

Wark (C)

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 2-2000

A RESOLUTION APPROVING ALLOCATION OF \$515,000 OF REDEVELOPMENT AGENCY SET-ASIDE FUNDS FOR AFFORDABLE HOUSING PROJECTS AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ALL NECESSARY DOCUMENTS PERTAINING TO SAID ALLOCATION OF FUNDS.

WHEREAS, on October 27, 1999, a Request For Proposals (RFP) for the development of affordable housing was distributed to all previous affordable housing applicants and interested parties, and

WHEREAS, the CITY has received eight applications for financial assistance in connection with affordable housing proposals which were submitted in response to the City and Redevelopment Agency's Joint RFP, one of which was subsequently withdrawn, and

WHEREAS, \$515,000 in Redevelopment Agency housing set-aside funds are available for allocation, as are a total of \$1,260,000 in HOME funds, and

WHEREAS, said funds must be committed, and binding agreements executed thereon between the City and developers by June 30, 2000, and

WHEREAS, the Citizens Redevelopment Advisory Commission (CRAC) met on February 2, 2000, and recommended that the Agency allocate the housing set-aside funds as recommended by City staff, in the report attached as Exhibit "A", and incorporated herein by reference, and

WHEREAS, approval of this recommended allocation furthers the CITY's goal to

address the housing needs of low and moderate income residents and to provide affordable housing to its citizens and is consistent with the authorized use of the RDA Housing Funds,

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of the City of Modesto that an allocation of \$515,000 in RDA Housing Funds for affordable housing projects is hereby approved, subject to conditions set forth in the staff report attached as Exhibit "A".

BE IT FURTHER RESOLVED that the Executive Director, or his authorized designee, is hereby authorized to execute any and all documents that may be required in relation to the approval of the allocation of said RDA Housing Funds.

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Modesto held on the 22nd of February, 2000, by Agency Member Serpa, who moved its adoption, which motion being duly seconded by Agency Member Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency Members: Friedman, Serpa, Smith, Chairperson Sabatino

NOES: Agency Members: Conrad, Frohman

ABSENT: Agency Members: Fisher

ATTEST: Jean Zahr
JEAN ZAHB, Secretary

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, General Counsel

CITY OF MODESTO

MEMORANDUM

TO: Citizen's Redevelopment Advisory Commission
FROM: Miguel Galvez, Associate Planner *Miguel*
SUBJECT: Affordable Housing Proposals Funding Recommendations

RECOMMENDED COMMITTEE ACTION:

It is recommended that the CRAC recommend the Redevelopment Agency adopt a resolution allocating \$515,000 in Housing Set-aside funds as shown on Table 1, along with associated conditions of approval, as contained herein.

DISCUSSION:

Background:

At the City Council's meeting of July 13, 1999, the Council denied allocating any of the HOME funds to the affordable housing projects that participated in the last Request for Proposals. The Redevelopment Agency did the same for the Agency's Housing Set-aside funds.

The City Council received substantial opposition to the three affordable housing projects proposed in Village One and directed that the proposals be referred back to staff for further study and recommendation. Residents desired that the proposals complete all of the zoning processes before the Council and Agency considers allocating the HOME and Agency funds.

The three affected proposals consisted of a 48-unit apartment complex proposed by the Housing Authority, an 80-unit apartment complex proposed by Sunrise Partners & Nova Housing (Bill Zoslocki), and a 24-unit all handicapped accessible apartment complex proposed by STANCO. These projects were withdrawn and no funds were ever allocated.

In addition, in November of 1999, the City Council and Redevelopment Agency de-allocated the funding allocated to the 620 Paradise Road property. The HOME allocation of \$606,000 was reallocated with \$306,000 returning back to the funding pool, and \$300,000 allocated to the Briggs Road Self-Help Enterprises project. All of \$215,000 in Agency housing set-aside funds were also returned to the funding pool.

On October 27, a new Request for Proposals (RFP) was distributed to all previous applicants and interested parties. The RFP combined the 1999/00 HOME and Agency funds with the funds that were de-allocated from the 620 Paradise Road project. As a result, a total of \$1,775,000 was advertised in the RFP. The funding sources are as follows:

	HOME	RDA	TOTAL
99/00 HOME Funds	\$ 796,500		
99/00 HOME CHDO Funds	\$ 157,500		
99/00 Agency Funds		\$300,000	
98/99 De-allocated HOME Funds	\$ 306,000		
98/99 De-allocated Agency Funds		\$215,000	
—	\$1,260,000	\$515,000	\$1,775,000

Approximately 30 RFP application packets were distributed. On December 17, 1999, the application deadline, 8 proposals were received, of which one was subsequently withdrawn. On January 14, 2000, CRAC Housing Committee, along with the Citizen's Housing and Community Development Committee (CH&CDC), met to hear applicants make presentations on each of their proposals. No action was taken at that time. Since the meeting of January 14, 2000, staff has continued to analyze the proposals and discuss various aspects of the projects with the applicants.

Project Assessment Criteria

Staff assessed the merits of each application as to how well the project meets the City's affordable housing goals. Development proposals containing affordable units for large families and projects that include support services and amenities were given priority consideration. Development proposals exhibiting extensive developer capacity and a readiness to proceed immediately were also given priority.

Table 2 lists the affordable housing goals for both the City as contained in its Consolidated Plan and the Redevelopment Agency as contained in its Implementation Plan. In addition, each of the proposals were evaluated in terms of the following specific criteria:

- Funding leveraging ratio (extent to which funds are leveraged on a per unit basis)
- Unit/cost ratio
- Development Schedule
- Project location
- Developer experience
- Owner equity contribution
- Management experience
- Number of housing units that will be made available to low and moderate income households
- Site control
- Availability of permanent and construction financing
- Utilization of innovative, cost effective design techniques and building materials that reduce construction, rehabilitation, or operating costs
- Plans for preventing the permanent displacement of low and moderate income tenants (if applicable)

Analysis and Issues:

All of the seven proposals are briefly described below, followed by staff's recommended funding allocation and conditions of approval. A summary table of staff recommendations follows the report.

1. *Coolidge Plaza*: Application by Akhzar-Johnson Partnership for a total of \$1,184,280 to develop an apartment complex consisting of 18-2 bedroom units on the north side of Coolidge Avenue, west of Sunrise Avenue. The project is targeted at low-income tenants. This project would be the first of a two phase development for a total 34-unit complex.

The developer is requesting 100% of the development costs from the City at a cost of \$65,793 per unit. The proposed development is not within the redevelopment project or a neighborhood target area. The developer has not demonstrated experience in operating affordable housing projects. Owner equity contribution would be limited to the value of the land which is already owned. An innovative design concept was utilized in floor plan layout to encourage shared housing by two households, presumably seniors.

Staff Recommendation: \$0

2. *Standiford Gardens Apartments:* Application by Central Valley Coalition for Affordable Housing for a total of \$927,414 to acquire and rehabilitate a 250-unit apartment complex, consisting of 128-1bedroom units, 104-2bedroom units, and 18-3 bedroom units. The complex is located on the north-side of Standiford Avenue, west of McHenry Avenue. The project is targeted at servicing low income tenants.

The developer is requesting \$655,305 in HOME funds and \$272,109 in Agency funds. These monies will leverage an additional \$13,965,888 in funding from bond and tax credit financing, along with project income from operations while rehabilitation of the complex is going on.

The amount of assistance requested equates to \$3,701 per unit. The development does not fall within either a redevelopment project or neighborhood target area. The developer has extensive experience and a good history in operating quality affordable housing. Because of the tax credit financing the entire complex would be restricted to affordable housing, although the applicant is requesting that the City-Agency assistance be limited to eleven units. By doing so the project would not be subject to paying Federal prevailing wages for the construction work. There is no innovative use of design concepts. However, the rehabilitation work is scheduled in such a way to avoid or minimize displacement of residents. The developer has already acquired the site and commenced with the rehabilitation. That occurrence is problematic for the use of HOME funds. The only costs eligible for assistance would be those to occur after the environmental review process is complete and contract agreements were executed. The use of redevelopment funds are not effected by the prior acquisition.

Since all other funding is in place and the project has commenced, serious concerns arise over the actual need for additional assistance from the City or Agency.

Staff Recommendation: \$0

3. *Property Acquisition in Airport District. Application by Desarrollo-Latino-Americano (DLA)* for a total of \$429,262 to acquire five lots in the Airport neighborhood and develop a single family home on each lot. The project would serve low-income buyers.

This development proposal will require 100% of project financing from the City-Agency. The developer has indicated that permanent take-out financing for the homes will be provided by a private lender. The proposed location for at least 3 of the homes will be in the Airport Neighborhood Target Area. The other sites are yet to be determined. The applicant has minimal experience in a similar project in which DLA is working with Self-Help Enterprises. If funded, all houses constructed would be restricted to low-income buyers. The applicant is requesting funds from both the City (\$25,000 in CHDO operating costs) and the Agency (\$404,262 in acquisition and development costs). It is worthy of mention that the \$404,262 in acquisition development costs is intended to be repaid to the Agency at the completion of construction. Once recaptured, the Agency could reallocate these monies to other projects.

This proposal is consistent with the housing goals of both the City and Agency. However, due to the limited experience of the applicant, staff is recommending that DLA proceed along a smaller scale.

Staff Recommendation: Allocate \$100,000 in HOME (CHDO) funds to be used to acquire, rehab or construct one (1) home in a City neighborhood target area. This funding allocation to be subject to the following conditions:

1. No more than \$25,000 in funding to be used for CHDO operating costs.
2. CHDO operating funds to be awarded as a grant.
3. Remaining HOME funds to be loaned as short term construction funds secured by first deed of trust at 3% interest.
4. Submit copy of appraisal for site purchased.
5. Site to obtain the appropriate development entitlements.
6. Applicant may submit separate proposal for use of City owned lots in Airport Neighborhood as part of an RFP process.

4. *Prescott Estates:* Application by HOMES 2000 for a total of \$49,000 to rehabilitate three (3) condominium units in Prescott Estates. The units, already owned by HOMES 2000 would be used for transitional housing, serving very-low income tenants.

The applicant is requesting 100% of project costs from the City-Agency. The units proposed for rehab are within a complex that is a Council priority. The applicant has experience in programs involving lower income residents and is actively involved in improving conditions at Prescott Estates.

If funded all rehabilitation work would be performed by licensed contractors at the direction of HOMES 2000. Of the \$49,000 requested \$13,000 is needed for operational soft costs related to rehab. Originally the applicant requested these soft costs come from the HOME program. However, due to regulatory problems any funding awarded should come from the Agency's housing fund. In the short term it is proposed that the three (3) housing units be used as transitional rentals. The long-term strategy is to empower these renters through related social services to eventually acquire the condominium units as owner-occupied housing. This strategy is consistent with the overall goal for Prescott Estates.

HOMES 2000 has requested that the assistance be provided as long term (50 year) deferred loans. The reason is that with the clientele served it is difficult to accurately estimate the project revenues available to repay monies borrowed. Each of the households occupying the three (3) units in question can only pay 30% of their income towards housing expenses. Therefore, rather than setting the rents from each unit at a fixed amount, they will fluctuate with the income of the occupant.

Staff Recommendation: Allocate \$49,000 in Agency housing funds to cover hard and soft costs related to rehabilitating three (3) units in Prescott Estates. This funding allocation is subject to the following conditions:

1. No more than \$13,000 to be used for soft costs.
2. 15% of project hard costs reserved for contingency or relocation expenses.
3. All work performed by licensed contractors.
4. Loan to carry a 3% interest rate deferred for five years and then amortized for an additional fifteen years.
5. Loan to be secured by a separate Deed of Trust for each housing unit. Loans will be assumable at the time the units convert from rentals to homeownership.

5. *Woodstone Apartments:* Application by the Housing Authority of the County of Stanislaus for a total of \$1,600,000 to develop a new 56-unit townhouse complex, located at the west-side of Tully Road, south of Bangs Road. The project is targeted at serving very-low income tenants.

The total development cost for this proposal is \$6,608,000. In addition to the funds requested from the City-Agency, the Housing Authority is loaning the project \$1,600,000 from their own reserves. The Authority will also issue tax-exempt bonds in the amount of \$2,297,970 and expects to receive tax credit proceeds in the amount of \$1,910,030.

This financial plan will equate to a City-Agency request of \$28,571 per unit, or 24% of total project costs per unit. The applicant has site control and if funded intends to proceed with construction in the Spring of 2000. The proposed development is not located in a neighborhood target area or redevelopment project area. The development does respond to the general goal of dispersing affordable housing throughout the community. The developer is highly experienced in owning and operating projects of this type. As designed, the complex will result in a unit density of 10 units per acre. In addition to the housing, the complex will offer social services, day care, after school programs and the like. The complex features townhouse units, generous open space, and a community facility. Lastly, the complex will address the need for large family rental housing by offering 38, 3 and 4 bedroom units. All units will be restricted as affordable.

Staff Recommendation: Allocate \$1,102,500 in HOME funds and \$466,000 in Redevelopment housing funds. This funding allocation is subject to the following conditions:

1. Acquisition cost to be confirmed by property appraisal.
 2. The subject site to obtain the appropriate development entitlements.
 3. Costs to be established by certified cost audit.
 4. Loans to be Residual Receipts Note with annual payments of no less than 50% of excess cash flow as determined by certified cost audit.
 5. Submit copies of development and operating pro-formas submitted to CTCAC and other lenders.
6. *Fifth Street Project:* Application by STANCO for a total of \$350,000 to acquire and rehabilitate a 16-unit apartment complex, located at the corner of 5th and F Streets. The site contains 5-studio units, 5-1 bedroom units, and 6-2 bedroom units. The project would be used as a short-term shelter as well as providing for transitional housing. The project would serve very low-income tenants.

The total cost estimate for this project is \$450,000. The remaining \$100,000 in funding would come from a loan from a private lender. The amount of funds requested from City-Agency equates to \$21,875 per unit. The proposed project is located within the redevelopment project area. Due to non-profit status of the owner, this development would not add to the tax base. In terms of experience, STANCO has been serving the needs of the community for some time. There is also a wealth of experience amongst the Board of Directors. The project will certainly serve the special needs of the homeless-mentally ill in the community. The site is currently zoned C-2, general commercial. Residential uses are permitted subject to approval of a Conditional Use Permit. The applicant indicates that Stanislaus County Department of Mental Health will provide onsite counseling and management of the units.

A major concern of staff is the condition of the structure and the extent of needed repairs. Since the applicant has not submitted a detailed cost estimate for extent of repairs, it is difficult to undertake a detailed analysis. Given the uncertainty of costs, sources of the remaining funds, zoning and neighborhood compatibility, staff is not supporting this application at this time.

Staff Recommendation: Allocate \$57,500 in HOME CHDO funds for predevelopment and operating expenses for the purpose of refining and improving either or both of the proposals submitted. This allocation is subject to the following conditions:

1. No more than \$25,000 shall be used for CHDO operating costs.
 2. STANCO to submit specific predevelopment budget to be approved by City.
 3. Funds allocated to be in the form of a forgivable loan.
7. Tully Road Service Enriched Housing: Application by STANCO for a total of \$250,000 to acquire an existing 16-unit apartment complex consisting of 8-1 bedroom units and 8-2 bedroom units located on the west-side of Tully Road, north of Coldwell Avenue. the project is targeted at serving very-low and low-income households with transitional housing services.

The applicant has indicated the total cost of the development is \$550,000. The remaining \$300,000 in funding is expected from a private bank loan. There is no loan commitment for these monies at this time. The City assistance equates to a request of \$15,625 per unit.

This proposed project does not fall within a redevelopment project or neighborhood target area. The proposal does address the special need for transitional housing of the homeless. As stated earlier, the applicant is experienced in providing affordable housing. The applicant has indicated that the units are currently in standard condition and no rehabilitation is necessary. This has not been verified by an inspection of the units by City staff. It is proposed that the \$250,000 in requested funds, along with \$300,000 in private funds, be used to acquire the complex. Any future repairs would be funded from future revenues. The applicant does not anticipate nor is there a budget for relocation costs. At this time it is unknown whether any of the existing tenants are considered overcrowded households, and as such eligible for relocation benefits.

Much like the previous proposal, there is no project budget breaking down costs by acquisition, rehabilitation, relocation, etc. Without a specific cost breakdown it is difficult to evaluate the reasonableness of the requested funding or the overall viability of the project. Again, for the reasons stated in the previous analysis, staff is not recommending this project for funding as presently proposed.

Staff Recommendation: Applicant to conduct further due diligence and provide a more accurate and complete financial plan that demonstrates this proposal is ready to proceed. Applicant may draw upon predevelopment funding as proposed above.

TABLE 1

STAFF RECOMMENDED FUNDING ALLOCATIONS

PROJECT/APPLICANT	FUNDS REQUESTED	FUNDS RECOMMENDED			
		HOME	HOME-CHDO	RDA	TOTAL
COOLIDGE PLAZA/AKHZAR-JOHNSON	\$1,184,280 (HOME)	0	0	0	0
STANDIFORD GARDENS/CENTRAL VALLEY COALITION FOR AFFORDABLE HOUSING	\$ 665,305 (HOME) \$ 272,109 (RDA)	0	0	0	0
AIRPORT DISTRICT ACQUISITION //(DLA) DESARROLLO-LATINO-AMERICANA, INC.	\$ 25,000 (HOME-CHDO) \$ 404,262 (RDA)	0	\$100,000	0	\$100,000
PRESCOTT ESTATES/HOMES 2000	\$ 13,000 (HOME-CHDO) \$ 36,000(RDA)	0	0	\$ 49,000	\$ 49,000
WOODSTONE APARTMENTS STANISLAUS CO. HOUSING AUTHORITY	\$1,100,000 (HOME) \$ 500,000 (RDA)	\$1,102,500	0	\$ 466,000	\$1,568,500
FIFTH STREET PROJECT/STANCO	\$350,000 (HOME OR RDA)	0	\$ 57,500	0	\$ 57,500
TULLY ROAD SERVICE ENRICHED HOUSING/STANCO	\$250,000 (HOME)	0		0	
TOTAL		\$1,102,500	\$157,500	\$ 515,000	\$1,775,000

TABLE 2

Affordable housing goals for The City of Modesto and the Modesto Redevelopment Agency

City of Modesto

1. Increase the amount of safe, decent, and affordable housing through rehabilitation, primarily in selected Target Areas.
2. Increase the supply of affordable rental housing available to senior citizens, low-income large families, and very-low income households.
3. Increase the availability of housing for families and individuals with special needs.

Source: 1995-2000 Consolidated Plan

Modesto Redevelopment Agency

1. Increase and preserve the supply of transitional housing.
2. Increase and preserve the supply of rental housing.
3. Increase and preserve the supply of owner-occupied housing.

Source: 2000-2005 Implementation Plan

DECLARATION OF PUBLICATION
(C.C.P. S2015.5)

COUNTY OF STANISLAUS
STATE OF CALIFORNIA

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the printer and principal clerk of the publisher of THE MODESTO BEE, printed and published in the City of MODESTO, County of STANISLAUS, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of STANISLAUS, State of California, under the date of February 25, 1951, Action No. 46453; that the notice of which the annexed is a printed copy, has been published in each issue thereof and not in any supplement thereof on the following dates, to wit:

JANUARY 26, 2000

I certify (or declare) under penalty of perjury that the foregoing is true and correct and that this declaration was executed at, MODESTO, California, on

JANUARY 26, 2000

(Date)

(Signature)

Catherine Ramirez

PUBLIC NOTICE
Informational Meeting
on
Affordable Housing Proposals
February 10, 2000, at 7:00 p.m.,
Tenth Street Place Chambers

The City of Modesto's Recreation and Neighborhoods Department has scheduled a meeting to discuss seven affordable housing proposals. The meeting will be held on February 10, 2000, at 7:00 p.m. in the Tenth Street Place Chambers, 1010 Tenth Street. All members of the public are invited to attend.

The purpose of the meeting is to present an overview of the seven affordable housing proposals recently received by the City and to solicit comments from affected neighborhood residents. Each of the seven applicants is requesting financial assistance from the City in varying amounts. The City and its Redevelopment Agency have \$1,775,000 in funding available to allocate to one or more of the proposals.

Listed below is a summary of each of the proposals and the amount of funds requested. Representatives from each of the applicants will be available to answer questions.

	Project Description	HOME \$1,102,500	CHDO \$157,500	RDA \$515,000	TOTAL \$1,775,000
1	Coolidge Plaza: Application by Akhzar-Johnson Partnership for a total of \$1,184,280 to develop an 18-unit apartment complex on the north side of Coolidge Avenue, west of Sunrise Avenue. The project is targeted at low-income tenants. This project would be the first of a two phase development for a total 34-unit complex.	\$1,184,280			\$1,184,280
2	Standiford Gardens Apartments: Application by Central Valley Coalition for Affordable Housing for a total of \$927,414 to acquire and rehabilitate a 250-unit apartment complex, located on the north-side of Standiford Ave., west of McHenry Avenue. The project is targeted at serving very-low income tenants.	\$655,305		\$272,109	\$927,414
3	Property Acquisition in Almont District: Application by Desarrolle-Latino-Americano (DLA) for a total of \$429,262 to acquire five lots in the Airport neighborhood and develop a single family home on each lot. The project would serve low-income home buyers.		\$25,000	\$404,262	\$429,262
4	Prescott Estates: Application by HOMES 2000 for a total of \$49,000 to rehabilitate 3 condominiums units in Prescott Estates. The units, already owned by HOMES 2000 would be used for transitional housing, serving very-low income tenants.	\$13,000		\$36,000	\$49,000
5	Woodstone Apartments: Application by the Housing Authority County of Stanislaus for a total of \$1,600,000 to develop a new 56-unit townhouse complex, located at the west-side of Tully Road, south of Bangs Road. The project is targeted at serving very-low and low-income tenants.	\$1,100,000		\$500,000	\$1,600,000
6	Fifth Street Project: Application by STANCO for a total of \$350,000 to acquire and rehabilitate a 16-unit apartment complex, located at the corner of 5th and F Streets. The project would be used as a short-term shelter as well as for providing for transitional housing. The project would serve very-low income tenants.	\$350,000	or	\$350,000	\$350,000
7	Tully Road Service Enriched Housing: Application by STANCO for a total of \$250,000 to acquire an existing 16-unit apartment complex located on the west-side of Tully Road, north of Coldwell Ave. The project is targeted at serving very-low and low-income households with transitional housing services.	\$250,000			\$250,000
	Total	\$3,552,585	\$25,000	\$1,562,371	\$4,789,956

The City Council and the Redevelopment Agency will consider allocating funds to one or more of these proposed projects at their meeting of February 22, 2000.

JEAN ZAHR
City Clerk

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 4-2000

A RESOLUTION APPROVING A SERVICE AGREEMENT BETWEEN THE MODESTO REDEVELOPMENT AGENCY AND PETER SHIRE FOR PUBLIC ART LOCATED ON BRENDEN THEATRE BUILDING

BE IT HEREBY RESOLVED by the Council of the City of Modesto that the service agreement between the Modesto Redevelopment Agency and Peter Shire for public art located on Brenden Theatre building be, and it is hereby approved.

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

The foregoing resolution was introduced at a special meeting of the Modesto Redevelopment Agency held on the 7th day of March, 2000, by Agencymember Fisher, who moved its adoption, which motion being duly seconded by Agencymember Smith, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agencymembers: Conrad, Fisher, Friedman, Frohman, Serpa, Smith

NOES: Agencymembers: None

ABSENT: Agencymembers: Chairperson Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, Agency Secretary

**MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 05-2000**

DOES NOT EXIST

ACTION: **Resolution 05-2000** adopted (Serpa/Fisher, unan.) approving an exclusive negotiating agreement with Hinchey-Bray Development Partnership to construct an office building and parking structure on the City-owned property located at the southwest corner of 10th and H Streets.

**MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 06-2000**

DOES NOT EXIST

ACTION: Resolution 06-2000 adopted (Conrad/Frohman, unan.; Mayor Sabatino absent) approving Westland Development Company's request to extend for sixty days the exclusive negotiating agreement for their proposed office project at 12th and I Streets.

**MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 08-2000**

DOES NOT EXIST

ACTION: Resolution 08-2000 adopted (Smith/Fisher, unan.; Mayor Sabatino absent) granting \$5,275 to James Mahoney with a waiver and release acceptable to City Attorney.

**MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 09-2000**

DOES NOT EXIST

ACTION: Resolution 09-2000 adopted (Smith/Fisher, unan.; Mayor Sabatino absent) approving the Reciprocal Easement and Access Agreement between the JPA, the RDA, the owners of the cinema parcel, the retail parcel and the retail space in the JPA building.

**MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 10-2000**

NOT USED

**MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 11-2000**

**A RESOLUTION ADOPTING THE REDEVELOPMENT AGENCY BUDGET OF THE
CITY OF MODESTO FOR FISCAL YEAR 2000-2001**

WHEREAS, the financial analysis has been completed and it has been determined that adjustments are required to the Redevelopment Budget of the City of Modesto for the fourth quarter of Fiscal Year 1999-2000.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of the City of Modesto that the 2000-2001 Annual Budget is hereby adopted with adjustments shown in Attachment B.

BE IT FURTHER RESOLVED that the Treasurer is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Modesto held on the 27th day of June 2000, by Agencymember Freidman, who moved its adoption, which motion being duly seconded by Agencymember Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Agencymember: Dobbs, Fisher, Friedman and Smith

NOES: Agencymember: Serpa, Conrad, and Chairperson Sabatino

ABSENT: Agencymember: None

ATTEST: _____

Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: *Stan Feathers*
STAN FEATHERS, Budget Officer

Attachment B
Fiscal Year 2000-2001 Adoption Adjustments
Redevelopment Agency

Appr/ Rev	Fund	Agency	Orgn	Appr Unit	Object	Proposed Budget	Adjustment	Adopted Budget	Title / Justification
Redevelopment Agency Tenth Street Place Project									
1 Appr	9070	800	8000	9070R	8003	1,341,900	-1,341,900	0	RDA Reserve
Appr	9070	140	J887	887	6030	11,036,333	1,341,900	12,378,233	Tenth Street Place Property Acquisition
2 Appr	9070	700	7000	n/a	7600	76,000	-76,000	0	Correction
Rev	6000	700	7000	n/a	9907	76,000	-76,000	0	Correction

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 12-2000

RESOLUTION OF THE REDEVELOPMENT AGENCY OF
THE CITY OF MODESTO APPROVING AND
AUTHORIZING THE EXECUTION OF A DISPOSITION AND
DEVELOPMENT AGREEMENT BETWEEN THE AGENCY
AND WESTLAND DEVELOPMENT COMPANY, LLC, AND
OTHER RELATED ACTIONS.

WHEREAS, the Redevelopment Agency of the City of Modesto (the "Agency")
is carrying out the Redevelopment Plan (the "Redevelopment Plan") for the Modesto
Redevelopment Project (the "Redevelopment Project"), and

WHEREAS, the Agency has received a proposed Disposition and Development
Agreement (the "DDA") from Westland Development Company, LLC, a California limited
liability company whose members are Craig A. Mangano, an individual, and SHP
Development Co., a general partnership (the "Developer"), providing for the acquisition and
sale of certain property located within the Redevelopment Project Area (the "Site"), and
development of the Site with a multi-story professional office building with possible retail or
restaurant uses designated for the first floor (the "Office Project"), and

WHEREAS, the Site is currently owned by the City of Modesto (the "City")
and will be acquired by the Agency and subsequently sold to the Developer for development
and operation of the Office Project, and

WHEREAS, parking for the Office Project will be provided in a separate public
parking garage (the "Parking Garage") to be constructed by the County of Stanislaus (the
"County") on adjacent property currently owned by the County (the "Parking Garage Parcel")
pursuant to a separate license agreement (the "Parking Agreement") to be entered into between

the Developer and the County under which a portion of the parking spaces to be developed within the Parking Garage will be available for use by the tenants and users of the Office Project, and

WHEREAS, the DDA provides for, among other things, (a) the acquisition of the Site by the Agency from the City; (b) the subsequent sale of the Site to the Developer pursuant to the DDA; and (c) the development of the Office Project as more particularly described in the DDA, in conjunction with the construction of the Parking Garage pursuant to the Parking Agreement, and

WHEREAS, the DDA further provides that the Agency will contribute toward the cost of construction of the Parking Garage in the amount of \$200,000 net present value, plus the Net Tax Increments from the Site (as defined in the DDA) for so long as the Agency receives tax increment revenues from the Site (collectively, the "Agency's Parking Contribution"), which Agency's Parking Contribution shall be paid directly to the County pursuant to an agreement to be prepared and entered into between the Agency and County, and

WHEREAS, the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) provides in Section 33431 that any sale or lease of Agency property may be made only after a public hearing of the Agency after publication of notice as provided by law, and

WHEREAS, the Community Redevelopment Law provides in Section 33433 that before any property acquired, in whole or in part, with tax increment monies, is sold or leased for development pursuant to a redevelopment plan, such sale or lease shall first be approved by the legislative body after a public hearing, that notice of the time and place of the

hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing, and that the Agency shall make available for public inspection a copy of the proposed sale or lease and a report containing specified information and the financial aspects of the proposal, and

WHEREAS, pursuant to Section 33445 of the Community Redevelopment Law, the Agency is authorized, with the consent of the City Council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure or other improvement which is publicly owned either within or without the Project Area upon a determination by the City Council that such building, facility, structure or other improvement is of benefit to the Project Area or the immediate area in which the Project is located and that no other reasonable means of financing such building, facility, structure or other improvement are available to the community, and

WHEREAS, notice of a joint public hearing by the City Council and the Agency were published in the local newspaper on May 24, May 28, May 30, and June 4, 2000, and,

WHEREAS, the Agency prepared a report pursuant to Section 33433 of the Health and Safety Code, containing a copy of the DDA and a summary describing the cost of the DDA to the Agency, the value of the property interest to be conveyed, the purchase price and other information required by said Section 33433, and said report was made available to the public for inspection, and

WHEREAS, the City Council and the Agency held joint public hearings on

June 6, July 5, July 18, July 25, and August 8, 2000, at Tenth Street Place, 1010 Tenth Street, Modesto, California, to consider and act on the disposition and development of the Site pursuant to the DDA,

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

SECTION 1. The Agency hereby finds and determines that the sale of the Site to the Developer, and development of the Office Project on the Site pursuant to the DDA will assist in the elimination of blight within the redevelopment project area and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. This finding is based upon the fact that the Site is being sold for purposes of development on the Site of the Office Project pursuant to the DDA and in accordance with and in implementation of the Redevelopment Plan. This finding is further based upon the additional facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

SECTION 2. The Agency hereby finds and determines that the purchase price for the Site to be paid by the Developer is not less than the fair market value of the Site at its highest and best use in accordance with the Redevelopment Plan. This finding is based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

SECTION 3. The Agency hereby finds and determines that the payment by the Agency of costs for the acquisition of the Site and the Agency's Parking Contribution is necessary to effectuate the purposes of the Redevelopment Plan. The Agency further finds and

determines that the construction of the Parking Garage is of primary benefit to the Project Area and the immediate neighborhood in which the project is located, that no other reasonable means of financing the Agency's Parking Contribution are available to the community, and that the payment of funds for the acquisition of land and the cost for the Agency's Parking Contribution will assist in the elimination of one or more blighting conditions inside the Redevelopment Project Area and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. The foregoing findings and determinations are based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

SECTION 4. The Agency hereby approves the DDA in substantially the form on file with the Secretary of the Agency. The Agency further authorizes (a) the acquisition of the Site from the City for a purchase price not to exceed \$245,000, and the sale of the Site to the Developer pursuant to the terms and conditions set forth in the DDA.

SECTION 5. The Executive Director and Secretary of the Agency are hereby authorized and directed to execute the DDA on behalf of the Agency, subject to any minor conforming, technical or clarifying changes approved by the Agency Counsel. The Executive Director and Secretary are hereby further authorized and directed to take such further actions and execute such documents as are necessary to carry out the DDA on behalf of the Agency, including without limitation (a) cooperate with the City and prepare and execute any documents or agreements determined to be necessary to effectuate the acquisition of the Site from the City as authorized under this Resolution; (b) take all actions and execute such documents as are necessary to effectuate the sale of the Site to the Developer, and (c) all other

actions and documents necessary for the acquisition, sale, and development of the Site, and the improvements to be developed thereon, in accordance with the DDA. The Executive Director is further authorized and directed to pursue the negotiation and preparation of an agreement with the County for payment of the Agency's Parking Contribution to the County, and the development of the Parking Garage as anticipated under the DDA.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 8th day of August, 2000, by Agency Member Frohman, who moved its adoption, which motion being duly seconded by Agency Member Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency Members: Conrad, Friedman, Frohman, Serpa

NOES: Agency Members: None

ABSENT: Agency Members: Fisher, Smith, Mayor Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, Secretary

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, General Counsel

Alb...

MODESTO REDEVELOPMENT AGENCY OF THE CITY OF MODESTO
RESOLUTION NO. 13-2000

A RESOLUTION APPROVING THE COMMITMENT OF THIRTY (30%) PERCENT OF REDEVELOPMENT AGENCY TAX INCREMENT SURPLUS TO FUND THE CITY'S CONTRIBUTION TO THE PROPOSED PERFORMING ARTS CENTER, SUBJECT TO THE PASSAGE OF THE T.O.T. MEASURE ON THE NOVEMBER, 2000, BALLOT.

WHEREAS, there is a general consensus of the benefits a Performing Arts Center would bring to our community, and

WHEREAS, the City has been asked to contribute the sum of \$15 million, along with \$15 million from the County, to construct the Performing Arts Center, and

WHEREAS, the Redevelopment Agency is desirous of determining the feasibility of a contribution by the City, and

WHEREAS, the Redevelopment Agency tax increment surplus is a means of partially funding the City's contribution in conjunction with the passage of the T.O.T. measure on the November, 2000, ballot,

NOW, THEREFORE, BE IT RESOLVED by the Agency that it hereby approves the commitment of thirty (30%) percent of Redevelopment Agency tax increment surplus to fund a \$7.5 million contribution by the City to the proposed Performing Arts Center, subject to the passage of the T.O.T. measure on the November, 2000, ballot.

The foregoing resolution was introduced at a special meeting of the Modesto Redevelopment Agency held on the 10th day of August, 2000, by Agency Member Frohman, who moved its adoption, which motion being duly seconded by Agency Member Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency Members: Conrad, Friedman, Frohman, Serpa

NOES: Agency Members: None

ABSENT: Agency Members: Fisher, Smith, Mayor Sabatino

ATTEST: Jean Zahr, Secretary
JEAN ZAHR, Secretary

(SEAL)

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, General Counsel

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 14-2000

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO REDEVELOPMENT AGENCY AND KASHIAN/NOYAN LLC FOR AN ENVIRONMENTAL IMPACT REPORT FOR THE MODESTO JUNIOR COLLEGE COMMERCIAL PROJECT

BE IT HEREBY RESOLVED by the Redevelopment Agency of the City of Modesto that the agreement between the Modesto Redevelopment Agency and Kashian/Noyan LLC for an Environmental Impact Report for the Modesto Junior College commercial project be, and it is hereby approved.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of August, 2000, by Agencymember Fisher, who moved its adoption, which motion being duly seconded by Agencymember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Councilmembers:	Conrad, Fisher, Friedman, Serpa, Smith
NOES:	Councilmembers:	Frohman and Mayor Sabatino
ABSENT:	Councilmembers:	None

ATTEST:


JEAN ZAHR, City Clerk

**MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 15-2000**

**A RESOLUTION AMENDING THE REDEVELOPMENT AGENCY BUDGET
APPROPRIATING FUNDS FOR AN ENVIRONMENTAL IMPACT REPORT**

WHEREAS, the Modesto Junior College Commercial Project proposes regional commercial uses in the area surrounding the west campus; and

WHEREAS, the applicant proposes to pay 50% of the amount needed to proceed with the project; with staff recommending the Redevelopment Agency provide \$50,000 in advance funding.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of the City of Modesto that the 2000-2001 Annual Budget is hereby adopted.

BE IT FURTHER RESOLVED that the Treasurer is hereby authorized to take the necessary steps to implement the provisions of this resolution.

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Modesto held on the 15th day of August 2000, by Agencymember Fisher, who moved its adoption, which motion being duly seconded by Agencymember Conrad, was upon roll call carried and the resolution adopted by the following votes:

AYES: Agencymember: Dobbs, Fisher, Friedman, Smith and Serpa

NOES: Agencymember: Frohman and Sabatino

ABSENT: Agencymember: None

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 16-2000

A RESOLUTION OF THE MODESTO REDEVELOPMENT
AGENCY APPROVING AND AUTHORIZING THE
EXECUTION OF A DISPOSITION AND DEVELOPMENT
AGREEMENT BETWEEN THE AGENCY AND
VALLEY TOWER, LLC, AND OTHER RELATED ACTIONS.

WHEREAS, the Modesto Redevelopment Agency (the "Agency") is carrying out the Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Redevelopment Project"), and

WHEREAS, the Agency has received a proposed Disposition and Development Agreement (the "DDA") from Valley Tower, LLC, a California limited liability company whose members are John B. Hinchey, an individual, and Roger K. Rempfer (the "Developer"), providing for the acquisition and sale of certain property located within the Redevelopment Project Area (the "Site"), and development of the Site with a multi-story commercial office structure, consisting of subterranean parking, ground floor retail uses, above-ground parking, and a five-story commercial office building located above the above-ground parking, together with appurtenant landscaping improvements and additional on-street parking spaces (the "Office Project"), and

WHEREAS, the Site is currently owned by the City of Modesto (the "City"), and is currently improved with a public parking lot, which will be acquired by the Agency and subsequently sold to the Developer for development and operation of the Office Project, and

WHEREAS, the DDA further provides that the Developer and City will enter into a Parking Agreement whereby, following completion of the Parking Garage to be constructed as a part of the Office Project, the Developer will maintain, manage and operate the Parking Garage as a private parking garage, a portion of the parking spaces within the Parking Garage shall be designated as public parking spaces and available to members of the public (the "Designated Public Parking Spaces"), and the remainder of the parking spaces shall be available for public parking uses as more fully described in the DDA, and

WHEREAS, the DDA provides for, among other things, (a) the acquisition of the Site by the Agency from the City; (b) the subsequent sale of the Site to the Developer pursuant to the DDA; (c) the development of the Office Project as more particularly described in the DDA; and (d) the use and operation of the Parking Garage for public parking uses pursuant to the Parking Agreement provided for in the DDA, and

WHEREAS, the DDA further provides that, as consideration for conveyance of the Site from the Agency to the Developer, the Developer will construct the Parking Garage and provide public parking spaces within the Parking Garage pursuant to the Parking Agreement,

and

WHEREAS, the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) provides in Section 33431 that any sale or lease of Agency property may be made only after a public hearing of the Agency after publication of notice as provided by law, and

WHEREAS, the Community Redevelopment Law provides in Section 33433 that before any property acquired, in whole or in part, with tax increment monies, is sold or leased for development pursuant to a redevelopment plan, such sale or lease shall first be approved by the legislative body after a public hearing, that notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing, and that the Agency shall make available for public inspection a copy of the proposed sale or lease and a report containing specified information and the financial aspects of the proposal, and

WHEREAS, pursuant to Section 33445 of the Community Redevelopment Law, the Agency is authorized, with the consent of the City Council, to pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure or other improvement which is publicly owned either within or without the Project Area upon a determination by the City Council that such building, facility, structure or other improvement is of benefit to the Project Area or the immediate area in which the Project is located and that no other reasonable means of financing such building, facility, structure or other improvement are available to the community, and

WHEREAS, notice of a joint public hearing by the City Council and the Agency were published in the local newspaper on September 26, 2000 and October 2, 2000; and

WHEREAS, the Agency prepared a report pursuant to Section 33433 of the Health and Safety Code, containing a copy of the DDA and a summary describing the cost of the DDA to the Agency, the value of the property interest to be conveyed, the consideration to be paid by the Developer, and other information required by said Section 33433, and said report was made available to the public for inspection, and

WHEREAS, the City Council and the Agency held a joint public hearing on October 10, 2000, at Tenth Street Place, 1010 Tenth Street, Modesto, California, to consider and act on the disposition and development of the Site pursuant to the DDA, and

WHEREAS, the City Council has reviewed and approved an Initial Study environmental assessment for the project and DDA,

NOW, THEREFORE, BE IT RESOLVED by the Modesto Redevelopment Agency, as follows:

Section 1. The Agency hereby finds and determines that the sale of the Site to the Developer, and development of the Office Project on the Site pursuant to the DDA will assist in the elimination of blight within the redevelopment project area and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. This finding is based upon the fact that the Site is being sold and conveyed to the Developer for purposes of development on the Site of the Office Project pursuant to the DDA and in accordance with and in implementation of the Redevelopment Plan. This finding is further based upon the additional facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

Section 2. The Agency hereby finds and determines that the consideration for the Site provided for under the DDA is not less than the fair reuse value of the Site at the use and with the covenants and conditions and development costs authorized by the DDA. This finding is based upon the fact that, as consideration for the Site, the Developer will construct the Parking Garage and provide public parking spaces within the Parking Garage pursuant to the Parking Agreement to be entered into between the Developer and the City, as provided for under the DDA. This finding is further based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

Section 3. The Agency hereby finds and determines that the payment by the Agency of costs for the acquisition of the Site and the Agency's contribution toward the construction of the Parking Garage, and the public parking uses to be provided within the Parking Garage pursuant to the Parking Agreement, are necessary to effectuate the purposes of the Redevelopment Plan. The Agency further finds and determines that the construction of the Parking Garage and provision of the Designated Public Parking Spaces, and other public use of the Parking Garage, are of primary benefit to the Project Area and the immediate neighborhood in which the project is located, that no other reasonable means of financing the Agency's contribution toward the Parking Garage are available to the community, and that the payment of funds for the acquisition of land and the Agency's contribution toward the Parking Garage will assist in the elimination of one or more blighting conditions inside the Redevelopment Project Area and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490. The foregoing findings and determinations are based upon the facts and information contained in the Report prepared by the Agency pursuant to Health and Safety Code Section 33433.

Section 4. The Agency hereby approves the DDA in substantially the form on file with the Secretary of the Agency. The Agency further authorizes (a) the acquisition of the Site from the City for a purchase price not to exceed \$550,000, and (b) the sale and conveyance of the Site to the Developer pursuant to the terms and conditions set forth in the DDA.

Section 5. The Executive Director and Secretary of the Agency are hereby authorized and directed to execute the DDA on behalf of the Agency, subject to any minor conforming, technical or clarifying changes approved by the Agency Counsel. The Executive Director and Secretary are hereby further authorized and directed to take such further actions and execute such documents as are necessary to carry out the DDA on behalf of the Agency, including

without limitation (a) cooperate with the City and prepare and execute any documents or agreements determined to be necessary to effectuate the acquisition of the Site from the City as authorized under this Resolution; (b) take all actions and execute such documents as are necessary to effectuate the sale and conveyance of the Site to the Developer, and (c) all other actions and documents necessary for the acquisition, sale, and development of the Site, and the improvements to be developed thereon, in accordance with the DDA. The Executive Director is further authorized and directed to cooperate with the City and Developer in the negotiation and preparation of an agreement between the City and Developer for the maintenance, use and operation of the Parking Garage, including the public use of the Parking Garage as provided under the DDA.

Section 6. The Agency concurs with the City Council action with regard to the Initial Study environmental assessment for this project and DDA.

The foregoing resolution was introduced at a special meeting of the Modesto Redevelopment Agency held on the 10th day of October, 2000, by Agency Member Smith, who moved its adoption, which motion being duly seconded by Agency Member Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency Members: Frohman, Serpa, Smith, Acting Chairperson Friedman

NOES: Agency Members: Conrad

ABSENT: Agency Members: Fisher, Chairman Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, Secretary

APPROVED AS TO FORM:

By Michael D. Milich
MICHAEL D. MILICH, General Counsel

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 17-2000

A RESOLUTION FINDING THAT THE PROPOSED VALLEY TOWER MULTI-STORY OFFICE PROJECT AND PARKING GARAGE, TO BE LOCATED AT THE SOUTHWEST CORNER OF 10TH AND H STREETS IN THE CITY OF MODESTO, IS CONSISTENT WITH THE REDEVELOPMENT PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90021233). (HINCHEY-BRAY DEVELOPMENT)

WHEREAS, the City Council of the City of Modesto adopted Ordinance No. 2203-C.S. on July 12, 1983, as amended by Ordinance Nos. 2269-C.S. and 2793-C.S. approving and adopting the Redevelopment Plan for the Modesto Redevelopment Project, and

WHEREAS, the mitigation measures as identified in Council Resolution No. 91-673 and Agency Resolution No. 27-91, adopted on November 5, 1991, making findings as to the Final Environmental Impact Report on the Amended Plan to the Redevelopment Plan are incorporated into the proposed redevelopment of the added areas, and the Modesto City Council adopted the Redevelopment Plan Program Environmental Impact Report ("EIR") (State Clearing House No. 90021233) as being complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Program EIR states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the EIR and whether the subsequent project was described in the EIR as being within the scope of the project, and,

WHEREAS, on September 27, 2000, the City Community Development Department by an Initial Study dated September 27, 2000, reviewed the proposed Valley Tower Office Project (the "project") to determine if said project might have a significant effect on the environment other than those identified in the Program EIR, and

WHEREAS, on October 10, 2000, the Redevelopment Agency considered approving and authorizing a Disposition and Development Agreement with Hinchey/Bray Development (Valley Tower, LLC) for the development of a multi-story office building and parking garage (the "project"), concurrently with this resolution,

NOW, THEREFORE, BE IT RESOLVED by the Modesto Redevelopment Agency that the Agency has reviewed and considered the Initial Study prepared for the Disposition and Development Agreement with Hinchey/Bray Development (Valley Tower, LLC) for the development of a multi-story office building and parking garage project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The project will have no new effects which were not examined in the Redevelopment Plan Program EIR and no new mitigation measures would be required.
2. There are no substantial changes proposed in the project which will require major revisions of the Redevelopment Plan Program EIR.
3. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions of the Redevelopment Plan Program EIR.
4. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Redevelopment Plan Program EIR was certified as complete, has

become available.

5. As per Sections 15168 and 15162 of the CEQA Guidelines, this activity is within the scope of the projects covered by the Redevelopment Plan Program EIR and no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
6. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.
7. That all feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.
8. The Initial Study provides substantial evidence to support findings 1 through 7 above.

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

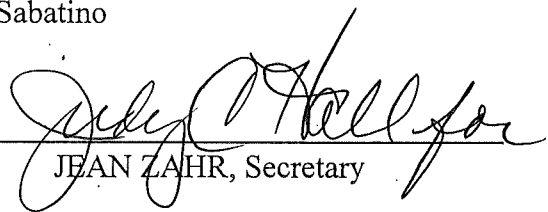
The foregoing resolution was introduced at a special meeting of the Modesto Redevelopment Agency held on the 10th day of October, 2000, by Agency Member Smith, who moved its adoption, which motion being duly seconded by Agency Member Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency Members: Friedman, Frohman, Serpa, Smith,

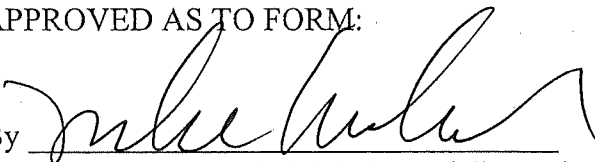
NOES: Agency Members: Conrad

ABSENT: Agency Members: Fisher, Chairman Sabatino

ATTEST:


JEAN ZAHR, Secretary

APPROVED AS TO FORM:

By 
MICHAEL D. MILICH, General Counsel

CITY of MODESTO

INITIAL STUDY

1. Project title:
2. Hinchey-Bray Disposition and Development Agreement (Valley Towers Office Project)

Proposed Changes:

2. Lead Agency name and address: City of Modesto, 1010 10th Street, Modesto, CA 95354

Proposed Changes:

3. Contact person and phone number: Linda Boston, 571-5179

Proposed Changes:

4. Project location: Southwest corner of 10th and H Streets

4. Project location, Continued

Proposed Changes: _____

5. Project sponsor's name and address: JBH Real Estate & Development, 3001 Coffee Rd., Suite 4,
Modesto, CA 95355

Proposed Changes: _____

6. General plan designation: Redevelopment Project Area, designation Commercial, Residential, Public

Proposed Changes: _____

7. Zoning: Commercial, Residential, Public

Proposed Changes: _____

8. Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

Sale of 31,000 s.f. city-owned lot to the Agency, and subsequently to the Developer, in exchange for 110 replacement parking spaces licensed to the City for a period of at least 55 years. Construction of a 9-story commercial office building, including 10,000 of retail space, and a 410 space parking garage.

Proposed Changes: _____

9. Surrounding land uses and setting; briefly describe the project's surrounding:

The project is surrounded by one and two story downtown retail uses, a multi-story commercial office building and various publicly owned buildings and parking lots.

Proposed Changes: _____

10. Other public agencies whose approval is required (e.g., permits financing approval, or participation agreement.)

None.

10. Other public agencies whose approval is required, Continued.

Proposed Changes: _____

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

Proposed Changes: _____

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

[] I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

[] I find that although the proposed project could have a significant effect on the environment, there will be not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

[] I find that the proposed project MAY have a significant effect on the environment, an ENVIRONMENT IMPACT REPORT is required.

[] I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. AN ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

X] I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is requested.

Philip A. Testa
Signature

9/27/00
Date

PHILIP A. TESTA
Printed Name

For

Proposed Changes: _____

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operation impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(d). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environment effects in whatever format is selected.
- 9) The explanation of each issue should identify:
- a) The significance criteria or threshold, if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

Proposed Changes: _____

SAMPLE QUESTION

ISSUES AS COMPARED TO THE ADOPTED REDEVELOPMENT PLAN PROGRAM EIR

(SCH # 90021233)

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. <u>AESTHETICS</u> –would the project:				
a) Have a substantial adverse effect on a scenic vista?	[]	[]	[]	[x]
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	[]	[]	[]	[x]
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	[]	[]	[]	[x]
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	[]	[]	[]	[x]

impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.2-1. The new building and garage will compliment the existing multi-story office building located immediately adjacent to the project site.

Proposed Changes: _____

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--	--------------------------------------	---	------------------------------------	-----------

Issues

II. AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|-----|-----|-----|-------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | [] | [] | [] | [X] |
| b) Conflict with existing zoning for agricultural use, or a | [] | [] | [] | [X] |

Williamson Act contract?

Involve other changes in the existing environment which, to their location or nature, could result in conversion of farmland, to non-agricultural use?

[] [] [] [X]

The project is located in the downtown urban core area of the City, away from agricultural areas.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan? [] [] [] [x]

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? [] [] [] [x]

Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? [] [] [] [x]

d) Expose sensitive receptors to substantial pollutant concentrations?

e) Create objectionable odors affecting a substantial number of people?

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.4-1.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
IV. <u>BIOLOGICAL RESOURCES</u> – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?

d) Interfere substantially 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?

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.6-1. The project is located within the urban core are of the City and is considerably distant from any sensitive natural habitats.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

V. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.10-1. The project site is not located near any known paleontological resources, geological features, nor cultural resources. The project will provide parking for the proposed Modesto Performing Arts Center.

Proposed Changes: _____

GEOLOGY AND SOILS – Would the project:

- a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:
- i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
- ii) Strong seismic ground shaking?.
- iii) Seismic-related ground failure, including liquefaction?
- iv) Landslides?

VI. GEOLOGY AND SOILS. Continued:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

d) Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating substantial risks to life or property?

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.7-1.

Proposed Changes: _____

VII. HAZARDS AND HAZARDOUS MATERIALS -

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

VII. HAZARDS AND HAZARDOUS MATERIALS, Continued:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

- c) Emit hazardous emissions or handle hazardous with acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? [] [] [] [x]
- d) 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 it create a significant hazard to the public or the environment? [] [] [] [x]
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? [] [] [] [x]
- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? [] [] [] [x]
- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? [] [] [] [x]
- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? [] [] [] [x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.8-5. The project will comply with state and federal agencies with regard to contaminated soils. Hazardous materials soils testing will take place on site as a precondition to construction of the project.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
VIII. <u>HYDROLOGY AND WATER QUALITY</u> – Would the project:				
a) Violate any water quality standards or waste discharge requirements.	[]	[]	[]	[x]
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	[]	[]	[]	[x]
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on – or off-site?	[]	[]	[]	[x]
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on – or off-site?	[]	[]	[]	[x]
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	[]	[]	[]	[x]
f) Otherwise substantially degrade water quality?	[]	[]	[]	[x]
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	[]	[]	[]	[x]
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	[]	[]	[]	[x]
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	[]	[]	[]	[x]

VIII. HYDROLOGY AND WATER QUALITY, Continued:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow?	[]	[]	[]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.8-1.

Proposed Changes: _____

IX. LAND USE AND PLANNING – Would the project:

a) Physcially divide an established community?	[]	[]	[]	[x]
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	[]	[]	[]	[x]
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	[]	[]	[]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see section 3.1-1.
The project is consistent with the land uses set forth in the approved Redevelopment Area Master Plan.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

X. MINERAL RESOURCES – Would the project:

- | | | | | |
|---|-----|-----|-----|-------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | [] | [] | [] | [x] |
| b) 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? | [] | [] | [] | [x] |

No impacts beyond those identified in the Redevelopment Plan Program EIR. There are no known mineral resources on or near the project site.

Proposed Changes: _____

XI. NOISE – Would the project result in:

- | | | | | |
|---|-----|-----|-----|-------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | [] | [] | [] | [x] |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | [] | [] | [] | [x] |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | [] | [] | [] | [x] |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels | [] | [] | [] | [x] |

existing without the project?

VI. NOISE, Continued:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	[]	[]	[]	[x]
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	[]	[]	[]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.5-1. The project is a commercial office building, retail uses, and a parking garage.

Proposed Changes: _____

XII. POPULATION AND HOUSING – Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure?)	[]	[]	[]	[x]
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	[]	[]	[]	[x]
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	[]	[]	[]	[x]

impacts beyond those identified in the Redevelopment Plan Program EIR. The project will substantially induce residential growth.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

▪ Fire Protection?	[]	[]	[]	[x]
▪ Police protection	[]	[]	[]	[x]
▪ Schools	[]	[]	[]	[x]
▪ Parks	[]	[]	[]	[x]
▪ Other public facilities?	[]	[]	[]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.9-5 to 8.

Proposed Changes: _____

XIV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational	[]	[]	[]	[x]
---	-----	-----	-----	-------

facilities such that substantial physical deterioration of the facility would occur or be accelerated?

) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment?

No impacts beyond those identified in the Redevelopment Plan Program EIR

XIV. RECREATION, Continued:

Proposed Changes: _____

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--	--------------------------------	---	------------------------------	-----------

Issues

XV. TRANSPORTATION/TRAFFIC - Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- f) Result in inadequate parking capacity?
- g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

No traffic impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.3-1.

XV. TRANSPORTATION/TRAFFIC, Continued:

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

XVI. UTILITIES AND SERVICE SYSTEMS – Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effect?
- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effect?
- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?
- e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?
- g) Comply with federal, state, and local statutes and regulations related to solid waste?

No utility and service system impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.9-1.

XVI. UTILITIES AND SERVICE SYSTEMS, Continued

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

- b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effect of other current projects, and the effects of probable future projects).

- Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

Proposed Changes: _____

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 19-2000

A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND PARENTS UNITED OF STANISLAUS COUNTY FOR THE FAÇADE IMPROVEMENT PROGRAM – FISCAL YEAR 2000-01

BE IT HEREBY RESOLVED by the Redevelopment Agency of the City of Modesto that an agreement between the City of Modesto and Parents United of Stanislaus County for the Façade Improvement Program – Fiscal Year 2000-01 rebate of \$1750.00 for replacement of doors and windows at 610 14th Street be, and it is hereby approved.

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

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Modesto held on the 10th day of October, 2000, by Agencymember Friedman, who moved its adoption, which motion being duly seconded by Agencymember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agencymembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino

NOES: Agencymembers: Conrad

ABSENT: Agencymembers: None

ATTEST:


JEAN ZAHR, Executive Secretary

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 20-2000

A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND LATRELLE UHL FOR THE FAÇADE IMPROVEMENT PROGRAM – FISCAL YEAR 2000-01

BE IT HEREBY RESOLVED by the Redevelopment Agency of the City of Modesto that an agreement between the City of Modesto and Latrelle Uhl for the Façade Improvement Program – Fiscal Year 2000-01 rebate of \$2,500.00 for removal and replacement of full-width sidewalk on both property frontages at 430 14th Street be, and it is hereby approved.

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

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Modesto held on the 10th day of October, 2000, by Agencymember Serpa, who moved its adoption, which motion being duly seconded by Agencymember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Agencymembers:	Fisher, Friedman, Serpa, Smith, Mayor Sabatino
NOES:	Agencymembers:	Conrad, Frohman
ABSENT:	Agencymembers:	None

ATTEST: Jean Zahr
JEAN ZAHR, Executive Secretary

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 21-2000

A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND MIKE EATON FOR THE FAÇADE IMPROVEMENT PROGRAM – FISCAL YEAR 2000-01

BE IT HEREBY RESOLVED by the Redevelopment Agency of the City of Modesto that an agreement between the City of Modesto and Mike Eaton for the Façade Improvement Program – Fiscal Year 2000-01 rebate of \$1,847.00 for an awning at 513 12th Street be, and it is hereby approved.

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

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Modesto held on the 10th day of October, 2000, by Agencymember Friedman, who moved its adoption, which motion being duly seconded by Agencymember Serpa, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agencymembers: Friedman, Serpa, Smith, Mayor Sabatino

NOES: Agencymembers: Conrad, Frohman

ABSENT: Agencymembers: Fisher

ATTEST:


JEAN ZAHR, Executive Secretary

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 22-2000

A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ANDREW KATAKIS FOR THE FAÇADE IMPROVEMENT PROGRAM – FISCAL YEAR 2000-01

BE IT HEREBY RESOLVED by the Redevelopment Agency of the City of Modesto that an agreement between the City of Modesto and Andrew Katakis for the Façade Improvement Program – Fiscal Year 2000-01 rebate of \$10,000.00 for complete exterior remodel at 713 10th Street be, and it is hereby approved.

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

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Modesto held on the 10th day of October, 2000, by Agencymember Fisher, who moved its adoption, which motion being duly seconded by Agencymember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Agencymembers:	Fisher, Friedman, Serpa, Smith
NOES:	Agencymembers:	Conrad, Frohman, Mayor Sabatino
ABSENT:	Agencymembers:	None

ATTEST:


JEAN ZAHR, Executive Secretary

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 23-2000

A RESOLUTION DENYING THE APPLICATION OF G. B. ESPINOZA FOR FUNDS FROM THE FAÇADE IMPROVEMENT PROGRAM – FISCAL YEAR 2000-01

BE IT HEREBY RESOLVED by the Redevelopment Agency of the City of Modesto that the application of G. B. Espinoza for funds from the Façade Improvement Program – Fiscal Year 2000-01 rebate of \$10,000.00 for paint, signage and awning at 1604 9th Street is hereby denied.

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Modesto held on the 10th day of October, 2000, by Agencymember Fisher, who moved its adoption, which motion being duly seconded by Agencymember Frohman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Agencymembers:	Conrad, Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Agencymembers:	None
ABSENT:	Agencymembers:	None

ATTEST:



JEAN ZAHR, Executive Secretary

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 24-2000

A RESOLUTION DENYING THE APPLICATION OF CHARLES EVINS FOR FUNDS
FROM THE FAÇADE IMPROVEMENT PROGRAM – FISCAL YEAR 2000-01

BE IT HEREBY RESOLVED by the Redevelopment Agency of the City of Modesto that the application of Charles Evins for funds from the Façade Improvement Program – Fiscal Year 2000-01 rebate of \$10,000.00 for stucco, signage, lighting and windows at 1219 7th Street is hereby denied.

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Modesto held on the 10th day of October, 2000, by Agencymember Frohman, who moved its adoption, which motion being duly seconded by Agencymember Conrad, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agencymembers: Conrad, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES: Agencymembers: Fisher
ABSENT: Agencymembers: None

ATTEST: Jean Zahr
JEAN ZAHR, Executive Secretary

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 25-2000

A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND VARNI/MARTINI FOR THE FAÇADE IMPROVEMENT PROGRAM – FISCAL YEAR 2000-01

BE IT HEREBY RESOLVED by the Redevelopment Agency of the City of Modesto that an agreement between the City of Modesto and Varni/Martini for the Façade Improvement Program – Fiscal Year 2000-01 rebate of \$4390.00 for lath and plaster, signage, stucco, door, window and lighting at 610 7th Street be, and it is hereby approved.

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

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Modesto held on the 10th day of October, 2000, by Agencymember Fisher, who moved its adoption, which motion being duly seconded by Agencymember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES:	Agencymembers:	Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES:	Agencymembers:	Conrad
ABSENT:	Agencymembers:	None

ATTEST:



JEAN ZAHR, Executive Secretary

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 26-2000

A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF MODESTO AND DAVE MARTINI FOR THE FAÇADE IMPROVEMENT PROGRAM – FISCAL YEAR 2000-01

BE IT HEREBY RESOLVED by the Redevelopment Agency of the City of Modesto that an agreement between the City of Modesto and Dave Martini for the Façade Improvement Program – Fiscal Year 2000-01 rebate of \$9,875.00 for stucco, door, window and garage door at 1001 8th Street be, and it is hereby approved.

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

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Modesto held on the 10th day of October, 2000, by Agencymember Fisher, who moved its adoption, which motion being duly seconded by Agencymember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agencymembers: Fisher, Friedman, Frohman, Serpa, Smith, Mayor Sabatino
NOES: Agencymembers: Conrad
ABSENT: Agencymembers: None

ATTEST: Jean Zahr
JEAN ZAHR, Executive Secretary

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 27-2000

A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND CHARLES EVINS FOR PARTICIPATION IN THE FAÇADE IMPROVEMENT PROGRAM – FISCAL YEAR 2000-01

BE IT RESOLVED by the Redevelopment Agency of the City of Modesto that the agreement between the Redevelopment Agency of the City of Modesto and Charles Evins for participation in the Façade Improvement Program – Fiscal Year 2000-01, be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the Executive Director or his authorized designee be authorized.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 24th day of October, 2000, by Agencymember Fisher, who moved its adoption, which motion being duly seconded by Agencymember Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agencymembers: Fisher, Friedman, Serpa, Smith, Chairperson Sabatino

NOES: Agencymembers: Frohman

ABSENT: Agencymembers: Conrad

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 28-2000

A RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND GEORGE B. ESPINOZA FOR PARTICIPATION IN THE FAÇADE IMPROVEMENT PROGRAM – FISCAL YEAR 2000-01

BE IT RESOLVED by the Redevelopment Agency of the City of Modesto that the agreement between the Redevelopment Agency of the City of Modesto and George B. Espinoza for participation in the Façade Improvement Program – Fiscal Year 2000-01, be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of the agreement by the Executive Director or his authorized designee be authorized.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency of the City of Modesto held on the 24th day of October, 2000, by Agencymember Friedman, who moved its adoption, which motion being duly seconded by Agencymember Fisher, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agencymembers: Fisher, Friedman, Serpa, Smith, Chairperson Sabatino

NOES: Agencymembers: Conrad

ABSENT: Agencymembers: Frohman

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

Clark

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 29-2000

A RESOLUTION APPROVING PRELIMINARY SITE PLANS
FOR THE WESTLAND OFFICE BUILDING PROJECT
LOCATED AT 12TH AND I STREETS IN THE CITY OF
MODESTO.

WHEREAS, the Modesto Redevelopment Agency has reviewed Preliminary Site Plans submitted by the Developer for the Westland Office Building Project located at 12th and I Streets in the City of Modesto, as required by the Disposition and Development Agreement between the Agency and Westland Development Company which was approved and authorized by the Council on August 29, 2000, and

WHEREAS, the Modesto Redevelopment Agency has adopted the Redevelopment Plan Program Environmental Impact Report ("EIR"), State Clearing House No. 90021233, as being complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, concurrently with this resolution, and

WHEREAS, on September 27, 2000, the City's Community Development Department reviewed the proposed Westland Office Building project to determine if said project might have a significant effect on the environment other than those effects identified in the EIR, and

WHEREAS, by the Initial Study, attached hereto as Exhibit "A", findings have been made that the proposed project is within the scope of the Redevelopment Plan Program EIR, (SCH 90021233),

NOW, THEREFORE, BE IT RESOLVED, by the Modesto Redevelopment Agency that the Agency has reviewed and considered the Preliminary Site Plans and Initial Study for the Westland Office Project and the Agency hereby makes the following findings:

1. The Preliminary Site Plans are consistent with the requirements set forth in the scope of the Development in the Disposition and Development Agreement between the Agency and Westland Development Company.
2. There are no substantial changes proposed in the project which will require major revisions of the Redevelopment Plan Program EIR.
3. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Redevelopment Plan Program EIR.
4. No new information which was not known and could not have been known at the time the Redevelopment Plan Program EIR was certified as complete, has become available.
5. This Initial Study provides substantial evidence to support findings 1, 2 and 3 above.

BE IT FURTHER RESOLVED that the Modesto Redevelopment Agency has reviewed and hereby approves the Preliminary Site Plans submitted by the Developer for the Westland Office Building Project located at 12th and I Streets in the City of Modesto, as required by the Disposition and Development Agreement between the Agency and Westland Development Company, which was approved and authorized by the Council on August 29, 2000.

The foregoing resolution was introduced at a special meeting of the Modesto
Redevelopment Agency held on the 7th day of November, 2000, by Agency
Member Frohman, who moved its adoption, which motion being duly seconded by
Agency Member Conrad, was upon roll call carried and the resolution adopted by the
following vote:

AYES: Agency Members: Conrad, Friedman, Frohman, Serpa

NOES: Agency Members: None

ABSENT: Agency Members: Fisher, Sabatino
Smith

ATTEST: Jean Zahr
JEAN ZAHR, Secretary

(SEAL)

APPROVED AS TO FORM:

By: Alison Barrat Green
for MICHAEL D. MILICH, General Counsel

CITY of MODESTO
Redevelopment Agency
INITIAL STUDY

- 1. Project title:
- 2. Westland Office Building Project

Proposed Changes:

- 2. Lead Agency name and address: City of Modesto, 1010 10th Street, Modesto, CA 95354

Proposed Changes: _____

- 3. Contact person and phone number: Linda Boston, 571-5179

Proposed Changes: _____

4. Project location, Continued

Proposed Changes: _____

5. Project sponsor's name and address: Westland Development Company, 1001 N. Demaree, Visalia, California 93291

Proposed Changes: _____

6. General plan designation: Redevelopment Project Area, designation Commercial, Residential, Public

Proposed Changes: _____

7. Zoning: Commercial, Residential, Public

Proposed Changes: _____

Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

Sale of city-owned lot to the Agency, and subsequently to the Developer. Construction of a 5-story, 54,000s.f. commercial office building.

Proposed Changes:

>. Surrounding land uses and setting; briefly describe the project's surrounding:

The project is surrounded by one and two story downtown retail uses, a multi-story commercial office building and various publicly owned buildings and parking lots.

Proposed Changes:

Other public agencies whose approval is required (e.g., permits financing approval, or participation agreement.)

None.

10. Other public agencies whose approval is required, Continued.

Proposed Changes: _____

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

Proposed Changes: _____

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will be not be a significant effect in this case because revisions in the project have been made by

or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

[] I find that the proposed project MAY have a significant effect on the environment, an ENVIRONMENT IMPACT REPORT is required.

[] I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. AN ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

[X] I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is requested.

Philip A. Testa
Signature

10/24/00
Date

PHILIP A. TESTA
Printed Name

For

Proposed Changes: _____

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each

questions. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operation impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be crossed-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(d). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environment effects in whatever format is selected.

- 9) The explanation of each issue should identify:
- a) The significance criteria or threshold , if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

Proposed Changes: _____

SAMPLE QUESTION

<u>ISSUES AS COMPARED TO THE ADOPTED REDEVELOPMENT PLAN PROGRAM EIR</u>	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<u>(SCH # 90021233)</u>				

I. AESTHETICS –would the project:

- | | | | | |
|--|-----|-----|-----|-------|
| a) Have a substantial adverse effect on a scenic vista? | [] | [] | [] | [x] |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | [] | [] | [] | [x] |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | [] | [] | [] | [x] |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | [] | [] | [] | [x] |

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.2-1.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------------	---	------------------------------------	-----------

II. AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|-----|-----|-----|-------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | [] | [] | [] | [X] |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | [] | [] | [] | [X] |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | [] | [] | [] | [X] |

The project is located in the downtown urban core area of the City, away from agricultural areas.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
III. <u>AIR QUALITY</u> – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	[]	[]	[]	[x]
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	[]	[]	[]	[x]
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	[]	[]	[]	[x]
d) Expose sensitive receptors to substantial pollutant concentrations?	[]	[]	[]	[x]
e) Create objectionable odors affecting a substantial number of people?	[]	[]	[]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.4-1.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<u>BIOLOGICAL RESOURCES</u> – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	[]	[]	[]	[x]
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	[]	[]	[]	[x]
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	[]	[]	[]	[x]
Interfere substantially with the movement of any e 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?	[]	[]	[]	[x]

Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

[] [] [] [x]

f) Conflict with the provisions of an adopted Habitat Conversation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

[] [] [] [x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.6-1. The project is located within the urban core are of the City and is considerably distant from any sensitive natural habitats.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

V. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

[] [] [] [x]

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

[] [] [] [x]

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

[] [] [] [x]

d) Disturb any human remains, including those interred outside of formal cemeteries?

[] [] [] [x]

No impacts beyond those identified in the Redevelopment Program EIR, see pages 3.10-1. The project site is located near any known paleontological resources, geological features, nor cultural resources. The project will provide parking for the proposed Modesto Performing Arts Center.

Proposed Changes: _____

VI. GEOLOGY AND SOILS – Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VI. GEOLOGY AND SOILS, Continued:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18- of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

where sewers are not available for the disposal of waste water?

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.7-1.

Proposed Changes: _____

VII. HAZARDS AND HAZARDOUS MATERIALS -

Would the project:

- | | | | | |
|---|-----|-----|-----|-------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | [] | [] | [] | [x] |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. | [] | [] | [] | [x] |

VII. HAZARDS AND HAZARDOUS MATERIALS, Continued:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous with acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	[]	[]	[]	[x]
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 it create a significant hazard to the public or the environment?	[]	[]	[]	[x]

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

[] [] [] [x]

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

[] [] [] [x]

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

[] [] [] [x]

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

[] [] [] [x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.8-5. The project will comply with state and federal agencies with regard to contaminated soils. Hazardous materials soils testing will take place on site as a precondition to construction of the project.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

VIII. HYDROLOGY AND WATER QUALITY – Would the project:

a) Violate any water quality standards or waste discharge

[] [] [] [x]

requirements.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there could be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on – or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on – or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VIII. HYDROLOGY AND WATER QUALITY, Continued:

- | Issues | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

No impacts beyond those identified in the

Redevelopment Plan Program EIR, see pages 3.8-1.

Proposed Changes: _____

IX. LAND USE AND PLANNING - Would the project:

- a) Physically divide an established community?

- b) Conflict with any applicable land use plan, policy, or
 regulation of an agency with jurisdiction over the project
(including, but not limited to the general plan, specific
 plan, local coastal program, or zoning ordinance) adopted
 for the purpose of avoiding or mitigating an environmental
 effect?

- c) Conflict with any applicable habitat conservation plan
 or natural community conservation plan?

No impacts beyond those identified in the Redevelopment Plan Program EIR, see section 3.1-1.
The project is consistent with the land uses set forth in the approved Redevelopment Area Master Plan.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------------	---	------------------------------------	-----------

MINERAL RESOURCES – Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

No impacts beyond those identified in the Redevelopment Plan Program EIR. There are no known mineral resources on or near the project site.

Proposed Changes: _____

XI. NOISE – Would the project result in:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

NOISE, Continued:

Potentially Significant	Less Than Significant With Mitigation	Less Than Significant
-------------------------	---------------------------------------	-----------------------

Issues	Impact	Incorporation	Impact	No Impact
For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	[]	[]	[]	[x]
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	[]	[]	[]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.5-1. The project is a commercial office building.

Proposed Changes: _____

POPULATION AND HOUSING – Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure?)	[]	[]	[]	[x]
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	[]	[]	[]	[x]
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	[]	[]	[]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR. The project will substantially induce residential growth.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

▪ Fire Protection?	[]	[]	[]	[x]
▪ Police protection	[]	[]	[]	[x]
▪ Schools	[]	[]	[]	[x]
▪ Parks	[]	[]	[]	[x]
▪ Other public facilities?	[]	[]	[]	[x]

Impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.9-5 to 8.

Proposed Changes: _____

XIV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	[]	[]	[]	[x]
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the	[]	[]	[]	[x]

environment?

No impacts beyond those identified in the Redevelopment Plan Program EIR

RECREATION, Continued:

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<u>TRANSPORTATION/TRAFFIC</u> - Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	[]	[]	[]	[x]
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	[]	[]	[]	[x]
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	[]	[]	[]	[x]
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	[]	[]	[]	[x]
e) Result in inadequate emergency access?	[]	[]	[]	[x]
f) Result in inadequate parking capacity?	[]	[]	[]	[x]
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	[]	[]	[]	[x]

No traffic impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.3-1.

XV. TRANSPORTATION/TRAFFIC, Continued:

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
XVI. <u>UTILITIES AND SERVICE SYSTEMS</u> – Would project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	[]	[]	[]	[x]
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effect?	[]	[]	[]	[x]
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effect?	[]	[]	[]	[x]
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	[]	[]	[]	[x]
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	[]	[]	[]	[x]
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	[]	[]	[]	x
g) Comply with federal, state, and local statutes and	[]	[]	[]	[x]

regulations related to solid waste?

No utility and service system impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.9-1.

XVI. UTILITIES AND SERVICE SYSTEMS, Continued

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

II. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? [] [] [] [x]

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effect of other current projects, and the effects of probable future projects). [] [] [] [x]

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? [] [] [] [x]

Proposed Changes: _____

Clear

MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 30-2000

A RESOLUTION FINDING THAT THE PROPOSED WESTLAND MULTI-STORY OFFICE PROJECT, TO BE LOCATED AT THE SOUTHEAST CORNER OF 12TH AND I STREETS IN THE CITY OF MODESTO, IS CONSISTENT WITH THE REDEVELOPMENT PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT (SCH NO. 90021233). (WESTLAND OFFICE DEVELOPMENT)

WHEREAS, the City Council of the City of Modesto adopted Ordinance No. 2203-C.S. on July 12, 1983, as amended by Ordinance Nos. 2269-C.S. and 2793-C.S. approving and adopting the Redevelopment Plan for the Modesto Redevelopment Project, and

WHEREAS, the mitigation measures as identified in Council Resolution No. 91-673 and Agency Resolution No. 27-91, adopted on November 5, 1991, making findings as to the Final Environmental Impact Report on the Amended Plan to the Redevelopment Plan are incorporated into the proposed redevelopment of the added areas, and the Modesto City Council adopted the Redevelopment Plan Program Environmental Impact Report ("EIR") (State Clearing House No. 90021233) as being complete and adequate pursuant to Section 15090 of the California Environmental Quality Act ("CEQA") Guidelines, and

WHEREAS, Section 21157.1 of the Public Resources Code, relating to reviewing subsequent projects for a Program EIR states that the lead agency shall prepare an Initial Study on any proposed subsequent project to analyze whether the subsequent project may cause any significant effect on the environment that was not examined in the EIR and whether the subsequent project was described in the EIR as being within the scope of the project, and,

WHEREAS, on November 7, 2000, the City Community Development Department by an Initial Study dated November 7, 2000, reviewed the proposed Westland Office Project (the "project") to determine if said project might have a significant effect on the environment other than those identified in the Program EIR, and

WHEREAS, on August 29, 2000, the Redevelopment Agency approved and authorized, by Resolution, a Disposition and Development Agreement with Westland Development Company for the development of a multi-story office building (the "project"), and

WHEREAS, on November 7, 2000, the Redevelopment Agency considered the Initial Study prepared for the Disposition and Development Agreement with Westland Development Company for said multi-story office building,

NOW, THEREFORE, BE IT RESOLVED by the Modesto Redevelopment Agency that the Agency has reviewed and considered the Initial Study prepared for the Disposition and Development Agreement with Westland Development Company for the development of a multi-story office building project, a copy of which is attached hereto as Exhibit "A", and incorporated herein by reference, and based on the substantial evidence included in said Initial Study makes the following findings:

1. The project will have no new effects which were not examined in the Redevelopment Plan Program EIR and no new mitigation measures would be required.
2. There are no substantial changes proposed in the project which will require major revisions of the Redevelopment Plan Program EIR.

3. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions of the Redevelopment Plan Program EIR.
4. No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the Redevelopment Plan Program EIR was certified as complete, has become available.
5. As per Sections 15168 and 15162 of the CEQA Guidelines, this activity is within the scope of the projects covered by the Redevelopment Plan Program EIR and no new environmental document or findings are required by the California Environmental Quality Act (CEQA).
6. There are no specific features which are unique to the proposed project that require project specific mitigation measures. Accordingly, the certified mitigation measures identified in the Program EIR will be sufficient for this project.
7. That all feasible mitigation measures set forth in the Program EIR which are appropriate to the project shall be incorporated in the project.
8. The Initial Study provides substantial evidence to support findings 1 through 7 above.

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

The foregoing resolution was introduced at a special meeting of the Modesto
Redevelopment Agency held on the 7th day of November, 2000, by Agency
Member Frohman, who moved its adoption, which motion being duly seconded
by Agency Member Conrad, was upon roll call carried and the resolution
adopted by the following vote:

AYES: Agency Members: Conrad, Friedman, Frohman, Serpa

NOES: Agency Members: None

ABSENT: Agency Members: Fisher, Smith, Sabatino

ATTEST: Jean Zahr
JEAN ZAHR, Secretary

APPROVED AS TO FORM:

By Alexandra Barrat Green
MICHAEL D. MILICH, General Counsel

CITY of MODESTO
Redevelopment Agency
INITIAL STUDY

1. Project title:
2. Westland Office Building Project

Proposed Changes:

2. Lead Agency name and address: City of Modesto, 1010 10th Street, Modesto, CA 95354

Proposed Changes: _____

3. Contact person and phone number: Linda Boston, 571-5179

Proposed Changes: _____

4. Project location, Continued

Proposed Changes: _____

5. Project sponsor's name and address: Westland Development Company, 1001 N. Demaree, Visalia,
California 93291

Proposed Changes: _____

6. General plan designation: Redevelopment Project Area, designation Commercial, Residential, Public

Proposed Changes: _____

7. Zoning: Commercial, Residential, Public

Proposed Changes: _____

Description of project: (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach additional sheets if necessary.)

Sale of city-owned lot to the Agency, and subsequently to the Developer. Construction of a 5-story, 54,000s.f. commercial office building.

Proposed Changes:

> Surrounding land uses and setting; briefly describe the project's surrounding:

The project is surrounded by one and two story downtown retail uses, a multi-story commercial office building and various publicly owned buildings and parking lots.

Proposed Changes:

Other public agencies whose approval is required (e.g., permits financing approval, or participation agreement.)

None.

10. Other public agencies whose approval is required, Continued.

Proposed Changes: _____

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

- | | | |
|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Land Use/Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Population/Housing |
| <input checked="" type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input checked="" type="checkbox"/> Transportation/Traffic |
| <input checked="" type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

Proposed Changes: _____

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will be not be a significant effect in this case because revisions in the project have been made by

or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

[] I find that the proposed project MAY have a significant effect on the environment, an ENVIRONMENT IMPACT REPORT is required.

[] I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. AN ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

[X] I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is requested.

Philip A. Testa
Signature

10/24/00
Date

PHILIP A. TESTA
Printed Name

For

Proposed Changes: _____

EVALUATION OF ENVIRONMENTAL IMPACTS:

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each

questions. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A “No Impact” answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operation impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect may be significant. If there are one or more “Potentially Significant Impact” entries when the determination is made, an EIR is required.
- 4) “Negative Declaration: Less Than Significant With Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section XVII, “Earlier Analyses,” may be cross-referenced).
- 5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(d). In this case, a brief discussion should identify the following:
 - a) Earlier Analysis Used. Identify and state where they are available for review.
 - b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - c) Mitigation Measures. For effects that are “Less than Significant with Mitigation Measures Incorporated,” describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project’s environment effects in whatever format is selected.

- 9) The explanation of each issue should identify:
- a) The significance criteria or threshold , if any, used to evaluate each question; and
 - b) The mitigation measure identified, if any, to reduce the impact to less than significance.

Proposed Changes: _____

SAMPLE QUESTION

ISSUES AS COMPARED TO THE ADOPTED
 REDEVELOPMENT PLAN PROGRAM EIR

(SCH # 90021233)

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. <u>AESTHETICS</u> –would the project:				
a) Have a substantial adverse effect on a scenic vista?	[]	[]	[]	[x]
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	[]	[]	[]	[x]
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	[]	[]	[]	[x]
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	[]	[]	[]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.2-1.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------------	---	------------------------------------	-----------

II. AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|-----|-----|-----|-------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | [] | [] | [] | [X] |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | [] | [] | [] | [X] |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | [] | [] | [] | [X] |

The project is located in the downtown urban core area of the City, away from agricultural areas.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
III. <u>AIR QUALITY</u> – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	[]	[]	[]	[x]
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	[]	[]	[]	[x]
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	[]	[]	[]	[x]
d) Expose sensitive receptors to substantial pollutant concentrations?	[]	[]	[]	[x]
e) Create objectionable odors affecting a substantial number of people?	[]	[]	[]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.4-1.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<u>BIOLOGICAL RESOURCES</u> – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	[]	[]	[]	[x]
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	[]	[]	[]	[x]
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	[]	[]	[]	[x]
d) Interfere substantially with the movement of any 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?	[]	[]	[]	[x]

Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.6-1. The project is located within the urban core are of the City and is considerably distant from any sensitive natural habitats.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

V. CULTURAL RESOURCES – Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal cemeteries?

No impacts beyond those identified in the Redevelopment Program EIR, see pages 3.10-1. The project site is located near any known paleontological resources, geological features, nor cultural resources. The project will provide parking for the proposed Modesto Performing Arts Center.

Proposed Changes: _____

VI. GEOLOGY AND SOILS – Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iii) Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| iv) Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VI. GEOLOGY AND SOILS, Continued:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1 of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

where sewers are not available for the disposal of waste water?

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.7-1.

Proposed Changes: _____

VII. HAZARDS AND HAZARDOUS MATERIALS -

would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VII. HAZARDS AND HAZARDOUS MATERIALS, Continued:

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Emit hazardous emissions or handle hazardous with acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e 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 it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?

f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No impacts beyond those identified in the Redevelopment Plan Program EIR, see pages 3.8-5. The project will comply with state and federal agencies with regard to contaminated soils. Hazardous materials soils testing will take place on site as a precondition to construction of the project.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

VIII. HYDROLOGY AND WATER QUALITY – Would the project:

a) Violate any water quality standards or waste discharge

requirements.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| h) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on – or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on – or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VIII. HYDROLOGY AND WATER QUALITY, Continued:

- | Issues | Potentially Significant Impact | Less Than Significant With Mitigation Incorporation | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-------------------------------------|
| j) Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

No impacts beyond those identified in the

Proposed Changes: _____

IX. LAND USE AND PLANNING - Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or resolution of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

No impacts beyond those identified in the Redevelopment Plan Program EIR, see section 3.1-1.
The project is consistent with the land uses set forth in the approved Redevelopment Area Master Plan.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

MINERAL RESOURCES – Would the project:

- a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?
- b) 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 pan?

No impacts beyond those identified in the Redevelopment Plan Program EIR. There are no known mineral resources on or near the project site.

Proposed Changes: _____

XI. NOISE – Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

NOISE, Continued:

	Less Than Significant	
Potentially Significant	With Mitigation	Less Than Significant

Issues	Impact	Incorporation	Impact	No Impact
For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	[]	[]	[]	[x]
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	[]	[]	[]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.5-1. The project is a commercial office building.

Proposed Changes: _____

POPULATION AND HOUSING - Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure?)	[]	[]	[]	[x]
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	[]	[]	[]	[x]
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	[]	[]	[]	[x]

No impacts beyond those identified in the Redevelopment Plan Program EIR. The project will substantially induce residential growth.

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------	--------------------------------	---	------------------------------	-----------

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

▪ Fire Protection?	[]	[]	[]	[x]
▪ Police protection	[]	[]	[]	[x]
▪ Schools	[]	[]	[]	[x]
▪ Parks	[]	[]	[]	[x]
▪ Other public facilities?	[]	[]	[]	[x]

Impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.9-5 to 8.

Proposed Changes: _____

XIV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the city would occur or be accelerated?	[]	[]	[]	[x]
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the	[]	[]	[]	[x]

environment?

No impacts beyond those identified in the Redevelopment Plan Program EIR

RECREATION, Continued:

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<u>TRANSPORTATION/TRAFFIC</u> - Would the project:				
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	[]	[]	[]	[x]
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	[]	[]	[]	[x]
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	[]	[]	[]	[x]
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	[]	[]	[]	[x]
e) Result in inadequate emergency access?	[]	[]	[]	[x]
f) Result in inadequate parking capacity?	[]	[]	[]	[x]
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	[]	[]	[]	[x]

No traffic impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.3-1.

XV. TRANSPORTATION/TRAFFIC, Continued:

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<u>XVI. UTILITIES AND SERVICE SYSTEMS – Would project:</u>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	[]	[]	[]	[x]
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effect?	[]	[]	[]	[x]
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effect?	[]	[]	[]	[x]
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	[]	[]	[]	[x]
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	[]	[]	[]	[x]
Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	[]	[]	[]	x
g) Comply with federal, state, and local statutes and	[]	[]	[]	[x]

regulations related to solid waste?

No utility and service system impacts beyond those identified in the Redevelopment Plan Program EIR, see sections 3.9-1.

XVI. UTILITIES AND SERVICE SYSTEMS, Continued

Proposed Changes: _____

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
<u>I. MANDATORY FINDINGS OF SIGNIFICANCE</u>				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	[]	[]	[]	[x]
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effect of other current projects, and the effects of probable future projects).	[]	[]	[]	[x]
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	[]	[]	[]	[x]

Proposed Changes: _____

**REDEVELOPMENT AGENCY
RESOLUTION NO. 31-2000**

**A RESOLUTION AMENDING THE BUDGET AND RE-ESTIMATING
REVENUE FOR FIRST QUARTER OF THE FISCAL YEAR 2000-2001
REDEVELOPMENT AGENCY ANNUAL BUDGET**

WHEREAS, the first quarter financial analysis has been completed and it has been determined that certain adjustments are required to the Annual Budget of the Redevelopment Agency for the Fiscal Year 2000-2001.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Redevelopment Agency that appropriations, revenues, and transfers for the 2000-2001 budget have been adjusted as shown in Attachment C and Attachment D.

BE IT FURTHER RESOLVED that the Finance Director is hereby authorized to take the necessary steps to implement the provisions of this resolution, including closing CIP projects and making adjustments for CIP carryover and re-appropriations.

The foregoing resolution was introduced at a regular meeting of the Redevelopment Agency held on the 5th day of December, 2000, by Agency member Friedman, who moved its adoption, which motion being duly seconded by Agency member Fisher, was upon roll call carried and the resolution adopted by the following votes:

AYES: Agency members: Conrad, Fisher, Friedman, Frohman, Mayor Sabatino

NOES: Agency members: None

ABSENT: Agency members: Serpa & Smith

ATTEST: Jean Zahr
JEAN ZAHR, City Clerk

(seal)

APPROVED AS TO SUFFICIENCY:

By: Stan Feathers
STAN FEATHERS, Budget Officer

Attachment C Budget Adjustment Detail

App/Rev	Fund	Agency	Organization	Appr Unit	Object	Adjustment	Title and Justification
App	9050	140	1490		0235	10,000	RDA Education Workshop - \$10,000
App	9080	140	1493		0235	5,000	RDA Opportunity Map
Rev	9080	700	7000		9010	15,000	RDA Education Workshop & Opportunity Map
App	0100	700	7000		7908	15,000	RDA Education Workshop & Opportunity Map
App	0100	140	1401		8099	(15,000)	ABS Savings
App	9050	140	1490	1490C	0235	6,765	Rollovered 8./28
App	9080	140	1493	1493D	0489	2,826	Rollovered 8./28

Attachment D
 Adjustments to the Capital Improvement Program Projects
 RDA 1st Quarter Financial Report FY 2000-2001

	Account Number	Current Budget	Adjustment	New Budget
50 Redevelopment Agency Low And Moderate Income Housing				
H931 LOW&MODERATE INCOME HSG PROGM: close	9060 140 H931 6040	238,742	-188,413	50,329
L114 REDEVLPMNT AGY HOUSING PROJECT: close	9060 140 L114 6040	269,000	-49,581	219,419
		507,742	-237,994	269,748
Grand Total		507,742	-237,994	269,748