RESOLUTION APPROVING THE FINAL MAP OF ROSE VILLAS TWO SUBDIVISION, AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE A SUBDIVISION AGREEMENT WITH MODESTO MABLE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY AND AUTHORIZING THE CITY CLERK TO CERTIFY THE FINAL MAP AND RECORD IT WITH THE STANISLAUS COUNTY RECORDER’S OFFICE

WHEREAS, MODESTO MABLE, LLC, a California limited liability company ("SUBDIVIDER"), is in possession of a tract of land situated in the City of Modesto, County of Stanislaus, consisting of 9.43 acres, known as the ROSE VILLAS TWO SUBDIVISION ("SUBDIVISION"), in the Planned Development Zone, P-D 373, and

WHEREAS, a tentative map of said tract was approved by the Planning Commission of the City of Modesto on December 6, 2010, and

WHEREAS, the first phase of the tentative map, Rose Villas One, was approved by City Council on September 1, 2015, and

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

WHEREAS, the project is currently under construction and the public improvements have not yet been completed, and

WHEREAS, as required by Section 4-4.605 of the Modesto Municipal Code, the SUBDIVIDER has executed a Subdivision Agreement with the City, and

WHEREAS, the City Engineer of the City of Modesto has certified that the final map of said SUBDIVISION meets all of the provisions of the California Subdivision
Map Act and the provisions of the Modesto Municipal Code relating to subdivisions, and
the City Surveyor has determined that the map is technically correct, and

WHEREAS, the SUBDIVIDER has furnished securities, as set forth in Section 4-
4.605 of the Modesto Municipal Code, which shall secure the obligations set forth in
Section 66499.3 of the Government Code of the State of California. Said securities are in
forms acceptable to the City Attorney and in the amounts required by the City Engineer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that said Final Map be approved; that the dedications for public streets 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 Manager or designee be authorized to execute the
Subdivision Agreement.

BE IT FURTHER RESOLVED 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.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

SEAL

APPROVED AS TO FORM:
By: 

ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING FISCAL YEARS 2015-2016 AND 2016-2017
ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGETS

WHEREAS, a financial analysis has been completed and it has been determined
that a budget adjustment is required to the Annual and Capital Improvement Budgets of
the City of Modesto for Fiscal Years 2015-2016 and 2016-17,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves amending the Fiscal Years 2015-2016 and 2016-17 Annual
Operating and Capital Improvement budgets as shown in Exhibit A, which is attached
hereto and incorporated by reference herein.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his designee, is
hereby authorized to take the necessary steps to implement the provisions of this
resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
EXHIBIT A

FISCAL YEAR 2015-16

PUBLIC WORKS
A budget adjustment is necessary to move $570,000 in Revenue and $380,339 in Expense from Fund 1360, a Special Revenue Fund, to Fund 4893, Carpenter Road Landfill to correctly identify these funds in an Enterprise Fund, not a Special Revenue Fund.

FISCAL YEAR 2016-17

PUBLIC WORKS
A budget adjustment is necessary to move $550,355 in Revenue and $545,006 in Expense from Fund 1360, a Special Revenue Fund, to Fund 4893, Carpenter Road Landfill to correctly identify these fund in an Enterprise Fund, not a Special Revenue Fund.

A budget adjustment is necessary to increase the budget for Project #100632 – Right Turn Lane McHenry to Briggsmore Ave to a total budget of $1,052,930. Additional funding was recently awarded by the Department of Transportation (Caltrans) from $335,000 to $858,630. A local match of $4,000 is needed and will be covered by the Streets Capital Facility Fee Fund where the project resides. A budget adjustment needs to be made to: 1) Recognize the additional revenue and increase the budget by $523,630 from Caltrans, 2) Increase the revenue budget in the Capital Facility Fees Account by $4,000 from $190,300 to $194,300, and 3) Increase the Engineering/Design/Admin expense task, reduce the Land Acquisition and Utility and EIR expense tasks, and establish the Construction, Contingency – CIP and Construction Administration expense tasks to match the total budget of $1,052,930.

UTILITIES
A budget adjustment is necessary to create and establish the budget for Project #100977 – Tank 6 Recoat & Repairs, and transfer $582,000 from Water Fund CIP Reserves to Construction Administration, City Construction Forces, Construction, Contingency-CIP and Engineering/Design/Administration expense budgets.
RESOLUTION MAKING FINDINGS THAT THE CARPENTER ROAD PLANNING AREA SOCCER COMPLEX IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (SCH NO. 2007072023)

WHEREAS, on October 14, 2008, the City Council of the City of Modesto by Resolution No. 2008-583, certified the Final Master Environmental Impact Report (“Master EIR”) (SCH No. 2007072023) for the Modesto Urban Area General Plan, and

WHEREAS, City of Modesto Department of Parks, Recreation, & Neighborhoods has proposed development of the Carpenter Road Planning Area Soccer Complex on parcels at the southern terminus of Sutter Avenue, north of the Sutter Wastewater Treatment Facility, and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/PRN 2016-007 (“Initial Study”) which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines and section 21092 of the Public Resources Code, beginning on September 19, 2016, the City caused to be published a 20-day notice of the City’s intent to make a finding that the subsequent project conforms with the Master EIR, and
WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on October 11, 2016, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council has reviewed and considered the Initial Study prepared for the proposed Carpenter Road Planning Area Soccer Complex, a copy of which is attached hereto as Exhibit “A”, and incorporated herein by reference, and based on substantial evidence in the Initial Study makes the following findings:

1. An Initial Study was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Master EIR and whether the subsequent project was described in the Master EIR as being within the scope of the report.

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

3. No new or additional mitigation measures or alternatives are required.

4. The subsequent project is within the scope of the project covered by the Master EIR.

5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

6. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

BE IT FURTHER RESOLVED by the Council of the City of Modesto that the Community & Economic Development Director is hereby authorized and directed to file
a notice of approval or determination within five (5) business days with the Stanislaus County Clerk pursuant to Section 21152 of the Public Resources Code.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
EXHIBIT A

Initial Study

No. EA PRN2016-007
Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist
C&ED No. EA/PRN 2016-007

For the proposed:
Carpenter Road Planning Area Soccer Complex

Prepared by:
City of Modesto
Community & Economic Development Department
Planning Division

September 2016
I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City’s Master Environmental Impact Report (“Master EIR” or “MEIR”). This Initial Study Environmental Checklist (“Initial Study”) is used in determining whether the Carpenter Road Planning Area Soccer Complex is “within the scope” of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) and Tuolumne River Regional Park Master Plan Master EIR (SCH#2000022028) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a finding of conformance.

A subsequent project is “within the scope” of the Master EIR when:

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and

2. no new or additional mitigation measures or alternatives are required.

“Additional significant effects” means a project-specific effect that was not addressed as a significant effect in the Master EIR. [Public Resources Code Section 21158(d)]

The determination must be based on substantial evidence in the record. “Substantial evidence” means facts, reasonable assumptions predicated upon facts, or expert opinion based on facts. It does not include speculation or unsubstantiated opinion. (CEQA Guidelines Section 15384)

This project is an identified subsequent project of the Tuolumne River Regional Park Master Plan and the Master EIR (SCH #2000022018) for that document was utilized in the preparation of this environmental document. The Tuolumne River Regional Park Master Plan Master EIR was tiered from Modesto’s General Plan EIR (SCH #2007072023), which was used in the preparation of this environmental document. Additionally information contained in the Grogan Park Mitigated Negative Declaration (SCH #2004062131), which evaluated a project very similar to the proposed project, was used in the preparation of this document.

II. PROJECT DESCRIPTION

A. Title: Carpenter Road Planning Area Soccer Complex

B. Address or Location: Parcels at the southern terminus of Sutter Avenue, north of the Sutter Wastewater Treatment Facility on the following parcels:

   037.023.002, approximately 28.1 acres
   037.024.040, approximately 11.8 acres
   037.025.049, approximately 8.8 acres

C. Applicant: City of Modesto Department of Parks, Recreation, & Neighborhoods

D. City Contact Person: Cindy van Empel, Senior Planner
E. Current General Plan Designation(s):
   In Modesto city limits--OS (Open Space)
   Sphere of Influence, Modesto General Plan--MU (Mixed Use)
   Sphere of Influence, County General Plan—LDR (Low Density Residential)

F. Current Zoning Classification(s):
   In Modesto city limits—R-1, Low-Density Residential
   Sphere of Influence, County zoning—RA, Rural Residential

G. Surrounding Land Uses:
   North: Single family and multi-family residential development, church
   South: Sutter Wastewater Treatment Facility
   East: Sutter Wastewater Treatment Facility and Dryden Golf Course
   West: Single family residential development and Tuolumne River Regional Park

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

   The proposed Carpenter Road Planning Area Park Soccer Complex ("Soccer Complex") comprises three parcels totaling approximately 42 acres, including the existing Bellenita Park. The proposed Soccer Complex lies entirely within the confines of the Tuolumne River Regional Park (TRRP) JPA authority. The location of the project is shown on Figure 1.

   The existing soccer field at Bellenita Park would be retained and 11 fields would be added for a total of 12 soccer fields. The plan includes support amenities such as an approximately 800-space parking lot, landscaping, security lighting in the parking lot, fencing around the new soccer fields, accessible pathways around the parking lot, renovation of the existing playground and restroom at Bellenita Park, and a new restroom/concession building in the middle of the complex. Figure 2 is the conceptual plan for this project. The complex will include a fully functional and efficient irrigation system for all the landscape areas. All storm water from the site will be collected in storm drainage swales or basins around the site and is intended to drain within a maximum of 48 hours. Finally, it is anticipated that John Street, Hayes Street and Robertson Road will be improved to full width including sidewalks, streetlights and street trees along the frontage of the project. There is no public announcement system or sports field lighting included in this project. As a result, games, tournaments, and practice will be limited to daylight hours.

   Either the City of Modesto or Stanislaus Youth Soccer League (SYSL) will manage booking of games, practices, and tournaments, with some time set aside for events by the City of Modesto. Tournaments are expected to occur on approximately six (6) weekends annually, most likely between April and November.

   Modesto and Stanislaus County are parties to the Tuolumne River Regional Park Joint Powers Agreement, which allows Modesto to administer the portion of the proposed soccer complex that lies outside of Modesto. Stanislaus County will retain ownership of and jurisdiction over
the two westernmost parcels (037.024.040 and 037.025.049), while Modesto will retain ownership of and jurisdiction over the easternmost parcel (037.023.002).

The proposed Soccer Complex will likely be constructed in three phases, though adjustments to this phasing may be necessary due to funding availability.

**Phase I** - Renovation of the existing Bellenita Park soccer field and construction of up to two additional soccer fields adjacent to Bellenita Park. This phase will likely include temporary parking with aggregate base parking lots. The storm drainage swales adjacent to the new fields will be constructed. No lighting or other amenities are anticipated in this phase.

Phase II - Construction of up to three more soccer fields and a portion of the parking lot along John Street will be fully developed including lighting (parking area only) and pavement. This phase may include full width development of John Street including improvements to the street section and sidewalks. There will likely be some site amenities, fencing and parking lot landscaping that will be installed with this phase, in addition to the necessary storm drainage swales or basins required for the area developed. This phase may include replacement of the restroom and playground at Bellenita Park.

**Phase III** - Construction of the remaining six soccer fields, the remaining parking areas, the concession and restroom building, additional fencing, additional storm drainage improvements, and full width development of Hayes Street and Robertson Road, including sidewalks, along the frontage of the project. The restroom is not intended to serve the number of people who would likely be present for a tournament. Similar to Grogan Park, portable toilets will be necessary for larger events.

I. Other Public Agencies Whose Approval is Required:
   - Regional Water Quality Control Board
   - San Joaquin Air Pollution Control District
Proposed Tuolumne River Regional Park Soccer Complex
Figure 1 - Vicinity Map
Figure 2, Site Plan
III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. **Within the Scope** - The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

   A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.

   B. No new or additional mitigation measures or alternatives are required.

   C. The subsequent project is within the scope of the project covered by the Master EIR.

   D. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   E. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

2. **Mitigated Negative Declaration Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR.

   B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

   C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less-than-significant level.

   D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.

3. **Focused EIR Required** - On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

   A. The subsequent project is within the scope of the project covered by the Master EIR.
B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

D. No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified, and no new information, which was not known and could not have been known at the time that the Master EIR was certified as complete, has become available.
4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MEIR if certain criteria are met. If the following statements are found to be true for all 21 impact categories included in this Initial Study, then the proposed project is addressed by the MEIR analysis and is within the scope of the MEIR. Any “No” response must be discussed.

| (1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR. | YES | NO |
| (2) City policies which reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place and mitigation measures attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using MEIR mitigations only. | YES | NO |
| (3) Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR). | YES | NO |
| (4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources. | YES | NO |
| (5) The development will occur within the boundaries of the City’s planning area as established in this Urban Area General Plan. | YES | NO |
| (6) Development within the project will comply with all appropriate mitigation measures contained and enumerated in the 2008 General Plan Master EIR. | X | NO |

Discussion:

(1) The Lead Agency for this project is the City of Modesto. For the portion of the proposed soccer complex that lies outside of Modesto in an unincorporated area of Stanislaus County and within Modesto’s Sphere of Influence, Modesto will administer the project.

(2) All relevant General Plan policies and Tuolumne River Regional Park Master Plan policies have been applied to the Carpenter Road Planning Area Soccer Complex project.

(3) The proposed Soccer Complex does not include changes to federal, state, or local regulations.

(4) The City of Modesto has received no information from either responsible or trustee agencies regarding the presence of resources that were not identified by the General Plan Master EIR or the Tuolumne River Regional Park Master Plan Master EIR.

(5) A portion of the project site lies outside the City of Modesto, but within the City’s Sphere of Influence.

(6) All relevant mitigation measures from the General Plan Master EIR and Tuolumne River Regional Park Master Plan Master EIR have been applied to the Carpenter Road Planning Area Soccer Complex project.
5. Currency of the Master EIR Document

The MEIR should be reviewed on a regular basis to determine its currency, and whether additional analysis/mitigation should be incorporated into the MEIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 21 of this document in light of the criteria listed below to determine whether the MEIR is current. The analysis contained within the Master EIR is current as long as the following circumstances have not changed. Any “no” response must be explained.

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<tbody>
<tr>
<td>(1)</td>
<td>Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project.</td>
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<tr>
<td>(2)</td>
<td>This project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings:</td>
</tr>
<tr>
<td>(a)</td>
<td>No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified.</td>
</tr>
<tr>
<td>(b)</td>
<td>No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available.</td>
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<tr>
<td>(c)</td>
<td>Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development.</td>
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Discussion:

(1) The General Plan Master EIR was certified on October 14, 2008, so more than five years has passed since the MEIR was certified. However, the analysis contained in the MEIR is still adequate for subsequent projects, as documented in the discussion below.

(2) The project is consistent with the analysis contained in the MEIR. This is documented in the discussion of the individual issue areas of this initial study.

(2)(a) There have been no substantive changes to the General Plan since the MEIR was certified that would create additional significant environmental effects that were not analyzed by the MEIR.

(2)(b) There has been no new information come to light that would affect the adequacy of the analysis contained in the MEIR.

(2)(c) All policies contained in the MEIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect on the environment that was not examined in the Final Master EIR (Master EIR or MEIR) for the General Plan and Tuolumne River Regional Park Master Plan Master EIR (TRRP Master EIR or TRRP MEIR) and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is “within the scope” of both Master EIRs.
Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the MEIR. Adoption of the findings specified in Section III.1, above after completion of the Initial Study fulfills the City’s obligation in that situation.

All environmental effects cited reflect 2025 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty-one subject areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.
1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigations/policies:

**Direct Impacts**

**Effect**: Increased automobile traffic will result in roadway segments (see MEIR on Table 1-7, pages V-1-32 to V-1-34) operating at LOS D, Modesto’s significance threshold for automobile traffic, or lower (LOS E or F).

**Effect**: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG’s Congestion Management Plan for designated roads and highways.

**Effect**: A substantial increase in automobile vehicle miles traveled and automobile vehicle hours of travel and a decrease in average automobile vehicle speed (see MEIR Table 1-6, page V-1-31).

**Cumulative Impacts**

**Effect**: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

**Effect**: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

**Effect**: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also Section 2, Degradation of Air Quality; Section 3, Generation of Noise; Section 7 Loss of Sensitive Wildlife and Plant Habitat; Section 8, Disturbance of Archaeological/Historic Sites; Section 14 Increased Demand for Fire Services; Section 18, Energy; Section 19, Visual Resources; Section 20, Land Use and Planning, and Section 21, Climate Change).

b. Master EIR and/or New Mitigation Measures Applied to the Project

Traffic and Circulation mitigation measures pertinent to this project are found on General Plan MEIR pages V-1-9 through V-1-28 and on TRRP Master Plan MEIR pages IV-A-1 through IV-A-26. All mitigation measures appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

**Discussion:**

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur greater than the impacts disclosed in the General Plan Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.
c. Project-Specific Effects

Section V-1.B of the General Plan Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan and Section IV-A of the Tuolumne River Regional Park Master Plan Master EIR. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in either the General Plan Master EIR or the TRRP Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following criteria:

<table>
<thead>
<tr>
<th>1. TRAFFIC AND CIRCULATION</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project exceeds traffic generation assumptions in the Master EIR for the site by 100 trips or more and City Engineering and Transportation staff has determined that the project would have additional potentially significant project-specific effects that are not avoided or reduced by the Master EIR's mitigation measures.</td>
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<td>2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
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<td>3) The proposed project would cause additional roadway segments in the General Plan area to exceed LOS D and/or cause additional violations of standards in the Congestion Management Plan, and/or cause an increase in automobile vehicle miles or vehicle hours of travel or a decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.</td>
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<tr>
<td>4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).</td>
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<td>5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.</td>
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<td>6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.</td>
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</table>
Discussion:

(1-3) The project site is designated OS (Open Space) and MU (Mixed Use) in the General Plan. The General Plan requires a Traffic Impact Analysis be prepared if a project will generate 100 more PM peak hour vehicle trips than the General Plan traffic model assumed. The General Plan model assumed 286 peak hour vehicle trips from the project site in the future. The proposed Soccer Complex is estimated to result in a maximum of 195 PM peak hour vehicle trips when the project is completed. Because the threshold has not been exceeded, no Traffic Impact Analysis will be required and no impact on peak hour vehicle trips or on Level of Service is expected greater than that evaluated in the General Plan and Tuolumne River Regional Park Master Plan. No mitigation will be applied.

(4) The heaviest traffic period for the proposed Soccer Complex is expected to occur during daylight hours on weekends, when games and possibly tournaments will be scheduled. Game times would be staggered throughout the day, dispersing traffic to and from the site throughout the day, as well. As the level of traffic associated with the proposed project is similar to that expected to occur with General Plan development, no impact on emergency response times in excess of those evaluated in the General Plan Master EIR would be expected to occur. No mitigation will be applied.

(5) When complete, the Carpenter Road Planning Area Soccer Complex would include approximately 800 parking spaces. Modesto’s zoning code specifies that 10 parking spaces must be provided for every usable acre of outdoor recreation space. The project site, including existing Bellenita Park, comprises 42 acres, requiring at least 420 parking spaces. Because the proposed Soccer Complex is expected to have tournaments, a greater need for parking is expected, so approximately 800 spaces will be provided, almost twice the requirement. No impact is expected, as compared to zoning code standards and no mitigation is necessary.

(6) No element of this project conflicts with alternative transportation policies in the General Plan. To facilitate pedestrian traffic to and from the proposed Soccer Complex, Phases II and III include sidewalk and roadway improvements along the frontage of the Soccer Complex. No impact is expected and no mitigation will be applied.

(7) The proposed Soccer Complex is not expected to result in new automobile trips, but to take pressure off of existing facilities. At this time, the Stanislaus Youth Soccer League (SYSL) plays the majority of its games in Ceres, but due to the heavy use of those fields, plays its games at less popular times of the week and during less popular months of the year. Furthermore, most of SYSO’s members live closer to the proposed Soccer Complex than they do to the soccer fields in Ceres, which will result in a reduction in automobile vehicle miles traveled and may also increase the number of people who walk or ride a bicycle to games. No impact is expected to occur and no mitigation will be applied.
2. DEGRADATION OF AIR QUALITY

a. Significant Effects Identified in the Master EIR

The General Plan Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO\textsubscript{x}) (see MEIR Table 2-8, page V-2-27).

**Effect:** Expected automobile traffic will result in increased emissions of particulate matter 10 microns or less (PM\textsubscript{10}) and 2.5 microns or less in diameter (PM\textsubscript{2.5}) (see MEIR Table 2-8, page V-2-27).

**Effect:** Expected automobile traffic will result in increased carbon monoxide (CO) levels in the project area (see MEIR Table 2-7, page V-2-26, and Table 2-8, page V-2-27).

**Cumulative Impacts**

The General Plan Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO\textsubscript{x}, PM\textsubscript{10}, and PM\textsubscript{2.5}.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Air quality mitigation measure(s) pertinent to the proposed project are found on pages V-2-13 through V-2-24 of the General Plan Master EIR and pages IV-B-1 through IV-B-15 in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, Mitigation Measures Applied to Project.

**Discussion:**

General Plan Master EIR mitigation AQ-18 and TRRP Master Plan Master EIR mitigation Air-1 will be applied to the project. These will reduce construction impacts to levels addressed in those Master EIRs.

c. Project-Specific Effects

Section V-2.B of the General Plan Master EIR and Section IV-B of the TRRP Master Plan Master EIR include analysis of air quality impacts. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not analyzed in the Master EIRs.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. DEGRADATION OF AIR QUALITY</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NOₓ, PM_{10}, and PM_{2.5} by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NOₓ, PM_{10}, and PM_{2.5}.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
<tr>
<td>5) The proposed project would create objectionable odors affecting a substantial number of people.</td>
<td>□</td>
<td>□</td>
<td>☒</td>
<td>□</td>
</tr>
</tbody>
</table>

Discussion:

(1-3) The proposed project is less intense than assumptions in the General Plan made for this site. Recreation is expected in the Open Space designation, but the Mixed Use designation allows housing and businesses. Development associated with the Mixed Use designation would result in an overall higher level of tailpipe pollutant emissions than would the proposed Soccer Complex. Construction emissions of PM_{10}, PM_{2.5}, ROG, NOₓ, and CO may temporarily exceed pollutant emissions thresholds, as disclosed in the General Plan Master EIR. General Plan Master EIR mitigation measure AQ-18 and TRRP Master EIR measure Air-1 will be applied to reduce construction emissions to the extent feasible. Additionally, consultation with the San Joaquin Valley Air Pollution Control District is under way and additional dust control measures may be applied. All requirements will be complied with to minimize construction impacts. No impact greater than that disclosed in the General Plan Master EIR would be expected.

(4) When they are held, weekend soccer tournaments are likely to result in the greatest number of cars traveling to and from the proposed Soccer Complex. The project site can be accessed by at least three different pathways (Carpenter-Robertson, Sutter-Robertson, and Roselawn-Garden), which will disperse traffic except at the parking entrances. Furthermore, game times will be staggered throughout the day, dispersing pollutant emissions throughout the day, as well. Considering all of these mitigating factors and comparing impacts to Grogan Park, a similar-sized soccer facility, indicates that tailpipe emissions will be similar to those expected to occur under the General Plan Master EIR development program. No additional impact is expected.
While the soccer complex would not itself create objectionable odors, it will be located adjacent to the Sutter Wastewater Treatment Facility, which occasionally would expose people using the soccer complex to odors. Modesto plans to move some of the functions of the Sutter Wastewater Treatment Facility to the Jennings Road Wastewater Treatment Facility in approximately 10 years, but some potentially odor-producing functions would remain at the Sutter facility. Modesto continues to work implement means to reduce odors, which also extends the life of the wastewater treatment infrastructure.
3. GENERATION OF NOISE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise impacts expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development of the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see MEIR Table 3-3, page V-3-10, and Figure VII-2 and Table 3-6, pages V-3-18 and V-3-19).

**Effect:** Expected noise from airport operations and airport construction projects may expose up to 468 dwellings and three churches to noise levels of 65 dB CNEL and up to eight dwellings to noise levels of 70 dB CNEL.

**Effect:** Expose noise-sensitive land uses to noise from the construction of bicycle and transit projects.

**Effect:** Expose noise-sensitive land uses to noise from freight and passenger rail operations.

**Cumulative Impacts**

**Effect:** Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Noise policies and mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-3-11 through V-3-15 of the General Plan Master EIR, and in the Tuolumne River Regional Park Master Plan Master EIR on pages IV-C-1 through IV-C-19. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project and any new measures are listed in Section V, Mitigation Applied to Project.

**Discussion:**

Mitigation measures N-1, N-2, and N-3 from the General Plan Master EIR and mitigation measure Noise-1 will be applied from the TRRP Master Plan Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the General Plan MEIR and Section IV-C of the Tuolumne River Regional Park Master Plan MEIR disclose noise impacts resulting from development. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not analyzed in the Master EIRs.

**Significance Criteria:** Determination of the proposed project's effects are based on the following thresholds. Project-specific effects will be less than significant unless:
### 3. GENERATION OF NOISE

<table>
<thead>
<tr>
<th>Impact Description</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR implementation of the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

**Discussion:**

1) The proposed Carpenter Road Planning Area Soccer Complex is proposed to exclude lighting and a public address system, which will limit the amount of noise created by games and tournaments and the hours during which noise is created. There will also be no bleachers, so that spectators will be dispersed along the sidelines instead of concentrated. Stanislaus Youth Soccer League, which will be the primary organization using the soccer complex, limits its games to between April and November, when daylight hours allow games to be played into the evening. Games are not expected to continue beyond 9:00 p.m. during June. In June, sunset occurs shortly after 8:30 p.m., as there will be no lighting on the fields. On weekdays, all games and practices will occur in the afternoon and evening before sunset. On weekends, games can be expected from 9:00 a.m. onward throughout daylight hours.

2) The proposed Carpenter Road Planning Area Soccer Complex will comply with all noise policies contained in the General Plan. No impact greater than that analyzed in the General Plan is expected to occur.

3) The existing noise level at residences along John Street, Hays Street, and Robertson Road are estimated to be 53.2 dB Leq on Robertson Road west of Roselawn Avenue and 47.5 dB Leq south of the intersection of John and Hays Streets (Table C-1, TRRP Master Plan MEIR). Predicted noise levels at the houses on John Street nearest the proposed Soccer Complex are 69 dBA (page IV-C-12, TRRP Master Plan MEIR). While this noise level would exceed Modesto's "normally acceptable" level of 60 dBA for residential development, this level of noise would occur during daylight hours and would be limited to weekends and thus would not be a constant increase in noise. Project features such as limiting play to daylight hours and not installing a public address system will limit noise impacts. The predicted noise increase would be audible (greater than 3 dB), but would not be considered significant. Mitigation measures N-1 from the General Plan Master EIR and Noise-1 from the TRRP Master Plan Master EIR will reduce noise impacts to a less-than-significant level.
(4) Construction noise would be temporary. Construction activities that create noise include grading and paving, primarily from the use of construction equipment. A detailed list of equipment that would be used was not available at the time this report was prepared, so the noise from typical equipment was used to estimate construction noise for this study.

<table>
<thead>
<tr>
<th>Table 1: Construction Equipment Noise Emission Levels</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Equipment</strong></td>
</tr>
<tr>
<td>Air compressor</td>
</tr>
<tr>
<td>Backhoe</td>
</tr>
<tr>
<td>Concrete Mixer</td>
</tr>
<tr>
<td>Concrete Pump</td>
</tr>
<tr>
<td>Concrete Vibrator</td>
</tr>
<tr>
<td>Bulldozer</td>
</tr>
<tr>
<td>Excavator/shovel</td>
</tr>
<tr>
<td>Generator</td>
</tr>
<tr>
<td>Grader</td>
</tr>
<tr>
<td>Loader</td>
</tr>
<tr>
<td>Paver</td>
</tr>
<tr>
<td>Scraper</td>
</tr>
<tr>
<td>Truck</td>
</tr>
<tr>
<td><strong>Source:</strong> Mary E. Grogan Park Mitigated Negative Declaration, Table 3-12, 2004, and Federal Transit Administration, 1995.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Table 2: Estimated Construction Noise in Site Vicinity</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Distance to Receptor in Feet</strong></td>
</tr>
<tr>
<td>50</td>
</tr>
<tr>
<td>100</td>
</tr>
<tr>
<td>200</td>
</tr>
<tr>
<td>400</td>
</tr>
<tr>
<td>600</td>
</tr>
<tr>
<td>800</td>
</tr>
<tr>
<td>1,000</td>
</tr>
<tr>
<td>1,500</td>
</tr>
<tr>
<td><strong>This estimate does not consider the effects, if any, of shielding, which may further reduce noise levels.</strong></td>
</tr>
<tr>
<td><strong>Source:</strong> Mary E. Grogan Park Mitigated Negative Declaration, Table 3-13, 2004, and Federal Transit Administration, 1995.</td>
</tr>
</tbody>
</table>

The combined information in these tables indicates that noise from construction activity may exceed existing noise levels in the immediate vicinity of the proposed Soccer Complex by more than 30 dB in a worst-case scenario, which is a significant impact. Construction noise may exceed ambient noise levels by 10 dB up to 600 feet from the site. This impact is temporary in nature and is not expected to occur at all times throughout construction activities, but rather on occasion. In Modesto, construction activities are limited to the hours of 7:00 a.m. to 9:00 p.m. Monday through Friday and 9:00 a.m. to 9:00 p.m. Saturday and Sunday.

Construction noise is an expected impact in both the General Plan Master EIR and in the TRRP Master Plan Master EIR. Construction noise associated with this project is expected to be consistent with typical construction activities evaluated in those Master EIRs. Mitigation measures to be applied to this project are N-2 and N-3 from the General Plan Master EIR. These measures will reduce impacts to a less-than significant level.
4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigations/policies:

Direct Impacts

Effect: Between 1995 and 2025, development of the Urban Area General Plan may convert up to approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,200 acres of urban development along a 28.5-mile boundary 350 feet wide between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto’s planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 26,000 acres of farmland in various categories in the Planned Urbanizing Area from 1995 to 2025.

b. Master EIR and/or New Mitigation Measures Pertinent to the Project

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the General Plan Master EIR. The Tuolumne River Regional Park Master Plan Master EIR did not evaluate impacts on water use because no significant impact was anticipated. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the General Plan Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
### 4. EFFECTS ON AGRICULTURAL LANDS

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project will either directly or indirectly result in the development of land outside the 2008 Urban Area General Plan's planning area boundary.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>

**Discussion:**

(1-4) All of the three properties proposed for development are owned by either the City of Modesto or the County of Stanislaus and none of the three is used for agriculture. Agricultural policies in the General Plan Master EIR do not apply to this project. Developing the subject parcels into a soccer complex is an infill project that places playing fields near where many players live. Because it is in a well-established neighborhood and adds to existing Bellenita Park, it is unlikely to stimulate new development outside the General Plan planning boundary. The proposed Carpenter Road Planning Area Soccer Complex is consistent with both Modesto’s and Stanislaus County’s general plans and zoning. No conflict will occur and no significant impacts are expected.
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts have been disclosed in the Master EIR.

Cumulative Impacts

Effect: Operational yields of the Modesto and Turlock subbasins, both of which underlie the City of Modesto, are unknown, although the City is participating in a study with the United States Geological Survey in order to quantify the operational yields of both subbasins. Groundwater withdrawals from both basins by the City, when combined with other users’ withdrawals, may result in overdrafting both subbasins.

Effect: Despite available options, during drought years, significant water shortages are forecast for the San Joaquin River basin, which includes both the Modesto and Turlock subbasins, by 2020. Modesto would make a cumulatively considerable contribution to the cumulative impact on water supply under drought conditions.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Water supply mitigation measures pertinent to the proposed project are found on pages V-5-6 through V-5-12 of the General Plan Master EIR. The Tuolumne River Regional Park Master Plan Master EIR did not evaluate impacts on water use because no significant impact was anticipated. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation measures will be applied to this project, as no impacts are expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the General Plan Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
### 5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

<table>
<thead>
<tr>
<th>Impact</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>2) Water demand for the proposed project will exceed estimates for similar projects or for development on the project site anticipated in the Urban Area General Plan or sufficient water supplies are not otherwise available to serve the project from existing entitlements and resources.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>3) The proposed project would deplete groundwater supplies to a greater degree than anticipated in the Urban Area General Plan or would interfere with groundwater recharge.</td>
<td>☐</td>
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<td>☑</td>
</tr>
</tbody>
</table>

**Discussion:**

(1-3) Water use for the proposed Carpenter Road Planning Area Soccer Complex was addressed in the Notice of Preparation for the Tuolumne River Regional Park Master Plan Master EIR. This impact was dismissed as having no significant demand on long-term water supplies. Minor water line extensions to the future soccer complex to irrigate the playing fields were anticipated as part of the larger Tuolumne River Regional Park project. The new soccer fields will be planted with drought tolerant grass to reduce water needs and any landscaping with utilize native and drought tolerant plants. No impact is expected to occur that is greater than that analyzed in the General Plan Master EIR.
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigations/policies:

**Direct Impacts**

**Effect:** Development resulting from implementation of the Urban Area General Plan will require substantial new sewage treatment and disposal capacity, treatment plant improvements, sewer mains and collection lines, and pump stations. The Wastewater Master Plan anticipates the need for these facilities and its EIR evaluates the impact of developing those facilities. Potential impacts described in the Wastewater Master Plan EIR include degradation of water quality through erosion and chemical releases; localized flooding; construction noise; exposure of construction workers and the public to hazardous materials; and on the habitat of the elderberry longhorn beetle, burrowing owl, and Swainson’s hawk, as well as certain other regulated habitats. All of these impacts are mitigated to a less-than-significant level.

Additional impacts described in the Wastewater Master Plan EIR that are not mitigated to a less-than-significant level include loss of farmland cause by construction of the Phase IA tertiary treatment facility at the Jennings Road Secondary Treatment Facility, an increase in pollutant loads from increased wastewater flows to the San Joaquin River, and an increase in noise and criteria air pollutants due to construction activities, including traffic.

**Cumulative Impacts**

**Effect:** No additional cumulative impacts were identified in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. The Tuolumne River Regional Park Master Plan Master EIR did not evaluate impacts on water use because no significant impact was anticipated. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**Discussion:**

No mitigation will be applied to this project as no impact is anticipated. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project will result in a determination by the wastewater treatment provider which serves or may serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>

Discussion:

(1-3) The proposed soccer complex will use the existing restroom at Bellenita Park and will construct one additional small restroom building. The sewer demand for the project will be less than what is anticipated in the Urban Area General Plan. The proposed soccer complex will use portable toilets for large events, which are not connected to the sewer system. The use of portable toilets essentially eliminates impacts on the sewer system. Waste removed from portable toilets and dumped at appropriate locations in the system would not be expected to exceed the capacity of the local sewage conveyance pipes.
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plant habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring density development than has occurred in the past or that is expected in the future would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Wildlife and plant habitat mitigation measures pertinent to the proposed project are found on pages V-7-17 through V-7-24 of the Master EIR and pages IV-D-1 through IV-D-34 of the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes mitigation measures SWPH-17 (items i, j, and k) from the General Plan Master EIR and Bio-4 and Bio-5 from the Tuolumne River Regional Plan Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the General Plan Master EIR and Section IV-D of the TRRP Master EIR disclose impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
### 7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

<table>
<thead>
<tr>
<th>Impact Category</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the policies pertaining to the loss of sensitive wildlife and plant habitat contained in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) Consultation with the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service determines that the project would have a significant effect on a candidate, sensitive, or special status species in excess of the impact disclosed in the Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act through direct removal, filling, hydrological interruption, or other means, in excess of the impact disclosed in the Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project would substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion:**

1) The proposed Carpenter Road Planning Area Soccer Complex will be implemented consistent with the biological resource policies contained in the General Plan and Tuolumne River Regional Park Master Plan. No impact is expected.

2) No consultation has been deemed necessary. Both the General Plan and Tuolumne River Regional Park Master Plan have been reviewed by the California Department of Fish and Wildlife and appropriate mitigation measures for species that may be affected by development in Modesto have been included. Mitigation measures are drawn from these documents and applied to projects as needed.
(3) There are no wetlands on the project site, which is relatively flat and is regularly disked to reduce fire potential. Furthermore, the entire site lies outside of the banks of the Tuolumne River and its floodway, although it is partially within the 100-year floodplain. No impact is expected.

(4) There are no known nursery sites on the subject parcels. The movements of migratory fish in Tuolumne River will not be impeded by the development of these parcels, which will occur outside of the river and floodway. Grading activities will be limited to and balanced on the subject parcels and so will have no impact on the Tuolumne River or its floodway. However, given the site location and characteristics, it is possible the site may be used as foraging area for Swainson's hawks and may be utilized by burrowing owls. Mitigation measure SWPH-17 (items i, j, and k) from the General Plan Master EIR and measures Bio-4 and Bio-5 from the Tuolumne River Regional Park Master Plan Master EIR will be applied to the project. Implementation of these mitigation measures will reduce project impacts to a less-than-significant level.

(5-6) Modesto has no special ordinances or policies to protect biological resources and there is no habitat conservation plan or other conservation plan within the confines of Modesto or Stanislaus County.
8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological/historical sites expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** Modification resulting in a substantial adverse change in the significance of a historic resource or the demolition of a listed or eligible historic resource.

**Effect:** The modification or demolition of a structure more than 50 years in age may be significant.

**Effect:** Discovery of archaeological resources in areas outside of the riparian corridors, as a result of construction activities.

**Effect:** Construction in an area of high archaeological sensitivity.

**Cumulative Impacts**

**Effect:** No additional cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Archaeological or historic mitigation measures pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-20 of the General Plan Master EIR and pages IV-E-1 through IV-E-15 of the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

**Discussion:**

The appropriate mitigation to be applied to this project includes: General Plan MEIR measure AH-16, TRRP MEIR measures CR-1 and CR-2. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the General Plan MEIR and Section IV-E of the TRRP Master Plan MEIR disclose impacts on archaeological/historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the General Plan or Tuolumne River Regional Park Master Plan Master EIRs.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1)</td>
<td>The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2)</td>
<td>The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3)</td>
<td>The proposed project would modify or demolish a structure more than 50 years in age.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4)</td>
<td>The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>5)</td>
<td>The project site is in a riparian zone (see Figure V-7-1 in the MEIR), where archaeological resources are most likely to be discovered, or is otherwise located in an area of high archaeological sensitivity.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1, 5) Due to the project site’s location near the Tuolumne River, previously unknown cultural resources or human remains may be discovered. Should that occur, mitigation measures AH-16 from the General Plan Master EIR and CR-1 and CR-2 from the Tuolumne River Regional Park Master Plan Master EIR will be implemented. Implementation of these mitigation measures will reduce project impacts to a less-than-significant level.

(2-4) No significant buildings or structures will be demolished as part of this project. The easternmost two parcels are vacant and Bellenita Park has a soccer field, play equipment, and a restroom. The soccer field will be upgraded as part of Phase I. The play equipment and restroom may be upgraded as part of Phase II. These facilities are not considered historic.
9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

**Effect:** The population of Stanislaus County is projected to increase in a fashion similar to that of Modesto, resulting in additional urban development and associated increases in impervious surface area and associated increases in storm water runoff. Cumulative hydrologic impacts of storm water flows from Modesto urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Storm Drainage mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-9. This topic was excluded from the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project:

**Discussion:**

No mitigation will be applied to this project as no impact is anticipated. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MEIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
<table>
<thead>
<tr>
<th>9. INCREASED DEMAND FOR STORM DRAINAGE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.</td>
<td>☑️</td>
<td>☐</td>
<td>☑️</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or offsite, as compared to impacts anticipated to result from the Urban Area General Plan or create substantial unanticipated sources of polluted runoff.</td>
<td>☑️</td>
<td>☐</td>
<td>☑️</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project does not utilize Low Impact Development strategies to reduce runoff from the site and increase infiltration, resulting in no net increase in runoff before and after development.</td>
<td>☑️</td>
<td>☒</td>
<td>☑️</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion:**

1. The proposed Carpenter Road Planning Area Soccer Complex would comply with all General Plan policies relating to storm water drainage.

2. Parking for Phase I would be provided on a new aggregate base lot, which will allow infiltration of water into the soil. Additionally, Phase I will include the construction of storm drainage swales. Phases II and III will include parking on new asphalt lots and additional storm drainage swales to ensure that surface water is completely contained on site and allowed to infiltrate the soil directly, rather than running off and potentially resulting in downstream flooding. No increase in storm water runoff is expected to occur and no impact is expected.

3. On-site storm water retention facilities will be designed to be consistent with Low Impact Development guidelines. No increase in storm water runoff is expected to occur and no impact is expected.
10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigations/policies:

Direct Impacts

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

**Effect:** No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Flooding and Water Quality mitigation measures pertinent to the project being analyzed in this Initial Study are found on pages V-10-6 through V-10-9 of the Master EIR and on pages IV-F-1 through IV-F-17 in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

Discussion:

The appropriate mitigation to be applied to this project includes: Hydro-1 and Hydro-2 from the Tuolumne River Regional Park Master Plan Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the General Plan Master EIR and Section IV-F of the TRRP Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan and TRRP Master Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIRs.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
<table>
<thead>
<tr>
<th>10. FLOODING AND WATER QUALITY</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project does not comply with the regulatory requirements of the federal Clean Water Act or the State Porter-Cologne Act.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would place more housing within a 100-year flood hazard zone than assumed in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project would place structure within a 100-year flood hazard area so that they would impede or redirect floodwater or would substantially alter the existing on-site drainage pattern or a watercourse, in such a way as to cause flooding on- or offsite.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>5) The proposed project does not comply with Modesto’s Guidance Manual for New Development Storm Water Quality Control Measures.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>6) The proposed project would violate water quality standards or waste discharge requirements.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of Urban Area General Plan implementation.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1-2) The proposed Soccer Complex will comply with all General Plan and Tuolumne River Regional Park Master Plan policies affecting flooding and water quality, as well as with the requirements of the Porter-Cologne Act and the Clean Water Act.

(3-4) Although the majority of the site lies within FEMA’s 100-year floodplain, the proposed Soccer Complex is considered by the Federal Emergency Management Agency to be an appropriate use in the floodplain. Phase II may include the replacement of the existing restroom facility at Bellenita Park, which would be approximately the same size as the current building. Phase III
may include construction of a small building that will accommodate additional restroom facilities and possibly a concession stand to serve the eastern portion of the Soccer Complex. The new building would be less than 1,000 square feet, and while it would be placed within the 100-year floodplain, the building cross section that would be below water is so small relative to the flood cross section that it would not have a substantial effect on upstream or downstream flooding. No impacts are expected beyond those disclosed in the General Plan or Tuolumne River Regional Park Master Plan Master EIRs.

(5) Both the Soccer Complex and its storm water drainage facilities would specifically be designed to comply with Modesto’s guidance on storm water control features. Storm drainage features are planned at each phase of development to ensure that storm water is adequately retained and infiltrated. No impact is expected to occur. Mitigation Measure Hydro-1 from the TRRP Master EIR will be applied. This mitigation measure will reduce project impacts to a less-than-significant level.

(6-7) All grading for the Soccer Complex will be balanced on site. No graded material will be allowed to slump into the river or floodway and thus will not violate discharge requirements. Detailed drainage plans will be prepared as part of the construction documents. Following grading, grass will be planted on the site. While there will be bare soil on site until the planting is established, the risk of erosion from high river levels is low. Construction will include seeding new grass, which should be adequately established to reduce erosion. Mitigation Measure Hydro-2 from the TRRP Master EIR will be applied, which will reduce impacts to a less-than-significant level.

(8) As discussed above in Section 9, Storm Water Drainage, storm drainage facilities for the proposed Soccer Complex would be designed capture and infiltrate all storm water on site, consistent with best practices.
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

**Effect:** No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Parks and open space mitigation measures pertinent to the proposed project are found on pages V-11-3 through V-11-9 of the General Plan Master EIR. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project:

**Discussion:**

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MEIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:
### 11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

<table>
<thead>
<tr>
<th>Potential Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>2) The proposed project would eliminate parks or open space.</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

**Discussion:**

(1-3) The proposed Carpenter Road Planning Area Soccer Complex will increase active recreation space in Modesto. Implementation of the proposed Soccer Complex is consistent with both the General Plan and the Tuolumne River Regional Park Master Plan. Furthermore, the project includes rehabilitation of existing facilities at existing Bellenita Park.
12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

**Cumulative Impacts**

**Effect:** Similar to direct impacts of implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

The following schools mitigation measures on pages V-12-5 through V-12-7 of the Master EIR are pertinent to the proposed project. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures are listed in Section V, Mitigation Applied to Project.

**Discussion:**

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
### 12. INCREASED DEMAND FOR SCHOOLS

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
</tr>
<tr>
<td>2) The proposed project does not comply with SB 50/Proposition 1A funding provisions, or succeeding measures which state that compliance results in less-than-significant impacts on schools.</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[x]</td>
</tr>
</tbody>
</table>

**Discussion:**

(1-2) Development of soccer fields will have no impact on the demand for new schools. Development projects such as Tuolumne River Regional Park are not required to contribute mitigation funding to schools, as no mitigation is necessary.
13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigations/policies:

**Direct Impacts**

*Effect:* No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

*Effect:* No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Police services mitigation measures pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the General Plan Master EIR. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**Discussion:**

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the General Plan Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the General Plan Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
<table>
<thead>
<tr>
<th>13. INCREASED DEMAND FOR POLICE SERVICES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1-2) The development of Tuolumne River Regional Park is anticipated by the General Plan. The proposed Soccer Complex is consistent with police service-policies contained in the General Plan. As are all other parks, police will be called for service at the Soccer Complex from time to time, but this is normal and is not expected to constitute an unusual level of demand. No significant impact is anticipated and no mitigation will be applied.
14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigations/policies:

**Direct Impacts**

Effect: No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Fire Services mitigation measure(s) pertinent to the project being analyzed in this Initial Study are found on pages V-14-4 through V-14-7 of the Master EIR. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the General Plan Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the General Plan Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
<table>
<thead>
<tr>
<th>14. INCREASED DEMAND FOR FIRE SERVICES</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

Discussion:

(1-3) Development of the Carpenter Road Planning Area Soccer Complex is anticipated by the General Plan and is consistent with the fire protection policies contained in it. The City of Modesto has disked the easternmost parcel for many years in order to limit the fire potential on the site. As the Soccer Complex develops, the open field and the need to disk it for fire prevention will diminish and disappear. The future soccer fields will be irrigated, which will further reduce fire potential. No impact is anticipated to occur.
15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

**Effect:** No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Solid waste mitigation measures pertinent to the proposed project are found on pages V-15-4 through V-15-7 of the Master EIR. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

**Discussion:**

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the General Plan Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the General Plan Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:
<table>
<thead>
<tr>
<th>15. GENERATION OF SOLID WASTE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County’s disposal capacity.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion:**

(1-2) The proposed Soccer Complex would be consistent with the General Plan solid waste policies. Most of the solid waste generated in Modesto is disposed of at the Jenner Treatment Plant if it’s compostable waste or processed at the transfer station and transported to the Fink Road Waste-to-Energy facility if it is recyclable or other waste. Refuse that will be left at the Soccer Complex by players and spectators comprises a small amount of the waste currently processed and disposed of by the City of Modesto and would not be considered an impact on the City’s or County’s ability to dispose of solid waste.
16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

**Effect:** No residual significant cumulative impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Hazardous materials mitigation measures pertinent to the proposed project are found on pages V-16-8 through V-16-13 of the General Plan Master EIR and pages IV-G-1 through IV-G-12 of the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

**Discussion:**

The appropriate mitigation to be applied to this project includes HazMat-4 from the Tuolumne River Regional Park Master Plan Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
### 16. GENERATION OF HAZARDOUS MATERIALS

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.</td>
<td></td>
<td></td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.</td>
<td></td>
<td></td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would create a significant hazard to the public or the environment.</td>
<td></td>
<td></td>
<td></td>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.</td>
<td></td>
<td></td>
<td>☒</td>
<td></td>
</tr>
</tbody>
</table>

**Discussion:**

1. All development in the Tuolumne River Regional Park will comply with General Plan and TRRP Master Plan policies relating to hazardous materials. No impact is expected to occur.

2. Robertson Road Elementary School and Kirschen Elementary School lie within one-quarter mile of Bellenita Park and the proposed Soccer Complex. These schools are also adjacent to Robertson Road Park. Similar to parks throughout Modesto, fertilizers and pesticides may be applied to the proposed soccer fields from time to time to keep them healthy. Staff responsible for applying chemicals must be certified through the State of California’s Department of Pesticide Regulation, demonstrating they are knowledgeable in the proper use of such chemicals. When used correctly, such chemicals are safe. The parks maintenance program has been practiced successfully throughout Modesto and impacts at the Soccer Complex would be expected to be similar to the impacts at parks throughout Modesto. No new impact is expected to occur.

3-4. The State of California’s Department of Toxic Substances Control has not identified the project site on its list of hazardous materials sites. There is no known potential for an impact. The three parcels that comprise the project site have been vacant or used for farming prior to acquisition by the City of Modesto and County of Stanislaus. Due to earlier activities on these parcels, the Tuolumne River Regional Park Master Plan Master EIR calls for the preparation of Phase I assessments on these two parcels prior to the approval of development to evaluate the risk of exposure to chemical residue from unknown sources. Implementation of mitigation HazMat-4 from the TRRP Master Plan Master EIR would reduce any possible impacts to a less-than-significant level.
17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigations/policies:

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

b. Master EIR and/or New Mitigation Measures Applied to the Project

Geology, soils, and mineral resource mitigation measures pertinent to the proposed project are found on pages V-17-9 and V-17-10 of the General Plan Master EIR. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of the proposed project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-17.B of the General Plan Master EIR discloses geology, soils, and mineral resource impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the General Plan Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. Project-specific effects will be less than significant unless:
17. GEOLOGY, SOILS, AND MINERAL RESOURCES

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.</td>
<td></td>
<td></td>
<td></td>
<td>T</td>
</tr>
<tr>
<td>2) The proposed project would expose people or structures to potential substantial adverse effects including the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; result in the loss of topsoil; location on soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems in areas where sewers are not available for the disposal of wastewater; result in the loss of known mineral resources that would be of value to the region and the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.</td>
<td></td>
<td></td>
<td></td>
<td>T</td>
</tr>
</tbody>
</table>

Discussion:

(1-2) The proposed project will be developed consistent with General Plan policies relating to geology, soils, and mineral resources. This project is anticipated in the General Plan and will not affect any such resources. The Carpenter Road Planning Area Soccer Complex will be developed with a minimum of subsurface disturbance other than that necessary to lay sewer and water lines. Furthermore, as a recreational site, rather than a commercial or residential building, seismic activity that might occasionally affect the site poses little danger to people on the site. Soils in the area are known to be capable of supporting buildings and underground infrastructure. No impact is expected.
18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigations/policies:

Direct Impacts

**Effect:** Continued development in the Planned Urbanizing Area would have an impact on available energy supplies. Energy consumption likely would increase substantially by 2025 as a result of implementation of the Urban Area General Plan.

Cumulative Impacts

**Effect:** Implementation of the Urban Area General Plan will have a cumulatively considerable impact on energy consumption.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following energy mitigation measures pertinent to the proposed project are found on pages V-18-2 through V-18-8 in the General Plan Master EIR. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

**Discussion:**

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the General Plan Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless
18. ENERGY

1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.

2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.

Discussion:

1-2) The proposed Soccer Complex will comply with all General Plan policies relating to energy and energy use. The development of Tuolumne River Regional Park is anticipated in the General Plan, including the Carpenter Road Planning Area Soccer Complex. No circumstances have arisen that would result in energy consumption during construction, operation, or maintenance of this project that would be more energy intensive than assumed in the General Plan or in the Tuolumne River Regional Park Master Plan or in the respective Master EIRs for those planning documents. No impact is anticipated.
19. **EFFECTS ON VISUAL RESOURCES**

a. **Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigations/policies:

**Direct Impacts**

**Effect:** New development in the Planned Urbanizing Area will occur in areas that are in agricultural production or are otherwise lightly developed, which could lead to the introduction of light and glare in areas that have little nighttime illumination.

**Cumulative Impacts**

**Effect:** No additional cumulative impacts were disclosed in the Master EIR.

b. **Master EIR and/or New Mitigation Measures Applied to the Project**

The following visual resources mitigation measures pertinent to the proposed project are found on pages V-19-3 and V-19-4 in the General Plan Master EIR. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the proposed project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

**Discussion:**

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. **Project-Specific Effects**

Section V-18.B of the General Plan Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the General Plan Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
19. EFFECTS ON VISUAL RESOURCES

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>3) The proposed project would degrade views of riverside areas from public roadways and nearby properties to a greater degree than assumed in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1-3) The proposed Soccer Complex would eventually develop the easterly parcels with grass, parking areas, and minor structures. The Tuolumne River Regional Park Master Plan Master EIR does not address this subject area. However, the Notice of Preparation notes that "The natural environment in other reaches of the park has been degraded, resulting in an overall lower visual quality. These more degraded portions of the park are highly visible (i.e., the Gateway Parcel, Carpenter Road) from the Seventh Street Ninth Street and Highway 99 bridges. Extensive planting of the project area would improve its appearance." This refers, in part, to the subject site, which is adjacent to the Sutter Wastewater Treatment Facility. Development of the Tuolumne River Regional Park, including the proposed Soccer Complex, is considered to be aesthetically beneficial and would therefore result in no impact. No mitigation measures have been applied to this project.
20. LAND USE AND PLANNING

a. **Significant Effects Identified in the Master EIR**

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigations/policies:

**Direct Impacts**

Effect: No residual significant direct impacts were disclosed in the Master EIR.

**Cumulative Impacts**

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. **Master EIR and/or New Mitigation Measures Applied to the Project**

The following land use and planning mitigation measures pertinent to the proposed project are found on pages V-20-6 through V-20-17 in the General Plan Master EIR. This topic was eliminated from consideration in the Tuolumne River Regional Park Master Plan Master EIR. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

**Discussion:**

No mitigation from either the General Plan or TRRP Master Plan Master EIRs will be applied to the project, as no impact is expected to occur. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. **Project-Specific Effects**

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

**Significance Criteria:** Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
20. LAND USE AND PLANNING

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2</td>
<td>The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>3</td>
<td>The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>4</td>
<td>The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

Discussion:

(1-4) The General Plan land use designations on the subject site are OS (Open Space) and MU (Mixed Use). The proposed Soccer Complex is consistent with both of those designations and with General Plan policies affecting those land use designations. The location of the proposed Soccer Complex, at the edge of a developed community, will prevent its development from dividing the community. Fencing that will be constructed around the new soccer fields will not prevent people from reaching another part of the neighborhood, nor will it add distance to such a walking trip or create safety hazards that would prevent such a trip. Traffic along Robertson Road, Sutter Avenue, and Roselawn Avenue is expected to increase on game days, but is not expected to create an impediment for pedestrians. There is a paved sidewalk available along at least one side of Robertson Road and Sutter Avenue, as well as along most of Roselawn Avenue. To further improve pedestrian safety, Phase III includes full-width development of Robertson Road and Hayes Street, including sidewalks, along the project frontage. Pedestrian activity is not expected to be impacted by this project, which may encourage an increase in pedestrian traffic to and from the site, as many Stanislaus Youth Soccer League members live near the proposed Soccer Complex. There is no habitat conservation or natural community conservation plan in the area. No impact is expected.
21. CLIMATE CHANGE

a. Significant Effects Identified in the Master EIR

The General Plan Master EIR discloses the following residual significant and unavoidable impacts pertaining to climate change expected after application of mitigations/policies:

Direct Impacts

Effect: Impacts resulting from implementation of the Urban Area General Plan are not substantial enough to result in a significant direct impact on climate change, as disclosed in the Master EIR.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will have a cumulatively considerable impact on climate change.

b. Master EIR and/or New Mitigation Measures Applied to the Project

The following climate change mitigation measures pertinent to the proposed project are found on pages V-21-7 through V-21-10 in the Master EIR. The Tuolumne River Regional Park Master Plan Master EIR predates the requirement for environmental documents to address climate change. All mitigation measures appropriate to the project will be incorporated into or made conditions of approval of this project. Those measures will be listed in Section V, Mitigation Applied to Project.

Discussion:

No significant impacts are anticipated, therefore no mitigation will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the General Plan Master EIR discloses impacts of implementing the Urban Area General Plan on climate change. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

Significance Criteria: Determination of project effects will be based on the following thresholds. The project-specific effects will be less than significant unless:
21. CLIMATE CHANGE

<table>
<thead>
<tr>
<th></th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2</td>
<td>The proposed project would result in average automobile trip lengths or CO₂ emissions higher than those assumed in the Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>3</td>
<td>The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

Discussion:

(1) The Carpenter Road Planning Area Soccer Complex will be developed in accordance with all relevant General Plan policies relating to climate change. No impact is expected.

(2) Currently, the Stanislaus Youth Soccer League (SYSL) holds most of its games on the east side of Ceres, beyond an easy walking or bicycling range of most of its members. Locating the proposed Soccer Complex on the west side of Modesto places it nearer a larger number of SYSL members, which will reduce the length of a typical automobile trip and increase the likelihood that some people will walk or bicycle to games. Automobile vehicle miles traveled is expected to decrease and no adverse impacts are expected to occur. No mitigation will be applied.

(3) The Stanislaus Council of Governments’ Sustainable Communities Strategy is based upon member agencies’ general plans. The proposed Carpenter Road Planning Area Soccer Complex is included in the Tuolumne River Regional Park Master Plan and is consistent with the General Plan. No impacts are expected to occur and no mitigation will be applied.
V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

If the Initial Study results in the determination that a Finding of Conformance can be adopted for the proposed project Section A below applies. If the Initial Study results in the determination that a Finding of Conformance cannot be adopted and a Mitigated Negative Declaration/EIR must be prepared for the project then Section B, below applies.

A. Master EIR Mitigation Measures Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigation measures from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies/Master EIR mitigation measures shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan.

All applicable and appropriate mitigation measures have been applied to the project (see mitigation measures listed below).

B. New or Additional Mitigation Measures or Alternatives Required

Where the project's effects would exceed the significance criteria for each environmental impact category, a mitigated negative declaration or Focused EIR must be prepared. Staff has reviewed the project against the significance criteria thresholds established in the Master EIR for all impact categories in this Initial Study.

A Mitigated Negative Declaration or Focused EIR shall be prepared for the project. The following additional project-specific mitigation measures listed below are necessary to reduce the identified new significant effect:

**Traffic and Circulation:**

N/A

**Degradation of Air Quality:**

General Plan Master EIR

Mitigation Measure AO-18:

1. The following mitigation measures shall be implemented by the City of Modesto, and incorporated into development plans and public facility plans as appropriate:
   a. The City of Modesto shall work with the SJVAPCD to reduce particulate matter emissions from construction, grading, excavation, and demolition to the maximum extent feasible.
   b. If required by Regulation VIII (Fugitive Dust Rules) of the San Joaquin Valley Unified Air Pollution Control District, the City of Modesto shall require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions and are appropriate to the scale and intensity of use.

2. The following measures should be strongly encouraged, and incorporated into development plans and public facility plans, when it is shown to be appropriate and feasible.
a. The City of Modesto should reduce PM_{10} emissions from City-maintained roads to the maximum extent feasible.

b. The City of Modesto should adopt a standard set of construction-related mitigation measures that can be adapted to all new, non-emergency construction projects in the City.

**Tuolumne River Regional Park Master Plan Master EIR**

Mitigation Measure Air-1: The following mitigation measures shall be implemented to reduce short-term, construction-generated emissions:

a) All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/suppressant, or vegetative ground cover.

b) All on-site unpaved roads and off-site, unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

c) All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

d) When materials are transported off-site, all material shall be covered, effectively wetted to limit visible dust emissions, or at least six inches of freeboard space from the top of the container shall be maintained.

e) All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at least once every 24 hours when operations are occurring. (The use of dry rotary brushes is prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Blower devices shall not be used.)

f) Following the addition of materials to, or the removal of materials from, the surfaces of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

g) On-site vehicle speeds on unpaved roads shall be limited to 15 mph.

h) Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from adjacent project areas with a slope greater than one percent.

i) Wheel washers shall be installed for all exiting trucks and equipment, or wheels shall be washed to remove accumulated dirt prior to leaving the site.

j) Excavation and grading activities shall be suspended when winds exceed 20 mph.

k) Areas subject to excavation and grading at any one time shall be limited to the fullest extent possible.

l) On-site equipment shall be maintained and properly tuned in accordance with manufacturers' specifications.

m) When not in use, on-site equipment shall not be left idling.

**Generation of Noise:**

**General Plan Master EIR**

N-1: The City has also established a noise ordinance to control noise within the City. The City's noise ordinance (Modesto Municipal Code Section 4-9.101) prohibits the "loud and raucous discharge into the open air of the steam of any steam equipment or exhaust from any stationary internal-combustion engine."

N-2: Additionally, the noise ordinance prohibits the loud and raucous operation or use of any of the following before 7:00 a.m. or after 9:00 p.m. daily (except Saturday and Sunday and state or federal holidays, when the prohibited time shall be before 9:00 a.m. and after 9:00 p.m.):

A hammer, or any other device or implement used to pound or strike an object.

1. An impact wrench, or other tool or equipment powered by compressed air.
3. Any tool or piece of equipment powered by an internal-combustion engine such as, but not limited to, chain saw, backpack blower, and lawn mower.
4. Any electrically powered (whether by alternating current electricity or by direct current electricity) tool or piece of equipment used for cutting, drilling, or shaping wood, plastic, metal, or other materials or objects, such as, but not limited to, a saw, drill, lathe, or router.
5. Any of the following: heavy equipment (such as but not limited to bulldozer, steam shovel, road grader, back hoe), ground drilling and boring equipment (such as but not limited to derrick or dredge), hydraulic crane and boom equipment, portable power generator or pump, pavement equipment (such...
as but not limited to pneumatic hammer, pavement breaker, tamper, compacting equipment), pile-driving equipment, vibrating roller, sand blaster, gunite machine, trencher, concrete truck, and hot kettle pump.

6. Any construction, demolition, excavation, erection, alteration, or repair activity. In the case of urgent necessity and in the interest of public health and safety, the Chief Building Official may issue a permit for exemption from these. Such period shall not exceed three (3) working days in length while the emergency continues but may be renewed for successive periods of three (3) days or less while the emergency continues. The Chief Building Official may limit such permit as to time of use and/or permitted action, depending upon the nature of the emergency and the type of action requested.

N-3: The City of Modesto shall require construction activities to comply with the City's noise ordinance (Title 4, Chapter 9), and noise-reducing construction practices to be implemented as conditions of approval for development projects where substantial construction-related noise impacts would be likely to occur (e.g., where construction would include extended periods of pile driving, where construction would occur over an unusually long period, or where noise-sensitive uses like homes and schools would be in the immediate vicinity, etc.). The city should consider potential mitigation measures, including, but not limited to, the following:

Construction equipment and vehicles should be equipped with properly operating mufflers according to the manufacturers' recommendations. Air compressors and pneumatic equipment should be equipped with mufflers, and impact tools should be equipped with shrouds or shields.

Equipment that is quieter than standard equipment should be utilized.

Haul routes that affect the fewest number of people should be selected. (UAGP VII-G.3[a])

**Tuolumne River Regional Park Master Plan Master EIR**

Noise-1: Pursuant to Public Resources Code Section 21157(b)(3), implementation of the Regional Sports Complex is identified as a "subsequent project" in this MEIR. When a detailed implementation plan is developed for this project, additional environmental review will be required. As part of this assessment, a detailed noise analysis shall be conducted. The following shall be required as part of the final noise mitigation developed for the project:

a) Activities at the proposed sports complex shall be limited to between the hours of 7:00 a.m. and 9:00 p.m. on weekdays, and between the hours of 9:00 a.m. and 9:00 p.m. on weekends.

b) An acoustical engineer with experience in the prediction and mitigation of outdoor sound levels shall be consulted prior to design and construction of the proposed sports complex. The acoustical design documentation shall demonstrate that the proposed sports complex would not result in a noticeable increase (i.e., 3 dBA, or greater) in ambient noise levels at nearby residences.

c) If the acoustical analysis determines that regular activities at the sports complex would result in a 3 dBA or greater increase in ambient noise levels, noise control measures shall be required, such as noise barriers, requiring sound systems to be directed away from residences and other sensitive receptors, or disallowing amplified announcing. It shall be demonstrated that implementation of feasible noise control measures would reduce increases in noise levels at surrounding residences to less than 3 dBA.

**Effects on Agricultural Lands:**

N/A

**Increased Demand for Long-Term Water Supplies:**

N/A

**Increased Demand for Sanitary Sewer Services:**

N/A
Loss of Sensitive Wildlife and Plant Habitat:

**General Plan Master EIR**

**Mitigation SWPH-13:** Table V-7-1 presents additional environmental protections.

**Table V-7-1. Policies For Sensitive Biological Habitats [Items i, j, and k are relevant to this project]**

<p>| | |</p>
<table>
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<td>i.</td>
<td>The study site may contain elderberry shrubs. All projects within the study area should evaluate the project site conditions for the potential for elderberry shrubs removal. If elderberry shrubs are present, appropriate mitigation should be discussed and prior to any subsequent project approvals, early consultation with USFWS is recommended. The removal and trimming of elderberry shrubs is regulated by the U.S. Fish and Wildlife Service (USFWS).</td>
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<tr>
<td>j.</td>
<td>Burrowing owls are known to occur within the study area. Impacts to burrowing owls and their nest burrows must be avoided in order to comply with the Federal Migratory Bird Treaty Act (MBTA) and Department of Fish and Game (DFG) Code Sections 3503, 3503.5, and 3513. If any ground-disturbing activities occur during the burrowing owl nesting season (approximately February 1 through August 31), implementation of avoidance measures is required. DFG recommends that a preconstruction site survey be conducted no more than 30 days before the onset of any ground-disturbing activities. Furthermore, if preconstruction surveys determine that during the nonbreeding season burrowing owls occupy the site, a passive relocation effort shall be installed. DFG’s Staff Report on Burrowing Owl Mitigation (California Department of Fish and Game 1995) recommends that impacts to occupied burrows be avoided by implementation of a no-construction buffer zone of a minimum of 250 feet, unless a qualified biologist approved by DFG verifies through noninvasive methods that either: 1) the burrowing owls have not begun egg laying and incubation; or 2) that juveniles from the occupied nest are foraging independently and are capable of independent survival. Failure to implement this buffer zone could cause adult burrowing owls to abandon nests, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure. The DFG Staff report on Burrowing Owl Mitigation also recommends that a minimum of 0.4 acres of foraging habitat per pair or unpaired resident burrowing owl should be acquired and permanently protected to offset the loss of foraging and burrowing habitat.</td>
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k. | The State-threatened Swainson’s hawk is known to nest within the study area. Due to loss of suitable foraging habitat and existing nesting habitat that may occur during area development, mitigation measures compensating for these potential losses of habitat should be included. DFG’s Staff Report Regarding Mitigation for Impacts to Swainson’s Hawks (California Department of Fish and Game 1994) recommends that for projects that occur within 1 mile of an active nest tree, 1.5 acres of habitat be protected in perpetuity for every acre of Swainson’s hawk foraging habitat affected; for projects that occur within 5 miles of a active nest tree, 0.75 acre of habitat should be protected in perpetuity for every acre of foraging habitat impacted; and for projects within 10 miles of an active nest tree, 0.5 acre of habitat should be protected in perpetuity for every acre of foraging habitat impacted. The project sponsor should provide funding of a sufficient long-term endowment for the management of the protected properties. The project area contains mature trees that could be used as nesting habitat. DFG considers the removal of known raptor nest trees, even outside of the nesting season, to be a significant impact under CEQA and, in the case of Swainson’s hawk, could also result in “take” under the CESA. This is especially true in species such as Swainson’s hawk, which exhibit high site fidelity to their nest and nest trees year after year (California Department of Fish and Game 1994). To avoid such impacts, surveys for nesting raptors should be conducted following the survey methodology developed by the Swainson’s Hawk Technical Advisory Committee (2000) prior to any disturbance within 5 miles of a potential nest tree. Impacts to known nest trees should be avoided at all times of year. If avoidance of a known nest tree is not feasible, consultation with DFG is warranted prior to taking any action, and a determination of “take” potential under CESA or under Fish and Game Code Sections 3503.5 and 3513 will be made. Project-related “take” (as defined in Section 86 of the Fish and Game Code) of Swainson’s hawk must be completely avoided or a State Incidental Take Permit, pursuant to Section 2081 of the Fish and Game Code, would be warranted. |

**Tuolumne River Regional Park Master Plan Master EIR**

**Mitigation Measure Bio-4:** The following measures shall be implemented to ensure that impacts to the valley elderberry longhorn beetle are less-than-significant:

- a) Prior to any construction activity or grading for any Master Plan project, a qualified biologist shall conduct a survey to determine the number and location of elderberry shrubs on the project site.
- b) If no elderberry shrubs are found on the project site or if all elderberry shrubs will be avoided by at least 100 feet, impacts to the valley elderberry longhorn beetle will be less-than-significant and no further mitigation is necessary.
- c) If elderberry shrubs are found within the project area, the project proponent will consult with USFWS under Section 7 of ESA to determine a future course of action, including whether incidental take...
authorization is needed. Through consultation and negotiations with USFWS, appropriate mitigation and avoidance measures will be determined and implemented.

**Mitigation Measure Bio-5:** Implementation of the following mitigation measures would ensure that impacts to nesting raptors are less-than-significant:

a) If construction is proposed during the raptor nesting season (1 February to August 31), a focused survey for raptor nests shall be conducted by a qualified biologist to identify active nests within 1/4 mile of the project area. The survey shall be conducted no less than 14 days and no more than 30 days prior to the beginning of construction and shall be within the nesting season.

b) If nesting raptors are found during the focused survey, no construction shall occur within 500 feet of an active nest until the young have fledged (as determined by a qualified biologist), without prior approval by CDFG. Construction within 500 feet may be permitted if a nest monitor is present to ensure that disturbance to the nesting raptors is minimized to the maximum extent practicable.

**Disturbance of Archaeological/Historic Sites:**

**General Plan Master EIR**

**AH-16:** Any project that involves earth-disturbing activities within previously undisturbed soils in an area determined to be archaeologically or culturally sensitive by the City of Modesto through consultation with the Project Applicant and a qualified archaeologist and the Native Americans will be required to have the following mitigation measures, at a minimum:

1. If prehistoric archaeological remains are discovered during the project construction (inadvertent discoveries), all work in the area of the find shall cease, and a qualified archaeologist shall be retained by the project sponsor to investigate the find, and make recommendations as to treatment and mitigation. In the event of the discovery of a burial, human bone or suspected human bone, all excavation or grading in the vicinity of the find shall halt immediately and the area of the find shall be protected and the project applicant immediately shall notify the County Coroner of the find and comply with the provisions of Cal. Health and Safety Code Section 7050.5, including Cal. Public Resources Code Section 5097.98, if applicable. If human remains are identified, the project sponsor will also retain a Native American monitor.

2. A qualified archaeological monitor will be present and will have the authority to stop and redirect grading activities, in consultation with the Native Americans and their designated monitors, to evaluate the significance of any Native American archaeological resources discovered on the property.

3. Native American monitors from the appropriate Native American Tribes, as determined by the Native American Heritage Commission (NAHC) shall be allowed to monitor all groundbreaking activities, including all archaeological testing and data recovery excavations that are likely to affect Native American resources, as determined by a qualified archaeologist. The project proponent will be responsible for compensating Native American monitors. If human remains are discovered, the NAHC will assign a Most Likely Descendent (MLD).

4. The landowner agrees to relinquish ownership of all Native American human remains and associated burial artifacts that are found within the project area, to the appropriate Native American MLD, as assigned by the NAHC, for proper treatment and disposition. The MLD will decide whether standard archaeological analysis will be allowed on human remains and associated artifacts from burials. (UAGP Policy VII.F.2[m])

**Tuolumne River Regional Park Master Plan MEIR**

**Mitigation Measure CR-1:** Construction personnel shall be instructed about the potential for discovery of unknown cultural resources, and the need for proper and timely reporting of such findings. If previously undiscovered historic or unique archaeological resources (including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris) are discovered, the following measures shall be implemented to ensure that impacts to these resources are less-than-significant.
a) Work shall halt within 100 feet of the discovery until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.

b) If the discovery is Native American, federally-recognized tribes in the county shall be consulted about the find to incorporate their suggestions for mitigation or protection.

c) If the discovery is historic, archival research may be necessary by a qualified historian.

d) If the project may alter the archaeological integrity and data values of the discovery, it will be evaluated for the California Register. If the resource is eligible for the California Register of Historical Resources, data recovery measures shall be implemented by a professional meeting the Secretary of Interior’s Professional Qualifications Standards.

Mitigation Measure CR-2: Construction personnel shall be instructed about the potential for discovery of human remains, and the need for proper and timely reporting of such finds. In the event that such remains are encountered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, in accordance with State law. The Stanislaus County coroner would be contacted and appropriate measures implemented. These actions would be consistent with the State Health and Safety Code Section 7050.5, which prohibits disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery.

Increased Demand for Storm Drainage:

N/A

Flooding and Water Quality:

Tuolumne River Regional Park Master Plan Master EIR

Mitigation Measure Hydro-1: The ultimate design of the Regional Sports Complex and the Nature Interpretive Center shall be developed in accordance with local ordinances governing construction within the floodplain. Special attention shall be given to flood proofing proposed structures to withstand flooding and to minimize flood damages. Final design should include a detailed drainage plan to alleviate flooding and drain standing water once floodwaters have receded. The final design plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed development does not result in any increase in flood damages within the community during the occurrence of the base flood. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

Mitigation Measure Hydro-2: Detailed grading plans shall be developed in accordance with standard hydrologic and hydraulic engineering practices to ensure that the proposed grading does not result in any increase in base flood water surface elevation. The grading design shall not significantly increase river flow velocities. Implementation of this mitigation measure would reduce this impact to a less-than-significant level.

Increased Demand for Parks and Open Space:

N/A

Increased Demand for Schools:

N/A

Increased Demand for Police Services:

N/A
Increased Demand for Fire Services:
N/A

Generation of Solid Waste:
N/A

Generation of Hazardous Materials:

Tuolumne River Regional Park Master EIR
Mitigation Measure HazMat-4: A Phase I Environmental Site Assessment (ESA) shall be conducted in accordance with American Society for Testing and Materials (ASTM) guidelines prior to the approval of development for any parcel within the TRRP Master Plan area. The Phase I ESA will include the findings of a site reconnaissance and investigation of prior uses of the property that could have resulted in contamination. If a significant likelihood of contamination is revealed by the Phase I ESA, a Phase II and/or III assessment may be required, which would involve soil and/or water quality sampling and could result in remediation requirements in accordance with State and federal regulations. Implementation of this measure will ensure that this impact is reduced to a less-than-significant level.

Geology, Soils, and Mineral Resources:
N/A

Energy:
N/A

Effects on Visual Resources:
N/A

Land Use and Planning:
N/A

Climate Change:
N/A
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-411

RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR GRANT FUNDS FROM THE YOUTH SOCCER AND RECREATION DEVELOPMENT PROGRAM IN AN AMOUNT OF $1,000,000 TO FUND DEVELOPMENT AND CONSTRUCTION OF A PORTION OF THE CARPENTER ROAD PLANNING AREA SOCCER COMPLEX AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL DOCUMENTS RELATING TO THE GRANT

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility by the Legislature of the State of California for the administration of the Youth Soccer and Recreation Development Program, setting up necessary procedures governing the application for various grants, and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of application before submission of said application to the State, and

WHEREAS, successful Applicants will enter into a contract with the State of California to complete the Grant Scope project.

NOW, THEREFORE, BE IT RESOLVED that the City of Modesto hereby authorizes the filing of an application for the Carpenter Road Planning Area Soccer Complex.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute all necessary documents related to the grant.

RESCINDED
FEB 28 2017
THIS RESOLUTION WAS RESCINDED BY MODESTO CITY COUNCIL RESOLUTION NO. 2017-82

10/11/2016/PRN/N/Houdt/Item 7 2016-411
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

Ayes: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

Noes: Councilmembers: None

Absent: Councilmembers: None

ATTEST: ____________________________
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________
ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING AN EQUIPMENT LEASE TO PURCHASE AGREEMENT WITH ENVIROGEN TECHNOLOGIES, INC., FOR WELL #274 AND WELL #295 WITHIN THE GRAYSON COMMUNITY WATER SYSTEM, IN AN AMOUNT NOT TO EXCEED A TOTAL OF $180,000 FOR THREE (3) YEARS, WITH OPTION TO PURCHASE AT THE SOLE DISCRETION OF THE CITY; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto provides water services utilizing Well #274 and Well #295 within the Grayson Community Water System and the wells have high nitrate levels, and

WHEREAS, per Modesto Municipal Code, Section 8-3.204(c) an exception to the formal bidding requirements for the equipment as the City has been operating this treatment equipment for over 12 years, and

WHEREAS, Basin Water, Inc., was awarded a contract to reduce nitrate levels by using an ion exchange treatment process, and

WHEREAS, Basin Water, Inc. was purchased by Envirogen Technologies, Inc. (Envirogen) and the City has been on a month-to-month lease with them for the last twelve (12) years, and

WHEREAS, staff requests authorization for an Equipment Lease to Purchase Agreement effective November 1, 2016 through October 31, 2019, and

WHEREAS the City of Modesto will pay Envirogen $5,000 per month for the rental of the equipment, for a total amount not to exceed $180,000 over the three (3) year term of the agreement, and

WHEREAS, at the end of the term, Envirogen agrees to sell the equipment to Modesto for $180,000, less all lease payments under this Agreement, at which time the
title to the equipment will be transferred immediately from Envirogen to the City of Modesto and Envirogen will no longer have any ownership interest in the equipment.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto, that it hereby accepts an Equipment Lease to Purchase Agreement with Envirogen Technologies, Inc., for Well #274 and Well #295 within the Grayson Community Water System, in a total amount not to exceed $180,000 for three (3) years, with option to purchase at the sole discretion of the City.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH EL CAFETAL, LLC, FOR ACQUISITION OF A 23,226 SQUARE FEET (0.53 ACRES) FOR A PERMANENT WATER LINE EASEMENT AND 92,902 SQUARE FEET (2.13 ACRES) PORTION FOR A TEMPORARY CONSTRUCTION EASEMENT, LOCATED AT 2601 LEMON AVENUE IN PATTERSON, (APN 047-011-012 & 047-012-003), IN THE AMOUNT OF $4,400 FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT AND ALL RELATED DOCUMENTS REQUIRED TO CLOSE ESCROW

WHEREAS, the City of Modesto is a participant in the North Valley Regional Recycled Water Project, and

WHEREAS the project improvements require acquisition of easements from property owners, and

WHEREAS, the easements in this acquisition will provide a permanent easement and a temporary construction easement for the project in order to install a buried pipeline, and

WHEREAS, City staff is recommending acquisition of easement interests, and

WHEREAS, an agreement is needed for the acquisition of the easements and City staff recommends approving the Purchase and Sale Agreement for acquisition of the property.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Purchase and Sale Agreement with El Cafetal, LLC, for the acquisition of a permanent water line easement, consisting of a 23,226 square foot area (0.53 acres), and a temporary construction easement, consisting of a 92,902 square foot area (2.13 acres) located at 2601 Lemon Avenue in Patterson (APN 047-011-012 & 047-
012-003), in the amount of $4,400 for the North Valley Regional Recycled Water Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2016-414

RESOLUTION APPROVING THE GRANT DEED FROM EL CAFETAL, LLC AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED FOR THE PERMANENT WATER LINE EASEMENT, CONSISTING OF 23,226 SQUARE FEET (0.53 ACRES) AND TEMPORARY CONSTRUCTION EASEMENT, CONSISTING OF 92,902 SQUARE FEET (2.13 ACRES), LOCATED AT 2601 LEMON AVENUE, IN PATTERSON, (APN 047-011-012 & 047-012-003), FOR THE NORTH VALLEY REGIONAL RECYCLED WATER PROJECT

WHEREAS, the City of Modesto is a participant in the North Valley Regional Recycled Water Project, and

WHEREAS, the project improvements require acquisition of permanent easements from property owners in order to install buried pipelines,

WHEREAS, a grant deed for an easement is required from property owners to allow the City of Modesto to install and maintain the pipelines, and

WHEREAS, the Grant Deed requires signatures of the property owner and of the City of Modesto, and

WHEREAS, City staff is recommending the City execute and accept the Grant Deed, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Grant Deed with El Cafetal, LLC for the acquisition of a 23,226 square foot area (0.53 acres) for a permanent water line easement, located at 2601 Lemon Avenue (APN 047-011-012 & 047-012-003), for the North Valley Regional Recycled Water Project.

BE IT FURTHER RESOLVED that the Council of the City of Modesto that the City Manager, or his designee, is hereby authorized to sign the Certificate of Acceptance for the Grant Deed for the acquisition of a Permanent Water Line Easement located at
2601 Lemon Avenue, in Patterson, (APN 047-011-012 & 047-012-003) to be conveyed to the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute and accept the Grant Deed, and all related documents required to close escrow.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE PLANS AND SPECIFICATIONS FOR THE
MARK RANDY & TORRID/DIABLO LIFT STATION IMPROVEMENTS
PROJECT, ACCEPTING THE BID, AND APPROVING A CONTRACT WITH
MOUNTAIN CASCADE INC., OF LIVERMORE, CA IN THE AMOUNT OF
$1,944,030, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE,
TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Mark Randy &
Torrid/Diablo Lift Station Improvements Project, and City staff recommends approval by
the City Council, and

WHEREAS, the bids received for the Mark Randy & Torrid/Diablo Lift Station
Improvements Project were opened at 11:00 a.m. on September 13, 2016 for the
consideration of the Council, and

WHEREAS, the Director of Utilities has recommended that the bid of $1,507,000
received from Mountain Cascade Inc., be accepted as the lowest responsible and
responsive bid and the contract be awarded to Mountain Cascade Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto
that it hereby approves the specifications for Mark Randy & Torrid/Diablo Lift Station
Improvements Project, accepts the bid of $1,588,225 and awards Con-Quest Ebert, San
Francisco, CA, the contract for the Mark Randy & Torrid/Diablo Lift Station
Improvements Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to execute the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION AUTHORIZING AN INCREASE IN THE DIRECTOR’S AUTHORITY TO ISSUE CHANGE ORDERS FOR THE MARK RANDY & TORRID/DIABLO LIFT STATION IMPROVEMENTS PROJECTS FROM 10% ($150,700) TO 15% ($226,050) OF THE CONSTRUCTION CONTRACT PRICE OF $1,944,030 WITH MOUNTAIN CASCADE, INC., OF LIVERMORE, CA

WHEREAS, on October 11, 2016, the City Council is concurrently awarding a $1,944,030 contract to Mountain Cascade Inc., of Livermore, CA for the construction of the Mark Randy and Torrid/Diablo Lift Station Improvements Projects, and

WHEREAS, the wet well of the existing Mark Randy lift station is located in driving lane on Mark Randy street and the access to it presents safety issues for City Utilities Maintenance staff, and

WHEREAS, the Mark Randy Lift Station will be relocated down on Mark Randy Street to the east of McHenry Avenue under the sidewalk, and

WHEREAS, the Torrid Diablo Lift Station is located at the intersection of Torrid Avenue and Diablo Avenue, and

WHEREAS, lift station construction is difficult due to the multiple components involved in the project: mechanical, electrical, and instrumentation, and

WHEREAS, in addition, the installation, testing and fine tuning of these components are challenging, and

WHEREAS, the additional costs could exceed the Director’s authority for the project as established by the Council’s Change Order Approval Policy adopted by Resolution No. 94-443, and

WHEREAS, the Director of Utilities currently has authority to approve change orders up to a cumulative amount of $150,700,
NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the Director of Utilities to issue change orders for the Mark Randy and Torrid/Diablo Lift Station Improvements Projects from 10 percent ($150,700) to 15 percent ($226,050) of the construction contract price of $1,944,030 with Mountain Cascade, Inc., of Livermore, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:  

SEAL

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $314,000 FOR PROJECT ACCOUNT 100843, AND $135,000 FOR PROJECT ACCOUNT 100848 TO BE TRANSFERRED INTO THE PROJECTS FROM WASTEWATER FUND RESERVES TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, AND DESIGN SUPPORT DURING CONSTRUCTION FOR MARK RANDY & TORRID/DIABLO LIFT STATION IMPROVEMENTS PROJECTS

WHEREAS, certain budgetary transactions are necessary in the amount of $314,000 for Project Account 100843, and $135,000 for Project Account 100848, in order to fund construction, contingency, construction administration, and design support during construction, including engineering, design, administration support by City staff, for the Mark Randy & Torrid/Diablo Lift Stations Improvements Projects, and

WHEREAS, the Fiscal Year 2016-2017 Capital Improvement Program Budget must be amended as shown in Exhibit A, which is incorporated by reference herein,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2016-2017 Capital Improvement Program Budget as shown in Exhibit A.

BE IT FURTHER RESOLVED that the Director of Finance, or her designee, is hereby authorized to implement the provisions of this resolution.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]
STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]
ADAM U. LINDGREN, City Attorney
Exhibit A

Due to construction costs being higher than initially budgeted for the projects, line item increases/decreases are necessary in the amount of $314,000 for Project Account 100843 “Mark Randy Lift Station”, and $135,000 for Project Account 100848 “Torrid/Diablo Lift Station”, and the project’s costs need to be increased by a combined total of $449,000.

This would be done by adjusting Construction by $236,542, Construction Administration by $41,524, Contingency-CIP by $67,854, and Engineering/Design/Administration by <$31,920> in CIP Account 100843.

This would also be done by adjusting Construction by $103,420, Construction Administration by $22,992, Contingency-CIP by $41,492, and Engineering/Design/Administration by <$32,904> in CIP Account 100848.

To fund the above accounts, $449,000 will be transferred from Wastewater Fund Reserves in the amount of $314,000 for Project Account 100843 “Mark Randy Lift Station”, and $135,000 for Project Account 100848 “Torrid/Diablo Lift Station”.

RESOLUTION ADOPTING THE 2015-2018 STRATEGIC PLAN

WHEREAS, the City’s 2015-2018 Strategic Plan was adopted on March 24, 2015, and

WHEREAS, the 2015-2018 Strategic Plan is the foundation for how the City allocates its resources, how it prioritizes its initiatives to best serve the citizens of Modesto, and how it responds to future challenges, and

WHEREAS, on March 22, 2016, Resolution No. 2016-127 was approved forming the Mayor’s 100 Days Committee, and

WHEREAS, the Committee was made up of the Mayor, two Council Members and 10 citizens, including men and women with experience in business, finance and advocacy for taxpayers, and

WHEREAS, on July 5, 2016, recommendations from the 100 Days Committee were presented to Council and staff was directed to prepare a plan to implement the recommendations within 90 days, and

WHEREAS, action plans were prepared for each recommendation. The Effective Government Committee and the Great Safe Neighborhoods Committee reviewed applicable action plans. In addition, all action plans were reviewed and discussed at a Council workshop on October 4, 2016, and

WHEREAS, staff has prepared an updated 2015-2018 Strategic Plan for Council consideration incorporating the 100 Day Committee action plans, and

WHEREAS, staff will use the updated Strategic Plan to revise performance measures and metrics to track the City’s progress on each Strategic Initiative.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby adopts the 2015-2018 Updated Strategic Plan.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of October, 2016, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Grewal, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Ah You, Grewal, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT Councilmembers: None

ATTEST:  

STEFANIA LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney