MODESTO CITY COUNCIL
RESOLUTION NO. 2017-98

RESOLUTION ACCEPTING THE FISCAL YEAR 2015-2016 SINGLE AUDIT REPORTS FOR THE CITY OF MODESTO AND THE STANISLAUS DRUG ENFORCEMENT AGENCY (SDEA)

WHEREAS, pursuant to Section 1306 of the Charter of the City of Modesto, the City Council shall employ an independent certified public accountant who, at least annually, shall audit the books and records of the City of Modesto, and submit a final audit and report to the City Council as soon as practicable after the end of the fiscal year and

WHEREAS, the accounting firm of Macias, Gini & O'Connell, LLP has completed its single audit of the City's financial statements for the fiscal year ended June 30, 2016, and has provided its opinion on these financial statements based on that audit, and

WHEREAS, the independent auditors also audited financial statements of the Stanislaus Drug Enforcement Agency, as required by the Single Audit Act of 1984, the Single Audit Act Amendments of 1996, and the Office of Management and Budget’s (OMB) Circular A-133, and for which the City of Modesto serves as the financial administrator,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2015-2016 single audit reports for the City of Modesto and the Stanislaus Drug Enforcement Agency, attached as Exhibit A, and incorporated by reference herein.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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
CITY OF MODESTO, CALIFORNIA

Single Audit Reports

For the Fiscal Year Ended June 30, 2016
Table of Contents

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards .......................................................... 1

Independent Auditor's Report on Compliance for Each Major Program; Report on Internal Control Over Compliance; and Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance ............................ 3

Schedule of Expenditures of Federal Awards ........................................................................ 6

Notes to Schedule of Expenditures of Federal Awards ............................................................ 9

Schedule of Findings and Questioned Costs ........................................................................... 10

Status of Prior Year Findings and Questioned Costs ............................................................ 12
Independent Auditor’s Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance With Government Auditing Standards

City Council of the City of Modesto
Modesto, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Modesto, California (City), as of and for the fiscal year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the City’s basic financial statements, and have issued our report thereon dated December 15, 2016.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City’s internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City’s internal control. Accordingly, we do not express an opinion on the effectiveness of the City’s internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or, significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City’s financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.
Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity’s internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the entity’s internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O’Connell LLP

Walnut Creek, California
December 15, 2016
Independent Auditor’s Report on Compliance for Each Major Federal Program; Report on Internal Control Over Compliance; and Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

City Council of the City of Modesto
Modesto, California

Report on Compliance for Each Major Federal Program

We have audited the City of Modesto, California’s (City) compliance with the types of compliance requirements described in the OMB Compliance Supplement that could have a direct and material effect on each of the City’s major federal programs for the fiscal year ended June 30, 2016. The City’s major federal programs are identified in the summary of auditor’s results section of the accompanying schedule of findings and questioned costs.

Management’s Responsibility

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

Auditor’s Responsibility

Our responsibility is to express an opinion on compliance for each of the City’s major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and the Audit Requirements for Federal Awards (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the City’s compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the City’s compliance.

Basis for Qualified Opinion on CFDA No. 14.218 Community Development Block Grants/Entitlement Grants

As described in the accompanying schedule of findings and questioned costs, the City did not comply with the requirements regarding CFDA No. 14.218 Community Development Block Grants/Entitlement Grants as described in finding number 2016-001 for Reporting. Compliance with such requirements is necessary, in our opinion, for the City to comply with the requirements applicable to that program.
Qualified Opinion on CFDA 14.218 Community Development Block Grants/Entitlement Grants

In our opinion, except for the noncompliance described in the Basis for Qualified Opinion paragraph, the City complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on CFDA No. 14.218 Community Development Block Grants/Entitlement Grants for the fiscal year ended June 30, 2016.

Unmodified Opinion on Each of the Other Major Federal Programs

In our opinion, the City complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its other major federal programs identified in the summary of auditor’s results section of the accompanying schedule of findings and questioned costs for the year ended June 30, 2016.

Other Matters

The City’s responses to the noncompliance findings identified in our audit are described in the accompanying schedule of findings and questioned costs. The City’s responses were not subjected to the auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the responses.

Report on Internal Control Over Compliance

Management of the City is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the City’s internal control over compliance with the types of compliance requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City’s internal control over compliance.

Our consideration of internal control over compliance was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. However, as discussed below, we identified a deficiency in internal control over compliance that we consider to be a material weakness.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. We consider the deficiency in internal control over compliance described in the accompanying schedule of findings and questioned costs as finding 2016-001 to be a material weakness.
The City's response to the internal control over compliance findings identified in our audit are described in the accompanying schedule of findings and questioned costs. The City's response was not subjected to the auditing procedures applied in the audit of compliance and, accordingly, we express no opinion on the response.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

**Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance**

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City as of and for the fiscal year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the City's basic financial statements. We issued our report thereon dated December 15, 2016, which contained unmodified opinions on those financial statements. Our audit was conducted for the purpose of forming an opinion on the financial statements that collectively comprise the City's basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the basic financial statements as a whole.

*Macias Gini & O'Connell LLP*

Walnut Creek, California
December 22, 2016
## CITY OF MODESTO, CALIFORNIA
### SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS
#### FOR THE FISCAL YEAR ENDED JUNE 30, 2016

<table>
<thead>
<tr>
<th>Federal Grantor</th>
<th>CFDA Number</th>
<th>Grant/Project Number</th>
<th>Total Expenditures</th>
<th>Amount Passed to Subrecipients</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>U.S. Department of Housing and Urban Development</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Development Block Grants/Entitlement Grants</td>
<td>14.218</td>
<td>B-11-MN-060004</td>
<td>$3,554</td>
<td>$ -</td>
</tr>
<tr>
<td>Community Development Block Grants/Entitlement Grants</td>
<td>14.218</td>
<td>B-10-MC-060002</td>
<td>95,429</td>
<td>-</td>
</tr>
<tr>
<td>Community Development Block Grants/Entitlement Grants</td>
<td>14.218</td>
<td>B-13-MC-060002</td>
<td>387,802</td>
<td>-</td>
</tr>
<tr>
<td>Community Development Block Grants/Entitlement Grants</td>
<td>14.218</td>
<td>B-14-MC-060002</td>
<td>988,175</td>
<td>164,170</td>
</tr>
<tr>
<td>Community Development Block Grants/Entitlement Grants</td>
<td>14.218</td>
<td>B-15-MC-060002</td>
<td>112,217</td>
<td>-</td>
</tr>
<tr>
<td>Total Community Development Block Grants/Entitlement Grants</td>
<td></td>
<td></td>
<td>1,587,177</td>
<td>164,170</td>
</tr>
<tr>
<td>Emergency Solutions Grant Program</td>
<td>14.231</td>
<td>E-11-MC-060002</td>
<td>3,275</td>
<td>3,275</td>
</tr>
<tr>
<td>Emergency Solutions Grant Program</td>
<td>14.231</td>
<td>E-12-MC-060002</td>
<td>13,698</td>
<td>13,272</td>
</tr>
<tr>
<td>Emergency Solutions Grant Program</td>
<td>14.231</td>
<td>E-14-MC-060002</td>
<td>25,671</td>
<td>25,671</td>
</tr>
<tr>
<td>Emergency Solutions Grant Program</td>
<td>14.231</td>
<td>E-15-MC-060002</td>
<td>110,646</td>
<td>106,408</td>
</tr>
<tr>
<td>Total Emergency Solutions Grant Program</td>
<td></td>
<td></td>
<td>153,290</td>
<td>148,626</td>
</tr>
<tr>
<td>Home Investment Partnerships Program</td>
<td>14.239</td>
<td>M-13-MC-060207</td>
<td>23,246</td>
<td>-</td>
</tr>
<tr>
<td>Home Investment Partnerships Program</td>
<td>14.239</td>
<td>M-14-MC-060207</td>
<td>26,904</td>
<td>-</td>
</tr>
<tr>
<td>Home Investment Partnerships Program</td>
<td>14.239</td>
<td>M-15-MC-060207</td>
<td>8,719</td>
<td>-</td>
</tr>
<tr>
<td>Total Home Investment Partnerships Program</td>
<td></td>
<td></td>
<td>58,869</td>
<td>-</td>
</tr>
<tr>
<td>ARRA - Neighborhood Stabilization Program (Recovery Act Funded)</td>
<td>14.256</td>
<td>B-09-LN-CA-0053</td>
<td>976,396</td>
<td>-</td>
</tr>
<tr>
<td>Total U.S. Department of Housing and Urban Development</td>
<td></td>
<td></td>
<td>2,775,732</td>
<td>312,796</td>
</tr>
<tr>
<td><strong>U.S. Department of Justice</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Edward Byrne Memorial Justice Assistance Grant Program</td>
<td>16.738</td>
<td>2009 CK WX 0449</td>
<td>213,447</td>
<td>-</td>
</tr>
<tr>
<td>Passed through Stanislaus County Sheriff Department</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Edward Byrne Memorial Justice Assistance Grant Program</td>
<td>16.738</td>
<td>2013-DJ-BX-0365</td>
<td>104,118</td>
<td>-</td>
</tr>
<tr>
<td>Edward Byrne Memorial Justice Assistance Grant Program</td>
<td>16.738</td>
<td>2013-DJ-BX-1184</td>
<td>116,640</td>
<td>-</td>
</tr>
<tr>
<td>Edward Byrne Memorial Justice Assistance Grant Program</td>
<td>16.738</td>
<td>2015-DJ-BX-0912</td>
<td>112,491</td>
<td>-</td>
</tr>
<tr>
<td>Total Edward Byrne Memorial Justice Assistance Grant Program</td>
<td></td>
<td></td>
<td>333,249</td>
<td>-</td>
</tr>
<tr>
<td>Total U.S. Department of Justice</td>
<td></td>
<td></td>
<td>546,696</td>
<td>-</td>
</tr>
</tbody>
</table>

See accompanying notes to schedule of expenditures of federal awards.
<table>
<thead>
<tr>
<th>CFDA Number</th>
<th>Grant/Project Number</th>
<th>Expenditures</th>
<th>Amount Passed to Subrecipients</th>
</tr>
</thead>
<tbody>
<tr>
<td>20.106</td>
<td>3-06-0153-037</td>
<td>$47,735</td>
<td>-</td>
</tr>
<tr>
<td>20.106</td>
<td>3-06-0153-038</td>
<td>103,578</td>
<td>-</td>
</tr>
<tr>
<td>20.106</td>
<td>3-06-0153-039</td>
<td>1,651,086</td>
<td>-</td>
</tr>
<tr>
<td>20.500</td>
<td>CA-03-0562</td>
<td>49,000</td>
<td>-</td>
</tr>
<tr>
<td>20.500</td>
<td>CA-04-0198</td>
<td>4,559</td>
<td>-</td>
</tr>
<tr>
<td>20.500</td>
<td>CA-90-Y870</td>
<td>53,274</td>
<td>-</td>
</tr>
<tr>
<td>20.507</td>
<td>CA-90-Z064</td>
<td>74,005</td>
<td>-</td>
</tr>
<tr>
<td>20.507</td>
<td>CA-95-X248</td>
<td>62,658</td>
<td>-</td>
</tr>
<tr>
<td>20.507</td>
<td>CA-37-X101-2</td>
<td>48,597</td>
<td>20,082</td>
</tr>
<tr>
<td>20.507</td>
<td>CA-57-X027</td>
<td>38,444</td>
<td>38,444</td>
</tr>
<tr>
<td>20.507</td>
<td>CA-90-Z230</td>
<td>3,648,463</td>
<td>-</td>
</tr>
<tr>
<td>20.507</td>
<td>CA-95-X148-01</td>
<td>226,118</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>10-956907L</td>
<td>38,103</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>10-957052L</td>
<td>113</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>10-107724L</td>
<td>7,454</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>10-957044L</td>
<td>321</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>10-957033L</td>
<td>263</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>10-957051L</td>
<td>39,511</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>10-956975L</td>
<td>5,411</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>10-9569021</td>
<td>5,873</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>1000020580L-N</td>
<td>2,089</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>10-00020601</td>
<td>47,792</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>1000020662L-N</td>
<td>21,809</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>1000020600</td>
<td>4,763</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>10-1200064L</td>
<td>27,274</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>1000020579L-N</td>
<td>31,760</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>10-12000149L-N</td>
<td>8,547</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>10-12000235L-N</td>
<td>219,970</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>10-13000231L-N</td>
<td>43,228</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>1015000187L-N</td>
<td>5,589</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>10-2000236L-N</td>
<td>65,641</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>10-2000046L</td>
<td>224,288</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>10-12000274L-N</td>
<td>159,140</td>
<td>-</td>
</tr>
<tr>
<td>20.205</td>
<td>10140000640L-N</td>
<td>6,050</td>
<td>-</td>
</tr>
</tbody>
</table>

See accompanying notes to schedule of expenditures of federal awards.
<table>
<thead>
<tr>
<th>Federal Grantor</th>
<th>Direct or Pass-through Grantor</th>
<th>CFDA Number</th>
<th>Grant/Project Number</th>
<th>Total Expenditures</th>
<th>Amount Passed to Subrecipients</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Department of Transportation (continued)</td>
<td>Passed through the California Department of Transportation (continued)</td>
<td>20.205</td>
<td>10-12000275L-N</td>
<td>$37,785</td>
<td>$37,785</td>
</tr>
<tr>
<td></td>
<td></td>
<td>20.205</td>
<td>10-12000276L-N</td>
<td>34,611</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>20.205</td>
<td>1013000085</td>
<td>12,044</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>20.205</td>
<td>1014000109L-N</td>
<td>86,367</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>20.205</td>
<td>1014000174L-N</td>
<td>229,721</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>20.205</td>
<td>1015000084L-N</td>
<td>47,839</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>20.205</td>
<td>1015000109L-N</td>
<td>11,989</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>20.205</td>
<td>10-15000116</td>
<td>114,915</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>20.205</td>
<td>10-15000095</td>
<td>106,232</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>20.205</td>
<td>10-15000096</td>
<td>23,707</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>20.205</td>
<td>10-14000082</td>
<td>13,937</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>20.205</td>
<td>10-15000183</td>
<td>25,726</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>20.205</td>
<td>10-15000182</td>
<td>3,102</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>20.205</td>
<td>10-12000045L-O</td>
<td>27,837</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>20.205</td>
<td>10-150000155</td>
<td>10,281</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>20.205</td>
<td>10-16000068</td>
<td>2,833</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>1,753,915</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Passed through the California Office of Traffic Safety</td>
<td>20.600</td>
<td>A11520</td>
<td>8,908</td>
<td></td>
</tr>
<tr>
<td></td>
<td>State and Community Highway Safety</td>
<td>20.616</td>
<td>PT1685</td>
<td>132,694</td>
<td></td>
</tr>
<tr>
<td></td>
<td>National Priority Safety Programs</td>
<td>20.616</td>
<td>PT1579</td>
<td>101,666</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total National Priority Safety Programs</td>
<td></td>
<td></td>
<td><strong>234,360</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Highway Safety Cluster</td>
<td></td>
<td></td>
<td><strong>243,268</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total U.S. Department of Transportation</td>
<td></td>
<td></td>
<td><strong>8,074,700</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>58.526</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>U.S. Environmental Protection Agency</td>
<td>Capitalization Grants for Clean Water State Revolving Funds</td>
<td>66.458</td>
<td>C-06-5175-210</td>
<td>1,619,968</td>
</tr>
<tr>
<td></td>
<td>Total U.S. Environmental Protection Agency</td>
<td></td>
<td></td>
<td><strong>1,619,968</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total U.S. Department of Homeland Security</td>
<td></td>
<td></td>
<td><strong>47,929</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Expenditures of Federal Awards</td>
<td></td>
<td></td>
<td><strong>$13,065,025</strong></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>$371,322</strong></td>
<td></td>
</tr>
</tbody>
</table>

See accompanying notes to schedule of expenditures of federal awards.
CITY OF MODESTO, CALIFORNIA
Notes to Schedule of Expenditures of Federal Awards
For the Fiscal Year Ended June 30, 2016

NOTE 1 – GENERAL

The accompanying Schedule of Expenditures of Federal Awards (Schedule) presents the activity of all federal award programs of the City of Modesto, California (City). The City reporting entity is defined in Note 1.A. to the City’s basic financial statements. All federal awards received directly from federal agencies, as well as federal awards passed through other government agencies, are included in the Schedule.

NOTE 2 – BASIS OF ACCOUNTING

Expenditures of federal awards reported in the Schedule are recognized when incurred, which is consistent with the modified accrual basis of accounting used by the City’s governmental funds and the accrual basis of accounting used by the City’s proprietary funds, which are described in Note 1.C. to the City’s basic financial statements.

NOTE 3 – RELATIONSHIP TO FEDERAL FINANCIAL REPORTS

Amounts reported in the schedule agree to or can be reconciled with the amounts reported in the related financial reports.

NOTE 4 – INDIRECT COSTS

The City did not elect to use the 10% de minimis cost rate as covered in 2 CFR section 200.414 Indirect (F&A) costs.
Section I – Summary of Auditor’s Results

Financial Statements:

Type of auditor’s report issued: Unmodified

Internal control over financial reporting:
• Material weakness(es) identified? No
• Significant deficiency(ies) identified? None reported

Noncompliance material to financial statements noted? No

Federal Awards:

Internal control over major federal programs:
• Material weakness(es) identified? Yes
• Significant deficiency(ies) identified? None reported

Type of auditor’s report issued on compliance for major federal programs: Unmodified for all major federal programs except for CFDA No. 14.218 Community Development Block Grants/Entitlement Grants, which was qualified.

Any audit findings required to be reported in accordance with 2 CFR 200.516(a)? Yes

Identification of major federal programs:

<table>
<thead>
<tr>
<th>CFDA Number</th>
<th>Name of Major Federal Program or Cluster</th>
</tr>
</thead>
<tbody>
<tr>
<td>14.218</td>
<td>Community Development Block Grants/Entitlement Grants</td>
</tr>
<tr>
<td>20.500, 20.507</td>
<td>Federal Transit Cluster</td>
</tr>
</tbody>
</table>

Dollar threshold used to distinguish between type A and type B programs: $750,000

Auditee qualified as low-risk auditee No

Section II – Financial Statement Findings

None noted.
CITY OF MODESTO, CALIFORNIA  
Schedule of Findings and Questioned Costs  
For the Fiscal Year Ended June 30, 2016  

Section III – Federal Award Findings and Questioned Costs

<table>
<thead>
<tr>
<th>Reference Number:</th>
<th>2016-001</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type of Finding:</td>
<td>Material Weakness and Material Instance of Noncompliance</td>
</tr>
<tr>
<td>Category of Finding:</td>
<td>Reporting</td>
</tr>
<tr>
<td>Federal Program Title:</td>
<td>Community Development Blocks Grant/Entitlement Grants</td>
</tr>
<tr>
<td>Federal Catalog Number:</td>
<td>14.218</td>
</tr>
<tr>
<td>Federal Agency:</td>
<td>U.S. Department of Housing and Urban Development</td>
</tr>
</tbody>
</table>

Criteria:  
24 CFR sections 135.3(a)(1) and 135.90  
Each recipient that administers covered public and Indian housing assistance, regardless of the amount expended, and each recipient that administers covered housing and community development assistance in excess of $200,000 in a program year, must submit HUD 60002 information using the automated Section 3 Performance Evaluation and Registry (SPEARS) System.

Condition:  
The City did not submit the required HUD 60002 information for fiscal years 2014, 2015 and 2016.

Cause:  
Due to management changes, reorganization and staff shortage, the City fell behind on filing the HUD 60002. The City had turnover within the Community Development Department during the prior fiscal year and did not appropriately transfer all of the position responsibilities to the remaining personnel. In addition, HUD required the report to be filed in a new web-based system.

Effect:  
Key line items containing critical information of Form HUD 60002 are not submitted to HUD on a timely basis.

Questioned Costs:  
There are no questioned costs.

Recommendation:  
We recommend that the City develop procedures to transition key duties to personnel in place to ensure that it meets all mandated reporting deadlines. In addition, the City should evaluate its internal control procedures on grant reporting requirements to ensure that procedures are properly documented and updated so that reporting requirements are completed during staff absence or turnover.

Management Response and Corrective Action:  
The Community Development Division of the City is now staffed with personnel that are updating procedures to transition key duties to personnel in place to ensure that it meets all mandated reporting deadlines. These policies and procedures will be completed no later than June 2017 in advance of the December 15, 2017 (next HUD 60002 electronic submission deadline). In the interim, the division Environmental Review Specialist is currently entering all Section 3 data for FY 2014, 2015, and 2016 using the automated Section 3 Performance Evaluation and Registry (SPEARS) System to be completed within the next 90 days. In addition, the newly hired Housing & Urban Development Supervisor is reviewing the internal control procedures on grant reporting requirements to ensure that procedures are properly documented and updated at least once per fiscal year, so that reporting requirements are completed during staff absence and/or turnover.
Reference Number: 2015-001

Type of Finding: Material Weakness – Pollution Remediation Obligations

Condition: The City had not previously presented a liability in its financial statements for the net recoveries it had collected over the years to pay for the remediation and legal costs incurred in pursuit of mitigating damages from the manufacturers of perchloroethylene, or PCE. In prior years, it was the City’s practice to present any payments made from the collection of net recoveries as a special item in its financial statements.

Cause: The City was not fully aware of the requirements of GASB Statement No. 49.

Effect: This condition resulted in an audit adjustment to record the pollution remediation liability and decrease the beginning net position of the Water Fund by $9,988,781, the Sewer Fund by $10,914,776, and the business-type activities by $20,903,557.

Recommendation: The City should account for subsequent payments made from the net recoveries it has collected as a reduction of the newly-created pollution remediation liability in accordance with GASB Statement No. 49.

Current Year Status: Corrected.
CITY OF MODESTO, CALIFORNIA  
Status of Prior Year Findings and Questioned Costs  
For the Fiscal Year Ended June 30, 2016

Reference Number: 2015-002

Type of Finding: Material Weakness – Deferred Loans

Condition: The City presented unavailable revenue related to its deferred loans as unearned revenue (a liability) in the Housing and Community Development Fund and governmental activities financial statements.

Cause: The City was not fully aware of the requirements of GASB Statement No. 65.

Effect: This condition resulted in an audit adjustment to reclassify the unavailable revenue related to deferred loans from unearned revenue to unavailable revenue (a component of deferred inflows of resources) in the City’s Housing and Community Development Fund. Accordingly, this reclassification did not have an impact on the Housing and Community Development Fund’s beginning fund balance. However, in the government-wide financial statements, this adjustment increased the beginning net position of the governmental activities by $28,677,805 to recognize the revenue associated with prior years.

Recommendation: The City should analyze the long-term assets of its governmental funds and for any related revenues that do not meet the City’s availability criteria, such amounts should be presented as unavailable revenue as a component of deferred inflows of resources in the governmental funds financial statements. The unavailable revenue should be recognized as revenue in the government-wide financial statements in accordance with GASB Statement No. 65.

Current Year Status: Corrected.
CITY OF MODESTO, CALIFORNIA
Status of Prior Year Findings and Questioned Costs
For the Fiscal Year Ended June 30, 2016

Reference Number: 2015-003

Type of Finding: Material Weakness – Gas Taxes

Condition: The City was presenting gas tax revenue as unearned revenue in its Special Gas Tax Street Improvement Fund (other governmental fund) and governmental activities financial statements.

Cause: The City was not fully aware of the requirements of GASB Statement No. 33.

Effect: This condition resulted in an audit adjustment to eliminate the unearned revenue and increase the beginning fund balance of the Special Gas Tax Street Improvement Fund and the beginning net position of the governmental activities by $12,575,507.

Recommendation: The City should account for the receipt of gas taxes and other similar government-mandated nonexchange transactions as revenue when received in accordance with GASB Statement No. 33.

Current Year Status: Corrected.

Reference Number: 2015-004

Type of Finding: Material Weakness – Reimbursement Agreement

Condition: The City had not previously presented a receivable or a payable for a reimbursement agreement between the City and Successor Agency (Private-Purpose Trust Fund) associated with the obligations for the repayment of the 2008 Lease Revenue Bonds. In prior years, payments made on the reimbursement agreement were accounted for in operations.

Cause: The City was not fully aware of generally accepted accounting principles.

Effect: This condition resulted in an audit adjustment to record the receivable in the governmental activities and the payable in the Successor Agency and increase and decrease, respectively, net position by $17,247,750.

Recommendation: The City should account for subsequent payments made from the Successor Agency to the City as a reduction of the newly-created receivable and payable in accordance with generally accepted accounting principles.

Current Year Status: Corrected.
CITY OF MODESTO, CALIFORNIA
Status of Prior Year Findings and Questioned Costs
For the Fiscal Year Ended June 30, 2016

Reference Number: 2015-005

Type of Finding: Material Weakness – Debt Refunding

Condition: During fiscal year 2014, an interest payment on debt being refunded was included in the refunding transaction as the refunding occurred prior to the date the interest was due, and the City incorrectly accounted for that amount titled “bond refunding contribution” as a deferred inflow of resources. In addition, the City accounted for the underwriters’ discount as a bond discount.

Cause: The City was not fully aware of the requirements of GASB Statement No. 65.

Effect: This condition resulted in an audit adjustment to eliminate the “bond refunding contribution” and bond discount and increase the beginning net position of the Water Fund and business-type activities by $4,783,179.

Recommendation: The City should account for debt refunding transactions in accordance with GASB Statement No. 65. Specifically, the difference between the reacquisition price and the net carrying amount of the old debt should be reported as a deferred outflow of resources or a deferred inflow of resources and recognized as a component of interest expense in a systematic and rational manner over the remaining life of the old debt or the life of the new debt, whichever is shorter.

Current Year Status: Corrected.

Reference Number: 2015-006

Type of Finding: Material Weakness – Governmental Fund Long-Term Liability

Condition: The City reported the unfunded portion of loans approved by the City to fund third parties in its Successor Redevelopment Housing Agency Fund (other governmental fund) that were not due and payable at fiscal year-end.

Cause: The City was not fully aware of the requirements of GASB Interpretation No. 6.

Effect: This condition resulted in an audit adjustment to eliminate the unfunded portion of the approved loans payable and increase the beginning fund balance of the Successor Redevelopment Housing Agency Fund by $575,000.

Recommendation: The City should only report governmental fund liabilities that are normally due and payable in full when incurred in accordance with generally accepted accounting principles.

Current Year Status: Corrected.
CITY OF MODESTO, CALIFORNIA
Status of Prior Year Findings and Questioned Costs
For the Fiscal Year Ended June 30, 2016

Reference
Number: 2015-007

Type of Finding: Material Weakness – Other Prior Period Adjustments

Condition: During fiscal year 2015, the City identified a number of errors in its June 30, 2014 compensated absences, accounts payable, receivables, and property held for resale balances.

Cause: The compensated absences error was due to a miscalculation; the accounts payable and receivables errors were due to improper cutoff; and the property held for resale errors were the result of the accounting department not being informed of the sale of those properties.

Effect: These conditions resulted in the City adjusting the beginning net position/fund balances of its opinion units/funds as follows:

<table>
<thead>
<tr>
<th>Opinion Units</th>
<th>Compensated Absences</th>
<th>Accounts Payable</th>
<th>Receivables</th>
<th>Property Held for Resale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Governmental activities</td>
<td>$ 2,330,638</td>
<td>$ (915,984)</td>
<td>$ 34,045</td>
<td>$ (784,000)</td>
</tr>
<tr>
<td>Business-type activities</td>
<td>-</td>
<td>-</td>
<td>26,037</td>
<td>(630,000)</td>
</tr>
<tr>
<td>General Fund</td>
<td>-</td>
<td>(111,616)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Housing and Community Development Fund</td>
<td>-</td>
<td>(805,437)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Capital Grants Fund</td>
<td>-</td>
<td>1,069</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Other governmental funds</td>
<td>-</td>
<td>-</td>
<td>34,045</td>
<td>(784,000)</td>
</tr>
<tr>
<td>Bus Fund</td>
<td>-</td>
<td>-</td>
<td>26,037</td>
<td>-</td>
</tr>
<tr>
<td>Other enterprise funds</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>(630,000)</td>
</tr>
<tr>
<td>Internal service funds</td>
<td>2,330,638</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Recommendation: The City should implement procedures to ensure that all transactions are recorded in the proper period at fiscal year-end. Such procedures should include timely communication between project managers and the accounting department related to the sale of property held for resale. Financial information should be reviewed at year-end for completeness and reasonableness of account balances. Immaterial errors detected in a current period that relate to a prior period may be reported as current year activity.

Current Year Status: Corrected.
Reference Number: 2015-008

Type of Finding: Significant Deficiency – Cash Flows Statements

Condition: The City was not properly reporting many of the cash receipts and payments, as well as noncash transactions, made during the year in its cash flows statements. The City was reporting items such as gains and losses and prior period adjustments at the same amounts reported in its operating statements, which are prepared on the accrual basis of accounting.

Effect: This condition resulted in a significant number of revisions to the City's cash flows statements in order to present them in accordance with GASB requirements.

Recommendation: While using a tool, such as an Excel workbook, is very beneficial to preparing cash flow statements, the City should provide additional training to staff on the preparation of cash flows statements, including how to convert accrual based balances to cash receipts and disbursements, in order to present cash flows statements in accordance with generally accepted accounting principles.

Current Year Status: Corrected.
### Reference Number: 2015-009

**Type of Finding:** Material Weakness and Material Instance of Noncompliance - Reporting

**Program Identification:** Home Investment Partnerships Program (14.239)

**Condition:** The City did not submit the required HUD 60002 information.

**Cause:** Due to management changes, reorganization and staff shortage, the City fell behind on filing the HUD 60002. In addition, HUD required the report to be filed in a new web-based system.

**Effect:** Key line items containing critical information of Form HUD 60002 are not submitted to HUD on a timely basis.

**Recommendation:** We recommend that the City develop controls and procedures to ensure that required reports are submitted when due.

**Current Year Status:** In progress. Performance Evaluation and Registry (SPEARS) System Section 3 data input will be completed within the next 90 days (March 24, 2017)

---

### Reference Number: 2015-010

**Type of Finding:** Material Weakness and Material Instance of Noncompliance – Special Test and Provisions

**Program Identification:** Home Investment Partnerships Program (14.239)

**Condition:** The City did not perform housing quality inspections for the fiscal year ended June 30, 2015.

**Cause:** Due to management changes and reorganization, staff did not perform inspections.

**Effect:** Property standards might not be met and/or needed repairs might not be completed timely.

**Recommendation:** We recommend that the City develop controls and procedures to identify those units on which housing quality inspections are due and to ensure that the required inspections of units are performed as outlined above.

**Current Year Status:** In progress. The controls and procedures will be completed no later than June 2017 in advance of the next HUD 60002 electronic submission deadline.
STANISLAUS DRUG ENFORCEMENT
AGENCY

Single Audit Reports

For the Year Ended June 30, 2016
Table of Contents

Independent Auditor's Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards ......................................................... 1

Independent Auditor's Report on Compliance for Each Major Federal Program; Report on Internal Control Over Compliance; and Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance........................................................................... 3

Schedule of Expenditures of Federal Awards........................................................................................................... 5

Notes to Schedule of Expenditures of Federal Awards .................................................................................................. 6

Schedule of Findings and Questioned Costs ................................................................................................................ 7

Status of Prior Year Finding and Questioned Costs ..................................................................................................... 9
Independent Auditor’s Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with Government Auditing Standards

Members of the Governing Committee
Stanislaus Drug Enforcement Agency
Modesto, California

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, the financial statements of the governmental activities and general fund of the Stanislaus Drug Enforcement Agency (the Agency) as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the Agency’s basic financial statements, and have issued our report thereon dated November 16, 2016.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Agency’s internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Agency’s internal control. Accordingly, we do not express an opinion on the effectiveness of the Agency’s internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Agency’s financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.
Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity’s internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the entity’s internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Macias Gini & O'Connell LLP

Walnut Creek, California
November 16, 2016
Independent Auditor's Report on Compliance for Each Major Program; Report on Internal Control Over Compliance; and Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

Members of the Governing Committee
Stanislaus Drug Enforcement Agency
Modesto, California

Report on Compliance for Each Major Federal Program

We have audited the Stanislaus Drug Enforcement Agency’s (the Agency) compliance with the types of compliance requirements described in the OMB Compliance Supplement that could have a direct and material effect on each of the Agency's major federal programs for the year ended June 30, 2016. The Agency’s major federal programs are identified in the summary of auditor’s results section of the accompanying schedule of findings and questioned costs.

Management’s Responsibility

Management is responsible for compliance with federal statutes, regulations, and terms and conditions of its federal awards applicable to its federal programs.

Auditor’s Responsibility

Our responsibility is to express an opinion on compliance for each of the Agency’s major federal programs based on our audit of the types of compliance requirements referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the Agency’s compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the Agency’s compliance.

Opinion on Each Major Federal Program

In our opinion, the Agency complied, in all material respects, with the types of compliance requirements referred to above that could have a direct and material effect on each of its major federal programs for the year ended June 30, 2016.

Report on Internal Control Over Compliance

Management of the Agency is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the Agency’s internal control over compliance with the types of requirements that could have a direct and material effect on each major federal program to
determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major federal program and to test and report on internal control over compliance in accordance with the Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the Agency's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purpose.

Report on Schedule of Expenditures of Federal Awards Required by the Uniform Guidance

We have audited the financial statements of the governmental activities and the general fund of the Agency as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the Agency's basic financial statements. We have issued our report thereon dated November 16, 2016, which contained unmodified opinions on those financial statements. Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the basic financial statements as a whole.

Macias Gini & O’Connell LLP
Walnut Creek, California
November 16, 2016
<table>
<thead>
<tr>
<th>Federal Grantor</th>
<th>CFDA Number</th>
<th>Grant/Project Number</th>
<th>Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>U.S. Department of Justice</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Direct:</td>
<td>16.922</td>
<td>N/A</td>
<td>$623,446</td>
</tr>
<tr>
<td>Equitable Sharing Program</td>
<td>16.922</td>
<td>N/A</td>
<td>23,533</td>
</tr>
<tr>
<td>Equitable Sharing Program</td>
<td>16.922</td>
<td>N/A</td>
<td>6,462</td>
</tr>
<tr>
<td>Total Equitable Sharing Program</td>
<td></td>
<td></td>
<td>653,441</td>
</tr>
<tr>
<td>Passed through the Board of State and Community Corrections</td>
<td>16.738</td>
<td>BSCC 620-16</td>
<td>149,502</td>
</tr>
<tr>
<td>Edward Byrne Memorial Justice Assistance Grant Program</td>
<td>16.738</td>
<td>BSCC 675-14</td>
<td>147,834</td>
</tr>
<tr>
<td>Total Edward Byrne Memorial Justice Assistance Grant Program</td>
<td></td>
<td></td>
<td>297,336</td>
</tr>
<tr>
<td>Total U.S. Department of Justice</td>
<td></td>
<td></td>
<td>950,777</td>
</tr>
<tr>
<td>U.S. Executive Office of the President</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Passed through the County of Stanislaus, California</td>
<td>95.001</td>
<td>G12CV002A</td>
<td>237,042</td>
</tr>
<tr>
<td>Total U.S. Executive Office of the President</td>
<td></td>
<td></td>
<td>237,042</td>
</tr>
<tr>
<td>Total Expenditures of Federal Awards</td>
<td></td>
<td></td>
<td>$1,187,819</td>
</tr>
</tbody>
</table>

See accompanying notes to schedule of expenditures of federal awards.
NOTE A – GENERAL

The accompanying Schedule of Expenditures of Federal Awards (Schedule) presents the activity of all federal financial assistance programs of the Stanislaus Drug Enforcement Agency (Agency). The Agency reporting entity is defined in Note I.A to the Agency’s basic financial statements. All federal financial assistance received directly from federal agencies, as well as federal financial assistance passed through other government agencies, is included in the Schedule.

NOTE B – BASIS OF ACCOUNTING

Expenditures of federal awards reported in the Schedule are recognized when incurred, which is consistent with the modified accrual basis of accounting used by the Agency’s governmental funds, which is described in Note I.C to the Agency’s basic financial statements.

NOTE C – INDIRECT COSTS

The Agency did not elect to use the 10% de minimis cost rate as covered in 2 CFR section 200.414 Indirect (F&A) costs.

NOTE D – RELATIONSHIP TO FEDERAL FINANCIAL REPORTS

Amounts reported in the Schedule agree to or can be reconciled with the amounts reported in the related financial reports.
Section I – Summary of Auditor’s Results

Financial Statements:

Type of auditor’s report issued: Unmodified

Internal control over financial reporting:
- Material weakness(es) identified? No
- Significant deficiency(ies) identified? None reported

Noncompliance material to financial statements noted? No

Federal Awards:

Internal control over major federal programs:
- Material weakness(es) identified? No
- Significant deficiency(ies) identified? None reported

Type of auditor’s report issued on compliance for major programs: Unmodified

Any audit findings disclosed that are required to be reported in accordance with 2 CFR 200.516 (a)? No

Identification of major federal programs:

<table>
<thead>
<tr>
<th>CFDA Number</th>
<th>Name of Major Federal Program or Cluster</th>
</tr>
</thead>
<tbody>
<tr>
<td>16.922</td>
<td>Equitable Sharing Program</td>
</tr>
</tbody>
</table>

Dollar threshold used to distinguish between Type A and Type B programs: $750,000

Auditee qualified as low-risk auditee No
None

Section III – Federal Award Findings and Questioned Costs

None
2015 Comment: 2015-001 – Restatement of Beginning Fund Balance and Net Position

Condition/Effect: The Agency has been accumulating member contributions that in previous years were based on estimated expenditures/expenses that were never adjusted for actual expenditures/expenses or for expenditures/expenses that were eventually reimbursed by grants.

This condition resulted in the Agency materially restating its beginning fund balance and net position by decreasing both $266,495.

Recommendation: The Agency should record transactions accurately enough not to require restatement in the following year.

Status: Corrected.
This page is left intentionally blank
RESOLUTION ACCEPTING THE FISCAL YEAR 2015-2016 AUDITOR’S REPORT ON COMPLIANCE WITH REQUIREMENTS FOR THE PASSENGER FACILITY CHARGE PROGRAM

WHEREAS, pursuant to Section 1306 of the Charter of the City of Modesto, the City Council shall employ an independent certified public accountant who, at least annually, shall audit the books and records of the City of Modesto, and submit a final audit and report to the City Council as soon as practicable after the end of the fiscal year and

WHEREAS, the accounting firm of Macias, Gini & O’Connell, LLP has completed its auditor’s report in compliance with the applicable compliance requirements of the Passenger Facility Charge Audit Guide For Public Agencies, issued by the Federal Aviation Administration (Guide), and

WHEREAS, the independent audit is applicable to the City’s Passenger Facility Charge program at the Modesto City-County Airport for the year ending June 30, 2016,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Fiscal Year 2015-2016 Passenger Facility Charge audit program for the City of Modesto, attached as Exhibit A, which is incorporated by reference herein.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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
MODESTO CITY-COUNTY AIRPORT

Independent Auditor's Report and Schedule of Passenger Facility Charge Revenues and Expenditures

For the Year Ended June 30, 2016
TABLE OF CONTENTS

Independent Auditor’s Report on Compliance With Applicable Requirements of the Passenger Facility Charge Program; Report on Internal Control Over Compliance; and Report on Schedule of Passenger Facility Charge Revenues and Expenditures Required by the *Passenger Facility Charge Audit Guide for Public Agencies* ......................................... 1

Schedule of Passenger Facility Charge Revenues and Expenditures ................................................. 3

Notes to the Schedule of Passenger Facility Charge Revenues and Expenditures ............................ 4
Independent Auditor’s Report on Compliance With Applicable Requirements of the Passenger Facility Charge Program; Report on Internal Control Over Compliance; and Report on Schedule of Passenger Facility Charge Revenues and Expenditures Required by the Passenger Facility Charge Audit Guide for Public Agencies

To the Honorable City Council of the City of Modesto, California

Compliance

We have audited the City of Modesto, California’s (City) compliance with the applicable compliance requirements described in the Passenger Facility Charge Audit Guide for Public Agencies, issued by the Federal Aviation Administration (Guide) applicable to the City’s passenger facility charge program at the Modesto City-County Airport for the year ended June 30, 2016.

Management’s Responsibility

Compliance with the requirements referred to above is the responsibility of the City’s management.

Auditor’s Responsibility

Our responsibility is to express an opinion on the City’s compliance based on our audit.

We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States; and the Guide. Those standards and the Guide require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the compliance requirements referred to above that could have a material effect on the passenger facility charge program occurred. An audit includes examining, on a test basis, evidence about the City’s compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

We believe that our audit provides a reasonable basis for our opinion. Our audit does not provide a legal determination of the City’s compliance with those requirements.

Opinion

In our opinion, the City complied, in all material respects, with the compliance requirements referred to above that are applicable to its passenger facility charge program for the year ended June 30, 2016.
Internal Control Over Compliance

Management of the City is responsible for establishing and maintaining effective internal control over compliance with the compliance requirements referred to above. In planning and performing our audit, we considered the City's internal control over compliance to determine the auditing procedures for the purpose of expressing our opinion on compliance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the City's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance on a timely basis. A material weakness in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a compliance requirement will not be prevented, or detected and corrected, on a timely basis.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be deficiencies, significant deficiencies, or material weaknesses in internal control over compliance. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses, as defined above.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Guide. Accordingly, this report is not suitable for any other purpose.

Report on Schedule of Passenger Facility Charge Revenues and Expenditures Required by the Passenger Facility Charge Audit Guide for Public Agencies

We have audited the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the City's basic financial statements. We issued our report thereon dated December 22, 2016, which contained unmodified opinions on those financial statements. Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic financial statements. The accompanying schedule of passenger facility charge revenues and expenditures is presented for purposes of additional analysis as required by the Guide and is not a required part of the basic financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of passenger facility charge revenues and expenditures is fairly stated in all material respects in relation to the basic financial statements as a whole.

Macias Gini & O'Connell LLP
Walnut Creek, California
December 22, 2016
MODesto CITY-County AIRPORT
SCHEDULE OF PASSENGER FACILITY CHARGE REVENUES AND EXPENDITURES
FOR THE YEAR ENDED JUNE 30, 2016

<table>
<thead>
<tr>
<th>Revenues:</th>
<th>Cumulative Total</th>
<th>For the Quarter Ended</th>
<th>For the Year Ended</th>
<th>Cumulative Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passenger facility charge revenue received*</td>
<td>$979,132</td>
<td>$ -</td>
<td>$ -</td>
<td>$ -</td>
</tr>
<tr>
<td>Interest earned</td>
<td>55,766</td>
<td>356</td>
<td>441</td>
<td>497</td>
</tr>
<tr>
<td>Total passenger facility charge revenue received</td>
<td>1,034,918</td>
<td>356</td>
<td>441</td>
<td>497</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Expenditures:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount</td>
<td>Previoualy Completecl and Closed Applications</td>
</tr>
<tr>
<td>Application No.</td>
<td>Project No.</td>
</tr>
<tr>
<td>16-10-C-00-MOD</td>
<td></td>
</tr>
<tr>
<td>10-001</td>
<td>Wildlife Hazard Assessment</td>
</tr>
<tr>
<td>10-002</td>
<td>Obstruction Removal - Design</td>
</tr>
<tr>
<td>10-003</td>
<td>Obstruction Removal - Construction</td>
</tr>
<tr>
<td>10-004</td>
<td>Security and Perimeter Fencing - Design</td>
</tr>
<tr>
<td>10-005</td>
<td>Rehabilitate Runway 10L/38R - Design</td>
</tr>
<tr>
<td>10-006</td>
<td>West Apron Rehabilitation - Design</td>
</tr>
<tr>
<td>10-007</td>
<td>Rehabilitate Runway 10L/38R - Construction</td>
</tr>
<tr>
<td>Total passenger facility charge revenue expended</td>
<td>836,798</td>
</tr>
<tr>
<td>Unliquidated passenger facility charge revenues</td>
<td>$196,120</td>
</tr>
</tbody>
</table>

* $5,139 was received between 4/2005 - 12/2007 during the period the Modesto City-County Airport had no PFC applications, however, it was not previously reported.

See accompanying notes to the schedule of passenger facility charge revenues and expenditures.
A. Basis of Presentation

The accompanying schedule of passenger facility charge revenues and expenditures (the Schedule) includes the passenger facility charge activity at the Modesto City-County Airport by the City of Modesto, California (City). Interest income is earned on deposit balances of passenger facility charge receipts. Passenger facility charge collection revenue and expenditures are presented on the cash basis of accounting, and the interest income is presented on the accrual basis of accounting. The information in this schedule is presented for purposes of additional analysis, as specified in the Passenger Facility Charge Audit Guide for Public Agencies, issued by the Federal Aviation Administration (FAA). Therefore, some amounts presented in this schedule may differ from amounts presented in, or used in preparation of, the basic financial statements.

Passenger facility charge expenditures may consist of direct project costs, administrative costs, debt service costs and bond financing costs, if requested in the application. Eligible expenditures not requested or approved in the application are not applied against passenger facility charge collections. The Schedule includes the eligible expenditures that have been applied against passenger facility charge collections through June 30, 2016, however, the City did not collect any passenger facility charges during the year because of the commercial airlines discontinued operations in June 2014.

B. Passenger Facility Charge Matching Funds

Passenger facility charge revenue is used to match funding for various grants. Funding provided under government grants is considered earned as the related allowable expenditures are incurred.

C. Relationship to Federal Financial Reports

Amounts reported in the Schedule agree to or can be reconciled with the amounts reported to the FAA on the Passenger Facility Charge Quarterly Status Reports.
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-100

RESOLUTION AMENDING THE FISCAL YEAR 2016-2017 ANNUAL OPERATING AND CAPITAL IMPROVEMENT BUDGET

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 Year 2016-17,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 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 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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
EXHIBIT A

FISCAL YEAR 2016-17

COMMUNITY AND ECONOMIC DEVELOPMENT
A budget adjustment is necessary to amend the FY16/17 Operating Budget and the Multi-Year budget to authorize $250,000 in Community Development Block Grant (CDBG) Entitlement Funds be transferred to a new Community Development Financial Institution (CDFI) Small Business Loan Project. Background: City Council approved an agreement with CDFI to establish a 5 year "revolving loan" small business loan program (Reso 2014-412). CDBG Entitlement funds should have funded MY Project 100829 for this purpose as noted in the PY2014 Annual Action Plan, not revolving loan funds (as reflected most recently in the FY17 multi-year adopted budget & previously in Reso 2014-413). Additionally, it has been decided that a new project will be created specifically to track CDFI small business loans. This action reverses the previous transfer budgeted from fund 1150 to the old project 100829, and replaces it with a transfer from fund 1130 to the new project 100992 - CDFI Small Business Loans. It also reduces the expense budget in the old 100829 project, and authorizes it in the new project 100992. Any expenses related to CDFI already incurred in 100829 will be journaled to the new project. The City will be reimbursed with CDBG Entitlement Funds from PY 2014 as funds are expended/drawn.

PUBLIC WORKS
A budget adjustment is necessary in the amount of $82,420 to reestablish a transfer out of Fund 4892, Green Waste Fund, to Fund 1341, Grants-Operation Grants Reimbursement, for the Fiscal Year 2016-17 Cal Fire Grant matching component.

In Fiscal Year 2015-16 the Geer Road Landfill Project, #100971, expense budget was established in the Waste to Energy Fund. Revenues related to this project were deposited into the General Fund. A budget adjustment is necessary to establish a transfer in the amount of $206,632 from General Fund Emergency Reserves to the Waste to Energy Fund, 4895, due to Geer Road Landfill Litigation insurance reimbursements which were recognized in the General Fund.
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-101

RESOLUTION APPROVING VARIOUS ONE-YEAR SOFTWARE MAINTENANCE SUPPORT AGREEMENTS FROM ORACLE TO BE PURCHASED THROUGH THE “SOLE SOURCE” EXEMPTION TO FORMAL BIDDING REQUIREMENTS FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED $383,994

WHEREAS, The City has an ongoing need for maintenance/support agreements for software assets utilized by the City and managed by the Information Technology Department, and

WHEREAS, some maintenance agreements purchased are only available through the original software provider and their annual agreements must be authorized as “sole source” procurements, and

WHEREAS, these products were originally procured through formal processes and were authorized by Council,

Whereas, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City. The City Manager’s Office approved an exception to this freeze for this procurement based upon the reliance of the City on its core business systems including payroll, finance, purchasing, permits, and fleet management to continue the city’s daily operations in every department.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves various one-year software maintenance support agreements, in a form approved by the City Attorney, to be purchased through the “sole source” exemption to formal bidding requirements for an estimated annual cost not to exceed $383,994.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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
RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR THE PURCHASE OF ENTERPRISE RESOURCE PLANNING SYSTEM UPGRADE SERVICES TO APPLICATION SOFTWARE TECHNOLOGY (AST), NAPERVILLE, IL, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO ISSUE A PURCHASE ORDER FOR AN ESTIMATED COST OF $524,700 WITH A CONTINGENCY AMOUNT OF TEN PERCENT (10%) $52,470, FOR A TOTAL ESTIMATED PROJECT COST OF $577,170

WHEREAS, in 2003, the City of Modesto began a business analysis and subsequently contracted with Gartner Consulting to review and assess the City’s key business process and automated systems, and

WHEREAS, this review resulted in the City Council adopting a Business Process Analysis and System Requirement Development “blueprint” plan in 2004, and

WHEREAS, the “blueprint” included a multi-year business transformation initiative and recommended replacement of existing financial and human resource systems with an ERP system, and

WHEREAS, on December 9, 2008, the City Council, by Resolution No. 2008-676, authorized the Purchasing Manager to issue a Request for Proposal (RFP) for an Enterprise Resource Planning (ERP) bid, and

WHEREAS, RFP 0809-13 for an ERP System Solution and Implementation Services was issued on December 9, 2008, and proposals were received on February 17, 2009, and

WHEREAS, based on being ranked highest in the overall evaluation criteria and Best and Final Offers (BAFO), the City entered into a contract with AST Corporation, Naperville, IL for an Oracle ERP System Solution and System Implementation, and

WHEREAS, the current ERP system needs to be upgraded; and
WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City. The City Manager's Office approved an exception to this freeze for this procurement based upon the reliance of the City on its core business system and the necessity of updating the infrastructure it utilizes to ensure its continued operation. The servers hosting the current ERP system are seven years old and in need of replacement. Council just recently approved their replacement. Because of the new operating systems that these hardware platforms have, the ERP software must be upgraded. The current servers, which, because of age, are increasingly causing problems will be desupported after June 2017 and pose high risk of system outage and critical impact on financial, payroll, procurement and HR processes.

WHEREAS, Modesto Municipal Code Section 8-3.204(c), provides the Purchasing Manager with the authority to determine that a project is not subject to formal bidding procedures when exigent circumstances are present; and

WHEREAS, In this case, AST was the implementation partner and the vendor who provided the technical and functional expertise and guidance during the ERP implementation in 2010 and 2011, AST has established knowledge and experience with the current ERP infrastructure, system configuration and enhancements and preparation of a scope of work suitable for competitive bidding of the project would be very complex and costly, the Purchasing Manager has determined that the award of a contract for the ERP upgrade services to AST Corporation is not subject to formal bidding requirements pursuant to Section 8-3.204(c) and
WHEREAS, funds for the project are initially coming from the IT Fund with a transfer into the IT fund from the departments as part of the FY 2017-18 Budget Development:

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the award of a contract for the furnishing of Enterprise Resource Planning System Upgrade Services to AST Corporation of Naperville, IL, and

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to issue a purchase agreement for an estimated cost of $577,170.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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 APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE LA LOMA NEIGHBORHOOD ASSOCIATION AND THE CITY OF MODESTO REGARDING THE INSTALLATION OF A WATER CONSERVATION / NATIVE PLANT GARDEN ON ENCINA AVENUE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MOU

WHEREAS, in June 2016, staff met with a member of the La Loma Neighborhood regarding the parcel north of Encina Avenue between Conejo Avenue and Phoenix Avenue, and

WHEREAS, the La Loma Neighborhood Association wants to beautify their neighborhood with the installation of a Water Conservation / Native Plant Garden, and

WHEREAS, a public meeting was held on October 13, 2016 and follow up meetings were held with neighbors to obtain agreement on the project scope, and

WHEREAS, City staff has prepared an Memorandum of Understanding (MOU) to allow the La Loma Neighborhood Association to lease the property for a period of five years and install and maintain the garden on City property during the term of the lease, and

WHEREAS, the MOU outlines the terms of the agreement for both parties, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Memorandum of Understanding between the La Loma Neighborhood Association and the City of Modesto regarding the installation of a Water Conservation / Native Plant Garden on Encina Avenue.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the MOU.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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 APPROVING A FISCAL SPONSOR AGREEMENT WITH SHANE'S INSPIRATION FOR THE PURPOSES OF FUNDRAISING RELATED TO THE DEVELOPMENT OF AN INCLUSIVE PLAYGROUND AT BEYER COMMUNITY PARK, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the play equipment at Beyer Community park was installed in 1986, and

WHEREAS, Beyer Community Park is one of the parks identified for playground improvements, and

WHEREAS, it is the desire of the City to install an inclusive playground designed for citizens of all abilities to play side by side at Beyer Community Park, and

WHEREAS, a group of citizens has organized into The Awesome Spot Playground team for the purposes of playground design, community engagement, and fundraising, and

WHEREAS, Shane’s Inspiration holds a current 501(c)(3) Non-Profit Status, and

WHEREAS, The Awesome Spot Playground team is seeking to obtain 501(c)(3) Non-Profit Status, and

WHEREAS, The Awesome Spot Playground team desires to begin fund raising for the project, and

WHEREAS, Shane’s Inspiration desires to partner with the City and The Awesome Spot Playground team to assist with fundraising efforts as a fiscal sponsor.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Fiscal Sponsor Agreement with Shane’s Inspiration for the
purposes of fundraising related to the development of an inclusive playground and Beyer Community Park.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement and any other supporting documents.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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 AUTHORIZING THE SUBMITTAL OF AN ALLOCATION REQUEST TO THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR $255,849 IN FY 2016-17 LOCAL AND REGIONAL FUNDING UNDER THE LOW CARBON TRANSIT OPERATIONS PROGRAM (LCTOP) AND A MATCH OF $51,170 IN EXISTING LOCAL TRANSPORTATION FUNDS (LTF) FOR IMPROVEMENTS AND UPGRADES TO THE DOWNTOWN TRANSIT CENTER, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE ALL GRANT APPLICATIONS AND GRANT AGREEMENT DOCUMENTS

WHEREAS, Senate Bill 862 (2014), created the Low Carbon Transit Operations Program (LCTOP) and identified the California Department of Transportation (Caltrans) as the administering agency for LCTOP, and

WHEREAS, in Fiscal Year 2016-17, LCTOP appropriated $255,849 to the Stanislaus Council of Governments (StanCOG) for regional distribution to local transit agencies, and

WHEREAS, at the March 15, 2017 StanCOG Policy Board meeting, the City of Modesto was allocated $238,250 of the regional funds, and

WHEREAS, in Fiscal Year 2016-17, LCTOP appropriated $2,430 to Stanislaus County, and

WHEREAS, Stanislaus County agreed to contribute their $2,430 in LCTOP funds to Modesto’s regional project at the downtown Modesto Transit Center, and

WHEREAS, in Fiscal Year 2016-17, LCTOP appropriated $731 to the City of Turlock, and

WHEREAS, the City of Turlock agreed to contribute their $731 in LCTOP funds to a regional project at the downtown Modesto Transit Center, and
WHEREAS, in Fiscal Year 2016-17, LCTOP appropriated $14,438 to the City of Modesto, and

WHEREAS, the City of Modesto is eligible to apply for a total of $255,849 in LCTOP funds, and

WHEREAS, the statutes related to state-funded transit projects require Modesto to abide by various regulations, and

WHEREAS, Caltrans has developed guidelines for the purpose of administering and distributing LCTOP funds to local agencies, and

WHEREAS, the City of Modesto is an eligible project sponsor and may receive state funding from LCTOP, and

WHEREAS, the City of Modesto agrees to comply with all conditions and requirements set forth by LCTOP.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes submittal of an allocation request to the California Department of Transportation (Caltrans) for $255,849 in FY 2016-17 local and regional funding under the Low Carbon Transit Operations Program (LCTOP) and a match of $51,170 in existing Local Transportation Funds (LTF) for improvements and upgrades to the downtown Transit Center.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute all necessary grant applications and grant agreement documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-106

RESOLUTION APPROVING AN AGREEMENT WITH CONSOLIDATED CM, INC., OAKLAND, CA, FOR DESIGN-BUILD OWNER ADVISOR SERVICES FOR THE WATER CORPORATION YARD PROJECT, IN AN AMOUNT NOT TO EXCEED $760,447 FOR THE IDENTIFIED SCOPE OF SERVICES, PLUS $76,045 FOR ADDITIONAL SERVICES (IF NEEDED), FOR A MAXIMUM TOTAL AMOUNT OF $836,492, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, on November 4, 2015, by Resolution Numbers 2015-424 and 2015-426, Council approved the purchase of a 48.62 acre property located on Litt Road in northeast Modesto for the Water Corporation Yard Project, and

WHEREAS, the project site is approximately 3,000 feet north of Sylvan Avenue and 850 feet south of Plainview Road, just outside of City limits but within the City’s sphere of influence, and

WHEREAS, to achieve an anticipated project completion by spring of 2019, the City will need to expedite the project delivery (design and construction), and

WHEREAS, staff recommends pursuing a Design-Build (D-B) approach, which expedites the design and construction process by compiling the design and construction services under a single entity, and

WHEREAS, this methodology should minimize risks and reduce the project delivery schedule, and

WHEREAS, considering the technical complexity and accelerated schedule of this project, in addition to current staff workload and lack of expertise, City staff is recommending the use of a consultant to provide Owner Advisor (OA) services to the City throughout the D-B process, and
WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze in order to maintain fiscal sustainability of the City, and

WHEREAS, as allowed by this resolution, the City Manager’s Office approved an exception to this freeze for this procurement, and

WHEREAS, justification for this exception is based upon the project has been already budgeted in the current Fiscal Year 2016-2017 water fund and will not require budget transfer from reserves to provide the required services, and

WHEREAS, in accordance with Administrative Directive 3.1, Selection Procedures for Professional Consultants Who Provide Architectural and Engineering Services for Capital Projects, a Request for Proposal (RFP) was issued on November 23, 2016 via the Planet Bids website, and

WHEREAS, on January 5, 2017, staff received and distributed two (2) proposals to a selection committee consisting of Utilities Department and Community & Economic Development Department Staff, and

WHEREAS, the selection committee evaluated the responses and on January 26, 2017, met to interview the firms, discuss the evaluations and review the rankings, and

WHEREAS, the committee recommended Consolidated CM, Inc. (CCM) as the most qualified firm to provide D-B OA services to the City for the Project, and

WHEREAS, CCM’s involvement of local sub-consultants accounts for 18% of the total contract amount, and

WHEREAS, the scope of services to be provided under this agreement includes: 1) Project management and administration; 2) Develop D-B procurement strategy, criteria, documentation and schedule; 3) Develop D-B qualification and proposal
documents and review criteria; 4) Predesign geotechnical evaluations and survey; 5) Prepare conceptual and selective preliminary design; 6) Assist staff to evaluate proposals and negotiate final D-B contract; and 6) Prepare construction documents and estimates for Litt Road, and

WHEREAS, the OA services for the Water Corporation Yard Project fall within the scope of services of CCM’s proposal, and

WHEREAS, in accordance with Modesto Municipal Code 8-3.204(a) Exceptions to Formal Bidding Requirements, this agreement is for professional services and, therefore, exempt from the bid requirement, and

WHEREAS, however, staff proceeded through a RFP process pursuant to Administrative Directive 3.1 Staff recommends approval of the agreement with CCM for OA services for the Water Corporation Yard Project, and

WHEREAS, staff recommends approval of the agreement with CCM for OA services for the Water Corporation Yard Project,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Consolidated CM, Inc., Oakland, CA, for Design-Build Owner Advisor Services for the Water Corporation Yard Project, in an amount not to exceed $760,447 for the identified scope of services, plus $76,045 for additional services (if needed), for a maximum total amount of $836,492.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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 APPROVING THE PROCUREMENT, INSTALLATION AND ANNUAL SUPPORT OF MAINTENANCE CONNECTION COMPUTER MAINTENANCE MANAGEMENT SYSTEM WITH MAINTENANCE CONNECTION IN DAVIS, CA, FOR THE UTILITIES DEPARTMENT, WASTEWATER DIVISION, FOR AN INITIAL COST OF $42,996 AND WITH ANNUAL SUPPORT OVER FIVE YEARS FOR A TOTAL COST OF $65,453

WHEREAS, Resolution 2015-20, dated January 27, 2015, authorized the purchase of an Oracle eAM Enterprise Asset Management Program (eAM) from AST Corporation (AST) for Wastewater Operations Administration, and

WHEREAS, staff has been using eAM since its start up on October 1, 2015, and

WHEREAS, Wastewater staff, Information Technology (IT) staff and AST have been working together with the eAM Program, and

WHEREAS, while it performs well as an Asset Management Program, staff is unable to utilize the program as required by the City’s Wastewater Treatment National Pollutant Discharge Elimination System (NPDES) Permit, and

WHEREAS, the City is required to track all maintenance activities and be able to provide asset specific history per our NPDES permit, and

WHEREAS, to have a program that will assist with tracking and asset history, staff has determined that the purchase of the Maintenance Connection program is necessary, and

WHEREAS, staff reviewed several programs currently in use by the City of Modesto as a supplement for eAM, and

WHEREAS, Maintenance Connection has over 300 standard reports that can be manipulated various ways to create the exact report as needed and also has an Inventory
Module and a mobile application that can be accessible anywhere on any mobile device, and

WHEREAS, Maintenance Connection is not housed on a City server; it is web based and housed on the Maintenance Connection server, which they maintain at all times, and

WHEREAS, Help Desk support is available 24 hours a day by way of phone, internet, or email along with many online “How To” questions and answers, and

WHEREAS, on February 28, 2017, Council approved Resolution No. 2017-86 implementing a spending freeze to maintain fiscal sustainability of the City.

WHEREAS, on March 6, 2017, the City Manager’s Office approved an exception to this freeze for this procurement based upon the need for the Wastewater Division to have in place a Computer Maintenance Management System CMMS program that allows for the tracking of staff and equipment for reports to be submitted to the State of California as required by their NPDES Permit,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the procurement, installation and annual support of Maintenance Connection Computer Maintenance Management System with Maintenance Connection in Davis, CA for the Utilities Department, Wastewater Division, for an initial cost of $42,996 and with annual support over five years for a total cost of $65,453.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to issue the purchase agreements in forms approved by the City Attorney.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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 THE PLANS AND SPECIFICATIONS FOR THE RUMBLE SEWER TRUNK LINE REPLACEMENT PROJECT, ACCEPTING THE BID, AND APPROVING A CONSTRUCTION CONTRACT WITH ROLFE CONSTRUCTION, ATWATER, CA, IN THE AMOUNT OF $2,327,287, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE CONTRACT

WHEREAS, specifications have been prepared for the Rumble Sewer Trunk Line Replacement Project, and City staff recommends approval by the City Council, and

WHEREAS, the bids received for the Rumble Sewer Trunk Line Replacement Project were opened at 11:00 a.m. on March 7, 2017 for the consideration of the Council pursuant to Modesto Municipal Code section 8-3.403, and

WHEREAS, the Director of Utilities has recommended that the bid of $2,327,287 received from Rolfe Construction be accepted as the lowest responsible and responsive bid and the contract be awarded to Rolfe Construction:

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the specifications for Rumble Sewer Trunk Line Replacement Project, accepts the bid of $2,327,287 and awards Rolfe Construction of Atwater, CA, the contract for the Rumble Sewer Trunk Line Replacement 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 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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 RUMBLE SEWER TRUNK LINE REPLACEMENT PROJECT FROM 8% ($186,183) TO 10% ($232,729) OF THE CONSTRUCTION CONTRACT PRICE OF $2,327,287 WITH ROLFE CONSTRUCTION, ATWATER, CA

WHEREAS, on March 28, 2017, the City Council is concurrently awarding a $2,327,287 contract to Rolfe Construction, of Atwater, CA for the construction of the Rumble Sewer Trunk Line Replacement Project, and

WHEREAS, the existing sewer trunk line will be replaced with 24-inch diameter pipe to address hydraulic deficiencies and will be realigned in certain sections to address access limitations, and

WHEREAS, sections of the Rumble Sewer Trunk Line Replacement Project will involve construction in narrow alley ways,

WHEREAS, the excavation and pipe construction is difficult due to the multiple utilities within the alley and the limited work space, 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 $186,183,

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 Rumble Sewer Trunk Line Replacement Project from 8 percent ($186,183) to 10 percent
($232,729) of the construction contract price of $2,327,287 with Rolfe Construction, Atwater, CA.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-110

RESOLUTION AMENDING THE FISCAL YEAR 2016-17 CAPITAL IMPROVEMENT PROGRAM BUDGET IN THE AMOUNT OF $320,200 TO BE TRANSFERRED INTO THE PROJECT FROM WASTEWATER FUND RESERVES IN ORDER TO FULLY FUND THE CONSTRUCTION, CONTINGENCY, CONSTRUCTION ADMINISTRATION, CITY CONSTRUCTION FORCES, AND DESIGN SUPPORT DURING CONSTRUCTION FOR THE RUMBLE SEWER TRUNK LINE REPLACEMENT PROJECT

WHEREAS, certain budgetary transactions are necessary in the amount of $320,200, in order to fund construction, contingency, construction administration, City construction forces, design support during construction plus City staff support for the Rumble Sewer Trunk Line Replacement Project, 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, attached hereto.

BE IT FURTHER RESOLVED that the Deputy City Manager, or his 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 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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. LINDGRENN, City Attorney
Exhibit A

Due to construction costs being higher than initially budgeted for the project, line item increases/decreases are necessary for CIP Account #100678 “Rumble Sewer Trunk Line Replacement”, and the total project costs need to be increased by $320,200. This would be done by adjusting Construction Admin by <$12,537>, City Construction Forces by $60,000, Construction by $277,282, Contingency-CIP by $27,729, and Eng/Design/Admin by <$32,274.

To fund the above account, $320,200 will be transferred from Wastewater Fund Reserves into CIP Project 100678 for the Rumble Sewer Trunk Line Replacement Project.
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-111

RESOLUTION AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SIGN THE CERTIFICATE OF ACCEPTANCE FOR THE GRANT DEED FOR THE ACQUISITION OF REAL PROPERTY LOCATED AT 3500 LYDIA LANE, IN MODESTO, OWNED BY MIGUEL PEDROZA AND YANET Y. LOPEZ SOLORIO, (APN: 083-005-021) TO BE PURCHASED BY THE CITY OF MODESTO FOR THE SONOMA TRUNK LIFT STATION PROJECT

WHEREAS, Section 27281 of the Government Code requires a public agency to accept real property prior to the recordation of a deed or adopt a resolution accepting real property, and

WHEREAS, the City of Modesto desires to purchase for the acquisition of property interests located at 3500 Lydia Lane, in Modesto, (APN: 083-005-021), for the Sonoma Trunk Lift Station Avenue (APN 038-022-025), owned by Miguel Pedroza and Yanet Y. Lopez Solorio, to be purchased by the City of Modesto for the Sonoma Trunk Lift Station Project and,

NOW, THEREFORE, BE IT RESOLVED by 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 real property located at 3500 Lydia Lane, in Modesto, owned by Miguel Pedroza and Yanet Y. Lopez Solorio, (APN: 083-005-021) to be purchased by the City of Modesto for a Sonoma Trunk Lift Station Project.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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. 2017-112

RESOLUTION APPROVING A PURCHASE AND SALE AGREEMENT WITH MIGUEL PEDROZA AND YANET Y. LOPEZ SOLORIO, FOR ACQUISITION OF 0.31 ACRES FOR A SEWER LIFT STATION, LOCATED AT 3500 LYDIA LANE, IN MODESTO, (APN: 083-005-021), IN THE AMOUNT OF $303,300, FOR THE SONOMA TRUNK LIFT STATION 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 has been in search of a site to locate a parcel of land for use by Utilities' to place the Sonoma Trunk Lift Station within a defined area and as determined by engineering specifications and,

WHEREAS, staff has identified a 0.31-acre parcel, located at 3500 Lydia Lane, in Modesto, and

WHEREAS, the Wastewater Collection System Master Plan (WWCSMP) identifies the Sonoma Trunk Extension and Sonoma Lift Station as a system that is necessary to serve the immediate area as well as future development of the Roselle/Claribel Comprehensive Planning District (CPD) located in the northeast area of the City, and

WHEREAS, the Sonoma Trunk is currently stubbed off at the intersection of Wood Sorrel Drive and Sylvan Avenue, which is relatively shallow, and

WHEREAS, it is necessary to install a lift station to force the main to pump wastewater from new development into the existing system, and

WHEREAS, property acquisition is needed for the lift station site, and

WHEREAS, initially, Utilities sought an area for an easement to install a lift station, however, property owners in the area were not willing to grant an easement due to concerns it would impact their commercial property, and
WHEREAS, Utilities plans to construct the lift station on the property, adjacent to the residence, without major impacts to the existing structures, once complete, the City intends to resell the property and,

WHEREAS, an Agreement is needed for the acquisition of the property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Purchase Agreement with Purchase and Sale Agreement with Miguel Pedroza and Yanet Y. Lopez Solorio, for acquisition of 0.31 acres for a Sewer Lift Station, located at 3500 Lydia Lane, in Modesto, (APN: 083-005-021), in the amount of $303,300, for the Sonoma Trunk Lift Station Project.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney, 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 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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 ACCEPTING THE VIRGINIA CORRIDOR PHASE 6 – BOWEN AVENUE TO WOODROW AVENUE PROJECT AS COMPLETE
AUTHORIZING ALL NECESSARY STEPS TO FILE WITH THE COUNTY RECORDER, RELEASE SECURITIES, AND RELEASE PAYMENTS TOTALING $2,176,289 TO CAL VALLEY CONSTRUCTION, INC., OF FRESNO, CA

WHEREAS, the Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue Project has been completed by Cal Valley Construction, Inc., of Fresno, CA in accordance with the contract agreement dated December 3, 2013,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Virginia Corridor Phase 6 – Bowen Avenue to Woodrow Avenue Project is hereby accepted as complete from said contractor, by Cal Valley Construction, Inc., of Fresno, CA, and that the City Clerk is authorized to complete all necessary steps to file with the County Recorder, release securities and payments totaling $2,176,289 as is authorized and provided in the contract.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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:  

SEAL

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING AN EXEMPTION TO THE HIRING FREEZE FOR ONE SENIOR FINANCIAL ANALYST, ONE SENIOR UTILITIES SERVICES WORKER, ONE ADMINISTRATIVE OFFICE ASSISTANT II, AND THREE WATER SERVICE AND MAINTENANCE AIDES

WHEREAS, Council Resolution No. 2017-86, adopted February 28, 2017, imposed a citywide hiring freeze to ensure City hiring practices are consistent with long term fiscal sustainability and comply with current and future anticipated budget constraints, and

WHEREAS, adoption of Resolution No. 2017-86 prevented employment offers for positions although candidates had previously been selected to fill the vacant positions, and

WHEREAS, five of these positions are in the Utilities Water Fund and one is in the Budget Division, and

WHEREAS, the position in the Budget Division is primarily funded by Utilities through the Water and Wastewater Funds by direct charge reimbursements to the General Fund, and

WHEREAS, the Utilities Department functions are regulatory compliance driven and adequate financial resources are available to fill the existing vacant positions.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Hiring Freeze Exceptions for one Senior Financial Analyst, one Senior Utilities Worker, one Administrative Office Assistant II, and three Water Service and Maintenance Aides are hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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 APPROVING AN EXEMPTION TO THE HIRING FREEZE FOR THREE FIRE CAPTAINS AND FIVE FIRE ENGINEER POSITIONS

WHEREAS, Council Resolution No. 2017-86, adopted February 28, 2017, imposed a citywide hiring freeze to ensure City hiring practices are consistent with long-term fiscal sustainability and comply with current and future anticipated budget constraints, and

WHEREAS, adoption of Resolution No. 2017-86 prevented employment offers for positions although candidates had previously been selected to fill the vacant positions, and

WHEREAS, on September 27, 2016, Council adopted Resolution No. 2016-389 accepting the 2015 SAFER for the purposes of re-opening Engine 11. As a result of this action, nine (9) positions were created; 3 Firefighter positions, 3 Engineer positions and 3 Captains positions, and

WHEREAS, currently the Engineer and Captains positions are under-filled with Firefighters as they go through academy training, which will be completed in April of 2017, and

WHEREAS, in addition to the SAFER grant, the Fire Department has seen a recent spike in retirements and employees leaving for other departments, this has resulted in additional Engineer and Captain vacancies. Currently, the Fire Department has a total of three (3) Captains positions and five (5) Engineer positions that are all currently under-filled, and
WHEREAS, these positions are fully funded in the current fiscal year and no cost savings will result in keeping these positions under-filled, and

WHEREAS, the projected fiscal impact of not approving the requested promotions will result in an estimated $60,000 per month increase in overtime, and

WHEREAS, staff has identified essential positions in Attachment A and seeks Council approval to fill these positions in FY2016/17. This action will not result in any need for new hires.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the essential positions listed in Attachment A are hereby approved.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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
<table>
<thead>
<tr>
<th>Dept.</th>
<th>OPN</th>
<th>Fund #</th>
<th>Vacant Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>MFD</td>
<td>1359</td>
<td>0100</td>
<td>Fire Captain</td>
</tr>
<tr>
<td>MFD</td>
<td>1360</td>
<td>0100</td>
<td>Fire Captain</td>
</tr>
<tr>
<td>MFD</td>
<td>1361</td>
<td>0100</td>
<td>Fire Captain</td>
</tr>
<tr>
<td>MFD</td>
<td>0985</td>
<td>0100</td>
<td>Fire Engineer</td>
</tr>
<tr>
<td>MFD</td>
<td>0998</td>
<td>0100</td>
<td>Fire Engineer</td>
</tr>
<tr>
<td>MFD</td>
<td>0999</td>
<td>0100</td>
<td>Fire Engineer</td>
</tr>
<tr>
<td>MFD</td>
<td>1356</td>
<td>0100</td>
<td>Fire Engineer</td>
</tr>
<tr>
<td>MFD</td>
<td>1357</td>
<td>0100</td>
<td>Fire Engineer</td>
</tr>
</tbody>
</table>
RESOLUTION NO. 2017-116

RESOLUTION APPROVING AN EXEMPTION TO THE HIRING FREEZE FOR NON-BENEFITED PART TIME POSITIONS ASSIGNED TO THE PARKS, RECREATION AND NEIGHBORHOODS DEPARTMENT

WHEREAS, Council Resolution No. 2017-86, adopted February 28, 2017, imposed a citywide hiring freeze to ensure City hiring practices are consistent with long term fiscal sustainability and comply with current and future anticipated budget constraints, and

WHEREAS, staff has taken actions to implement the provision of Resolution No 2017-86; and

WHEREAS, certain part-time non benefited positions are critical to the various recreational, after school and other department programs, and

WHEREAS, part-time staff is the backbone of the Parks, Recreation and Neighborhoods Department, and

WHEREAS, without non-benefited part time staff, the City must reduce programs and service levels to a wide variety of programs, and

WHEREAS, without well qualified and trained employees, the City risks the continuity of our programs, placing current program users at risk and not fulfilling our commitment to the community.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that exception to the hiring freeze non-benefited part time positions assigned to the Parks, Recreation, and Neighborhoods Department is hereby approved.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of March, 2017, by Councilmember Madrigal, who moved its adoption, which motion being duly seconded by Councilmember Ah You, 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]

STEFHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(37)

WHEREAS, Planned Development Zone, P-D(37) was approved by the City Council by Ordinance 878-C.S., which became effective on April 10, 1968, to allow for the expansion of the existing recreational facilities of the Sportsmen of Stanislaus Health Club in addition to new health club facilities on property located at 819 Sunset Avenue, and

WHEREAS, a verified application for an amendment to Planned Development Zone, P-D(37) was filed by TA Modesto SA, LP on November 18, 2016 to allow for the addition of Kindergarten-Grade 12 Charter School to the allowable uses at the site, with conversion of the existing structures for use as educational facilities including the addition of 7,560 square feet as a second-story within the existing building square footage for use as educational facilities, allow new construction of up to 17,350 square feet for educational facilities, and permit the use of the site for a K-12 Charter School with parking at a level less than is required by the City’s Zoning Code for Elementary and High School uses; property located at 819 Sunset Avenue, and

WHEREAS, after a public hearing held on February 6, 2017, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, it was found and determined by the Planning Commission, by its Resolution No. 2017-04, that amending the allowable uses of the Planned Development Zone P-D(37) as requested will not be detrimental to the public health, safety or welfare because the project will provide for a
new Kindergarten through Grade 12 charter school to serve the needs of the surrounding community, and

WHEREAS, the Planning Commission found the following:

1) The requested zone change will result in an orderly planned use of land because the project will allow for the conversion of an existing health club facility into a new elementary through high school educational facility; and

2) The requested amendment to allow on-site parking at a lower amount than Modesto Municipal Code requirement would not adversely affect operations of the facility because there is an abundance of available on-street parking on the street frontages of the school and nearby Neece Drive, which would provide for additional parking for the school, and the school will maintain a lower student-to-classroom ratio for the high school grades than typical of traditional high schools; and

3) The requested zone change is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) because the K-12 Charter School is consistent with the Mixed Use (MU) land use designation of the site, which allows for institutional uses such as public schools, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on March 28, 2017, in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California, at which date and time said duly noticed public hearing was held, and
WHEREAS, after said public hearing the Council found and determined that the application of TA Modesto 819 SA, LP for an amendment to Planned Development Zone P-D(37) will not be detrimental to the public health, safety or welfare, will result in an orderly planned use of land, and is in accordance with the community objectives as set forth in the Modesto Urban Area General Plan and any applicable specific plans(s) for the reasons set forth in Planning Commission Resolution No. 2017-04 attached hereto and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3668-C.S. on the 28th day of March, 2017, amending the allowable uses of Planned Development Zone P-D(37) to include a Kindergarten-Grade 12 Charter School.

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

1. DEVELOPMENT PLAN. The development plan for Planned Development Zone, P-D(37), is hereby approved subject to the following conditions:

1. Prior to the issuance of a building permit, all development shall conform to the development plan titled “Modesto Charter School, 819 Sunset Avenue, Modesto CA, TA II Acquisition LLC”, stamped approved by the City Council on [date to be determined].

2. All conditions of City Council Resolution No. 68-207 not in conflict with this action shall remain in full force and effect.

3. Fencing along the south property line and the street frontages shall be replaced with new fencing to amend existing fencing in poor condition. Wrought-iron fencing is highly recommended for security and durability. Minimum fence height shall be seven (7) feet from grade.

4. Parking lot lighting along the north property line shall be adequately shielded to minimize light spillage or glare upon neighboring residents north of the project site.
5. Bicycle racks shall be provided per the Modesto Municipal Code and Green Building Code.

6. In the event the parking lot layout is changed beyond restriping and rerouting traffic flow, one shade tree for each eight (8) parking spaces shall be provided. Parking lot shade trees shall be located no closer than fifteen (15) feet from parking lot light fixtures.

7. Applicant shall provide street trees along the Roselawn, Neece and Sunset Avenue street frontages.

8. Vehicular access shall be provided to the parking lot from Roselawn Avenue.

9. Prior to issuance of a building permit, new classroom construction shall maintain the minimum setback of ten (10) feet from the Roselawn Avenue frontage and the southerly property line, and the setback areas shall be landscaped.

10. Any public improvements that are missing damaged or not to current City standards shall be designed per City standards in accordance with City Code (Article 7-1.701), standards and specifications. Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. All public improvement plans shall be designed by a Registered Engineer and reviewed and approved by the City Engineer prior to issuance of an Encroachment permit.

11. Prior to issuance of a building or grading permit, plans shall address on-site storm water management and any increase in run-off to off-site areas shall be mitigated in accordance to City and State Standards.

12. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to design requirements of the most current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.

13. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain, treat, and infiltrate the first 0.5” of stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.
14. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, bioretention, vegetative strip, or other approved proprietary device) to remove pollutants from the first 0.5” of stormwater run-off from site.

15. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot and floor of enclosures shall be graded to drain into adjacent landscape areas.

16. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering, Stormwater for recording.

17. Prior to the issuance of a Grading or Building Permit, Developer shall prepare and submit a Water Pollution Control Plan (WPCP) or Local SWPPP to Land Development Engineering, Stormwater for review. The submittal shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement.

18. Prior to issuance of a building or grading permit, Developer shall submit Landscape and Irrigation plans for review and approval by the City’s Parks Planning and Development Division. L&I plans shall be compliant with current State of California Model Water Use Ordinance, MMC requirements and City Standards at the time of submittal.

19. On-site fire hydrants shall be provided to meet requirement of spacing and distribution of 500 feet O.C.

20. Modification for the change of use of these buildings shall be in accordance with the California Building Code (CBC) and California Fire Code (CFC).

21. Modifications to the fire sprinkler system shall be in accordance to NFPA 13.

22. Fire Department Connections (FDC) to fire sprinklers are to be within 90-feet of a fire hydrant.

23. A fire alarm system conforming to the requirements of the CFC will be required for existing and new buildings for student use.
24. Fire department access roads are to be provided with an unobstructed 20-foot width, have an all-weather surface, with changes in direction having an inside radii of 20-feet and outside radii of 40-feet and be able to support the load of a 30-ton (60,000-lb) fire apparatus.

25. Access gates plans shall be submitted to Modesto Fire Prevention Division for approval prior to installation.

26. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.

27. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.

28. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

29. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.

30. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development.

31. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys’ fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

The following conditions are recommended mitigation measures from the City of Modesto General Plan Master EIR that should be applied to the project:
32. 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, covered with a tarp or other suitable cover or vegetative ground cover.

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

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

35. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

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

37. Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

38. Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

39. The project shall comply with the City’s noise ordinance. 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.

40. Construction activities shall comply with the requirements of the City’s Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board’s General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3[h])
2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(37):

The entire construction program shall be accomplished in one phase, construction to begin within two years of the effective date of the amendment to the allowable uses of the Planned Development Zone, and completion to be not later than two years after commencement of construction.

3. CHANGES IN DEVELOPMENT PLAN. Any changes in the above approved development plan shall be made in accordance with the provisions of Section 10-7.108 of the Modesto Municipal Code.

4. COMPLIANCE WITH CODE PROVISIONS, ETC. In all other respects said planned development shall be accomplished in accordance with and in strict adherence to the provisions of Article 1 of Chapter 7 of Title 10 of the Modesto Municipal Code relating to Planned Development Zones and other applicable City laws, rules, regulations and procedures.

5. EFFECTIVE DATE. This resolution shall not become effective unless and until the ordinance amending the allowable uses of the above-described Planned Development Zone, P-D(37), becomes effective.

BE IT FURTHER RESOLVED that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be
filed, begins on March 28, 2017, and that if a protest is not filed within this ninety (90)-
day period complying with all of the requirements of Section 66020, the applicant will be
legally barred from later challenging such exactions.

The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 28th day of March, 2017, by Councilmember Zoslocki,
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: STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:
By: ADAM U. LINDGREN, City Attorney

APPROVED AS TO LEGAL DESCRIPTION:
By: Community & Economic Development Department
Planning Division
PLANNING COMMISSION
RESOLUTION NO. 2017-04

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AN AMENDMENT TO P-D(37), PROPERTY LOCATED AT 819 SUNSET AVENUE (TA MODESTO 819 SA, LP)

WHEREAS, Planned Development Zone, P-D(37), was approved by the City Council by Ordinance No. 878-C.S., which became effective on April 10, 1968, to allow for the expansion of the existing recreational facilities of the Sportsmen of Stanislaus Health Club in addition to new health club facilities on property located at 819 Sunset Avenue; and

WHEREAS, a verified application for an amendment to P-D(37) was filed by TA Modesto 819 SA, LP on November 18, 2016, to allow for the addition of K-12 Charter School to the allowable uses at the site, with conversion of the existing structures for use as educational facilities, new construction of up to 17,350 square feet for educational facilities, and permit the use of the site for a K-12 charter school with parking at 29 spaces fewer than required by the City’s Zoning Code for Elementary and High School uses; and

WHEREAS, a public hearing was held by the Planning Commission on February 6, 2017, in the Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission certifies it has received and reviewed the Initial Study, Environmental Assessment No. EA/C&ED 2017-02, which concluded that the project is within the scope of the General Plan Master EIR (SCH No. 2007072023) and that pursuant to Section 21157.1 of the Public Resources Code, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The requested amendment will not be detrimental to the public health, safety or welfare because the project will provide for a new Kindergarten through Grade 12 charter school to serve the needs of the surrounding community.

2. The requested amendment will result in an orderly planned use of land because the project will allow for the conversion of an existing health club facility into a new elementary through high school educational facility.

3. The requested amendment to allow on-site parking at a lower amount than Modesto Municipal Code requirement would not adversely affect operations of the facility because there is an abundance of available on-street parking on the street frontages of the school and nearby Neece Drive, which would provide for additional parking for the school, and the school will maintain a lower student-to-classroom ratio for the high school grades than typical of traditional high schools.

PDA-16-003
4. The requested amendment is in accordance with the community's objectives as set forth in the General Plan and any applicable specific plan(s) because the K-12 Charter School is consistent with the Mixed Use (MU) land use designation of the site, which allows for institutional uses such as public schools.

5. 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.

6. 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.

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

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

9. 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.

10. 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 Planning Commission that it recommends to the Council as follows: That P-D(37) be amended to permit the addition of K-12 Charter School to the allowable uses at the site, with remodeling of the existing structures to add 7,560 square feet as a second-story within the existing building square footage for use as educational facilities, allow new construction of up to 17,350 square feet for educational facilities, and permit the use of the site for a K-12 charter school with parking at a level less than is required by the City's Zoning Code for High School use.

IT IS FURTHER RECOMMENDED that a revised development plan for P-D(37) be approved subject to the following conditions:

1. Prior to the issuance of a building permit, all development shall conform to the development plan titled "Modesto Charter School, 819 Sunset Avenue, Modesto CA, TA II Acquisition LLC", stamped approved by the City Council on [date to be determined].

2. All conditions of City Council Resolution No. 68-207 not in conflict with this action shall remain in full force and effect.
3. Fencing along the south property line and the street frontages shall be replaced with new fencing to amend existing fencing in poor condition. Wrought-iron fencing is highly recommended for security and durability. Minimum fence height shall be seven (7) feet from grade.

4. Parking lot lighting along the north property line shall be adequately shielded to minimize light spillage or glare upon neighboring residents north of the project site.

5. Bicycle racks shall be provided per the Modesto Municipal Code and Green Building Code.

6. In the event the parking lot layout is changed beyond restriping and rerouting traffic flow, one shade tree for each eight (8) parking spaces shall be provided. Parking lot shade trees shall be located no closer than fifteen (15) feet from parking lot light fixtures.

7. Applicant shall provide street trees along the Roselawn, Neece and Sunset Avenue street frontages.

8. Vehicular access shall be provided to the parking lot from Roselawn Avenue.

9. Prior to issuance of a building permit, new classroom construction shall maintain the minimum setback of ten (10) feet from the Roselawn Avenue frontage and the southerly property line, and the setback areas shall be landscaped.

10. Any public improvements that are missing damaged or not to current City standards shall be designed per City standards in accordance with City Code (Article 7-1.701), standards and specifications. Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. All public improvement plans shall be designed by a Registered Engineer and reviewed and approved by the City Engineer prior to issuance of an Encroachment permit.

11. Prior to issuance of a building or grading permit, plans shall address on-site storm water management and any increase in run-off to off-site areas shall be mitigated in accordance to City and State Standards.

12. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to design requirements of the most current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.

13. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain, treat, and infiltrate
the first 0.5” of stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.

14. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, bioretention, vegetative strip, or other approved proprietary device) to remove pollutants from the first 0.5” of stormwater run-off from site.

15. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan for trash enclosures to be sufficiently elevated to prevent stormwater run-on from parking lot and floor of enclosures shall be graded to drain into adjacent landscape areas.

16. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall provide a signed and notarized Stormwater Treatment Device Access and Maintenance Agreement to Land Development Engineering, Stormwater for recording.

17. Prior to the issuance of a Grading or Building Permit, Developer shall prepare and submit a Water Pollution Control Plan (WPCP) or Local SWPPP to Land Development Engineering, Stormwater for review. The submittal shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement.

18. Prior to issuance of a building or grading permit, Developer shall submit Landscape and Irrigation plans for review and approval by the City’s Parks Planning and Development Division. L&I plans shall be compliant with current State of California Model Water Use Ordinance, MMC requirements and City Standards at the time of submittal.

19. On-site fire hydrants shall be provided to meet requirement of spacing and distribution of 500 feet O.C.

20. Modification for the change of use of these buildings shall be in accordance with the California Building Code (CBC) and California Fire Code (CFC).

21. Modifications to the fire sprinkler system shall be in accordance to NFPA 13.

22. Fire Department Connections (FDC) to fire sprinklers are to be within 90-feet of a fire hydrant.

23. A fire alarm system conforming to the requirements of the CFC will be required for existing and new buildings for student use.

24. Fire department access roads are to be provided with an unobstructed 20-foot width, have an all-weather surface, with changes in direction having an inside radii of 20-feet and outside radii of 40-feet and be able to support the load of a 30-ton (60,000-lb) fire apparatus.

PDA-16-003
25. Access gates plans shall be submitted to Modesto Fire Prevention Division for approval prior to installation.

26. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.

27. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.

28. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.

29. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.

30. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development.

31. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys’ fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

The following conditions are recommended mitigation measures from the City of Modesto General Plan Master EIR that should be applied to the project:

32. 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, covered with a tarp or other suitable cover or vegetative ground cover.

33. All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.
34. When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.

35. All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

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

37. Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

38. Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

39. The project shall comply with the City's noise ordinance. 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.

40. Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3[h])

IT IS FURTHER RECOMMENDED that the entire construction program be accomplished in one phase, construction to begin on or before February 6, 2017, and be completed by not later than February 6, 2019.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 6, 2017, by Commissioner Pollard, who moved its adoption, which motion was seconded by Commissioner Lucas and carried by the following vote:

Ayes: Escutia-Braaton, Lucas, Pollard, Smith, Vohra
Noes: None
Absent: Morad
Recused: None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.
Original, signed copy on file in CEDD
Patrick Kelly, Secretary
MODESTO CITY COUNCIL
RESOLUTION NO. 2017-118

RESOLUTION FINDING THAT THE FOLLOWING SUBSEQUENT PROJECT IS WITHIN THE SCOPE OF THE PROJECT COVERED BY THE MODESTO URBAN AREA GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE NO. 2007072023): AMENDMENT TO PLANNED DEVELOPMENT ZONE P-D(37) TO ALLOW FOR A K-12 CHARTER SCHOOL IN ADDITION TO THE ALLOWABLE USES, PROPERTY LOCATED AT 819 SUNSET AVENUE

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

WHEREAS, TA Modesto 819 SA, LP has proposed an amendment to Planned Development P-D(37) to allow for a Kindergarten to Grade 12 Charter School to the allowable uses of the site, property located at 819 Sunset Avenue, 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/C&ED 2017-02 ("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 beginning on March 8, 2017, 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 March 28, 2017, 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 amendment to Planned Development P-D(37), 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 28th day of March, 2017, by Councilmember Zoslocki, 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: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: 

ADAM U. LINDGREN, City Attorney
EXHIBIT A

Initial Study

EA/C&ED
Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist
C&ED No. 2017-02

For the proposed:

Amendment to Planned Development Zone P-D(37)
Addition of Kindergarten-12th Grade Charter School to allowable uses
819 Sunset Avenue
PDA-16-003

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

November 23, 2016

Updated: September 2013
# Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Purpose</td>
<td>1</td>
</tr>
<tr>
<td>II. Project Description</td>
<td>1</td>
</tr>
<tr>
<td>III. Findings/Determination</td>
<td>6</td>
</tr>
<tr>
<td>IV. Environmental Analysis</td>
<td>9</td>
</tr>
<tr>
<td>V. Mitigation Measures</td>
<td>44</td>
</tr>
<tr>
<td>APPENDIX</td>
<td>47</td>
</tr>
</tbody>
</table>
City of Modesto
Master EIR Initial Study Environmental Checklist

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 amendment to Planned Development Zone P-D(37), (“Project”) is “within the scope” of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2007072023) (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)

II. PROJECT DESCRIPTION

A. Title: PDA-16-003—Amendment to Planned Development Zone P-D(37)

B. Address or Location: 819 Sunset Avenue, Modesto CA 95351

C. Applicant: TA Modesto 819 SA LP, attn.: Liat Bishko
3000 Olympic Blvd, Bldg. 1, Suite 2120
Santa Monica, CA 90404

D. City Contact Person: Katharine Martin, Associate Planner

Project Manager: Katharine Martin
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5267
E-mail address: kamartin@modestogov.com

E. Current General Plan Designation(s): Mixed Use (MU)

F. Current Zoning Classification(s): Planned Development Zone P-D(37)

G. Surrounding Land Uses:
   North: Low Density Residential (R-1) Zone, single-family residences.
South: Low Density Residential (R-1) Zone, parking lot and maintenance buildings for Dryden Golf Course.

East: Low Density Residential (R-1) Zone, Dryden Golf Course.

West: Low Density Residential (R-1) Zone, single-family residential, and Medium Density Residential (R-2) Zone, residential duplexes and triplexes.

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 project involves the amendment of the Planned Development Zone P-D(37) to allow for a K-12 Charter School in addition to current uses. The project site is located 819 Sunset Avenue within the Baseline Urbanized Area of the General Plan.

The Planned Development Zone was adopted by the Modesto City Council on March 7, 1968 by Ordinance 878-C.S. to provide custom zoning that allowed for a Health Club, for the existing Sportsmen of Stanislaus fitness and recreation facility. The facility, founded in 1957, currently consists of 57,260 square feet of building area comprised of workout facilities, locker rooms, gymnasium, and conference rooms, with outdoor facilities including swimming pools and tennis courts.

The amendment proposes adding K-12 Charter School to the allowed use, in order to facilitate the reuse and remodel of the existing facility. The remodel would include the conversion of existing buildings to educational facilities, the addition of 7,650 square feet as an interior second-story to an existing building, and allow new construction of 17,350 square feet for educational purposes. The proposal would permit use of the site for up to 924 students in addition to staff.
Amendment to Planned Development Zone P-D(37)
General Plan Master EIR Finding of Conformance

AREA MAP OF PROPOSED PLANNED DEVELOPMENT AMENDMENT
PDA-16-003

Dryden Golf Course
Amendment to Planned Development Zone P-D(37)
General Plan Master EIR Finding of Conformance
I. Other Public Agencies Whose Approval is Required: None.
III. FINDINGS/DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. **X** 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. | YES | NO |

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.

| (1) | Certification of the General Plan Master EIR occurred less than five years prior to the filing of the application for this subsequent project. | YES | NO |
| (2) | 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: | YES | NO |
| (a) | No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified. | YES | NO |
| (b) | 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. | YES | NO |
| (c) | Policies remain in effect which require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development. | YES | NO |
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 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 (MEIR) for the General Plan 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 the Master EIR.

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 MEIR pages V-1-9 through V-1-28. 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:

The appropriate mitigation to be applied to this project includes none from the MEIR. 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 Master EIR provides analysis of Traffic and Circulation impacts of development of the 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:** 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>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<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>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<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>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<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>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<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>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>7) The proposed project would result in an increase</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Impact</td>
<td>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>--------------------------------</td>
<td>--------------------------------------------------</td>
<td>-----------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td>Less Than Significant Impact in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Discussion:**

1. The project proposes conversion of the existing facilities of an established health club into a K-12 charter school. A Trip Generation Study between Health Club uses and schools was conducted by KD Anderson and Associates (attached) which concluded that while trip generation would increase in the Peak AM hours above that of a health club, the school would generate fewer daily trips than a health club. The project was referred to Traffic Engineering and Land Development Engineering, Traffic, who indicated no concerns with traffic volume exceeding daily trip generation assumptions for such uses in the General Plan MEIR.

2. The project would not exceed a level of service standard established by the county congestion management agency for designated roads or highways.

3. The project would not conflict with any Congestion Management Plans, or cause an increase in vehicle miles or hours traveled. There will be increases in traffic of short duration in the morning and afternoon hours as is typical of drop-off and pick-up times at similar schools; however, the school’s administration will use staggered start times for the elementary grades and Middle-high school grades to lessen the impact, and the City’s Traffic Division indicated no concerns that the project would cause the surrounding street’s level of service to exceed LOS D.

4. The project would not cause emergency response times to exceed acceptable standards. The project was referred to the City Fire Department, who indicated no concerns.

5. The project proposes 141 parking spaces for students, visitors and staff, 29 spaces less than the City’s requirement for office, elementary school and high school uses, as required by the City’s Zoning Code for parking spaces per square footage of use. However, the student-classroom ratio is projected by the school to be low, approximately 14:1 in the high school classrooms, reducing the parking shortage to a less than significant impact.

6. The proposed project will not conflict with adopted policies, plans, or programs that support alternative transportation.

7. The project would not result in an increase in vehicle miles traveled in excess of what was considered by the General Plan MEIR.

2. **DEGRADATION OF AIR QUALITY**

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

The 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 (NOx) (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$_{10}$) and 2.5 microns or less in diameter (PM$_{2.5}$) (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 Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NOx, PM$_{10}$, and PM$_{2.5}$.

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 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:

The appropriate mitigation to be applied to this project includes AQ-42, and AQ-44 through AQ-50 from the MEIR. 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-2.B of the Master EIR is the analysis of air quality impacts 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 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:

<table>
<thead>
<tr>
<th>2. DEGRADATION OF AIR 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 exceeds the project-level emissions thresholds established for CO, ROG, NOx, PM$<em>{10}$, and PM$</em>{2.5}$ 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>
</tbody>
</table>
### 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 Master EIR. 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:**
The appropriate mitigation to be applied to this project includes N-3 from the 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 MEIR discloses noise impacts 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 analyzed in the Master EIR.

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

<table>
<thead>
<tr>
<th>3. GENERATION OF NOISE</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,</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
<td>[ ]</td>
</tr>
</tbody>
</table>

Amendment to Planned Development Zone P-D(37) General Plan Master EIR Finding of Conformance

Initial Study EA No. 2017-02

November 23, 2016
Table:

<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>the Modesto Urban Area General Plan.</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>
</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>
</tr>
</tbody>
</table>

Discussion:

(1-2) The project is consistent with the noise policies of the General Plan. The proposed development is not anticipated to generate noise levels that exceed the noise thresholds of the MEIR.

(3) The project will not result in a substantial increase in ambient noise above levels described in the MEIR. There will be occasional outdoor noise associated with children at play during recess times and outdoor physical activity, but at levels not expected to be in excess of normal activities of the previously operational health club.

(4) There will be temporary construction-related noise, but implementation of the mitigation measure outlined above would reduce the impacts to a less than significant amount.

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 Master EIR. 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:
The project does not require mitigation measures from the MEIR. 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 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:

<table>
<thead>
<tr>
<th>4. EFFECTS ON AGRICULTURAL LANDS</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>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:
(1) The project would be consistent with the General Plan's policies relating to agricultural land. The site is located within the Baseline Developed Area, and is designated as Mixed Use (MU) in the General Plan's Land Use Diagram.

(2) The project will not result in the development of land outside of the 2008 General Plan boundary. The site is within the Baseline Developed Area and is surrounded by urbanized area within the jurisdiction of the City.

(3) The site is not zoned for agricultural uses. The proposed amendment is to allow for a charter school within a facility established as a health club in 1957. There are no Williamson Act contracts on the properties of the project site.

(4) The project will not convert existing farmland to a non-agricultural use.

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 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 project does not require mitigation measures from the MEIR. 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 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:

<table>
<thead>
<tr>
<th>5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES</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>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion:**

(1) The proposed project is consistent with the water supply policies in the General Plan.

(2) The project was referred to Land Development Engineering staff who indicated no concerns with water supply or demands of the project.

(3) The proposed project is consistent with the ground water demands assumed in the General Plan. The project would not have a significant effect on ground water recharge or depletion of long-term water supplies.

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 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 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. 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 from the Master EIR are required. 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:

<table>
<thead>
<tr>
<th><strong>6. INCREASED DEMAND FOR SANITARY SEWER SERVICES</strong></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</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☒</td>
</tr>
<tr>
<td>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>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the wastewater policies in the General Plan.

(2-3) The project was referred to Land Development Engineering staff, who indicated no concerns with generation of sewer flows or capacity generated by the project.

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. 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 project does not require mitigation measures from the MEIR. 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 Master EIR discloses 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:

<table>
<thead>
<tr>
<th>7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT</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 Game 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 project is consistent with the General Plan policies related to the loss of sensitive wildlife and plant habitat.

Amendment to Planned Development Zone P-D(37)  
General Plan Master EIR Finding of Conformance  
Initial Study EA No. 2017-02  
November 23, 2016
(2) The project site is not within a biologically sensitive area as defined by Figures V-7-1a through V 7-1e of the MEIR. The California Department of Fish and Game and the U.S. Fish and Wildlife Service were consulted in the production of the MEIR.

(3) The site does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.

(4) The site is not within a biologically sensitive area as defined by Figures V-7-1a through V 7-1e of the MEIR. The movement of fish or birds or other wildlife would not be significantly affected by the project.

(5) The project would not conflict with any local policies or ordinances protecting biological resources.

(6) There is no conflict with any adopted habitat conservation plan, natural community conservation plan, or other approved local, regional or state habitat conservation plan.

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 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 project does not require mitigation measures from the MEIR. 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 MEIR discloses 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 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>Type</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>8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>2) 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>
<td>☑</td>
</tr>
<tr>
<td>3) The proposed project would modify or demolish a structure more than 50 years in age.</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☑</td>
</tr>
<tr>
<td>4) 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>
<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>
</tbody>
</table>

Discussion:

(1) The project would be consistent with the archeological and historical resource policies in the General Plan.

(2) The site is not a local landmark nor is listed or eligible for listing as a historic resource.

(3) The facility was originally established in 1957 and has been in regular use as a health club with gymnasium and conference areas. The project would remodel existing structures from the health club facilities to accommodate the activities of a K-12 Charter School. Any modification and new construction is to be as required by the California Building Code and the California Department of General Services, Division of the State Architect.

(4) The project would not affect a resource that is listed or eligible for listing in the California Register of Historic Resources.
The project would not conflict with a local policy or ordinance protecting biological resources. The City of Modesto does not have a tree preservation policy or ordinance.

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. 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: SD-9 from the 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-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:
9. INCREASED DEMAND FOR STORM DRAINAGE

<table>
<thead>
<tr>
<th>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 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 project would not be inconsistent with the storm drainage policies of the General Plan.

(2) The project involves the reuse of existing health club facilities into a K-12 charter school with addition of new classrooms at the existing tennis courts. Storm water runoff from the site is not expected to increase significantly with the project as the new construction is to be built at the location of the existing tennis courts.

(3) Best management practices will be utilized with construction through the mitigation measure cited above.

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. 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: FWQ-13 from the 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 Master EIR provides analysis of Flooding and Water Quality impacts of development of the General 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 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>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</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
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.

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.

Discussion:

(1) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan.

(2) The project would comply with the Federal Clean Water Act and the Porter Cologne Act requirements.

(3) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA).

(4) The project would remodel and expand existing structures from the health club to accommodate the activities of a K-12 Charter School. Expansion is to be in the form of a second-story addition within the interior of an existing building and the placement of new classroom spaces over an existing tennis court area at the southwest corner of the site. No structures would be placed within a 100-year flood hazard zone.

(5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures.

(6) The project will not violate water quality standards or waste discharge requirements.

(7) The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation.

(8) The project was referred to Land Development Engineering who indicated no concerns with the project creating or contributing to runoff in excess of what is expected as part of the General Plan’s implementation.

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 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:
There are no applicable mitigation measures from the 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-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:

<table>
<thead>
<tr>
<th>11. INCREASED DEMAND FOR PARKS AND OPEN SPACE</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 parks and open space policies in the Urban Area General Plan.</td>
<td>☐</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>
<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</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>
Discussion:

(1) The project is consistent with the parks and open space policies in the General Plan.

(2-3) The project will not impact parks or open space, or cause an increase in the use of existing parks. The project involves the reuse of an existing health club into a K-12 Charter School, which would not impact parks.

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. 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:

There are no applicable mitigation measures from the 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-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:

<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><strong>12. INCREASED DEMAND FOR SCHOOLS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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>☒</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>☒</td>
</tr>
</tbody>
</table>

**Discussion**:

1. The project involves the reuse of an existing health club into a new K-12 Charter School, which would not conflict with policies related to schools in the General Plan.

2. The project would not conflict with SB50/Proposition 1A funding provisions, or succeeding measures.

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 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:
There are no applicable mitigation measures from the 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-13.B of the 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 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>
</tr>
</thead>
<tbody>
<tr>
<td>Potentially Significant Impact</td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.</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>
</tr>
</tbody>
</table>

Discussion:
(1) The project is consistent with the policies relating to police services in the General Plan.
(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project was referred to the City Police Department, who indicated no concerns.

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. 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:**

There are no applicable mitigation measures from the 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-14.B of the 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 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</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>


Discussion:

(1) The proposed project is consistent with the fire service policies in the General Plan.

(2) The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives.

(3) The project would not cause the erosion or elimination of fire protection services. The project will meet City Standards for emergency services access.

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. 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:

There are no applicable mitigation measures from the 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-15.B of the 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 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></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><strong>15. GENERATION OF SOLID WASTE</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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) The project is consistent with the solid waste policies in the General Plan.

(2) The project would not cause an impact to the disposal capacity of solid waste facilities in the County.

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 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:

There are no applicable mitigation measures from the 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:

<table>
<thead>
<tr>
<th>16. GENERATION OF HAZARDOUS MATERIALS</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) The project is consistent with the hazardous materials policies in the General Plan.

(2) The project will comply with all applicable federal, state, and county standards and regulations relative to the handling, storage, disposal, and transport of hazardous or toxic materials or wastes. (No hazardous materials will be involved with this project).

(3) The project is not 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 not create a significant hazard to the public or the environment.

(4) The project site is not known to contain any contaminants.
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 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:

There are no applicable mitigation measures from the 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-17.B of the 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 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>Criteria</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>17. GEOLOGY, SOILS, AND MINERAL RESOURCES</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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>☑</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</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>
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.

Discussion:

(1) The project is consistent with policies relating to geology, soils, and mineral resources in the General Plan.

(2) The project site is not be located on soil that is unstable, or that would become unstable as a result of the project. There are no known mineral resources of value to the region and the state on the property.

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 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:
There are no applicable mitigation measures from the 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-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 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>18. ENERGY</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 energy 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 energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:
(1) The project is consistent with the energy policies in the General Plan.

(2) The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan.

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 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:**

There are no applicable mitigation measures from the 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-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 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>19. EFFECTS ON VISUAL RESOURCES</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) The project is consistent with the policies relating the visual resources in the General Plan.

(2-3) The project would not impact views from riverside areas and parks, nor would degrade views of riverside areas and parks from public roadways.
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 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**:

There are no applicable mitigation measures from the 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-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:

<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>20. LAND USE AND PLANNING</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
<td>![ ]</td>
</tr>
<tr>
<td>2) 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>
<td>![ ]</td>
</tr>
<tr>
<td></td>
<td>Potentially Significant Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>3) 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>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the Mixed Use (MU) land use designation in the General Plan.

(2) The project would not divide an established community. The proposal is to rezone two existing residential properties on an arterial street to Professional Office uses, in an area that is transitioning from residential uses to office uses.

(3) The project is consistent with the land use plan, policies and regulations of the City of Modesto designed to mitigate project impacts.

(4) The project does not conflict with applicable habitat conservation plans or natural community conservation plans.

21. **CLIMATE CHANGE**

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

The 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. 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:
There are no applicable mitigation measures from the 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-18.B of the 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:

<table>
<thead>
<tr>
<th>21. CLIMATE CHANGE</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 climate change 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 average automobile trip lengths or CO₂ emissions higher than those assumed in the Master EIR.</td>
<td>❌</td>
<td>✓</td>
<td>❌</td>
<td>✓</td>
</tr>
<tr>
<td>3) 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>
<td>✓</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project is consistent with the policies relating to climate change in the Urban Area General Plan. The project would not have a significance effect on climate change.

(2) The project would not affect automobile trip lengths or CO₂ emissions.

(3) A Sustainable Communities Strategy has not yet been implemented by the ARB. Future development will be required to comply with the provisions of the Sustainable Communities Strategy once it is established.
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: none.

Traffic and Circulation:

N/A

Degradation of Air Quality:

AQ-42: 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, covered with a tarp or other suitable cover or vegetative ground cover.

AQ-44: All land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

AQ-46: When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least six inches of freeboard space from the top of the container shall be maintained.
AQ-47: All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.)

AQ-48: Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, said piles shall be effectively stabilized of fugitive dust emissions utilizing sufficient water or chemical stabilizer/suppressant.

AQ-49: Within urban areas, track out shall be immediately removed when it extends 50 or more feet from the site and at the end of each workday.

AQ-50: Any site with 150 or more vehicle trips per day shall prevent carryout and track out.

**Generation of Noise:**

N-3: The project shall comply with the City's noise ordinance. 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.

**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:**

N/A

**Disturbance of Archaeological/Historic Sites:**

N/A

**Increased Demand for Storm Drainage:**

SD-9: Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board’s General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3[h])

**Flooding and Water Quality:**

Amendment to Planned Development Zone P-D(37) General Plan Master EIR Finding of Conformance 45

Initial Study EA No. 2017-02
November 23, 2016
FWQ-13: Construction activities shall comply with the requirements of the City’s Storm Water Management Plan under its municipal NPDES Stormwater permit, and the State Water Resources Control Board’s General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy V.E.3[h])

**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:**

N/A

**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
APPENDIX

KD Anderson & Associates
Trip Generation Comparison for SOS Athletic Club and Potential Charter School;
Modesto, CA, October 20, 2016