RESOLUTION APPROVING THE REAPPOINTMENT OF PHILIP S. ANSELMO JR. TO THE DISABLED ACCESS APPEALS BOARD TO A SECOND FOUR-YEAR TERM, WITH A TERM EXPIRATION OF FEBRUARY 10, 2023

WHEREAS, Section 1102 of the Charter of the City of Modesto authorizes the City Council to appoint members to various Boards and Commissions, and

WHEREAS, the City Council approved, by Resolution Number 2015-34, and the appointment of Philip S. Anselmo Jr. for the term ending February 10, 2019, and

WHEREAS, Philip S. Anselmo Jr. has expressed interest in continuing to serve as a member of the Disabled Access Appeals Board.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Modesto that it hereby approves the reappointment Philip S. Anselmo Jr. to the Disabled Access Appeals Board to a second four-year term, with a term expiration of February 10, 2023.

BE IT FURTHER RESOLVED, that City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Disabled Access Appeals Board, and the Secretary thereof.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, 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 AWARDING $189,600 IN COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION FOR THE ACQUISITION OF PROPERTY LOCATED AT 615 5TH STREET, MODESTO CA, AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS

WHEREAS, the Program Year 2018-2019 Annual Action Plan’s Community Development Block Grant (CDBG) budget includes funding for acquisition of Affordable Housing – Acquisition Activities, and

WHEREAS, the intent of this program is to allow the City to partner with local affordable housing providers to acquire properties, make any necessary site improvements, and achieve innovative, affordable, and safe residential housing solutions, while meeting the myriad of regulatory requirements associated with the federal entitlement funds that the City receives, and

WHEREAS, it has been documented that affordable housing is severely constrained and have been scarce in the current competitive housing market, and

WHEREAS, to assist with this shortage, the City works with local affordable housing providers to acquire and/or develop affordable housing units, using federal entitlement program funds such as CDBG and HOME, with the goal of supplementing affordable housing inventory within the City, and

WHEREAS, Stanislaus County Affordable Housing Corporation (STANCO) is seeking funding to acquire a 2 bedroom, 1-bath affordable rental housing unit on property located at 615 5th Street, Modesto CA 95351, and

WHEREAS, the subject property is adjacent to STANCO’s existing Garden Gate Respite (GGR) project which provides short-term crisis housing for individuals with
known or suspected mental illness, who are at risk for homelessness, incarceration, victimization or psychiatric hospitalization, and

WHEREAS, the property will serve as an additional short-term transitional housing unit for the same population groups currently served at GGR, and

WHEREAS, this project will provide short-term affordable rental housing to individuals with incomes below 80% of the area median income.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the awarding of $189,600 in Community Development Block Grant funds to Stanislaus County Affordable Housing Corporation for the acquisition of property located at 615 5th Street, Modesto CA.

BE IT FURTHER RESOLVED that the City Manager or his designee, is hereby authorized to execute the agreement.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2019, 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: Cathri Lee

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
RESOLUTION AMENDING THE MULTI-YEAR PROJECT 101143 BUDGET TO ALLOCATE $189,600 OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS TO STANISLAUS COUNTY AFFORDABLE HOUSING CORPORATION FOR ACQUISITION ACTIVITIES AND $5,000 FOR ELIGIBLE ACTIVITY DELIVERY COSTS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO TAKE THE NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the City of Modesto receives annual entitlements from HUD based on its population size, number of households living below poverty level and number of sub-standard housing units, and

WHEREAS, the Program Year 2018-2019 Annual Action Plan’s Community Development Block Grant (CDBG) budget includes funding for acquisition of Affordable Housing – Acquisition Activities, and

WHEREAS, Stanislaus County Affordable Housing Corporation (STANCO) is seeking funding to acquire a 2 bedroom, 1-bath affordable rental housing unit on property located at 615 5th Street, Modesto CA 95351, and

WHEREAS, STANCO is seeking funding to acquire the property to serve as an additional short-term transitional housing unit, and

WHEREAS, this project will provide short-term affordable rental housing to individuals with incomes below 80% of the area median income, and

WHEREAS, the Affordable Housing – Acquisition Project 101143, funded through the Community Development Block Grant Entitlement Funds, must be amended as shown in Exhibit A, which is incorporated by reference herein.

NOW, THEREFORE, BE IT RESOLVED, amending the multi-year project 101143 budget to allocate $189,600 of Community Development Block Grant Funds to
Stanislaus County Affordable Housing Corporation for acquisition activities and $5,000 for eligibility activity delivery costs as shown in Exhibit A attached hereto.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to implement the provision of this resolution.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2019, 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
**Exhibit A**

**Affordable Housing Acquisition**

<table>
<thead>
<tr>
<th>Organization</th>
<th>CED-HUD Administration</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Fund</td>
<td>Grady - Chula Direct Program 1/30</td>
</tr>
<tr>
<td>Location</td>
<td>-</td>
</tr>
<tr>
<td>Classification</td>
<td>Nantyan Avenue A</td>
</tr>
</tbody>
</table>

**Project 101143**

**From**

- Appr Unit C Direct Loan: $604,096.00 ($189,600.00) $414,496.00
- Appr Unit C Activity Delivery: $32,000.00 ($5,000.00) $27,000.00

**To**

- 1328 Appr Unit C Direct Loan EN2016: $ - $57,000.00 $57,000.00
- 1328 Appr Unit C Direct Loan EN2016: $ - $117,201.93 $117,201.93
- 1328 Appr Unit C Direct Loan EN2018: $ - $15,398.07 $15,398.07
- 1328 Appr Unit C Activity Delivery EN2018: $ - $5,000.00 $5,000.00
RESOLUTION APPROVING A CITYWIDE PROFESSIONAL SERVICES AGREEMENT FOR SECURITY SERVICES, WITH UNIVERSAL PROTECTION SERVICE LP (DBA ALLIED UNIVERSAL SECURITY SERVICES), FOR A FIVE-YEAR AGREEMENT WITH TWO ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED $741,230 FOR THE FIRST YEAR OF SERVICE, WITH ANNUAL INCREASES RANGING FROM THREE TO EIGHT PERCENT OVER THE SEVEN YEAR PERIOD, AND A TOTAL AMOUNT NOT TO EXCEED $5,880,468, OVER SEVEN YEARS; AND A SECONDARY CITYWIDE PROFESSIONAL SERVICES AGREEMENT FOR SECURITY SERVICES WITH RANK INVESTIGATION & PROTECTION, INC. FOR A FIVE-YEAR AGREEMENT WITH TWO ONE-YEAR OPTIONS, FOR AN ESTIMATED ANNUAL COST NOT TO EXCEED $112,378 FOR THE FIRST YEAR OF SERVICE, WITH ESTIMATED ANNUAL INCREASES RANGING FROM THREE TO EIGHT PERCENT OVER THE SEVEN YEAR PERIOD AND A TOTAL AMOUNT NOT TO EXCEED $891,916, AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ADJUST FINANCIAL AMOUNTS BETWEEN BOTH PROVIDERS WITHOUT EXCEEDING AN ESTIMATED ANNUAL COST OF $853,608 AND OVERALL COST OF $6,772,384, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENTS

WHEREAS, Stanislaus County recently completed a competitive RFP process for security guard services, and

WHEREAS, based on being ranked highest in total evaluation criteria Stanislaus County Board of Supervisors, approved Board Action No. 2018-0587, authorizing the award of a Master Agreement to Universal Protection Service LP, doing business as Allied Universal Security Services, Stockton, CA, and

WHEREAS, by accessing the terms or “piggybacking”, City staff recommends the award of contract for the furnishing of security guard services for Citywide use to Allied Universal Security Services, San Jose, CA, and
WHEREAS, due to the emergency shelter crisis and homelessness declared on December 11, 2018 City staff recommends a secondary agreement be established to provide services, and

WHEREAS, based on informal process to evaluate service and rates, City staff recommends the award of secondary contract for the furnishing of security guard service to Rank Investigations and Protection, and

WHEREAS, Modesto Municipal Code (MMC), Section 8-3.203, generally requires all purchases, which meet or exceed $50,000.00 for material, equipment or contractual services to be formally bid. MMC 8-3.204 (d), is available where the Purchasing Manager, in his discretion, determines that a process other than the usual formal bid procedure set forth in Section MMC 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality. MMC 8-3.202 (h) encourages the Purchasing Manager to join with the State of California and other units of government in cooperative purchasing plans when the best interest of the City would be served. In addition, MMC 8-3.204 (c) states “Where the Purchasing Manager, in his or her discretion, determines that calling for bids on a competitive basis as set forth in Section 8-3.203 is undesirable due to exigent circumstances”, and

WHEREAS, the furnishing of security guard services for Citywide use, conforms by accessing the terms of a competitively bid Master Agreement from Stanislaus County, Board Action No. 2018-0587, to Universal Protection Service LP, doing business as Allied Universal Security Services, Stockton, CA, conforms to code, and Rank conforms based on exigent circumstances, lower cost for armed services and proven quality of service.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the award of proposal for security services, with Universal Protection Service LP (dba Allied Universal Security Services), for a five-year Agreement with two one-year extension options, for an estimated annual cost not to exceed $741,230 for the first year of service, with annual increases ranging from three to eight percent over the seven year period, and a total amount not to exceed $5,880,468, over seven years; and a secondary agreement for security services with Rank Investigation & Protection, Inc. for a five-year Agreement with two one-year options, for an estimated annual cost not to exceed $112,378 for the first year of service, with estimated annual increases ranging from three to eight percent over the seven year period and a total amount not to exceed $891,916.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to adjust financial amounts between both providers without exceeding an estimated annual cost of $853,608 and overall cost of $6,772,384.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreements, 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 5th day of February, 2019, 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)

APPROVED AS TO FORM:

By: 

(SEAL)

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A LICENSE AGREEMENT WITH MODESTO ON ICE, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY, TO OPERATE A SEASONAL ICE SKATING RINK, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE LICENSE AGREEMENT

WHEREAS, the City determined the downtown would benefit from increased activity with the installation of a seasonal ice skating rink, and

WHEREAS, on October 29, 2015, the City entered into a License Agreement with Modesto on Ice, a California Limited Liability Company, to operate a seasonal ice skating rink, and

WHEREAS, the ice skating rink operated for four seasons on a portion of the Modesto Centre Parking lot located at the intersection of 11th and L Streets, and

WHEREAS, Modesto on Ice contributed approximately $20,000 in improvements on the lot, and

WHEREAS, the City waived rental fees for the use of the Modesto Centre Plaza parking lot, and

WHEREAS, the License Agreement expired on January 31, 2019, and

WHEREAS, the City and Modesto on Ice desire to enter into a new License Agreement for five seasons starting on November 5, 2019 through January 31, 2024, and

WHEREAS, each season will commence on the first Tuesday of November and end on January 31st, and

WHEREAS, Modesto on Ice will pay rental fees for use of the southeast corner of the Modesto Centre Plaza parking lot.
NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a License Agreement with Modesto on Ice, LLC, a California Limited Liability Company.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is authorized to execute the License 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 5th day of February, 2019, 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
RESOLUTION REJECTING ALL BIDS RECEIVED FOR REQUEST FOR BID (RFB) NO. 1819-08 FOR LED INFORMATION SIGNS, AND AUTHORIZING STAFF TO REISSUE THE RFB AT A FUTURE DATE

WHEREAS, the Transit Division and Fleet Division required a contractor to install two 3’x8’ 12 mm RGB full color video display information signs at the City’s Bus Maintenance Facility, and

WHEREAS, the City Manager authorized the Transit and Fleet Divisions to issue a Request for Bids (RFB) for LED Information signs. On September 10, 2018, they issued RFB No. 1819-08 on the City’s website, and on October 9, 2018, bids closed and were opened in the City Clerk’s Office, and

WHEREAS, after reviewing the bids received and bid packages, it was determined that the bid documents did not contain all of the required Federal Transit Administration (FTA) clauses and the Independent Cost Estimate (ICE) was not completed, and

WHEREAS, in the Best Practices Procurement and Lessons Learned Manual, it states that the City must include all Federal clauses in any FTA related procurements, and

WHEREAS, the City and its Contractor must comply with various Federal laws and regulations that apply to FTA funded procurements, including a completed ICE form required by the FTA, and

WHEREAS, the ICE is a tool to assist in determining the reasonableness or unreasonableness of the bid or proposal being evaluated and is required for all procurements regardless of dollar amount, and

WHEREAS, for these reasons, staff believes it is in the City’s best interest to
reject all bids received under RFB No. 1819-08, and

WHEREAS, staff will work on updating the bid documents to include all required FTA clauses and a completed ICE, and it’s the intention of staff to issue a new RFB with the required item and release a new bid in February 2019.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby rejects all bids received for Request for Bid No. 1819-08 for LED Information Signs and authorizes staff to reissue the RFB at a future date.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2019, 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

02/05/2019/PW/SFischio/Item 10 2 2019-44
RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH GEORGE OSNER, AICP, SAN ANSELMO, CA, FOR ON-CALL ENVIRONMENTAL PLANNING SUPPORT SERVICES FOR AN ANNUAL COST NOT TO EXCEED $45,000, WITH TWO ONE-YEAR EXTENSION OPTIONS, AT THE CITY’S DISCRETION, FOR A TOTAL AMOUNT NOT TO EXCEED $135,000 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the Utilities Department will require environmental planning support services related to Capital Improvement Projects that may be beyond staff’s ability to efficiently accomplish, and

WHEREAS, retaining an on-call consultant will allow the Department to have quick access to specific environmental planning support services when needed to ensure that complex California Environmental Quality Act (CEQA) documentation is completed thoroughly and filed correctly with State and local agencies, and

WHEREAS, George Osner, AICP, a former planner for the City, has demonstrated the ability to provide quality service in a timely manner on past and current projects, and

WHEREAS, Mr. Osner is familiar with the City’s existing infrastructure, policies, and personnel, and has an in-depth knowledge of CEQA requirements, and

WHEREAS, the existing Agreement for On-Call Environmental Planning Support Services with Mr. Osner, that was approved by Council October 27, 2015, by Resolution No. 2015-405 expired October 27, 2018, and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with George Osner, AICP for On-Call Environmental Planning Support Services for an annual cost not to exceed $45,000, with two one-year extension options, at the City’s discretion, for a total amount not to exceed $135,000.

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 5th day of February, 2019, 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]

STEFHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING THE FIRST AMENDMENT INCREASING THE AGREEMENT AMOUNT WITH GROVER LANDSCAPE SERVICES, INC., MODESTO, CA, FOR LANDSCAPE SERVICES BY $1,253,264, FROM $8,331,208 TO A NEW TOTAL AMOUNT OF $9,584,472, FOR SITE CHANGES, ADDITIONAL REPAIRS AND SERVICE LEVEL INCREASES AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT

WHEREAS, on October 25, 2016, by Resolution No. 2016-436, Council awarded the bid and five-year agreement for Landscape Maintenance Services to Grover Landscape Services, Inc. for Parks, Right Of Ways and Public Landscaping owned and/or maintained by the City of Modesto for a total amount of $8,352,935, and

WHEREAS, in November 2017, the City undertook a comprehensive review of all Agreements made with and by the City, and

WHEREAS, several issues were discovered pertaining to the Grover Landscaping agreement, and

WHEREAS, City and Grover desire to amend the agreement to correct cost totals and expand the list of sites to be serviced annually; set an annual spending limit for irrigation repairs and miscellaneous work assignments; and including services for unanticipated repairs or extra work.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment increasing the agreement amount with Grover Landscape Services, Inc., Modesto, CA, for landscape services by $1,253,264, from $8,331,208 to a new total amount of $9,584,472, for site changes, additional repairs and service level increases.
BE IT FURTHER RESOLVED, that the City Manager or his designee is 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 5th day of February, 2019, by Councilmember Kenoyer, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES:  Councilmembers:  None

ABSENT:  Councilmembers:  None

ATTEST:  

(Seal)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A DEVELOPMENT PLAN FOR PLANNED DEVELOPMENT ZONE, P-D(606)

WHEREAS, a verified application for an amendment to Section 11-3-8 of the Zoning Map was filed by NRB Investments LLC on September 11, 2018, to reclassify from Low Density Residential Zone, R-1, and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(606) to allow the development of a small lot single-family residential subdivision, property located west of Dale Road and north of Vintage Faire Mall, described as follows:

R-1 to P-D

All that certain real property situate in the City of Modesto, County of Stanislaus, State of California, lying within the Northeast Quarter of Section 11, Township 3 South, Range 8 East, Mount Diablo Meridian, described as follows:

All that portion of Parcel 2 as shown on that map filed in the Office of the Recorder of the County of Stanislaus on May 10, 2018 in Book 57 of Parcel Maps at Page 76, being more particularly described as follows:

Beginning at the South corner common to Parcels 2 and 3 as shown on said Parcel Map; thence South 89°25'29" West along the South line of said Parcel 2, a distance of 136.00 feet; thence North 00°19'12" West, a distance of 602.45 feet to a point on the North line of said Parcel 2; thence North 89°17'47" East along last said North line, a distance of 161.00 feet to the Northeast corner of said Parcel 2, also being a point on the West line of said Parcel 3; thence South along the dividing line between said Parcels 2 and 3, the following six (6) courses:

1. South 00°19'12" East, a distance of 451.28 feet to a point of curvature of a tangent curve, concave northeasterly and having a radius of 40.00 feet; thence
2. Southerly along the arc of said curve. Through a central angle of 35°39'33", an arc distance of 24.89 feet to a point of reverse curvature, concave southwesterly and having a radius of 40.00 feet of which the radius point bears South 54°01’15” West; thence
3. Southerly along the arc of said curve, through a central angle of 35°39'33'', an arc distance of 24.89 feet; thence
4. South 00°19’12” East, a distance of 40.00 feet to a point of curvature of a tangent curve, concave northwesterly and having a radius of 40.00 feet; thence
5. Southwesterly along the arc of said curve, through a central angle of 90°00’00”, an arc distance of 62.83 feet; thence
6. South 00°19’12” East, a distance of 25.00 feet to the point of beginning.

Containing 2.24 acres gross, more or less.

Subject to all easements and/or rights of way of record.

R-1 to P-D

All that certain real property situate in the City of Modesto, County of Stanislaus, State of California, lying within the Northeast Quarter of Section 11, Township 3 South, Range 8 East, Mount Diablo Meridian, described as follows:

Parcel 3 as shown on that map filed in the Office of the Recorder of the County of Stanislaus on May 10, 2018 in Book 57 of Parcel Maps at Page 76.

Containing 7.18 acres gross more or less.

Subject to all easements and/or rights of way of record.

WHEREAS, after a public hearing held on December 3, 2018, 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. 2018-16, that rezoning of the property as requested will not be detrimental to the public health, safety or welfare because the rezone to a Planned Development to allow for a small-lot residential subdivision would provide for development that meets City Standards for a medium density residential development, the requested zone change will result in an orderly planned use of land because a residential subdivision will be compatible with the
residential uses adjacent to the site, and 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 allowable uses of the Planned Development Zone, P-D(606) is consistent with the General Plan Land Use Designation of “Mixed Use” which allows for medium density residential uses, and

WHEREAS, said matter was set for a public hearing of the City Council to be held on February 5, 2019, 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 NRB Investments LLC for a Planned Development Zone 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. 2018-16 and quoted above, and

WHEREAS, the Council has introduced Ordinance No. 3692-C.S. on the 5th day of February, reclassifying the above-described property from Low Density Residential Zone R-1, and Medium High Density Residential Zone, R-3, to Planned Development Zone, P-D(606).

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(606), 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 and building elevations titled “The Trails at Vintage” stamped approved by the City Council.

2. Prior to the issuance of a building permit for any residential lot within the development plan for The Trails at Vintage, a Final Map for The Trails at Vintage subdivision shall be recorded.

3. Prior recordation of a Final Map, new street names for “Street A” and “Court A” shall be proposed and approved by both the City and the County.

4. At the time of building permit application, any future expansion to homes, via patio covers or other structural additions and/or accessory buildings, shall submit plans for administrative amendment review and approval by the Director of Community and Economic Development or designee in accordance to Modesto Municipal Code Section 10-7.108(c), and lot coverage shall not exceed that as provided by the Medium Density Residential (R-2) Zone.

5. Garages that are proposed to be sited at a minimum distance of eighteen (18) feet from the front property line shall maintain a minimum setback of twenty (20) feet from the back of sidewalk.

6. 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, reviewed and approved by the City Engineer prior to issuance of an Encroachment permit.

7. Improvement plans for required improvements shall be prepared by a Registered Civil Engineer and submitted for approval by the City Engineer. The improvement plans shall include but not be limited to the following:

a. Right-of-Way addition and associated improvements such as curb and gutter, ADA access ramps, fire hydrants and street lights for Landmark Circle, “Street A” and “Court A”;

b. The 20-foot wide emergency vehicle access/pedestrian access between “Court A” and Vintage Drive;

c. Landscaping and irrigation plans for all street improvements, the emergency vehicle/pedestrian access and the three landscaped lots (Lots A, B and C) as shown on the tentative map;
d. Installation of speed humps on Vintage Drive in the vicinity of the emergency vehicle access.

8. Storm drainage calculations showing tributary area and elevations, runoff amounts, storage method and volumes, percolation and other geotechnical information, storm water pollution management, and other required information per City Standards shall be submitted to City staff for review prior to approval of the improvement plans.

9. Prior to certificate of occupancy for the first building, the proposed block wall between homes and the adjacent commercial zone shall be constructed as an eight-foot high decorative masonry wall with cap treatment in accordance to City Standards. Where the wall is visible from the south side of Vintage Drive at the landscape lot, the planting of vines along the wall shall be incorporated into the landscape design to discourage tagging.

10. Prior to certificate of occupancy for the first building, a six-foot high decorative masonry wall with cap treatment shall be installed along the residential property lines adjacent to Landscape Lot B as shown on the Development Plan, with climbing vines to discourage tagging.

11. 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.

12. 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.

13. 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.

14. 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.

15. Prior to the issuance of a Grading, Demolition, or Building Permit, Property Owner shall obtain coverage for project under the State Water Resources
Control Board (SWRCB) General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities Order No. 2009-0009-DWQ, National Pollutant Discharge Elimination System (NPDES) General Permit No. CAS000002, as amended by 2010-0014-DWQ and 2012-0006-DWQ.

16. The Construction General Permit requires the Property Owner to develop a Stormwater Pollution Prevention Plan (SWPPP) for the project. The SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition 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. Prior to issuance of a Grading, Demolition, or Building Permit, provide one paper copy of SWPPP to Land Development Engineering, Stormwater.

17. Speed humps shall be designed in accordance to City Standards to accommodate the travel of fire department apparatus without impact to emergency response times.

18. Public or street hydrants for residential areas are required at the designated distribution and spacing of 500’ on center.

19. Fire hydrants and apparatus access roads must be installed and in working order for use prior to the start of building construction.

20. Proposed development designs shall comply with building codes adopted by the City of Modesto at time of building permit application, and be “wet” stamped by engineer.

21. In advance of house designs, design roof areas of the proposed Single-Family Dwellings to comply with mandated “Solar Ready” roof areas dedicated to solar panel installations. Refer to current requirements, 2016 Title 24 Residential Building Energy Efficiency Standards, Section 110.10 for further information.

22. Applicant shall submit Landscape and Irrigation plans for review and approval by the City’s Parks Planning and Development Division. L&I plans shall meet current State of California water use requirements, MMC requirements and City of Modesto standards at time of submittal.

23. Applicant shall provide a minimum ten foot (10’) landscape setback along Vintage Drive at Landscape Lots A and B and at Lot C along Landmark Circle and “Street A”.
24. Applicant shall provide street trees along Vintage Drive. Tree shall be spaced thirty five (35”) feet on center and located within seven feet (7’) of the sidewalk or curb.

25. Applicant shall provide landscape and irrigation for Lots A, B, and C as well as parkway on south side of Vintage Drive.

26. LID control and treatment measures shall be vegetated for erosion protection and sediment entrapment to collect/treat storm water run-off before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure.

27. The project shall be subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.

28. 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.

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

30. 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.

31. Prior to Certificate of Occupancy for any structure, cable television service shall be stubbed into all units.

32. 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.

33. 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.

In addition, the following recommended Conditions of Approval are mitigation measures from the Modesto Urban Area General Plan Master Environmental Impact Report that shall be applied to the project:

34. 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.

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

36. 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.

37. 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.

38. 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.)

39. 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.

40. 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.

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

The following measures should be implemented at construction sites when required to mitigate significant PM10 impacts (note, these measures are to be implemented in addition to Regulation VIII requirements):
42. Limit traffic speeds on unpaved roads to 15 mph; and
43. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).
44. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
45. Install wind breaks at windward side(s) of construction areas.
46. Suspend excavation and grading activity when winds exceed 20 mph. Regardless of windspeed, an owner/operator must comply with Regulation VIII’s 20 percent (20%) opacity limitation.
47. Limit the area subject to excavation, grading and other construction activity at any one time.
48. 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.
49. Prior to excavation and construction, the prime construction contractor and any subcontractors shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, or other cultural materials from the project area.
50. The project sponsor shall identify a qualified archeologist prior to any demolition, excavation, or construction. The City will approve the project sponsor’s selection of a qualified archeologist. The archeologist would have the authority to temporarily halt excavation and construction activities in the immediate vicinity (ten-meter radius) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.
51. Reasonable time shall be allowed for the qualified archeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site.
52. If any find is determined to be significant by the qualified archeologist, representatives from the construction contractor and the City, the qualified archeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) would meet to determine the appropriate course of action.

53. All cultural materials recovered as part of a monitoring program would be subject to scientific analysis, professional curation, and a report prepared according to current professional standards.

54. 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.

2. DEVELOPMENT SCHEDULE. The following development schedule is hereby approved for said Planned Development Zone, P-D(606):

The entire construction program be accomplished in one phase, construction to begin on or before February 5, 2021, and completion to be not later than February 5, 2023.

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 reclassifying the above-described property to Planned Development Zone, P-D(606), 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 the 5th day of February, 2019, 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 5th day of February, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, 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

APPROVED AS TO LEGAL DESCRIPTION:

By: [Signature]
Community & Economic Development Department
Planning Division
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 (SCH NO. 2007072023): REZONE FROM LOW DENSITY RESIDENTIAL (R-1) ZONE AND MEDIUM HIGH DENSITY RESIDENTIAL (R-3) ZONE, TO PLANNED DEVELOPMENT ZONE, P-D(606) PROPERTY LOCATED WEST OF DALE ROAD, NORTH OF VINTAGE FAIRE MALL

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, NRB Investments LLC has proposed a rezone of 9.42 acres from Low Density Residential (R-1) Zone and Medium High Density Residential (R-3) Zone to Planned Development Zone P-D(606) to allow for a small-lot single-family residential subdivision, 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 2018-26 ("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 January, 16, 2019, 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 February 5, 2019, 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 rezone, 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 5th day of February, 2019, by Councilmember Ah You, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, 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

Initial Study

EA/C&ED 2018-26
City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist
C&ED No. 2018-26

For the proposed:

**Trails at Vintage**

**PDZ-18-002:** Rezone of 8.9 acres from Low Density Residential (R-1) Zone and Medium-High Density Residential (R-3) Zone to Planned Development (P-D) Zone, and

**TSM-18-003:** Vesting Tentative Subdivision Map to divide 8.9 acres into 73 Residential Lots and Three Open Space Lots

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

October 16, 2018
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 proposed rezone to Planned Development and tentative subdivision map (“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: PDZ-18-001/TSM-18-002: The Trails at Vintage—Rezone of 8.9 Acres from Low Density Residential (R-1) Zone and Medium-High Density (R-3) Zone to Planned Development (P-D) Zone, with Vesting Tentative Subdivision Map for 73 Single Family Residential Lots and Three Landscape Lots

B. Address or Location: Future Vintage Drive, west of Dale Road and north of Vintage Faire Mall

C. Applicant: NRB Investments, LLC; 1701 W. March Lane, Suite D; Stockton, CA 95207

D. City Contact Person: Katharine Martin, Associate Planner

Project Manager: Katharine Martin
Department: Community and Economic Development, Planning Division
Phone Number: 209-577-5465
E-mail address: kamartin@modestogov.com

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

F. Current Zoning Classification(s): R-3, Medium High Density Residential

G. Surrounding Land Uses:
   North: Low Density Residential (R-1) Zone, Single-Family Residential uses
South: Planned Development Zone P-D(109), Vintage Faire Mall
East: Planned Development Zone P-D(399), Vintage Faire Convalescent Hospital; Professional Office (P-O) Zone, Vacant Land
West: Low Density Residential (R-1) Zone, Single-Family Residential uses; Planned Development Zone P-D(166), Residential Condominiums

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):

Rezone of 8.9 acres from Low Density Residential (R-1) Zone and Medium-High Density Residential (R-3) Zone to Planned Development (P-D) Zone to allow for a new small-lot residential development, with Vesting Tentative Subdivision Map for a 73 single-family residential lots and three open space lots.
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.

<table>
<thead>
<tr>
<th></th>
<th>The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR.</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
</table>

|   | 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 |

|   | 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 |

|   | 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 |

|   | The development will occur within the boundaries of the City's planning area as established in this Urban Area General Plan. | YES | NO |

|   | 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.

|   | 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 |

|   | 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 |

|   | No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified. | YES | NO |

|   | 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 |

|   | Policies remain in effect which require site-specific mitigation, and avoidance or other | 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>
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<td>2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?</td>
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<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>
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<tr>
<td>4) The proposed project would cause emergency response times to exceed acceptable standards established by the Fire Department, as compared to impacts disclosed in the Master EIR (see Section 14, Increased Demand for Fire Services).</td>
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<td>5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.</td>
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</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, etc.</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
<tr>
<td>7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
<td>☐</td>
</tr>
</tbody>
</table>
Discussion:

(1) The project consists of a rezone of 8.9 acres from the existing Medium-High Density Residential (R-3) and Low Density Residential (R-1) Zone to Planned Development to allow for 73 small-lot residential single-family lots. The site is located in the Mixed Use (MU) land use designation of the General Plan, which allows for residential uses. The project was referred to Land Development Engineering, Traffic, who indicated no concerns with the project exceeding traffic generation assumptions in the City’s General Plan.

(2) The rezone would facilitate the development of 73 small-lot single-family residential lots. The project was referred out to Community and Economic Development, Traffic Engineering, who indicated no concerns that the project would exceed a level of service standard established by the county congestion management agency (StanCOG).

(3) No indication of concern was given by Land Development Engineering, Traffic with regards to level of service, or violations of standards in the Congestion Management Plan, or any increase in automobile vehicle miles or vehicle hours of travel or decrease in automobile travel speed, as compared to the impacts disclosed in the Master EIR.

(4) Police and Fire Staff have reviewed the project and indicated no concerns with emergency access.

(5) Off-street parking spaces of two per dwelling unit will be provided in accordance to the residential requirements of the Modesto Municipal Code.

(6) The project would not 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. The project was referred to the City’s Transit and Transportation Engineering and Design departments, who indicated no concerns.

(7) The proposed project would not result in a significant increase in automobile vehicle miles traveled (per capita) in excess of what was considered in the Urban Area General Plan.

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 (PM10) and 2.5 microns or less in diameter (PM2.5) (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, PM10, and PM2.5.

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 through AQ-44, and AQ-46 through AQ-56 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, PM10, and PM2.5 by the San Joaquin Valley Air Pollution Control District (SJVAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.</td>
<td>☑</td>
<td>☑</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>2) The proposed project does not incorporate the best management practices established by the</td>
<td>☑</td>
<td>☑</td>
<td>☒</td>
<td>☐</td>
</tr>
<tr>
<td>Issues</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>SJVAPCD for CO, ROG, NOx, PM10, and PM2.5.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>4) The proposed project would expose sensitive receptors to pollutant concentrations in excess of those expected to occur as a result of implementation of the Urban Area General Plan.</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>5) The proposed project would create objectionable odors affecting a substantial number of people.</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
<td>☐</td>
</tr>
</tbody>
</table>

Discussion:

(1) The project consists of a rezone to a Planned Development Zone to facilitate the development of 73 single-family residential lots. Emissions associated with the project would result from construction-related activity and residential traffic volumes. The net increase in emissions generated by these activities and other secondary sources would not exceed the thresholds of significance recommended by the San Joaquin Valley Air Pollution Control District or the development assumptions established in the Master EIR.

(2) The project was referred to the San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD) for comments. Best management practices established by the SJVAPCD for CO, ROG, NOx, PM10, and PM2.5 will be incorporated into the as conditions of approval. The project is required to comply with SJVUAPCD Rule VIII (Fugitive Dust Rules) per MEIR Mitigation Measures MEIR AQ-42 – MEIR AQ-56, which identifies control measures for PM10 emissions during the construction phase, as described above.

In addition, the project is subject to SJVAPCD rule 9510 (Indirect Source Review). This rule fulfills the SJVAPCD’s emission reduction commitments in the PM10 and Ozone Attainment Plans through design features or by payment of applicable off-site mitigation fees.

(3) The project is consistent with the City’s policies regarding air quality. Therefore, project-specific effects will be less than significant.

(4) The project site is surrounded on two sides by single- and multi-family residential uses and a regional commercial shopping mall to the south. The project is not in itself a significant contributor to air pollution levels. The primary source of air pollution associated with the project would be residential traffic related, and would not result in a significant impact. The PM10 emissions created through construction activity will be mitigated as called for by the MEIR with the measures listed above.

(5) Construction activities for the project could potentially include the application of architectural coatings and asphalt paving materials that could generate localized temporary odors. The use of diesel-powered construction equipment could also generate localized temporary odors. Construction activities will be mitigated as called for by the MEIR with the mitigation measures listed above.
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:
3. GENERATION OF NOISE

<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 will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
<tr>
<td>4) The proposed project will result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels disclosed in the Master EIR Implementation of the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
</tr>
</tbody>
</table>

Discussion:

1) The project would not generate a significant amount of noise. Construction activities could potentially cause a temporary increase in noise levels; however, mitigation measure N-3 will be applied to the project, which would mitigate those impacts to a less than significant level.

2) The project would comply with the noise policies of the General Plan.

3-4) Aside from temporary construction-related noise which will be mitigated through the application of mitigation measure N-3, the project would not in itself cause an increase in ambient noise above those disclosed in the General Plan MEIR.

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:
No mitigation measures regarding agricultural lands from the MEIR 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-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>
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</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>
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</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-</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
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</tr>
</tbody>
</table>
agricultural use.

<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>
</table>

Discussion:

(1-2) The project site is vacant land located within the Baseline Urbanized Area and is completely surrounded by urban uses. The project would not be inconsistent with General Plan policies regarding agricultural land, and would not directly or indirectly result in development of land outside of the General Plan boundary.

(3) The site is predominately zoned for Medium-High Density Residential (R-3) uses (6.5 acres) and the rest zoned for Low Density Residential (R-1) uses. The site is classified as vacant or disturbed land by the California Department of Conservation, is not zoned for agricultural uses and is not subject to a Williamson Act contract.

(4) The project would not cause changes to the environment that could cause the conversion of farmland to a non-agricultural use. The surrounding properties are developed with single- and multi-family residential uses, a regional shopping mall, and professional office uses.

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:
No mitigation measures regarding water supply 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-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 project is consistent with the water supply policies in the General Plan.

(2) The project was referred to the Land Development Engineering Department, who indicated no concerns with water supply 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; and construction noise. 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 caused 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>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
</table>

PDZ-18-002/TSM-18-002: Trails at Vintage
City of Modesto General Plan MEIR FOC

Initial Study EA No. 2018-26
October 16, 2018
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

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

Discussion:

1-2) The project site is vacant land within the Baseline Urbanized Area that is surrounded by residential and commercial uses. The project would not be inconsistent with General Plan policies regarding sensitive plant and wildlife habitat. The California Department of Fish and Wildlife were consulted in the course of preparing the General Plan MEIR.

3) The project site is not located within a wetland area and does not qualify as a federally protected wetland per Section 404 of the Clean Water Act.

4) The project site is a vacant parcel that is not within a biologically sensitive site as defined by Figures V-7-1a through V 7-1e of the MEIR.

5) The project would not interfere with local policies or ordinances protecting biological resources.

6) The proposed project would not 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 appropriate mitigation to be applied to this project includes the measures specified in Table V-8-1(b-f) 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-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>8. DISTURBANCE OF ARCHAEOLOGICAL/HISTORICAL SITES</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 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 old.</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) The project would adversely affect a Tribal Cultural Resource identified and/or defined by the applicable Tribe.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

Discussion:

PDZ-18-002/TSM-18-002: Trails at Vintage City of Modesto General Plan MEIR FOC

Initial Study EA No. 2018-26
City of Modesto General Plan MEIR FOC

October 16, 2018
The project is consistent with the archeological and historical resource policies in the General Plan.

The project site is vacant land with no structures.

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 local policies affecting biological resources.

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:

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

Discussion:

(1) The proposed project is consistent with the storm drainage policies in the Urban Area General Plan.

(2) The project was referred to the Land Development Engineering Department who indicated no concerns with storm water runoff. The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

(3) The project will utilize low impact strategies and meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures." This requirement will be implemented as a condition of project approval.

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</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>Potential Impact</td>
<td>Less Than Significant with Mitigation Incorporated</td>
<td>Less Than Significant Impact</td>
<td>No Impact</td>
<td></td>
</tr>
<tr>
<td>------------------</td>
<td>--------------------------------------------------</td>
<td>----------------------------</td>
<td>-----------</td>
<td></td>
</tr>
<tr>
<td>pattern or a watercourse, in such a way as to cause flooding on- or off-site.</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5) The proposed project does not comply with Modesto’s Guidance Manual for New Development Storm Water Quality Control Measures.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>✗</td>
</tr>
<tr>
<td>6) The proposed project would violate water quality standards or waste discharge requirements.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>✗</td>
</tr>
<tr>
<td>7) The proposed project would substantially alter the existing drainage pattern of the site or area or a watercourse in a manner that would result in substantial erosion or siltation on- or offsite in excess of the assumptions of the General Plan.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>✗</td>
</tr>
<tr>
<td>8) The proposed project would create or contribute runoff, which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff, not expected as part of General Plan implementation.</td>
<td>□</td>
<td>□</td>
<td>□</td>
<td>✗</td>
</tr>
</tbody>
</table>

**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.

(3-4) The project site is not within a 100-year flood hazard zone as established by the Federal Emergency Management Agency (FEMA)

(5) The project will comply with the Guidance Manual for New Development Storm Water Quality Control Measures (MIER Policy SD-11). This will be implemented as a condition of project approval.

(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 City’s Land Development Engineering Staff have reviewed the project and indicated no concerns that the project would cause significant flooding or unanticipated sources of runoff. The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.
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:

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-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>Effect</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>11. INCREASED DEMAND FOR PARKS AND OPEN SPACE</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<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</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>
or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Discussion:

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

(2) The project would not eliminate an existing park or designated open space. The project is on a vacant site currently zoned for Low- and Medium-High Density Residential uses. The project proposes rezoning to a Planned Development to allow for small-lot single-family residential lots.

(3) The project would result in an increase in the use of existing park facilities; however, deterioration or other physical changes to the facilities are not expected to occur as a result of the project. The project was referred to the City’s Parks Planning Division, who indicated no concerns with impacts to nearby 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:

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-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>12. INCREASED DEMAND FOR SCHOOLS</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</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 is consistent with the policies relating to schools in the General Plan.

(2) The project was referred to Modesto City Schools and the Salida School District, who indicated no opposition to the project.

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:
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-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>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
<tr>
<td>2) The proposed project would result in the need for new or significantly altered facilities not considered as part of the Urban Area General Plan or Master EIR which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times, or other performance objectives.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☑</td>
</tr>
</tbody>
</table>

Discussion:

(1) 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 meets City Standards for emergency services access.

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:

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-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>
</tbody>
</table>
### 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.

<table>
<thead>
<tr>
<th>Impact Level</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
</tbody>
</table>

### 3)
The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.

<table>
<thead>
<tr>
<th>Impact Level</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>□</td>
<td>□</td>
<td>☒</td>
</tr>
</tbody>
</table>

### Discussion:

1) The 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. The project was referred to the Modesto City Fire Department, who indicated no concerns.

3) The project would not significantly impact adjacent fire districts or result in the elimination of fire protection services.

### 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:**

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-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>15. GENERATION OF SOLID WASTE</th>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
<tr>
<td>2) The County is unable to expand its solid waste disposal capacity, as expected, causing all new development to result in cumulative impacts on the County's disposal capacity.</td>
<td>☐</td>
<td>☐</td>
<td>☐</td>
<td>☒</td>
</tr>
</tbody>
</table>

**Discussion:**

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

(2) This project was referred to the Solid Waste Division for review, who indicated no concerns over service to the project area.

**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:

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-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></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>16. GENERATION OF HAZARDOUS MATERIALS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<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 would 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 area is not 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 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:

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-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.

<table>
<thead>
<tr>
<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>
</table>

PDZ-18-002/TSM-18-002: Trails at Vintage
City of Modesto General Plan MEIR FOC

Initial Study EA No. 2018-26
October 16, 2018
### 17. GEOLOGY, SOILS, AND MINERAL RESOURCES

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

**Discussion:**

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

(2) The project would 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 or state at the project site.

### 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:

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-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>Effect</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>18. ENERGY</td>
<td><img src="image" alt="Diagram" /></td>
<td><img src="image" alt="Diagram" /></td>
<td><img src="image" alt="Diagram" /></td>
<td><img src="image" alt="Diagram" /></td>
</tr>
<tr>
<td>1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.</td>
<td><img src="image" alt="Diagram" /></td>
<td><img src="image" alt="Diagram" /></td>
<td><img src="image" alt="Diagram" /></td>
<td><img src="image" alt="Diagram" /></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><img src="image" alt="Diagram" /></td>
<td><img src="image" alt="Diagram" /></td>
<td><img src="image" alt="Diagram" /></td>
<td><img src="image" alt="Diagram" /></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:

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-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>
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</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></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>
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<td>-----------------------------</td>
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</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>
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</tr>
</tbody>
</table>

**Discussion:**

(1) The project is consistent with the policies related to the visual resources in the General Plan.

(2-3) The project site is not in the vicinity of riverside areas and parks, and would not degrade views to riverside areas. The site is completely surrounded by residential and commercial uses. The nearest river is the Stanislaus River, four miles to the north.

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:**

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-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>20. LAND USE AND PLANNING</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 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>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>
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<td>☒</td>
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</tr>
<tr>
<td>4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.</td>
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</tr>
</tbody>
</table>

Discussion:

(1) The land use for the site is designated as Mixed Use (MU) in the General Plan. The designation provides for residential uses; therefore, the project is consistent with the land use and planning policies in the General Plan.

(2) The proposed project would not divide an established community. The area is developed with residential uses to the north and west and commercial uses to the south and east. Previous project approvals in the area provided for the continuance of Vintage Drive from Blue Bird Drive to Dale Road, establishing a new collector street connection to Dale Road. The proposed rezone and subsequent tentative subdivision map is consistent with the surrounding uses and would not divide the existing neighborhood.

(3) The project does not conflict 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:**

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-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>
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<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>
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</tr>
<tr>
<td>3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has</td>
<td>☐</td>
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</tbody>
</table>
agreed will achieve the goals of AB 32.

Discussion:

(1) The project would be consistent with General Plan policies relating to climate change. As part of the development, installation of new street trees and common lot landscaping will be required in accordance to City codes and standards.

(2-3) The project is consistent with General Plan policies relating to climate change and transportation and is not expected to result in trip lengths greater than those assumed in the General Plan Master EIR. No impacts greater than those assumed in the General Plan MEIR are expected to occur and no mitigation is required.
V. MITIGATION MEASURES APPLIED TO THE PROPOSED PROJECT

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

A. Master EIR Mitigation Measures Applied to the Project

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

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

B. New or Additional Mitigation Measures or Alternatives Required

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

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

Traffic and Circulation:

N/A

Degradation of Air Quality:

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-43: All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

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.

The following measures should be implemented at construction sites when required to mitigate significant PM10 impacts (note, these measures are to be implemented in addition to Regulation VIII requirements):

AQ-51: Limit traffic speeds on unpaved roads to 15 mph; and

AQ-52: Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%).

AQ-53: Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.

AQ-54: Install wind breaks at windward side(s) of construction areas.

AQ-55: Suspend excavation and grading activity when winds exceed 20 mph. Regardless of windspeed, an owner/operator must comply with Regulation VIII’s 20 percent (20%) opacity limitation.

AQ-56: Limit the area subject to excavation, grading and other construction activity at any one time.

**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:

Table V-8-1(b-f):

b. Prior to excavation and construction, the prime construction contractor and any subcontractors shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, or other cultural materials from the project area.

c. The project sponsor shall identify a qualified archeologist prior to any demolition, excavation, or construction. The City will approve the project sponsor’s selection of a qualified archeologist. The archeologist would have the authority to temporarily halt excavation and construction activities in the immediate vicinity (ten-meter radius) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.

d. Reasonable time shall be allowed for the qualified archeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site.

e. If any find is determined to be significant by the qualified archeologist, representatives from the construction contractor and the City, the qualified archeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) would meet to determine the appropriate course of action.

f. All cultural materials recovered as part of a monitoring program would be subject to scientific analysis, professional curation, and a report prepared according to current professional standards.

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:

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
RESOLUTION ACCEPTING THE UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) GRANT FUNDS IN THE AMOUNT OF $9,000,000 AND APPROVING A GRANT AGREEMENT WITH THE USDOT FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE NECESSARY GRANT FUND DOCUMENTS AND GRANT AGREEMENT

WHEREAS, the purpose of the State Route (SR) 132 West Freeway/Expressway - Phase 1 Project is to improve regional and interregional circulation, relieve traffic congestion along existing SR132, and enhance safety and operations for the existing and proposed transportation network, and

WHEREAS, Phase 1 of the Project is approximately four miles in length and will replace the existing 2-lane highway segment of SR132 along Maze Boulevard from SR99 to Dakota Avenue, and

WHEREAS, the City of Modesto was selected as a recipient for an award of $9,000,000 under the provisions of the Consolidated Appropriations Act, 2017 (Pub. L. 115-31, May 5, 2017), regarding National Infrastructure Investments, and

WHEREAS, the purpose of the USDOT award is to advance capital investments in surface transportation infrastructure that will have a significant impact on the nation, a metropolitan area, or a region, and

WHEREAS, Counsel recommends and Staff agrees that the City should accept the grants funds and execute the Grant Agreement as presented, and

WHEREAS, this grant funding is essential to support the construction of the project, which is scheduled to start in June 2019, and
WHEREAS, the Federal Highway Administration is requiring execution of the Grant Agreement and will administer the agreement on behalf of the USDOT, and

WHEREAS, to avoid delays and potential loss of funding, Staff recommends that the City Council accept the grant funds and approve the Grant Agreement as presented by USDOT.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the United States Department of Transportation (USDOT) grant funds in the amount of $9,000,000 and approves a Grant Agreement with the USDOT for the State Route 132 West Freeway/Expressway - Phase 1 Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the necessary grant fund documents and Grant Agreement.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 5th day of February, 2019, by Councilmember Ridenour,
who moved its adoption, which motion being duly seconded by Councilmember
Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: 

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By:  

ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-50

RESOLUTION AMENDING THE FISCAL YEAR 2018-2019 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET, PROJECT #101119 UPON RECEIPT OF EXECUTED USDOT GRANT AGREEMENT IN THE AMOUNT OF $9,000,000 FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY CONSTRUCTION - PHASE 1 PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the purpose of the State Route (SR) 132 West Freeway/Expressway - Phase 1 Project is to improve regional and interregional circulation, relieve traffic congestion along existing SR132, and enhance safety and operations for the existing and proposed transportation network, and

WHEREAS, the City of Modesto was selected as a Recipient for an award of $9,000,000 under the provisions of the Consolidated Appropriations Act, 2017 (Pub. L. 115-31, May 5, 2017), regarding National Infrastructure Investments, and

WHEREAS, this grant funding is essential to support the construction of the project, which is scheduled to start in June 2019.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby amends the Fiscal Year 2018-2019 Capital Improvement Program (CIP) Budget, project #101119 upon receipt of executed USDOT Grant Agreement in the amount of $9,000,000 for the State Route 132 West Freeway/Expressway - Phase 1 Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is 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 5th day of February, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Zoslocki, was upon roll call carried and the resolution adopted by the following vote:

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

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST: [Signature]

STEPHANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney
RESOLUTION ACCEPTING TRADE CORRIDOR ENHANCEMENT PROGRAM (TCEP) FUNDS FROM THE CALIFORNIA TRANSPORTATION COMMISSION (CTC) IN THE AMOUNT OF $21,000,000 AND APPROVING A MEMORANDUM OF UNDERSTANDING WITH THE STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) FOR THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT, AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE MEMORANDUM OF UNDERSTANDING AND THE NECESSARY FUNDING DOCUMENTS

WHEREAS, the purpose of the State Route (SR) 132 West Freeway/Expressway - Phase 1 Project is to improve regional and interregional circulation, relieve traffic congestion along existing SR132, and enhance safety and operations for the existing and proposed transportation network, and

WHEREAS, Phase 1 of the Project is approximately four miles in length and will replace the existing 2-lane highway segment of SR132 along Maze Boulevard from SR99 to Dakota Avenue, and

WHEREAS, Stanislaus Council of Governments (StanCOG) made an application for Trade Corridor Enhancement Program (TCEP) funds for the State Route 132 West project and these funds were awarded by the California Transportation Commission (CTC) in the amount of $21,000,000, and

WHEREAS, the City is the implementing agency responsible for managing the scope, cost and schedule of Phase 1 of the State Route 132 West project and application of the TCEP funds to the project, and

WHEREAS, the 2018 Trade Corridor Enhancement Program Final Guidelines provide that where the project is to be implemented by an agency other than the
applicant, the allocation request must include a copy of the Agreement between the project applicant and the implementing agency, and

WHEREAS, the CTC will allocate funds only when the City requests an allocation that has been prepared in accordance with the CTC Guidelines, and

WHEREAS, prior to requesting an allocation from the CTC, the City shall provide the allocation request to StanCOG for review and approval, and

WHEREAS, in order to comply with the CTC Guidelines, StanCOG and the City of Modesto desire to enter into this Agreement for phase 1 of the State Route 132 West project, and

WHEREAS, Counsel recommends and Staff agrees that the City should accept the funds and execute the Agreement as written, and

WHEREAS, this funding is essential to support the construction of the project, which is scheduled to start in June 2019, and

WHEREAS, to avoid delays and potential loss of funding, Staff recommends that the City Council accept the TCEP funds and approve the Memorandum of Understanding.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the Trade Corridor Enhancement Program (TCEP) Funds from the California Transportation Commission (CTC) in the amount of $21,000,000 and approves a Memorandum of Understanding with the Stanislaus Council of Governments (StanCOG) for the State Route 132 West Freeway/Expressway - Phase 1 Project.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Agreement and the necessary funding documents.
The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, 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 ESTABLISHING AND AMENDING THE FISCAL YEAR 2018-2019 CAPITAL IMPROVEMENT PROGRAM (CIP) BUDGET, PROJECT #101119 UPON RECEIPT OF EXECUTED STANISLAUS COUNCIL OF GOVERNMENTS (STANCOG) AGREEMENT IN THE AMOUNT OF $21,000,000 FOR CONSTRUCTION OF THE STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY - PHASE 1 PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION

WHEREAS, the purpose of the State Route (SR) 132 West Freeway/Expressway - Phase 1 Project is to improve regional and interregional circulation, relieve traffic congestion along existing SR132, and enhance safety and operations for the existing and proposed transportation network, and

WHEREAS, Stanislaus Council of Governments (StanCOG) made an application for Trade Corridor Enhancement Program (TCEP) funds for the State Route 132 West project and these funds were awarded by the California Transportation Commission (CTC) in the amount of $21,000,000, and

WHEREAS, the City is the implementing agency responsible for managing the scope, cost and schedule of Phase 1 of the State Route 132 West project and application of the TCEP funds to the project, and

WHEREAS, the California Transportation Commission (CTC) requires execution of the Agreement between the Stanislaus Council of Governments (StanCOG) and the City of Modesto, and

WHEREAS, the 2018 Trade Corridor Enhancement Program Final Guidelines provide that where the project is to be implemented by an agency other than the
applicant, the allocation request must include a copy of the Agreement between the project applicant and the implementing agency, and

WHEREAS, the CTC will allocate funds only when the City requests an allocation that has been prepared in accordance with the CTC Guidelines, and

WHEREAS, prior to requesting an allocation from the CTC, the City shall provide the allocation request to StanCOG for review and approval, and

WHEREAS, the design and PS&E phase of the project is housed under Project #100614 – SR 132 West Expressway, and

WHEREAS, in order to track all construction costs along with each funding source, a new project number is being established for the construction phase of the project, and

WHEREAS, this funding will be in Project #101119 – SR 132 West Expressway – CON, and

WHEREAS, once the agreement is executed, the budget will be established for the Trade Corridor Enhancement grant in the amount of $21,000,000, and

WHEREAS, this funding is essential to support the construction of the project, which is scheduled to start in June 2019.

NOW THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby establishes and amends the Fiscal Year 2018-2019 Capital Improvement Program (CIP) Budget, project #101119 upon receipt of executed StanCOG MOU in the amount of $21,000,000 for construction of the State Route 132 West Freeway/Expressway - Phase 1 Project.
BE IT FURTHER RESOLVED, that the City Manager, or his designee, is 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 5th day of February, 2019, by Councilmember Ridenour, who moved its adoption, which motion being duly seconded by Councilmember Madrigal, 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: ________________________________

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: ________________________________

ADAM U. LINDGREN, City Attorney
RESOLUTION ENDING EXISTING BROKER SERVICES PROVIDED FOR THE CITY’S MEDICAL INSURANCE COVERAGE PLANS BY PETER C. FOY & ASSOCIATES INSURANCE SERVICES, INC.

WHEREAS, the City of Modesto provides its employees with employee and dependent health insurance coverage; and

WHEREAS, Peter C. Foy was recommended by the Employee Benefits Advisory Committee (EBAC) consisting of representatives from each of the City’s bargaining groups who reviewed options and made recommendations to City management regarding health insurance coverage; and

WHEREAS, on October 25, 2016 under Resolution 2016-427, Council approved an agreement between the City of Modesto and Peter C. Foy and Associates Insurance Services, Inc.; and

WHEREAS, the City has been experiencing significant delays in health insurance claim payments being paid to our providers, including claims being directed to collection agencies; and

WHEREAS, the City is electing to cease its relationship with Peter C. Foy and Associates Insurance Services, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby authorizes the City Manager to end the broker relationship between the City of Modesto and Peter C. Foy & Associates for group medical insurance coverage plans, and authorize the City Manager, or his designee, to execute all necessary notices.
The foregoing resolution was introduced at a regular meeting of the Council of
the City of Modesto held on the 5th day of February, 2019, by Councilmember Ridenour,
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, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST:  

SEAL

APPROVED AS TO FORM:

By: ADAM U. LINDGREN, City Attorney
MODESTO CITY COUNCIL
RESOLUTION NO. 2019-54

RESOLUTION APPROVING AN AGREEMENT WITH ALLIANT INSURANCE SERVICES, INC. FOR INSURANCE BROKER SERVICES FOR THE CITY’S MEDICAL COVERAGE PLAN AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT

WHEREAS, the City of Modesto provides its employees with employee and dependent health insurance coverage; and

WHEREAS, the City contacted Alliant Insurance Services immediately following notice of the current health plan provider’s failures to obtain alternative coverage options; and

WHEREAS, Alliant Insurance Services obtained quotes directly from the market and from EIA Health through CSAC, a Joint Power Agency (JPA); and

WHEREAS, after reviewing options, EIA Health was determined most comprehensive and affordable; and

WHEREAS, the City’s self-insured dental and vision plan designs and administration will remain the same.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that the Council hereby approves an agreement with Alliant Insurance Services, Inc. for participation in group medical insurance coverage.

BE IT FURTHER RESOLVED that the Council hereby approves the continuation of dental and vision coverage through the City’s self-insured programs.

BE IT FURTHER RESOLVED that the Director of Human Resources is hereby authorized to serve as the coordinator for the various plans.
BE IT FURTHER RESOLVED that the City Manager is authorized to pay the
difference between the old premiums and the new premiums for a period not to exceed 4
months from the Employee Benefits Fund as to minimize the harm or disruption as a
result of this unplanned transition in health insurance premiums.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby
authorized to execute all necessary agreements relating to employee and dependent health
care as set forth herein, 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 5th day of February, 2019, by Councilmember Ridenour,
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, Kenoyer, Madrigal, Ridenour,
                     Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST:  

(Seal)

APPROVED AS TO FORM:

By:  

(Seal)

ADAM U. LINDGREN, City Attorney
RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING TO JOIN THE CSAC EXCESS INSURANCE AUTHORITY FOR THE PURPOSE OF JOINTLY FUNDING AND ESTABLISHING EXCESS AND OTHER INSURANCE PROGRAMS; AND AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE ALL AGREEMENTS

WHEREAS, on January 15, 2019 the City was notified that one of the City’s medical plan providers, Fortress/Riverstone, was cancelling services, effective March 1, 2019; and

WHEREAS, the City reacted immediately to identify alternate options in health plan to ensure there is not a lapse in our health plans; one of the options includes to join the CSAC Excess Insurance Authority; and

WHEREAS, Article 1, Chapter 5, Division 7, Title 1 of the California Government Code (Section 6500 et seq.) permits two or more public agencies by agreement to exercise jointly powers common to the contracting parties; and

WHEREAS, the City of Modesto recommends to join together with the members of the CSAC Excess Insurance Authority (Authority) for the purpose of jointly funding and/or establishing excess and other insurance programs as determined; and

WHEREAS, the Authority has determined that it is necessary for each member of the Authority to delegate a position of authority to act on the member’s behalf in matters relating to the member and the Authority.

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

1. The City Council hereby approves becoming a member of the CSAC Excess Insurance Authority.
2. Authorizes the City Manager to execute the CSAC Excess Insurance Authority Joint Powers Agreement, in form approved by the City Attorney.

3. Authorizes the City Manager, or his designee, to take all other actions necessary in matters relating to the City being a member of the Authority and to act on the City’s behalf.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of February, 2019, by Councilmember Ridenour, 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, Kenoyer, Madrigal, Ridenour, Zoslocki, Mayor Brandvold

NOES: Councilmembers: None

ABSENT: Councilmembers: Grewal

ATTEST: [Signature]

STEFANIE LOPEZ, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: [Signature]

ADAM U. LINDGREN, City Attorney