td>
<td>1,975</td>
<td>5</td>
<td>99</td>
<td>6</td>
</tr>
<tr>
<td>5,000 sq. ft</td>
<td>1,317</td>
<td>6</td>
<td>79</td>
<td>6</td>
</tr>
<tr>
<td>&lt;5,000 sq. ft</td>
<td>2,139</td>
<td>6</td>
<td>123</td>
<td>6</td>
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<tr>
<td>Totals</td>
<td>7,426</td>
<td>15</td>
<td>1,138</td>
<td>3</td>
</tr>
</tbody>
</table>
CIRCULATION

REGIONAL ISSUES

Modesto is located along State Route 99 approximately midway between Sacramento and Fresno. Regional access to the area is provided by S.R. 99 and State Route 132. S.R. 99 runs in a north-south alignment from its junction with Interstate 5 near Bakersfield to a northerly junction with I-5 near Red Bluff. Through the Modesto area, S.R. 99 is a four to six-lane facility.

S.R. 132 provides east-west access from Interstate 580 east through Modesto to Coulterville. The portion of S.R. 132 that runs from Modesto to I-580 provides a major connection from the Modesto area to the San Francisco Bay Area. Along this portion of the route, S.R. 132 is a two-lane facility.

A recent assessment of existing traffic conditions throughout the City of Modesto indicates that 14 individual segments are deficient in terms of their defined capacity. Four of these 14 roadways are along the regional access routes to the Village One site. This includes Standiford Avenue, the Briggsmore Expressway, Oakdale Road, and Scenic Drive. Since three of these four routes serve east-west travel between S.R. 99 and the Village One site, this comprises the primary existing constraint.

A transportation improvement program, which is the basis for the recently adopted traffic impact fees, has been developed by the City of Modesto to address these future transportation needs. This program identifies suggested roadway sections and ultimate right-of-way dimensions for all of the major streets that either have current or future deficiencies.

CONTEXT

Streets are extremely important elements of a community, not only as a means of getting from one place to the next, but as places where people can meet and gather for social and recreational purposes. They are open spaces as well as corridors of movement, and they
are instrumental in helping to structure a community and provide visual clarity and a sense of orientation. The way in which they are designed reflects the attitude that a community has towards itself and its neighbors.

The circulation plan for Village One establishes a hierarchy of streets that serves as a conduit for through-traffic around the community as well as local access to individual neighborhoods. The system includes four five standard street sections that are designated as expressways, major streets (arterials), neighborhood connectors (collectors), and neighborhood (residential) and minor neighborhood (residential) streets. The circulation plan provides a further differentiation within the individual standard sections based on the contribution of individual streets to the overall system. As such, the hierarchy is established on the basis of roadway treatment as well as function. The function of the expressways and major streets is to carry through-traffic, while the neighborhood connectors and streets serve local residential travel.

The street sections are designed to provide for bicycle, transit and pedestrian needs as well as vehicular access and parking needs. As such, bikeways are incorporated in the design of all major streets and neighborhood connectors in the Village One area. The pedestrian needs of the residents, employees, and visitors of Village One are accommodated through the provision of sidewalks on all major streets, neighborhood connectors, and neighborhood streets. Jogging trails are also provided along Roselle Avenue and all of the neighborhood connectors between the outside curb and the sidewalk and a linear trail is provided as part of the citywide trail system along Claus.

The two expressways that serve the study-area Village One are Briggsmore Avenue and Claus Road. These facilities will ultimately serve the major east-west traffic demands. The Briggsmore Expressway will serve east-west project traffic until the Claus Expressway is completed. The Claus Expressway will ultimately serve a substantial proportion of the project traffic destined for Highway 99. Since the expressways are high volume roadways that have limited access to adjacent residential neighborhoods, the street sections do not incorporate facilities for pedestrians or bicyclists.

The internal circulation system for Village One is designed to facilitate pedestrian-oriented movements while discouraging through-traffic. The neighborhood connectors are aligned to link major institutional/recreational uses (e.g., schools and parks) and commercial uses within the neighborhoods to promote such pedestrian travel. Through-traffic within neighborhoods is limited through the elimination of long, linear streets, the termination of collector streets at T-intersections, the use of a variety of discontinuous alignments, necking down the intersections of minor residential streets and the use of multi-way stop signs traffic circles and raised crosswalks where appropriate.
GOALS, OBJECTIVES AND POLICIES

GOAL
Establish a circulation system that creates and preserves a pedestrian-oriented community while providing an adequate major street system.

Major Street System Objectives

OBJECTIVE 1
Provide a system of major streets to serve both project traffic with external destinations and community-wide through-traffic.

The predominant use in Village One is residential. Since it is anticipated that the majority of new homebuyers in Modesto work outside of the community, this results in longer commute distances and greater demands on the major street system. The commercial and industrial uses in Village One will require an adequate major street system to serve their transportation needs.

POLICY 1
Upgrade the expressway system. The present two-lane street section on both Briggsmore Avenue and Claus Road is not adequate to meet the future needs for both project-related and cumulative through-traffic.

Install the complete six-lane section of the proposed Claus Expressway between Briggsmore Expressway and Sylvan Road. Widen Briggsmore Expressway from a two-lane to a six-lane section (with median) between Oakdale Road and Claus Road. Reserve right-of-way along the proposed Claus Expressway at the junctions with Sylvan Road, Floyd Road, and the Briggsmore Expressway for the installation of urban interchange facilities.

POLICY 2
Complete the major street system around the periphery of the project by extending and widening the primary roadways. The present two-lane street section on Oakdale Road, Sylvan Avenue, Floyd Avenue and Roselle Avenue is not adequate to meet the future needs for both project-related and cumulative through-traffic.

Roselle Avenue will be widened from a two-lane to a four-lane section (with median) between Briggsmore Expressway and Sylvan Avenue. Oakdale Road will be widened from a two-lane to a six-lane section (with median) between Briggsmore Expressway and Sylvan Avenue. Floyd Avenue will be widened from a two-lane to a four-lane section (with median) between Briggsmore Expressway and Sylvan Avenue.
median) between Oakdale Road and Claus Road. POLICY 3

Develop improvements to the intersections of the three major north-south and east-west streets that adjoin the Village One study area. These locations would be signalized at-grade intersections, with the exception of locations along the Claus Expressway which would initially be at-grade intersections and could ultimately be grade-separated urban interchanges.

The improvements include the addition of through and turn lanes at the intersections of Claus Expressway/Sylvan Avenue, Claus Expressway/Floyd Avenue, Claus Expressway/Briggsmore Expressway, Roselle Avenue/Sylvan Avenue, Roselle Avenue/Briggsmore Expressway, Oakdale Road/Sylvan Avenue, Oakdale Road/Floyd Avenue, and Oakdale Road/Briggsmore Expressway. The specific lane configurations for these intersections are shown in the Appendix.

Neighborhood Street System Objectives

OBJECTIVE 2

Develop a circulation network that establishes the neighborhood character of the residential uses. The presence of heavy through-traffic movements on neighborhood streets diminishes the quality of life for residents.

POLICY 1

Develop a hierarchy of streets that serves the Village One community. The street classifications are designed to provide a differentiated system of roadways designed principally to serve either long-range through-traffic or short-range local traffic. The roadway standards for neighborhood streets are designed to feature landscaped areas while maintaining as minimal a roadway width as possible. The roadways are aligned to give structure to the community and to connect important public facilities.

The major streets on the periphery of Village One have four to six-lane sections (with median) and provide for the major movement of through-traffic in the area. Two special major streets include the two gateways--of Floyd and Roselle--where curb cuts for driveways would be limited, front yard setbacks larger than average (minimum 25 feet), and curb-to-curb dimensions carefully planned to give precedence to transit and pedestrian use. The neighborhood connector is a two-lane facility with an expanded cross section to provide for a center median, bike lanes, on-street parking, and a jogging path in the landscape buffer between the curb and sidewalk.
The neighborhood street is a standard two-lane roadway that connects the majority of the residential uses to the neighborhood connectors. The location of all driveways relative to intersections will adhere to city standards for proper spacing.

POLICY 2

Develop a circulation system that limits through-traffic in the residential neighborhoods. The presence of substantial levels of through-traffic, which is typically characterized by high volumes and high speeds, is not compatible with the desire to provide a pedestrian-oriented community nor is it consistent with neighborhood values.

Limit the use of long, linear streets through residential areas. Terminate junctions of neighborhood connector streets at T-intersections where possible. Add a variety of discontinuous alignments to residential streets where appropriate. Use multi-way-stop signs to control intersections in the interior sections of residential neighborhoods.

The kinds of traffic that are specifically undesirable in residential neighborhoods include traffic using the street as shortcuts, detours or overflow; excessive traffic speed and use of curb parking by drivers with destinations outside the neighborhoods. While dead-end cul-de-sacs are generally discouraged because they do not enhance a sense of orientation and linkage, there are a variety of alternative approaches that should be encouraged to limit through-traffic movement on residential streets. These include reducing the perceived size of the street by narrowing the curb-to-curb widths to 22 feet and 30 feet; "necking down" the street size at intersections; providing on-street parking in bays; slowing down traffic speed by incorporating raised crosswalks, pavement undulations, and rumble strips; and introducing traversable barriers and traffic circles.

Neighborhood streets should be reduced in width to 30 feet curb to curb (such as along Magnolia today) and even to 22 feet for homes that are not served off an alley) in order to give a stronger sense of hierarchy and as long as these streets do not connect to a neighborhood connector and are not over 1,200 feet in length. In both situations, parking will need to be carefully handled. For the 30-foot street, one-sided parking or parking in bays would be required; and in the 22-foot street, parking in bays would be required.

POLICY 3

Develop a circulation network that provides a connection between the Village Center and other Village One uses.

Develop a series of neighborhood connectors in a radial fashion that connect the Village Center with school and park uses in adjacent neighborhoods. Provide a system of neighborhood connectors that provides links to major streets, thereby establishing convenient linkages for all modes of travel between residence locations and the Village Center.
POLICY 4
Design a system of neighborhood connectors that meet the criteria established through guidelines in *A Policy on Geometric Design of Highways and Streets (1984)* published by the American Association of State Highway and Transportation Officials (AASHTO). The neighborhood connectors should be designed on the basis of a 30 mph design speed.

This AASHTO publication is the widely accepted manual for establishing minimum design standards for transportation facilities. The neighborhood connectors in Village One fall into the category described as urban collectors in the guidelines. The design speed of 30 mph would allow for the posting of 25 mph speed limits along the neighborhood connectors.

POLICY 5
Develop an access system to the Village Center that includes three separate signalized connections to Roselle Avenue. Primary inbound access to the Village Center would be provided via Floyd Avenue while egress from the mixed-use area would be provided via connections to the outer village connector road.

The intersection of Roselle Avenue/Floyd Avenue would serve as the major inbound access for the Village Center for motorists traveling from outside the Village One area. Motorists would subsequently enter parking lots serving the commercial uses on the north and south side of Floyd Avenue. All exiting traffic will be directed by a signing plan to connecting streets that access the outer loop road around the Village Center. The two locations where the outer loop road intersects with Roselle Avenue will be signalized to provide full access.

Transit System Objectives

OBJECTIVE 3
Provide a circulation system that allows for efficient transit service to Village One.

POLICY 1
Establish a network of primary transit streets to serve Village One.

Roselle Avenue is designed as a four-lane street (with median) with bus turnouts. It is designated as the primary north-south transit corridor for providing transit service to the Village One area. Floyd Avenue is designed as a four-lane, divided street. It would be a major transit corridor for east-west travel between Oakdale Road and the Claus Expressway.

The junctions of Roselle Avenue and Floyd Avenue with neighborhood connectors and streets occur at one-quarter mile intervals to provide an adequate number of bus stop
locations for local service. Bus turnouts will be provided along Roselle Avenue at all
junctions with major streets or neighborhood connectors. The design of all neighborhood
connectors shall allow for the installation of far side bus stops.

POLICY 2
Provide for alternative future transit systems.

Reserve right-of-way along Roselle Avenue between the Briggsmore Expressway and
Sylvan Road for the potential future installation of a light rail system or express bus
service. In the interim, this right-of-way will be used for bus turnouts and a jogging trail.

Design the land use and circulation plans to allow for the implementation of alternative
future transit systems. This involves the development of a higher density community core
(i.e., the Village Center) and a pedestrian-oriented system that provides a focused linkage
from this area to the surrounding residential neighborhoods. It also includes the potential
for coordinating with a future regional mass transit system along the Santa Fe Railroad alignment.

Bicycle System Objectives

OBJECTIVE 4
Provide a bicycle system that allows for the safe and convenient use of the bicycle as an
alternative mode of transportation.

POLICY 1
Incorporate bikeways into the circulation system of Village One.

Install a Class 1 bikeway along the Briggsmore Expressway as indicated in the Bike Master
Plan. Install a Class 1 bikeway along the west side of the Santa Fe Railroad tracks on the
eastern boundary of Village One. Install Expressway within the noise setback area between
the residential uses and the expressway right-of-way. This section of bikeway serves as a
segment of a planned trail around the periphery of the City of Modesto.

Install Class 2 bikeways on all of the major streets on the periphery of Village One. This
does not include expressways such as the Claus Expressway and the Briggsmore Ex-
pressway, which do not include on-street bikeway facilities. Install Class 2 bikeways on all
of the neighborhood connectors within Village One.

Install Class 3 bikeways on several of the key neighborhood streets within Village One.
Figure 5.11
Bicycle Routes

Note: This figure indicates off-street bike paths or those within the street which are separately designated for bicycle use. Bicycle movement can also be accommodated within local neighborhood streets.
Parking Objectives

OBJECTIVE 5
Provide parking facilities to adequately serve both residential and commercial needs.

POLICY 1
Establish parking requirements for all Village One uses.

The Village Center area provides 5 parking spaces per 1,000 square feet of commercial building space. This exceeds current standards for commercial uses in order to provide the opportunity for intensification of uses as the center develops. In the interim, a portion of the area designated for parking could be established as a landscaped “reserve” area.

Restrict parking on all major streets in the study area except Boyd Avenue. The single-family residential units provide a maximum of two garage spaces per lot. An exception is provided for the largest residential lots, where additional garage spaces may be provided. All future uses in the business park will provide a supply of parking to meet the minimum city standards.
COMMUNITY FACILITIES
ELEMENT

BACKGROUND

Since earliest times, public facilities and buildings have played an important role in the design of cities. In ancient Rome, places were not accorded city status if they did not include a major public space as well as a number of individual facilities for sports, legal administration, debate and sanitation. In medieval Europe, the churches and public spaces associated with them became the dominant element of city planning, and in the Renaissance, secular governmental complexes expressed the structure and function of the community. During the Industrial Revolution in Europe and the United States, the great public works projects and showcases of industry and commerce (such as the Crystal Palace in London) reflected the values and concerns of the community. A measure of the significance which these facilities have had in their respective communities is their endurance over time. Even in the most scanty ruins of ancient civilizations across the world, the public buildings and monuments are those that have survived, not private homes and individual buildings that make up the fabric of the community.

Up until World War II, some of the best examples of civic design in the United States were associated with public buildings and facilities. During the 1930's, for instance, the Works Project Administration built a variety of public works projects which became the hallmark of Modesto and many other communities. The San Antonio Riverwalk dates from those days and created a revitalized downtown focused on a special amenity and, at the same time, a public improvement that would protect against flooding. However, in the past several years, there has been a shift in attitude toward community facility planning and design. More often today, community facilities are seen as functional elements which serve a particular specialized need, rather than as centers of activity that can also help to give structure to the community. With limited public funds available to finance community facilities, fiscal and financial considerations in selecting and siting facilities often take
precedence over the larger community design considerations. More innovative approaches are required to help fund new facilities that will also achieve public objectives for building a sense of community and reinforcing the quality of the environment.

The Need for Community Facilities in Village One

In the United States today, public facility planning is primarily oriented toward police, fire, school and recreational facilities, but it also includes governmental, religious and utility facilities (which are described in the Utilities Element) as well. The purpose of this element is to ensure that needed services and facilities are provided and that they play an important role in the social and physical composition of the community.

In Village One, the plan calls for the development of four elementary schools, two middle schools, one high school, one community park, three neighborhood parks, a safety center (with fire and police facilities), a library, and a town village meeting hall. In addition, a number of existing churches would remain in their present location.

Schools and parks clearly consume the largest share of land for community facilities within Village One. Of the total 1,775.1784 acres of land in the village, approximately 127 acres would be devoted to schools and approximately 449.124 acres would be set aside and developed as parks, including those which may be privately developed and maintained. Approximately three acres of the site are planned for other community facilities (including the town village meeting hall, fire and police station, library, and community health center).

The need for schools is a function of the expected school-age population. Typically, the lower density housing types produce the greater number of school-age children, and it is assumed in Village One that there will be the need for four new elementary schools, less than one middle school, and less than one high school (see Table 1). These will be accommodated on site as discussed above, and an additional middle school will be built within Village One in order to serve existing developed areas. A site has already been purchased by the Sylvan School District in the northwestern quadrant of the site and a new middle school is currently being designed for that location. In addition, the Sylvan School District is pursuing the acquisition of an elementary school site in the southeastern district.

The need for specific park facilities is also determined on the basis of population standards, and the City has adopted a standard of three acres per 1,000 population, which is consistent with the National Recreation and Park Association (NRPA) standards for community and neighborhood parks, and it is also consistent with the minimum required under the State standards contained in the Government Code (Quimby Act). With roughly 29,000-18,000 new residents in Village One, 69.55 acres of new community and neighborhood parks would be required.

Consistent with adopted city policy, the neighborhood and community parks are shown adjacent to proposed school facilities in order to take better advantage of joint-use
possibilities. Soccer and softball fields are shared to provide schools with expanded grounds during school hours and the community with augmented park space when school is out. However, while these provide the facilities for certain active sports, they do not address the wide range of recreational activities within a community, such as linear sports (jogging, walking and bike riding), passive sports (sitting, people watching) and socializing, and specialized activities specific to a particular age or interest group (shuffleboard, swimming, tennis). These different types of parks and open spaces not only help to differentiate the constituent neighborhoods within the village, but they also help to provide additional open space needed to serve a higher density residential community. Further, as schools increasingly expand their school year, the need for additional parks also increases. The ratio of six acres per 1,000 population set forth in this plan for Village One is consistent with the NRPA standards for the full range of park needs.

The need for other facilities has been identified by affected city departments and other groups. The fire department has determined the need for an additional fire station centrally located within the Village One area for optimum response time. The police department estimates the need for an additional beat to be added to police patrols as well as expanded office facilities, either in a central location downtown or on the site. One-half acre is required for each of these facilities. In addition to a library, community uses such as meeting rooms, child care and community health services have also been identified as a need that should be satisfied within Village One. The opportunity for additional churches in the Village Center as well as at key intersections within village residential districts will also be provided.

Location and Character of Planned Facilities

Public facilities have the responsibility to help structure and shape the public realm. This is not only true in terms of the activities which they house, but also in terms of the siting and distribution of facilities and the design of specific buildings. For this reason, public and semi-public buildings are prominent within the village landscape and reinforce the larger community concept by creating focal points within residential districts. Rather than spreading out buildings and demanding a large amount of land area for buildings, a tighter and more efficient utilization of land is made through the use of shared campuses and facilities and by encouraging a stronger and more positive relationship to the surrounding neighborhoods.

After exploring a number of alternative sites with the City and school district staff, the four sites were selected as campuses to serve Village One. These school sites are central to the design and organization of the entire community. The street system establishes the pattern around which the residential districts are organized. They contribute to the location of multi-family sites and are geographically central to best serve the residential population. The careful siting of these facilities requires that they be implemented as shown in the Specific Plan.
GOAL

Provide the community facilities to serve the future population of Village One and to contribute to the structure and organization of residential districts.

OBJECTIVE 1

Provide for the development of new schools which are geographically centered within an appropriate walking radius of new homes and which can, together with accompanying parks, become the residential districts.

As in most growing communities in California today, Modesto is faced with the need to provide many new schools to serve its projected population. However, the development of schools has not kept pace with growth in the community. In a family-oriented place, such as Modesto, schools are important not only in providing for the educational needs of the school-age population, but also in providing a focus of social and community activities. To reinforce the important role which schools play in the community and to make them easily accessible from surrounding homes, they should be centrally located within each of the three residential districts.

POLICY 1

Provide for four new elementary (K-5) schools, two new middle schools, and one new high school.

Based upon Village One's projected school-age population, four elementary schools will be needed. In addition, two middle schools would be provided—one of which is planned to serve the local needs of the village, and the other to serve existing needs in other parts of the city. Development of Village One is not expected to generate enough students to require an entirely new high school, although one is planned to the north of Sylvan Avenue and to the east of existing ranchettes. This campus is intended to accommodate Village One and future students residing in the village to the north.

POLICY 2

Develop joint campuses on specific sites and utilize the schools as organizing elements within the community.

The lower schools are all planned as joint campuses with year-round attendance, sharing sites for a more efficient utilization of facilities and limited land. Three such campuses are planned, and are provided in locations that are centrally located within each of the three residential districts (see the Community Facilities map). Two will combine elementary/middle school facilities, and the last (located in the northeastern district of the site) will combine two elementary schools in one location. These schools are linked to one
OBJECTIVE 2

Develop a wide range of parks to serve the specific recreational needs of the new community.

It is anticipated that there will be the need for a number of new parks in Village One, particularly as a result of the higher residential densities. Smaller lot sizes and more diminished private open space further increases the need for public parks. As a result, approximately 118 acres of land, which is nearly twice what would be required by conforming to the minimum city standard, have been reserved in Village One. These include not only neighborhood and community parks which adjoin school sites, but also other open spaces, such as trails and pocket parks.

POLICY 1

Provide for 70 acres of neighborhood and community parks adjacent to planned schools.

The plan provides for 70 acres of public park land that would be designed to meet the active recreational needs of residents (e.g., soccer and ball fields) and which would be shared in a joint-use arrangement with school students.

POLICY 2

Provide for pocket parks (or mini-parks) centrally located within residential neighborhoods.

The higher density of Village One and the year-round school enrollment at each of the campuses results in a greater need for parks than reflected in the city’s standard criteria. The pocket park would help satisfy the greater need for open space within Village One. A one-half acre pocket park would be required for every 150 single-family residences, and it would be well located to optimally serve residents within each neighborhood. These parks would be designed to serve the special recreational interests of the community, and reflect the population characteristics of each neighborhood. It is expected that these would provide a valuable amenity that could add to the identity of the neighborhood.

POLICY 3

Provide for linear recreational facilities.

Linear parks and trails would be provided to create opportunities for recreational activities such as jogging, walking and bicycling. In particular, a trail would be located down the eastern boundary of the site along the west side of the Clans Expressway to further link
areas within Village One to a citywide trail system to the north and south. As shown in
the illustrative section, it would be developed to accommodate both pedestrian and
bicycle trails.

OBJECTIVE 3
Provide community facilities which enhance the safety and enjoyment of Village One.

There are a number of community facilities which should be provided to support the needs
of the population and to reinforce a sense of community.

POLICY 1
Provide a one-acre site for development of a public safety center within the Village Center.

Separate fire and police stations would be located within the Village Center, on adjacent
half-acre sites. These facilities would satisfy the need for future fire and police service in
the area, would provide a police and fire presence that would enhance a sense of security
within the village.

POLICY 2
Provide for civic uses, including a town village meeting space hall, library, and other such
facilities within the Village Center.

Across the street from the safety center (fire/police station) would be located a town village meeting hall (meeting spaces), library, and other such facilities to enhance the cultural and civic spirit of the village. These would enrich the activities within the Village Center and provide a community focus for the village as a whole. The Village Meeting Hall is anticipated to be similar in character to the Sylvan Club and approximately 10,000 square feet in size. The library will be a branch library and is planned to be approximately 20,000 square feet in size.

POLICY 3
Provide for additional churches to be located near or within the Village Center or in key
locations within residential districts.

There are already numerous churches located within Village One. The need for additional
churches could be accommodated within the Village Center, where it could take advan-
tage of shared parking, or in key locations along connector streets within residential
districts.
Day care facilities are an important part of modern community life and can provide an important function in residential areas. They should be included in important locations adjacent to amenities, such as parks and schools where they can share facilities, and in locations where they can best serve larger residential areas.
COMMUNITY DESIGN
ELEMENT

COMMUNITY DESIGN APPROACH

As Modesto continues to grow and expand as a city, the appearance and livability of the community has become of increasing concern to residents. Many of the newer parts of town seem indistinguishable from suburban developments elsewhere in the region and state, and lack the special qualities and sense of place that characterize more established areas of Modesto near the downtown. The older Graceada Park and College areas, for instance, are valued for their continuous, tree-lined streets and a well-scaled diversity of buildings that create a gracious, welcoming atmosphere.

The way communities are built today is quite different than it was in the past. The scale of development has increased dramatically, made possible by advances in production housing and site preparation. In contrast to the more compact patterns of previous years, suburban development has taken on a sprawling and spread-out appearance, consuming a considerable amount of land. Postwar housing emulated the romantic traditions of pastoral landscapes, characterized by detached single-family houses on large, lawn-covered lots with ample setbacks from other houses and from the street. As the automobile increased in importance as a means of transportation, a greater specialization of community uses occurred, with major impacts on the social life and pedestrian scale of towns.

Today, a public-spirited traditionalism is on the rise in the design of new communities. It is exemplified by a number of new developments around the country which are, in different ways, addressing issues affecting the qualitative nature of community life. Increasingly, the role of the automobile is being called into question. While in the 1950's, many communities looked at the possibility of excluding the automobile from certain areas and creating pedestrian malls and districts, this is not the approach which is being taken today. Rather, the emphasis is now being placed on "taming" the automobile — making
Another major issue which is being addressed in Village One is the balance between the need for privacy and the desire for more sociable, friendly neighborhoods. In Modesto, back yard areas today are smaller than typically found in most communities and, at the same time, the front yard has become a less attractive place of neighborhood activity, with garage doors dominating the fronts of houses. At the same time, back yards have become more cramped. The approach that is taken in the Village One Specific Plan is to give emphasis to back yards, with smaller but more attractive front yards with the deemphasis of the garage. In addition, the provision of neighborhood pocket parks provides the opportunity for shared neighborhood activities of a recreational and social nature.

The Village One Specific Plan also addresses the need for a sense of orientation and identity, so often lacking in suburban communities. The conventional approach to residential layout has been to establish a maze of curvilinear streets seemingly devoid of a larger pattern. Very often, large thoroughfares deliver motorists onto interrupted or dead-end residential streets that defy comprehension, even for residents. The common complaint of getting lost in newly developed residential areas is symptomatic of the lack of a clear, legible environment that gives residents an understanding of the part that they play in fitting within a larger and more coherent community. In Village One, the Specific Plan places an emphasis on the definition of an overall community identity comprised of a number of different parts in a well-ordered composition of districts, neighborhoods and subneighborhoods. Each of these is organized around a public element, with the districts focused on schools and parks; the neighborhoods on pocket parks; and the subneighborhoods on residential streets. These elements of the village are closely linked with one another in a street pattern designed to give direct access between major activity areas.

The community design concept for Village One also emphasizes the integration of the overall community with surrounding developed areas. Over the past several years, the introduction of sound walls to protect against vehicular noise has isolated neighborhoods from one another. These walls not only separate, but create an unfriendly and hostile appearance. Village One is conceived as a community which obtains its identity not from creating a strong edge or barrier, but rather from the character and organization of uses within it. The edges of the community are carefully designed to avoid, to the greatest extent possible, the use of walls and buffers, particularly related to the existing Orchard neighborhood and the future village to the north of Sylvan Avenue.

PURPOSE OF THE COMMUNITY DESIGN ELEMENT

The intent of the Community Design Element is to establish the policies necessary to create a well-ordered town environment with pedestrian-scaled streets, meaningful open spaces, thoughtful design of buildings, a fine-grain mixture of uses, and careful organization
of open spaces and community facilities. The emphasis, therefore, is not on dictating a particular architectural style, but rather on establishing some important ground rules within which the creativity of individual builders and designers can be expressed.

The implementation of the goals, objectives, policies and guidelines set forth in this element will occur in two ways. One will be through the review of Precise Plans for particular areas by the Planning Commission and City staff. An additional way will be through Design Review. Once the Precise Plan is adopted, elements of the architectural design may be reviewed by a Design Review Board in order to ensure that individual buildings contribute to the overall design concept of the village plan. The design guidelines provide the necessary criteria against which plans can be reviewed.

Community design considerations within the village focus on three major components—the Village Center, the residential neighborhoods, and the Industrial/Business Park. In the Village Center, the focus is on the development of buildings and spaces that maintain a pedestrian scale and higher level of activities. In the residential areas, the emphasis is on providing adequate private open space, minimizing the dominance of garages along the street, and creating appropriate transitions between housing of different densities. In the Business Park, emphasis is placed on creating attractive and appropriate transitions between uses to the west and east.

GOALS, OBJECTIVES AND POLICIES

GOAL
Develop an attractive, well-planned community that promotes pedestrian activity, diverse neighborhoods, an active commercial/civic center and major employment center.

Village Center Design

OBJECTIVE 1
Organize the buildings and streets within the Village Center to concentrate pedestrian activity within an appropriately scaled district, in order to create a strong sense of identity and community at the geographic center of Village One.

The concept for the Village Center goes beyond satisfying solely the functional requirements of neighborhood-serving retail uses to create a focal point and gathering place. More than any other individual element, the Village Center will become the “living room” of the entire community. As a result, it needs to be designed in such a way as to make it attractive as a people-oriented place, where neighbors can feel comfortable to linger and
to be around others in a lively, highly imageable environment. The Village Center is sited to create a pattern of development that promotes pedestrian movement and at the same time minimizes the need to use the automobile for circulation to the center and within it.

**POLICY 1**

Focus people-oriented activities (window shopping, store entrances, cafes, displays, signage) along the streets and in front of buildings of the Village Center. Locate parking, deliveries, trash and other ancillary services at the rear of buildings.

**POLICY 2**

Develop a focused, efficient pattern of buildings and open spaces in order to concentrate activities, rather than to dissipate them in a way which requires greater dependency upon the automobile.

**POLICY 3**

Design buildings, streets and parking lots to be scaled to pedestrians (with regard to such issues as the height and length of walls, the amount of uninterrupted asphalt paving, the width of streets, the distance between crosswalks, the continuity of shop fronts, the size of signage).

**POLICY 4**

Encourage the development of pedestrian amenities such as benches, trash receptacles, and pedestrian-scale lighting as well as outdoor cafes and sidewalk magazine stands, which enhance the experience of moving through the Village Center by foot.

**POLICY 5**

Create a complex and diverse network of streets, passageways, open spaces and well-distributed parking lots in order enhance the Center’s visual interest, while also making shopping a convenient experience.

**POLICY 6**

Dedicate adequate land to the Village Center for a mix of commercial, civic-related, and high-density residential development, to evolve over an extended period of time.

**Design Standards and Guidelines**

Design guidelines for the Village Center address the treatment of development parcels, building facades, parking, streets and signage. They provide more specific direction for implementation of goals, objectives and policies.
Development Parcels

- Commercial building parcels should be delineated in various sizes ranging from approximately 30 to 250-foot frontages in order to create architectural variety and a more visually interesting environment for the pedestrian.

- Linear frontages along the street of any one building should not exceed approximately 250 feet in order to create passageways for pedestrians between parking areas and adjacent streets. Public passageways between buildings should be a minimum of 20 feet in width and well landscaped with trees, flowers, sidewalks, and lighting.

- Residential building parcels within the Village Center should be located outside of the designated core area. These parcels should be large enough to accommodate appropriately scaled high-density projects. Well-landscaped pedestrian easements must be provided in mid-block locations in projects that exceed 250 feet in linear frontage, and should have an average width of at least 20 feet.

- All commercial buildings should have facades built right to the sidewalk, with no setbacks on the first level in order to maintain an active and interesting edge for window shoppers, strollers and passersby.

- Setbacks to the rear of the building must be a minimum of four feet in order to accommodate sidewalks facing the parking lots.

- No drive-through commercial facilities (such as those related to financial institutions and fast food enterprises) should be permitted in the Village Center. These uses reduce pedestrian activity and often disrupt retail continuity along the street.

- Buildings at key intersections should be designed to mark the corner. Various design devises include setbacks at the corner, accentuated entrances and additional height using, for instance, towers and cupolas. By treating intersections as prominent landmarks in the village, people and visitors are more quickly oriented to the entire district.

Buildings

- Blank or solid walls (without glazing) should not exceed approximately 30 feet in length at street level so that visual interest is maintained along sidewalks for pedestrians. Walls that are blank should be articulated with murals, trompe l'oeil, or some type of wall detailing, wherever possible.

- Store and building entrances should not be recessed more than 10 feet. Doorways should be designed to focus on the street in order to create a more immediate and direct relationship between indoor and outdoor activities.
The height of street-facing facades should be greater than 16 feet but not more than 35 feet, as measured from the sidewalk to the top of the cornice. These height limits will ensure an appropriate pedestrian scale for the Village Center.

Street arcades that intrude into the sidewalks should be continuous, extending along the full length of a block or, at minimum, linking a series of contiguous buildings. Consistent treatment needs to be maintained for both visual and liability considerations.

Awnings should be encouraged, but should not interfere with street tree planting or extend beyond four feet from the building’s edge.

Storefronts should be encouraged to wrap corners at the entrance of public passageways and at street intersections in order to create activity and “eyes on the street” at these critical junctures in the pedestrian network of the Village Center.

Consistent wall-hung exterior lighting should be used along pedestrian passageways, at corners of buildings, and at the rear of buildings facing the parking lots.

The rear of buildings should have a four-foot minimum sidewalk for service and pedestrian safety.

Screened service courts and enclosed trash containers should be required for garbage and delivery.

Mechanical areas should be screened from view and trash storage areas should be enclosed.

The electrical service provisions of buildings should be addressed in The Precise Plan for the Village Center, but they should also be screened from view or located to minimize their visual appearance.

Parking

An adequate supply of parking should be provided to meet retail needs. In the case of predominantly nighttime uses, such as theaters, shared parking opportunities should be encouraged.

On-street parking should be provided on all major streets in the Village Center.

All off-street parking should be located to the rear of buildings. Access to stores and streets should be easily visible from all areas of the parking lot.

Surface parking areas should be constructed in small increments, or large lots should be divided into small areas through the use of landscaping, so that asphalt does not dominate.
- Conversions of surface parking areas to allow additional development utilizing structured parking should be encouraged, as market demand increases over time.

- Trees should be planted at a ratio of one for each three parking stalls with the objective of achieving an 85 percent coverage at maturity.

- Parking lot lighting should be located at six stall intervals, with the height of lights not to exceed 20 feet. All exterior lighting should be high-pressure sodium vapor fixtures to create an attractive light quality suitable to retail and pedestrian uses.

*Streets*

- Through the Village Center, Floyd Avenue should not exceed two moving lanes, with accommodation for left-hand turning lanes at major intersections. On-street parking should be provided on both sides of the street. Along Floyd Avenue, sidewalks should be 15 feet in width. Overhead electrical facilities should be prohibited on Floyd between Roselle and Claus.

- The diagonal main streets should not exceed two moving lanes. On-street parallel parking should be provided on both sides of the street. Sidewalks should be 15 to 20 feet in width, permitting a zone of 6 to 10 feet for cafes to spill out onto the sidewalk.

- All Village Center streets should be designed for 48-inch box street trees with high canopies that would be planted at 20-foot intervals. Tree species should be selected for branching at heights greater than 15 feet, for light, feathery leafing (for visibility to storefronts) and for ease of maintenance.

- Consistent pedestrian-scale ornamental light fixtures should be utilized along streets in the Village Center. Light fixtures should include attachments for banners and planters. Fixtures should be high-pressure sodium vapor for the best rendition of natural colors.

*Signage*

- Signage should be scaled to the pedestrian in terms of size, location, lettering, and lighting.

- Heraldic signs should be encouraged.

- General commercial or advertising signs should not be permitted.
Neighborhood and Residential Design

OBJECTIVE 2
Develop high-quality residential neighborhoods that are both livable and attractive to residents, and can increase in value over time.

POLICY 1
Establish a fine-grain mixture of residential densities within neighborhoods.

POLICY 2
Create sociable residential environments, with houses creating a positive transition to pedestrian-oriented streets.

POLICY 3
Ensure that garages do not dominate the residential streetscape and house frontages.

POLICY 4
Ensure that a usable back yard space is provided as private open space on single-family lots.

POLICY 5
Encourage development techniques that conserve resources, in particular, air quality, water quality, energy, and solid waste.

Design Standards and Guidelines

Residential design standards and guidelines are established for areas of concern to the community. In particular, as residential densities increase (and lot sizes decrease in size), a number of considerations, especially related to garage location and size, become of significance to the overall character and quality of the community. Specific development standards pertaining to individual types of residential lots are set forth in the diagrams.

Residential Parcels

- Residential parcels should be encouraged to be rear loaded to create a more attractive, continuous street space that is oriented to the pedestrian. Where front loaded, a minimum 50-foot lot width should be required, and the garage should be set back a minimum of 30 feet from the front property line.
• The minimum residential lot area within the village should be 2,750 square feet, and the maximum should be 7,500 square feet (exclusive of the Very Low-Density Residential Area, where the minimum lot size is one-half acre, and the 12,000 sq. ft. lots along streets with noise setbacks).

• Setbacks vary depending upon the lot size; however, in all cases, a back yard of a minimum dimension of 20 feet should be provided for greater usability and private enjoyment. A minimum 10-foot front yard setback should be required, and staggering of building facades encouraged on small lots within the village. All setbacks should allow for windows in front and in back on both floors.

• A variety of densities and house sizes within residential blocks should be encouraged; however, careful transitions should be planned between detached and attached housing types. In particular, where larger lots (greater than 7,500 square feet) back up to those of a smaller size, the smaller lots should be no smaller than half the size of the larger lots. Transitions in extremes between small and large lot sizes should not occur side by side along a street within a block, but rather back to back, with landscaped easements, alleys and walls or fences buffering them from each other. Lots that are 12,000 square feet in size should be separated from smaller lots by an alley in order to protect backyard privacy, and an alley should be required behind large lots on Floyd. Smaller and larger lots which adjoin one another should be generally of the same height or screened by vegetation to avoid visual intrusion.

• All planted yard areas should be properly prepared prior to development to enable plants to penetrate the hardpan layer of soil and grow and mature over time. In addition, native, drought-resistant plantings should be encouraged. For suggested tree planting species see City of Modesto Master Plan (1986).

• An extensive use of cool season grasses, such as Kentucky bluegrass, that depend upon large amounts of water should be discouraged.

• Low-flow or drip irrigation systems which minimize the use of water should be encouraged.

• Irrigation systems should be designed so that they do not exceed the peak evapotranspiration rates of cool season turfgrasses in summer months.

• Mulching and other measures which limit water loss to the environment should be encouraged.

• Impervious paving surfaces should be minimized, to the extent feasible, for improved water conservation (i.e., use of paver blocks, brick on sand, turf block, etc.).

• Deciduous plant materials should be encouraged in outdoor living spaces to allow maximum winter sun and summer shade.
Lot Size: 2,750 s.f.
Width: 50'
Depth: 110' (assuming 10' to centerline of Motor Lane)

Setbacks:
Front Yard: 7' (with maximum 2' encroachment for bay window)
Second Story
Stepback: 4' from building front with sloping roof
Sideyard: 10' within 25' of front property line on one side. No side yard setback elsewhere.

Back Yard: 20' deep usable space
Rear Yard: 0' with garage door setback 5'

*All minimum dimensions

Illustrative Floor Plans

Ground floor
Assumes maximum house size, 1,575 square feet

Second floor

Figure 7.4
Residential Design Standards
Lot Size: 3,000 s.f.
Width: 50'
Depth: 60' (assuming 10' to centerline of Motor Lane)

Setbacks:
Front Yard: 7' for 50% of the building front
(with maximum 2' encroachment for bay window)
10' for the other 50% of the building front
12' maximum for garage width

Second Story
Stepback: 3' for 65% of the building front
with sloping roof

Sideyard: 5' side yard on one side

Back Yard: 20' deep usable space.
Rear Yard: 0' with garage door setback 5'

*All minimum dimensions

Illustrative Floor Plans

Figure 7.5
Residential Design Standards
Lot Size: 3,600 s.f.
lot configuration
see diagram on the left

Setbacks:
Front Yard: 10' (with maximum 3'
encroachment for bay window)
Second Story
Stepback: 3' for 60% of the building front
with sloping roof
Sideyard: 5' side yard on one side
Garage
Recess: 30' from front of property line
Maximum 20' garage front width
Back Yard: 20' deep usable back yard

*All minimum dimensions

Illustrative Floor Plans

Ground floor
Assumes maximum house size, 2,000 square feet

Second floor

Figure 7.6
Residential Design Standards
Lot Size: 5,000 s.f.
Width: 50'
Depth: 100'

Setbacks:
Front Yard: 10' (with maximum 3' encroachment for bay window)
Second Story
Stepback: 3' (from building front with sloping roof)
Sideyard: 5' side yard on one side
Garage
Recess: 30' from front property line
Maximum 18' garage width
Back Yard: 24' deep usable back yard

*All minimum dimensions

Illustrative Floor Plans

Ground floor
Assumes maximum house size, 3,400 square feet

Second floor

Figure 7.7
Residential Design Standards
**Residential Design Standards**

Lot Size: 7,500 s.f.
Width: 75'
Depth: 100'

Setbacks:
- Front Yard: 20' (with 3' encroachment for bay window)
- Second Story
  - Stepback: 5' (from building front with sloping roof)
- Sideyard: 12' side yard on one side
  - 15' side yard on the other side
- Maximum 3-car side-enter garage

Back Yard: 24' deep usable space

*All minimum dimensions

**Illustrative Floor Plans**

Ground floor
Assumes maximum house size, 3,100 square feet

Second floor

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**Figure 7.8**

Residential Design Standards

Note: Design Standards for a 12,000 s.f. lot will be prepared following the October 16, 1990 City Council Meeting.
- Recreational vehicles should not be permanently stored within driveways or in highly visible locations from the street, and a high level of maintenance of outdoor spaces should be enforced.

**Buildings**

- Houses should front onto residential streets, and pedestrian entries should emphasize graceful transitions to the street, such as one finds in some of the older Modesto neighborhoods such as the Graceada and College Districts.

- Recessed and projecting elements, such as bay windows and porches, should be encouraged and exceptions made (as noted on the diagrams) within setback areas to achieve a more articulated and interesting house form, and to encourage more positive relationships between indoor and outdoor spaces.

- Building form and landscape styles transplanted from another region should be discouraged. Rather, an architectural style reminiscent of the bungalows in the College District is encouraged. At the same time, while the richness of local building traditions should be reflected, innovation in building technologies and design is encouraged to achieve greater efficiency and creativity.

- The number of finish materials on buildings should be limited, and surface panels or wood, brick, stone, etc., which appear like an applique out of keeping with the overall building character, are discouraged. Also, abrupt changes in material between elevations should be discouraged.

- Basic building colors should be both subdued and complex, with smaller areas or accents of brighter color. Compatibility of color with between adjacent projects should be ensured.

- **Articulated** Roof forms which give interest to the sky, give and definition to massing, should be encouraged without being overly complex. Flat roofs should be avoided, and on zero-lot lines, roofs should be allowed to overhang slightly to avoid a hard edge. Careful attention should be given to the location and detailing of all skylights, vents, and other roof appurtenances. All roof-mounted equipment should be screened from view of adjacent properties and residential streets.

- Buildings should be discouraged from locating the first floor directly on grade. Rather, an 18-inch lift off of the pad elevation should be incorporated within the building design or the front yard graded up to the house to give a more gracious transition to outdoor areas, emphasize the sequence of arrival, and add visual interest to the flat landscape.

- Outdoor lighting on private lots should be designed so that it does not intrude on neighboring uses or shine directly into the street.
To the extent possible, south-facing glazing in major living areas, the use of adjustable awnings, clerestories, and operable windows for natural ventilation should be encouraged for energy conservation.

- Fire sprinklers should be required for safety, and centralized security system wiring should be encouraged.

- Building height should not exceed 35 feet. Three-story homes may be allowed; however, the massing and scale of buildings should be carefully reviewed to make sure that, particularly on the smaller residential lots, they do not overwhelm the pedestrian experience along the street.

**Garages**

- Garages should not exceed more than one third of the total property frontage, unless recessed at the rear of the lot. Sideloading of garages should be permitted on wide lots.

- Driveway aprons and garage doors should be kept as narrow as possible, and tandem parking encouraged. No more than one driveway per lot should be allowed.

- No three-car garages should be allowed, except on rear-loaded lots or lots exceeding 70 feet in width. Where three-car garages are used, an individualized entry door should be provided to one of the three parking spaces.

- Over a three-car garage on rear-loaded parcels, an additional unit should be allowed, without adding additional covered parking spaces, to provide greater flexibility in meeting family or "lifecycle" needs, or to make housing more affordable by giving homeowners additional income from a rental unit.

- Recessed entries on garages should be provided for greater articulation, and trash storage areas should be enclosed.

**Residential Streets**

- Floyd Avenue would become the major gateway street connecting all of the residential neighborhoods in Village One, and it should be lined by large (12,000 square foot) lots with a minimum 25-foot setback from the road and curb cuts along it for driveways should be limited to establish a strong and attractive streetscape.

- As the major transit street, curb cuts should also be discouraged along Roselle and large lots with houses set back a minimum of 25 feet should be required. Townhouse or attached single-family buildings which appear as if they are large single-family structures should be encouraged along Roselle in order to transition between lower density ranchettes to the north and the higher density Village Center. To create a stronger sense of hierarchy, a more attractive scale, and a protected neighborhood feeling, more
Figure 7.9
Neighborhood Illustrative Axonometric

Lot Size: 25' x 110'
Lot Size: 35' x 110'
narrow curb-to-curb widths of 30 feet and 22 feet (for front-loaded houses) should be encouraged. These more narrow widths should only be allowed if they are part of a primary entry to the neighborhood and if they are no longer than 1,200 feet in length.

- Traffic circles on minor residential streets should be encouraged to increase pedestrian safety at crossings. They should be designed to ensure proper visibility and traffic signs should be kept to a minimum.

- All streets should connect into the larger pattern, and generally a minimum of four access points should be provided from individual neighborhoods to adjacent surrounding streets.

- There should be a continuity of landscaping along the street, with trees spaced on average every 30 to 40 feet. Street trees within the parkway strip should be irrigated by private property owners of adjacent lots. Street lighting should reflect the hierarchy of the street but should not exceed 20 feet in height to maintain a pedestrian scale.

- Because of the extensive Greenfield sandy loam, San Joaquin sandy loam, Snelling sandy loam, and Madera associations, soils should be ripped on a large scale basis prior to planting so that roots can penetrate through the hardpan layer, where these soils exist (unless it can be demonstrated that the hardpan layer does not exist).

- Dead-end alleys should not be allowed, although they need not be a "straight-shot", but are encouraged to angle, weave, and incorporate a variety of alignments. Alleys should be well lighted with wall-hung fixtures on the garages, and landscaping should be encouraged to come right to the edge of the pavement areas. A five-foot setback at the garage shall be required.

- High design and landscaping standards should be encouraged so that views to important landscape features and axial views to schools and parks are enhanced.

Residential Pocket Parks (Mini-parks)

- One-half acre of open space should be provided for every 150 single-family residences within Village One, in order to increase the amenities within this higher density community and, at the same time, to help structure the residential neighborhoods.

- These open spaces should generally be no greater than one acre in size, so as not to appear as if they are neighborhood parks. They should also be no less than one-quarter acre in size to perform as usable open space if recreational facilities are to be included for active sports.

- The pocket parks should be programmed in consideration of the recreational interests of prospective homebuyers and neighborhood residents, and should be maintained through homeowners associations or through a landscape and lighting maintenance district, as established by the City.
Fences, Walls and Edges

- Sound walls should be allowed along the planned Claus Expressway and Oakdale Road, and reasonable along with a 95 and 90-foot setbacks should be made (respectively) required for noise protection. In addition, a minimum 25-foot setback should be incorporated along Roselle and Floyd for noise protection and to create a stronger sense of a boulevard entry through the key streets in the village.

- A frontage road should be utilized along Sylvan Road to enable houses to directly face to the north and create a positive linkage to the planned village to the north.

- Privacy walls should be allowed at the rear of residential parcels, but they should be no more than six feet in height on lots greater than 5,000 square feet and to no more than seven feet for lots smaller than 5,000 square feet.

- Property line fences should not exceed three feet in height within front yard setback areas.

- Extensive and continuous landscaping should be required along sound walls, to camouflage and create the appearance of a well-landscaped edge.

Entry Signage

- Closed-door gated entries should be prohibited, as should freestanding signage for individual subdivisions.

- Entries should be marked by landscaping and portals that are inviting and that subtly establish the boundaries of special areas.

Industrial/Business Park

OBJECTIVE 3
Develop an attractive employment center that considers both linkages and transitions to adjacent areas.

The Business Park is planned as a major activity center, with the possibility of employing several thousand people at full buildout. It offers the potential to allow village residents to work close to home, and therefore it is important that it be designed to include physical
and visual linkages to the rest of the village. In addition, it will be located between two major transportation corridors, the Santa Fe tracks and the Claus Expressway, and positive transition to surrounding uses should be made.

POLICY 1
Create a strong sense of entry to the Business Park from Floyd Avenue.

POLICY 2
Maintain an attractive appearance along the planned Claus Expressway through landscaping and careful treatment of surface parking areas.

POLICY 3
Establish a well-coordinated, campus-like setting for business and industry.

Design Standards and Guidelines

- Development parcels should not be treated as isolated elements, but as a part of a larger site plan.

- Development should establish an overall identity.

- The use of landscaping should be encouraged throughout parcels to distinguish entries and exits and to break up large surface parking lots. Landscaping should be distributed throughout parking areas rather than clustered along the edge.

- Surface parking areas should be concealed from view from the planned Claus Expressway.

- Emphasis should be placed on the opportunity for pedestrian circulation and linear sports within the Business Park, and on-site linkages to the citywide trail adjacent to the Santa Fe tracks should be made.

- A coordinated signage system should be adopted which provides clear criteria for the design of attractive directional and business identification signs. Criteria would address size, location, attachment, illumination quality, informational content, and type of materials to be used.

- High contrast building materials that draw too much attention to themselves or which tend to "scare" inside and outdoor spaces, such as clear or brightly anodized aluminum, mirrors or very dark glass, etc., should be avoided.

- Service areas, outdoor refuse collection systems and roof equipment should be carefully located away from building entries and screened from view.
UTILITIES ELEMENT

DESCRIPTION OF UTILITIES

Many of the utilities to be located in the Village One area need to be addressed with special consideration. The exceptions are natural gas, telephone, and cable television. Providers of these utility services will design their facilities in accordance with the adoption of this plan and development approvals.

Critical to the adoption of this plan is the Advisory Vote for the extension of sewer trunk lines through the site required by Measure “A.” The extension of two sewer trunk lines will be necessary to serve the area. The extension of these sewer trunks is not problematic because of a sewage master plan. Likewise, treatment capacity does not represent a substantial problem because of a major treatment plant expansion funded through the Environmental Protection Agency and other recent facility improvements. However, because of Measure “A,” sewage is the critical link for utility services in Village One.

Domestic water for the City of Modesto is currently supplied solely by pumping of groundwater. Overpumping or overdraft, a situation where water is removed from the ground at a rate faster than it is replenished, is presently occurring. A consequence of overdraft is the deterioration of groundwater quality. Consequently, Modesto Irrigation District (M.I.D.) has proposed obtaining surface water from the Tuolumne River. The preferred plan is to obtain water from the Modesto Reservoir and process it through a treatment plant proximate to the reservoir. This plan responds to the need for surface water through its policies for design of the system to accommodate surface water, policies that are oriented to water conservation, and an alternative irrigation system that would not require the use of treated water.

Storm drainage issues revolve around the ability to collect the water and discharge it in an environmentally sensitive manner. Primary concern has recently been given to the quality of discharge into surface waters by the State Water Quality Control Board and the Environmental Protection Agency. The city currently uses dry-wells (rockwells) to achieve much of the drainage requirements for the city. Given long-term maintenance requirements
Figure 8.1
Existing Utilities
of dry-wells, the need to recharge the groundwater basin, and sensitivity of surface water ecosystems, the storm drainage plan for Village One proposes a large percolation basin system, which will also benefit from evaporation to a minimal degree.

Existing Modesto Irrigation District and other private irrigation facilities will have to be evaluated on a project-specific basis within the plan area. The primary issue for irrigation is how to supply water to "downstream" users where development of property "upstream" does not have a convenient means to allow continued irrigation through the property. Several options exist to resolve the issue; however, these options will result in comparable water delivery or other options satisfactory to the downstream user.

Modesto Irrigation District is also the provider of electric services. In preparation of this plan, every effort has been made to coordinate relocation of facilities with Modesto Irrigation District (MID) staff to ensure the development of the area in a serviceable manner. The plan, as presented, is serviceable. The relocation of relocates 69 KV transmission lines to avoid overhead lines in the Village Center and along the portion of Floyd between Roselle and Claus and the undergrounding or relocation of a 12 KV line on the east side of Roselle remains to be determined. However, there are only two options remaining for evaluation.

**Storm Drainage**

In designing the storm drainage facilities, flooding clearly determines the design criteria. Storm water facilities will be designed according to city standards. Another important factor in the design of the system is the avoidance of unnecessary pumping. Within the Village One area, only one or more pump stations may be needed depending upon whether the Industrial Business Park is a discrete system or not. To serve the northern portion of the area east of Claus Road, final design of the system will probably require pumping in association with the retention basins located in this area. The purpose of the retention basins at this location is to reduce downstream pipe diameters and the pump station would maintain appropriate pipe depths. This station, in its final design, may be required for the distribution of storm water throughout the retention basins located along the M.I.D. Lateral Canal. The purpose of the retention basins at this location is to promote infiltration of stormwater recharging ground water.

The primary components of the storm drainage system are the subsurface pipes, and the ten-31-acre drainage basin to be located near the northeast corner of Roselle and Briggsmore Avenues along the M.I.D. Lateral Canal and the separate seven-acre facility in the Industrial/Business Park. As mentioned above in the Description of Utilities, there are several reasons why a storm drainage basin system was selected over other discharge alternatives. These alternatives include dry-wells (an excess of 6,000 dry-wells or rockwells exist within the city) or surface water discharge. The filtering that ground hydraulics provides removes many of the potential contaminants in urban storm run-off. Although, the possibility of water-soluble contaminants making their way into the groundwater aquifer exists, the filtering provided by the retention basin system offers
Figure 8.2
Existing Overhead Electrical Utilities
greater protection than other alternatives. In addition, given long-term maintenance requirements of dry-wells, a need to recharge the groundwater basin, and sensitivity of surface water ecosystems (streams, rivers, etc.), the retention basin system was selected as the best alternative.

Groundwater recharge is not well served by conduits that convey stormwater out of an area. A basin located within a drainage area helps to maintain the quantity of water for that area replenish groundwater by allowing stormwater to percolate into the ground. The sensitivity of surface waters to urban storm drainage and its potential to carry contaminants, is currently being addressed by the Environmental Protection Agency and the State Water Quality Control Board.

Inland Water Quality Control Plans, to be adopted by the State Water Quality Control Board and Environmental Protection Agency rules, will take effect in 1990. The associated permit program is expected to have numerical water quality objectives which, as yet, are not specifically defined. However, it is likely that treatment of storm drainage water would be required for the Village One area, if a detention retention basin is not used.

It is not necessary that the facilities defined above be in place prior to development. However, hydraulic grade lines need to be established prior to development so that storm drainage lines connected to temporary basins will be able to serve the final design. However, an overall Master Drainage Plan must be in place prior to development to establish the criteria for evaluation of hydraulic grade line proposals necessary for development.

Sanitary Sewer

The City of Modesto receives wastewater at its primary plant at the southwestern edge of the city along the Tuolumne River. Effluent from the primary plant is conveyed through a 60-inch concrete pipeline approximately 7 miles long to the secondary treatment facilities near the San Joaquin River. It is then discharged to the river during winter months or applied to 2,700 acres of farmland during the growing season. The city has added many new treatment and storage components during recent years to increase their capacity.

The most recent waste discharge requirements were issued by the Central Valley Regional Water Quality Control Board in 1988. These list an annual average flow of 18.3 million gallons per day (mgd), with average summer flow of 28.5 mgd. The City's own records list a summer flow of approximately 38 mgd. The city has a large number of industrial dischargers, mostly canneries, which discharge a substantial volume of high-strength wastewater during the months of July through October. The current effective treatment capacity for the overall facilities is approximately 40 to 50 mgd. The hydraulic peaking capacity of the existing facilities is approximately 70 mgd.
The city has had some historic trouble meeting discharge requirements during the summer canning season. An additional trickling filter and a revision of wastewater land disposal requirements have increased capacity sufficiently such that meeting requirements during summer months is not expected to be difficult for a number of years.

Another historic problem experienced by the city is relative to limitations on river discharge during winter months. The current discharge requirements specify a 20:1 dilution for river discharge. This requirement had been difficult to meet during drought years when the river flows were low. However, two storage reservoirs with a total area of 500 acres were constructed to mitigate the problem.

Village One wastewater flows have been conservatively estimated at 2.4 mgd. These flows will be a significant addition to the city's wastewater treatment demands, especially during winter months. Winter river discharge limitations will most likely be the City's main concern when evaluating additional domestic flows. Treatment capacity for these flows should not be a major concern, though it will affect treatment facilities planning considerations.

The sewer collection system for Village One is based on the extension of the Sonoma and Lakewood trunklines as set forth in the “Modesto Sewerage Survey” prepared by Brown and Caldwell in 1966. The sewer laterals have been laid out with the intent to keep pumping stations to a minimum. One lift station will be required to serve the northerly portion of the business park area located east of Claus Road. Sewer laterals were designed with minimum slopes and sized based on .007 cubic feet per second per acre in residential areas and 2,000 gallons per day per acre in commercial areas. Although locations of trunk lines have been defined according to this plan, certain deviations may be necessary as logical adaptations for site considerations.

**Domestic Water**

Initially the main source of domestic water for the Village One area will be groundwater. Four wells will be required based on the city's standard of approximately one well per square mile. Three of the four wells will be located in park areas. The city currently utilizes a looped 10-inch main system, and Village One is consistent with that standard. Existing 10-inch mains are located along with west and south perimeters of the project area. The ability to withdraw adequate water in the long term is a serious issue, and the City has taken steps to ensure an alternative water supply. URS Consultants, Inc., in the Final Environmental Impact Report for the Modesto Surface Water Treatment Plant, defined the issue and response as follows:

*The domestic water supply for the Modesto area is currently supplied solely by groundwater. Overpumpage has led to declines in groundwater levels, accompanied by a deterioration in groundwater quality. To assure a long-term, high quality water supply, the Modesto Irrigation District, the City of Modesto, and the Del Este Water Company have conducted a joint study on the use of surface water from the Tuolumne River. River water to which the Modesto Irrigation District has water rights would be delivered to a new water treatment facility and then piped into the water distribution system serving the Modesto area. The water treatment*
The final selection of a site and preliminary design of the facility are underway.

**Alternative Water Source**

To reduce overdraft of groundwater supplies and reduce the future potential for unnecessary treatment of water supplies, the Village One area will use a separate water system for irrigation of median strips and larger open space areas. A storage facility will likely be required and may be located within a portion of the storm drainage basin. This storage facility will need to be sized in accordance with the policies of the Modesto Irrigation District for water delivery, if water is to be obtained from M.I.D. Interconnection with the domestic supply line is feasible with appropriate backflow devices, should M.I.D. water not be available for a given period of time.

The basic concept of the Alternative Irrigation Source is very similar to the domestic water system. A looped system, interconnected, will be developed. Cost of this system will be less than the domestic water system because pipe diameters will not accommodate fire-flow requirements. Sizing of the facilities should consider participation by the school districts. Design of this system should be done prior to approval of development plans.

**Irrigation Facilities**

Modesto Irrigation District’s network has many irrigation facilities which traverse the planning area, including: Main Lateral No. 3, contained within a 140-foot right-of-way along Brigsmore Avenue; two concrete pipes of 24-inch (supply for Naraghi Lake) and 30-inch diameter (drainage), which cross the site in an east-west orientation; and numerous easements—some of which are privately held and/or unrecorded.

The 24-inch and 30-inch lines will need to remain within the Village One area indefinitely. As the area develops, both drainage lines and irrigation lines with downstream users will need to be relocated or otherwise be built around. Consequently, irrigation issues and easements will need to be addressed with each development. Relocation of lines is feasible; however, hydraulic grades need to be maintained at property lines. That is, if a facility is relocated on a development site, the points of connection or delivery must be at the appropriate elevation to ensure downstream users are not compromised. As an alternative, if downstream users can otherwise be satisfied, private agreements should be encouraged to avoid unnecessary relocations.
Solid Waste

Solid waste disposal service will be provided by Modesto Disposal, upon annexation to the City.

Electricity

Modesto Irrigation District provides electricity to the Modesto area, in addition to their role as a supplier of irrigation water. MID. operates a substation near the northwest corner of Floyd and Roselle Avenues and also along Briggsmore Park east of Claus Road. They are connected by a 69 KV transmission line that runs easterly along Floyd Avenue from Roselle to Claus Road, and then southerly along Claus. MID. has stated an additional 69 KV transmission line will need to run northerly from the Roselle/Floyd substation along Roselle to a point probably just north of the planning area. This extension will terminate at a new substation to be constructed for the benefit of the planning area and future development.

To avoid routing of overhead facilities through the center of the village, where aesthetic values are of great importance to the feeling of the place, existing 69 KV and 12 KV overhead lines are proposed to be rerouted. Two options have been defined and are dependent on a thorough analysis of the electrical distribution system. The preferred relocation route of the 69 KV line mentioned above is to locate it on Claus Road between Sylvan and Briggsmore Avenues, and on Sylvan Avenue between Roselle and Floyd Avenues. The second option is to locate it within a 20-foot easement adjacent to and northerly of the existing 140-foot right-of-way for MID. Lateral #3. It would then be routed north along the west side of Roselle with other facilities.

Another issue is the possible necessity for a 12 KV line on the east side of Roselle Avenue. MID. staff has indicated a probable need for this distribution line, however, a detailed analysis by MID. staff is necessary to determine the need for certain. If such facility is required, the undergrounding cost of approximately $1 million has been factored into the Financing Plan.

Telephone

Pacific Bell provides telephone service to the area and does not anticipate problems with the buildout of the planning area. A new central office, to be located at the intersection of Sylvan Road and Roselle Avenue, is in the construction process and will be able to handle service demands. Pacific Bell will wait adoption of this plan prior to starting design work.
Cable Television

Post-Newsweek Cable is the cable television provider for the area and does not anticipate significant problems in serving the area. The cost of providing service is typically passed to the consumer via initial hookup and monthly charges.

Natural Gas

Pacific Gas and Electric will provide natural gas for the area. Currently, major natural gas facilities consist of an eight-inch high pressure main located in Claus Road. Gas lines of lesser diameter are located in Oakdale Road. PG&E will wait for adoption of this plan prior to planning services.

GOALS, OBJECTIVES AND POLICIES

GOAL
Establish utility services to Village One which will accommodate the planned growth for the area while incorporating resource management approaches.

POLICY 1
Ensure domestic water supplies are sufficient in quality and quantity for domestic consumption and fire suppression.

Overdrafting of groundwater is of obvious concern. The ecity and M.D. are currently seeking alternative sources of water. Design of the water system and parts thereof will require consultation with the Public Works Department for potential alternative sources of water, connections to other grids, and isolation needs.

Public safety requires that the water system be designed to provide necessary fire flows.

POLICY 2
Encourage water conservation to the greatest extent.

The ecity shall encourage water conservation by requiring low-flow showerheads and faucets in new construction.

The use of drought-resistant plantings can be used in public rights-of-way and the principles of xeriscape can be used at no additional cost to the city.
Figure 8.3
Water Delivery System
Minimize planting of turf and require irrigation systems to be engineered by a landscape architect or civil engineer for commercial projects.

The use of city water for agricultural purposes should be prohibited. The location of new wells should be spaced approximately one mile apart. All new water connections shall be metered, with the exception of connections designed solely for fire protection. This permits enforcement of water conservation programs.

POLICY 3
Loop main water transmission lines and lines of lesser diameter to the extent feasible.

Looping is simply an interconnection of lines. It allows use of smaller diameter pipes than would otherwise be needed to deliver the same volume and pressure. It also allows water to be received from different directions, which is necessary when a portion of a line may be shut off for repairs or maintenance.

POLICY 4
Require automatic fire suppression sprinklers for all new construction.

Residential fires are the leading cause of death in household accidents.

Automatic sprinkler systems have associated economic values which can partially or fully offset their cost. Primarily, cost savings could potentially be achieved through reduction in insurance premiums.

POLICY 5
Develop a dual-pipe water system that provides for an alternative water source for irrigation of street medians and open-space.

Using untreated surface water for landscape maintenance will reduce the need for future water treatment facilities.

POLICY 6
Utilize gravity systems in storm drainage and sewer systems.

The benefit of a gravity system is to allow collection to occur without the cost and maintenance of pump or lift stations. A gravity system is also more reliable as there are less parts that could potentially fail.

One sewer-lift station will be necessary to serve a portion of the business park due to the long reach which would otherwise cause the line to be too flat. The gravity storm drain basin will need to be approximately 25-35 feet deep to avoid pumping.
POLICY 7.6
Allow temporary storm drainage retention basins until such time as the necessary components of the storm drain system are in place to serve the particular development.

Construction of the storm drainage basin is dependent on the collection of fees to pay construction costs. Consequently, many homes will need to be built prior to the time that the storm drainage system will be operational. Temporary basins allow added flexibility for properties to develop.

POLICY 8.7
Extend sewer lines in accordance with this plan and with minimum grades and velocities as set forth by the Public Works Department.

To ensure the entire system will work without additional pump stations, extension of lines requires use of existing city standards for slope and velocity.

The site is very flat and the layout of the sewer system was based on minimum slopes.

Some direction may be necessary for site factors or implementation schedule.

POLICY 9.8
Establish hydraulic grade lines for the entire storm drainage system of Village One a storm drainage master plan for Village One, prior to any development within the area.

The construction of individual storm drainage sub-systems, retention basins must relate to a master plan to ensure a functional transition from a temporary to a permanent system. The hydraulic grade line is the elevation that the stormwater will rise to at a given point within the system. If an individual development design has a basin or pipes that are too deep, the water will need to be pumped to the needed level. A master plan would establish the necessary grade and elevation criteria to evaluate temporary sub-system designs. By evaluating based on criteria, maximum sub-system design flexibility is provided.

POLICY 10.9
Develop a storm drainage system that replenishes the groundwater by means of a retention basin.

The use of a retention basin will allow percolation through the soil and put the water into the ground where it would have otherwise gone.

Alternatives for drainage include pumping into the adjacent M.I.D. lateral or extension of facilities to Dry Creek. Both of these alternatives will likely be very costly, given the intent of the Environmental Protection Agency to require treatment of storm drainage for urban contaminants prior to discharge into any surface waters.
Figure 8.5
Storm Drainage System
Figure 8.6

LONGITUDINAL SECTION: 5X VERTICAL EXAGGERATION

PLANT

ROSS SECTION looking West
POLICY 10
Facilitate efficient solid waste disposal to ensure a safe and sanitary community.

Throughout the village, trash disposal facilities should be designed in such a way as to facilitate collection. In residential and commercial areas, trash storage areas should be screened from view so as not to degrade the appearance of streets or parking areas.

POLICY 11
Encourage recycling of solid waste.

To the extent possible, the City should encourage recycling of solid waste through curbside pickup of separated trash. Other communities in California have been innovative in encouraging recycling, and thus reducing required land fill areas and minimizing the environmental impacts which they may have.

POLICY 12
Relocate overhead electrical facilities in critical areas of Village One.

As development occurs within Village One, overhead electrical facilities should be relocated to improve the overall visual appearance of certain areas. In particular, overhead electrical facilities should be relocated off of Floyd between Roselle and Claus, in the vicinity of the Village Center and gateway park. Overhead electrical facilities should be consolidated onto the west side of Roselle and incorporated into the planted median on Sylvan. (See street sections in the Circulation Element.)
Figure 8.7

Electrical Facilities Relocation
SAFETY AND NOISE ELEMENT

This entire chapter has been added.

BACKGROUND

Safety and noise considerations greatly influence the livability of a community. They affect the day-to-day experience of a place, and the way in which it is perceived as supportive of human values and needs. In residential areas, safety and noise levels contribute to the role a neighborhood can play as a retreat from the everyday demands of the working world.

Advancements have been made in urban planning and development to provide for the health, safety and welfare of the built environment. Infrastructural systems have been developed to protect public health and building technologies have been advanced to give greater structural strength and improve the environmental quality of individual buildings. In addition, spatial form and character of a city can contribute to the sense of security and well-being of its residents. Terms such as “eyes on the street” and “defensible space” make reference to increasing concerns for creating more secure living environments through physical design approaches.

While advancements have been made, new issues and opportunities have arisen as a result of recent technologies. Growing concerns over regional environmental quality, the emerging knowledge and information regarding the risks of toxic wastes, and in California the probability of a great seismic event coupled with changing attitudes toward risk and personal responsibility have introduced new dimensions to the treatment of public safety issues. In Modesto, the Village One Specific Plan addresses specific safety issues and potential impacts in the Environmental Impact Report. These are specifically related to police and fire protection, potential traffic impacts and the compatibility of agricultural and non-agricultural uses.

Increasing information over the disruptive effects of noise has grown over the past few decades. According to a recent federal publication, “nearly half of the U.S. population is regularly exposed to noise levels that interfere with normal activities”. In Village One,
GOALS, OBJECTIVES AND POLICIES

GOAL
Establish a safe and secure living environment and minimize the impacts of noise.

OBJECTIVE 1
Protect against the potential fire hazards.

POLICY 1
Design the water system for adequate fire flows.

In conjunction with the Fire Department and the Department of Public Works, the specific water system to serve Village One should not only meet specific federal and state standards related to public safety, but should also ensure that adequate fire flows are maintained in the event of a fire emergency.

POLICY 2
Require automatic fire-suppression sprinklers for all new construction.

Residential fires are the leading cause of death in household accidents. Automatic sprinkler systems have associated economic values which can partially or fully offset their cost. Primarily, cost savings could potentially be achieved through a reduction in insurance premiums and value added to the structure with safety improvements.

POLICY 3
Establish a centrally located new fire station near the Village Center to serve Village One.

As described in the Community Facilities element, a centrally located fire station should be incorporated into the public facilities planned within Village One. According to the Fire Department, a one-half acre site located near the Village Center would best serve future development areas. This site would be a part of a Public Safety Center and would provide a Fire Department presence in a clearly visible location within the heart of the community.
OBJECTIVE 2
Provide a secure living environment for village residents.

POLICY 1
Focus neighborhood activity on the street and open space area.

As in traditional neighborhoods, Village One streets are planned to serve a central role in the social life of the neighborhoods. Policies and guidelines are set forth in the Community Design Element which prohibit the development of a continuous row of garage doors along the street, and instead promote an active, lively streetscape that is supportive of community and family activities. In addition, bay windows and porches are encouraged in order to provide a positive transition between indoor and outdoor spaces. By focusing neighborhood activities in front yards and sidewalk areas, a safer and more secure environment will be created.

POLICY 2
Create a sense of community through a distinct neighborhood hierarchy that is identifiable to residents.

Village One neighborhoods are planned to be organized in clear and definable building blocks, each linked to one another to create a hierarchy and clear structural organization. Smaller neighborhoods are organized around pocket parks and linked together to form larger neighborhood districts focused on schools and larger public parks. These, in turn, are arranged around a centrally located Village Center in the geographic heart of the community. This strong structural framework to the village is key to establishing a sense of security. By having a stronger sense of orientation, residents will be able to better understand how their particular house fits into the larger whole, and thus have a greater commitment and involvement in their community.

POLICY 3
Prohibit dead-end alleys and discourage cul-de-sacs.

While discontinuous streets may be desirable as a way of reducing traffic speed and volumes through residential areas, dead-end streets and alleys should not be allowed because they are difficult to patrol effectively. Alleys are encouraged within Village One, but they are to be well planned and well lighted in order to avoid becoming an unattractive and unused “backdoor” to the residential areas.

POLICY 4
Provide adequate lighting and access to parks.

There are a variety of different types of parks which will be built in Village One, and each is fundamental to the creation of a strong sense of community. It is therefore extremely
important that they be considered valuable recreational areas and amenities, and not be perceived as dangerous. For this reason, adequate lighting, not only on the periphery but centrally within parks, will be required as well as adequate access by police and fire vehicles.

POLICY 5
Provide for a centrally located police facility.

A new police facility is recommended within the one-acre Public Safety Center in the Village Center area, adjacent to the new fire station. This facility will not only assist the police in patrolling the village, but will provide a visible police presence that will provide a stronger sense of security to village residents.

POLICY 6
Encourage centralized security systems in new homes within neighborhoods.

Pre-wiring houses within new residential developments for centralized security systems has become an extremely attractive feature of many new developments. It enables individual homes to have the option to “hook-up” and be monitored on an on-going basis without extensive costs or complications. This opportunity may be incorporated into the village to provide a greater sense of security to residents.

OBJECTIVE 3
Establish protected residential streets to minimize traffic volumes and speeds in neighborhoods.

POLICY 1
Reduce pavement widths under certain conditions to reduce traffic speed and volume and thus create more safe environments for pedestrians.

While the standard residential street is planned to be 34 feet in width, this width can be narrowed in order to reduce high traffic speeds and volume within the neighborhoods. Minor neighborhood streets that do not link to a village connector and are not longer than 1,200 feet in length, should be allowed to be narrowed to 30 feet (curb to curb), as is currently found along Magnolia, and to 22 feet (for front-loaded streets, curb to curb).

POLICY 2
Utilize a variety of design approaches that minimize through-traffic in residential neighborhoods.

In addition to narrowing the street widths, there is also a variety of other approaches which can discourage through-traffic in residential neighborhoods. These include, for example,
utilizing traffic circles instead of stop signs at intersections, incorporating raised crosswalks, necking down the “throat” of the street to provide a sense of a more narrow and protected residential environment.

POLICY 3
Require a frontage road along Sylvan Avenue.

In order to create an attractive and friendly appearance along the northern edge of Village One, houses are allowed to front along Sylvan Avenue. However, these will be required to be set back behind a frontage road in order to give greater safety to residents, and, at the same time, protect against potential noise impacts from traffic moving along the street.

OBJECTIVE 4
Require special safety standards in the immediate vicinity of proposed schools.

POLICY 1
Establish a maximum radii of the streets to discourage fast-moving traffic particularly around the periphery of elementary and middle schools.

A number of streets will surround the proposed school sites in Village One, and they should be required to have a maximum radii of 300 feet to keep traffic speeds down to 25 m.p.h. in order to minimize conflicts between vehicles and pedestrians in the vicinity of the schools.

POLICY 2
Establish clear and easily comprehensible signage on surrounding streets to the proposed schools to reduce conflicts between vehicles and pedestrians.

In the vicinity of the proposed schools, crosswalks should be well marked and signals provided at major intersections, as necessary, to avoid potential hazards in the event of drop-off and pick-up before and after school.

POLICY 3
Provide a highly controlled pedestrian crossing to ensure student safety across Sylvan Avenue to the proposed High School site.

Sylvan Avenue is planned as a major street, carrying large amounts of vehicular traffic on a daily basis. The proposed High School site, to the north of Sylvan Avenue, is expected to serve Village One as well as students from the future village to the north. In order to ensure the safety of students coming by foot from Village One to the High School, it is
POLICY 4
Require separated lanes for bicycle travel on major streets.

It is anticipated that many school children will come to school on foot or bicycle, and therefore, separate lanes for bike travel is incorporated on all of the major streets and neighborhood connectors.

OBJECTIVE 5
Separate potentially conflicting uses from one another.

POLICY 1
Utilize the Industrial/Business Park as a buffer to the railroad tracks, adjacent agricultural areas and to such uses as the Mosquito Abatement air strip.

The land within Village One to the east of the Claus Expressway serves as an appropriate buffer between residential areas to the west and uses which may be potentially conflicting in nature. The railroad tracks are a source of very high noise levels, and agricultural operations and the adjoining air strip may be disruptive to residential areas as well. Industrial/Business uses are well suited to this location and create an appropriate transition to residential uses to the west of Claus.

POLICY 2
Establish 350-foot buffers from existing agricultural areas surrounding the proposed High School site to the north of Sylvan Avenue.

The proposed High School and Community Park to the north of Sylvan Avenue would be surrounded by a rural/agricultural area. The adjacency of these uses could result in potential vandalism of farm crops as well as the spraying of agricultural chemicals and generation of dust by farm equipment working the land. It is therefore recommended that a 350-foot buffer be established to minimize these potential conflicts.
OBJECTIVE 6

Require noise mitigations in accordance with General Plan policy.

POLICY 1

Maintain appropriate setbacks for residential uses along major streets.

The Modesto General Plan establishes a maximum of 45 dbA for interior noise levels in residential buildings. Achieving this standard will require mitigations along certain high volume streets in Village One. This includes an approximate 95-foot setback along the Claus Expressway and a 90-foot setback on Oakdale (from the edge of the public right-of-way) as well as seven-foot sound walls. Along Roselle and Floyd, 25-foot setbacks are recommended for noise mitigation and to create a stronger boulevard entry to the village.

POLICY 2

Incorporate noise reducing design and construction techniques.

During construction, noise levels may be high, and it is recommended that appropriate techniques to reduce sound be adopted. These may include utilizing sound-reducing apparatus on equipment and limiting the hours of operation in order to avoid impacting nearby residential neighborhoods.
IMPLEMENTATION

CONTEXT

The Village One Specific Plan process is a new approach to the design and implementation of development projects for the City of Modesto. In the past, the City approved residential neighborhood developments which conformed to citywide development standards and funded the development costs of necessary infrastructure. These developments were not required to fund the full burden of the impacts the projects placed on the city in terms of the citywide circulation system, public parks, and police and fire facilities. As a result of these prior development patterns, the city is now faced with deficiencies in much of its public infrastructure and services.

The comprehensive planning process for Village One, as set forth in the 1989 City Council revised Urban Growth Policy, calls for the preparation of a Financing Plan that identifies all infrastructure and requires development to pay its own way. The preparation of a Financing Plan is designed to provide a framework for orderly development, attainment of standards, and mitigation of adverse environmental and financial impacts.

This section of the Village One Specific Plan describes the goals, objectives and policies directing the implementation of the plan. Objectives are defined for land use regulations, administration of the regulations, development of the Village Center, development of the Business Park, sequencing the public infrastructure improvements, and financing the public infrastructure and services. A series of policies is defined for each objective that describes in detail how the objectives will be achieved.

A variety of plan amendments, plans, and regulatory and organizational proceedings will be required to implement the City's regulatory and policy objectives related to the Village One Specific Plan area. A “regulatory framework” has been developed to describe how specific regulatory and policy objectives are addressed within the individual planning documents.

The table at the end of this chapter presents a matrix of the regulatory framework. The planning and regulatory documents anticipated for the Village One Project are shown on
The regulatory framework indicates that the planning and regulatory documents are interlinked and mutually interdependent; they achieve greater and greater levels of specificity and culminate in the Precise Plans, which contain the conditions that will apply to each major development approval.

GOALS, OBJECTIVES AND POLICIES

GOAL
Establish the policies, programs and financing mechanisms necessary to implement the Village One Specific Plan.

Regulatory and Review Objectives

OBJECTIVE
Provide for the regulatory policies and procedures to implement the Specific Plan.

POLICY 1
Annex the territory included in the Specific Plan area to the City of Modesto consistent with public policy for expansion.

Subject to a positive Measure A vote on the sewer extension for Village One, the entire 1,784-acre planning area, including the high school site, should be annexed at the same time. This action will avoid piecemeal development of Village One and will aid in attaining the goals set out in the Specific Plan.

POLICY 2
Adopt the Regulatory Framework Map to provide the direction on authorized land uses and zoning for the Specific Plan area.

The Regulatory Framework Map sets forth the various land use zones which will govern permitted development on the Village One site.

To achieve a fine-grain mix of uses, create more coordinated development and to provide greater flexibility to the multiplicity of property owners with parcels in Village One, the
Very Low Density

Village Residential 7.5 d.u./net acre

Village Residential 8.5 d.u./net acre

Multi Family

Senior Housing

General Commercial

Village Center Commercial

Community Facilities

Industrial/Business Park

Public Park

Village Center

Village Center Residential

Very Low-Density Residential: minimum 2 d.u./net acre

Village Residential: minimum 7.5 d.u./net acre minimum 8.5 d.u./net acre

Village Center Residential: 10.0 d.u./net acre (lot size ≤ 5,000 sq. ft.)

Multiple-Family: maximum density 21 d.u./net acre

Senior Housing: maximum density 50 d.u./net acre

General Commercial

Industrial/Business Park: maximum FAR = 0.25

Community Facilities:

5 existing churches
2 middle schools
4 elementary schools
2 M.I.D. Substations
2 Retention Basins
Police, Fire Facilities
Library, Town Hall (meeting rooms), Community Health Center

Figure 9.1

Regulatory Framework Map

Note: Specific boundaries between school and park facilities will be determined by the City and School District.
Village Center Regulatory

High Density Single-Family Residential: lot size ≤ 5,000 s.f.
Multi-Family: maximum 21 d.u.'s/acre
Senior Housing: maximum 50 d.u.'s/acre

Retail and Office Commercial: (see suggested program in Land Use Element)
Civic Use: Town Hall (meeting rooms), Branch Library
Safety Center: Police, Fire Facilities
M.I.D. Substation
Public Park

Figure 9.2
Village Center Regulatory Map
site is broken down into a number of larger components and given use designations with requirements for more specific planning at a project level to achieve the desired criteria. The designated land uses include:

**Village Center.** This designation applies to the higher intensity uses in the geographic center of the village. Specific uses, which include retail and office uses (Village Center commercial), high-density residential (Village Center residential) and community facilities, are indicated on the Village Center plan. Development would require the submittal of a Precise Plan for the area.

**Village Residential.** This is the basic land use category applicable within Village One, with the exception of higher density Multiple-Family and Senior Housing designations and the Very Low Residential Density area to the east of Roselle and south of Sylvan. In these areas, a minimum density of 7.5 d.u.'s/ net acre will be required for single-family residential development in required setback areas, and a minimum of 8.5 d.u.'s/ net acre will be required for single-family areas elsewhere.

**Multiple Family.** This designation applies to the higher density residential uses at a maximum of 21 d.u.'s/ net acre.

**Senior Housing.** Senior housing applies within designated areas at a maximum of 50 d.u.'s/ net acre.

**Very Low Density.** In an area of existing, very low-density, semi-rural residential development east of Roselle and to the north and south of Sylvan, residential development with a maximum density of 2 d.u.'s/ net acre would be allowed (minimum half-acre lots).

**Industrial/Business Park.** In the area to the east of Claus Road, a business park designation is applied, calling for a mixture of employment-generating office and industrial uses. Specific uses will be reviewed when a Precise Plan for the area is submitted. The maximum overall FAR (Floor Area Ratio) is 0.25.

**General Commercial.** General commercial uses, as defined in the City's C-2 zoning district, would be permitted in the areas shown on the Regulatory Framework Map.

**Public Parks.** These include the community and neighborhood parks adjacent to schools.

**Community Facilities.** Community facilities, including schools, churches, town village meeting hall, library and safety center will be provided in Village One.

**POLICY 3**

Require Precise Plans for each residential neighborhood, the Village Center and the Industrial/Business Park, prior to granting tentative map approvals.

"Precise Plan" shall mean a description of a proposed development consisting, at a minimum, of a map and a written statement setting forth the location and arrangement of all proposed uses and improvements to be included in the development together with
the regulations governing the development of the area. Precise Plans shall include a legal description, a subdivision map (when the subdivision of land is contemplated), precise site and plot plan, overall site landscape plans, neighborhood mini-park design and location, and infrastructure/public facilities plans. Precise Plans shall also include a discussion of financing, affordable housing, and any other such material and information as may be required by the Village One Specific Plan and/or needed for the type of development proposed (e.g., homeowners associations for residential projects with common property, list of uses for nonresidential projects, etc.). Precise Plans, adopted by ordinance, shall be consistent with the Modesto General Plan and Village One Specific Plan. Upon adoption, specific building plans and elevations and detailed site and landscape plans would be prepared by applicants for design review and approval.

POLICY 4
Require a development agreement for each project developed within a Precise Plan area.

The Specific Plan places substantial requirements on the development of property within Village One. These requirements include affordable housing, parks, schools, infrastructure installation and financing, facility maintenance, and design guidelines. The development of Village One may also require some developers to advance the funding for specific facilities and then be reimbursed when other developers build their projects.

The development agreement is the recommended legal document to specify the exact conditions of development for each project. The agreement would detail all actions required for a development and would specify terms of reimbursement, if necessary.

The agreement would also guarantee entitlements for the developer in return for the commitments for public improvements.

The City should adopt necessary enabling legislation to authorize the use of development agreements.

The City should develop a Master Development Agreement for Village One. The conditions included in this master agreement will then be tailored to the special conditions for each Precise Plan area and development project.

POLICY 5
Adopt design review procedures to create more attractive buildings and coherent neighborhoods.

It is anticipated that To achieve the desired character of development in Village One and, in particular, to respond to some of the special and more difficult design problems encountered in higher densities, a design review process will need to be implemented. Design review would be based upon the design guidelines and standards contained in the Specific Plan, but may be augmented by specific issues of community concerns and other design guidelines which the City may establish for the city as a whole. Design review could
take place simultaneous with or subsequent to the Precise Plan review process. In order to avoid adding to the workload that the Planning Commission is already committed to, and to take advantage of the special skills and talents within the design community, a Design Review Board consisting of design professionals may be established to oversee the design review process.

Administrative Objectives

OBJECTIVE
Provide for the ongoing administration of the plan throughout the life of all agreements and monitoring requirements.

POLICY 1
Establish the special districts and organizations required to finance the Specific Plan area's capital improvements and ongoing maintenance. These special districts and organizations may include Mello-Roos Community Facilities Districts, assessment districts, lighting and landscaping districts, and property owner associations.

POLICY 2
Establish or expand city functions necessary to implement the Specific Plan area's programs, including: planning and design review, infrastructure financing, affordable housing, and environmental mitigation monitoring.

Village Center Objectives

OBJECTIVE
Provide for the implementation of land uses for the Village Center as set forth in the Land Use Element.

POLICY 1
Prepare a Precise Plan for the Village Center which specifies the circulation system, defines parcels, refines the community design standards, specifies acceptable land uses, and provides a Financing Plan for the necessary infrastructure.

In order to promote a coherent and cohesive development, and to ensure that the Village Center is a pedestrian-oriented retail/commercial and residential area that serves as the community center of Village One, it is essential that strict and specific design and management standards are established in advance of actual land assemblage or development.
The Precise Plan needs to outline a coordinated approach for land assemblage and to establish the magnitude of public infrastructure improvements that will be required over those funded by the Village One special assessments.

The Precise Plan should include phasing for the installation of the infrastructure and construction of public facilities to serve the Village Center. Infrastructure phasing consistent with the overall Village One implementation program is essential to attract potential retail and commercial developers. The Precise Plan would specify the sequencing of the infrastructure and establish the timing for the center to be developed.

The identity and function of the Village Center should be established as soon as possible by developing public open space (the Village Green) and encouraging entertainment and recreational uses. The basic street system, public open spaces and public buildings should be constructed early to promote the center as a meeting and gathering place. This action will accelerate retail development in the center.

POLICY 2

Prepare a development and management agreement for the Village Center which specifies the legal and financial mechanisms for coordinating land assembly, forms of ownership (fee simple, ground lease, equity participation in future development), development process, leasing and management requirements.

The terms of the agreement must outline a coordinated land assembly process and legal form of land ownership. Two possible methods are outlined below:

1. Create a Village Center Corporation which pools the existing parcels of land into a single ownership and distributes equitable shares of stock based on the appraised value of each owner’s contribution. The corporation could then undertake the development itself; reparcel the land and sell it to subdevelopers; or negotiate a joint venture with an experienced master developer. Alternately, the corporation could hire the master developer on a fee basis to manage the development process, with the corporation assuming more of the financial risk. Under all scenarios, the corporation acts in the best interest of the Village Center as a whole and the property owners as shareholders.

   - or -

2. The City itself acts as a facilitator in land assemblage by issuing a request for proposals to develop the Village Center and supervising the selection process of a developer who would directly purchase each parcel of land from independent property owners. Under this scenario, each property owner would have the opportunity to negotiate a price, although the City would require in advance an agreement that all of the property (or appropriate assemblages) close escrow simultaneously. The City would enter into a development agreement with the developer that would establish baseline city contributions to the infrastructure, performance requirements, and design standards.
It is essential that the City and the property owners agree on the process in advance of initiating any development. In either case, a single development entity must manage the development process. This role includes coordinating all aspects of land assemblage and infrastructure improvements, construction of the buildings, and implementation of the sales and leasing programs. In addition, consistent and centralized ongoing management of the retail/commercial components of the Village Center should be maintained.

Business Park Objectives

OBJECTIVE
Provide for the implementation of land uses for the Business Park as set forth in the Land Use Element.

POLICY 1
Prepare a Precise Plan for the Business Park which specifies the circulation system; defines parcels; refines the community design standards; specifies the infrastructure requirements and sequencing; defines acceptable light industrial, office and commercial uses consistent with the objectives of a major employment center; and provides a Financing Plan for the necessary infrastructure.

Although the location of a business park distant from Highway 99 represents a competitive disadvantage, the market study prepared for the Specific Plan indicated a lack of affordable and suitable land in Modesto available for office and light industrial uses. The market study identified a potential demand for office uses in the Village One site, where access to a qualified labor pool is more important than highway accessibility. The site can also serve as an area for expansion of existing Modesto businesses requiring backup office space or warehousing. This area could also serve as a corporation yard for the city and the Sylvan Union School District.

As part of the Precise Plan preparation, the City or property owners should conduct or require a detailed design study that evaluates the specific market niche that the Business Park can fill. This study includes:

* identification of likely users
* identification of parcel size requirements
* preparation of a site plan
* identification of infrastructure requirements
* identification of incentives to attract development
Based on the detailed design study, the City should prepare an infrastructure phasing program to identify how services will be connected with the sewer, water and storm drainage facilities located west of Claus Road.

**POLICY 3**
Assign a high priority to Brigsmore Avenue and Claus Road improvements funded through the City's Capital Facilities Fee.

Accessibility is critical to the development of the Business Park. The City should give high priority to the Claus Road and Brigsmore Avenue improvements. Presently, the traffic improvements funded by the City's Capital Improvements Facilities Fee have not been prioritized.

**Development Phasing Objectives**

**OBJECTIVE**
Provide for the orderly development of Village One through an infrastructure phasing program.

**POLICY 1**
Prepare a Master Facilities Plan comprised of detailed engineering design drawings and documents for all utilities necessary to develop the land uses identified in the Specific Plan.

The engineering design for the water, sewer and storm drainage facilities, and the precise alignments of the major streets and roads, is necessary to allow for the preparation of the Precise Plans for each residential area, the Village Center and the Business Park. This work should begin immediately upon voter approval of the sewer line extension.

**POLICY 2**
Prepare an infrastructure sequencing program that will allow orderly development throughout the Specific Plan area.

The sequencing program will prioritize road, sewer, water and drainage and electrical facilities that must be in place prior to specific levels of development being permitted. The sequencing program will be consistent with the Traffic Circulation Phasing Map in the Circulation Element.
Figure 9.3
Infrastructure Phasing Implementation
The sequencing program will permit temporary solutions to drainage infrastructure problems, such as temporary retention basins, for certain areas to allow development prior to the trunkline facilities serving the area.

**POLICY 3**

Provide for flexibility in the sequencing program to permit specific areas to develop ahead of the basic sequencing program, if the developer advances the necessary infrastructure costs or constructs the facilities necessary to extend service to the area.

A reimbursement agreement should be included as part of the development agreement explaining the conditions under which the reimbursements are distributed.

**Financing Objectives**

**OBJECTIVE**

Establish a Financing Plan which identifies costs and provides for alternative funding methods for each of the public services and capital facilities necessary to serve the Specific Plan area.

**POLICY 1**

Fund the full costs of the onsite and offsite public infrastructure and public services required to support development in Village One from revenues generated by development within Village One.

Property owners within Village One will be required to pay their fair share of the expressways, citywide circulation system improvements, local streets, neighborhood and community parks, water, sewer, storm drainage, schools and public services that are required to serve the area.

The Financing Plan will identify the specific revenue sources to pay for each of the infrastructure improvements and public services.

**POLICY 2**

Allocate the backbone infrastructure costs to property within Village One based on general principles of benefit received, with consideration to the financial feasibility of the proposed land use.

The Financing Plan will describe a cost allocation methodology to distribute the cost of the infrastructure required to serve Village One to the benefiting land uses.
POLICY 8
Pay for the acquisition of dedicated property required for arterial roads that exceeds 25 percent of the gross acreage of any existing parcel. Acquire parcels that are left without an economic use as a result of the land dedication requirements.

Land dedications for public improvement development projects are typically 20 percent to 25 percent of gross acreage. In Village One, some of the smaller parcels may require dedications in excess of typical requirements due to the layout of the backbone infrastructure. This policy protects those parcels from a disproportionate share of the burden for land dedications.

The acquisition of property covered by this policy will be funded through the area of benefit charge, and the cost spread to all developable parcels in Village One.

Arterial roads are defined as Oakdale Road, Sylvan Avenue, Roselle Avenue, Floyd Avenue, Briggsmore Avenue, and Claus Road.

POLICY 9
Exempt owners of small parcels (less than 2.5 acres) who wish their property to remain in its present use from the cost of infrastructure required to develop the Specific Plan area until the owners develop the parcels according to the land uses assigned by the Land Use Element.

Parcels owners will be subject to charges for specific infrastructure items that provide direct benefit to their property, such as a sewer line.

These parcels owners will be required to pay their fair share of the infrastructure costs at the time a development project for the parcel is approved, as established by the area of benefit charge.

IMPLEMENTATION PLAN

Enforcement of Precise Plans, Design Guidelines and Standards

The enforcement of Precise Plans, design guidelines and standards will be the responsibility of the Planning and Community Development Department of the City of Modesto. Precise Plans, including CC&R’s, shall be created for every residential neighborhood within the Specific Plan area as shown on the Regulatory Framework Map. The Precise Plans will be submitted by the property owners within the designated areas, and will contain the material in the section titled “Regulatory and Review Objectives.”
Long-Term Management of Facilities

City of Modesto. The City of Modesto will provide the majority of public services to the Specific Plan area, including: police, fire, parks, water, sewer, garbage collection, streets and roads, median landscaping, street lighting, storm drainage, and general government services.

Lighting and Landscaping District. A lighting and landscaping district will be formed to manage and fund pedestrian paths and trails installation and maintenance, park median landscaping installation and maintenance, landscape corridor installation and maintenance, and alley maintenance, and possibly the maintenance of mini-parks.

Property Owners Association. Property owners associations may be created in some neighborhoods to manage and fund park median landscaping installation and maintenance, landscape corridor installation and maintenance, and alley maintenance, and mini-park maintenance, when there are advantages over inclusion in the lighting and landscaping district.

Sylvan Union School District. This district will provide elementary schools to serve the Specific Plan area.

Modesto City Schools. This district will provide high schools to serve the Specific Plan area.

Modesto Irrigation District. This district will provide electric service to the Specific Plan area. The district will also maintain water lines to irrigate lands that remain in agricultural use.

Pacific Gas and Electric. PG&E will provide natural gas service to the Specific Plan area.

Cable TV. Post Newsweek will provide Cable TV service to the area.

Garbage Collection. Modesto Disposal will provide service to the Specific Plan area.

PUBLIC SERVICES AND FACILITIES FINANCING PLAN

Development of the public infrastructure and facilities required to support Village One will occur in a variety of ways and methods. The general requirements for infrastructure and facilities, and the likely method of funding, are described in the following paragraphs. A detailed Public Services and Facilities Financing Plan shall be prepared and be made...
Schools

Development within the Specific Plan area will be required to mitigate the impact on the elementary and secondary schools. The school will be funded through a combination of AB 2926 development fees, local general obligation bonds, State School Building Program, and one or more Mello-Roos Community Facilities Districts. A school facilities Financing Plan will be included as part of the detailed Public Services and Facilities Financing Plan prepared for Village One and, for the high school, will include a pedestrian overcrossing over Sylvan.

Pedestrian Paths and Trails

All pedestrian paths and trails within public street right-of-ways and public open space areas will be publicly owned and maintained. Pedestrian paths along public streets will be constructed in conjunction with the installation of those streets. Landscape maintenance within the public right-of-way will be funded through a lighting and landscaping district or property owners association.

Parks

Neighborhood, community and regional parks will be funded through the City of Modesto’s Capital Facilities Fee Program. All development will be charged the fee at the time building permits are issued.

Residential pocket parks will be required in each single-family residential neighborhood. One-half acre of land will be required for each 150 single-family dwelling units. The park acreage will be dedicated by property owners within the Precise Plan area. Development of the pocket park facility will be funded as part of the in-tract subdivision costs and will be allocated to all developable properties within the Precise Plan area.

Park maintenance for neighborhood and community parks, to the extent that the costs exceed citywide standards, will be funded through the creation of a landscape and lighting district. The landscape and lighting district will also fund the maintenance of the pocket parks. In Precise Plan areas where special features such as swimming pools, are built into the pocket parks, a property owners association may be formed to finance the maintenance of the pocket parks in place of the landscape and lighting district.

Water, Sewer and Storm Drainage System

Except for certain major water, sewer and storm drainage trunk lines, construction of all water system infrastructure will proceed in conjunction with development of neighborhoods in the Specific Plan area.
leg of the Briggsmore Expressway; the east-west major streets of Sylvan Avenue, Floyd Avenue, and Parker Road; and the north-south major streets of Oakdale Road and Roselle Avenue. All of these important components of the circulation system are appropriately addressed in the Village One Specific Plan.

In addition, the General Plan addresses nonautomobile transportation modes such as transit (buses, future light rail) and bicycles. The Village One Specific Plan advances these objectives by reserving right-of-way for light rail (should the opportunity be available in the future), including bus turnouts and bus stops as an integral part of the area's circulation system planning, and including a Class I bike/pedestrian path along the eastern edge of the planning area consistent with the city's adopted Bicycle Plan.

Perhaps more important to the issue of transportation than infrastructure is the whole pedestrian-oriented design of Village One. This aspect of the Village One Specific Plan is reflected in the pedestrian-friendly design standards of the streets, location and design of the Village Center for day-to-day shopping, and convenient location of the schools and parks.

Parks and Open Space

The General Plan establishes an overall standard of 3 acres of open space per 1,000 persons (2 acres for Elementary School playgrounds and Neighborhood Parks, and 1 acre for High School playfields and Community Parks), and provides size standards to accommodate active recreation facilities (e.g., ball fields, picnic areas, etc.). Largely due to the inclusion of some 30 acres of "mini-parks" planned for each neighborhood area to compensate for the village's higher densities, the Specific Plan clearly exceeds the General Plan's minimum park and open space standards. These, together with the other public open space areas planned for Village One (i.e., large median/park divider on Floyd Avenue, etc.), advance the General Plan's objective to use "originality and innovation in the design" of outdoor recreation and open space areas.

Affordable Housing

The Housing Element of the General Plan identifies a wide range of housing problems, including a lack of affordable housing for Modesto's very low, low, and moderate income households. Affordable housing is by far Modesto's most pressing housing problem as its housing market becomes increasingly dominated by external forces. The City's Housing Element indicates that an estimated 60 percent of the 12,437 housing units identified as Modesto's Regional Housing Need between 1984 and 1989 are for those households earning below 120 percent of the local median. Limited financial resources are the principal constraint to achieving these objectives.

To address this issue without placing an unfair burden on Village One, the Specific Plan contains an Affordable Housing Program applicable to both Village One and, upon
successful application, the city as a whole. The three main components of this program include: 1) creation of a new nonprofit housing development corporation, attraction of an existing nonprofit housing development corporation, or the greater utilization of the Stanislaus County Housing Authority to assist the City in the production of affordable housing; 2) a commitment to fully utilize federal and state housing programs to provide affordable housing; and 3) an inclusionary housing program designed to make an average of 8 percent of the housing units (6 percent for single-family housing and 15 percent for multiple-family housing) constructed in all of Modesto, including Village One, available to households with very low, low, and moderate incomes for a period of 30 years.

The Affordable Housing Program establishes an overall affordability goal of 15 percent for all Village One housing. In addition, an estimated 10 percent of the rental housing developed in the areas designated for multiple-family housing are anticipated to be affordable to low and moderate income households without subsidy or special effort on the City's part. These two sources of affordable housing combined could make as much as 25 percent of Village One housing affordable to low and moderate income families and individuals, including senior citizens in areas near the Village Center planned for senior housing.

Other General Plan Policies

While the discussion above highlights some of the more significant relationships between the Modesto General Plan and Village One Specific Plan, there are others worth noting. These briefly include:

• development on poorer agricultural soils found in the northeast portion of the city is consistent with the General Plan's agricultural land conservation policies; and;

• classification of property adjacent to the Santa Fe Railroad tracks to Industrial/Business Park instead of residential is consistent with the General Plan's noise policies.
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Rebecca Jenkins, Office Supervisor
Ellen LaCoste, Secretary
Jolie Gomer, Administrative Clerk II
Savannah Jordan, Administrative Clerk II
Ethel Ritchey, Administrative Clerk II

AGENCIES/ORGANIZATIONS

Ecology Action Educational Institute
G.O.A.L.
Chamber of Commerce
Building Industry Association
League of Women Voters
Below-market-rate (BMR) Housing Unit

Any housing unit specifically priced to be sold or rented to low- or moderate-income households for an amount less than the fair-market value of the unit. The U.S. Department of Housing and Urban Development sets standards for determining which households qualify as “low income” or “moderate income.”

Benefit Assessment District

An area within a public agency’s boundaries which receives a special benefit from the construction of a public facility. A Benefit Assessment District has no legal life of its own and cannot act by itself. It enables property owners in a specific area to cause the construction of public facilities or to maintain them (for example, a downtown, or the grounds and landscaping of a specific area) by contributing their fair share of the construction and/or installation and operating costs.

Bicycle Lane (Class II facility)

A corridor expressly reserved for bicycles, existing on a street or roadway in addition to any lanes for use by motorized vehicles.

Bicycle Path (Class I facility)

A paved route not on a street or roadway and expressly reserved for bicycles traversing an otherwise unpaved area. Bicycle paths may parallel roads but typically are separated from them by landscaping.

Bicycle Route (Class III facility)

A facility shared with motorists and identified only by signs, a bicycle route has no pavement markings or lane stripes.

Bikeways

A term that encompasses bicycle lanes, bicycle paths, and bicycle routes.

Buffer Zone

An area of land separating two distinct land uses which acts to soften or mitigate the effects of one land use on the other.

Building

Any structure used or intended for supporting or sheltering any use or occupancy.

Building Maximum Height

The vertical distance from the average contact ground level of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between eaves and ridge for a gable, hip, or gambrel roof.
Design Review; Design Control

The comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of site and landscape design, architecture, materials, colors, lighting, and signs, in accordance with a set of adopted criteria and standards. "Design Control" requires that certain specific things be done and that other things not be done. Design Control language is most often found within a zoning ordinance. "Design Review" usually refers to a system set up outside of the zoning ordinance, whereby projects are reviewed against certain standards and criteria by a specially established design review board or committee.

Developable Acres, Net

The portion of a site which can be used for density calculations. Public or private road rights-of-way are not included in the net developable acreage of a site.

Development

The physical extension and/or construction of urban land uses. Development activities include: subdivision of land; construction or alteration of structures, roads, utilities, and other facilities; installation of septic systems; grading; deposit of refuse, debris, or fill materials; and clearing of natural vegetation cover (with the exception of agricultural activities). Routine repair and maintenance activities are exempted.

Dwelling Unit

A room or group of rooms (including sleeping, eating, cooking, and sanitation facilities, but not more than one kitchen), which constitutes an independent housekeeping unit, occupied or intended for occupancy by one family on a long-term basis.

Easement

Usually the right to use property owned by another for specific purposes. For example, utility companies often have easements on the private property of individuals to be able to install and maintain utility facilities.

Elderly Housing

Typically one- and two-bedroom apartments designed to meet the needs of persons 62 years of age and older, and restricted to occupancy by them.

Endangered Species

A species of animal or plant is considered to be endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes.
Groundwater Recharge

The natural process of infiltration and percolation of rainwater from land areas or streams through permeable soils into waterholding rocks which provide underground storage ("aquifers").

Growth Management

The use by a community of a wide range of techniques in combination to determine the amount, type, and rate of growth desired by the community and to channel that growth into designated areas. Growth management policies can be implemented through growth rates, zoning, capital improvement programs, public facilities ordinances, urban limit lines, and other programs.

Guidelines

General statements of policy direction around which specific details may be later established.

Household

All those persons—related or unrelated—who occupy a single housing unit. (See “Family”.)

Households, Number of

The count of all year-round housing units occupied by one or more persons. The concept of household is important because the formation of new households generates the demand for housing. Each new household formed creates the need for one additional housing unit or requires that one existing housing unit be shared by two households. Thus, household formation can continue to take place even without an increase in population, thereby increasing the demand for housing.

Impact

Effect of any direct man-made actions or indirect repercussions of man-made actions on existing physical, social, or economic conditions.

Impact Fees

Fees levied on the developer of a project by the City as compensation for otherwise-unmitigated impacts the project will produce.

Implementation

Actions, procedures, programs, or techniques that carry out policies.

Infrastructure

Public services and facilities, such as sewage-disposal systems, water-supply systems, other utility systems, and roads.
Parkway Strip
A piece of land located between the rear of a curb and the front of a sidewalk, usually used for planting low ground cover and/or street trees, also known as “planter strip.”

Policy
A specific statement of principle or of guiding actions which implies clear commitment. A general direction that a governmental agency sets to follow, in order to meet its goals and objectives before undertaking an action program.

Public and Quasi-public Facilities
Institutional, academic, governmental and community service uses, either publicly owned or operated by non-profit organizations.

Rare or Endangered Species
A species of animal or plant listed in: Sections 670.2 or 670.5, Title 14, California Administrative Code; or Title 50, Code of Federal Regulations, Section 17.11 or Section 17.2, pursuant to the Federal Endangered Species Act designating species as rare, threatened, or endangered.

Recycle
The process of extraction and reuse of materials from waste products.

Residential, Multiple Family
Five or more dwelling units on a single site, which may be in the same or separate buildings.

Residential, Single-Family
A single dwelling unit on a building site (may be attached or detached).

Right-of-way
The strip of land over which certain transportation and public use facilities are built, such as roadways, railroads, and utility lines.

Runoff
That portion of rain or snow which does not percolate into the ground and is discharged into streams instead.

Sign
Any representation (written or pictorial) used to identify, announce, or otherwise direct attention to a business, profession, commodity, service, or entertainment, and placed on, suspended from, or in any way attached to, any structure, vehicle, or feature of the natural or manmade landscape.
Major Streets

Major streets are moderate to high volume streets that provide greater access from adjacent local streets and neighborhoods. They can provide for bicycles, pedestrians and transit, as well as vehicles.

Minipark

Small neighborhood park of approximately one acre or less.

Mixed-use

Properties on which various uses, such as office, commercial, institutional, and residential, are combined in a single building.

Multiple Family Building

A detached building designed and used exclusively as a dwelling by three or more families occupying separate suites.

Neighborhood Connectors

Neighborhood connectors are low volume streets which provide a link between the major activity centers with the Village.

Neighborhood Park

City-owned land intended to serve the recreation needs of people living or working within one-half mile radius of the park.

Neighborhood Streets

Neighborhood streets provide access from specific neighborhoods to neighborhood connectors.

Noise

Any sound which is undesirable because it interferes with speech and hearing, or is intense enough to damage hearing, or is otherwise annoying. Noise, simply, is "unwanted sound."

Objective

A specific statement of desired future condition toward which the City will expend effort in the context of striving to achieve a broader goal. An objective should be achievable and, where possible, should be measurable and time-specific.

Office

General business offices, medical and professional offices, administrative or headquarters offices for large wholesaling or manufacturing operations, and research and development.
Solid Waste
General category that includes organic wastes, paper products, metals, glass, plastics, cloth, brick, rock, soil, leather, rubber, yard wastes, and wood. Organic wastes and paper products comprise about 75 percent of typical urban solid waste.

Specific Plan
A specific plan is a legal tool for detailed design and implementation of a defined portion of the area covered by a General Plan. A specific plan may include all detailed regulations, conditions, programs, and/or proposed legislation which may be necessary or convenient for the systematic implementation of any General Plan element(s).

Sphere of Influence
The probable ultimate physical boundaries and service area of a local agency (city or district) as determined by the Local Agency Formation Commission (LAFCo) of the County.

Streets, Major
The transportation network which includes a hierarchy of freeways, arterials, and collectors to service through traffic.

Streets, Minor
Local streets not shown on the Circulation Plan, Map, or Diagram, whose primary intended purpose is to provide access to fronting properties.

Transit
The conveyance of persons or goods from one place to another by means of a local, public transportation system.

Trees, Street
Trees strategically planted—usually in parkway strips, medians, or along streets—to enhance the visual quality of a street.

Urban Design
The attempt to give form, in terms of both beauty and function, to selected urban areas or to whole cities. Urban design is concerned with the location, mass, and design of various urban components and combines elements of urban planning, architecture, and landscape architecture.

Very Low-income Household
Very low income households are those earning less than 50% of the County median income by household size, as determined by a survey of incomes conducted by the City or by the County, or in the absence of such a survey, based on the latest available findings for the County as provided by the U.S. Department of Housing and Urban Development (HUD).
Figure 4
INTERSECTION BUILD-OUT SCHEMATIC
CLAUS/BRIGGSMORE
If Access is to be provided on Sylvan to the east of Claus, an Urban Interchange would be required.
Figure 3
URBAN INTERCHANGE
CLAUS/FLOYD

Korve Engineering, Inc.
4.3.3(a) Implementation of mitigation measures contained in the Community Design Element of the Specific Plan (Chapter 7) would reduce this impact to a less-than-significant level.

4.4 TRAFFIC & CIRCULATION

Daily Traffic Impacts Existing and Phase 1

Mitigation Measures

4.4.1 Widening of Standiford Avenue from two lanes to four lanes is the suggested mitigation. Since this condition is an existing deficiency, the widening of Standiford between Dale and Prescott is not considered a project mitigation and will be funded separately as an FAA project by the City of Modesto.

Peak Hour Impacts - Phase 1

Mitigation Measures

Roadway Segment Improvements:

4.4.2(a) Widening of Oakdale Road on the north and south approaches to the Briggsmore Expressway to provide six through lanes.

4.4.2(b) Widening of the Briggsmore Expressway to provide six through lanes on the east and west approaches at Oakdale Road and four through lanes form the east approach at Oakdale Road to Claus Road.

4.4.2(c) Widening of Claus Road on the north and south approaches to the Briggsmore Expressway to four lanes.

4.4.2(d) Widening of Roselle Avenue from the Briggsmore Expressway to Sylvan Avenue to provide four through lanes.

4.4.2(e) Widening of Sylvan Avenue from Oakdale Road to Claus Road to provide four through lanes.

Intersection Improvements:

4.4.2(f) Widening of the eastbound and westbound approaches of the Briggsmore/Oakdale intersection. This would provide a second left-turn lane in the eastbound and westbound directions.
4.4.2(g) Widening of the eastbound, southbound, and westbound approaches of the Briggsmore/Roselle intersection. This would provide two exclusive eastbound left-turn lanes, and an exclusive southbound right-turn lane.

4.4.2(h) Widening of the northbound, southbound, and westbound approaches of the Oakdale/Floyd intersection. This would provide a second northbound left-turn lane, a second southbound left-turn lane, and a second westbound left-turn lane.

4.4.2(i) Widening of the eastbound approach of the Oakdale/Sylvan intersection. This would provide an exclusive eastbound right-turn lane.

4.4.2(j) The provision of left turn lanes on all four approaches of the Sylvan/Roselle intersection is designated in the Draft Specific Plan. In addition, widening of the northbound approach of the Sylvan/Roselle intersection is recommended. This would provide a second northbound left-turn lane.

4.4.2(k) The provision of left turn lanes on all four approaches of the Floyd/Roselle intersection is designated in the Draft Specific Plan. In addition, widening of the eastbound and westbound approaches of the Floyd/Roselle intersection. This would provide an exclusive eastbound and westbound right-turn lane.

Transit Impacts - Phase 1

Mitigation Measures

4.4.3 Expand transit service to serve the Village One Specific Plan area.

Year 2010 Without Village One-Peak Hour Impacts

Mitigation Measures

4.4.4(a) None identified.

Programmed Mitigation Measures

4.4.4(b) Widening of Oakdale Road from north of the Briggsmore Expressway to south of Sylvan to provide six through lanes. The widening of Oakdale Road between the Briggsmore Expressway and Merle is funded through an assessment district. Any additional widening along Oakdale Road would be conducted by individual property owners as projects are developed. Any widening by property owners would be in accordance with the city's major street standards, which now require only 100 feet of right-of-way for a four-lane major street. If a six-lane street section is adopted for Oakdale Road, an additional 24 feet of right-of-way would be required.
4.4.4(c) Widening of the north and south approaches of the Briggsmore/Roselle intersection. This would provide a second through lane in the northbound and southbound directions. This section of Roselle, south of Briggsmore, has sufficient width to provide for a five-lane section (two through lanes in each direction and northbound left-turn lane) as suggested. This mitigation measure would require additional signage and pavement striping.

4.4.4(d) Widening of the east approach of the Briggsmore/Claus intersection. This would provide a second through lane in the eastbound and westbound direction. The widening of the Briggsmore Expressway from two to four lanes, between Roselle Avenue and Claus Road, is included in the Capital Facilities Fee program.

Cumulative Daily Traffic Impacts

Mitigation Measures

Implementation of Mitigation Measures 4.4.4(a) through 4.4.4(d) above and shown on Figure 21 would reduce these cumulative impacts to a less-than-significant level.

Cumulative Peak Hour Impacts

Mitigation Measures

Roadway Segment Improvements:

4.4.7(a) Widening of Oakdale Road on the north and south approaches to Sylvan Avenue to provide six through lanes.

4.4.7(b) Widening of the Briggsmore Expressway from Oakdale Road to Roselle Avenue to provide six through lanes.

4.4.7(c) Widening of Oakdale Road from Sylvan Avenue to Pelandale to provide six through lanes.

Intersection Improvements:

4.4.7(d) Widening Claus Road from Briggsmore to Sylvan to six through lanes.

4.4.7(e) Widening of the northbound and eastbound approaches of the Briggsmore/Claus intersection. This would provide a second left-turn lane in the northbound and eastbound directions.

4.4.7(f) Widening of the northbound approach of the Briggsmore/Roselle intersection. This would provide an exclusive right-turn lane in the northbound direction.
Mitigation Measures

4.6.2 All single- and multi-family housing located within 400 feet of the railroad tracks shall be reviewed to ensure that the designs would result in maximum A-weighted indoor noise levels not exceeding 50 dBA as railroad trains pass by. The designs for the housing shall be reviewed by a qualified acoustical engineer and the necessary noise control treatment incorporated into the designs. All such units shall be provided with forced-air conditioning and heating systems so that windows may be kept closed at the discretion of the occupants for noise control. Additional noise control treatments could include sound rated windows and doors. This information shall be included in the acoustical reports required above.

Construction Noise Impacts

4.6.6(a) Noise-generating construction equipment, including truck traffic coming to and from the site for any purpose, should be limited to the hours of 7:00 AM to 7:00 PM per the Modesto Municipal Code. Trucks should be restricted to Briggsmore, Claus, Oakdale, and Sylvan. Furthermore, no individual piece of equipment shall produce a noise level exceeding 85 dBA at any point outside the boundaries of the project.

4.6.6(b) All construction equipment powered by internal combustion engines should be properly muffled and maintained.

4.6.6(c) All stationary noise-generating construction equipment, such as air compressors, should be located as far as practical from existing residents. Such equipment should be acoustically shielded where possible using wooden screens or other available barriers such as construction trailers. “Quiet” construction equipment, particularly air compressors, shall be selected whenever possible. The prudent selection of such equipment, along with the use of proper mufflers, should result in maximum construction-related noise generated by a particular piece of equipment of no more than 85 dBA when measured at a distance of 50 feet from a piece of equipment operating at its noisiest mode.

4.7 GEOLOGY AND SOILS

Other Geological Hazards - Expansive Soils

Mitigation Measures

4.7.2 The significant effects of expansive soils can be controlled by recognition of the condition and appropriate design. Detailed site specific soil and foundation investigations should be performed by a registered Civil Engineer practicing in Geotechnical Engineering to evaluate soil conditions and develop design mitigation
Other Geologic Hazards - Hardpan

Mitigation Measure

4.7.4 Limitations on landscaping created by shallow soils, and underlying hardpan can be reduced through overexcavation or ripping of areas to be landscaped to a depth adequate for plant survival followed by the importation of topsoil and the use of drought-tolerant or shallow-rooted landscaping. If soils are high in salinity (as is the case with dairy operations, and irrigated agricultural) following overexcavation or ripping of the hardpan, gypsum can be added to chemically modify the hardpan soils to reduce impacts.

4.3 HYDROLOGY

Drainage Impacts

Mitigation Measures

4.3.3(a) Implement the proposed positive drainage facilities plan for the project area.

Water Quality

Mitigation Measures

4.8.4(a) Implement stormwater retention basin to collect flows and allow for percolation through the soil profile into the groundwater table.

Maintaining stormwater flows on site and allowing for groundwater recharge would prevent the need for discharge into any surface water avoiding potential stormwater treatment.

Pure-Gro - Water Quality

Mitigation Measures

4.8.6(a) If contamination is identified while the plant is in operation, the appropriate agencies (including but not limited to the County, RWQCB and the State Department of Health Services) shall be notified by the site owners to help determine the proper remediation activities in accordance with all applicable federal, state and local regulations.
If contamination were to be identified during the operating life of the plant, appropriate remediation activities would be required to mitigate the potential impacts in the proposed project area, including impacts to human health.

4.3.6(b) Should the facility be closed to accommodate proposed development planned for the site, a Phase I site assessment shall be implemented by project developers to identify the potential for any contamination on the site. Based on the results of the Phase I investigation, further studies may be required by the developer to further quantify the extent of any identified potential for contamination. All studies would be required to be in compliance with applicable federal, state, and local regulations.

Prior to redevelopment of the Pure-Gro facility, the appropriate investigations should be performed to attempt to identify any potential contamination on the site which could affect human health and the environment.

4.9 VEGETATION AND WILDLIFE

Destruction and Disruption of Raptor Nests

Mitigation Measures

4.9.1 Prior to development, breeding season surveys will be conducted by a qualified biologist to determine the presence or absence of active raptor nests. This will include, but not be limited to, a survey for tree twigs, tree cavity nests, ground nests, and burrow nests that may be used by raptors.

All identified raptor nest sites on the site will be designated to be avoided during their breeding cycle. The breeding cycle begins with nest building and ends with the fledgling of young. Additionally, disruption to the nest sites and the surrounding foraging habitat will also be avoided.

Impacts to Wetlands

Mitigation Measures

4.9.4 Project-specific wetland delineations, to determine the existence and extent of COE or DFG jurisdictional wetlands, will be conducted by a qualified biologist utilizing the methodology outlined in the Federal Manual for Identifying and Delineating Jurisdictional Wetlands (Unified Federal Method). The wetland delineation will be submitted to COE for verification.

Prior to the start of any construction activities that affect any delineated wetlands, the acquisition of appropriate COE permit(s) will be required. Additionally, the
development and implementation of a mitigation plan will be required to ensure that no net loss of wetlands occurs.

If construction or other activities will result in impacts to the bed, channel, or bank of a river, stream, lake, or riparian/streambed corridor (the riparian corridor extends as far as the 100-year floodplain), then the acquisition of a DFG Streambed Alteration Agreement will be required.

**Cumulative Loss of Wildlife Habitat Values and Acres**

**Mitigation Measures**

4.9.5 The City of Modesto will develop and implement a citywide wildlife habitat preservation and restoration plan that will be directed at providing, in perpetuity, a variety of wildlife habitats.

The preserved and restored habitats will be of sufficient size and will be provided with an adequate buffer zone from developments. Focus will also be on providing breeding and foraging habitat, and contiguous migration and movement corridors between habitat preserves and other areas that provide wildlife habitat such as river and stream corridors.

**Cumulative Loss of Foraging Habitat for Raptors**

**Mitigation Measures**

Implementation of Mitigation Measure 4.9.5 would reduce this impact to a less-than-significant level.

**4.10 PUBLIC SERVICE AND UTILITIES**

**Fire Service Impacts**

**Mitigation Measures**

4.10.1 A Safety Center will be constructed as part of the Modesto Village One project. The Safety Center will house a fire station and a police substation.

**Cumulative Fire Services Impact**

**Mitigation Measures**

4.10.2 The City should consider adopting a mitigation fund to offset cumulative impacts on fire protection and other public services. Project developers would be required to contribute to that fund in proportion with the sizes of approved projects.
4.4.7(g) Widening of the northbound and southbound approach of the Oakdale/Sylvan intersection. This would provide a second left-turn lane in the northbound and southbound directions as well as an exclusive right-turn lane in the southbound direction.

4.4.7(h) Widening of northbound, southbound and westbound approaches of the Floyd/Roselle intersection. This would provide a second through lane in each direction on the westbound approach as well as an exclusive right-turn lane on the northbound and southbound approaches.

4.4.7(i) Widening of the eastbound westbound and southbound approaches of the Sylvan/Roselle intersection. This would provide an exclusive right-turn lane on the eastbound and westbound approaches, as well as an exclusive right-turn lane on the southbound approach.

4.4.7(j) Widening of the southbound northbound and westbound approaches of the Floyd/Claus intersection. This would provide a second left-turn lane on the southbound and northbound approaches an exclusive right-turn lane on the southbound approach a second left-turn lane on the westbound approach and an exclusive right-turn lane on the westbound approach.

4.4.7(k) Realignment of the Sylvan/Claus intersection to provide for a connection to the Kiernan-Claribel Expressway. This would involve the construction of a fourth leg on the east side of the intersection with a separate left-turn and through lane. Additional widening would be required on the northbound southbound and eastbound approaches. This would provide a second northbound left-turn lane an exclusive southbound left-turn lane and a second eastbound left-turn lane.

4.4.7(l) None required.

4.4.7(m) Widening of Roselle Avenue on the north and south approaches to Sylvan Avenue to provide four through lanes.

4.4.7(n) Widening of the eastbound and northbound approaches of the Oakdale/Floyd intersection. This would provide an exclusive right-turn on the eastbound and northbound approaches.

4.4.7(o) Widening of the northbound and southbound approaches of the Oakdale/Briggsmore intersection. This would provide a second left-turn lane in the northbound and southbound direction.

Buildout Transit Impacts

Mitigation Measures
4.4.3 Develop additional transit routes as shown in the Specific Plan to serve the Village One Specific Plan area.

4.5 CLIMATE AND AIR QUALITY

Construction Impacts

Mitigation Measures

4.5.1(a) Require watering of exposed earth surfaces at least twice daily during clearing, grading, earthmoving, and other site preparation activities.

4.5.1(b) Use tarpaulins or other effective covers for haul trucks which travel on public streets.

4.5.1(c) All clearing, grading, earth moving, and excavation activities should cease during periods of high winds (i.e. greater than 20 mph averaged over one hour) so as to prevent excessive amounts of dust from being generated.

4.5.1(d) Face masks should be used by all employees involved in grading or excavation operations during dry periods to reduce inhalation of dust which may contain the fungus which causes San Joaquin Valley Fever.

4.5.1(e) The area disturbed clearing, grading, earth moving or excavation operations should be minimized so as to prevent excessive amount of dust.

4.5.1(f) All inactive portions of construction sites should be seeded and watered until ground cover has been reestablished.

4.5.1(g) Vehicle speed should be limited to 15 mph in unpaved areas.

4.5.1(h) Use of petroleum-based dust palliatives shall meet the road oil requirements of Stanislaus County APCD Rule 409.5, Cutback Asphalt.

4.5.1(i) Streets which are adjacent to the project shall be swept as needed to remove silt which may have accumulated from construction activities so as to prevent excessive amounts of dust.

Decreased Regional Air Quality

Mitigation Measures

4.5.2 Implement Specific Plan policies encouraging pedestrian transportation in order to reduce vehicle trips within Village One.
Cumulative Air Quality Impacts

Mitigation Measures

4.5.3(a) Implement Specific Plan policies encouraging pedestrian transportation in order to reduce vehicle trips within Village One.

4.5.3(b) Employers located within the Village One Specific Plan area should be required to provide transit incentives, such as bus passes, should limit the amount of employee parking; employers should charge for employee parking to encourage ridesharing and alternatives modes of transportation.

4.5.3(c) All fireplaces and wood stoves in residential units shall be equipped with EPA-approved inserts to control emissions.

4.6 NOISE

Noise and Land Use Compatibility - Traffic

Mitigation Measures

4.6.1(a) Seven-foot walls are proposed for by the Specific Plan for Claus and Oakdale where residential areas will back up onto those streets.

4.6.1(b) As a general guideline, a 6- to 8-foot high soundwall should be required to provide the 5 dBA of noise reduction necessary at the 70 dBA contour distance.

A noise barrier could be an earth berm, an earth berm with a solid wood soundwall. To be effective as a noise barrier, the wall must have a minimum surface weight of 3 to 4 pounds per square foot and be constructed airtight over the face and at the base of the wall.

4.6.1(c) All multifamily housing located within the 65 dBA Ldn contour distance shall be designed such that the indoor Ldn, shall not exceed 45 dBA. The designs for the housing shall be reviewed by a qualified acoustical engineer and the necessary noise control treatments incorporated into the designs. All such units shall be provided with forced-air conditioning and heating systems so that windows may be kept closed at the discretion of the occupants for noise control. Additional noise control treatments could include sound rated windows and doors. A report shall be prepared following the requirements of Title 24, Part 2, of the California Administrative Code for all multi-family housing within the 60 dBA contour distances. A similar report shall be provided for single-family housing to the City of Modesto when located within the 65 dBA contour.

Noise and Land Use Compatibility - ATSF Railroad
Police Services Impacts

Mitigation Measures

4.10.3 A Safety Center will be constructed as part of the Modesto Village One project. The Safety Center will house a police substation with appropriate staffing to serve the Village One Specific Plan population.

Cumulative Police Services Impact

Mitigation Measures

4.10.4 The City should consider adopting a mitigation fund to offset cumulative impacts on police protection and other public services. Project developers would be required to contribute to that fund in proportion with the sizes of approved projects.

Cumulative Solid Waste Impacts

Mitigation Measures

4.10.6(a) Negotiate contracts with the City’s refuse disposal contractors to implement curbside recycling programs for newspaper, glass, and organic materials.

4.10.6(b) Require on-site drop-off areas for recycling in commercial/retail, office and multifamily residential developments

Cumulative Parks and Recreation Services

Mitigation Measures

4.10.8 Developers will pay Parks Capital Facilities Fees which are based on meeting the General Plan park standards for cumulative development.

Water Supply Impacts

Mitigation Measures

4.10.9(a) New water sources shall meet or exceed the California Department of Health Services Title 22 regulations for water quality.

4.10.9(b) The use of City water supplies for commercial agricultural uses shall be prohibited.

4.10.9(c) New wells shall be sited and be of sufficient size to accommodate areas of approximately one square mile.
4.10.9(d) Prior to design and construction of water transmission lines, the Public Works Department shall be consulted regarding potential expansion of the water system and alternative sources of water.

4.10.9(e) New development shall meet fire flow requirements as established by the Fire and Public Works Department.

4.10.9(f) All main transmission lines shall be looped and lines of lesser diameter shall be looped to the extent feasible.

4.10.9(g) The use of drought-resistant plants shall be required in conjunction with public streets and rights-of-way to reduce water needs.

4.10.9(h) New developments shall be required to minimize water consumption by using low-flow showerheads and faucets, and the principles of xeriscape in landscape plantings.

4.10.9(i) All new water connections shall be metered, excluding those connections designed solely for the purpose of fire protection.

4.10.9(j) Necessary water conduits shall be extended across the entire frontage of a developing area to allow for coordinated provision of services as adjacent areas are developed.

4.10.9(l) To reduce overdraft of groundwater supplies and reduce the future potential for unnecessary treatment of water supplies, the Village One Specific Plan area will use a separate water system for irrigation of median strips and larger open-space areas. As storage facility will be located within a portion of the storm drainage basin.

Cumulative Water Supply Impacts

Mitigation Measures

4.10.10 Mitigation Measures 4.10.9(a) through 4.4.10.9(l) will reduce this impact to a less-than-significant Level

Wastewater Impacts

Mitigation Measures

4.10.11(a) The Lakewood and Sonoma trunklines shall be extended northerly through the site to Sylvan Avenue.
4.10.11(b) The storm drainage system shall not be cross-connected to the sanitary sewer system.

4.10.11(c) One pump station shall be required to serve the northerly portion of the business park area located east of Claus Road.

4.10.11(d) Necessary sewer conduits shall be extended across the entire frontage of a developing area.

4.10.11(e) To the extent possible, the sewer system shall use gravity systems.

4.10.11(f) Developers of land shall be responsible for the extension of collection lines not specifically funded by the Capital Improvement Program for the Village One area.

4.10.11(g) Curved sewer collection lines shall meet manufacturer's recommendations for minimum radii and as otherwise determined by the Public Works Department.

Cumulative Wastewater Impacts

Mitigation Measures

4.10.12(a) The storm drainage system for new development shall not be cross-connected to the sanitary sewer system.

4.10.12(b) Necessary sewer conduits shall be extended across the entire frontage of a developing area.

4.10.12(c) To the extent possible, the sewer system shall use gravity systems.

4.10.12(d) Curved sewer collection lines shall meet manufacturer's recommendations for minimum radii and as otherwise determined by the Public Works Department.

Cumulative School Impacts

Mitigation Measures

4.10.13(a) Developers in future villages shall finance school facilities necessary to accommodate new students.

4.10.13(b) Developers shall notify the School Districts as far in advance as possible of specific building plans. This would allow enough lead time for the District to begin application for any relevant funding sources and to coordinate facility expansion/construction, if possible.
4.11 Fiscal Impacts

Fiscal Impacts

Mitigation Measures

4.11.1 Development of the Specific Plan would have a significant impact on the City budget. To mitigate this impact, the City should consider establishing a special district to help finance some of the operating costs associated with the Specific Plan. Such a district could be established to help fund specific services (such as police services) or ongoing maintenance costs (such as parks, street trees, or street maintenance) that have been identified in the fiscal analysis as major City expenditures associated with the project.
MODESTO CITY COUNCIL
RESOLUTION NO. 90-829

A RESOLUTION ESTABLISHING A SEWER LATERAL CONNECTION FEE AND RESCINDING RESOLUTION NO. 89-1229.

WHEREAS, Section 5-6.10 of the Modesto Municipal Code, provides that the Council may establish by resolution a sewer lateral connection fee for property that has not already participated in the cost of a sewer lateral and which is to be served by an existing sewer, and

WHEREAS, the basis for the sewer lateral connection fee is to collect equally from each property served by an existing sewer lateral, and

WHEREAS, City staff has recommended an increase in the sewer lateral connection fee to reflect increased construction costs, and

WHEREAS, the Council held a public hearing at its regular meeting on October 16, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that any property connecting to the City sewage system that has not already participated in the cost of a sewer lateral and which is to be served by an existing sewer shall pay to the City a fee of $13.50 per linear foot of property frontage.

BE IT FURTHER RESOLVED that Resolution No. 89-1229 adopted by the Council on December 26, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become effective on an after January 1, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-830

A RESOLUTION FIXING CERTAIN RATES FOR SUPPLYING WATER AND
STAND-BY SERVICE TO THE COUNTY OF STANISLAUS AND
RESCINDING RESOLUTION NO. 89-1133.

WHEREAS, the County of Stanislaus, a political subdivision of the
State of California, maintains in said County a County Hospital, and
WHEREAS, water is used in large quantities at said Hospital, which
water is ordinarily supplied from water pumps or plants owned and operated by
said County, and
WHEREAS, in event that the said plants owned and/or operated by said
County should break down or for some reason become incapable of operation, it
will be necessary for said County to secure water from some other source to
supply said Hospital, and
WHEREAS, to insure a ready supply of water at all times it becomes
necessary to have a supply in readiness at all times, which readiness to
supply water at all times is hereinafter referred to as stand-by service, and
WHEREAS, the City of Modesto, a municipal corporation of Stanislaus
County, California, is possessed of a supply of water and can furnish water to
said County for the use of said Hospital and can likewise furnish stand-by
service for the same, and
WHEREAS, the said County desires said City to furnish water for said
Hospital when the same may be needed and to likewise furnish stand-by service
for the same, and
WHEREAS, Section 11-1.08 of the Municipal Code authorizes the
Council to establish by resolution the rate to be charged for providing water
services to governmental agencies,
WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that stand-by water service be supplied by the said City of Modesto for the said County Hospital for the sum of $25.75 bi-monthly, payable whether any water belonging to the City of Modesto is used at said Hospital or not. In the event said City does furnish water for said County Hospital, said water shall be so furnished at the rate of $8.00 per day or fraction thereof, in addition to the stand-by charge stated above.

BE IT FURTHER RESOLVED that in the event the said County desires the services of said City as aforesaid, all requests for the same shall be directed to the office of the Public Works and Transportation Director of said City of Modesto between the hours of 8:00 a.m. and 5:00 p.m. on all working days and to the City of Modesto Pump Control Station, telephone number 577-5325, at all other hours.

BE IT FURTHER RESOLVED that Resolution No. 89-1133 adopted by the Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that rates established by this resolution shall become effective on and after January 1, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-831

A RESOLUTION ESTABLISHING SEWER BOND REDEMPTION CHARGES AND SEWER SUBTRUNK EXTENSION CHARGES AND RESCINDING RESOLUTION NO. 90-665.

WHEREAS, Sections 5-6.04 and 5-6.06 of the Modesto Municipal Code provide that the Council may establish by resolution sewer bond redemption charges and sewer subtrunk extension charges for property connecting to the sewage system, and

WHEREAS, sewer subtrunk extension charges shall be paid unless the property has previously participated in the cost of construction of a subtrunk sewer, and

WHEREAS, City staff has recommended an increase in the sewer subtrunk extension charge to reflect increased costs, and

WHEREAS, on October 16th, 1990, the Council of the City of Modesto held a public hearing to consider the recommended changes,

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

SECTION 1. FEES FOR SEWER BOND REDEMPTION CHARGES: The sewer bond redemption fees to be charged for connecting to the City of Modesto sewage system are hereby established as follows:

SCHEDULE OF CHARGES
FOR CONNECTION TO CITY SEWAGE SYSTEM

<table>
<thead>
<tr>
<th>Reference</th>
<th>Name of Charge and Itemization</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-6.04</td>
<td>Residential Bond Redemption</td>
<td></td>
</tr>
<tr>
<td>1993-245</td>
<td>Single dwelling unit -</td>
<td>$500.00/each</td>
</tr>
<tr>
<td></td>
<td>(Includes mobile home, mobile home space within a mobile home park, apartment, condominium, townhouse)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Commercial/Industrial</td>
<td>$2,000.00/net acre</td>
</tr>
</tbody>
</table>

091890 - 1 - 10044CA2
SECTION 2. FEES FOR SEWER SUBTRUNK EXTENSION CHARGES: The subtrunk extension fees to be charged for connecting to the City of Modesto sewage system are hereby established as follows:

SCHEDULE OF CHARGES FOR CONNECTION TO CITY SEWAGE SYSTEM

<table>
<thead>
<tr>
<th>Modesto Municipal Code Reference</th>
<th>Name of Charge and Itemization</th>
<th>Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>5-6.06</td>
<td>Subtrunk Extension Charge:</td>
<td></td>
</tr>
</tbody>
</table>

Residential/Commercial

(1) For that property which was annexed to and made a part of the City of Modesto pursuant to Modesto City Council Resolution No. 80-191 (South Airport Annexation to the City of Modesto) which was adopted on the fourth day of March, 1980: $150.00/gross acre

(2) For all other residential or commercial property not listed in (1) above: $550.00/gross acre

BE IT FURTHER RESOLVED that the acreage used to determine sewer bond redemption charges shall be as follows:

Determination of Acreage.

The acreage used to determine the bond redemption charge shall be the total area developed or being developed which is owned, leased or controlled by the user.

In those instances where the total acreage owned, leased or controlled by the user is greater than that developed or being developed, the Director is authorized to determine the acreage to be used in determining the bond redemption charge. The remaining acreage shall pay a bond redemption charge at such time as it is developed.

Notwithstanding anything to the contrary contained in chapter 6 of Title V of the Modesto Municipal Code, and this resolution, the
Council shall have the power to determine, by agreement, the total acreage developed or being developed which is owned, leased or controlled by a user meeting the criteria set forth below:

(1) The user will establish a new industry or expand an existing industry within the Modesto Municipal Sewer District that results in more than 225 (two hundred twenty-five) new, permanent, on-site, full-time employees; and

(2) The user will construct a new industrial building or building addition with total floor space in excess of one hundred seventy-five thousand (175,000) square feet with total project costs in excess of twenty million dollars ($20,000,000).

If the property is later developed beyond that development approved by the Council the developer shall pay a bond redemption charge on the additional acreage developed, including any portion of the property that has already been developed but, for whatever reason, has not been included in the calculation of bond redemption charges. If the user fails to meet either of the criteria after development, the agreement shall be void and a bond redemption charge shall be paid based on the total acreage developed or being developed had the above criteria not been applied.

BE IT FURTHER RESOLVED that the acreage used to determine sewer subtrunk connection fees shall be as follows:

The acreage used to determine the sewer subtrunk fee shall be the total area developed or being developed which is owned, leased or controlled by the user.

In those instances where the total acreage owned, leased or controlled by the user is greater than that developed, the Director is authorized to determine the acreage to be used in determining the subtrunk extension charge. The remaining acreage shall pay a subtrunk extension charge at such time as it is developed.

Notwithstanding anything to the contrary contained in chapter 6 of Title V of the Modesto Municipal Code and this resolution, the Council shall have the power to determine, by agreement, the total acreage developed or being developed which is owned, leased or controlled by a user meeting the criteria set forth below:

(1) The user will establish a new industry or expand an existing industry within the Modesto Municipal Sewer District that results in more than 225 (two hundred twenty-five) new, permanent, on-site, full-time employees; and
The user will construct a new industrial building or building addition with total floor space in excess of one hundred seventy-five thousand (175,000) square feet with total project costs in excess of twenty million dollars ($20,000,000).

If the property is later developed beyond that development approved by the Council, the developer shall pay a sewer subtrunk charge on the additional acreage developed, including any portion of the property that has already been developed but, for whatever reason, has not been included in the calculation of sewer subtrunk redemption charges. If the user fails to meet either of the criteria after development, the agreement shall be void and a sewer subtrunk charge shall be paid based on the total acreage developed or being developed had the above criteria not been applied.

BE IT FURTHER RESOLVED that Resolution No. 90-665 adopted by the Council on July 24, 1990, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that fees established by this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-832

A RESOLUTION ESTABLISHING THE AMOUNT OF THE CASH DEPOSIT
TO BE FURNISHED TO THE CITY OF MODESTO FOR EACH INTERIOR
MONUMENT REQUIRED IN A SUBDIVISION AND RESCINDING
RESOLUTION NO. 81-756.

WHEREAS, Section 4-4.804(c) of the Modesto Municipal Code authorizes
the Council, by resolution, to establish the amount of cash deposit required
to be furnished to the City of Modesto for each interior monument to be set
after the filing of a final subdivision map, and

WHEREAS, City staff has recommended an increase in the interior
monument deposit to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular
meeting on October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that in accordance with Section 4-4.804(c) of the Modesto Municipal Code, the
amount of the cash deposit required to be furnished to the City of Modesto for
each interior monument to be set after the filing of a final subdivision map
shall be Forty and no/100ths ($40.00) Dollars.

BE IT FURTHER RESOLVED that Resolution No. 81-756 adopted by the

BE IT FURTHER RESOLVED that rates established by this resolution
shall become effective on and after January 1, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October 1990, by Councilmember _____Lang____, who moved its adoption, which motion being duly seconded by Councilmember _____Patterson____, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

APPROVED AS TO FORM:

By ____________________________
STAN T. YAMAMOTO, City Attorney

ATTEST: _________________________
NORRINE COYLE, City Clerk

(SEAL)
MODESTO CITY COUNCIL
RESOLUTION NO. 90-833

A RESOLUTION ESTABLISHING CHARGES FOR WATER USED DURING BUILDING CONSTRUCTION AND RESCINDING RESOLUTION NO. 82-333.

WHEREAS, Section 11-1.07 of the Modesto Municipal Code provides that the City Council may establish, by resolution, the rates and charges for metered water service, and

WHEREAS, Section 11-1.10 of the Modesto Municipal Code provides that the City Council may establish, by resolution, the rates and charges for unmetered water service, and

WHEREAS, it is desirable to establish the rates and charges for providing water service during the construction of buildings, and

WHEREAS, City staff has recommended an increase in the rate charged for water service during the construction of buildings, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that charges for providing water service during building construction are hereby established, as set forth on Exhibit "A", entitled "Procedure for Providing Water Service During Building Construction", which is attached hereto and made a part hereof by this reference.

BE IT FURTHER RESOLVED that Resolution No. 82-333 adopted by the Council on April 20, 1982, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that rates established by this resolution shall become effective on and after January 1, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
PROCEDURE FOR PROVIDING WATER SERVICE DURING BUILDING CONSTRUCTION

1. The water service charge furnished to single family residences, duplexes, and triplexes that are under construction will be a flat rate charge of $25.36. This charge along with the 5% utility users tax in the amount of $1.26 for a total of $26.62, will be assessed and paid at the time the building permit is issued.

2. Charges for water services during the construction of apartments, commercial buildings, and industrial buildings will be at the regular metered water service charge.

3. The water service charge specified in the first paragraph provides for water service for 120 days. Subsequent to that time, the water service fee shall be collected on a regular bi-monthly billing based on the full size of the lot unless the owners request the water to be turned off at the end of 120 days.

4. In the event construction ceases before the building is completed, the water to the building site will be turned off unless the property owner has made arrangements for regular service.

5. In the event a structure is occupied before final inspection of the structure, or water is used for other than that normally required for construction, the water service charge will be made at the established rate for regular service.
MODESTO CITY COUNCIL
RESOLUTION NO. 90-834

A RESOLUTION ESTABLISHING CONDITIONS FOR PAYMENT IN INSTALLMENTS OF SEWER BOND REDEMPTION CHARGES AND SUBTRUNK EXTENSION CHARGES FOR SINGLE-FAMILY RESIDENTIAL DWELLINGS, CHURCHES AND OTHER SIMILAR RELIGIOUS INSTITUTIONS AND RESCINDING RESOLUTION NO. 82-500.

WHEREAS, Sections 5-6.05(a) and 5-6.07 of the Modesto Municipal Code provide that this Council may establish conditions under which sewer bond redemption charges and subtrunk sewer extension charges required to be paid by Sections 5-6.04(a) and 5-6.06 of the Modesto Municipal Code respectively, may be paid in installments, and

WHEREAS, periodically this Council receives requests from owners of single-family residential dwellings and from churches and other similar religious institutions for permission to pay sewer bond redemption charges and subtrunk sewer extension charges in installments, and

WHEREAS, City staff has recommended an increase in the fee to process said installment payments to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Modesto hereby establishes the following conditions under which sewer bond redemption charges and subtrunk extension charges (hereinafter called "charges") for single-family residential dwellings, churches and other similar religious institutions required to be paid by Sections 5-6.04(a) and 5-6.06 of the Modesto Municipal Code respectively, may be paid in installments:

1. A written request must be made by the property owners, churches and other similar religious institutions for the payment of charges in
installments. Said request must be made on or before the date on which the charges are payable.

2. A fee of Twenty-four and 50/100ths ($24.50) Dollars shall be paid at the time the request is made to cover the cost of processing the spreading of the charges and interest, including the cost of recording the notice that the charges and interest have been paid.

3. Charges may be spread up to a maximum of two (2) years.

4. All or part of the charges that are due and payable may be spread.

5. Deferred charges shall bear interest on the unpaid balance at the rate of twelve (12%) percent per annum.

6. Deferred charges and interest shall be added to the sewer service charges established by Section 5-6.02 of the Modesto Municipal Code in as nearly equal installments as possible and shall be payable in accordance with the provisions of Section 5-6.11 of the Modesto Municipal Code, except that they shall not be entitled to a discount for advance payment.

7. There shall be recorded in the office of the County Recorder of Stanislaus County a notice of the charges and interest which are spread.

8. After all charges and interest have been paid in full, a notice of such payment shall be recorded in the office of the County Recorder of Stanislaus County.

BE IT FURTHER RESOLVED that Resolution No. 82-500 adopted by the Council on July 6, 1982, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that rates established by this resolution shall become effective on and after January 1, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-835

A RESOLUTION ESTABLISHING A FEE FOR PREPARATION OF AN AGREEMENT TO PROVIDE WATER AND/OR SEWER TO PROPERTY LOCATED OUTSIDE THE CITY LIMITS.

WHEREAS, Section 5-6.13 and Section 11-1.05 of the Modesto Municipal Code requires consent of the Council prior to connecting to City water and/or sanitary sewer, and

WHEREAS, said consent is obtained through an agreement between the City and the property owner, and

WHEREAS, the Council may impose such reasonable conditions to the approval of said connections and agreements as it deems to be in the best interest of the City, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended fee.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby establishes an Outside City Water/Sewer Agreement Preparation Fee in the amount of $35.00 to be charged for preparation of each water or sewer agreement.

BE IT FURTHER RESOLVED that the fee established by this resolution shall become effective on and after January 1, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

APPROVED AS TO FORM:

By

STAN T. YAMAMOTO, City Attorney

ATTEST: NORME COYLE, City Clerk

(SEAL)
A RESOLUTION ESTABLISHING FILING FEES FOR SUBDIVISION AND PARCEL MAPS AND RESCINDING RESOLUTION NO. 89-1138.

WHEREAS, Section 4-4.106 of the Modesto Municipal Code, provides that the Council, by resolution, shall establish filing fees for the processing of tentative and final subdivision and parcel maps and for other procedures required or authorized by Chapter 4 of Title IV of the Modesto Municipal Code, and

WHEREAS, City staff has recommended an increase in the filing fees for the processing of tentative and final subdivision and parcel maps, and other procedures to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended increases in the filing fees for the processing of tentative and final subdivision and parcel maps and other procedures,

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

SECTION 1. FEES. Filing fees for maps and procedures required and authorized by Chapter 4 of Title IV of the Modesto Municipal Code are hereby established as follows:

(a) Reversion to acreage $190.50
(b) Final parcel map checking fee $385.00
(c) Final (subdivision) map checking fee $435.00 for subdivisions of 10 or less lots

RESCINDED
1992-364

THIS RESOLUTION WAS RESCIND BY MODESTO CITY COUNCIL RESOLUTION NO. 90-836.
(d) Final (subdivision) map checking fee for subdivisions of 10 or more lots $385.00
   Plus per each lot in excess of 10 $ 7.85
(e) Parcel map improvement plan check fee $210.00
(f) Subdivision improvement plan check fee for subdivisions of 10 or less lots $330.00
(g) Subdivision improvement plan check fee for subdivisions of 10 or more lots $330.00
   Plus each lot in excess of 10 $ 8.50
(h) Property owners' association document checking fee $182.00
(i) Certificate of compliance $137.00
(j) Summary right of way abandonment $190.00


SECTION 3. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after January 1, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

(Seal)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney

Norrine Coyle, City Clerk
MODESTO CITY COUNCIL
RESOLUTION NO. 90-837

A RESOLUTION ESTABLISHING FEES AND CHARGES FOR COPIES OF
VARIOUS MAPS AND PRINTS OBTAINED FROM THE CITY OF MODESTO
AND RESCINDING RESOLUTION NO. 89-1139.

WHEREAS, upon request, copies of various maps and prints are made
available to the public by various departments of the City, and
WHEREAS, the Council has previously established fees and charges for
obtaining said maps and prints, and
WHEREAS, the City staff has recommended an increase in some of said
fees and charges to reflect increased costs, and
WHEREAS, the City Council held a public hearing at its regular
meeting on October 16th, 1990, to consider the recommended fee increases,
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
as follows:

SECTION 1. FEES AND CHARGES: The fees and charges set forth on
Exhibit "A", which is attached hereto and made a part hereof as if set forth
herein, are hereby established for copies of various maps and prints listed
thereon which are obtained from the City of Modesto.

SECTION 2. EXEMPTIONS: No fees or charges shall be charged to
governmental agencies which obtain copies of maps and prints.

SECTION 3. REPEALS. Resolution No. 89-1139 adopted by the Council
on November 21, 1989 is hereby rescinded effective December 31, 1990.

SECTION 4. EFFECTIVE DATE. This resolution shall become effective
on and after January 1, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember [Name], who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: [Signature]
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By [Signature]
STAN T. YAMAMOTO, City Attorney
PRINTING FEES

Printing fees per sheet plus sales tax for copies of tentative and final subdivision maps and parcel maps.

A. Mylar $ 7.50
B. Sepia $ 1.35
C. Blue-line $ .28

DOCUMENT RETRIEVAL FEE

This fee covers the cost of interviewing the customer to determine his needs, searching of the vault or other files to find the needed document, drawing, aerial photo, map, microfilm, log book, etc. This is a fee that covers the prerequisite activity to reproduction of a document. This charge is in addition to any other reproduction costs listed herein. The Director of Engineering Services is authorized to waive the document retrieval fee for certain standard stock documents which he determines do not require the document retrieval activity.

Fee $6.90

COPYING BY COMMERCIAL FIRMS

The charge for City documents reproduced by commercial firms shall be the exact amount that the firm charges the City including sales tax.

BLUE-LINE REPRODUCTION

The charge for in-house blue-line reproduction of maps, drawings, aerial photos, etc., shall be charged on a square foot basis, plus sales tax.

Fee $ .90/map, drawing, photo, etc.

SEPIA REPRODUCTION

The cost of reproduction on sepia of maps, drawings, aerial photos, etc., shall be on a square foot basis, plus sales tax.

Fee $ .26/s.f.
MYLAR REPRODUCTION

The cost of reproduction on mylar of maps, drawings, aerial photos, etc., shall be on a square foot basis, plus sales tax.

Fee $3.50/map, drawing, photo, etc.

DRY SILVER PRINT FROM MICROFILM

The cost of producing a dry silver print from microfilm on equipment maintained by the Engineering Department shall be on a per image basis, plus sales tax.

Fee $3.00/image
WHEREAS, Section 4-3.08 of the Modesto Municipal Code authorizes the Council to establish, by resolution, investigation and permit fees relating to the moving of buildings, and

WHEREAS, investigation and permit fees relating to moving of buildings have previously been established, and

WHEREAS, City staff has recommended an increase in said fees to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended fee increases,

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

SECTION 1. INVESTIGATION FEES:

(a) When the building to be moved is located inside the City limits and is to be moved to a new site in the City, an investigation fee in the sum of $76.00 shall be paid to the Finance Director upon filing each application for a House Moving Inspection Permit.

(b) When the building to be moved is located outside the City limits and is to be moved to a new site in the City, an investigation fee equal to the sum of the estimated direct salary of one inspector while making the investigation, plus the cost of travel calculated at 23¢ per mile, but in no case less than $76.00 shall be paid to the Finance Director upon filing each application for a House Moving Inspection Permit.
(c) When the building to be moved is located inside the City limits and is to be moved to a new site outside the City limits, there is no investigation fee.

SECTION 2. PERMIT FEES. A permit fee in the sum of $55.00 shall be paid to the Finance Director upon issuance of each House Moving Permit.

SECTION 3. REPEALS. Resolution No. 89-1140 adopted by the City Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

SECTION 4. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

091790
A RESOLUTION ESTABLISHING A SEWER BOND REDEMPTION CHARGE INSPECTION FEES AND RESCINDING RESOLUTION NO. 89-1141.

WHEREAS, Section 5-6.04 of the Modesto Municipal Code provides for a fee for inspection of property to determine the acreage to be used in determining the sewer bond redemption charge imposed by said section, and

WHEREAS, Section 11-1.05(d)(3) of the Modesto Municipal Code provides for a fee for inspection of property to determine area of a parcel to be used in determining water connection charges, and

WHEREAS, the Council has previously adopted such fees, and

WHEREAS, City staff has recommended an increase in said fees to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended fees increase,

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby establishes a Sewer Bond Redemption Charge Inspection Fee in the amount of $32.00 to be charged for each inspection of property to determine the acreage to be used in determining the sewer bond redemption charge imposed by Section 5-6.04 of the Modesto Municipal Code.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that it hereby establishes a Water Connection Charge Inspection fee in the amount of $32.00 to be charged for each inspection of property to determine the square foot area to be used in determining the water connection charge imposed by Sections 11-1.05(a) and 11-1.05(b) of the Modesto Municipal Code.
BE IT FURTHER RESOLVED that Resolution No. 89-1141 adopted by the Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ESTABLISHING SIGN PERMIT FEES AND RESCINDING RESOLUTION NO. 89-1142.

WHEREAS, Section 10-2.3503(i) of the Modesto Municipal Code authorizes the Council, by resolution, to establish sign permit fees; and

WHEREAS, City staff has recommended an increase in existing sign permit fees to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended increase in the existing sign permit fees,

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

SECTION 1. PAINTED WALL SIGNS. The fee shall be $54.00 for each painted wall sign.

SECTION 2. CHANGE OF COPY. The fee shall be $57.00 for each sign on which there is a change of copy.

SECTION 3. ALL OTHER SIGNS. The fee shall be $57.00 for all other signs.

SECTION 4. BUILDING AND ELECTRICAL PERMIT FEES. The above listed fees are in addition to fees incident to the issuance of building and electrical permits. Building and electrical permits are not required for painted wall signs or for change of copy.

SECTION 5. REPEALS. Resolution No. 89-1142 adopted by the Council on November 21, 1989, is hereby rescinded effective December 31, 1990.
SECTION 6. EFFECTIVE DATE. The fees established by this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers Irizarry

ATTEST: NORMA COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODesto CITY COUNCIL
RESOLUTION NO. 90-841

A RESOLUTION ESTABLISHING A FEE FOR PREPARATION OF SEWER LINE REIMBURSEMENT AGREEMENTS AND RESCINDING RESOLUTION NO. 89-1143.

WHEREAS, Section 5-6.10 of the Modesto Municipal Code provides for a fee for preparation of sewer line reimbursement agreements, and
WHEREAS, the Council has previously adopted such a fee, and
WHEREAS, the City staff has recommended an increase in said fee to reflect increased costs, and
WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended fee increase.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby establishes a Sewer Line Reimbursement Agreement Preparation Fee in the amount of $175.00 to be charged for preparation of each sewer line reimbursement agreement.

BE IT FURTHER RESOLVED that Resolution No. 89-1143, adopted by the Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that the fee established by this resolution shall become effective on and after January 1, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-842

A RESOLUTION ESTABLISHING A BUILDING COMPLIANCE INSPECTION FEE AND RESCINDING RESOLUTION NO. 89-1144.

WHEREAS, this Council has previously established a Building Compliance Inspection Fee which is charged by the Building Official for inspections to determine whether a building complies with the Housing Code and/or the Dangerous Buildings Code, and

WHEREAS, City staff has recommended an increase in the Building Compliance Inspection Fee to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on October 16th, 1990 to consider the recommended increase in the Building Compliance Inspection Fee,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a Building Compliance Inspection Fee of $64.50 shall be charged by the Building Official for inspections to determine whether a building complies with the Housing Code and/or the Dangerous Buildings Code.

BE IT FURTHER RESOLVED that Resolution No. 89-1144 adopted by the Council on November 21, 1989 is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on and after January 1, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers Irizarry

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-843

A RESOLUTION ADOPTING A SCHEDULE OF FEES IN CONNECTION WITH ENCROACHMENT PERMITS AND INSPECTIONS REQUIRED BY THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 89-1145.

WHEREAS, Section 5-6.08 of the Modesto Municipal Code provides that costs incurred by the City of Modesto for preparation of plans and specifications and inspections for construction of sewer laterals in the City shall be in accordance with a schedule of fees approved by the Council from time to time by resolution, and

WHEREAS, Section 7-1.108 of the Modesto Municipal Code provides that fees for services performed by the City of Modesto pursuant to Chapter 1 of Title VII of the Modesto Municipal Code relating to street improvements shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.14 of the Modesto Municipal Code provides that fees for inspection for the temporary closing of public ways in the City of Modesto shall be in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.22 of the Modesto Municipal Code provides that fees for street paving performed by the City of Modesto shall be paid by permittees obtaining permits therefor from the City in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, Section 7-2.27 of the Modesto Municipal Code provides that fees for street cuts inspections performed by the City of Modesto shall be
paid in accordance with a schedule of fees approved by the City Council from time to time by resolution, and

WHEREAS, City staff has recommended an increase in the fees authorized by the above sections of the Modesto Municipal Code to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on October 16th, 1990 to consider the recommended increase in the fees authorized by the above sections of the Modesto Municipal Code,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the "Schedule of Encroachment Permit Fees", attached hereto as Exhibit "A", is hereby adopted as the fees to be charged for work or inspections performed by the City of Modesto in connection with encroachment permits.

BE IT FURTHER RESOLVED that Resolution No. 89-1145 adopted by the City Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after January 1, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers Irizarry

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
Resolution #________________

EXHIBIT A

SCHEDULE OF ENCROACHMENT PERMIT FEES

<table>
<thead>
<tr>
<th>TYPE PERMIT(6)</th>
<th>BASIC PERMIT(5)</th>
<th>STAKING(1)</th>
<th>CRACK FILLING</th>
<th>PAVING(1)</th>
<th>CODE OR REFERENCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Curbs and curb cuts</td>
<td>$75.00/lot(7)</td>
<td>4.20/1.f.</td>
<td>---</td>
<td>by City</td>
<td>7-1.108</td>
</tr>
<tr>
<td>Sidewalks</td>
<td>$30.00/lot(7)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>7-1.108</td>
</tr>
<tr>
<td>Sewer Service from lot to sewer lateral</td>
<td>$37.00/each</td>
<td>---</td>
<td>$.55/1.f.</td>
<td>$3.50/s.f.(9)</td>
<td>5-6.08; 7-2.22</td>
</tr>
<tr>
<td>Sewer Laterals(2)</td>
<td>$0.93/1.f.</td>
<td>0.63/1.f.</td>
<td>$.55/1.f.</td>
<td>$3.50/s.f.(9)</td>
<td>5-6.08; 7-2.22</td>
</tr>
<tr>
<td>Storm Drains (through curb)</td>
<td>$29.00/each</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>7-1.108</td>
</tr>
<tr>
<td>Utilities(3) Major Const.</td>
<td>$72.50/each</td>
<td>---</td>
<td>$.55/1.f.</td>
<td>$3.50/s.f.(9)</td>
<td>7-2.27; 7-2.22</td>
</tr>
<tr>
<td>Utilities(3) Service and Repair</td>
<td>$55.50/each</td>
<td>---</td>
<td>included in permit fee</td>
<td>$3.50/s.f.(9)</td>
<td>7-2.27; 7-2.22</td>
</tr>
<tr>
<td>Street Closures (temporary)</td>
<td>$104.00/each</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>7-2.14</td>
</tr>
<tr>
<td>Street Lights</td>
<td>$59.50/each</td>
<td>---</td>
<td>$.55/1.f.</td>
<td>---</td>
<td>7-1.108</td>
</tr>
<tr>
<td>Rock Wells or Storm Drain Connections</td>
<td>$59.50/each</td>
<td>---</td>
<td>$.55/1.f.</td>
<td>---</td>
<td>7-1.108</td>
</tr>
<tr>
<td>Street Construction</td>
<td>$52.50/lot(7)</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>7-1.108</td>
</tr>
<tr>
<td></td>
<td>Description</td>
<td>Quantity</td>
<td>Rate</td>
<td>Details</td>
<td>Date</td>
</tr>
<tr>
<td>---</td>
<td>--------------------------------------------------</td>
<td>----------</td>
<td>------------</td>
<td>--------------------------</td>
<td>--------</td>
</tr>
<tr>
<td>12</td>
<td>Improvements (8)</td>
<td></td>
<td>$59.50/lot</td>
<td>$0.55/1.f. of trench</td>
<td>7-1-108</td>
</tr>
<tr>
<td>13</td>
<td>Other work not listed (10)</td>
<td></td>
<td>To be calculated</td>
<td></td>
<td>7-1-108</td>
</tr>
<tr>
<td>14</td>
<td>Install refractor steel pole</td>
<td></td>
<td>$40.50/each</td>
<td></td>
<td>7-1-108</td>
</tr>
<tr>
<td>15</td>
<td>Added refractor steel pole</td>
<td></td>
<td>$9.00/each</td>
<td></td>
<td>7-1-108</td>
</tr>
<tr>
<td>16</td>
<td>Install mast arm wood pole</td>
<td></td>
<td>$101.00/each</td>
<td></td>
<td>7-1-108</td>
</tr>
<tr>
<td>17</td>
<td>Added mast arm wood pole</td>
<td></td>
<td>$76.00/each</td>
<td></td>
<td>7-1-108</td>
</tr>
</tbody>
</table>
(1) Where no fee is shown, the work is to be performed by others as needed.

(2) Small laterals or extensions designed and drawn by the City shall pay an additional $3.50/1.f.

(3) Utility relocation required for City projects is not subject to a charge.

(4) (Deleted)

(5) Costs shall be paid for emergency or other work performed by City for public health and safety in addition to the following minimum charges:

   a. Cleanup or dust control $288.00 per street
   b. Temporary paving $220.00 per street
   c. Temporary barricades $125.00 per each

(6) Permits are required for all work done in all public rights of way, including public utility easements.

(7) For lots greater than 100' frontage, each 100' or part thereof is considered to be one "lot", (distance to be measured to nearest 100 feet).

(8) Improvements not otherwise listed such as water line extensions, irrigation lines, irrigation line replacements, storm drain lines.

(9) Chargeable only when paving is done by City.

(10) To be calculated by Director of Engineering in each instance, based on the actual cost of doing the work including overhead.
MODESTO CITY COUNCIL
RESOLUTION NO. 90-844

A RESOLUTION ESTABLISHING FILING FEES FOR SPECIAL ASSESSMENT DISTRICT FINANCING AND RESCINDING RESOLUTION NO. 89-1146.

WHEREAS, increased use of Special Assessment District Financing is foreseen, and

WHEREAS, applications for Special Assessment District Financing require significant staff time and may or may not result in a district formation, and

WHEREAS, the Public Works and Transportation Director has estimated the preliminary staff work for Special Assessment District Financing is at least $3,295.00, and

WHEREAS, City staff has recommended an increase in the filing fees for Special Assessment Districts to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the filing fee for Special Assessment District Financing is hereby established in the sum of $3,295.00.

BE IT FURTHER RESOLVED that Resolution No. 89-1146 adopted by the Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that the fee established by this resolution shall become effective on and after January 1, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: Norrine Coyle, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-845

A RESOLUTION ESTABLISHING FILING FEES FOR SPECIAL ASSESSMENT BENEFIT DISTRICTS FOR LANDSCAPING AND RESCINDING RESOLUTION NO. 89-1148.

WHEREAS, increased use of Special Assessment Benefit Districts For Landscaping (SABDL) is unforeseen, and

WHEREAS, applications for Special Assessment Benefit Districts For Landscaping require significant staff time and may or may not result in a district formation, and

WHEREAS, the Public Works and Transportation Director has estimated the preliminary staff work for Special Assessment Benefit Districts For Landscaping at a minimum of $2,823.00, and

WHEREAS, City staff has recommended an increase in the filing fee for Special Assessment Benefit Districts for landscaping to reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the filing fee for Special Assessment Benefit Districts For Landscaping is hereby established in the sum of $2,823.00.

BE IT FURTHER RESOLVED that Resolution No. 89-1148 adopted by the Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that the fee established by this resolution shall become effective on and after January 1, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By, STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-846

A RESOLUTION ADOPTING A FEE IN CONNECTION WITH MAINTENANCE
OF ROCKWELLS AND RESCINDING RESOLUTION NO. 89-137.

WHEREAS, Section 7-1.108 of the Modesto Municipal Code provides that
fees for services performed by the City of Modesto pursuant to Chapter 1 of
Title VII of the Modesto Municipal Code relating to street improvements shall
be in accordance with a schedule of fees adopted by the City Council from time
to time by resolution, and

WHEREAS, City staff has recommended changes to said rockwell
maintenance fee to reflect increased costs, and

WHEREAS, the Council held a public hearing at its regular meeting on
October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that a Rockwell Maintenance Fee of One Thousand Ninty and no/100ths
($1,090.00) Dollars per rockwell is hereby adopted. The fee will be payable
prior to approval of the final subdivision map or prior to issuance of an
encroachment permit, whichever occurs first. In those instances where
rockwells are not shown on improvement plans, the number of rockwells for fee
collection purposes shall be calculated on the basis of one rockwell for each
12,000 square feet of right of way to be drained. Any fraction shall be
considered an additional rockwell. The fee shall be adjusted at the first of
each year by the Building Cost Index of the United States as published by
Engineering News-Record, a McGraw-Hill publication.

BE IT FURTHER RESOLVED that pursuant to Section 15273 of the State
CEQA guidelines this resolution is exempt from CEQA because the fees
established by this resolution will be collected for the purpose of obtaining funds which are necessary to maintain the current level of rockwell maintenance services within the City.

BE IT FURTHER RESOLVED that Resolution No. 89-1137 adopted by the Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that this resolution shall become effective on and after January 1, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
A RESOLUTION ALLOWING THE SALE OF ELECTRONIC DATA AND
ESTABLISHING A FEE TO BE CHARGED BY ALL CITY DEPARTMENTS
FOR THE SALE OF ELECTRONIC DATA AND RESCINDING RESOLUTION
NO. 89-1149.

WHEREAS, various departments within the City of Modesto are, from
time to time, requested to sell electronic computer data which may be in the
form of either tapes or floppy disks, and

WHEREAS, the sale of such data falls under the provisions of Section
6256 of the Government Code, and

WHEREAS, City staff recommends that all departments within the City
be allowed to sell computer data and charge a fee for said data, and

WHEREAS, City staff has recommended an increase in the minimum fee
to be charged for the sale of electronic data to reflect increased costs, and

WHEREAS, the following conditions and fees shall be applicable to
t all such City departments preparing and selling such data:

1. Any sale of electronic data shall be in accordance with the
provisions of Section 6255, et seq. of the Government Code.

2. Fees chargeable for preparing and selling data shall include:
   a. The actual cost in terms of staff time plus overhead and
      benefits for writing the programs and other actions
      necessary to place the data in transmittable form; the
      minimum amount to be charged being the sum of $15.50.
   b. The cost of the media (tape or disk), if furnished by the
      City.
c. The sum of $42.00 per megabyte (approximately 250 pages of data) sold. The fee per megabyte of data shall be prorated for fractions of megabytes, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that all departments within the City shall be allowed to sell electronic data and charge a fee for said data to include the actual cost in terms of staff time plus overhead and benefits for writing the programs and other actions necessary to place the data in transmittable form in a minimum amount of $15.50, together with the cost of the tape or disk if furnished by the City, and the sum of $42.00 per megabyte or proration thereof for fraction of megabyte provided.

BE IT FURTHER RESOLVED that Resolution No. 89-1149 adopted by the Council on November 21, 1989, is hereby rescinded effective December 31, 1990.

BE IT FURTHER RESOLVED that the fees established by this resolution shall become effective on and after January 1, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-848

A RESOLUTION APPROVING A FEE SCHEDULE FOR DUMPING OF SEPTIC WASTE AT THE SEWAGE TREATMENT PLANT AND RESCINDING RESOLUTION NO. 89-1135.

WHEREAS, Section 5-6.02 of the Modesto Municipal Code provides that each person owning property within the Sewer District shall pay a sewer service charge to the City in accordance with rates and charges as established by the Council from time to time by resolution, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that a fee of Twelve and 50/100ths ($12.50) Dollars shall be charged per 1000 gallons for the dumping of septic tank waste at the sewage treatment plant.

BE IT FURTHER RESOLVED that the rates established by this resolution shall become effective on and after January 1, 1991.

BE IT FURTHER RESOLVED that Resolution No. 89-1135 adopted by the Council on November 21, 1989, is hereby rescinded effective December 31, 1990.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: NORRINE COYLE, City Clerk

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 90-849

A RESOLUTION ESTABLISHING FEES AND CHARGES FOR DOCUMENTS
AND TRANSCRIPTS OBTAINED FROM THE CITY OF MODESTO AND
RESCINDING RESOLUTION NO. 88-452.

WHEREAS, upon request, documents and transcripts are made available
to the public by various departments of the City, and

WHEREAS, the Council has periodically established fees and charges
for obtaining said documents and transcripts, and

WHEREAS, City staff has recommended an increase in said fees and
charges do reflect increased costs, and

WHEREAS, the City Council held a public hearing at its regular
meeting on October 16th, 1990, to consider the recommended changes,

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

SECTION 1. The fees and charges set forth on Exhibit "A", which is
attached hereto and made a part hereof as if set forth herein, are hereby
established for the documents and transcripts listed thereon, and which are
obtained from the City of Modesto.

SECTION 2. No fees or charges shall be charged to governmental
agencies which obtain documents, transcripts, etc.

SECTION 3. Resolution No. 88-452 adopted by the Council on June 21,
1988, is hereby rescinded effective December 31, 1990.

SECTION 4. Rates established by this resolution shall become
effective on and after January 1, 1991.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: NORMINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney
**Title/Description**

**A. City Clerk**

1. Modesto Municipal Code*
   
   a. Municipal Code (without binder) $100.00/ea
   b. Municipal Code binder (without Title X) 11.00/ea
   c. Municipal Code binder (with Title X) 7.85/ea
   d. Continuing Code service, per year 88.00/yr
   e. Individual Subjects/Titles/Articles:
      
      1. Business, Professions & Trades 3.80/ea
      2. CATV 2.80/ea
      3. Charter 3.80/ea
      4. Health 3.10/ea
      5. Planning & Zoning 16.75/ea
      6. Public Utilities 5.10/ea
      7. Public Works 3.80/ea
      8. Sales, Use & Admissions Tax 4.85/ea
      9. Sign Regulations 3.80/ea
     10. Subdivision of Land 4.95/ea
   
   f. Individual Code pages .45
      (The City Clerk is authorized to not charge persons requesting a small number of individual Code pages.)

2. City Council Agendas or Minutes 56.75/ea/yr

3. Request to Continue Public Hearings Concerning Rezoning, Prezoning, Conditional Use Permit, Unclassified Use Permit or Variance 17.00

**B. General Reproduction**

1. Copies of any Official City Documents (other than maps or prints)
   
   a. First Copy .25/page
   b. Additional copies .10/page
      (FPPC regulation sets 10¢ each for copies of Economic Interest and campaign statements)

**EXHIBIT "A"**
C. Transcripts

D. Base Map/Zoning Map* $ 8.70

E. Notice of Intent to Circulate Initiative Petition $200.00

To be refunded after Clerk certifies sufficiency of petition.

*These fees exclude postage and handling which may be added if mailing if required.
MODESTO CITY COUNCIL
RESOLUTION NO. 90-850

A RESOLUTION ADOPTING A SCHEDULE OF FEES AND CHARGES FOR WATER SERVICE IN THE CITY OF MODESTO AND RESCINDING RESOLUTION NO. 89-1136.

WHEREAS, Sections 11-1.04, 11-1.05, 11-1.06, 11-1.09, and 11-1.14 of the Modesto Municipal Code, provide that a schedule of fees and charges to be charged to consumers for water services are to be established and set by the Council from time to time by resolution, and

WHEREAS, the Council has previously adopted such a schedule of fees and charges for water service, and

WHEREAS, the City staff has recommended a change in said schedule of fees and charges to be charged to consumers for water services in the City of Modesto to reflect increased costs of construction, and

WHEREAS, the City Council held a public hearing at its regular meeting on October 16th, 1990, to consider the recommended changes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the following schedule of fees and charges for water service to be charged to consumers for water services in the City of Modesto:

RESCINDED

1991-489

THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO.
## SCHEDULE OF FEES AND CHARGES
### FOR WATER SERVICES

<table>
<thead>
<tr>
<th>Modesto Municipal Code Reference</th>
<th>Name of Fee or Charge and Itemization</th>
<th>Fee or Charge</th>
</tr>
</thead>
<tbody>
<tr>
<td>11-1.04</td>
<td>Water service installation charges</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1&quot; service</td>
<td>$825.00</td>
</tr>
<tr>
<td></td>
<td>1-1/2&quot; service</td>
<td>850.00</td>
</tr>
<tr>
<td></td>
<td>2&quot; service</td>
<td>925.00</td>
</tr>
<tr>
<td></td>
<td>4&quot;-6&quot; service</td>
<td>2,300.00</td>
</tr>
<tr>
<td></td>
<td>8&quot; service</td>
<td>2,500.00</td>
</tr>
<tr>
<td></td>
<td>10&quot; or larger service</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Connection to existing main</td>
<td>1,850.00</td>
</tr>
<tr>
<td>11-1.04</td>
<td>Additional Charge for each water service installation involving pavement removal and/or replacements.</td>
<td>$220.00</td>
</tr>
<tr>
<td></td>
<td>Water system fee – for each square foot of gross lot area of property served in territory within city limits. This fee pays for pump stations, all 10&quot; and larger lines and fire hydrants installed at minimum spacing.</td>
<td>.03*</td>
</tr>
<tr>
<td></td>
<td>Water system fee – for each square foot of gross lot area of property served in territory outside city limits. This fee pays for pump stations, all 10&quot; and larger lines and fire hydrants installed at minimum spacing.</td>
<td>.03</td>
</tr>
<tr>
<td>11-1.05(a)</td>
<td>Water main connection charges in territory within City limits for each linear foot of lot frontage adjacent to any City water lateral providing service to property. This fee may be waived when property owner has already participated in the installation cost of said water lateral.</td>
<td>15.50</td>
</tr>
<tr>
<td></td>
<td>Water detector check valve, 4 in.</td>
<td>400.00</td>
</tr>
<tr>
<td></td>
<td>Water detector check valve, 6 in.</td>
<td>500.00</td>
</tr>
<tr>
<td></td>
<td>Water detector check valve, 8 in.</td>
<td>850.00</td>
</tr>
<tr>
<td></td>
<td>Credit for volunteer installation of fire sprinklers in single-family dwellings and duplexes.</td>
<td>50.00</td>
</tr>
</tbody>
</table>
Credit for volunteer installation of fire sprinklers in condominiums and town houses, per dwelling unit.

Credit for volunteer installation of fire sprinklers in apartment houses, percent of normal charge

11-1.05(b)  
Water main connection charges in territory outside City limits for each linear foot of lot frontage adjacent to any City water lateral providing service to property. This fee may be waived when property owner has already participated in the installation cost of said water lateral.

Credit for volunteer installation of fire sprinklers in single-family dwellings and duplexes.

Credit for volunteer installation of fire sprinklers in condominiums and town houses, per dwelling unit.

Credit for volunteer installation of fire sprinklers in apartment houses, percent of normal charge

11-1.05(c) (4)  
Fire hydrant installation, each

<table>
<thead>
<tr>
<th>Size</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1&quot; meter</td>
<td>$265.00</td>
</tr>
<tr>
<td>1&quot; meter with traffic lid</td>
<td>325.00</td>
</tr>
<tr>
<td>1-1/2&quot; meter</td>
<td>375.00</td>
</tr>
<tr>
<td>1-1/2&quot; meter with traffic lid</td>
<td>490.00</td>
</tr>
<tr>
<td>2&quot; meter</td>
<td>545.00</td>
</tr>
<tr>
<td>2&quot; meter with traffic lid</td>
<td>600.00</td>
</tr>
<tr>
<td>4&quot; meter</td>
<td>2,700.00</td>
</tr>
<tr>
<td>6&quot; meter</td>
<td>3,830.00</td>
</tr>
<tr>
<td>8&quot; meter</td>
<td>7,100.00</td>
</tr>
</tbody>
</table>

Fire hydrant line to main per lineal foot 3.50
Additional charge for each hydrant installation involving pavement removal and/or replacement.
Fire main test 87.00

11-1.09  
Fire hydrant charge for construction water used.

<table>
<thead>
<tr>
<th>Size</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>COST OF WATER</td>
</tr>
<tr>
<td>Description</td>
<td>Fee</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>Water bill delinquent charge. (LATE CHARGE)</td>
<td>3.50</td>
</tr>
<tr>
<td>Water disconnection NOTICE.</td>
<td>10.00</td>
</tr>
<tr>
<td>Water Disconnect</td>
<td>10.00</td>
</tr>
<tr>
<td>Water Reconnect</td>
<td>10.00</td>
</tr>
<tr>
<td>Unauthorized Reconnect</td>
<td>25.00</td>
</tr>
<tr>
<td>Lock Breakage</td>
<td>50.00</td>
</tr>
<tr>
<td>(plus lock)</td>
<td></td>
</tr>
<tr>
<td>Cut Waterline</td>
<td>300.00</td>
</tr>
</tbody>
</table>

*(This fee does not apply to any parcel included in a subdivision recorded prior to June 7, 1978. For any parcel included in a reimbursement agreement, the fee shall be charged in accordance with the agreement.)*
BE IT FURTHER RESOLVED that except as otherwise provided herein, the above schedule of fees and charges shall become effective on and after January 1, 1991.

BE IT FURTHER RESOLVED that Resolution No. 89-1136, adopted by the Council November 21, 1989, is hereby rescinded on the effective dates of the various fees and charges as set forth herein.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1990, by Councilmember Lang, who moved its adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Bird, Dobbs, Lang, Muratore, Mayor Whiteside

NOES: Councilmembers: Patterson

ABSENT: Councilmembers: Irizarry

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By STAN T. YAMAMOTO, City Attorney

091790 -5- 4769CA