PLANNING COMMISSION
RESOLUTION NO. 2015-12

RESOLUTION RECOMMENDING TO THE CITY COUNCIL THAT IT FIND 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): CODE AMENDMENT AND REZONE FOR DOWNTOWN MODESTO BASED ON FORM-BASED CODE PRINCIPLES(City of Modesto)

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, City of Modesto has proposed code amendment and rezone for downtown Modesto based on form-based code principles, 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 2015-03 ("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, said matter was considered by the Planning Commission at a duly noticed public hearing which was held on March 16, 2015, at 6:00 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California,

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that the Commission has reviewed and considered the Initial Study prepared for the proposed code amendment and rezone for downtown Modesto based on form-based code principles, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on substantial evidence in the Initial Study recommends that the City Council make 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.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on March 16, 2015, by Chris Tyler, who moved its adoption, which motion was seconded by Dennis Smith and carried by the following vote:

Ayes:	Cater, Grewal, Smith, Tyler
Noes:	None
Absent:	Escutia-Braaton, Lucas
Recused:	None

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD

Patrick Kelly, Secretary

EXHIBIT A

Initial Study

EA/C&ED 2015-03

City of Modesto

Finding of Conformance to General Plan Master EIR:

Initial Study Environmental Checklist C&ED No. 2015-03

For the proposed:

Downtown Form-Based Code (Code Amendment and Rezone)

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

25 February 2015

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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 Downtown Form-Based Code, the proposed 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). The proposed project includes a code amendment and rezone affecting downtown Modesto. When the Initial Study supports this conclusion, the City will issue a finding of conformance.

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

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

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

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

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

This document is tiered from both the 2008 Urban Area General Plan Master EIR (SCH #2007072023) and the Modesto Redevelopment Master Plan Program EIR (SCH # 2006071118).

II. PROJECT DESCRIPTION

A. Title: Downtown Form-Based Code

B. Address or Location: The project is located within the approximately 516-acre area bounded by Downey Avenue and Needham Street on the north; 9th Street, L Street, S. Washington Street, and 1st Street on the west; Sierra Drive, 5th Street, E Street, 6th Street, F Street, and 9th Street on the south; and D Street and Burney Street on the east (**Exhibit 1**).

Minor revisions are proposed to the approximately 185 acres of existing Downtown Core zone inscribed within the larger project area and bounded by L Street, 6th Street, F Street, 12th Street, G Street, 14th Street, 14th Street, K Street, and 12th Street (**Exhibit 1**).

C. Applicant: City of Modesto
Community & Economic Development Department
1010 10th Street
Modesto, CA 95354

D. City Contact Person: Patrick Kelly, Planning Manager

Project Manager: Patrick Kelly, Planning Manager
Department: Community & Economic Development Department, Planning Division
Phone Number: 209.577.5267
E-mail address: pkelly@modestogov.com

E. Current General Plan Designation(s): RPD, Redevelopment Planning District

F. Current Zoning Classification(s): Various. Includes R-2, R-3, P-O, C-1, C-2, C-M, M-1, P-D(83), P-D(95), P-D(101), P-D(119), P-D(139), P-D(143), P-D(258), P-D(325), P-D(370), P-D(380), P-D(389), P-D(417),P-D(430), P-D(443), P-D(492), P-D(523), P-D(536), P-D(563), P-D(594), Downtown Core-Central District, Downtown Core-Transition District, and Downtown Core-Buffer District (**Exhibits 2 and 3**.)

G. Surrounding Land Uses:
North: Residential, office, small-scale commercial development
South: Residential, industrial, and commercial, development and food-processing
East: Residential, medical office, small-scale office and commercial development
West: Residential and small-scale commercial development

H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR:

The proposed project is an Anticipated Future Project described in the General Plan Master EIR (SCH #2007072023) in Section II.C, item 5, Zoning, which allows the City of Modesto to initiate rezoning efforts in order to implement the General Plan. Additionally, the proposed project is identified in the Redevelopment Master Plan Action Matrix, items 4.19 and 4.20, which was analyzed as part of Program EIR (SCH # 2006071118), and found to be within the scope of the General Plan MEIR in Section II.C, item 10, Redevelopment Plan.

* * *

The proposed project includes a code amendment using form-based code principles and a rezone that would apply to that portion of the downtown area described on **Exhibit 1** that is currently regulated by Modesto's conventional, use-based zoning. The proposed code would change the focus of regulation from use to building design and location on the lot. The proposed code is organized into four new areas: Urban General Downtown, Main Street Downtown, East Neighborhood Downtown, and Traditional Neighborhood Downtown. The draft code, which specifies the proposed regulations, is included as **Attachment A**.

Minor changes to the existing form-based code are also proposed. Along with the expanded portions of the Downtown Form-Based Code, the Downtown Core will be reformatted so that the individual districts are codified as separate zones. The existing Downtown Core Zone, consisting of three districts (Central District, Transition District, and Buffer District), will be replaced with Central Downtown and Transition Downtown zones. The Downtown Core-Buffer District will be eliminated and replaced with Transition Downtown zone. Additionally, the first floor height minimum and maximum has been replaced with a minimum height and the height ranges for upper floors has been eliminated. These revisions are not expected to result in any significant environmental effects and are not evaluated as part of the analysis of the Downtown Form-Based Code.

I. Other Public Agencies Whose Approval is Required: None.

Exhibit 1
Proposed Downtown Form-Based Code

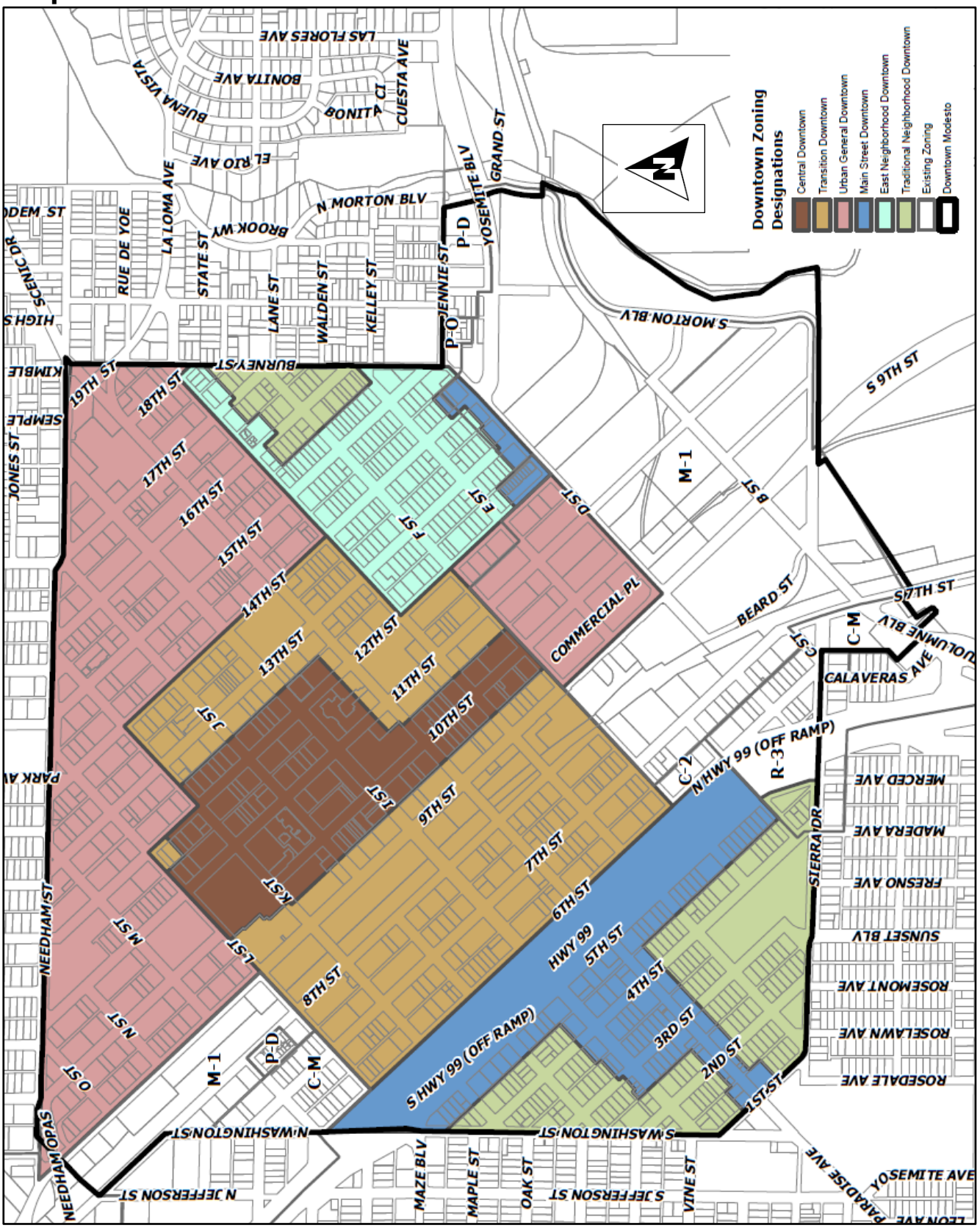


Exhibit 2
Land Use Zoning Prior to Form-Based Code

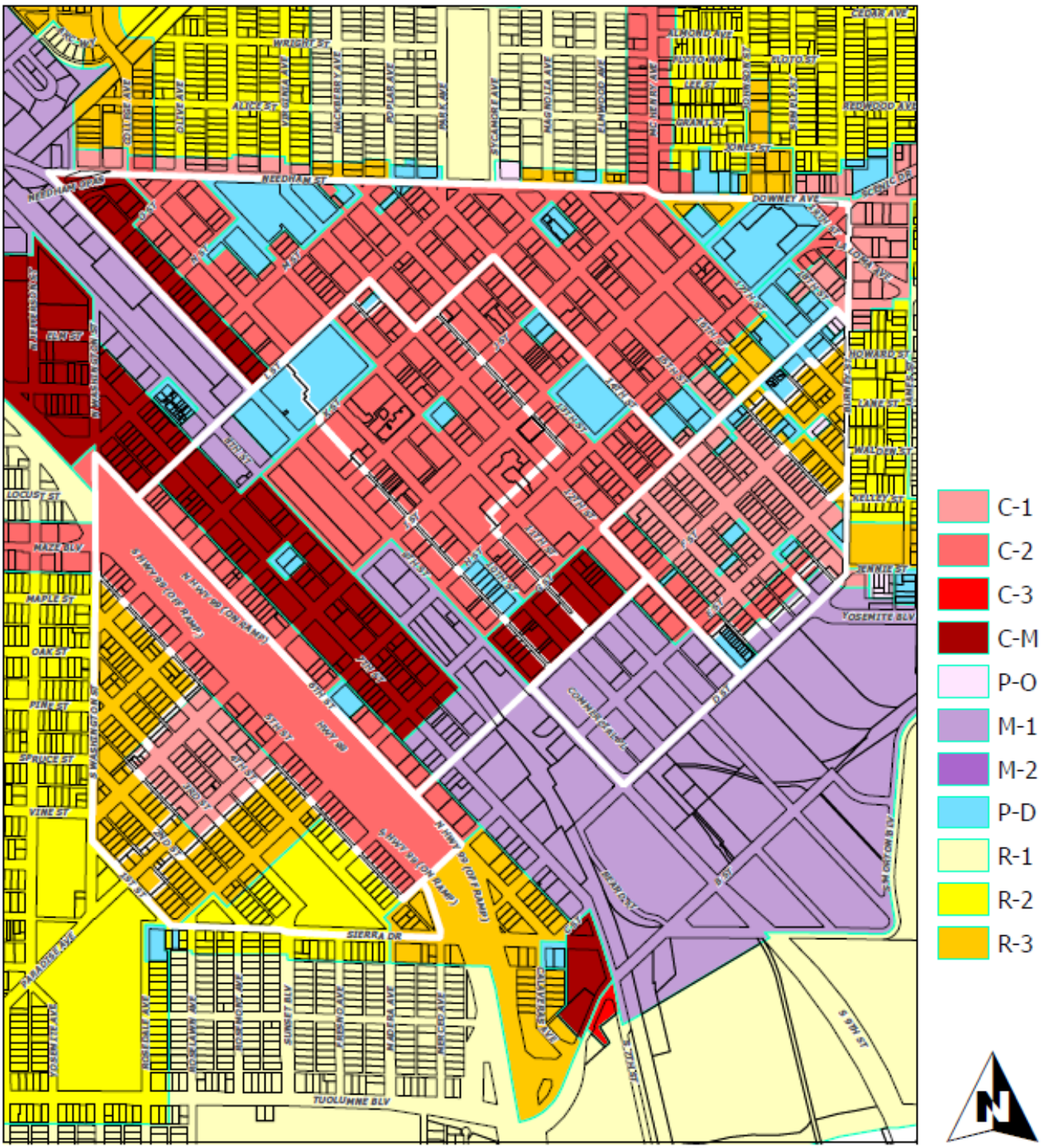
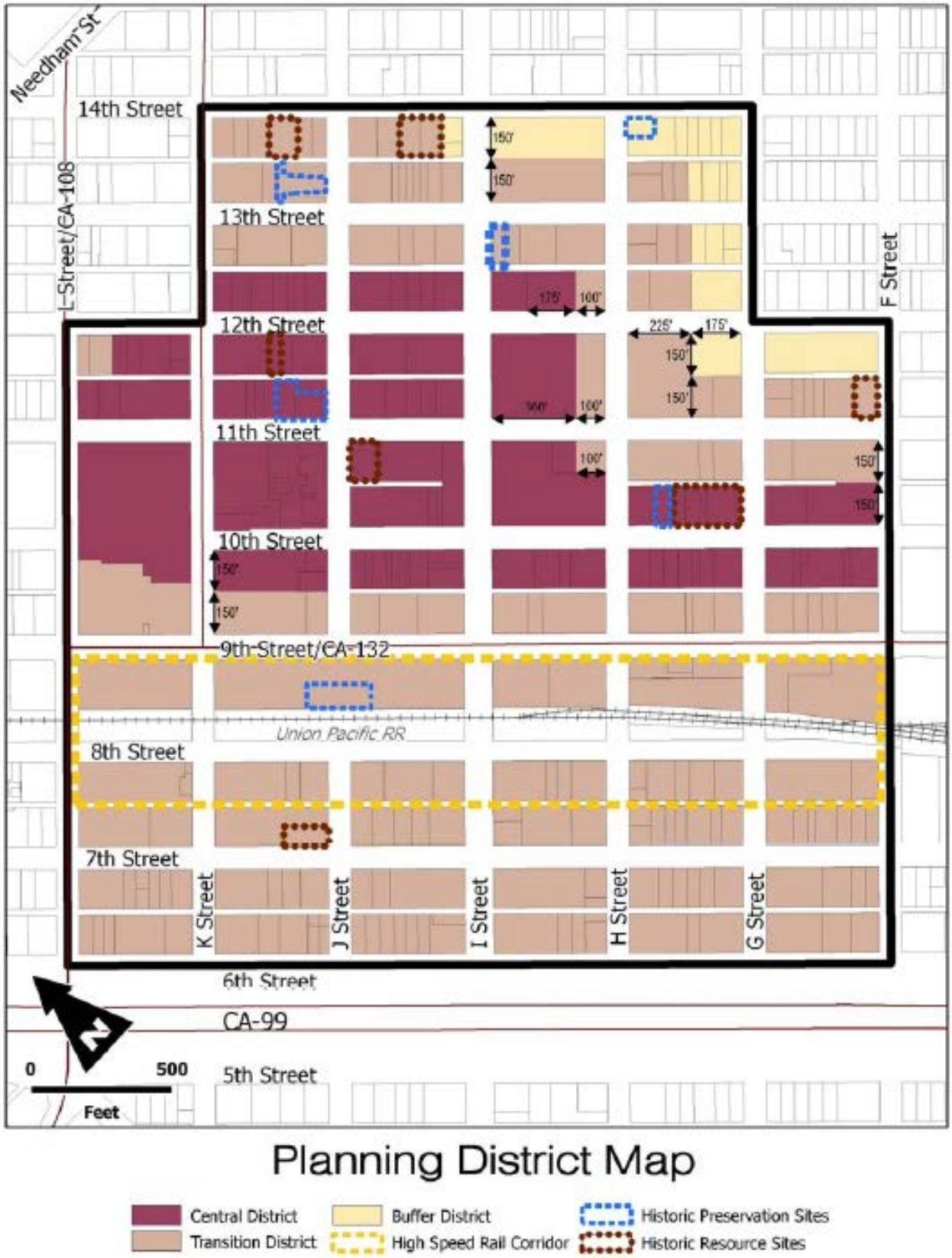


Exhibit 3
Existing Downtown Form-Based Code



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.

_____	_____	_____
Project Manager	Title	Date

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.

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

Discussion:

(1) Establishing and revising zoning classifications in Modesto is the exclusive jurisdiction of the City of Modesto.

(2, 6) General Plan Master EIR and Redevelopment Master Plan Program EIR mitigation measures are either implemented by the project or will be applied to new development regulated by the proposed code amendment. Specific mitigation measures are identified throughout the analysis and are collected at the end of this document.

(3) There have been no changes to federal, State, regional, or County regulations that have relaxed the mitigation measures identified in the General Plan Master EIR.

(4) The staff of the City of Modesto is not aware of any new information about resources were not otherwise identified in the General Plan Master EIR, that would result in impacts greater than those identified in the General Plan Master EIR.

(5) The proposed code amendment lies within the existing City limits.

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.

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

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 General Plan Master EIR Mitigation Measures TC-1, TC-5, TC-12, TC-13, TC-28, and TC-43. 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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
1. TRAFFIC AND CIRCULATION				
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.	☐	☐	☐	☒
2) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☐	☒
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.	☐	☐	☐	☒
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).	☐	☐	☐	☒
5) The proposed project would result in less parking than required by the Municipal Code or as determined by staff.	☐	☐	☐	☒
6) The proposed project would conflict with adopted policies, plans, or programs that support alternative transportation, including, but not limited to the Regional Transportation Plan, the Sustainable Communities Strategy, the Bicycle Action Plan, and so on.	☐	☐	☐	☒
7) The proposed project would result in an increase in automobile vehicle miles traveled on a per capita basis, in excess of that considered in the Urban Area General Plan MEIR.	☐	☐	☐	☒

Discussion:

The proposed project implements General Plan Master EIR Mitigation Measures TC-1, TC-5, TC-12, TC-13, TC-28, and TC-43. As noted in Section II of this document, the Downtown Form-Based Code is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan and is, therefore, within the scope of the General Plan Master EIR.

(1, 3) As a means to encourage development, the General Plan does not require a traffic study for development occurring in downtown, which is well-served by transit. Furthermore, the purpose of the proposed project is to reduce vehicle trips and vehicle miles traveled, as compared to conventional development. No adverse impact is anticipated and no mitigation is required.

(2) As described in the 2008 General Plan Master EIR, the County CMA, StanCOG, has opted out of preparing a Congestion Management Plan since 1996.

(4) The proposed project is expected to improve response times by putting more people and businesses within the acceptable service radius of emergency services. No adverse impact is expected and no mitigation is required.

(5) Staff has determined that Downtown is an excellent example of a mixed-use area where parking can be and is shared by different uses. Some uses, such as residential development, require more parking at night, while others, such as office and retail development, require more parking during the day. Sharing parking between these uses makes more efficient use of land. Staff will evaluate each request for shared or reduced parking to determine whether sharing parking or reducing the parking requirements is warranted. Furthermore, parking regulations for new development proposed in the Downtown Form-Based Code are reduced as compared to citywide parking regulations. No impacts are expected, due to the availability of both on- and off-street public parking and alternatives to automobile transportation.

(6) The proposed project, when combined with shared parking and reduced parking requirements, is consistent with efforts to encourage the use of modes of transportation other than the private automobile. No impact is expected and no mitigation is required.

(7) Development under the proposed Downtown Form-Based Code will facilitate reductions in the number and length of trips by creating a physical environment that supports and encourages walking, bicycling, and transit use and reduces trip lengths, while discouraging automobile use to some degree. This will help reduce per capita vehicle miles traveled.

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 (NO_X) (see MEIR Table 2-8, page V-2-27).

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

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

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM_{10}, and $PM_{2.5}$.

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

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

Discussion:

The project implements General Plan MEIR Mitigation Measures AQ-1, AQ-3, and AQ-4. The following General Plan Mitigation Measures will be applied to new development regulated by the proposed code amendment and rezone: AQ-7, AQ-17, AQ-18, AQ-26, AQ-40, AQ-42, AQ-43, AQ-44, AQ-46, AQ-47, AQ-48, AQ-49, AQ-50, AQ-51, and AQ-52 and Mitigations 4.1-1a, 4.1-1b, and 4.1-5 from the RDA Program 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-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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. DEGRADATION OF AIR QUALITY				
1) The proposed project exceeds the project-level emissions thresholds established for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$ by the San Joaquin Valley Air Pollution Control District (SJVUAPCD) and is not consistent with the development assumptions for the project site, as established in the Urban Area General Plan and Master EIR.	☐	☐	☐	☒
2) The proposed project does not incorporate the best management practices established by the SJVAPCD for CO, ROG, NO_x, PM_{10}, and $PM_{2.5}$.	☐	☐	☐	☒
3) The proposed project does not comply with the air quality policies in the Modesto Urban Area General Plan.	☐	☐	☐	☒
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.	☐	☐	☐	☒
5) The proposed project would create objectionable odors affecting a substantial number of people.	☐	☐	☐	☒

Discussion:

The proposed project implements the following mitigations/policies from the 2008 General Plan Master EIR: AQ-1, AQ-3, and AQ-4. As identified in Section II of this document, the Downtown Form-Based Code is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. It is prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and is, therefore, within the scope of the General Plan Master EIR.

(1) Since the air quality impacts of this project are anticipated to be primarily traffic-related, and the project establishes a mixed use environment, which is anticipated to reduce the per capita vehicle miles traveled, the project is not anticipated to exceed SJVAPCD thresholds.

(2) All relevant Best Management Practices identified in the General Plan Master EIR will be applied as development policies. These include AQ-7, AQ-17, AQ-18, AQ-26, AQ-40, AQ-42, AQ-43, AQ-44, AQ-46, AQ-47, AQ-48, AQ-49, AQ-50, AQ-51, and AQ-52 and Mitigations 4.1-1a and 4.1-1b from the RDA PEIR will be applied.

(3) The proposed Downtown Form-Based Code is intended to implement several of the measures identified under General Plan MEIR Mitigation Measure AQ-4, Table V-2-3, including the following, which are most relevant to this project: 1.b, 1.e, 2.a, 2.d, 2.e, 2.f, and 2.g.

(4) Because the maximum buildout scenario is limited to the Community Development Policies of the General Plan, no impacts on sensitive receptors that were not anticipated in the 2008 General Plan Master EIR are anticipated.

(5) The proposed project is a code amendment and rezone that shifts the emphasis of development from use to building form, which adds 75 blocks to the existing 42-block area of the Redevelopment Master Plan that is governed by the Downtown Core zone. The 75-block form-based code expansion area is no more likely than development under the existing zoning code to result in objectionable odors affecting large numbers of people. To ensure impacts are mitigated, Mitigation 4.1-5 from the RDA PEIR will be applied.

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 apply to this project includes General Plan Mitigation Measures N-1, N-2, N-3, N-6, and N-7 and Mitigations 4.5-1, 4.5-2, 4.5-3, 4.5-4, and 4.5-5 from the RDA Program 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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
3. GENERATION OF NOISE				
1) The proposed project will exceed the standards for noise level and hours of operation established by the Modesto noise ordinance.	☐	☐	☐	☒
2) The proposed project will not comply with the noise policies of, or otherwise be inconsistent with, the Modesto Urban Area General Plan.	☐	☐	☐	☒
3) The proposed project will result in an increase in ambient noise levels in the project vicinity above those disclosed in the Master EIR.	☐	☐	☐	☒
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.	☐	☐	☐	☒

Discussion:

As noted in Section II of this document, the proposed Downtown Form-Based Code is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. The proposed code amendment was prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum development scenario is limited to the Community Development Policies of the General Plan. Therefore, the project is within the scope of the General Plan Master EIR.

(1-4) The proposed project is a code amendment and rezone that shifts the emphasis of development from use to building form, which adds 75 blocks to the existing 42-block area of the Redevelopment Master Plan that is regulated by the Downtown Core zone. Relevant general plan mitigations relating to urban noise will be applied to development under the proposed code as it would be applied to development under existing zoning. General Plan Mitigation Measures that will be applied to future development include N-1, N-2, N-3, N-6, and N-7. Additionally, Mitigations 4.5-1, 4.5-2, 4.5-3, 4.5-4, and 4.5-5 from the RDA Program EIR will be applied to future development.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

Cumulative Impacts

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

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

Agricultural land mitigation measures pertinent to the proposed project are found on pages V-4-6 to and V-4-8 of the Master EIR. All mitigation measures appropriate to the project and any new mitigation to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Applied to Project.

Discussion:

The proposed project implements General Plan Mitigation Measures AL-7, AL-8, and AL-15. 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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
4. EFFECTS ON AGRICULTURAL LANDS				
1) The proposed project is inconsistent with the Urban Area General Plan's policies relating to agricultural land.	☐	☐	☐	☒
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.	☐	☐	☐	☒
3) The proposed project will conflict with existing zoning for agricultural use, or there is an existing Williamson Act contract on the project site.	☐	☐	☐	☒
4) The proposed project will involve other changes in the existing environment not anticipated in the Master EIR which, due to their location or nature, could result in conversion of farmland to non-agricultural use.	☐	☐	☐	☒

Discussion:

As noted in Section II of this document, the proposed Downtown Form-Based Code is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. The Downtown Form-Based Code has been prepared in compliance with the Redevelopment Master Plan, which is also identified as being within the scope of the General Plan, and the maximum development scenario is limited to the Community Development Policies of the General Plan. The proposed Downtown Form-Based Code is therefore within the scope of the General Plan Master EIR.

(1-4) The proposed project is a code amendment and rezone that shifts the emphasis of development from use to building form and adds 75 blocks to the existing 42-block area of the Redevelopment Master Plan that is regulated by the Downtown Core zone. The purpose of the Downtown Form-Based Code, in part, is to stimulate development in the downtown area and make downtown a vital neighborhood again. Most of the new development expected to occur is higher density than that typical of the rest of Modesto. Successful implementation of the Downtown Form-Based Code in an existing developed part of Modesto would reduce the land area used for each new residence and business, which would also reduce the amount of farmland converted to urban uses. The proposed project implements General Plan Mitigations AL-7, AL-8, and AL-15.

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 is needed.

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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES				
1) The proposed project is inconsistent with water supply policies in the Urban Area General Plan.	☐	☐	☐	☒
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.	☐	☐	☐	☒
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.	☐	☐	☐	☒

Discussion:

(1-3) The proposed project is a code amendment and rezone that shifts the emphasis of development from use to building form and adds 75 blocks to the existing 42-block area of the Redevelopment Master Plan that is regulated by the Downtown Core zone. Most of the new development expected to occur is higher density than that typical of the rest of Modesto. Approximately 60 percent of urban water use is for landscape irrigation, thus water use for new development in the Downtown Form-Based Code area can be expected to reduce water use up to 60 percent, as compared to that anticipated from conventional new development. Some new residences are expected to have small landscaped yards (townhouse, live-work), however, most new residences would not be expected to have significant landscaping that would require irrigation. Successful implementation of the Downtown Form-Based Code in an existing developed part of Modesto would reduce the amount of land that would require irrigation, thus reducing expected water use from new residential development.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

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

Direct Impacts

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

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

Cumulative Impacts

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

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

Sewer service mitigation measures pertinent to the proposed project are found on pages V-6-3 through V-6-8 of the Master EIR. All mitigation measures appropriate to the project to be incorporated into or made conditions of approval of this project are listed in Section V, Mitigation Measures Applied to Project.

Discussion:

The appropriate mitigation to be applied to this project includes General Plan Mitigation Measures SS-4, SS-7, SS-8, SS-11, SS-12, SS-19, and SS-21 and Mitigation 4.8-1 from the RDA Program 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-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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
6. INCREASED DEMAND FOR SANITARY SEWER SERVICES				
1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project will generate sewage flows greater than those anticipated in the Urban Area General Plan for the project site.	☐	☐	☐	☒
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.	☐	☐	☐	☒

Discussion:

(1-3) As noted in Section II of this document, maximum development is limited to the Community Development Policies of the General Plan. Consequently, no impacts greater than those disclosed in the 2008 General Plan Master EIR are expected to occur, although the location of development during the life of the general plan may be better balanced between new and existing parts of Modesto. Adequate sewer treatment capacity exists for all development expected during that same period. The proposed project would, therefore, also be consistent with sewer service Mitigation Measures in the General Plan Master EIR, which include SS-4, SS-7, SS-8, SS-11, SS-12, SS-19, and SS-21 and Mitigation 4.8-1 from the Redevelopment Master Plan Program EIR.

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 density development than has occurred in the past or that is expected in the future would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

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

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

Discussion:

No mitigation is needed.

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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT				
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.	☐	☐	☐	☒
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.	☐	☐	☐	☒
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.	☐	☐	☐	☒
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.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒
6) The proposed project would conflict with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan.	☐	☐	☐	☒

Discussion:

(1-6) As shown on Figure V-7-1 of the 2008 Urban Area General Plan Master EIR, the 75-block project area lies well outside of riparian areas and other sensitive habitat areas. The proposed project is anticipated to have no impact on wetlands, sensitive habitats or species, or on the movement of migratory species. The project would not conflict with any policies or ordinances pertaining to sensitive habitat or species or biological resources. There are no habitat conservation plans or natural community conservation plans and so none would be affected. Furthermore, the extent to which development is redirected from the edges of Modesto into downtown, impacts on habitat would be reduced or avoided. No mitigation measures are necessary.

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 proposed project is intended to implement General Plan Master EIR Mitigation Measure AH-5. Modesto has a historic resources inventory, in compliance with AH-8. General Plan Master EIR and RDA Program EIR Mitigation Measures that will be applied to new development regulated by the proposed Downtown Form-Based Code include: AH-1, AH-2, AH-3, AH-6, AH-7, AH-12, and Measure 4.6-1. 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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
8. DISTURBANCE OF ARCHAEOLOGICAL/ HISTORICAL SITES				
1) The proposed project is inconsistent with the archaeological/historical resource policies in the Urban Area General Plan.	☐	☐	☒	☐
2) The proposed project would demolish a building eligible for listing as a historic resource or remove a landmark from the Modesto inventory.	☐	☐	☐	☒
3) The proposed project would modify or demolish a structure more than 50 years in age.	☐	☐	☒	☐
4) The project would adversely affect a cultural resource that is either listed or eligible for listing in the California Register of Historical Resources.	☐	☐	☐	☒
5) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.	☐	☐	☐	☒

Discussion:

The proposed project specifically seeks to preserve historic resources, implementing General Plan Master EIR Mitigation Measure AH-5. To assist in the evaluation of potentially historic resources, Modesto also has a historic resources inventory, consistent with Mitigation Measure AH-8. As identified in Section II of this document, the proposed project is an Anticipated Future Project of the General Plan Master EIR and was prepared in compliance with the Redevelopment Master Plan, which has been found to be within the scope of the General Plan.

(1-4) Building footings are expected to be no deeper than the depth to which soil is currently disturbed by footings and infrastructure and the project area lies outside the archaeological resource area, therefore no impacts greater than those disclosed in the 2008 General Plan Master EIR are expected to occur. New development regulated by the proposed project would be subject to General Plan Master EIR Mitigation Measures AH-1, AH-2, AH-3 AH-6, AH-7, and AH-12.

(5) City policies that protect biological resources are in Chapter V, Section 7, of the Master EIR. The area affected by the proposed project lies outside biological resource areas and is expected to have no impact on those areas. Mitigation Measure 4.6-1 from the Redevelopment Master Plan Program EIR, addressing potential paleontological resources will also be applied.

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 General Plan Mitigation Measures SD-2, SD-3, SD-4, SD-5, SD-7, SD-9, and SD-11 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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
9. INCREASED DEMAND FOR STORM DRAINAGE				
1) The proposed project is inconsistent with the storm drainage policies in the Urban Area General Plan.	☐	☐	☐	☒
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.	☐	☐	☐	☒
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.	☐	☐	☐	☒

Discussion:

(1-3) The project area is extensively developed and is more than 85 percent covered with impermeable surfaces. The amount of impermeable surface could increase somewhat as development occurs, but the amount would not be substantial and areas of downtown Modesto that currently have relatively large amounts of permeable surface, such as the proposed Traditional Neighborhood and East Neighborhood Downtown zones, would continue to have approximately the same amount of permeable surface for the foreseeable future, based on the regulations in the proposed Downtown Form-Based Code. New development will not significantly increase the amount or rate of runoff or cause flooding, as compared to existing conditions. The City will be responsible for approving the design of new infrastructure and ensuring that new development is consistent with Low Impact Development policies. No additional impact is expected, as compared to that disclosed in the General Plan Master EIR. Nevertheless, General Plan Mitigation Measures SD-2, SD-3, SD-4, SD-5, SD-7, SD-9, and SD-11 will be applied to new development, as appropriate.

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 Mitigation Measures FWQ-2, FWQ-4, FWQ-11, FWQ-12, FWQ-13, and FWQ-15 from the General Plan Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-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:

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

Discussion:

(1-8) The 75-block Downtown Form-Based Code expansion area lies entirely outside the 100- and 200-year floodplains and is fully urbanized. Therefore, new development would not be expected to significantly increase impervious surfaces or runoff or alter drainage patterns or create new erosion in the project area, although some changes may occur. All new development regulated by the proposed project will be required to comply with Modesto's Guidance Manual for New Development Storm Water Quality Control Measures. The proposed project will comply with Mitigation Measures FWQ-2, FWQ-4, FWQ-11, FWQ-12, FWQ-13, and FWQ-15 in the General Plan Master EIR.

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:

The proposed project complies with the General Plan. 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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. INCREASED DEMAND FOR PARKS AND OPEN SPACE				
1) The proposed project is inconsistent with the parks and open space policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would eliminate parks or open space.	☐	☐	☐	☒
3) The proposed project would cause an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility in question would occur or be accelerated or the proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.	☐	☐	☐	☒

Discussion:

As identified in Section II of this document, the proposed project is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. The proposed code amendment has been prepared in compliance with the Redevelopment Master Plan, which has identified as being within the scope of the General Plan, and the maximum development is limited to the Community Development Policies of the General Plan. Therefore, the proposed project is within the scope of the General Plan Master EIR.

(1-3) In accordance with the General Plan and with regard to acreage, service area, location and street frontage standards, the existing parks in the Baseline Developed Area, which includes the Redevelopment Area, are considered adequate to serve anticipated population growth. No parks or open space will be eliminated as part of the project and no development greater than that assumed in the 2008 General Plan is allowed at this time. Therefore, the project will result in no impacts greater than those disclosed in the General Plan Master EIR. Parks and open space serving the area include Graceada, McClatchey, Moose, Beardbrook, the County Courthouse, and Tuolumne River Regional Park. The proposed project complies with the general plan and no additional mitigation is necessary.

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:

The appropriate mitigation to be applied to this project includes General Plan Master EIR Mitigation Measures S-3 and S-8. 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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
12. INCREASED DEMAND FOR SCHOOLS				
1) The proposed project is inconsistent with the policies relating to schools in the Urban Area General Plan.	☐	☐	☐	☒
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.	☐	☐	☐	☒

Discussion:

(1-2) Modesto is represented on Modesto City Schools' Facilities Planning Committee, consistent with General Plan Mitigation Measures S-3 and S-8. Communication between the City of Modesto and Modesto City Schools is ongoing. General Plan Mitigation Measure S-10 will continue to be applied to new development to ensure compliance with SB 50/Proposition 1A.

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:

The appropriate mitigation to be applied to this project includes General Plan Master EIR Mitigation Measures PS-8 and PS-9 (including PS-10, PS-11, PS-12, PS-13, PS-14, and PS-15 as appropriate). 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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
13. INCREASED DEMAND FOR POLICE SERVICES				
1) The proposed project is inconsistent with policies relating to police services in the Urban Area General Plan.	☐	☐	☒	☐
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.	☐	☐	☒	☐

Discussion:

As indicated in Section II of this document, the proposed code amendment and rezone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. The Downtown Form-Based Code has been prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan. Maximum development is limited to the Community Development Policies of the General Plan. Therefore, the proposed project is within the scope of the General Plan Master EIR.

(1-2) The project is expected to have no impact on policing services, since development potential under the current zoning code and the proposed project are both limited to the assumptions in the General Plan. All new development must comply with General Plan Mitigation Measures PS-8 and PS-9 (including PS-10, PS-11, PS-12, PS-13, PS-14, and PS-15, as appropriate).

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 is required.

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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
14. INCREASED DEMAND FOR FIRE SERVICES				
1) The proposed project is inconsistent with the fire service policies in the Urban Area General Plan.	☐	☐	☐	☒
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.	☐	☐	☐	☒
3) The proposed project, based upon substantial evidence, would cause the erosion or elimination of fire protection services in adjoining fire protection districts.	☐	☐	☐	☒

Discussion:

As noted in Section II of this document, the proposed project is an Anticipated Subsequent Project as described in Sections II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) of the General Plan Master EIR. The proposed project was prepared in compliance with the Redevelopment Master Plan, which is within the scope of the General Plan. Maximum development is limited to the Community Development Policies of the General Plan. Therefore, the proposed project is within the scope of the General Plan Master EIR.

(1-3) Because the proposed Downtown Form-Based Code would not result in development greater than assumed in the 2008 General Plan, no impacts to fire service or fireflows is anticipated. Furthermore, increasing the intensity of development will put more people and businesses within a shorter response radius of fire services, resulting in improved service.

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 are required.

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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
15. GENERATION OF SOLID WASTE				
1) The project is inconsistent with the solid waste policies in the Urban Area General Plan.	☐	☐	☐	☒
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.	☐	☐	☐	☒

Discussion:

As indicated in Section II of this document, the proposed project is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. The Downtown Form-Based Code was prepared in compliance with the Redevelopment Master Plan, which is within the scope of the General Plan. Maximum development is limited to the Community Development Policies of the General Plan and is therefore within the scope of the General Plan Master EIR.

(1-2) Because the proposed Downtown Form-Based Code would not result in development greater than assumed in the 2008 General Plan, no impacts related to solid waste generation or disposal are anticipated. Solid waste may be reduced as compared to conventional new development because there would be very little yard waste associated with new development in the Downtown 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 are required.

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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
16. GENERATION OF HAZARDOUS MATERIALS				
1) The project is inconsistent with the hazardous materials policies in the Urban Area General Plan.	☐	☐	☐	☒
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.	☐	☐	☐	☒
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.	☐	☐	☐	☒
4) The proposed project would be constructed on a contaminated site not known to the State of California as of March 2008.	☐	☐	☐	☒

Discussion:

As indicated in Section II of this document, the proposed code amendment and rezone is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. Maximum development is limited to the Community Development Policies in the General Plan, therefore, the proposed project is within the scope of the General Plan Master EIR.

(1-2) The proposed project will have no effect on the applicability of the City's hazardous materials policies. All future new development will be required to comply with applicable mitigation measures in the Master EIR. No impact greater than that disclosed in the General Plan Master EIR would be anticipated to occur as a result of the project.

(3-4) As each development application is processed, the applicant is required to disclose whether the project is located on a known contaminated site. Master EIR Mitigation Measure HM-5 is applicable to all sites that might be contaminated, but which are not included on the list maintained by the State of California.

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 are required.

c. Project-Specific Effects

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

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

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
17. GEOLOGY, SOILS, AND MINERAL RESOURCES				
1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan.	☐	☐	☐	☒
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.	☐	☐	☐	☒

Discussion:

As indicated in Section II of this document, the proposed project is consistent with Anticipated Subsequent Projects II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) from the General Plan Master EIR. Maximum development is limited to the Community Development Policies of the General Plan and is thus within the scope of the General Plan Master EIR.

(1) The proposed project is not located in an area to which General Plan mitigations relating to geology, soils, and mineral resources are applied.

(2) Geologic hazards present a fairly uniform level of risk across the 2008 General Plan area. Therefore, known hazards expected to occur in the downtown area are similar to hazards expected throughout Modesto and no impacts greater than those disclosed in the General Plan Master EIR would be expected to occur.

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:

The project implements General Plan Master EIR Mitigation Measures E-6, E-8, E-9, E-10, E-11, E-12, and E-31. General Plan Master EIR Mitigation Measures E-2, E-3, E-4, E-5, and E-41 will be applied to new development. 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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
18. ENERGY				
1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the Urban Area General Plan.	☐	☐	☐	☒

Discussion:

The proposed code amendment and rezone is an Anticipated Subsequent Project of the General Plan Master EIR, as described in Sections II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) of the Master EIR. The code was prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan, and the maximum development scenario is limited to the Community Development Policies of the General Plan and thus is within the scope of the General Plan Master EIR. The proposed project has as its purpose the implementation of General Plan Mitigation Measures E-6, E-8, E-9, E-10, E-11, E-12, and E-31.

(1) As under the existing conditions, development that occurs regulated by the proposed Downtown Form-Based Code must comply with General Plan Mitigation Measures E-2, E-3, E-4, E-5, and E-41.

(2) There is no reason to expect that energy used during construction, operation, or maintenance of buildings under the proposed code would be different from construction, operation, or maintenance of buildings constructed under the existing zoning code. No additional impact on energy consumption is anticipated to occur, as compared to that disclosed in the 2008 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:

The appropriate mitigation to be applied to new development regulated by the proposed code amendment includes General Plan Master EIR Mitigation Measures VR-3 and VR-4. 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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
19. EFFECTS ON VISUAL RESOURCES				
1) The proposed project is inconsistent with policies relating to visual resources in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would degrade views from riverside areas and parks to a greater degree than assumed in the Urban Area General Plan.	☐	☐	☐	☒
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.	☐	☐	☐	☒

Discussion:

The proposed project is an Anticipated Subsequent Project as described in Sections II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) of the Master EIR, as noted in Section II of this document. The Downtown Form-Based Code was prepared in compliance with the Redevelopment Master Plan, which is within the scope of the General Plan, and maximum development is limited to the Community Development Policies of the General Plan. Therefore, the project is within the scope of the General Plan Master EIR.

(1) Development under the proposed Downtown Form-Based Code would be required to comply with General Plan Master EIR Mitigation Measures VR-3 and VR-4.

(2) Views from the Tuolumne River and Tuolumne River Regional Park are constrained by the lower elevation of the park than surrounding areas, trees along the river, and in some places by the proximity of bluffs on one or both sides of the river. The proposed project could increase the number of relatively tall buildings (3 to 5 stories) in downtown Modesto, but the area affected by the proposed project lies well away from the river and park and would most likely not be visible from the river and park.

(3) Although downtown Modesto is adjacent to Tuolumne River Regional Park, the area affected by the Downtown Form-Based Code is not near enough the Tuolumne River or Tuolumne River Regional Park to affect views of the park and river from adjacent street.

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:

The proposed project is intended to implement General Plan Master EIR Mitigation Measures LUP-41, LUP-42, LUP-43, LUP-44, and LUP-45. No further General Plan Mitigation Measures are required and 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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
20. LAND USE AND PLANNING				
1) The proposed project is inconsistent with land use and planning policies in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan.	☐	☐	☐	☒
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.	☐	☐	☐	☒
4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan.	☐	☐	☐	☒

Discussion:

The proposed project is intended to implement General Plan Mitigation Measures LUP-41, LUP-42, LUP-43, LUP-44, and LUP-45. As indicated in Section II of this document, the proposed project is an Anticipated Subsequent Project as described in Sections II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) of the Master EIR. The Downtown Form-Based Code was prepared in compliance with the Redevelopment Master Plan, which is identified as being within the scope of the General Plan. Maximum development is limited to the Community Development Policies of the General Plan, thus the project is within the scope of the General Plan Master EIR.

(1) The proposed project is consistent with Goal I.C.6, page I-5 in the Urban Area General Plan because it promotes higher density, mixed-use development to create a balanced, vibrant downtown.

(2) Downtown Modesto is laid out on a fairly consistent street grid, which promotes connectivity and short trips. The proposed project would discourage the creation of “superblocks” and encourage the retention of alleys, which will further assist with connectivity and short trips. No adverse impacts are expected to occur with the project.

(3) The proposed project is intended, in part, to improve compliance with environmental goals, such as energy use, transportation, and air quality by creating a physical environment that supports and encourages walking, bicycling, and transit use and reduces trip lengths, while discouraging automobile use to some degree. No adverse impacts are expected to occur as a result of the project.

(4) There is no habitat conservation plan or natural community conservation plan that will be affected by the proposed Downtown Form-Based Code.

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:

The project implements General Plan Mitigation Measures CL-3, CL-4, CL-5, CL-12, CL-13, and CL-20. General Plan Mitigation Measure CL-25 will be applied to new development. 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:

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
21. CLIMATE CHANGE				
1) The proposed project is inconsistent with policies relating to climate change in the Urban Area General Plan.	☐	☐	☐	☒
2) The proposed project would result in average automobile trip lengths or CO_2 emissions higher than those assumed in the Master EIR.	☐	☐	☐	☒
3) The proposed project would conflict with the Sustainable Communities Strategy or Alternative Planning Strategy that the Air Resources Board has agreed will achieve the goals of AB 32.	☐	☐	☐	☒

Discussion:

The proposed project and Modesto's focus on downtown development is intended, in part, to reduce motor vehicle trips and their length and encourage walking and bicycling in service of the goals of AB 32 and SB 375. The project implements General Plan Mitigation Measures CL-3, CL-4, CL-5, CL-12, CL-13, and CL-20. As indicated in Section II of this document, the Downtown Form-Based Code is an Anticipated Subsequent Project as described in Sections II.C-10 (Redevelopment Plan) and II.C-5 (Zoning) of the General Plan Master EIR. The proposed project has been prepared in compliance with the Redevelopment Master Plan, which is within the scope of the General Plan, and maximum development is limited to the Community Development Policies of the General Plan. Therefore, the project is within the scope of the General Plan Master EIR.

(1) As under the existing zoning code, new development under the proposed project must comply with General Plan Mitigation Measure CL-25.

(2) Development under the proposed regulations will facilitate trip length reductions by creating a physical environment that supports and encourages walking, bicycling, and transit use and reduces trip lengths, while discouraging automobile use to some degree. Compliance with a number of General Plan Mitigation Measures described in other portions of this document will reduce both vehicle miles traveled and total number of vehicle trips.

(3) The adopted Sustainable Communities Strategy encourages infill development. The proposed project is consistent with StanCOG's Sustainable Communities Strategy.

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:

General Plan Master EIR Mitigation Measures TC-1, TC-5, TC-12, TC-13, TC-28, and TC-43 will be applied.

Degradation of Air Quality:

The project implements General Plan MEIR Mitigation Measures AQ-1, AQ-3, and AQ-4.
General Plan Mitigation Measures AQ-7, AQ-17, AQ-18, AQ-26, AQ-40, AQ-42, AQ-43, AQ-44, AQ-46, AQ-47, AQ-48, AQ-49, AQ-50, AQ-51, and AQ-52 and Mitigations 4.1-1a, 4.1-1b, and 4.1-5 from the RDA Program EIR will be applied to new development regulated by the proposed code amendment.

Generation of Noise:

General Plan Mitigation Measures N-1, N-2, N-3, N-6, and N-7 and Mitigations 4.5-1, 4.5-2, 4.5-3, 4.5-4, and 4.5-5 from the RDA Program EIR will be applied to new development regulated by the proposed code amendment.

Effects on Agricultural Lands:

The proposed project implements General Plan Mitigation Measures AL-7, AL-8, and AL-15.

Increased Demand for Long-Term Water Supplies:

No mitigation is needed.

Increased Demand for Sanitary Sewer Services:

General Plan Master EIR Mitigation Measures SS-4, SS-7, SS-8, SS-11, SS-12, SS-19, and SS-21 and RDA Program EIR Mitigation 4.8-1 will be applied to new development regulated by the proposed code amendment.

Loss of Sensitive Wildlife and Plant Habitat:

No mitigation is needed.

Disturbance of Archaeological/Historic Sites:

The proposed project implements General Plan Master EIR Mitigation Measure AH-5. Modesto has a historic resources inventory, in compliance with AH-8. General Plan Master EIR and RDA Program EIR Mitigation Measures AH-1, AH-2, AH-3, AH-6, AH-7, AH-12, and Measure 4.6-1 will be applied to new development.

Increased Demand for Storm Drainage:

General Plan Master EIR Mitigation Measures SD-2, SD-3, SD-4, SD-5, SD-7, SD-9, and SD-11 will be applied to new development regulated by the proposed code amendment.

Flooding and Water Quality:

General Plan Master EIR Mitigation Measures FWQ-2, FWQ-4, FWQ-11, FWQ-12, FWQ-13, and FWQ-15 will be applied to new development regulated by the proposed code amendment.

Increased Demand for Parks and Open Space:

No mitigation is needed.

Increased Demand for Schools:

General Plan Master EIR Mitigation Measures S-3 and S-8 will be applied to new development regulated by the proposed code amendment.

Increased Demand for Police Services:

General Plan Master EIR Mitigation Measures PS-8 and PS-9 (including PS-10, PS-11, PS-12, PS-13, PS-14, and PS-15 as appropriate) will be applied to new development regulated by the proposed code amendment.

Increased Demand for Fire Services:

No mitigation is required.

Generation of Solid Waste:

No mitigation is required.

Generation of Hazardous Materials:

No mitigation is required.

Geology, Soils, and Mineral Resources:

No mitigation is required.

Energy:

The proposed project implements General Plan Master EIR Mitigation Measures E-6, E-8, E-9, E-10, E-11, E-12, and E-31. General Plan Master EIR Mitigation Measures E-2, E-3, E-4, E-5, and E-41 will be applied to new development regulated by the proposed code amendment.

Effects on Visual Resources:

General Plan Master EIR Mitigation Measures VR-3 and VR-4 will be applied to new development regulated by the proposed code amendment.

Land Use and Planning:

The proposed project implements General Plan Master EIR Mitigation Measures LUP-41, LUP-42, LUP-43, LUP-44, and LUP-45. No additional mitigation measures are needed.

Climate Change:

The project implements General Plan Master EIR Mitigation Measures CL-3, CL-4, CL-5, CL-12, CL-13, and CL-20. General Plan Mitigation Measure CL-25 will be applied to new development regulated by the proposed code amendment.

ATTACHMENT A

Text of Proposed Downtown Form-Based Code