

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-61**

**RESOLUTION APPROVING THE APPOINTMENT OF KATHERINE ZAGONE  
AS THE 2026 CULTURE COMMISSION REPRESENTATIVE TO THE  
LANDMARK PRESERVATION COMMISSION, WITH A TERM EXPIRATION  
OF DECEMBER 31, 2026**

WHEREAS, the Landmark Preservation Commission advises City Council on matters related to historic structures and other resources in addition to policies and practices pertaining to the preservation of Modesto's landmarks, and

WHEREAS, the Landmark Preservation Commission is comprised of five to seven members; and

WHEREAS, in accordance with Modesto Municipal Code Section 9-10.03(6), one member of the Modesto Culture Commission shall be appointed to serve on the Landmark Preservation Commission; and

WHEREAS, the Culture Commission met on January 7, 2026, and unanimously recommended the appointment of Katherine Zagone as its representative to the Landmark Preservation Commission for 2026; and

WHEREAS, Ms. Zagone is qualified and willing to act as the Culture Commission representative to the Landmark Preservation Commission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves the appointment of Katherine Zagone as the 2026 Culture Commission representative to the Landmark Preservation Commission, with a term expiration of December 31, 2026.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to transmit a copy of this resolution to the appointed member of the Landmark Preservation Commission, and the Secretary thereof.


The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Vice-Mayor Williams, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
\_\_\_\_\_  
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-62**

**RESOLUTION APPROVING A FOURTH AMENDMENT TO THE AGREEMENT WITH CGI TECHNOLOGIES AND SOLUTIONS INC., FAIRFAX, VIRGINIA, FOR THE CGI ADVANTAGE PERFORMANCE BUDGETING AND ADVANTAGE INSIGHT REPORTING SOFTWARE, INCREASING THE AGREEMENT AMOUNT BY \$464,965 TO A NEW TOTAL AMOUNT NOT TO EXCEED \$2,141,393 THROUGH THE DURATION OF THE AGREEMENT AND EXTENDING THE TERM OF THE AGREEMENT FROM MARCH 31, 2026 THROUGH MARCH 31, 2029; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT**

WHEREAS, the City currently uses CGI Technologies and Solution Inc.'s (CGI) Advantage Performance Budgeting (CGI Advantage PB) software to develop the City's two-year budget and the software is necessary for the continued development of the budget; and

WHEREAS, on March 8, 2016, by Resolution 2016-98 Council approved a ten (10) year Agreement with CGI for the procurement of the cloud-based CGI budget software solution via a Software as a Services (SaaS) Agreement for a total cost of \$1,589,858 with annual costs of \$102,000 over the term of the Agreement; and

WHEREAS, there have since been three (3) Council approved Amendments to the Agreement over the ten (10) year period to include various upgrades to the services provided on February 9, 2018, September 14, 2021, and May 13, 2025; and

WHEREAS, the current Agreement is set to expire on March 31, 2026, and the proposed Fourth Amendment will allow for an extension of the existing Agreement for two (2) years with a one (1) year option at the end of the two (2) year term; and

WHEREAS, the proposed Fourth Amendment will extend the services provided from March 31, 2026, to March 31, 2029, for a total cost of \$464,965 over the term of the extension; and

WHEREAS, the proposed Fourth Amendment will allow the CGI budget software services to continue uninterrupted and will include the addition of the Advantage Insight Reporting software which will greatly improve the reporting capabilities of the current budget software; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f), Where the Purchasing Manager, in his or her discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, sufficient funds are budgeted in the Information Technology Internal Service Fund (ISF) to cover the costs of the proposed Fourth Amendment with CGI.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Fourth Amendment to the Agreement with CGI Technologies and Solutions Inc., Fairfax, Virginia, for the CGI Advantage Performance Budgeting and Advantage Insight Reporting software, increasing the Agreement amount by \$464,965 to a new total amount not to exceed

\$2,141,393 through the duration of the Agreement and extending the term of the Agreement from March 31, 2026 through March 31, 2029.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
DIANE NAYARÉS-PÉREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

  
\_\_\_\_\_  
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-63**

**RESOLUTION ACCEPTING THE 2025 GENERAL PLAN ANNUAL  
PROGRESS REPORT AND AUTHORIZING STAFF TO SUBMIT IT TO THE  
STATE OF CALIFORNIA**

WHEREAS, California Government Code Section 65400(a)(2) requires that local governments prepare an Annual Progress Report regarding General Plan implementation, including matters related to meeting the applicable share of regional housing needs (California Government Code Section 65584); and

WHEREAS, the 2025 General Plan Annual Progress Report provides updates regarding the status of the Urban Area General Plan and progress toward its implementation, including the degree to which Modesto has met its share of regional housing needs allocation through production of housing; and

WHEREAS, the 2025 General Plan Annual Progress Report includes major implementation activities that occurred during the calendar year; and

WHEREAS, the 2025 General Plan Annual Progress Report includes reporting for progress pertaining to the City's Housing Element, which is one of nine required general plan elements; and

WHEREAS, the State of California Housing and Community Development Department (HCD) requires municipalities submit information that allows HCD to track any impediments to the construction of new housing that may exist and to monitor progress toward satisfaction of statewide housing needs and goals; and

WHEREAS, the State has recently required that all annual reporting be submitted prior to April 1<sup>st</sup> each year; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of

Modesto that it hereby accepts the 2025 General Plan Annual Progress Report.

BE IT FURTHER RESOLVED that Staff is hereby directed to submit the 2025 General Plan Annual Progress Report to the State of California.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

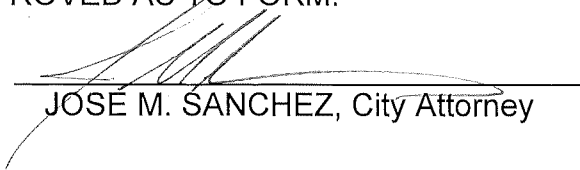
ATTEST:

  
\_\_\_\_\_  
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

  
\_\_\_\_\_  
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-64**

**RESOLUTION APPROVING A SECOND AMENDMENT AND  
REINSTATEMENT OF THE LETTER OF INTENT BETWEEN THE UNITED  
SOCCER LEAGUE, LLC AND THE CITY OF MODESTO, AND AUTHORIZING  
THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT  
AND REINSTATE THE LETTER**

WHEREAS, throughout the last four years, the City of Modesto has worked diligently alongside public and private partners to create the Downtown Master Plan, Stanislaus 2030 Blueprint, and the Modesto Renewal & Diversification Project (“River District Study”); and

WHEREAS, through the preparation of these studies and planning documents, staff and consultants have engaged with hundreds of residents, business owners, faith-based organizations, and nonprofits; and

WHEREAS, the City has moved forward by leveraging the results from the previous studies to help better inform the implementation of the various plans in its efforts to bring diverse entertainment options to the community, as well as attract visitors to the City to support economic development; and

WHEREAS, these efforts include exploring options and locations of a potential stadium, sports leagues, and an entertainment district; and

WHEREAS, as part of the City’s commitment to explore sports entertainment options, the City and the United Soccer League (“USL”) have been discussing bringing professional soccer to Modesto; and

WHEREAS, on September 10, 2024, by Resolution No. 2024-333, Modesto City Council approved a Letter of Intent (LOI) with the United Soccer League, LLC; and

WHEREAS, the LOI described the process that the City and USL agree to undertake to explore and analyze, in good faith, the possible establishment of professional soccer to be played in a multi-purpose stadium to be constructed and operated in Modesto; and

WHEREAS, the LOI established an exclusive negotiating period that commenced on the execution of the LOI and would last for one (1) year, with an automatic six (6) month extension if the Parties executed a Memorandum of Understanding (MOU) regarding the establishment of professional soccer in the City; and

WHEREAS, as part of the executed LOI, the City and USL agreed to discuss and explore topics and terms, such as, potential location of the multi-purpose stadium within Modesto, potential designs and size of the Stadium to ensure compliance with applicable USL stadium requirements, the Parties intended that the Stadium would have a minimum seating capacity of 5,000, with the ability to expand to at least 10,000 seats, and serve as the home stadium for each of a men's professional soccer team, and women's professional soccer team, and how construction of the Stadium will be financed; and

WHEREAS, following the execution of the LOI on September 10, 2024, the City began to evaluate potential sites for stadium development in Modesto including the viability of supporting professional soccer teams and explore opportunities to enhance entertainment options for the community; and

WHEREAS, after a year of discussions and workshops on site selection, the Initial Exclusivity Period specified in the LOI expired on September 10, 2025,

with the Parties not having an executed MOU regarding the establishment of professional soccer in the City; and

WHEREAS, in an effort to facilitate continued discussion with the USL, the City of Modesto and USL agreed to amend the Initial Exclusivity Period and reinstate the LOI; and

WHEREAS, on September 23, 2025, by Resolution 2025-336, Modesto City Council approved a First Amendment and Reinstated the Letter of Intent between with the United Soccer League, LLC until March 10, 2026; and

WHEREAS, during this extended negotiating period, the City of Modesto and USL continued to negotiate in good faith terms of the MOU; and

WHEREAS, the City and USL engaged in discussions during which potential terms of the MOU were discussed, and draft language was outlined; and

WHEREAS, given the short duration of the extended negotiation period, the City and USL remained engaged in negotiations and determined that additional information would be needed to move the discussion forward and finalize the terms of the MOU; and

WHEREAS, in an effort to support informed decision-making related to the proposed sports stadium and assist in advancing negotiations related to the MOU, the City has engaged Kosmont Companies (“Kosmont”) to provide an independent financial, economic, and market analysis, as well as public funding and financing advisory services, and assistance in discussions with the USL; and

WHEREAS, the scope of work with Kosmont is focused on giving the City

an independent understanding of this project's overall financial impacts, feasibility, funding options, as well as, assisting directly in discussions with USL representatives on matters such as site control/ownership, operations, funding, financing, and transaction structuring; and

WHEREAS, in an effort to facilitate continued discussion with the USL, the City of Modesto and USL have agreed to amend the Exclusivity Period and reinstate the LOI to June 10, 2026; and

WHEREAS, during the second extension period from March 10 to June 10, 2026, the City will obtain Kosmont's independent analysis needed to assess the feasibility of the proposed stadium and multi-use development project, and the City and USL will continue to negotiate in good faith terms of the MOU; and

WHEREAS, USL agrees not to explore establishing a professional soccer team anywhere else in Stanislaus County or Merced County, and Modesto agrees not to explore the establishment of a professional soccer team in the City with any entity other than USL; and

WHEREAS, the City of Modesto and USL agree to reinstate the LOI, effective March 10, 2026, and agree that the LOI will continue in full force and effect.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Second Amendment and Reinstatement of the Letter of Intent between the United Soccer League, LLC and the City of Modesto.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment and Reinstatement of the Letter, in a form

approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Wright, who moved its adoption, which motion being duly seconded by Councilmember Bavaro, was upon roll call carried and the resolution adopted by the following vote:

- AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Wright, Mayor Zwahlen
- NOES: Councilmembers: None
- RECUSED: Councilmembers: Williams
- ABSENT: Councilmembers: None

ATTEST:   
 DIANE NAYARES-PEREZ, CMC,  
 City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
 JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-65**

**RESOLUTION ACCEPTING DOWNEY SHADE STRUCTURE AND PARKING  
LOT REPLACEMENT PROJECT AS COMPLETE, RELEASING SECURITIES,  
RELEASING PAYMENTS TOTALING \$609,728 TO WESTSIDE LANDSCAPE  
& CONCRETE, INC. OF NEWMAN, CA, AND AUTHORIZING THE CITY  
CLERK TO FILE A NOTICE OF COMPLETION**

WHEREAS, the Downey Shade Structure and Parking Lot Replacement project replaced existing shade structures and repaves the existing parking lot at Downey Community Park using this Per Capita grant funds, ARPA Funds, and multiple other funding sources; and

WHEREAS, the project was advertised for bids on September 3, 2024; and

WHEREAS, bids were publicly opened on October 8, 2024, and Westside Landscape & Concrete, Inc. of Newman, CA, was the lowest responsible bidder at 3.28% below the engineers estimate; and

WHEREAS, on November 12, 2024, by Resolution 2024-417, Council awarded a contract to Westside Landscape & Concrete, Inc., in the amount of \$572,393; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of March 3, 2025. All contract work was completed on August 5, 2025; and

WHEREAS, the total project costs \$699,685, which included design, construction, and construction administration costs. The total project amount originally budgeted was \$724,838 which included \$618,184 for the construction contract and contingency with Westside Landscape & Concrete, Inc.; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9, 2019, and revised a second time September 12, 2023, by Resolution 2023-405 established a contract change order authority of 10% for construction contracts up to \$10,000,000. Due to funding availability, staff requested the Engineering Services Director's Authority to issue change order authority of 8% (\$45,791) of the construction contract amount; and

WHEREAS, there were two (2) change orders resulting in an overall increase of \$37,334.59 for change order work as listed on the attached change order log; and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that the Downey Shade Structure and Parking Lot Replacement Project as complete, releasing securities, releasing payments totaling \$609,728 to Westside Landscape & Concrete, Inc. of Newman, CA, and authorizing the City Clerk to file a Notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-66**

**RESOLUTION ACCEPTING REBID LA LOMA SEWER REPLACEMENT  
PHASE 1 PROJECT AS COMPLETE, RELEASING SECURITIES, RELEASING  
PAYMENTS TOTALING \$6,065,080 TO MOZINGO CONSTRUCTION INC., OF  
OAKDALE, CA, AND AUTHORIZING THE CITY CLERK TO FILE A NOTICE  
OF COMPLETION**

WHEREAS, the Rebid La Loma Sewer Replacement Phase 1 Project upsized approximately 7,400 linear feet of sewer lines and corrected existing slope issues which brought the area into compliance with current City Standards. In addition, new laterals were installed in various locations throughout the La Loma Neighborhood, along with a 6-inch sewer force main to reroute and replace the old line; and

WHEREAS, the project was advertised for bids on June 6, 2023; and

WHEREAS, bids were publicly opened on July 11, 2023, and Mozingo Construction Inc. of Oakdale, CA, was the lowest responsible bidder at 10.40% below the engineers estimate; and

WHEREAS, on August 22, 2023, by Resolution 2023-388, Council awarded a contract to Mozingo Construction Inc., in the amount of \$5,282,147; and

WHEREAS, the Contractor received the Notice to Proceed with a start date of November 13, 2023; and

WHEREAS, the total project costs were \$6,852,522, which included design, construction, and construction administration costs. The total project amount originally budgeted was \$6,842,684 which included \$6,074,469 for the construction contract and contingency with Mozingo Construction Inc.; and

WHEREAS, the City's "Change Order Approval Policy" enacted by Council Resolution No. 94-443 on July 19, 1994, updated by Resolution No. 2019-326 on July 9, 2019, established a contract change order authority of 8% for construction contract of this dollar amount. However, given the nature of this project dealing with aged infrastructure and facilities, additional work was expected to address conditions that require changes to the scope of work that would exceed the Director's Approval of 8% of the contract amount. Because of this consideration, Staff requested and was granted an increase to 15% (\$792,322) of the contract amount; and

WHEREAS, there were twenty-two (22) change orders resulting in an overall increase of \$782,932.03 for change order work as listed on the attached change order log; and

WHEREAS, by accepting this project as complete, the City officially accepts the improvements made and authorizes the Notice of Completion to be filed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that the Rebid La Loma Sewer Replacement Phase 1 Project is complete, releasing securities, releasing payments totaling \$6,065,080 to Mozingo Construction Inc., of Oakdale, CA.

BE IT FURTHER RESOLVED that the City Clerk is hereby authorized to file a notice of Completion.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-67**

**RESOLUTION APPROVING A COST SHARING AGREEMENT WITH THE  
COUNTY OF STANISLAUS FOR 7TH STREET BRIDGE PROJECT AND  
AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE  
AGREEMENT**

WHEREAS, the Stanislaus County Department of Public Works (County), in cooperation with the City of Modesto (City), the California Department of Transportation (Caltrans), and the Federal Highway Administration (FHWA) have undertaken a project to replace the historic 7th Street Bridge over the Tuolumne River; and

WHEREAS, the bridge replacement project will correct structural and hydraulic deficiencies, increase the capacity of the 7th Street corridor, and improve safety for vehicles, bicycles, and pedestrians; and

WHEREAS, although the bridge is currently considered structurally sound, there is significant spalling, advanced signs of alkali silica reaction, exposed and deteriorating steel reinforcing and considerable deflection at the cantilevered sections; and

WHEREAS, the bridge is listed as Structurally Deficient and has been weight restricted to four tons gross load since 1979 and restricted from legal truck load weights since 1937; and

WHEREAS, the Project is partially funded with Federal Highway Bridge Program (HBP) funds and will include replacement of the existing bridge, safety improvements for motorists, pedestrians, and bicyclists, curb ramps, raised center median/refuge, street lighting, and incidental roadway resurfacing; and

WHEREAS, will also include modifications at the intersections of 7th and B Streets at Tuolumne Boulevard and Crows Landing Road at 7th Street; and

WHEREAS, a Memorandum of Agreement (MOA) for Preliminary Engineering was approved by the City Council on April 5, 2011, by Resolution No. 2011-113, and by the County on March 15, 2011, by Resolution 2011-167; and

WHEREAS, the MOA was amended five (5) times with the last Amended and Restated MOA was approved by the City Council on August 26, 2025 by Resolution No. 2025-306 and by the County on September 9, 2025 Resolution No. 2025-470; and

WHEREAS, on November 18, 2025, the Stanislaus County Board of Supervisors awarded Dewberry Engineers Inc. for the professional construction management services in the amount of \$7,245,122; and

WHEREAS, an invitation to bid was electronically posted on PlanetBids by Stanislaus County on September 15, 2025; and

WHEREAS, the lowest responsive bid was received by MCM Construction, Inc. in the amount of \$85,223,894; and

WHEREAS, on December 16, 2025, the Board of Supervisors for the County of Stanislaus awarded a contract to MCM Construction, Inc; and

WHEREAS, as a shared project, it is necessary to delineate the funding for the project to reimburse the County for the City's share of the construction of the project. The **attached** Cost Sharing Agreement has been negotiated between the City and County and recommended to be forwarded to City Council for approval; and

WHEREAS, the maximum amount of the City's share of the construction of the project is not to exceed \$23,389,380.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Modesto that it hereby approves a Cost Sharing Agreement with the County of Stanislaus for the 7<sup>th</sup> Street Bridge Project.

BE IT FURTHER RESOLVED, that the City Manager or his designee is authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:

  
\_\_\_\_\_  
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
\_\_\_\_\_  
JOSE M. SANCHEZ, City Attorney

**COST SHARING AGREEMENT BETWEEN THE COUNTY OF STANISLAUS AND  
CITY OF MODESTO  
FOR THE CONSTRUCTION OF THE  
SEVENTH STREET BRIDGE REPLACEMENT OVER TUOLUMNE RIVER PROJECT**

This Cost Sharing Agreement for Construction Services ("Agreement") is made and entered into on \_\_\_\_\_, 2026 (the "Effective Date") by and between the County of Stanislaus, a political subdivision of the State of California ("COUNTY"), and the City of Modesto, a California municipal corporation ("CITY"). MODESTO and COUNTY may be individually referred to herein as a "Party" or collectively as the "Parties."

**RECITALS:**

A. The COUNTY entered into a competitively bid contract for the Seventh Street Bridge Replacement Over Tuolumne River Project (Project). The Project includes, but is not limited to, demolition and reconstruction of the Seventh Street Bridge, roadway, sidewalk, and bike lane improvements to the north and south of the bridge, signalization of the intersection of Seventh Street/Crows Landing Road, signal and UPRR crossing upgrades to the Seventh Street/Tuolumne Boulevard/B-Street Intersection, a pedestrian plaza located on the north end of the bridge, and a CITY waterline. The Project will begin construction in Winter 2025/26. The scope of work for the Projects includes areas that lie within both the CITY and COUNTY.

B. The COUNTY agrees to include in its contract for the above described Project contract items to occur on CITY streets and/or facilities as set forth in **Exhibit A**, and as shown in Project Location Maps **Exhibit B** and Project Plans and Specifications (collectively, the "Scope of Work" or "Services") attached hereto and incorporated by this reference.

C. The CITY agrees to reimburse COUNTY for the construction contract costs incurred by COUNTY for the shared work and portion of work on CITY streets and/or facilities as identified in the Scope of Work.

D. The COUNTY has hired a professional construction management firm, Dewberry Engineers, Inc. to provide construction management and inspection for the Project. CITY agrees to reimburse COUNTY for the costs incurred by COUNTY for the shared construction management and inspection and portion of inspection on CITY streets and/or facilities as delineated herein.

E. The Parties have outlined the rates and method of payment to COUNTY for its performance of the Services under this Agreement, as further set forth in **Exhibit C** (the "Compensation Schedule").

**NOW, THEREFORE,** it is agreed as follows:

1. **Scope of Work.** The Parties agree that the COUNTY will make a reasonable effort to assure the construction of the Project improvements conform to the plans and specifications approved by the COUNTY and reviewed by the CITY. COUNTY will be the official Construction Manager and the lead agency for the Project.
2. **Services.** The COUNTY has awarded the services described in the Scope of Work as part of the Seventh Street Bridge Replacement Over Tuolumne River Project to MCM Construction, Inc., and the CITY shall compensate the COUNTY for the services performed pursuant to the Compensation Schedules in **Exhibit C**.
3. **Term.** The term of this Agreement will commence as of the date first written above and shall remain in effect until completion of construction of the improvements in **Exhibit A**.
4. **Administration.** The COUNTY, as the party managing the construction contract, agrees to receive and maintain the funding from the CITY and to manage the construction contract on behalf of the CITY with no additional charges to the CITY other than those costs identified in **Exhibit C** or as directed by the COUNTY and agreed upon by the CITY in writing.
5. **Compensation.** The parties have outlined the rates and method of payment to COUNTY for its performance of the Services under this Agreement in **Exhibit C**. Compensation from CITY to COUNTY will be based on actual construction costs plus associated project costs.
6. **Modification of Services.** In the event that it appears to either Party that there will be cost overruns in excess of the 10% contingency, resulting from construction change orders associated with the Scope of Work provided in **Exhibit A**, or either Party determines that it would be prudent to expand the Scope of Work, then, in that event, the Parties agree to meet in good faith and determine whether or not they should fund such additional costs or expand the Scope of Work. In meeting and conferring, the Parties shall consider whether the basis of the additional change order originates from work regarding the CITY streets and/or facilities, in which case the

CITY shall be responsible for the change order, provided however that such change order must be approved by the CITY in writing.

7. **Indemnification.** Neither Party, nor any of its officers or employees, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by the other Party under or in connection with any work delegated to that Party under this Agreement. The Parties further agree, pursuant to Government Code section 895.4, that each Party shall fully indemnify and hold harmless the other Party and its agents, officers, employees and contractors from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney fees, arising out of, resulting from, or in connection with any work delegated to or action taken or omitted to be taken by such party under this Agreement.
8. **Insurance.** Each Party, at its sole cost and expense, shall carry insurance or self-insure its activities in connection with this Agreement, and obtain, keep in force and maintain, insurance or equivalent programs of self-insurance, for general liability, workers compensation, and business automobile liability adequate to cover its potential liabilities hereunder. Each Party shall provide certificates of insurance and/or self-insurance to the other Party during the term of this agreement. Each Party agrees to provide the other thirty (30) days advance notice of any cancellation, termination or lapse of any of the insurance or self-insurance coverages.
9. **Amendments.** This Agreement may be amended, or provisions contained herein may be altered, changed, or amended for the Project only by mutual written agreement signed and approved by the respective approving authorities of CITY and COUNTY. No oral understanding or agreement, not incorporated herein, shall be binding on any of the parties hereto.
10. **Good Faith.** To the extent reasonably required, each Party to this Agreement shall, in good faith, cooperate and assist the other Party in meeting its obligations under this Agreement.
11. **Notice.** Any notice which may be required under this Agreement shall be in writing and shall be given by personal service, first-class mail, certified or registered mail return receipt requested, or overnight delivery to the addresses set forth below:

To City: Toby Wells  
Director  
Engineering Services Department  
City of Modesto  
1010 10<sup>th</sup> Street  
Modesto, CA 95353

To County: David A. Leamon  
Director  
Department of Public Works  
1716 Morgan Road  
Modesto, CA 95358

All notices and other communications shall be deemed communicated as of actual receipt or after the second business day after the notice has been dispatched. The Parties may change their respective address by giving notice of such change to the other party in the manner provided in this Section.

12. **Termination.** Except as provided elsewhere in this Agreement, the Parties may not terminate this Agreement during the Term, and prior to the completion and payment for the Services described in **Exhibit A**, unless upon mutual written agreement signed and approved by the respective approving authorities of CITY and COUNTY. This Agreement will automatically terminate upon completion of the Scope of Work and upon the full payment to the COUNTY. If either party breaches any requirement of this Agreement, the non-breaching Party may terminate this agreement after providing written notice and a reasonable opportunity to cure to the other Party.

13. **Necessary Documents.** As may become necessary for the construction and delivery of the Project, through CITY and COUNTY cooperation, the Stanislaus County Director of Public Works and CITY'S Authorized Representative are authorized to administer and execute, by mutual written consent, all documents necessary to complete the Project, provided that such actions do not exceed the authority of this Agreement.

14. **Attorney's Fees and Costs.** In any action which a Party brings to enforce its rights hereunder, the unsuccessful Party shall pay all costs incurred by the prevailing Party, including reasonable attorneys' fees.

15. **Entire Agreement.** This Agreement contains the entire understanding between the Parties. All previous proposals, offers, and other communications relative to this Agreement, whether oral or written, are hereby superseded except to the extent that they have been incorporated into this Agreement. This Agreement may be amended only by written instrument executed by CITY and COUNTY.
16. **Waiver.** No waiver of or exception to any of the terms, conditions, and provisions of this Agreement shall be considered valid unless specifically agreed to in writing by both Parties, and any waiver of the breach of any covenant, term, or condition shall not be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenant, term, or condition.
17. **Severability.** If any provision of this Agreement is held to be invalid or unenforceable, the remaining provisions shall continue in full force and effect and shall be construed to give effect to the intent of this Agreement.
18. **Time is of the Essence.** Time is and shall be of the essence in this Agreement.
19. **Compliance.** Both Parties agree to comply at all times, in its performance of this Agreement, with all applicable local, state and local labor and contracting laws, including but not limited to, prevailing wage laws and the Public Contract Code.
20. **Counterparts.** This Agreement may be executed and delivered in any number of counterparts, each of which so executed and delivered shall be deemed to be an original and all of which shall constitute one and the same instrument.

(SIGNATURE PAGE FOLLOWS)

**IN WITNESS WHEREOF**, the City of Modesto, a California municipal corporation, has authorized the execution of this Agreement in duplicate by its City Manager and attestation by its City Clerk under authority of Resolution No. \_\_\_\_\_, adopted by the Council of the City of Modesto on the \_\_\_\_ day of \_\_\_\_\_, 2026, and County has authorized the execution of this Agreement in duplicate by the Director of the Department of Public Works under authority of Resolution No. \_\_\_\_\_, adopted by the Board of Supervisors of Stanislaus County on the \_\_\_\_ day of \_\_\_\_\_, 2026.

**COUNTY OF STANISLAUS**

**CITY OF MODESTO**

a political subdivision of the State of California

a California municipal corporation

By: \_\_\_\_\_  
Jody L. Hayes  
Chief Executive Officer

By: \_\_\_\_\_  
Joseph P. Lopez, City Manager

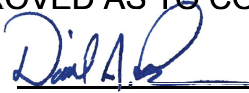
ATTEST:  
Mary E. Hartsfield  
Clerk of the Board of Supervisors of the County of Stanislaus, State of California

ATTEST:

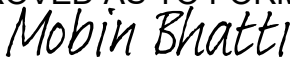
By: \_\_\_\_\_  
Deputy Clerk of the Board

BY: \_\_\_\_\_  
Diane Nayares-Perez, City Clerk

APPROVED AS TO CONTENT:

By:   
\_\_\_\_\_  
David A. Leamon  
Director of Public Works

APPROVED AS TO FORM:

By:   
\_\_\_\_\_  
Mobin Bhatti (Feb 25, 2026 10:56:40 PST)  
Mobin Bhatti  
County Counsel

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Jose M. Sanchez  
City Attorney

## **EXHIBIT A**

### **SEVENTH STREET BRIDGE REPLACEMENT OVER TUOLUMNE RIVER PROJECT**

**Scope of Work:** The COUNTY, in cooperation with the CITY, California Department of Transportation (Caltrans), and the Federal Highway Administration (FHWA) has awarded a construction contract to MCM Construction, Inc. to replace the Seventh Street Bridge (No. 38C0023) over Tuolumne River and construct necessary roadway approach improvements to accommodate the bridge replacement.

The historic Seventh Street Bridge over Tuolumne River was built in 1916 by Stanislaus County and consists of a series of “canticrete” type trusses supported on reinforced concrete piers and abutments all founded on concrete or timber piling. The entire bridge span is approximately 1,170 feet in length and the Average Daily Traffic (ADT) volume is approximately 15,700 vehicles per-day.

The Seventh Street Bridge is listed on the Caltrans Local Agency Bridge List with an extremely low sufficiency rating (5.1 on a scale of 0 to 100) because of structural and functional deficiencies. Although the bridge is currently considered structurally sound, there is significant spalling, advanced signs of alkali silica reaction, exposed and deteriorating steel reinforcing and considerable deflection at the cantilevered sections. This bridge has been weight restricted to four tons gross load since 1979 and restricted from legal truck load weights since 1937.

The Seventh Street Bridge Replacement Project (Project) has been identified as a necessary improvement to correct hydraulic deficiencies, remove load restrictions, improve mobility along the Seventh Street corridor, and improve safety for motorists, pedestrians, and bicyclists.

The completed Project will have two standard-width travel lanes in each direction, a Class I multi-use path on the west side of the bridge, a standard sidewalk on the east side of the bridge, and five-foot-wide shoulders on each side of the bridge that will serve as Class II bicycle lanes. The Project includes modifications at the Seventh Street/B Street/Tuolumne Boulevard intersection and at Crows Landing Road at the Seventh Street intersection. Additionally, the Project includes the development of a new pedestrian plaza that would connect the new bridge with the proposed Tuolumne River Regional Park’s Gateway Parcel and to the Tuolumne River itself.

The Project costs will be shared by the COUNTY and CITY. Federal Highway Bridge Program (HBP) funding eligibility requirements and limitations will dictate the cost share across the following construction areas:

- Within HBP limits: Eligible bridge demolition, bridge construction, approach roadway construction, and associated elements. Cost will be split 88.53% federal

HBP funds and 11.47% local fund match, split 50%-50% between the COUNTY and CITY.

- Within HBP limits: Ineligible bridge demolition, bridge construction, approach roadway construction, and associated elements. Cost is 100% local funds, split 50%-50% between the COUNTY and CITY.
- Outside of HBP limits: South of bridge, including portions of Seventh Street, Crows Landing Road, and the intersection of Seventh Street and Crows Landing Road. Cost 100% local funds, entirely the responsibility of the COUNTY.
- Outside of HBP limits: North of bridge, including portions of Seventh Street, Tuolumne Blvd., B Street, the UPRR B Street Crossing, and the intersection of Seventh Street and Tuolumne Blvd and B Street. Cost is 100% local funds, entirely the responsibility of the CITY.
- Construction of a historical plaza within the Tuolumne River Regional Park (TRRP) at the northwest end of the bridge. Cost is 100% local funds, split 50%-50% between the COUNTY and CITY.
- Construction of a new CITY waterline from B Street to the north, installed within the new bridge crossing the Tuolumne River, crossing UPRR, to Janopaul Avenue to the south. Cost is 100% local funds, entirely the responsibility of the CITY.
- Construction of a new maintenance entrance to the CITY treatment facility from Tuolumne Blvd. within TRRP at the northwest end of the bridge. Cost 100% local funds, entirely the responsibility of the CITY.

The work for these items consists of all elements included in the Conform Project Plans and Specifications dated December 3, 2025. Work includes, but is not limited to bridge removal and construction, roadway excavation, construction, and paving, street lighting, traffic signals, curb & gutter, sidewalk, landscaping, storm drain, sewer, waterline, and underground construction, traffic control, and environmental compliance.

In addition, the CITY will compensate the COUNTY for the programmed Construction Management/Engineering services budget of \$9,262,297 at an amount divided proportionally between the various construction areas and shown in **Exhibit C**.

The COUNTY is acting as lead agency and will process and manage all segments of the project. COUNTY will direct and have the final project decisions and provide inspection services through COUNTY staff and the hired Construction Management firm of Dewberry Engineers, Inc. CITY will provide primary point of contact for construction related issues and may provide inspection and construction related reviews at the CITY's cost. For any project component that is 100% funded by the CITY, COUNTY shall coordinate with CITY for concurrence prior to execution of any Contract Change Orders or decisions regarding whether the construction of such component is acceptable. Such concurrence shall not be unreasonably withheld. If there are unforeseen CITY costs, such as staff time and additional CITY inspections associated with HBP eligible costs, the Parties agree to negotiate within the project contingency to settle any differences.

The Project work will be substantially consistent with the scope of work identified in this **Exhibit A** and as shown in the **Exhibit B** Project Location Map, the Project Plans and Specifications, and the **Exhibit C** Compensation Schedule prepared by Stanislaus County.

All questions, comments, and concerns regarding the CITY's segment of the Project will be directed through the COUNTY's construction project management team.

**Additional Costs and Funding:** The COUNTY and CITY will share the additional Project costs and funding as follows:

The COUNTY and CITY will be individually responsible for compensation due to Union Pacific Railroad (UPRR) per previously executed agreements with UPRR with each.

The COUNTY applied for and was awarded a Local Partnership Program – Competitive (LPP-C) grant from the California Transportation Commission (CTC) in the amount of \$15,000,000 to be applied to the local match. The amount shall be split 50%-50% between COUNTY and CITY items. Amount will be applied at the COUNTY discretion and subtracted from progress payment invoices to the CITY.

**Compensation Schedule:** the COUNTY will invoice the CITY, and the CITY will pay their respective fair share costs, based on the cost sharing defined in **Exhibit C**, for Construction services including Construction, Construction Management/Engineering and Contingency costs. The COUNTY will provide progress payment invoices for review. Upon request, the COUNTY shall provide the CITY with all documentation to support the costs identified in the invoice. The CITY will review and process progress payment invoices from the COUNTY and pay in full if approved by the CITY. In a timely manner, the CITY will pay and reimburse the COUNTY for their respective portion of the project.

**Project Cost:** Currently the Project construction cost is contracted to be \$85,223,893.50. The total Project cost, inclusive of all items listed above, is \$107,250,925 of which, the CITY portion shall not exceed \$15,889,380. This amount was based on the contracted quantities and unit prices, programmed CE amounts, and UPRR agreement amounts and shall not be used for determining actual compensation due to the COUNTY. The actual compensation due to the COUNTY shall be based on the actual construction and associated project support costs.

**EXHIBIT B**  
**SEVENTH STREET BRIDGE REPLACEMENT OVER TUOLUMNE RIVER PROJECT**  
**PROJECT LOCATION MAP**

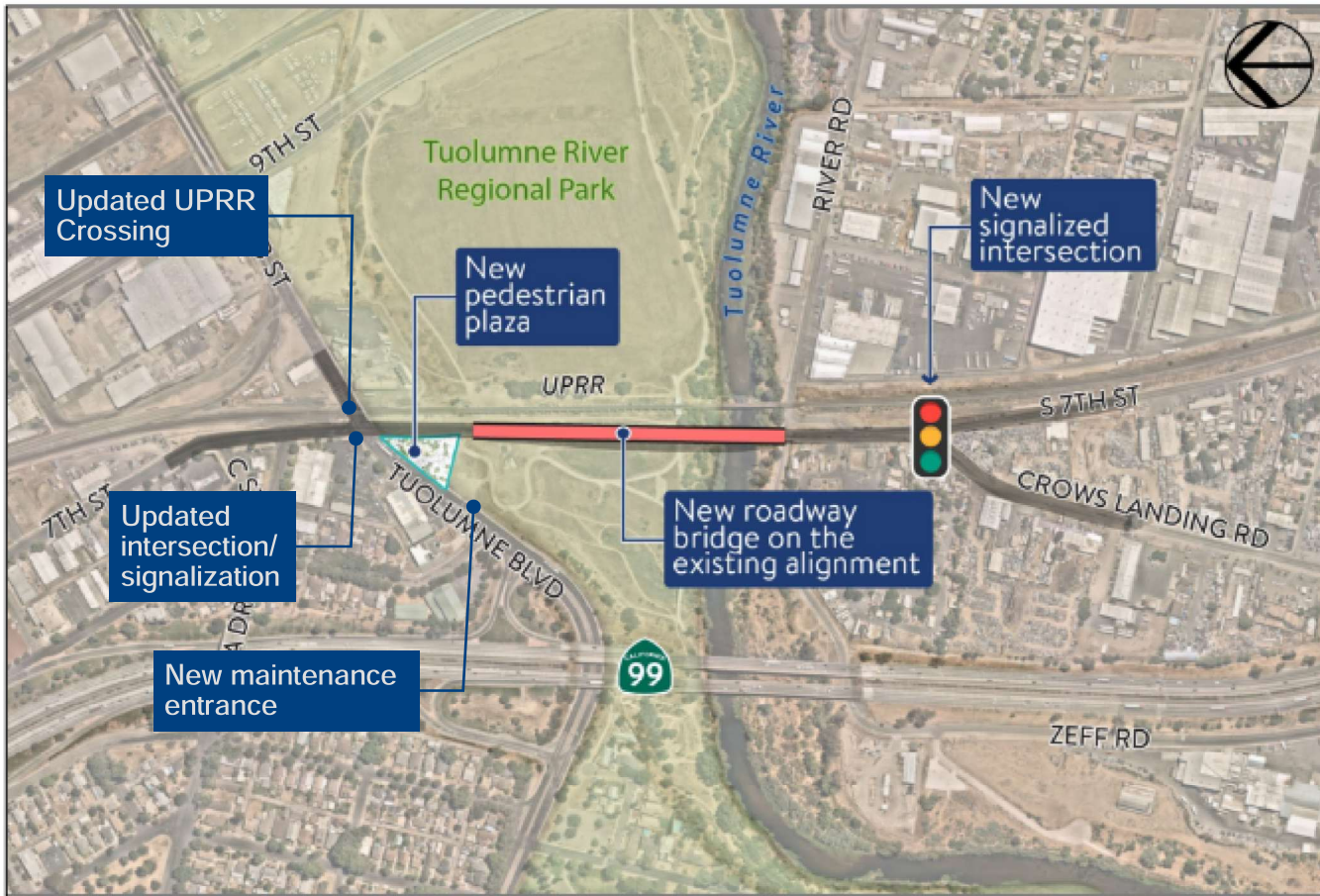


Figure 1 – Project Location Map

**EXHIBIT C**  
**SEVENTH STREET BRIDGE REPLACEMENT OVER TUOLUMNE RIVER PROJECT**  
**COMPENSATION SCHEDULE**

Construction Costs				
	Total	Federal (HBP)	County	City
<b>HBP (Participating)</b>	<b>\$ 75,145,492</b>	<b>\$ 66,526,304</b>	<b>\$ 4,309,594</b>	<b>\$ 4,309,594</b>
CON	\$ 60,196,475	\$ 53,291,939	\$ 3,452,268	\$ 3,452,268
CE (10% of funded)	\$ 6,542,269	\$ 5,791,871	\$ 375,199	\$ 375,199
Contingency (10%)	\$ 6,019,648	\$ 5,329,194	\$ 345,227	\$ 345,227
Below the Line	\$ 1,797,100	\$ 1,590,973	\$ 103,064	\$ 103,064
RR Flagging	\$ 590,000	\$ 522,327	\$ 33,837	\$ 33,837
<b>Non-Participating (County)</b>	<b>\$ 12,770,647</b>		<b>\$ 12,770,647</b>	
CON	\$ 10,565,763		\$ 10,565,763	
CE (10% of funded)	\$ 1,148,308		\$ 1,148,308	
Contingency (10%)	\$ 1,056,576		\$ 1,056,576	
RR Flagging	\$ -		\$ -	
<b>Non-Participating (City)</b>	<b>\$ 17,589,541</b>			<b>\$ 17,589,541</b>
CON	\$ 14,461,655			\$ 14,461,655
CE (10% of funded)	\$ 1,571,721			\$ 1,571,721
Contingency (10%)	\$ 1,446,166			\$ 1,446,166
RR Flagging	\$ 110,000			\$ 110,000
<b>Other Costs</b>	<b>\$ 1,745,245</b>		<b>\$ 255,000</b>	<b>\$ 1,490,245</b>
UPRR Engineering	\$ 294,045		\$ 255,000	\$ 39,045
UPRR Construction	\$ 1,451,200			\$ 1,451,200
<b>Total Construction Costs</b>	<b>\$ 107,250,925</b>	<b>\$ 66,526,304</b>	<b>\$ 17,335,241</b>	<b>\$ 23,389,380</b>

Local Costs and HBP Local Match Summary				
	Total		County	City
Total Construction Costs (from above)	\$ 40,724,621		\$ 17,335,241	\$ 23,389,380
Additional Funding:				
Local Partnership Program- Competitive	\$ 15,000,000		\$ 7,500,000	\$ 7,500,000
<b>Total Local Cost (cost less add'l funding)</b>	<b>\$ 25,724,621</b>		<b>\$ 9,835,241</b>	<b>\$ 15,889,380</b>

**COST SHARING**

NO.	ITEM CODE	CONTRACT ITEMS	UNIT	UNIT PRICE	HBP Participating		Non-HBP Participating			
					QTY	HBP AMOUNT	QTY	COUNTY AMOUNT	QTY	CITY AMOUNT
1	010409A	REMOVE MAILBOX	EA	\$600.00	0.00	\$0.00	1.00	\$600.00	0.00	\$0.00
2	037971A	REMOVE BOLLARD	EA	\$375.00	20.00	\$7,500.00	44.00	\$16,500.00	0.00	\$0.00
3	050000A	CONSTRUCTION STAKING	LS	\$100,000.00	1.00	\$100,000.00	0.00	\$0.00	0.00	\$0.00
4	066105	RESIDENT ENGINEER'S OFFICE	LS	\$150,000.00	0.00	\$0.00	0.50	\$75,000.00	0.50	\$75,000.00
5	066610	PARTNERING	LS	\$35,000.00	1.00	\$35,000.00	0.00	\$0.00	0.00	\$0.00
6	070030	LEAD COMPLIANCE PLAN	LS	\$10,000.00	0.50	\$5,000.00	0.25	\$2,500.00	0.25	\$2,500.00
7	080050	PROGRESS SCHEDULE (LEVEL 2 CRITICAL PATH METHOD)	LS	\$35,000.00	1.00	\$35,000.00	0.00	\$0.00	0.00	\$0.00
8	090105	TIME RELATED OVERHEAD	WDAY	\$6,500.00	314.60	\$2,044,900.00	62.70	\$407,550.00	62.70	\$407,550.00
9	090201A	(Intentionally left blank)_1	LS	\$0.00	0.00	\$0.00	0.00	\$0.00	0.50	\$0.00
10	090902A	(Intentionally left blank)_2	LS	\$0.00	0.00	\$0.00	0.00	\$0.00	0.50	\$0.00
11	100100	DEVELOP WATER SUPPLY	LS	\$75,000.00	1.00	\$75,000.00	0.00	\$0.00	0.00	\$0.00
12	120000A	TEMPORARY TRAFFIC CONTROL	LS	\$600,000.00	1.00	\$600,000.00	0.00	\$0.00	0.00	\$0.00
13	125000A	TEMPORARY TRANSIT SERVICE COORDINATION	LS	\$10,000.00	1.00	\$10,000.00	0.00	\$0.00	0.00	\$0.00
14	130100	JOB SITE MANAGEMENT	LS	\$200,000.00	0.50	\$100,000.00	0.25	\$50,000.00	0.25	\$50,000.00
15	130301	STORMWATER POLLUTION PREVENTION PLAN	LS	\$3,000.00	0.50	\$1,500.00	0.25	\$750.00	0.25	\$750.00
16	130310	RAIN EVENT ACTION PLAN	EA	\$450.00	10.00	\$4,500.00	10.00	\$4,500.00	10.00	\$4,500.00
17	130321	STORM WATER SAMPLING AND ANALYSIS DAY	EA	\$465.00	10.00	\$4,650.00	10.00	\$4,650.00	10.00	\$4,650.00
18	130331	STORM WATER ANNUAL REPORT	EA	\$1,000.00	2.00	\$2,000.00	0.00	\$0.00	0.00	\$0.00
19	130570	TEMPORARY COVER	SQYD	\$5.00	5000.00	\$25,000.00	2500.00	\$12,500.00	2500.00	\$12,500.00
20	130620	TEMPORARY DRAINAGE INLET PROTECTION	EA	\$300.00	8.00	\$2,400.00	11.00	\$3,300.00	20.00	\$6,000.00
21	130640	TEMPORARY FIBER ROLL	LF	\$9.00	375.00	\$3,375.00	0.00	\$0.00	770.00	\$6,930.00
22	130710	TEMPORARY CONSTRUCTION ENTRANCE	EA	\$9,000.00	3.00	\$27,000.00	0.00	\$0.00	0.00	\$0.00
23	130730	STREET SWEEPING	LS	\$175,000.00	0.50	\$87,500.00	0.25	\$43,750.00	0.25	\$43,750.00
24	130900	TEMPORARY CONCRETE WASHOUT	LS	\$50,000.00	1.00	\$50,000.00	0.00	\$0.00	0.00	\$0.00
25	131103	WATER QUALITY SAMPLING AND ANALYSIS DAY	EA	\$1,100.00	120.00	\$132,000.00	0.00	\$0.00	0.00	\$0.00
26	131104	WATER QUALITY MONITORING REPORT	EA	\$465.00	36.00	\$16,740.00	0.00	\$0.00	0.00	\$0.00
27	131105	WATER QUALITY ANNUAL REPORT	EA	\$1,000.00	2.00	\$2,000.00	0.00	\$0.00	0.00	\$0.00
28	140000A	UPRR RAIL STRUCTURE MONITORING	LS	\$250,000.00	1.00	\$250,000.00	0.00	\$0.00	0.00	\$0.00
29	141100A	DUST CONTROL	LS	\$75,000.00	1.00	\$75,000.00	0.00	\$0.00	0.00	\$0.00
30	141110	WORK AREA MONITORING (BRIDGE)	LS	\$82,000.00	1.00	\$82,000.00	0.00	\$0.00	0.00	\$0.00
31	142000A	INTERPRETIVE DISPLAY BOARDS	LS	\$6,000.00	0.00	\$0.00	0.50	\$3,000.00	0.50	\$3,000.00
32	146002	CONTRACTOR-SUPPLIED BIOLOGIST (LS)	LS	\$450,000.00	1.00	\$450,000.00	0.00	\$0.00	0.00	\$0.00
33	146004	FISH PROTECTION	LS	\$25,000.00	1.00	\$25,000.00	0.00	\$0.00	0.00	\$0.00
34	146008A	SPILL RESPONSE PLAN	LS	\$4,000.00	1.00	\$4,000.00	0.00	\$0.00	0.00	\$0.00
35	146009A	CONTRACTOR-SUPPLIED PALEONTOLOGIST	LS	\$150,000.00	1.00	\$150,000.00	0.00	\$0.00	0.00	\$0.00
36	148005	NOISE MONITORING	LS	\$40,000.00	1.00	\$40,000.00	0.00	\$0.00	0.00	\$0.00
37	150000A	RE-ESTABLISH MONUMENT	EA	\$2,800.00	6.00	\$16,800.00	1.00	\$2,800.00	9.00	\$25,200.00
38	150812A	REMOVE PIPE	LF	\$52.00	212.00	\$11,024.00	398.00	\$20,696.00	480.00	\$24,960.00
39	150813A	REMOVE PIPE (SEWER)	LF	\$86.00	80.00	\$6,880.00	0.00	\$0.00	0.00	\$0.00
40	150824A	REMOVE SEWER MANHOLE	EA	\$19,000.00	2.00	\$38,000.00	0.00	\$0.00	0.00	\$0.00
41	153122	REMOVE CONCRETE	SF	\$6.00	964.00	\$5,784.00	5302.00	\$31,812.00	17834.00	\$107,004.00
42	153248	REMOVE CONCRETE (MISCELLANEOUS) (SQFT)	SQFT	\$18.00	0.00	\$0.00	0.00	\$0.00	765.00	\$13,770.00
43	160110	TEMPORARY HIGH-VISIBILITY FENCE	LF	\$8.00	3280.00	\$26,240.00	0.00	\$0.00	0.00	\$0.00
44	170103	CLEARING AND GRUBBING	LS	\$110,000.00	0.50	\$55,000.00	0.25	\$27,500.00	0.25	\$27,500.00
45	172000A	REMOVE TREE	EA	\$2,000.00	45.00	\$90,000.00	10.00	\$20,000.00	12.00	\$24,000.00
46	190101	ROADWAY EXCAVATION	CY	\$145.00	530.00	\$76,850.00	3305.00	\$479,225.00	6875.00	\$996,875.00
47	190105	ROADWAY EXCAVATION (TYPE Z-2) (ADL)	CY	\$232.00	1307.00	\$303,224.00	4156.00	\$964,192.00	0.00	\$0.00
48	192003	STRUCTURE EXCAVATION (BRIDGE)	CY	\$200.00	1850.00	\$370,000.00	0.00	\$0.00	0.00	\$0.00
49	192037	STRUCTURE EXCAVATION (RETAINING WALL)	CY	\$150.00	475.00	\$71,250.00	0.00	\$0.00	0.00	\$0.00
50	192100A	STRUCTURE EXCAVATION (RETAINING WALL), CANTICRETE	CY	\$95.00	0.00	\$0.00	100.00	\$9,500.00	100.00	\$9,500.00
51	192101A	STRUCTURE EXCAVATION (RETAINING WALL), LOADING DOCK	CY	\$100.00	0.00	\$0.00	0.00	\$0.00	65.00	\$6,500.00
52	193003	STRUCTURE BACKFILL (BRIDGE)	CY	\$200.00	670.00	\$134,000.00	0.00	\$0.00	0.00	\$0.00
53	193013	STRUCTURE BACKFILL (RETAINING WALL)	CY	\$125.00	483.00	\$60,375.00	0.00	\$0.00	0.00	\$0.00
54	193100A	STRUCTURE BACKFILL (RETAINING WALL), LOADING DOCK	CY	\$190.00	0.00	\$0.00	157.50	\$29,925.00	157.50	\$29,925.00
55	193101A	STRUCTURE BACKFILL (RETAINING WALL), LOADING DOCK	CY	\$1,200.00	0.00	\$0.00	0.00	\$0.00	3.00	\$3,600.00
56	198010	IMPORTED BORROW	CY	\$55.00	1194.00	\$655,270.00	0.00	\$0.00	0.00	\$0.00
57	198012A	IMPORTED BORROW (SEWER MAINTENANCE DW)	CY	\$50.00	0.00	\$0.00	0.00	\$0.00	3725.00	\$186,250.00
58	202006	SOIL AMENDMENT	SF	\$1.00	0.00	\$0.00	1172.50	\$1,172.50	1172.50	\$1,172.50
59	202026	RELOCATE BACKFLOW PREVENTER ASSEMBLY (INCLUDING RE-CERTIFICATION)	EA	\$2,500.00	0.00	\$0.00	0.50	\$1,250.00	0.50	\$1,250.00
60	202027	RELOCATE WATER METER (1.5")	EA	\$6,000.00	0.00	\$0.00	0.50	\$3,000.00	0.50	\$3,000.00
61	202039A	FERTILIZER	LS	\$150.00	0.00	\$0.00	0.50	\$75.00	0.50	\$75.00
62	203100	SOIL TESTING	EA	\$300.00	0.00	\$0.00	0.50	\$150.00	0.50	\$150.00
63	204035	PLANT (GROUP A) (NO. 1)-1 Gallon	EA	\$15.00	0.00	\$0.00	52.50	\$787.50	52.50	\$787.50
64	204036	PLANT (GROUP B) (NO. 5)-5 Gallon	EA	\$40.00	0.00	\$0.00	40.00	\$1,600.00	40.00	\$1,600.00
65	204038	PLANT (GROUP C) (NO. 15)-15 Gallon	EA	\$155.00	0.00	\$0.00	20.50	\$3,177.50	20.50	\$3,177.50
66	204099	PLANT ESTABLISHMENT WORK (ENGMET) (180 days)	WDAY	\$335.00	0.00	\$0.00	90.00	\$30,150.00	90.00	\$30,150.00
67	205030A	DECOMPOSED GRANITE (CP TRAIL)	SF	\$6.00	650.00	\$3,900.00	650.00	\$3,900.00	0.00	\$0.00
68	205034	DECOMPOSED GRANITE	SF	\$3.00	0.00	\$0.00	8.50	\$25.50	292.00	\$876.00
69	205035	WOOD MULCH	CY	\$190.00	0.00	\$0.00	8.50	\$1,615.00	0.00	\$0.00
70	205062	ROOT BARRIER (ENGMET)	LF	\$15.00	0.00	\$0.00	135.00	\$2,025.00	135.00	\$2,025.00
71	205510A	BENCH	EA	\$5,000.00	0.00	\$0.00	3.50	\$17,500.00	3.50	\$17,500.00
72	205520A	TRASH AND RECYCLING RECEPTACLE	EA	\$3,600.00	0.00	\$0.00	3.00	\$10,800.00	3.00	\$10,800.00
73	205530A	BIKE RACK	EA	\$1,500.00	0.00	\$0.00	0.50	\$750.00	0.50	\$750.00
74	205540A	REMOVABLE BOLLARD (PLAZA)	EA	\$2,750.00	0.00	\$0.00	2.00	\$5,500.00	2.00	\$5,500.00
75	205551A	UPLIGHT	EA	\$3,500.00	0.00	\$0.00	2.00	\$7,000.00	2.00	\$7,000.00
76	205552A	PEDESTRIAN POLE LIGHT	EA	\$16,000.00	0.00	\$0.00	4.00	\$64,000.00	4.00	\$64,000.00
77	205560A	LANDSCAPE GRAVITY WALL SALVAGED OBELISK WITH BASE (BASE, FOOTING, & INSTALLATION)	LF	\$1,250.00	0.00	\$0.00	31.50	\$39,375.00	31.50	\$39,375.00
78	205571A	SALVAGED OBELISK (FOOTING, & INSTALLATION)	EA	\$30,000.00	0.00	\$0.00	0.50	\$15,000.00	0.50	\$15,000.00
79	205572A	SALVAGED OBELISK (FOOTING, & INSTALLATION)	EA	\$30,000.00	0.00	\$0.00	2.00	\$60,000.00	2.00	\$60,000.00
80	205573A	SALVAGED BRIDGE RAILING (FOOTING, & INSTALLATION)	EA	\$15,000.00	0.00	\$0.00	1.50	\$22,500.00	1.50	\$22,500.00
81	205574A	HISTORIC LANTERN ON PEDESTAL, INCLUDING PLAZA CONCRETE PAVEMENT (ON GRADE, INTEGRAL COLORS, AGGREGATE BASE INCLUDED)	EA	\$30,000.00	0.00	\$0.00	1.00	\$30,000.00	1.00	\$30,000.00
82	205611A	INTEGRAL COLORS, AGGREGATE BASE INCLUDED)	SF	\$22.00	0.00	\$0.00	4360.00	\$95,920.00	4360.00	\$95,920.00
83	205613A	PLANTER CURB	LF	\$50.00	0.00	\$0.00	47.00	\$2,350.00	47.00	\$2,350.00
84	206560	CONTROL AND NEUTRAL CONDUCTORS	LS	\$32,000.00	0.00	\$0.00	0.50	\$16,000.00	0.50	\$16,000.00
85	206562	1" REMOTE CONTROL VALVE ASSEMBLY	EA	\$555.00	0.00	\$0.00	3.50	\$1,942.50	3.50	\$1,942.50
86	206564	1 1/2" REMOTE CONTROL VALVE ASSEMBLY	EA	\$655.00	0.00	\$0.00	0.50	\$327.50	0.50	\$327.50
87	206922	TWO-WIRE IRRIGATION CONTROLLER	EA	\$13,000.00	0.00	\$0.00	0.50	\$6,500.00	0.50	\$6,500.00
88	207054	1 1/2" COPPER PIPE (SUPPLY LINE)	LF	\$300.00	0.00	\$0.00	17.00	\$5,100.00	17.00	\$5,100.00
89	208301	IRRIGATION CONTROLLER ENCLOSURE CABINET TYPE III-AF SERVICE EQUIPMENT ENCLOSURE FOR IRRIGATION	EA	\$4,000.00	0.00	\$0.00	0.50	\$2,000.00	0.50	\$2,000.00
90	208302A	MASTER VALVE WITH FLOW SENSOR	EA	\$3,000.00	0.00	\$0.00	0.50	\$1,500.00	0.50	\$1,500.00
91	208445	TREE WELL SPRINKLER ASSEMBLY	EA	\$255.00	0.00	\$0.00	20.50	\$5,227.50	20.50	\$5,227.50
92	208448	RISER SPRINKLER ASSEMBLY (SHRUB BUBBLER)	EA	\$35.00	0.00	\$0.00	92.50	\$3,237.50	92.50	\$3,237.50
93	208588									

101	208690	PVC PIPE CONDUIT (SLEEVE)	LF	\$30.00	0.00	\$0.00	60.00	\$1,800.00	60.00	\$1,800.00
102	210430	HYDROSEED - (SEEDS, SLURRY MIX AND	SF	\$1.00	13317.70	\$13,317.70	61506.41	\$61,506.41	55975.88	\$55,975.88
103	210431A	HYDROSEED - ROADSIDE CLEARING	SF	\$0.40	0.00	\$0.00	65400.00	\$26,160.00	65400.00	\$26,160.00
104	210432A	HYDROSEED - TEMPORARY IRRIGATION	SF	\$0.45	13317.70	\$5,992.97	61506.42	\$27,677.89	55975.88	\$25,189.15
105	250401	CLASS 4 AGGREGATE BASE (SEWER MAINTENANCE	CY	\$265.00	0.00	\$0.00	0.00	\$0.00	110.00	\$29,150.00
106	260203	CLASS 2 AGGREGATE BASE	CY	\$25.00	776.00	\$19,400.00	5422.00	\$135,550.00	4526.00	\$113,150.00
107	260204A	CLASS 2 AGGREGATE BASE (CP TRAIL)	CY	\$235.00	70.00	\$16,450.00	70.00	\$16,450.00	0.00	\$0.00
108	377501	SLURRY SEAL	SF	\$10.00	0.00	\$0.00	0.00	\$0.00	14450.00	\$144,500.00
109	390132	HOT MIX ASPHALT (TYPE A)	TON	\$77.00	1517.00	\$116,809.00	4762.00	\$366,674.00	5781.00	\$445,137.00
110	394073	PLACE HOT MIX ASPHALT DIKE (TYPE A)	LF	\$115.00	0.00	\$0.00	135.00	\$15,525.00	0.00	\$0.00
111	398001	REMOVE ASPHALT CONCRETE PAVEMENT	SF	\$5.50	1000.00	\$5,500.00	13462.00	\$74,041.00	8245.00	\$45,347.50
112	405000A	PERVIOUS CONCRETE PAVEMENT (CP TRAIL)	CY	\$1,000.00	40.00	\$40,000.00	45.00	\$45,000.00	0.00	\$0.00
113	405001A	PERVIOUS CONCRETE PAVEMENT (SEWER MAINTENANCE DW)	CY	\$900.00	0.00	\$0.00	0.00	\$0.00	110.00	\$99,000.00
114	477020	MECHANICALLY STABILIZED EMBANKMENT	SF	\$165.00	3890.00	\$64,815.00	0.00	\$0.00	0.00	\$0.00
115	481000A	TEMPORARY TREESTLE	LS	\$1,750,000.00	1.00	\$1,750,000.00	0.00	\$0.00	0.00	\$0.00
116	490605	36" CAST-IN-DRILLED-PILE HOLE CONCRETE PILING	LF	\$880.00	1283.00	\$744,140.00	0.00	\$0.00	0.00	\$0.00
117	490620	108" CAST-IN-DRILLED-PILE HOLE CONCRETE PILING	LF	\$2,400.00	2390.37	\$5,736,877.92	109.32	\$262,361.04	109.32	\$262,361.04
118	500001	RESTRISSING CAST-IN-PLACE CONCRETE	LS	\$700,000.00	1.00	\$700,000.00	0.00	\$0.00	0.00	\$0.00
119	510000	SEAL, COARSE CONCRETE	CY	\$30.00	95.00	\$2,850.00	0.00	\$0.00	0.00	\$0.00
120	510000A	CONSTRUCT 48" STORM DRAIN MANHOLE	EA	\$19,000.00	3.89	\$73,888.89	2.33	\$44,333.33	0.78	\$14,777.78
121	510001A	CONSTRUCT 72" STORM DRAIN MANHOLE	EA	\$25,000.00	3.00	\$75,000.00	0.00	\$0.00	4.00	\$100,000.00
122	510002A	CONSTRUCT COUNTY STORM DRAIN INLET (TYPE GO)	EA	\$7,500.00	0.00	\$0.00	5.00	\$37,500.00	0.00	\$0.00
123	510003A	CONSTRUCT CITY STORM DRAIN INLET (TYPE B)	EA	\$8,000.00	0.00	\$0.00	0.00	\$0.00	11.00	\$88,000.00
124	510004A	CONSTRUCT CALTRANS STORM DRAIN INLET (TYPE A)	EA	\$6,000.00	3.00	\$18,000.00	0.00	\$0.00	0.00	\$0.00
125	510051	STRUCTURAL CONCRETE, BRIDGE FOOTING	CY	\$750.00	183.99	\$137,994.45	29.00	\$21,752.78	29.00	\$21,752.78
126	510053	STRUCTURAL CONCRETE, BRIDGE	CY	\$1,957.00	7632.08	\$14,935,970.78	308.96	\$604,639.61	308.96	\$604,639.61
127	510054	STRUCTURAL CONCRETE, BRIDGE (POLYMER FIBER)	CY	\$1,400.00	2790.00	\$3,906,000.00	0.00	\$0.00	0.00	\$0.00
128	510060	STRUCTURAL CONCRETE, RETAINING WALL	CY	\$1,600.00	113.00	\$180,800.00	0.00	\$0.00	0.00	\$0.00
129	510072	STRUCTURAL CONCRETE, BARRIER SLAB	CY	\$1,000.00	363.00	\$363,000.00	0.00	\$0.00	0.00	\$0.00
130	510086	STRUCTURAL CONCRETE, APPROACH SLAB (TYPE N)	CY	\$1,300.00	94.01	\$122,207.54	36.00	\$46,796.23	36.00	\$46,796.23
131	510088	STRUCTURAL CONCRETE, APPROACH SLAB (TYPE N MODIFIED)	CY	\$1,500.00	130.00	\$195,000.00	0.00	\$0.00	0.00	\$0.00
132	510100A	STRUCTURAL CONCRETE, CANTICRETE STRUCTURE	CY	\$1,750.00	0.00	\$0.00	100.00	\$175,000.00	100.00	\$175,000.00
133	510101A	STRUCTURAL CONCRETE, RETAINING WALL, CANTICRETE	CY	\$1,800.00	0.00	\$0.00	50.00	\$90,000.00	50.00	\$90,000.00
134	510102A	STRUCTURAL CONCRETE, BRIDGE, WATER LINE	CY	\$2,450.00	0.00	\$0.00	0.00	\$0.00	1.00	\$2,450.00
135	510103A	LOADING DOCK	CY	\$3,700.00	0.00	\$0.00	0.00	\$0.00	4.00	\$14,800.00
136	510150A	BRIDGEHEAD MONUMENT PEDESTAL	EA	\$44,000.00	0.00	\$0.00	1.00	\$44,000.00	1.00	\$44,000.00
137	510502	MINOR CONCRETE (MINOR STRUCTURE)	CY	\$2,225.00	50.00	\$111,250.00	0.00	\$0.00	0.00	\$0.00
138	511035A	ARCHITECTURAL TREATMENT	SF	\$62.00	0.00	\$0.00	232.50	\$14,415.00	232.50	\$14,415.00
139	511055	CONCRETE SURFACE TEXTURE	SF	\$3.00	0.00	\$0.00	2715.00	\$8,145.00	2715.00	\$8,145.00
140	511111	DRILL AND BOND DOWEL (CHEMICAL ADHESIVE)(LF)	LF	\$40.00	0.00	\$0.00	96.00	\$3,840.00	96.00	\$3,840.00
141	511112A	LOADING DOCK	LF	\$300.00	0.00	\$0.00	0.00	\$0.00	2.00	\$600.00
142	512100A	FURNISH PRECAST CONCRETE REPLICA ARCH	LS	\$85,000.00	0.00	\$0.00	0.50	\$42,500.00	0.50	\$42,500.00
143	512400A	ERECT PRECAST REPLICA ARCH	LS	\$50,000.00	0.00	\$0.00	0.50	\$25,000.00	0.50	\$25,000.00
144	518051	PTFE SPHERICAL BEARING	EA	\$15,555.00	9.00	\$139,995.00	0.00	\$0.00	0.00	\$0.00
145	519088	JOINT SEAL (MR 1")	LF	\$635.00	0.00	\$0.00	1.25	\$793.75	1.25	\$793.75
146	519096	JOINT SEAL ASSEMBLY (MR 4.5")	LF	\$2,000.00	158.00	\$316,002.60	25.25	\$50,498.70	25.25	\$50,498.70
147	519108A	JOINT SEAL ASSEMBLY (MR 11")	LF	\$3,700.00	79.00	\$292,300.00	0.00	\$0.00	0.00	\$0.00
148	520000A	WELDED WIRE REINFORCEMENT	SF	\$3.00	0.00	\$0.00	920.00	\$2,760.00	0.00	\$0.00
149	520001A	BAR REINFORCING STEEL (RETAINING WALL),	LB	\$5.00	0.00	\$0.00	0.00	\$0.00	160.00	\$800.00
150	520102	LOADING DOCK	LB	\$1.25	3170573.00	\$3,963,216.25	59713.50	\$74,641.88	59713.50	\$74,641.88
151	520103	BAR REINFORCING STEEL (BRIDGE)	LB	\$1.30	15100.00	\$19,630.00	0.00	\$0.00	0.00	\$0.00
152	520104A	BAR REINFORCING STEEL (RETAINING WALL),	LB	\$1.40	0.00	\$0.00	6315.00	\$8,841.00	6315.00	\$8,841.00
153	520105A	CANTICRETE	LB	\$1.50	0.00	\$0.00	0.00	\$0.00	400.00	\$600.00
154	520115	BAR REINFORCING STEEL (BRIDGE), WATER LINE	LB	\$2.00	24300.00	\$48,600.00	0.00	\$0.00	0.00	\$0.00
155	520200A	BAR REINFORCING STEEL, CANTICRETE STRUCTURE	LB	\$1.50	0.00	\$0.00	14750.00	\$22,125.00	14750.00	\$22,125.00
156	568046	REMOVE SIGN STRUCTURE (EA)	EA	\$8,000.00	0.00	\$0.00	1.00	\$8,000.00	0.00	\$0.00
157	568062	PEDESTRIAN BARRICADE	EA	\$4,000.00	0.00	\$0.00	3.00	\$12,000.00	3.00	\$12,000.00
158	600000A	RELOCATE BRIDGE ELEMENTS (HISTORIC)	LS	\$3,000,000.00	0.00	\$0.00	0.50	\$1,500,000.00	0.50	\$1,500,000.00
159	600017	REMOVE RETAINING WALL (LF)	LF	\$240.00	145.00	\$34,800.00	0.00	\$0.00	0.00	\$0.00
160	600097	BRIDGE REMOVAL	LS	\$5,000,000.00	1.00	\$5,000,000.00	0.00	\$0.00	0.00	\$0.00
161	600100A	RELOCATE ADDITIONAL BRIDGE ELEMENTS	EA	\$60,000.00	0.00	\$0.00	5.00	\$300,000.00	5.00	\$300,000.00
162	650065A	96" REINFORCED CONCRETE PIPE (CLASS IV)	LF	\$1,250.00	140.00	\$1,750,000.00	0.00	\$0.00	0.00	\$0.00
163	650307	12" REINFORCED CONCRETE PIPE (CLASS III)	LF	\$110.00	85.00	\$9,350.00	0.00	\$0.00	495.00	\$54,450.00
164	650311	18" REINFORCED CONCRETE PIPE (CLASS III)	LF	\$130.00	65.47	\$8,510.47	425.02	\$55,252.56	72.52	\$9,425.98
165	650316	24" REINFORCED CONCRETE PIPE (CLASS III)	LF	\$160.00	0.00	\$0.00	93.00	\$14,880.00	0.00	\$0.00
166	650324	36" REINFORCED CONCRETE PIPE (CLASS III)	LF	\$255.00	50.00	\$12,750.00	0.00	\$0.00	0.00	\$0.00
167	650411	18" REINFORCED CONCRETE PIPE (CLASS IV)	LF	\$130.00	30.00	\$3,900.00	0.00	\$0.00	80.00	\$10,400.00
168	650416	24" REINFORCED CONCRETE PIPE (CLASS IV)	LF	\$165.00	450.00	\$74,250.00	0.00	\$0.00	0.00	\$0.00
169	650424	36" REINFORCED CONCRETE PIPE (CLASS IV)	LF	\$260.00	95.00	\$24,700.00	0.00	\$0.00	0.00	\$0.00
170	650538	42" REINFORCED CONCRETE PIPE (CLASS V)	LF	\$185.00	45.00	\$8,325.00	0.00	\$0.00	0.00	\$0.00
171	680902A	6" PERFORATED HDPE PIPE UNDERDRAIN	LF	\$115.00	0.00	\$0.00	0.00	\$0.00	238.00	\$27,370.00
172	700000A	ROCKWELLS	EA	\$7,000.00	0.00	\$0.00	0.00	\$0.00	2.00	\$14,000.00
173	703460	24" WELDED STEEL PIPE CASING (BRIDGE)	LF	\$500.00	0.00	\$0.00	0.00	\$0.00	91.00	\$45,500.00
174	705204	18" CONCRETE FLARED END SECTION	EA	\$4,600.00	0.00	\$0.00	1.00	\$4,600.00	0.00	\$0.00
175	707117	36" PRECAST CONCRETE PIPE INLET	EA	\$10,000.00	1.00	\$10,000.00	1.00	\$10,000.00	0.00	\$0.00
176	710102	ABANDON CULVERT (LF)	LF	\$205.00	353.00	\$72,365.00	0.00	\$0.00	0.00	\$0.00
177	710150	REMOVE INLET	EA	\$1,550.00	2.00	\$3,100.00	4.00	\$6,200.00	6.00	\$9,300.00
178	710156A	REMOVE MANHOLE	EA	\$14,000.00	2.00	\$28,000.00	0.00	\$0.00	4.00	\$56,000.00
179	710162	REMOVE DRAINAGE JUNCTION STRUCTURE	EA	\$21,000.00	1.00	\$21,000.00	0.00	\$0.00	0.00	\$0.00
180	710208	ADJUST FRAME AND COVER TO GRADE	EA	\$1,050.00	7.00	\$7,350.00	0.00	\$0.00	14.00	\$14,700.00
181	710370	SAND BACKFILL	CY	\$405.00	85.00	\$34,425.00	0.00	\$0.00	0.00	\$0.00
182	721810	SLOPE PAVING (CONCRETE)	CY	\$4,100.00	40.00	\$164,000.00	5.00	\$20,500.00	5.00	\$20,500.00
183	723075	ROCK SLOPE PROTECTION (150lb, CLASS III, METHOD B) (TON)	TON	\$265.00	0.00	\$0.00	21.75	\$5,763.75	21.75	\$5,763.75
184	723095	ROCK SLOPE PROTECTION (20 lb, Class I, METHOD B)	CY	\$310.00	34.00	\$10,540.00	0.00	\$0.00	0.00	\$0.00
185	729011	ROCK SLOPE PROTECTION FABRIC (CLASS 8)	SQYD	\$22.00	83.00	\$1,826.00	0.00	\$0.00	0.00	\$0.00
186	730070	DETECTABLE WARNING SURFACE	SF	\$55.00	55.00	\$3,025.00	180.00	\$9,900.00	365.00	\$20,075.00
187	731515A	MINOR CONCRETE (STAMPED CONCRETE)	CY	\$1,050.00	41.00	\$43,050.00	59.00	\$61,950.00	144.00	\$151,200.00
188	732000A	MINOR CONCRETE (MEDIAN THRU DRAINS)	CY	\$1,450.00	4.00	\$5,800.00	0.00	\$0.00	0.00	\$0.00
189	732001A	MINOR CONCRETE (RETAINING AND MEDIAN CURB)	CY	\$1,550.00	63.00	\$97,650.00	21.00	\$32,550.00	75.00	\$116,250.00
190	732002A	MINOR CONCRETE (COUNTY CURB AND GUTTER)	CY	\$1,100.00	0.00	\$0.00	78.00	\$85,800.00	0.00	\$0.00
191	732003A	MINOR CONCRETE (CITY CURB AND GUTTER)	CY	\$1,150.00	16.00	\$18,400.00	0.00	\$0.00	129.00	\$148,350.00
192	733001A	MINOR CONCRETE (BUS BAY)	CY	\$800.00	0.00	\$0.00	44.00	\$35,200.00	0.00	\$0.00
193	733002A	MINOR CONCRETE (SEWER MAINTENANCE DW)	CY	\$900.00	0.00	\$0.00	0.00	\$0.00	60.00	\$54,000.00
194	733003A	MINOR CONCRETE (COUNTY DRIVEWAY)	CY	\$1,300.00	0.00	\$0.00	21.00	\$27,300.00	0.00	\$0.00
195	733004A	MINOR CONCRETE (CITY DRIVEWAY)	SF	\$225.00	3.00	\$675.00	0.00	\$0.00	75.00	\$16,875.00
196	733005A	MINOR CONCRETE (COUNTY SIDEWALK)	CY	\$820.00	0.00	\$0.00	102.00	\$83,640.00	0.00	\$0.00
197	733006A	MINOR CONCRETE (CITY SIDEWALK)	CY	\$900.00	26.00	\$23,400.00	0.00	\$0.00	146.00	\$131,400.00
198	733007A	MINOR CONCRETE (COUNTY VALLEY GUTTER)	CY	\$750.00	0.00	\$0.00	25.00	\$18,750.00	0.00	\$0.00
199	733008A	MINOR CONCRETE (CITY VALLEY GUTTER)	CY	\$700.00	0.00	\$0.00	0.00	\$0.00	11.00	\$7,700.00
200	750000A	FLAGPOLE	EA	\$17,000.00	0.00	\$0.00	1.00	\$17,000.00	1.00	\$17,000.00
201	750001	MISCELLANEOUS IRON AND STEEL	LB	\$6.00	6360.					

208	770011A	SIGNAL AND LIGHTING (CITY)	LS	\$820,000.00	0.15	\$126,854.00	0.00	\$0.00	0.85	\$693,146.00
209	770012A	SIGNAL AND LIGHTING (COUNTY)	LS	\$675,000.00	0.00	\$0.00	1.00	\$675,000.00	0.00	\$0.00
210	770091A	LIGHTING (CITY STREET)	LS	\$2,000,000.00	0.40	\$792,300.00	0.22	\$449,238.79	0.38	\$758,461.21
211	770092A	LIGHTING (COUNTY STREET)	LS	\$170,000.00	0.00	\$0.00	1.00	\$170,000.00	0.00	\$0.00
212	770093A	HISTORIC PLAZA LIGHTING	LS	\$110,000.00	0.00	\$0.00	0.50	\$55,000.00	0.50	\$55,000.00
213	771000A	24" PVC	LF	\$1,600.00	46.00	\$73,600.00	0.00	\$0.00	0.00	\$0.00
214	771001A	36" FRP	LF	\$1,100.00	120.00	\$132,000.00	0.00	\$0.00	0.00	\$0.00
215	772000A	48" FRP	LF	\$2,225.00	171.00	\$380,475.00	0.00	\$0.00	0.00	\$0.00
216	772500A	36" FRP DROP MANHOLE CONNECTION	EA	\$90,000.00	1.00	\$90,000.00	0.00	\$0.00	0.00	\$0.00
217	773000A	CONSTRUCT SANITARY SEWER MANHOLE	EA	\$42,000.00	4.00	\$168,000.00	0.00	\$0.00	0.00	\$0.00
218	774000A	TEMPORARY SANITARY SEWER BYPASS	LS	\$450,000.00	1.00	\$450,000.00	0.00	\$0.00	0.00	\$0.00
219	775000A	12" C-900 DR-14 PVC PIPE	LF	\$175.00	0.00	\$0.00	0.00	\$0.00	1230.00	\$215,250.00
220	775001A	16" C-900 DR-14 PVC PIPE	LF	\$195.00	0.00	\$0.00	0.00	\$0.00	1510.00	\$294,450.00
221	775002A	16" C-151 CLASS 350 DUCTILE IRON PIPE	LF	\$375.00	0.00	\$0.00	0.00	\$0.00	1630.00	\$611,250.00
222	775003A	12" D.I. MJ 45 DEGREE BEND	EA	\$1,650.00	0.00	\$0.00	0.00	\$0.00	4.00	\$6,600.00
223	775004A	12" D.I. MJ 22.5 DEGREE BEND	EA	\$1,450.00	0.00	\$0.00	0.00	\$0.00	5.00	\$7,250.00
224	775005A	10" D.I. MJ TEE	EA	\$3,900.00	0.00	\$0.00	0.00	\$0.00	1.00	\$3,900.00
225	775006A	12" D.I. MJ TEE	EA	\$2,225.00	0.00	\$0.00	0.00	\$0.00	1.00	\$2,225.00
226	775007A	16" D.I. MJ TEE	EA	\$5,100.00	0.00	\$0.00	0.00	\$0.00	1.00	\$5,100.00
227	775008A	16"X12" D.I. MJ TEE REDUCING ON BRANCH	EA	\$3,600.00	0.00	\$0.00	0.00	\$0.00	3.00	\$10,800.00
228	775009A	16" D.I. MJ 45 DEGREE BEND	EA	\$3,100.00	0.00	\$0.00	0.00	\$0.00	24.00	\$74,400.00
229	775010A	16" TO 12" D.I. MJ REDUCER	EA	\$2,400.00	0.00	\$0.00	0.00	\$0.00	1.00	\$2,400.00
230	775011A	16" TO 10" D.I. MJ REDUCER	EA	\$2,400.00	0.00	\$0.00	0.00	\$0.00	1.00	\$2,400.00
231	775012A	10" TO 6" D.I. MJ REDUCER	EA	\$1,100.00	0.00	\$0.00	0.00	\$0.00	1.00	\$1,100.00
232	775013A	16" D.I. MJ 11 25 DEGREE BEND	EA	\$1,700.00	0.00	\$0.00	0.00	\$0.00	2.00	\$3,400.00
233	775014A	16" D.I. MJ 22.5 DEGREE BEND	EA	\$1,650.00	0.00	\$0.00	0.00	\$0.00	2.00	\$3,300.00
234	775015A	18" D.I. TEE	EA	\$19,000.00	0.00	\$0.00	0.00	\$0.00	1.00	\$19,000.00
235	775016A	18" TO 16" D.I. REDUCER	EA	\$4,000.00	0.00	\$0.00	0.00	\$0.00	1.00	\$4,000.00
236	775017A	12" BLIND FLANGE	EA	\$3,000.00	0.00	\$0.00	0.00	\$0.00	4.00	\$12,000.00
237	775018A	18" DI TAPPING SLEEVE	LS	\$19,000.00	0.00	\$0.00	0.00	\$0.00	1.00	\$19,000.00
238	775019A	THRUST BLOCK	EA	\$510.00	0.00	\$0.00	0.00	\$0.00	51.00	\$26,010.00
239	775020A	FIRE HYDRANT ASSEMBLY	EA	\$20,000.00	0.00	\$0.00	0.00	\$0.00	13.00	\$260,000.00
240	775021A	16" D.I. FLEXIBLE BALL JOINT	EA	\$18,000.00	0.00	\$0.00	0.00	\$0.00	4.00	\$72,000.00
241	775022A	16" D.I. FORCE BALANCED FLEXIBLE EXPANSION JOINT (FE X FE)	EA	\$32,000.00	0.00	\$0.00	0.00	\$0.00	2.00	\$64,000.00
242	775023A	16" D.I. FORCE BALANCED LINEAR EXPANSION JOINT (FE X FE)	EA	\$26,000.00	0.00	\$0.00	0.00	\$0.00	1.00	\$26,000.00
243	775024A	16" RESTRAINED COUPLING	EA	\$2,500.00	0.00	\$0.00	0.00	\$0.00	10.00	\$25,000.00
244	775025A	12" RESTRAINED COUPLING	EA	\$910.00	0.00	\$0.00	0.00	\$0.00	1.00	\$910.00
245	775026A	AIR VACUUM RELIEF VALVE	EA	\$5,600.00	0.00	\$0.00	0.00	\$0.00	3.00	\$16,800.00
246	775027A	18" GATE VALVE	EA	\$26,000.00	0.00	\$0.00	0.00	\$0.00	2.00	\$52,000.00
247	775028A	16" GATE VALVE	EA	\$16,000.00	0.00	\$0.00	0.00	\$0.00	10.00	\$160,000.00
248	775029A	12" GATE VALVE	EA	\$7,000.00	0.00	\$0.00	0.00	\$0.00	8.00	\$56,000.00
249	775030A	10" GATE VALVE	EA	\$5,100.00	0.00	\$0.00	0.00	\$0.00	2.00	\$10,200.00
250	775031A	6" GATE VALVE	EA	\$2,600.00	0.00	\$0.00	0.00	\$0.00	1.00	\$2,600.00
251	775032A	BORE AND JACK 24-INCH PIPE	LF	\$1,200.00	0.00	\$0.00	0.00	\$0.00	106.00	\$127,200.00
252	775033A	STEEL CASING SPACERS (WATER LINE)	EA	\$150.00	0.00	\$0.00	0.00	\$0.00	35.00	\$5,250.00
253	775034A	STEEL CASING END SEAL	EA	\$500.00	0.00	\$0.00	0.00	\$0.00	2.00	\$1,000.00
254	776000A	REMOVABLE BOLLARD	EA	\$4,500.00	0.00	\$0.00	5.00	\$22,500.00	3.00	\$13,500.00
255	777000A	STEEL CASING SPACERS (STORM DRAIN)	EA	\$800.00	4.00	\$3,200.00	0.00	\$0.00	0.00	\$0.00
256	777001A	28" STEEL CASING PIPE	LF	\$365.00	23.00	\$8,395.00	0.00	\$0.00	0.00	\$0.00
257	778000A	StamRTA BUS SHELTER	EA	\$22,000.00	4.00	\$88,000.00	0.00	\$0.00	0.00	\$0.00
258	780461A	ANTI-GRAFFITI COATING, CANTICRETE STRUCTURE	SQFT	\$15.00	0.00	\$0.00	2730.00	\$40,950.00	2730.00	\$40,950.00
259	782120	RELOCATE MAILBOX	EA	\$650.00	0.00	\$0.00	1.00	\$650.00	0.00	\$0.00
260	782200	OBLITERATE SURFACING	SY	\$5.50	3540.00	\$19,470.00	6540.00	\$35,970.00	0.00	\$0.00
261	800000A	WROUGHT IRON FENCE	LF	\$320.00	0.00	\$148,800.00	0.00	\$0.00	0.00	\$0.00
262	800003A	WROUGHT IRON GATE (AUTOMATIC)	EA	\$20,000.00	2.00	\$40,000.00	0.00	\$0.00	0.00	\$0.00
263	800400	CHAIN LINK FENCE (TYPE CI-8)	LF	\$175.00	340.00	\$59,500.00	0.00	\$0.00	450.00	\$78,750.00
264	803020	REMOVE FENCE	LF	\$35.00	96.00	\$3,360.00	1259.00	\$44,065.00	390.00	\$13,650.00
265	803060	REMOVE GATE	EA	\$8,000.00	1.00	\$8,000.00	4.00	\$32,000.00	0.00	\$0.00
266	805001A	PLAZA RAILING	LF	\$450.00	0.00	\$0.00	77.50	\$34,875.00	77.50	\$34,875.00
267	805002A	PRECAST CONCRETE PILASTER AT PLAZA RAILING	EA	\$20,000.00	0.00	\$0.00	4.00	\$80,000.00	4.00	\$80,000.00
268	806001A	SPLIT RAIL FENCE	LF	\$400.00	0.00	\$0.00	70.00	\$28,000.00	70.00	\$28,000.00
269	820250	REMOVE ROADSIDE SIGN	EA	\$350.00	23.00	\$8,050.00	9.00	\$3,150.00	22.00	\$7,700.00
270	820590	RELOCATE ROADSIDE SIGN-ONE POST	EA	\$475.00	3.00	\$1,425.00	1.00	\$475.00	2.00	\$950.00
271	820840	ROADSIDE SIGN- ONE POST	EA	\$800.00	1.06	\$851.61	12.77	\$10,219.35	19.16	\$15,329.03
272	820850	ROADSIDE SIGN- TWO POST	EA	\$1,000.00	0.00	\$0.00	0.67	\$666.67	1.33	\$1,333.33
273	820860	INSTALL SIGN (STRAP AND SADDLE BRACKET)	EA	\$350.00	4.00	\$1,400.00	4.00	\$1,400.00	3.00	\$1,050.00
274	832007	MIDWEST GUARDRAIL SYSTEM (WOOD POST)	LF	\$65.00	0.00	\$0.00	0.00	\$0.00	325.00	\$21,125.00
275	833088	TUBULAR HANDRAILING	LF	\$155.00	3371.00	\$522,505.00	0.00	\$0.00	0.00	\$0.00
276	833100A	PEDESTRIAN RAILING	LF	\$455.00	1702.61	\$774,688.69	807.69	\$367,500.65	807.69	\$367,500.65
277	833101A	PEDESTRIAN RAILING, CANTICRETE STRUCTURE	LF	\$800.00	0.00	\$0.00	33.00	\$26,400.00	33.00	\$26,400.00
278	839521	CABLE RAILING	LF	\$145.00	27.00	\$3,915.00	0.00	\$0.00	0.00	\$0.00
279	839522A	CABLE RAILING, OUTFALL STRUCTURE	LF	\$200.00	14.00	\$2,800.00	0.00	\$0.00	0.00	\$0.00
280	839580	END ANCHOR ASSEMBLY (TYPE SF1-M)	EA	\$2,500.00	0.00	\$0.00	0.00	\$0.00	2.00	\$5,000.00
281	839641	CONCRETE BARRIER (TYPE 60MA MODIFIED)	LF	\$135.00	1031.00	\$139,185.00	0.00	\$0.00	0.00	\$0.00
282	839700A	CONCRETE BARRIER (TYPE 85 MODIFIED)	LF	\$310.00	3182.00	\$986,420.00	0.00	\$0.00	0.00	\$0.00
283	839752	REMOVE GUARDRAIL	LF	\$22.00	0.00	\$0.00	0.00	\$0.00	345.00	\$7,590.00
284	839822	CONCRETE BARRIER (TYPE 85B)	LF	\$715.00	190.00	\$1,358,500.00	0.00	\$0.00	0.00	\$0.00
285	840000A	PAVEMENT MARKING (GREEN PAINT)	SF	\$20.00	335.00	\$6,700.00	0.00	\$0.00	675.00	\$13,500.00
286	840505	6" THERMOPLASTIC STRIPE	LF	\$5.00	0.00	\$0.00	0.00	\$0.00	1365.00	\$6,825.00
287	840506	8" THERMOPLASTIC STRIPE	LF	\$6.00	0.00	\$0.00	0.00	\$0.00	235.00	\$1,410.00
288	840515	THERMOPLASTIC PAVEMENT MARKING	SF	\$16.00	607.00	\$9,712.00	1127.00	\$18,032.00	1804.00	\$28,864.00
289	842000A	6" THERMOPLASTIC STRIPE (DETAIL 9)	LF	\$2.00	3393.00	\$6,786.00	1141.00	\$2,282.00	2158.00	\$4,316.00
290	842001A	6" THERMOPLASTIC STRIPE (DETAIL 21)	LF	\$4.00	0.00	\$0.00	50.00	\$200.00	0.00	\$0.00
291	842002A	6" THERMOPLASTIC STRIPE (DETAIL 22)	LF	\$5.00	0.00	\$0.00	1300.00	\$6,500.00	785.00	\$3,925.00
292	842003A	6" THERMOPLASTIC STRIPE (DETAIL 25A)	LF	\$3.00	3605.00	\$10,815.00	500.00	\$1,500.00	1230.00	\$3,690.00
293	842004A	6" THERMOPLASTIC STRIPE (DETAIL 27B)	LF	\$2.00	3900.00	\$7,800.00	2910.00	\$5,820.00	2440.00	\$4,880.00
294	842005A	6" THERMOPLASTIC STRIPE (DETAIL 27C)	LF	\$2.00	0.00	\$0.00	80.00	\$160.00	0.00	\$0.00
295	842006A	6" THERMOPLASTIC STRIPE (DETAIL 39A)	LF	\$2.00	240.00	\$480.00	0.00	\$0.00	0.00	\$0.00
296	842007A	6" THERMOPLASTIC STRIPE (DETAIL 40)	LF	\$5.00	115.00	\$575.00	175.00	\$875.00	220.00	\$1,100.00
297	842008A	8" THERMOPLASTIC STRIPE (DETAIL 38A)	LF	\$5.00	610.00	\$3,050.00	560.00	\$2,800.00	580.00	\$2,900.00
298	846001A	4" THERMOPLASTIC STRIPE	LF	\$5.00	0.00	\$0.00	0.00	\$0.00	260.00	\$1,300.00
299	994660A	REMOVE BUILDING	EA	\$55,000.00	0.00	\$0.00	1.00	\$55,000.00	0.00	\$0.00
300	995200	IRRIGATION WATER METER SERVICE CHARGES RELOCATION	LS	\$12,000.00	0.00	\$0.00	0.50	\$6,000.00	0.50	\$6,000.00

		<b>HBP Participating</b>	<b>Non-HBP, County</b>	<b>Non-HBP, City</b>
SUBTOTAL		\$54,545,809	\$9,573,950	\$13,104,134
MOBILIZATION (@ 10%)		\$5,650,667	\$991,812	\$1,357,521
SUBTOTAL ITEMS		\$60,196,475	\$10,565,763	\$14,461,655
CONTINGENCIES (@ 10%)		\$6,019,647.54	\$1,056,576.26	\$1,446,165.55
RAILROAD WORK (FLAGGING, HBP PARTIC)		\$590,000	\$0	\$0
RAILROAD WORK (FLAGGING, NON-HBP PA		\$0	\$0	\$110,000
FEDERAL TRAINEE PROGRAM		\$25,600	\$0	\$0
PAYMENT ADJUSTMENTS FOR PRICE INDE.		\$124,000	\$0	\$0
StamRTA TEMPORARY TRANSIT SERVICE		\$1,340,000	\$0	\$0
ANNUAL CONSTRUCTION GENERAL PERMI		\$7,500	\$0	\$0
DISPUTE RESOLUTION BOARD ON-SITE ME		\$60,000	\$0	\$0
HOURLY OFF-SITE DISPUTE-RESOLUTION-I		\$40,000	\$0	\$0
TOTAL		\$68,603,223	\$11,622,339	\$16,017,821

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-68**

**RESOLUTION AMENDING THE FISCAL YEAR 2025-26 CAPITAL  
IMPROVEMENT FUND BUDGETS IN THE AMOUNT OF \$16,300,000 TO  
FUND THE 7<sup>TH</sup> STREET BRIDGE CONSTRUCTION PROJECT AND  
AUTHORIZING THE CITY MANAGER, TO TAKE THE NECESSARY STEPS  
TO IMPLEMENT THE PROVISIONS OF THIS RESOLUTION**

WHEREAS, the Stanislaus County Department of Public Works (County), in cooperation with the City of Modesto (City), the California Department of Transportation (Caltrans), and the Federal Highway Administration (FHWA) have undertaken a project to replace the historic 7th Street Bridge over the Tuolumne River; and

WHEREAS, the bridge replacement project will correct structural and hydraulic deficiencies, increase the capacity of the 7th Street corridor, and improve safety for vehicles, bicycles, and pedestrians; and

WHEREAS, the Project is partially funded with Federal Highway Bridge Program (HBP) funds and will include replacement of the existing bridge, safety improvements for motorists, pedestrians, and bicyclists, curb ramps, raised center median/refuge, street lighting, and incidental roadway resurfacing; and

WHEREAS, the construction of the project will require funding from the City's Streets Capital Facilities Fees (CFF), Local Measure L Funds, and Water Utilities Fund; and

WHEREAS, to fully fund the construction of the project a budget adjustment is needed increase the project expenditures, establish transfer in and outs, and recognize revenue to Project 100933 – 7<sup>th</sup> Street Bridge Water Main and Project 101722 - 7th St Bridge CON Only; and

WHEREAS, a financial analysis has been completed, and it has been determined that a budget adjustment is required in the amount of \$16,300,000 to the Capital Improvement Budgets of the City of Modesto for Fiscal Year 2025-26.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves amending the Fiscal Year 2025-26 Capital Improvement budgets in the amount of \$16,300,000 to fund the 7<sup>th</sup> Street Bridge Construction Project.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARÉS PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-69**

**RESOLUTION ACCEPTING THE RESULTS OF THE “FINAL REPORT – CITY OF MODESTO, PROJECT COMPLIANCE AUDIT” FOR STATE ROUTE 132 WEST FREEWAY/EXPRESSWAY – PHASE 1 PROJECT AND CROWS LANDING ROAD PAVEMENT REHABILITATION PROJECT FROM THE INDEPENDENT OFFICE OF AUDITS AND INVESTIGATIONS (IOAI)**

WHEREAS, the State Route (SR) 132 is an east-west highway that extends from I-580 in the Central Valley, south of the City of Tracy, to SR49 in the foothills of the Sierra Mountains, terminating in the town of Coulterville; and

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

WHEREAS, the total project costs are approximately \$140 million and was funded by sixteen (16) state, federal and local sources; and

WHEREAS, the Crows Landing Road Pavement Rehabilitation project rehabilitated deteriorated pavement with an asphalt rubber chip seal and asphalt overlay on Crows Landing Road from Pecos Avenue to Hatch Road; and

WHEREAS, the project also included the construction of new concrete center median, American with Disability Act (ADA) improvements, sidewalk installation, and Class II bicycle lanes. The total construction costs were \$2.8 million in federal transportation funds; and

WHEREAS, on December 2024, the City was contacted by the Independent Office of Audits and Investigations (IOAI) that an audit would be

conducted on the SR 132 West Freeway/Expressway – Phase 1 Project and Crows Landing Road Pavement Rehabilitation Project. The stated audit objectives were:

1. To determine if project costs claimed by the City and reimbursed by Caltrans were allowable and adequately supported in accordance with Caltrans' agreement provisions, federal regulations, and state requirements.
2. To determine if project deliverables were consistent with the project scope and schedule.
3. To determine if project benefits were achieved and reported in accordance with applicable requirements; and

WHEREAS, on December 18, 2025, the IOAI provided the “Final Report – City of Modesto, Project Compliance Audit”. The report stated “we obtained reasonable assurance that the costs the City incurred were allowable and adequately supported in accordance with Caltrans' agreement provisions, federal regulations, and state requirements. We also determine that the projects' deliverables were consistent with each projects' scope as described in the executed agreements.” Therefore, the audit was completed with no findings.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby accepts the results of the “Final Report – City of Modesto, Project Compliance Audit” for State Route 132 West Freeway/Expressway – Phase 1 Project and Crows Landing Road Pavement Rehabilitation Project from the Independent Office of Audits and Investigations (IOAI).

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-70**

**RESOLUTION APPROVING THE MEMORANDUM OF UNDERSTANDING  
WITH YOSEMITE RIVERS ALLIANCE, FORMERLY KNOWN AS TUOLUMNE  
RIVER TRUST, FOR HABITAT RESTORATION AT THE CARPENTER ROAD  
PARCEL OF TUOLUMNE RIVER REGIONAL PARK AND AUTHORIZING THE  
CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, The Tuolumne River Regional Park (TRRP) consists of 500-  
acres of riparian land within the City of Modesto and Stanislaus County; and

WHEREAS, with this amount of area to enhance, the City regularly  
collaborates with community groups to add amenities in TRRP; and

WHEREAS, the Yosemite Rivers Alliance (YRA) is a nonprofit  
organization with a mission of restoring the Tuolumne River and its surrounding  
landscapes and the City frequently collaborates with them to improve habitat for  
fish and wildlife, improve the aesthetic of the area, and improve the recreation  
value of the Tuolumne River; and

WHEREAS, in 2020, YRA was awarded a grant through the California  
Department of Water Resources, San Joaquin River Fish Population  
Enhancement Program (SJFPEP) in the amount of \$2,137,837 to plan, design,  
and construct floodplain terraces to enhance riverine habitat, add refuge for  
aquatic fauna, and plant native riparian vegetation within the TRRP Carpenter  
Road Parcel to improve rearing habitat for juvenile fall-run Chinook Salmon and  
Central Valley steelhead; and

WHEREAS, YRA desires to collaborate with the City to utilize the grant  
funds for the benefit of the TRRP; and

WHEREAS, the YRA obtained funding for environmental and construction

documentation for habitat restoration; and are currently working with consultants to complete both documents by the end of winter 2026; and

WHEREAS, the YRA and the City wish to improve the natural riparian habitat, the aesthetics of the area and the recreational value of the river.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Memorandum of Understanding with Yosemite Rivers Alliance, formerly known as Tuolumne River Trust, for habitat restoration at the Carpenter Road Parcel of Tuolumne River Regional Park.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Alvarez, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-71**

**RESOLUTION APPROVING THE AWARD OF PROPOSAL AND AGREEMENTS FOR ON-CALL HAZARDOUS WASTE AND BIOHAZARDOUS WASTE REMEDIATION SERVICES TO GRAYMAR ENVIRONMENTAL SERVICES, LLC MOSES LAKE, WA AND CLEAN HARBOR ENVIRONMENTAL SERVICES, INC. NORWELL, MA, FOR TWO (2) YEAR AGREEMENT WITH THREE (3) ONE-YEAR EXTENTION OPTIONS, FOR AN ESTIMATED ANNUAL COMBINED AMOUNT OF \$276,084 AND A TOTAL COMBINED AMOUNT NOT TO EXCEED \$1,380,422 OVER FIVE (5) YEARS; AND AUTHORIZING THE DIRECTOR OF FINANCE TO ADJUST AGREEMENT TOTALS BETWEEN VENDORS BASED ON CONTRACTOR'S AVAILABILITY AND DEPARTMENT'S NEEDS, ENSURING THE COMBINED TOTAL AMOUNT DOES NOT CHANGE AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AGREEMENTS**

WHEREAS, a hazardous waste and biohazardous waste contractor is needed to clean up and dispose of hazardous and biohazardous waste spills in the public right-of-way as a result of automobile accidents, chemical release, abandoned hazardous material, or other events that are too large or too hazardous for the City to properly mitigate, and

WHEREAS, on August 6, 2014, by Resolution No. 2014-297, City Council approved the award of proposal for Hazardous Waste Spill Clean Up Services for the Wastewater Division for a two-year agreement to Advanced Chemical Transport of Merced, California with three (3) one-year extension options for an estimated annual cost of \$15,000 and a total combined cost not to exceed \$75,000 over five years, and

WHEREAS, on June 19, 2023, the City Manager authorized the Purchasing Manager to solicit the procurement for On-Call Hazardous and Biohazardous Waste Remediation, and

WHEREAS, on September 10, 2024, the Purchasing Division issued Request for Proposal (RFP) 2324-21 for On-Call Hazardous and Biohazardous Waste Remediation on the City's PlanetBids public bidding website under various commodity codes, and

WHEREAS, on October 8, 2024, bids were formally opened in the City Clerk's office and two (2) chose to respond, there were no local bids received, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases which meet or exceed \$100,000 for material, equipment, or contractual services to follow the formal bid procedures. An Award of Proposal and Agreements for On-Call Hazardous Waste and Biohazardous Waste Remediation services to GrayMar Environmental Services, LLC Moses Lake, WA, and Clean Harbor Environmental Services, Inc., Norwell, MA conforms to Modesto Municipal Code because the City complied with the formal bid procedures and GrayMar Environmental Services, LLC Moses Lake, WA and Clean Harbor Environmental Services, Inc., Norwell, MA were the highest ranked proposals based on the evaluation criteria.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement for On-Call Hazardous Waste and Biohazardous Waste Remediation services to GrayMar Environmental Services, LLC Moses Lake, WA, and Clean Harbor Environmental Services, Inc., Norwell, MA, for two (2) year agreement with three (3) one-year extension

options, for an estimated annual combined amount of \$276,084 and a total combined amount not to exceed \$1,380,422 over five (5) years.

BE IT FURTHER RESOLVED authorizing the Director of Finance to adjust agreement totals between vendors based on contractor's availability and department's needs, ensuring the combined total amount does not change.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-72**

**RESOLUTION APPROVING AN AGREEMENT WITH INTER-CON SECURITY, PASADENA, CA BY UTILIZING THE COMPETITIVE BID PROCESS WITH STANISLAUS COUNTY GENERAL SERVICES, FOR CITY-WIDE SECURITY SERVICES FOR A THREE (3) YEAR AGREEMENT WITH FOUR (4) ONE-YEAR EXTENSION OPTIONS, FOR AN ESTIMATED ANNUAL AMOUNT OF \$1,016,000, AND A TOTAL AMOUNT NOT TO EXCEED \$7,112,000 OVER SEVEN (7) YEARS; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, security guard services are required at various City locations to monitor and secure City property and support events located at our City facilities; and

WHEREAS, on July 29, 2025, the City Manager authorized the Purchasing Manager to solicit the procurement for City-wide Security Services; and

WHEREAS, on July 25, 2025, Stanislaus County GSA Purchasing Division issued RFP #25-30-YT under Master Agreement for Countywide Security Guard Services on the County of Stanislaus PlanetBids website; and

WHEREAS, on August 28, 2025, proposals were opened at Stanislaus County GSA Purchasing Division 1010 10th Street, Suite 5400 Modesto, CA 95354; and

WHEREAS, twenty-one (21) proposals were received and based on the Evaluation of the Proposals and the criteria outlined in the RFP, one (1) contract was awarded for this commodity which includes the Countywide Security Guard Services; and

WHEREAS, based on the responsive and responsible proposer offering the Evaluation, Qualification, Presentation, and Pricing City staff recommends to award to Inter-Con Security Systems, Inc., Pasadena, CA to provide Citywide Security Guard Services for a three (3) year agreement with (4) four one-year extension options, for a total estimated annual amount of \$1,016,000, and \$7,112,000 over seven (7) years; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 for material, equipment or contractual services to be formally bid; and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality." In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City would be served; and

WHEREAS, by utilizing the Stanislaus County General Services bidding process, the City is complying with the requirements defined under this code for City-wide Security Services.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Inter-Con Security, Pasadena, CA by utilizing the Competitive Bid Process with Stanislaus County

General Services, for City-wide Security Services for a three (3) year Agreement with four (4) one-year extension options, for an estimated annual amount of \$1,016,000, and a total amount not to exceed \$7,112,000 over seven (7) years.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

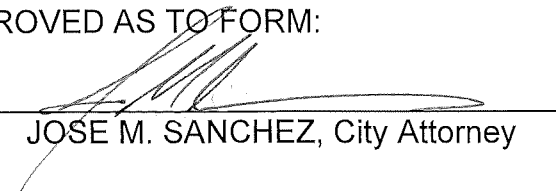
ATTEST:

  
\_\_\_\_\_  
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

  
\_\_\_\_\_  
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-73**

**RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL THROUGH STATE OF MINNESOTA TO RUSH TRUCK CENTERS, CERES, CA FOR THE PURCHASE OF TEN (10) FORD MAVERICKS FOR AN AMOUNT NOT TO EXCEED \$378,724; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE**

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs due to the operational needs for the city including the addition of new vehicles due to the operational needs for the City; and

WHEREAS, the City Manager authorized the Purchasing Manager to solicit the procurement for ten (10) 2026 Ford Maverick Trucks; and

WHEREAS, on February 8, 2024, Sourcewell solicited a bid for the State of Minnesota and service cooperative issued Request for Proposal #032824 for Class 4-8 Chassis and Cabs with Related Equipment, Accessories, and Services on the Sourcewell Procurement Portal and New York State Contract Reporter website, DJC Oregon and McClatchy; and

WHEREAS, on March 28, 2024, proposals were opened at the Sourcewell Procurement Portal, 35 proposals were received, and the proposals were based on the Sourcewell intent to award to one or more contract to highest scored

proposers offering the best overall quality, selection of equipment, products, and services and price; and

WHEREAS, seventeen (17) contracts were awarded for this commodity which includes Rush Truck Center of Texas as the Dealer but procured through various Rush Truck Centers throughout USA; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality." In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City is complying with the requirements defined under this code for the ten (10) 2026 Ford Maverick trucks; and

WHEREAS, based on the ranking of the proposals offering the Class 4-8 Chassis and Cabs with Related Equipment, Accessories, and Services, City staff recommend awarding to Rush Truck Centers, Ceres, CA to purchase ten (10) 2026 Ford Maverick Trucks for the amount of \$329,325.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from

Sourcewell through State of Minnesota to Rush Truck Centers, Ceres, CA for the purchase of ten (10) Ford Mavericks for an amount not to exceed \$378,724.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:

  
\_\_\_\_\_  
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

  
\_\_\_\_\_  
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-74**

**RESOLUTION APPROVING THE COMPETITIVE BIDDING PROCESS FROM SOURCEWELL THROUGH STATE OF MINNESOTA TO RUSH TRUCK CENTERS, CERES, CA FOR THE PURCHASE OF TWO (2) FORD E-350 VANS FOR AN AMOUNT NOT TO EXCEED \$180,467; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE, TO ISSUE THE PURCHASE ORDER; AND AUTHORIZING THE DIRECTOR OF FINANCE OR HER DESIGNEE TO EXECUTE ANY CHANGE ORDERS NOT TO EXCEED 15% OF THE TOTAL PURCHASE PRICE**

WHEREAS, the Public Works Fleet Division provides the maintenance for all City vehicles and equipment; and

WHEREAS, every year, City vehicles and equipment are individually evaluated based on their age, condition, mileage and maintenance costs due to the operational needs for the City; and

WHEREAS, the City Manager authorized the Purchasing Manager to solicit the procurement for two (2) Ford E-350 Vans; and

WHEREAS, on February 8, 2024, Sourcewell solicited a bid for the State of Minnesota and service cooperative issued Request for Proposal #032824 for Class 4-8 Chassis and Cabs with Related Equipment, Accessories, and Services on the Sourcewell Procurement Portal and New York State Contract Reporter website, DJC Oregon and McClatchy; and

WHEREAS, on March 28, 2024, proposals were opened at the Sourcewell Procurement Portal, 35 proposals were received, and the proposals were based on the Sourcewell intent to award to one or more contract to highest scored proposers offering the best overall quality, selection of equipment, products, and services and price; and

WHEREAS, seventeen (17) contracts were awarded for this commodity which includes Rush Truck Center of Texas as the Dealer but procured through various Rush Truck Centers throughout USA; and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases that meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid; and

WHEREAS, exceptions to the formal bidding process are granted in MMC 8-3.204(d) "Where the Purchasing Manager, in her discretion, determines that a process other than the formal bid procedure set for in Section 8-3.203 will result in a procurement for the City at the lowest possible cost commensurate with the desired quality." In addition, MMC 8-3.202(h) encourages the Purchasing Manager to join with the State of California or other units of government in cooperative purchasing plans when the best cost savings interest of the City is complying with the requirements defined under this code for the two (2) Ford E-350 Vans; and

WHEREAS, based on the ranking of the proposals offering the Class 4-8 Chassis and Cabs with Related Equipment, Accessories, and Services, City staff recommend awarding to Rush Truck Centers, Ceres, CA to purchase two (2) Ford E-350 Vans for the amount of \$156,928.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the Competitive Bidding Process from Sourcewell through State of Minnesota to Rush Truck Centers, Ceres, CA for the purchase of two (2) Ford E-350 Vans for an amount not to exceed \$180,467.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to issue the Purchase Order.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee, is hereby authorized to execute any change orders not to exceed 15% of the total purchase price.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None


ATTEST:

  
\_\_\_\_\_  
DIANE NAYARES-PEREZ CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:

  
\_\_\_\_\_  
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-75**

**RESOLUTION APPROVING A THIRD AMENDMENT WITH BLUETRITON BRANDS INC. DBA PRIMO BRANDS MANTECA, CA FOR BOTTLED WATER DELIVERY SERVICES FOR CITYWIDE LOCATIONS INCREASING THE AGREEMENT AMOUNT BY \$100,000 FOR THE TOTAL REVISED AMOUNT OF \$795,000 FOR THE TERM OF THE AGREEMENT; AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO EXECUTE THE AMENDMENT**

WHEREAS, bottled water is utilized by all departments for City projects where clean, cool water is not readily accessible for consumption, and

WHEREAS, per the California Division of Occupational Safety and Health, better known as Cal/OSHA, Title 8, Section CCR 3395, employees shall have access to potable drinking water that is required to be fresh, pure, suitably cool, and provided free of charge, and

WHEREAS, on March 5, 2024, by Resolution No. 2024-85, City Council approved an Agreement for Bottled Water Delivery Services with Blue Triton Brands DBA ReadyRefresh Livermore, CA, and DS Services of America Inc. DBA Primo Water North America, Manteca, CA for a two (2) year Agreement with three (3) one-year extension options, for a first year estimated amount not to exceed \$200,000 and an annual estimated amount of \$100,000 thereafter, for a total amount not to exceed \$600,000 over five (5) years, and

WHEREAS, on April 30, 2024, the City Manager approved a First Amendment to add 1-gallon bottled water, racks and set pricing to ensure the agreements aligned between both vendors, and

WHEREAS, on October 8, 2024, by Resolution 2024-369, City Council approved a Second Amendment to increase the Agreement amount by \$35,000

for the first year estimated amount for a new revised first year estimated amount of \$235,000, increasing the Agreement amount by \$15,000 for the annual estimated amounts for a revised annual estimated amount of \$115,000, and increasing the Agreement amount by \$95,000 for the total combined revised total amount of \$695,000 for the term of the agreement, and

WHEREAS, on July 21, 2025, the City of Modesto was made aware that DS Services of North America DBA Primo Water North America merged with BlueTriton Brands Inc. on November 8, 2024 to become Primo Brands. ReadyRefresh now operates under BlueTriton Brands Inc. DBA Primo Brands, and

WHEREAS, with the bottled water needs for the field staff, City staff continue to see a significant increase in bottled water usage compared to the annual estimates due to the heat wave, steady warm weather and increase in staffing levels in 2025, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to be formally bid. However, exceptions to the formal bidding process are granted in MMC 8-3.204(f) "Where the Purchasing Manager, in their discretion, determines that it is appropriate to amend the services or goods provided under an existing agreement to include additional similar goods or services, of limited quantity or scope, in order to increase efficiency and avoid delays or disruptions to City projects or services; and

WHEREAS, this Amendment is essential to ensuring the City continues to provide these services to field staff based on the increase in quantity needs from staff's original estimates.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves a Third Amendment with BlueTriton Brands Inc. DBA Primo Brands Manteca, CA for Bottled Water Delivery Services for Citywide locations increasing the Agreement amount by \$100,000 for the total revised total amount of \$795,000 for the term of the agreement.

BE IT FURTHER RESOLVED that the City Manager, or his designee, is hereby authorized to execute the Amendment in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-76**

**RESOLUTION APPROVING THE FIRST AMENDMENT TO THE LEASE AGREEMENT WITH BEARD LAND IMPROVEMENT COMPANY OF MODESTO, CA FOR THE LEASE OF THE MODESTO FIRE DEPARTMENT ADMINISTRATION BUILDING LOCATED AT 409 12TH STREET, MODESTO, CA, EXTENDING THE TERM OF THE AGREEMENT TO MARCH 31, 2033, INCREASING THE AGREEMENT AMOUNT BY \$490,716 TO A NEW ESTIMATED TOTAL AMOUNT NOT TO EXCEED \$1,196,790 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AMENDMENT**

WHEREAS, on March 5, 2019, by Resolution 2019-110, Council approved a seven-year agreement for an amount not to exceed \$102,960 annually and a total amount not to exceed \$706,074 over the seven-year term that ends on March 31, 2026. At the time, this seven-year total was based on a monthly cost of \$7,401, increasing to monthly cost of \$8,580 over the seven-year term; and

WHEREAS, in January 2019, the Fire Chief and City Manager decided to move the firefighters out of Fire Station 1 due to the continued degradation of the building and numerous roof leaks. To provide a safe working environment for the firefighters and still maintain an effective emergency response to the downtown area, the decision was made to vacate the Administration Building adjacent to Fire Station 1 and move the firefighters into that building as living quarters. This left the Administration staff without a permanent space to work and temporarily staffed two (2) additional locations; and

WHEREAS, Fire Department staff worked with the City's real estate division to find a long-term lease for adequate office space to accommodate all administrative staff in the downtown area. Ongoing issues at Fire Station 1 and the relocation of the firefighters into the Administration Building expedited the

need for securing a long-term office building. The property located at 409 12th Street accommodated the needs of the organization, as well as provided fiscal efficiency, by securing higher quality space that can accommodate all necessary staff in a single location for a nominal increase in cost over the original 3-year term of the proposed lease; and

WHEREAS, to provide continuity of Administration operations, the Modesto Fire Department (MFD) requires an amendment to the current lease agreement with Beard Land Improvement Company to extend the lease of the MFD Administration building located at 409 12th Street, Modesto, Ca. This amendment will also include the increase in funding needed to accommodate the three (3) year lease extension; and

WHEREAS, Modesto Municipal Code Section 8-5.202 authorizes the City to acquire, construct, enlarge, remodel, renovate, alter, improve, furnish, equip and lease as lessee, with the proceeds of bonds, a facility solely for the purpose of selling or leasing as lessor such facility to such participating party, and is further authorized to make any contracts for such purposes. The City is also authorized to contract with such participating party to undertake on behalf of the City to construct, enlarge, remodel, renovate, alter, improve, furnish, and equip such a facility. Therefore, this First Amendment to the lease agreement for 409 12th Street shall be authorized to extend the term of agreement through March 31, 2029; and

WHEREAS, this increase in funds will cover the monthly rent for this 8,820 square foot office site that the Fire Administration staff currently occupies. The

monthly base rent will start at \$13,230 and increase by 3% each year of the lease agreement for a total amount not to exceed \$1,196,790 over the three-year term. This includes the current term (\$706,074) plus the additional extended three-year term (\$490,716); and

WHEREAS, while the current increase reflects a move toward market value, it remains below prevailing rates. Year one of the amendment equates to approximately \$18 per square foot. Based on a review of current market data, average asking rent for office space in Modesto generally ranges from \$22 to \$26 per square foot per year, with rates varying based on building quality, location, and amenities. When compared to these market averages, the proposed lease rate for the Fire Administration Building is below the average office rental rates currently observed in Modesto.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the First Amendment to the Lease Agreement with Beard Land Improvement Company of Modesto, Ca and the City of Modesto for the Lease of the Modesto Fire Department Administration Building located at 409 12th Street, Modesto, Ca, extending the term of the agreement to March 31, 2033, increasing the Agreement amount by \$490,716 to a new estimated total amount not to exceed \$1,196,790.

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute all documents and agreements, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-77**

**RESOLUTION APPROVING AN AGREEMENT WITH THE SOFTWARE HOUSE INTERNATIONAL (SHI) INTERNATIONAL CORPORATION OF SOMERSET, NEW JERSEY BY UTILIZING THE COMPETITIVE BID PROCESS WITH RIVERSIDE COUNTY, FOR A TOTAL AMOUNT NOT TO EXCEED \$3,409,621 OVER THREE (3) YEARS AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the City of Modesto has standardized on Microsoft products to conduct city business, and

WHEREAS, Microsoft licenses are required for users and devices that access Microsoft systems and resources, and

WHEREAS, the Microsoft Enterprise Agreement is a compressive volume licensing program that offers substantial cost savings over standard license pricing, and

WHEREAS, on April 11th, 2023, by resolution 2023-171, the Council approved a three-year Microsoft Enterprise Agreement with the California Department of Technology and Crayon Software Experts, LLC through the County of Riverside cooperative agreement, and

WHEREAS, the current Microsoft Enterprise Agreement expires March 31st 2026 and requires renewal, and

WHEREAS, the County of Riverside completed formal Request for Quotations for Microsoft Enterprise Agreement licensing, and

WHEREAS, the County of Riverside Cooperative Agreement is intended to be available and leveraged by government agencies throughout the State of California as a cooperative agreement, and

WHEREAS, Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment or contractual services to be formally bid, and

WHEREAS, MMC 8-3.202(h) states that “With the approval of Council, join with the State of California and other units of government in cooperative purchasing plans when the best interest of the City would be served thereby”, and

WHEREAS, this purchase conforms to the Modesto Municipal Codes.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an agreement with the Software House International (SHI) Corporation of Somerset, New Jersey, by utilizing the Competitive Bid Process with the Riverside County, for a total amount not to exceed \$3,409,621, over three (3) years.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the Agreement, in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-78**

**RESOLUTION APPROVING THE PURCHASE OF A FACTORY-NEW LYCOMING TIO-540-AH1A ENGINE WITH GIPPSAERO PTY LTD, VICTORIA, AUSTRALIA FOR THE MODESTO POLICE DEPARTMENT'S GA8 TC-320 AIRVAN, SKY-1, FOR A TOTAL AMOUNT NOT TO EXCEED \$254,000; AND AUTHORIZING THE DIRECTOR OF FINANCE, OR HER DESIGNEE TO ISSUE THE PURCHASE ORDER**

WHEREAS, on February 28, 2023, by Resolution No. 2023-87, City Council approved the purchase of a Gipps Aero GA8 aircraft for use by the Modesto Police Department (MPD) for a total not to exceed \$741,578. The aircraft, now designated as Sky-1, was delivered to MPD on March 31, 2023; and

WHEREAS, Sky-1 is a mission-critical public safety aircraft that provides aerial support for patrol operations, criminal investigations, regional mutual aid, missing-person searches, disaster response, and high-risk incident management; and

WHEREAS, Sky-1 is one of the most heavily utilized law-enforcement aircraft in the region, averaging more than 900 flight hours annually; and

WHEREAS, the GA8 Airvan is certified for operation with only one FAA-approved engine model; the Lycoming TIO-540-AH1A. The Federal Aviation Administration recommends a Time Between Overhaul (TBO) interval of 2,100 flight hours; and

WHEREAS, since acquiring Sky-1 in April 2023, Air support Unit personnel and maintenance crews have maintained the aircraft to exceptionally high standards. The aircraft has now exceeded 2,019 flight hours and is approaching the recommended TBO threshold; and

WHEREAS, the purchase of a factory-new Lycoming TIO-540-AH1A engine provides the highest possible safety margin for flight crews and the community; and

WHEREAS, ensuring that Sky-1 is equipped with a factory-new, type-certified engine is a necessary investment in the City's emergency response infrastructure and a critical step in protecting the safety of Modesto residents, visitors, and first responders; and

WHEREAS, on January 21<sup>st</sup>, 2026, the City Manager authorized the Purchasing Manager to solicit the procurement for a factory-new Lycoming TIO-540-AH1A engine. Modesto Municipal Code Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to follow formal bid procedures. However, MMC8-3.204(b) provides that a purchase may be exempted from the City's formal bidding requirement where the Purchasing Agency's requirements can be met solely by a single article or process; and

WHEREAS, here, GippsAero is the only authorized and qualified source for the Sky-1 engine procurement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the purchase of a factory-new Lycoming TIO-540-AH1A engine with GippsAero Pty Ltd, Victoria, Australia for the Modesto Police Department's GA8 TC-320 Airvan, Sky-1, for a total amount not to exceed \$254,000.

BE IT FURTHER RESOLVED, that the Director of Finance, or her designee is authorized to issue the Purchase Order.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

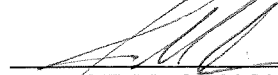
NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-79**

**RESOLUTION APPROVING AN AGREEMENT WITH CAROLLO ENGINEERS,  
OF WALNUT CREEK, CA, FOR THE WASTEWATER ENGINEER'S REPORT  
UPDATE IN THE AMOUNT OF \$136,668, PLUS \$13,667 IN ADDITIONAL  
SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL AMOUNT NOT TO  
EXCEED \$150,335 AND AUTHORIZING THE CITY MANAGER, OR HIS  
DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the current wastewater rate and fee structure will not adequately fund the enterprise's activities; and

WHEREAS, staff is recommending the use of a financial advisory and utility rate consulting firm to complete a rate and fee study to fund current and future expenses insuring a consistent and reliable level of service is provided to our customers; and

WHEREAS, the Wastewater Engineer's Report Update will evaluate the costs of sustaining the enterprise, along with analyzing and reprioritizing schedules of all required wastewater system improvement projects to meet both present and future growth demands and projected regulatory and permitting requirements; and

WHEREAS, the results of the Wastewater Engineer's Report Update will be incorporated into the Wastewater Rate and Fee Study; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to follow formal bid procedures, and

WHEREAS, exceptions to the formal bidding process are granted in MMC Section 8-3.204(d) "Where the Purchasing Manager, in his or her discretion,

determines that a process other than the formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality”; and

WHEREAS, retaining Carollo Engineers ensures continuity, reduces costs and delays and maintains a consistent level of professional service based on their experience and project related expertise; and

WHEREAS, staff is recommending that the Agreement with Carollo Engineers should be exempt from the formal bidding procedures in accordance with MMC 8-3.204(d).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Carollo Engineers, for the Wastewater Engineer’s Report Update in the amount of \$136,668, plus \$13,667 in Additional Services, if needed, for an Agreement total amount not to exceed \$150,335.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-80**

**RESOLUTION APPROVING AN AGREEMENT WITH BARTLE WELLS ASSOCIATES, OF BERKELEY, CA, FOR THE WASTEWATER RATE AND FEE STUDY IN THE AMOUNT OF \$188,600, PLUS \$18,860 IN ADDITIONAL SERVICES, IF NEEDED, FOR AN AGREEMENT TOTAL AMOUNT NOT TO EXCEED \$207,460 AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO EXECUTE THE AGREEMENT**

WHEREAS, the current wastewater rate and fee structure will not adequately fund the enterprise's activities; and

WHEREAS, staff is recommending the use of a financial advisory and utility rate consulting firm to complete a rate and fee study to fund current and future expenses insuring a consistent and reliable level of service is provided to our customers; and

WHEREAS, Modesto Municipal Code (MMC) Section 8-3.203 generally requires all purchases, which meet or exceed \$100,000 for material, equipment, or contractual services to follow formal bid procedures, and

WHEREAS, exceptions to the formal bidding process are granted in MMC Section 8-3.204(d) "Where the Purchasing Manager, in his or her discretion, determines that a process other than the formal bid procedure set forth in MMC Section 8-3.203 will result in procurement for the City at the lowest possible cost commensurate with the desired quality"; and

WHEREAS, retaining Bartle Wells Associates ensures continuity, reduces costs and delays and maintains a consistent level of professional service based on their experience and project related expertise; and

WHEREAS, staff is recommending that the Agreement with Bartle Wells Associates should be exempt from the formal bidding procedures in accordance with MMC 8-3.204(d).

NOW, THEREFORE BE IT RESOLVED by the Council of the City of Modesto that it hereby approves an Agreement with Bartle Wells Associates, for the Wastewater Rate and Fee Study in the amount of \$188,600, plus \$18,860 in Additional Services, if needed, for an Agreement total amount not to exceed \$207,460.

BE IT FURTHER RESOLVED, that the City Manager, or his designee, is hereby authorized to execute the agreement in a form approved by the City Attorney.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, GMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-81**

**RESOLUTION APPROVING AN AMENDMENT TO THE FISCAL YEAR 2025-26 MULTI-YEAR PROGRAM BUDGET IN THE AMOUNT OF \$407,795 TO FUND THE WASTEWATER ENGINEER'S REPORT UPDATE AND RATE STUDY PROJECT AND AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO IMPLEMENT THE PROVISIONS OF THE RESOLUTION**

WHEREAS, certain budgetary transactions are necessary in the amount of \$407,795, in order to fund the Wastewater Engineer's Report Update and Rate Study Project; and

WHEREAS, the Fiscal Year 2025-26 Multi-Year Program Budget must be amended.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Modesto that it hereby approves the amendment of the Fiscal Year 2025-26 Multi-Year Program Budget in the amount of \$407,795.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Escutia-Braaton, who moved its adoption, which motion being duly seconded by Councilmember Wright, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, OMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**MODESTO CITY COUNCIL  
RESOLUTION NO. 2026-82**

**RESOLUTION FINDING THE REZONE FROM P-O TO R-2 FOR THE  
PROPERTY LOCATED AT 3213 COFFEE ROAD CONFORMS WITH THE  
MODESTO URBAN AREA GENERAL PLAN PROGRAMMATIC  
ENVIRONMENTAL IMPACT REPORT (SCH NO. 2024091127)**

WHEREAS, on June 24, 2025, by Resolution 2025-211, City Council of the City of Modesto certified the Programmatic Environmental Impact Report (“Programmatic EIR”) (SCH No. 2024091127) for the Modesto Urban Area General Plan, and

WHEREAS, Lyn Bright has proposed the rezone of 1.35 acres located at 3213 Coffee Road from Professional Office Zone, P-O, to Medium Density Residential Zone, (R-2), and

WHEREAS, pursuant to Section 21157.1 of the Public Resources Code, the City of Modesto’s Community & Economic Development Department prepared an Environmental Assessment Initial Study EA/C&ED 2025-21 (“Initial Study”) which analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Programmatic EIR and whether the subsequent project was described in the Programmatic EIR as being within the scope of the report, and

WHEREAS, in accordance with CEQA guidelines beginning on Tuesday, February 3, 2026, the City caused to be published a 20-day notice in the Modesto Bee newspaper of the City’s intent to make a finding that the subsequent project conforms with the Programmatic EIR, and

WHEREAS, said matter was considered by the City Council at a duly noticed public hearing which was held on March 10, 2026, at 5:30 p.m., in the Tenth Street Place Chambers located at 1010 Tenth Street, Modesto, California.

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

1. An Initial Study, Environmental Assessment No. EA/C&ED 2025-21, was prepared by the City of Modesto that analyzed whether the subsequent project may cause any significant effect on the environment that was not examined in the Programmatic EIR and whether the subsequent project was described in the Programmatic EIR as being within the scope of the report. The Initial Study concluded that:
  - a. There are no project-specific significant effects which are peculiar to the project or site;
  - b. The project is consistent with the Modesto Urban Area General Plan and is within the scope of the Programmatic EIR of the General Plan;
  - c. That pursuant to CEQA Guidelines Section 15183 of the Public Resources Code, no further environmental review is required.

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

The foregoing resolution was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of March, 2026, by Councilmember Bavaro, who moved its adoption, which motion being duly seconded by Councilmember Alvarez, was upon roll call carried and the resolution adopted by the following vote:

AYES: Councilmembers: Alvarez, Bavaro, Escutia-Braaton, Ricci, Williams, Wright, Mayor Zwahlen

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ATTEST:   
DIANE NAYARES-PEREZ, CMC,  
City Clerk

(SEAL)

APPROVED AS TO FORM:

BY:   
JOSE M. SANCHEZ, City Attorney

**EXHIBIT A**

Initial Study

EA/C&ED 2025-21

# 3213 Coffee Road Rezone Consistency with the UAGP EIR

15183 Exemption Checklist



# Table of Contents

---

Table of Contents .....	i
General Plan Consistency Checklist .....	1
1. Project Title .....	1
2. Lead Agency Name and Address .....	1
3. Contact Person and Phone Number .....	1
4. Project Location .....	1
5. Project Sponsor’s Name and Address .....	2
6. General Plan Designation .....	2
7. Zoning .....	3
8. Description of Project .....	4
9. Project Approvals .....	5
Environmental Factors Potentially Affected .....	6
Determination .....	7
Environmental Checklist .....	9
CEQA Guidelines Section 15183 Exemption .....	9
Relationship of the Proposed Project to Previous EIR Analysis .....	9
Project-Specific Environmental Review .....	10
Conclusion .....	10
1 Aesthetics .....	12
2 Agricultural Resources .....	15
3 Air Quality .....	18
4 Biological Resources .....	24
5 Cultural and Tribal Resources .....	33
6 Geology, Soils, and Mineral Resources .....	39
7 Greenhouse Gases, Climate Change, and Energy .....	45
8 Hazards and Hazardous Materials .....	55
9 Hydrology and Water Quality .....	61
10 Land Use, Population, and Housing .....	66
11 Noise .....	69
12 Public Services and Recreation .....	73
13 Transportation and Circulation .....	80
14 Utilities and Service Systems .....	83
15 Mandatory Findings of Significance .....	91
References .....	94
Bibliography .....	94
List of Preparers .....	<b>Error! Bookmark not defined.</b>
Appendices .....	<b>Error! Bookmark not defined.</b>

## Tables

Table 1	Project Consistency with General Plan Policies .....	48
Table 2	Project Consistency with 2022 Scoping Plan Update .....	49
Table 3	Project Consistency with StanCOG’s 2022 RTP/SCS .....	52

## Figures

Figure 1	Regional Location.....	<b>Error! Bookmark not defined.</b>
Figure 2	Project Vicinity .....	<b>Error! Bookmark not defined.</b>
Figure 3	Existing General Plan .....	<b>Error! Bookmark not defined.</b>
Figure 4	Existing Zoning .....	<b>Error! Bookmark not defined.</b>
Figure 5	Proposed Site Plan.....	<b>Error! Bookmark not defined.</b>
Figure 6	Proposed General Plan (If a GPA is proposed) .....	<b>Error! Bookmark not defined.</b>
Figure 7	Proposed Zoning (If a Zone Change is proposed).....	<b>Error! Bookmark not defined.</b>
Figure 8	Proposed Utilities.....	<b>Error! Bookmark not defined.</b>

## Appendices

Appendix A \_\_\_\_\_

# General Plan Consistency Checklist

---

## 1. Project Title

RZN2025-00004: Rezone of 1.35-acre vacant parcel from Professional Office (P-O) Zone to Medium Density Residential (R-2) Zone, property located at 3213 Coffee Road APN 013-070-067.

## 2. Lead Agency Name and Address

City of Modesto  
10th Street Place, 1010 10th St #3300  
Modesto, California 95354

## 3. Contact Person and Phone Number

Katharine Martin, Senior Planner  
209-577-5267  
kamartin@modestogov.com

## 4. Project Location

### Location

The project site is located in Section 9-3-9 of the Zoning Map of the City of Modesto, at 3213 Coffee Road, west of Thorsen Avenue.

### Assessor's Parcel Number

The project site encompasses approximately 1.35 acres and comprises Assessor's Parcel Number 013-070-067.

### Surrounding Uses

Existing land uses surrounding the rezone site:

To the north: Low Density Residential (R-1) Zone, existing preschool/daycare center.

To the south: Medium Density Residential (R-2) Zone, existing residential duplexes and triplexes.

To the west: Low Density Residential (R-1) Zone, existing single-family residences.

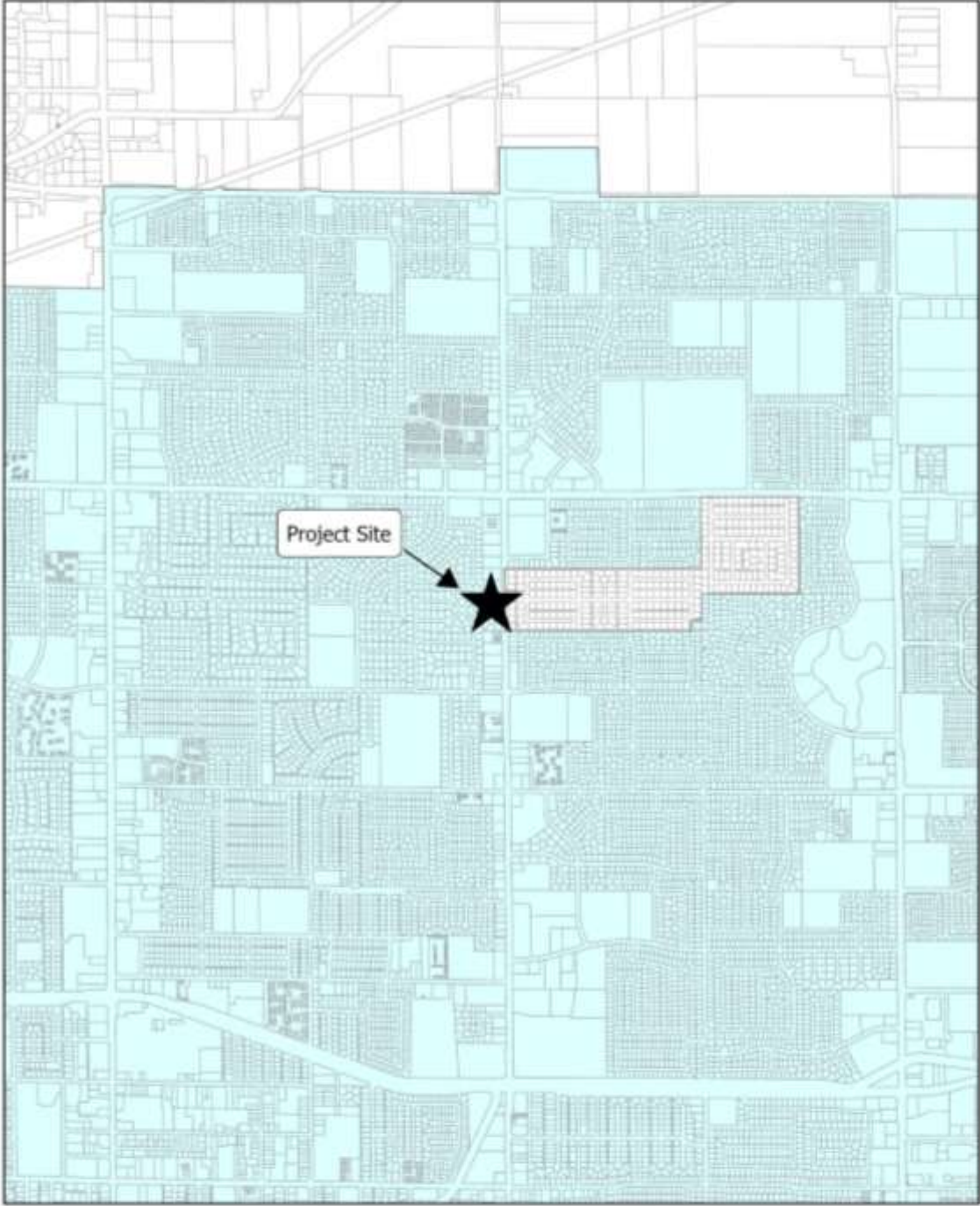
To the east: Medium Density Residential (R-2) Zone and County unincorporated area, existing single-family residences.



**Error! Reference source not found.: Site Map**

A Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Programmatic Environmental Impact Report (SCH No. 2024091127): Rezone 1.35 acres from Professional Office (P-O) Zone to Medium Density Residential (R-2) Zone, property located at 3213 Coffee Road.

: Vicinity Map



**RZN2025-00004**

**Vicinity Map**

- Parcels
- City of Modesto

Scale: 1:24,000



## Existing Condition

Rezone site is vacant, undeveloped land, surrounded by residential uses and office uses further to the north and south. Aerial imagery shows the site has been vacant since the mid-1990's.

## Site History

The site was annexed in 1963 as part of the Walnut Acres Addition to the City of Modesto. In 2012 the site was rezoned from Medium Density Residential (R-2) Zone to Professional Office (P-O) Zone to facilitate office development; however, no development has occurred since, and the site has remained vacant.

## 5. Project Sponsor's Name and Address

Mr. Lyn Bright  
4918 Taylor Court, Turlock CA 95382

## 6. General Plan Designation

### Mixed Use (MU)

The project site is designated as Mixed Use (MU) in the Land Use Element of the General Plan (see Figure 3). This designation provides for areas of mixed uses such as residential and commercial or office uses. Medium Density Residential (R-2) uses are permitted in the MU designation.

Figure 3: General Plan Land Use



### Baseline Developed Area

The project site is within the Baseline Developed Area. The General Plan defines the Baseline Developed Area as approximately 22,460 acres, excluding the Downtown Area, containing lands that are mostly developed with urban uses, which are not expected to change substantially during the time horizon of the General Plan. Also included within the Baseline Developed Area are vacant lands which have a clearly defined future.

## 7. Zoning

### Current Zoning: Professional Office (P-O)

The project site is zoned as Professional Office (P-O) Zone (see Figure 4). The P-O zoning designation is intended to accommodate medical and professional office uses, business services and educational uses.

Figure 4: Existing Zoning Designation

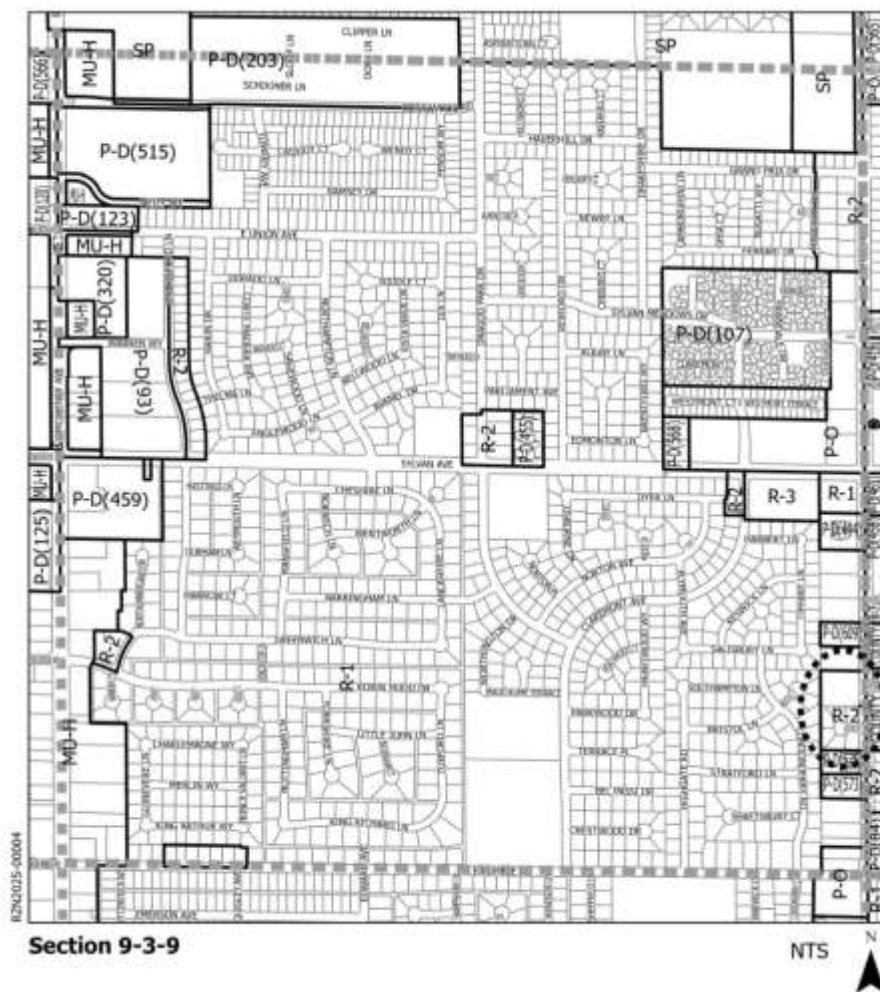


## 8. Description of Project

### Proposed Zoning: Medium Density Residential (R-2) Zone

The proposed rezone is intended to restore the zoning back to the original R-2 zoning designation held until 2012, when the site was rezoned to P-O to facilitate medical office development. As no development has occurred, the applicant/owner proposes the rezone to facilitate multi-family residential uses as currently permitted under the R-2 zone (10.9-22 dwelling units per acre).

Figure 5: Proposed Zoning Designation



No development is proposed with this rezone. If approved, future development would be subject to administrative Development Plan Review as provided by Title 10, Chapter 9, Article 10 of the Modesto Municipal Code (MMC) or Conditional Use Permit by the Board of Zoning Adjustment for conditional uses within the R-2 zone

(MMC Title 10, Chapter 9, Article 7). Development standards as required by the R-2 zone and City Standards would be applied to any future development.

## 9. Project Approvals

The City of Modesto is the lead agency with responsibility for approving the project. The project would require the following discretionary approvals from the City of Modesto:

Recommendation by the Planning Commission to the City Council;

A Motion by the City Council to introduce and waive the first reading of an Ordinance to amend Section 9-3-9 of the Zoning Map of the City of Modesto to rezone 1.35 acres from Professional Office (P-O) Zone to Medium Density Residential (R-2) Zone, property located at 3213 Coffee Road.

A Resolution finding that the following subsequent project is within the scope of the project covered by the Modesto Urban Area General Plan Programmatic Environmental Impact Report (SCH No. 2024091127): Rezone 1.35 acres from Professional Office (P-O) Zone to Medium Density Residential (R-2) Zone, property located at 3213 Coffee Road.

## Environmental Factors Potentially Affected

---

This Project would potentially affect the environmental factors checked below as indicated by the checklist on the following pages.

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

# Determination

---

Based on this initial evaluation:

- I find that the Proposed Project qualifies as a Residential Project pursuant to a Specific Plan I find that the Proposed Project qualifies as a Residential Project pursuant to a Specific Plan and is EXEMPT from CEQA in accordance with CEQA Guidelines Section 15182.
- I find that pursuant with CEQA Guidelines Section 15183, the Proposed Project is a Project consistent with a Community Plan or Zoning, that there are no Project-specific significant effects which are peculiar to the Project or its site, and NO ADDITIONAL ENVIRONMENTAL REVIEW IS REQUIRED.
- I find that the Proposed Project qualifies as an Infill Project that would result in new specific effects. However, these effects would be substantially mitigated under uniformly applicable development policies. NO FURTHER REVIEW required.
- I find that the Proposed Project qualifies as an Infill Project but would result in new specific effects that would not be substantially mitigated under uniformly applicable development policies. A STREAMLINED MITIGATED NEGATIVE DECLARATION is recommended.
- I find that the Proposed Project qualifies as an Infill Project but would result in new specific effects that would not be substantially mitigated under uniformly applicable development policies, and an ENVIRONMENTAL IMPACT REPORT is required.

---

Signature

---

Printed Name:

---

Katharine Martin

---

Date:

---

December 8, 2025

This report follows a checklist format that outlines performance standards for projects eligible for streamlined review under the California Environmental Quality Act (CEQA). A consistency checklist is prepared by a lead agency to streamline the environmental review process for eligible projects by limiting the topics subject to review at the project level where the effects of development have been addressed in a previous community plan. In accordance with *CEQA Guidelines* Section 15183, if the project would result in new specific effects or more significant effects, and uniformly applicable development policies or standards would not substantially mitigate such effects, those effects are subject to CEQA. With respect to the effects that are subject to CEQA, the lead agency is to prepare an Environmental Impact Report (EIR) if the written checklist shows that the effects of the infill project would be potentially significant.

The checklist concludes that the project would not have any significant effects on the environment that either have not already been analyzed in a prior EIR or are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. Pursuant to Public Resources Code Section 21094.5, such effects are exempt from CEQA regulations.

California Public Resources Code Section 21083.3 also limits the application of CEQA to effects on the environment which are peculiar to the parcel or to the project and which were not addressed as significant effects in the prior environmental impact report, or which substantial new information shows will be more significant than described in the prior environmental impact report when projects are consistent with the development density established by existing zoning, community plan or general plan policies for which an EIR was certified (*CEQA Guidelines*, Section 15183[a], also Public Resources Code, Section 21083.3[b]: Exemption applies to “a development Project [that] is consistent with the general plan of a local agency [if] an environmental impact report was certified with respect to that general plan.”).

This *CEQA Guidelines* Section 15183 Consistency Checklist has been prepared in accordance with Public Resources Code Section 21000 et seq. and the *CEQA Guidelines*, California Code of Regulations Section 15000 et seq.

# Environmental Checklist

---

## CEQA Guidelines Section 15183 Exemption

Pursuant to *CEQA Guidelines* Section 15183, CEQA mandates that projects that are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified may not require additional review unless there may be project-specific effects that are peculiar to the project or site that were not adequately addressed in the EIR for the General Plan. In approving a project meeting the requirements of Section 15183 of the *CEQA Guidelines*, a public agency shall limit its examination of environmental effects to those the agency determines, in an Initial Study or other analysis:

1. Are peculiar to the project or the parcel on which the project would be located
2. Were not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent
3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action
4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR

The purpose of this checklist is to assess consistency between the proposed project and General Plan and to compare the proposed project with the effects above to determine if additional environmental review is required under CEQA in accordance with *CEQA Guidelines* Section 15183.

## Relationship of the Proposed Project to Previous EIR Analysis

The City of Modesto certified the current Modesto Urban Area General Plan (General Plan) on June 24, 2025. The General Plan includes goals and policies that convey the City's long-term vision and guide local decision-making to reach that vision. The Final Programmatic Environmental Impact Report (PEIR) for the General Plan (State Clearinghouse [SCH] #2024091127) assessed impacts from implementation of the General Plan. This 15183 Consistency Checklist focuses on impacts within the Baseline Urbanized Area discussed in the General Plan EIR, since the proposed project is located entirely within the Baseline Developed Area (see Figure 3 of the General Plan EIR).

## **Consistency of the Project with Adopted City Plans and Ordinances**

### ***City of Modesto General Plan***

The project site is located entirely in the General Plan's Planning Area. The General Plan is the fundamental document governing land use development and includes goals and policies relating to economic development, land use, transportation, public health, open space, conservation, safety, noise, public facilities, and utilities. The project would be required to abide by all applicable goals and policies in the adopted General Plan.

The General Plan land use designation of the rezone site is Mixed Use (MU). The MU designation allows for a mixture of office, commercial and residential uses. No development is proposed with this rezone, and any future development would be required to adhere to relevant codes and standards of the City of Modesto and be subject to, at minimum, an administrative Development Plan Review with consideration and determination on the project by the Director of Community and Economic Development, prior to issuance of a building permit.

### ***City of Modesto Zoning Ordinance***

The current zoning is Professional Office (P-O). The proposal is to amend the Zoning Map of the City of Modesto to change the zoning to Medium Density Residential (R-2) Zone.

## **Project-Specific Environmental Review**

The attached Environmental Checklist includes a discussion and analysis of any peculiar project- or site-specific environmental impacts associated with construction and operation of the proposed Project, as well as any off-site or cumulative impacts, such that the previously certified General Plan EIR would be inadequate for purposes of consideration and approval of the proposed Project. The Environmental Checklist identifies the applicable City of Modesto development standards and policies as well as other relevant standards and requirements that would apply to the proposed Project during both the construction and operational phases, and explains how the application of these uniformly applied standards and policies would ensure that no peculiar project- or site-specific environmental impacts would occur.

## **Conclusion**

As described above, the proposed Project is consistent with the General Plan, for which an EIR was certified on June 24, 2025 (SCH#2020019010) (General Plan EIR). All impacts associated with development of the Project site with the contemplated uses and related development density, as well as off-site and cumulative impacts associated therewith, as proposed, were fully addressed in the General Plan EIR (SCH# 2024091127), as detailed further herein. Since the proposed Project is consistent with the land use designation and development density established in the General Plan and analyzed in the General Plan EIR, implementation of the proposed Project would not result in any new significant environmental impacts or any

increase in severity of previously identified significant impacts beyond those addressed in the General Plan EIR.

The analysis in this CEQA Environmental Checklist (and attached supporting materials) demonstrates that there is no peculiar project- or site-specific impacts associated with the proposed Project, and identifies uniformly applied standards and policies that would be applied as well as other Project Requirements to the proposed Project to ensure that no new significant impacts or an increase in previously identified significant impacts would occur. All Project Requirements identified in the attached Environmental Checklist shall be made enforceable conditions of project approval and shall be implemented within the timeframes identified.

# 1 Aesthetics

Except as provided in Public Resources Code Section 21099, would the Project:

- |   |                          |                          |                                     |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a. Have a substantial adverse effect on a scenic vista?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b. Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## Analysis in Previous Environmental Documents

Impacts to aesthetics were analyzed on pages 3.1-7 through 3.1-9 of the General Plan EIR. Aesthetic impacts related to scenic vistas, scenic resources, visual character, and light and glare were determined to be less than significant.

The following describes the analysis included in the General Plan EIR and provides a streamlined review to determine whether there would be project-specific impacts that are either 1) peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in a previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

## City of Modesto Urban Area General Plan

The following General Plan policies would be applicable to the proposed project: none.

## Project-Specific Impacts

a. *Would the project have a substantial adverse effect on a scenic vista?*

There are no designated scenic vistas in the Planning Area, and thus no vistas would be visible from the project site. The impact of the proposed project to scenic vistas would be consistent with the findings of the General Plan EIR and would be less than significant.

ANALYZED IN THE PRIOR EIR

b. *Would the Project substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?*

No adopted State scenic highway is in the City of Modesto. One section of Interstate-5 in Stanislaus County is listed as a Designated Scenic Highway; however, this officially designated scenic highway does not provide views of Modesto or the immediate surrounding areas, and there are no sections of highway in the Modesto vicinity eligible for Scenic Highway designation. The impacts of the proposed project to scenic resources within a state scenic highway would be consistent with the findings of the General Plan EIR and would be less than significant.

ANALYZED IN THE PRIOR EIR

c. *Would the Project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?*

The proposed rezone would allow for Medium-Density Residential uses on the subject site, and would not conflict with policies involving scenic resources. The site is substantially surrounded by urban uses and while no development is proposed in conjunction with the rezone, future development would be required to adhere to all applicable codes and standards as a condition of project approval. Impacts would therefore be less than significant.

**ANALYZED IN THE PRIOR EIR**

d. *Would the Project create a new source of substantial light or glare that would adversely affect daytime or nighttime views in the area?*

The proposed rezone could lead to the introduction of additional light and glare at the project site, if approved and future development proposed. However, any future development would be required to adhere to the City's *Design Guidelines for Multi-Family Residential Development*, which include standards for the design of outdoor lighting fixtures that limit the size of fixtures, and require that fixtures be designed to avoid light spill onto nearby properties. Adherence to the City's applicable codes, standards and guidelines would reduce the potential for light and glare impacts from any future development. The impact of the proposed project to light and glare would be consistent with the findings of the General Plan EIR and would be less than significant.

**ANALYZED IN THE PRIOR EIR**

## **Conclusion**

The proposed project is consistent with the General Plan and the analysis in the General Plan EIR. While no development is proposed in conjunction with this rezone, future development would be required to adhere to the City's codes, standards and *Design Guidelines for Multi-Family Residential Development* as conditions of approval, ensuring that future development would result in less than significant aesthetic impacts.

The project would have no new significant or substantially more severe or peculiar impacts to aesthetics and visual resources, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, as a result of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact than discussed in the previous environmental documents. Therefore, no additional review is required.

## 2 Agricultural Resources

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Convert areas of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Conflict with existing zoning for, or cause rezoning of, forest land or timberland?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Involve other changes to the environment that could result in conversion of farmland or forest land?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Analysis in Previous Environmental Documents

The General Plan EIR analyzes impacts on agricultural resources on pages 3.2-15 through 3.2-18. The General Plan EIR found that impacts related to conversion of Prime Farmland and conflict with existing zoning for agricultural use would be significant and unavoidable, that impacts related to other changes to the environment that could result in the conversion of farmland would be less than significant, and that no impacts to forest land would occur.

The following describes the analysis included in the General Plan EIR and provides a streamlined review to determine whether there would be project-specific impacts that are either 1) peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in a previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

## City of Modesto Urban Area General Plan

The following General Plan policies would be applicable to the proposed project: AL-12.

### **Baseline Developed Area**

- **AL-12.** If a subsequent project is within the Baseline Developed Area or Downtown Area as identified on the Urban Area General Plan Growth Strategy Diagram [Figure II-1], consider the project to have minimal effect on the conversion of agricultural lands, and no mitigation for that impact will be required. (UAGP Policy VII-D.3[a])

### **Project-Specific Impacts**

- a. *Would the project convert areas of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses?*
- b. *Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?*
- c. *Would the project conflict with existing zoning for, or cause rezoning of, forest land or timberland?*
- d. *Would the project result in the loss of forest land or conversion of forest land to non-forest use?*
- e. *Would the project involve other changes to the environment that could result in conversion of farmland or forest land?*

The rezone site is surrounded by urbanized area consisting of primarily single-family and multi-family residential development and zoning. The site is not zoned for agricultural uses, nor is subject to a Williamson Act contract. *There are no areas of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the project site, nor are there forestland or timberland on the site.* The project site is currently zoned P-O for Professional Office uses. Therefore, there would be no impact.

**ANALYZED IN THE PRIOR EIR**

### **Conclusion**

The proposed project is consistent with the General Plan and the analysis in the General Plan EIR. The project would have no new significant or substantially more severe or peculiar impacts on agriculture and forestry resources, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, as a result of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact than

discussed in the previous environmental documents. Accordingly, no additional review is required.

### 3 Air Quality

Would the project:

- |   |                          |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a. Conflict with or obstruct implementation of the applicable air quality plan?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Violate any air quality standard or contribute substantially to existing or projected air quality violation?   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Expose sensitive receptors to substantial pollutant concentrations   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Create objectionable odors affecting a substantial number of people  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

#### Analysis in Previous Environmental Documents

Impacts to air quality were analyzed on pages 3.3-40 through 3.3-50 of the General Plan EIR. The General Plan EIR found that impacts related to exposure of sensitive receptors to substantial pollutant concentrations would be significant and unavoidable, and that impacts related to conflict with implementation of an applicable air quality plan, violation of air quality standards, a cumulatively considerable net increase of criteria pollutants, or creation of objectionable odors would be less than significant.

The following describes the analysis included in the General Plan EIR and provides a streamlined review to determine whether there would be project-specific impacts that are either 1) peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in a previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental

documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

### **City of Modesto Urban Area General Plan**

The following policies are applicable to the proposed project.

#### ***Air Quality Element Goals and Policies***

- **AQ-100.** Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)
- **AQ-103.** Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)
- **AQ-104.** Effectively stabilize dust emissions using water or chemical stabilizer / suppressant, all onsite unpaved roads and off-site unpaved access roads. (Policy VII.H.2.nn)
- **AQ-105.** Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)
- **AQ-107.** When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)
- **AQ-108.** Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)
- **AQ-109.** Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)
- **AQ-110.** Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)
- **AQ-111.** Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)
- **AQ-113.** Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)

- **AQ-II4.** Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)
- **AQ-II5.** Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)
- **AQ-II6.** Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)

## Project-Specific Impacts

- a. *Would the project conflict with or obstruct implementation of the applicable air quality plan?*

The San Joaquin Valley Air Pollution Control District (SJVAPCD) outlines goals and policies that general plans should adopt in their Air Quality Guidelines for General Plans. As discussed in the General Plan EIR, the General Plan would be consistent with the SJVAPCD goals and policies. Upon development, the proposed project would be required to comply with policies AQ-100 through AQ-105, and AQ-107 through AQ-117 of the General Plan which aim to reduce construction and operational emissions. Therefore, the project would not conflict with or obstruct the implementation of an applicable air quality plan. The impact of the proposed project involving conflict with an applicable air quality plan would be consistent with the findings of the General Plan EIR and would be less than significant.

### ANALYZED IN THE PRIOR EIR

- b. *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the region is in nonattainment under an applicable federal or state ambient air quality standard (including emissions that exceed quantitative thresholds for ozone precursors).?*

As discussed in the General Plan EIR, implementation of the General Plan and the proposed project would result in short-term emissions from construction activities, including site grading, asphalt paving, building construction, and architectural coating. Emissions commonly associated with construction activities include fugitive dust from soil disturbance, fuel combustion from mobile heavy-duty diesel- and gasoline-powered equipment, portable auxiliary equipment, and worker commute trips. The SJVAPCD Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI) emphasizes implementation of effective and comprehensive control measures rather than requiring a detailed quantification of construction emissions. SJVAPCD adopted a set of PM<sub>10</sub> fugitive dust rules collectively called Regulation VIII, which prohibits the emissions of visible dust (limited to 20 percent opacity) and requires that disturbed areas or soils be stabilized. Future development consistent with the rezoning proposed by the project would be required to comply with Regulation VIII and would be required to submit a Dust Control Plan to the SJVAPCD prior to construction showing adherence to regulation requirements. Construction activities would not commence until SJVAPCD reviews and approves the Dust Control Plan.

In addition, future development consistent with the rezoning proposed by the project would be required to adhere to SJVAPCD's Indirect Source Review Rule (Rule 9510) which requires projects to reduce construction exhaust emissions by 20 percent for NO<sub>x</sub> and 45 percent for PM<sub>10</sub>. SJVAPCD encourages reductions through construction and operational measures that reduce NO<sub>x</sub> and/or PM<sub>10</sub> emissions.

Future development consistent with the rezoning proposed by the project could include stationary sources of pollutants from distribution processes, and the project applicant would be required to obtain permits to operate in compliance with SJVAPCD rules. The permit process ensures that potentially stationary sources would be equipped with the required emission controls and that, individually, these sources would result in a less than significant impact.

Therefore, with implementation of SJVAPCD regulations, the impact of the proposed project involving a cumulatively considerable net increase of criteria pollutants would be consistent with the findings of the General Plan EIR and would be less than significant.

ANALYZED IN THE PRIOR EIR

*c. Violate any air quality standards or contribute substantially to an existing or projected air quality violation?*

As discussed in the General Plan EIR, carbon monoxide (CO) is a localized air pollutant mainly from automobile traffic. Elevated concentrations, therefore, are usually only found near areas of high traffic volume and congestion. Emissions and ambient concentrations of CO have decreased greatly in recent years. These improvements are due largely to the introduction of cleaner burning motor vehicles and reformulated motor vehicle fuels. No exceedances of the State or federal CO standards have been recorded at any of San Joaquin Valley's monitoring stations and the San Joaquin Valley Air Basin has attained federal and State CO standards. Since the proposed project would be within buildout of the General Plan and was analyzed in the General Plan EIR, impacts related to CO would also be less than significant and would not be substantially greater than those identified in the General Plan EIR.

ANALYZED IN THE PRIOR EIR

*d. Would the project expose sensitive receptors to substantial pollutant concentrations?*

No development is proposed with the rezone. At the time of development, construction activities for the proposed project would result in short-term emissions of diesel particulate matter (DPM), which is a toxic air contaminant (TAC). DPM is generated from the use of off-road diesel equipment required for site grading and excavation, paving, and other construction activities. Nonetheless, construction activities would be temporary and would occur over a relatively large area. In addition, the proposed project would be required to comply with SJVACPD's Regulation VIII and Rule 9510 as well as General Plan policies AQ-100 through AQ-105, and AQ-107 through AQ-117, which would reduce fugitive dust and PM<sub>10</sub> emissions during construction. Therefore, construction-related TAC impacts would

be less than significant and would not be substantially greater than those identified in the General Plan EIR.

The SJVAPCD GAMAQI considers exposure of sensitive receptors to air pollutant levels that result in an unacceptable cancer risk or hazard, to be significant. For cancer risk, which is a concern with diesel particulate matter and other mobile-source TACs, the SJVAPCD considers an increased risk of contracting cancer that is 20 in one million chances or greater, to be significant risk for a single source. Non-cancer risk would be considered significant if the computed Hazard Index (HI) is greater than 1.0. No development is proposed in conjunction with the rezone to Medium Density Residential (R-2) Zone. Any future development as a result of the rezone would be residential in nature, with the primary sources of pollution being by residential traffic which does not emit significant quantities of TACs. Therefore, the proposed project would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant and would not be substantially greater than those identified in the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

*e. Would the project create objectionable odors affecting a substantial number of people?*

No development is proposed with the rezone. At the time of development, construction activities, heavy equipment and vehicles would emit odors associated with vehicle and engine exhaust both during normal use and when idling. However, these odors would be temporary and transitory and would cease upon completion. Therefore, construction activities would not generate objectionable odors affecting a substantial number of people.

SJVAPCD includes odor screening distances for land uses with the potential to generate substantial odor complaints. Those uses include wastewater treatment facilities, landfills including composting operations, asphalt batch plants, fiberglass manufacturing, feed lots/dairy, food processing facilities, and chemical and rendering plants. The proposed project does not propose odor-emitting uses and would not generate objectionable odors that would affect a substantial number of people. Therefore, the project would not substantially cause new sources of odors and would not significantly expose sensitive receptors to existing odors, and impacts would be less than significant. Overall, impacts would not be substantially greater than those identified in the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

## **Conclusion**

The proposed project is consistent with the General Plan and the analysis in the General Plan EIR. The project would have no new significant or substantially more severe or peculiar impacts to air quality, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, because of substantial new information that was not known at the time of the previous environmental review,

are determined to have a more severe adverse impact that discussed in the previous environmental documents. Accordingly, no additional review is required.

## 4 Biological Resources

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
<b>Would the project:</b>					
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 Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
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?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Analysis in Previous Environmental Documents

The General Plan EIR analyzes biological resources impacts on pages 3.4-38 through 3.4-51. As discussed in the General Plan EIR, there is low potential for impacts on sensitive wildlife and plant habitats within the Baseline Developed Area, and impacts to special-status species, sensitive natural communities and riparian habitat, wetlands, wildlife movement, and conflict with biological resource ordinances or policies would be less than significant. The General Plan EIR also found there would be no impacts involving conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The following describes the analysis included in the General Plan EIR and provides a streamlined review to determine whether there would be project-specific impacts that are either 1) peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in a previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

## City of Modesto Urban Area General Plan

The following policies are applicable to the proposed project.

- **SWPH-1.** For proposed development consistent with the adopted Urban Area General Plan on lands within the Baseline Developed Area and Downtown, exclusive of lands within the Dry Creek and Tuolumne River Comprehensive Planning Districts, an assessment of whether any potential habitat for special-status species is present within proposed development areas shall be made. No further biological study is warranted unless habitat is present or if specific information concerning the known or potential presence of significant biological resources is identified in future updates of the California Natural Diversity Database, or through formal or informal input received from resource agencies or other qualified sources (UAGP Policy VII-E.2[a]).
- **SWPH-3.** Avoid and preserve all areas occupied or potentially occupied by special-status species, where feasible. Protect areas that can be avoided by fencing, signage, or establishment of buffer zones appropriate to the species and/or habitat involved. Design fencing to allow passage of small mammals and avoid impacts to wildlife movement or dispersal.

Generally, a minimum 100-foot buffer of undeveloped land from identified sensitive resources would be necessary. Improve this buffer area through sustainable habitat restoration. Require protected habitat to be managed to contribute to the long-term conservation of the species and ecosystems on which they depend.

Where it is determined that state and/or federally listed species are present, consult with the CDFW and/or USFWS in accordance with the California and/or federal Endangered Species Acts to determine mitigation measures to avoid and minimize impacts to those species. If other special-status species are determined to be present and cannot be avoided, implement species-specific mitigation measures to minimize impacts to those species through informal consultation with CDFW and/or USFWS. Incorporate the mitigation measures and other recommendations of these agencies into the development plan. (UAGP Policy VII-E.3[b])

- **SWPH-4.** Additional measures to protect sensitive habitats may be implemented. Potential measures to be implemented may include measures listed in Table 3.4-4.

Table 3.4-4: Policies For Sensitive Biological Habitats

a. Avoid disturbance in wetland areas, including vernal pools and riparian communities along rivers and streams. Avoidance of these areas would include implementing a no-disturbance buffer of at least 100 feet from the high-water mark of channels that have no riparian vegetation and 250 feet from the outermost high-water edge of the marsh wetlands, vernal pools, and swales. Riparian vegetation shall be protected with a 200-foot wide no-disturbance buffer delineated from the high water mark of the surface water body. If complete avoidance is not possible, the disturbance to wetland areas shall be
--

minimized to the maximum extent possible, with restoration of the disturbed area provided. The topsoil within the wetland shall be removed and kept separate from other spoils to be used in restoration. New vegetation should consist of similar native species to those removed.

Activities with the potential to impact wetlands shall occur only under permit (either individual or nationwide) from the U.S. Army Corps of Engineers. Prior to development, wetland areas shall be delineated by a qualified biologist in accordance with the delineation standards of the Corps.

b. Where wetlands or other sensitive habitats cannot be avoided, replacement habitat at a nearby off-site location shall be provided in accordance with the requirements of the applicable federal or state agency. The replacement habitat should be substantially equivalent to the nature of the habitat lost and should be provided at a ratio suitable to assure that, at a minimum, there is no net loss of habitat acreage or value. The replacement habitat shall be set aside in perpetuity for habitat use. Typically, the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and California Department of Fish and Wildlife require a minimum of two replacement acres for every one acre of riparian or wetland habitat lost.

c. Confine work in or near streams, wetlands, and vernal pools to the dry season between May 1 and October 15. Minimize road widths at stream or wetland crossings, and construct roads at right angles to reduce adverse impacts to riparian corridors.

d. Preserve existing and mature native trees to the extent feasible, except when such trees are diseased or otherwise constitute a hazard to persons or property. During construction, all activities and storage of equipment should occur outside the drip lines of any trees to be preserved.

e. All areas within identified riparian corridors shall be maintained in a natural state, or limited to recreation and open space uses. Recreation should be limited to passive forms of recreation, with any facilities constructed to be non-intrusive to wildlife or sensitive species.

f. New landscaping within or immediately adjacent to the identified riparian corridor should employ native species ecologically consistent with natural riparian habitat.

g. Within the identified riparian corridors, environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses consistent with these values shall be allowed (e.g., nature education and research, fishing, habitat enhancement and protection).

h. In accordance with the MBTA and CFGC and to avoid disturbance to active bird nests, any tree or shrub removal shall occur during the nonbreeding season for birds (September through January). If construction activities or tree removal must occur during the breeding season (February through August), surveys for active nests shall be conducted by a qualified biologist no more than 30 days prior to the start of construction. A no- disturbance buffer determined by a qualified biologist and dependent upon species and nest location of up to 250 feet shall be delineated around active nests until the breeding season has ended or until a qualified biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

i. The General Plan Area may contain elderberry shrubs. All projects within the General Plan Area should evaluate the project site conditions for the potential for removal of elderberry shrubs. If elderberry shrubs with one or more stems 1.0 inch or greater in diameter at ground level are present, appropriate mitigation should be discussed and prior to any subsequent project approvals, early consultation with USFWS is recommended. The removal and trimming of elderberry shrubs are regulated by the USFWS.

j. Burrowing owls are known to occur near the General Plan Area in agricultural and grassland habitats and vacant lots within developed habitats. Impacts to burrowing owls and their nest burrows must be avoided to comply with the Federal Migratory Bird Treaty Act (MBTA) and Department of Fish and Game Code Sections 3503, 3503.5, and 3513. Per CDFW's Staff Report on Burrowing Owl Mitigation (CDFG 2012), if any ground- disturbing activities occur in potential burrowing owl habitat during the nesting (February 1 through August 31) or non-nesting season (September 1 through January 31), implementation of avoidance measures is required. A burrowing owl habitat assessment is recommended for areas containing potentially suitable habitat: agricultural, grassland, and vacant parcels if at least 2.5 acres in size or contiguous with undeveloped habitat of at least 2.5 acres in size. Agricultural habitat determined to be suitable includes pastureland, non-irrigated cropland, and ruderal or fallow fields; orchards, vineyards, and other active croplands with vegetation greater than 15 inches in height are not considered suitable habitat. Vacant or ruderal parcels are considered potentially suitable habitat if ground squirrels, debris piles, and/or pipes are present to provide burrows or burrow surrogates for burrowing owl to occupy.

If burrowing owl habitat is confirmed present within a maximum of 500 feet of the project site, no visual barriers are present between the project site and the burrowing owl habitat, and no owls were observed to occupy the habitat at the time of the assessment, then one preconstruction site survey (take avoidance survey) shall be conducted no more than 14 days prior to the onset of any ground-disturbing activities. Further, if the preconstruction survey determines that burrowing owls occupy the site and impacts to occupied burrows cannot be avoided, then passive relocation shall be conducted as described below during the non-nesting season or if the burrowing owl(s) are determined to not be actively nesting. Prior to passive relocation, a burrowing owl exclusion,

mitigation, and monitoring plan will be prepared in accordance with the CDFW Staff Report on Burrowing Owl Mitigation (CDFG 2012) and submitted to the City for approval before any constructive activities can proceed that may impact the species.

The Staff Report on Burrowing Owl Mitigation (CDFG 2012) recommends that impacts to occupied burrows during the nesting season be avoided by implementation of a no-disturbance buffer zone of a minimum of 250 feet, unless a qualified biologist verifies through noninvasive methods that either: 1) the burrowing owls have not begun egg laying and incubation; or 2) that juveniles from the occupied nest are foraging independently and are capable of independent survival. Failure to implement this buffer zone could cause adult burrowing owls to abandon nests, cause eggs or young to be directly impacted (crushed), and/or result in reproductive failure.

Burrowing owls may be passively relocated if the burrowing owls have been determined not to be actively nesting and the burrowing owl exclusion, mitigation, and monitoring plan has been approved by the City and CDFW.

- k. The State-threatened Swainson's hawk is known to nest within the General Plan Area in grassland, riparian, and agricultural habitats. Because of the loss of suitable foraging habitat and existing nesting habitat that may occur during area development, mitigation measures compensating for these potential losses of habitat shall be included. The CDFW considers the removal of known raptor nest trees, even outside of the nesting season, to be a significant impact under CEQA and, in the case of Swainson's hawk, could also result in "take" under the CESA. This is especially true in species such as Swainson's hawk, which exhibit high site fidelity to nest trees and nesting area year after year (CDFG 1994).

To avoid such impacts, surveys for nesting Swainson's hawk shall be conducted for projects within riparian, grassland, and agricultural habitats as mapped by Figures 3.4-2a through 3.4-2d or for projects within 0.25 mile of such habitats (see Figure V-7-2) and containing potential nest trees (trees greater than 20 feet in height). Surveys shall follow the methodology developed by the Swainson's Hawk Technical Advisory Committee (2000) and survey potential nest trees within 0.25 mile of disturbance activities.

If ground disturbance is initiated during the nesting season (March 15 – July 31), two pre-construction surveys shall be conducted with surveys not recommended between April 20 and June 10 because of difficulty in detecting active Swainson's hawk nests during the egg incubation period. The first survey may be conducted up to two months prior to initial activities. The second survey shall occur within 14 days of project initiation.

If an active nest is observed, a no-disturbance buffer zone shall be established in coordination with CDFW. No-disturbance buffers for new and intensive disturbances are typically 0.25 mile surrounding the nest location until the nest has been determined to no longer be active by a qualified biologist; however, the

buffer may be reduced in consultation with CDFW and is dependent upon nest location, existing disturbance barriers, and baseline disturbance levels.

- No surveys are required if ground disturbance is initiated outside of the nesting season; however, impacts to known nest trees should be avoided at all times of year. If avoidance of a known nest tree (documented nest site within the previous five years) is not feasible, consultation with the CDFW is warranted prior to taking any action, and a determination of “take” potential under CESA or under Fish and Game Code Sections 3503.5 and 3513 will be made. Project-related “take” (as defined in Section 86 of the Fish and Game Code) of Swainson’s hawk must be completely avoided or a State Incidental Take Permit, pursuant to Section 2081 of the Fish and Game Code, would be warranted.

In addition, the Staff Report Regarding Mitigation for Impacts to Swainson’s Hawks in the Central Valley of California (CDFG 1994) recommends that for projects impacting foraging habitat within one mile of an active nest tree, habitat be protected in perpetuity at a 1:1 ratio for each acre of Swainson’s hawk foraging habitat impacted; for projects greater than one mile but within five miles of an active nest tree, 0.75 acre of habitat should be protected in perpetuity for every acre of foraging habitat impacted (0.75:1); and for projects greater than 5 miles but within ten miles of an active nest tree, 0.5 acre of habitat should be protected in perpetuity for every acre of foraging habitat impacted (0.5:1). Per the Staff Report (CDFG 1994), suitable foraging habitat includes annual grasslands, pasturelands, alfalfa and cereal cropland, fallow fields, and beet, tomato, and other low-growing row or field crops. Vineyards, orchards, and cotton fields are considered unsuitable foraging habitat because of vegetation height and/or density (CDFG 1994). The project sponsor should provide funding of a sufficient long-term endowment for the management of the protected properties.

## Project-Specific Impacts

- a. Would the project 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 Wildlife or U.S. Fish and Wildlife Service?*
- b. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?*
- c. Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption, or other means?*

- d. *Would the project 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. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

The rezone site is a vacant 1.35-acre parcel with weedy, non-native vegetation and does not include sensitive species, riparian habitats, wetlands, or migratory wildlife corridors. The site is surrounded by urban area including single-family and multifamily residential development and has no use as habitat for special-status species.

Consistent with General Plan Policy SWPH-1, a California Natural Diversity Database (CNDDDB) search was performed in July 2025 to determine the level of assessment warranted for special-status species. A CNDDDB search revealed documented occurrences of three special status animal species within approximately 5 miles of the project site, including two invertebrate species and one fish species. Within the boundary of the project site, the two invertebrate species are identified within a 5-mile accuracy polygon. Each are discussed below:

- **Valley Elderberry Longhorn Beetle (VELB):** The VELB is federally listed as threatened and is a California special-status invertebrate. This species is found in riparian and wetland habitats below 3,000 feet on their host blue elderberry shrubs. Populations of this beetle are known to occur in Stanislaus County (CDFW 2024). As verified by a biological survey of the project site in July 2025, the project site does not contain blue elderberry, and does not support this species.
- **Crotch's bumble bee (CBB):** The CBB is state candidate for Endangered. This species is found in association with its food plant genera including *Antirrhinum*, *Phacelia*, *Clarkia*, *Dendromecon*, *Eschscholzia*, and *Eriogonum*. As verified by a biological survey of the project site in July 2025, the project site does not contain these food plants, and does not support this species.
- **Steelhead:** Steelhead is federally listed as threatened. However, the project site does not contain aquatic habitat and thus cannot support this species.

Since the rezone site does not include sensitive habitat, or potential habitat for special-status species, no further biological study is warranted. Therefore, impacts would be less than significant and would not be more severe than those analyzed in the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

- f. *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

The City of Modesto is not located within an approved local, regional, or State habitat conservation plan. There would be no impact. Impacts would not be more severe than those analyzed in the General Plan EIR.

ANALYZED IN THE PRIOR EIR

### **Conclusion**

The proposed project is consistent with the General Plan and the analysis in the General Plan EIR. The project would have no new significant or substantially more severe or peculiar impacts to biological resources, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, because of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact that discussed in the previous environmental documents. Accordingly, no additional review is required.

## 5 Cultural and Tribal Resources

Would the Project:

- |   |                          |                          |                                     |                                     |                          |
|---|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a. Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?   | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Disturb any human remains, including those interred outside of formal cemeteries?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:<br>Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?<br>A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## Analysis in Previous Environmental Documents

The General Plan EIR analyzes cultural and tribal cultural resources impacts on pages 3.5-28 through 3.5-31. As discussed in the General Plan EIR, areas of high probability for archaeological resources are located within the riparian corridors along the Tuolumne River, Dry Creek, and the Stanislaus River. Development in these areas would be subject to environmental analysis and mitigation measures and impacts were found to be less than significant. The General Plan EIR determined that areas outside of riparian corridors where soils have been excavated have low probability for archaeological resources, and impacts were found to be less than significant with implementation of General Plan policies. The General Plan EIR found that demolition of a historically significant building would be significant and unavoidable, and that impacts related to human remains and tribal cultural resources would be less than significant.

The following describes the analysis included in the General Plan EIR and provides a streamlined review to determine whether there would be project-specific impacts that are either 1) peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in a previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

## City of Modesto Urban Area General Plan

The following policies are applicable to the proposed project.

- **AH-9.** If land designated or proposed to be designated for development is discovered through archival research, consultation or by chance, to contain a sacred or traditional place, consult with the NAHC and the appropriate Native American groups and individuals for the purpose of determining the level of confidentiality required to protect the cultural place and for the purpose of developing treatment with appropriate dignity of the cultural place in any corresponding management plan. Avoid and preserve sacred sites whenever feasible. (UAGP Policy VII.F.2[i])
- **AH-12.** Whenever possible, avoid disturbing or damaging archaeological resources. Preservation in place to maintain the relationship between the artifacts and the archaeological context is the preferred manner of mitigating impacts to archaeological sites. Preservation may be accomplished by:
  - Planning construction to avoid archaeological sites;
  - Incorporating sites within parks, green space, or other open space;
  - Covering the sites with a layer of chemically stable soil; and/or,
  - Deeding the site into a permanent conservation easement.

When in-place mitigation is not feasible, data recovery through excavation may be necessary. A data recovery plan, which makes provisions for adequately

recovering the scientifically consequential information about the site, shall be prepared and adopted prior to any excavation being undertaken. Such studies must be deposited with the Central California Information Center in Turlock, California. Special rules apply to any archaeological sites known to contain human remains (Health and Safety Code Section 7050.5; Guidelines Section 15126.4(b)).

Data recovery shall not be required if the lead agency determines that testing or studies already completed have adequately recovered the necessary data, provided that the data have already been documented in another EIR and are available for review at the California Historical Resource Regional Information Center (Guidelines Section 15126.4(b)). (UAGP Policy VII.F.2[l])

- **AH-13.** Allow reasonable time for the qualified archaeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site. (UAGP Policy VII.F.2[m])
- **AH-14.** If any find is determined to be significant by the qualified archaeologist, representatives of the construction contractor and the City, the qualified archaeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) will meet to determine the appropriate course of action. (UAGP Policy VII.F.2[n])
- **AH-15.** All cultural materials recovered as part of a monitoring program are subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards. (UAGP Policy VII.F.2[o])
- **AH-16.** Any project subject to CEQA that involves substantial earth-disturbing activities should require consultation by the applicant for the purposes of determining the potential for archaeological and cultural resources impacts and creating appropriate mitigation to address any such impacts. (UAGP Policy VII.F.3[a])
- **AH-17.** Any project that involves earth-disturbing activities within previously undisturbed soils in an area determined to be archaeologically or culturally sensitive by the City of Modesto through consultation with Native American tribes or bands and a qualified archaeologist should be subject to archaeological and Native American monitoring during all ground-disturbing activities. (UAGP Policy VII.F.3[b])
- **AH-18.** Any project that involves earth-disturbing activities within previously undisturbed soils in an area determined to be archaeologically or culturally sensitive by the City of Modesto through consultation with Native American tribes or bands and a qualified archaeologist should be required to carry out the following mitigation measures, at a minimum:
  - If prehistoric archaeological remains are discovered during project construction (inadvertent discoveries), all work in the area of the find shall cease, and a qualified archaeologist should be retained by the project sponsor to investigate the find, and make recommendations as to treatment and

mitigation. In the event of the discovery of a burial, human bone, or suspected human bone all excavation or grading in the vicinity of the find should halt immediately and the area of the find should be protected and the project applicant immediately should notify the County Coroner of the find and comply with the provisions of California Health and Safety Code Section 7050.5, including California Public Resources Code Section 5097.98, if applicable. If human remains are identified, the project sponsor should also retain a Native American monitor;

- A qualified archaeological monitor should be present and should have the authority to stop and redirect grading activities, in consultation with the Native Americans and their designated monitors, to evaluate the significance of any Native American archaeological resources discovered on the property;
- Native American monitors from the appropriate Native American Tribes, as determined by the NAHC should be allowed to monitor all groundbreaking activities, including all archaeological testing and data recovery excavations that are likely to affect Native American resources, as determined by a qualified archaeologist. The project proponent should be responsible for compensating Native American monitors. If human remains are discovered, the NAHC should assign a Most Likely Descendent (MLD); and,
- The landowner agrees to relinquish ownership of all Native American human remains and associated burial artifacts that are found within the project area, to the appropriate Native American MLD, as assigned by the NAHC, for proper treatment and disposition. The MLD will decide whether or not standard archaeological analysis will be allowed on human remains and associated artifacts from burials.
- If paleontological resources are discovered during earth-moving activities, the construction crew shall immediately cease work in the vicinity of the find, and the City's Planning Manager shall be notified. A qualified paleontologist shall evaluate the resource and prepare a proposed mitigation plan in accordance with Society of Vertebrate Paleontology guidelines. The proposed mitigation plan may include a field survey of additional construction areas, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations determined by the lead agency to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered. (UAGP Policy VII.F.3[c])

## Project-Specific Impacts

- a. *Would the project result cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?*
- b. *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*

- c. *Would the project disturb any human remains, including those interred outside of formal cemeteries?*

The rezone site is a vacant 1.35-acre parcel and would not result in the change in significance or demolition of an eligible historic resource, or have an adverse effect on any structure more than 50 years old determined to have historical significance.

The project site is not located within a riparian corridor and therefore has low probability for archaeological resources. Nonetheless, the project would be required to comply with General Plan policies AH-9 and AH-12 through AH-18, which outline guidance for the unanticipated discovery of archaeological resources and human remains. In addition, the proposed project would be required to comply with the California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and the California Code of Regulations Section 15064.5(e) (CEQA), which state the mandated procedures of conduct following the discovery of human remains. Therefore, impacts related to historical resources, archaeological resources, and human remains would be less than significant and would not be more severe than those analyzed in the General Plan EIR.

ANALYZED IN THE PRIOR EIR

- d. *Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

*Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?*

*A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1?*

No development is proposed in conjunction with the rezone. Future development would include construction activities such as grading and excavation which could potentially lead to the unanticipated discovery of tribal cultural resources. However, the proposed project would be required to comply with policies AH-9 and AH-12 through AH-18, which outline guidance for the unanticipated discovery of tribal cultural resources. Therefore, compliance with General Plan policies would ensure a less than significant impact related to the potential discovery or disturbance of tribal cultural resources accidentally unearthed during construction activities. This impact would be less than significant and would not be more severe than those analyzed in the General Plan EIR.

ANALYZED IN THE PRIOR EIR

## **Conclusion**

The proposed project is consistent with the General Plan and the analysis in the General Plan EIR. The project would have no new significant or substantially more severe or peculiar impacts to cultural and tribal cultural resources, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, because of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact that discussed in the previous environmental documents. Accordingly, no additional review is required.

## 6 Geology, Soils, and Mineral Resources

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
--	--------------------	---	-----------	---------------------------	--

Would the project:

- |  |                          |                          |                          |                                     |                          |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:</p>  |                          |                          |                          |                                     |                          |
| <p>1. 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?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>2. Strong seismic ground shaking?</p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>3. Seismic-related ground failure, including liquefaction?</p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>4. Landslides?</p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>b. Result in substantial soil erosion or the loss of topsoil?</p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
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"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. 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"/>	<input type="checkbox"/>
h. 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"/>	<input type="checkbox"/>

## Analysis in Previous Environmental Documents

The General Plan EIR discusses geology, soils, and mineral resources impacts on pages 3.6-13 through 3.6-19. The General Plan EIR found that impacts related to exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides would be less than significant. The General Plan EIR also found that impacts related to substantial soil erosion or the loss of topsoil, unstable soils, expansive soils, soil adequacy for wastewater disposal systems, paleontological resources, and mineral resources would be less than significant.

The following describes the analysis included in the General Plan EIR and provides a streamlined review to determine whether there would be project-specific impacts that are either 1) peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in a previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

## City of Modesto Urban Area General Plan

The following policies are applicable to the proposed project: none.

## Project-Specific Impacts

- a.1. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving 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?*
- a.2. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?*
- a.3. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction?*
- a.4. *Would the project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides?*
- c. *Would the project 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?*

No faults known to be active or zoned as active by the State of California under the Alquist-Priolo Act are within the Planning Area. Consequently, the risk of surface fault rupture in Modesto and at the project site is considered low. Implementation of General Plan Policies GSM-1 through GSM-6 and GSM-10 would commit the City

to enforcing building standards and carrying out its enforcement responsibilities under the Alquist-Priolo Act such that earthquake risks to new development, including the proposed project, would be low. These policies also require all new structures to be designed and constructed to meet or exceed relevant building code requirements. The project site is in a generally flat area and not surrounded by substantial slopes. Therefore, impacts related to risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, liquefaction, or landslide, as well as unstable soils would be less than significant. No impacts beyond those analyzed previously in the General Plan EIR would occur.

**ANALYZED IN THE PRIOR EIR**

*b. Would the project result in substantial soil erosion or the loss of topsoil?*

No development is proposed in conjunction with the rezone. Upon future development, construction of the site would involve activities such as stockpiling, grading, excavation, paving, and other earth-disturbing activities. Loose and disturbed soils are more prone to erosion and loss of topsoil by wind and water. However, construction of the proposed project would adhere to General Plan Policies GSM-9 and GSM-10, which call for implementation of industry-standard best practices relative to erosion control and sediment containment, would minimize the potential for loss of topsoil due to grading and other earthwork activities. Additionally, a Stormwater Pollution Prevention Plan (SWPPP) would be required under the National Pollutant Discharge Elimination System (NPDES) program. The SWPPP would contain Best Management Practices (BMPs) to control sediment and reduce erosion during construction. Therefore, impacts related to substantial soil erosion or the loss of topsoil would be less than significant. No impacts beyond those analyzed previously in the General Plan EIR would occur.

**ANALYZED IN THE PRIOR EIR**

*d. Would the project be located on expansive soil, as defined in Table 1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?*

The General Plan EIR analyzes the potential for expansive soils to create risks to life and property and finds this impact to be less than significant with implementation of General Plan Policy GSM-1, which requires conformance with Universal Building Code standards. All new development, including the project, would be required to comply with General Plan Policy GSM-1, which would ensure that expansive soils are remediated or that foundations and structures are engineered to withstand the forces of expansive soil. In cases where soil remediation is not feasible, the Universal Building Code requires structural reinforcement of foundations to resist the forces of expansive soils. Therefore, impacts related to expansive soils would be less than significant. No impacts beyond those analyzed previously in the General Plan EIR would occur.

**ANALYZED IN THE PRIOR EIR**

- e. *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

The proposed rezone would not result in development requiring the placement of a septic tank or alternative wastewater disposal system. Therefore, no impacts beyond those identified in the General Plan EIR would occur.

ANALYZED IN THE PRIOR EIR

- f. *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

No development is proposed concurrent with this rezone. Future development would have the potential to unearth paleontological resources during ground disturbance associated with project construction. However, such development would be required to comply with General Plan policies AH-15 through AH-21, which outline guidance for the unanticipated discovery of paleontological resources. Compliance with these policies would ensure impacts to paleontological resources remain less than significant. No impacts beyond those analyzed previously in the General Plan EIR would occur.

ANALYZED IN THE PRIOR EIR

- g. *Would the project 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?*

- h. *Would the project 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?*

The Modesto Planning Area has been classified by the California State Geologist as MRZ-3a for sand and gravel resources, which indicates the presence of resources of unknown significance. There are no other known mineral deposits or resources within the Modesto Planning Area that are of significant value to the region or the state. Therefore, the proposed project would have no impact to mineral resources. No impacts beyond those analyzed previously in the General Plan EIR would occur.

ANALYZED IN THE PRIOR EIR

## Conclusion

The proposed project is consistent with the General Plan and the analysis in the General Plan EIR. The project would have no new significant or substantially more severe or peculiar impacts to geology, soils, or mineral resources, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, because of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact that

discussed in the previous environmental documents. Accordingly, no additional review is required.

# 7 Greenhouse Gases, Climate Change, and Energy

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
--	--------------------	---	-----------	---------------------------	--

Would the project:

a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Analysis in Previous Environmental Documents

The General Plan EIR discusses greenhouse gas (GHG) and energy impacts on pages 3.7-35 through 3.7-42. The General Plan EIR found impacts related to generation of greenhouse gases and conflict with a greenhouse gas reduction plan to be significant and unavoidable. The General Plan EIR found impacts related to the wasteful, inefficient, or unnecessary consumption of energy resources, or conflict with or obstruct a state or local plan for renewable energy or energy efficiency, to be less than significant.

The following describes the analysis included in the General Plan EIR and provides a streamlined review to determine whether there would be project-specific impacts that are either 1) peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in a previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental

documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

### **City of Modesto Urban Area General Plan**

The following policies are applicable to the proposed project.

- **AQ-101.** Require all access roads, driveways, and parking areas serving new commercial and industrial development to be constructed with materials that minimize particulate emissions in accordance with the requirements of SJVAPCD Regulation VIII and are appropriate to the scale and intensity of use. (Policy VII.H.2.kk)
- **AQ-103.** Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)
- **AQ-104.** Effectively stabilize dust emissions using water or chemical stabilizer / suppressant, all onsite unpaved roads and off-site unpaved access roads. (Policy VII.H.2.nn)
- **AQ-105.** Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)
- **AQ-107.** When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)
- **AQ-108.** Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)
- **AQ-109.** Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)
- **AQ-110.** Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)
- **AQ-111.** Prevent carryout and trackout for any site with 150 or more vehicle trips per day. (Policy VII.H.2.uu)
- **AQ-113.** Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)
- **AQ-114.** Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)

- **AQ-115.** Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)
- **AQ-116.** Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)
- **AQ-117.** Limit the area subject to excavation, grading, and other construction activity at any one time. (Policy VII.H.2.aaa)

### Project-Specific Impacts

- a. *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

No development is proposed in conjunction with this rezone. Any future development would be required to adhere to applicable codes and standards of the City and the above Mitigation Measures where feasible. The site is within the buildout envisioned in the General Plan EIR. According to the General Plan EIR, even with implementation of the goals, policies, and actions contained in the General Plan, there is no guarantee that the General Plan alone would be sufficient to limit GHGs to the extent required by federal and state regulations.

The General Plan EIR does not establish a regional quantitative threshold of significance to perform a quantitative GHG emission analysis, and states that such an analysis at the program level is not feasible. Instead, the General Plan EIR qualitatively evaluates policies related to GHGs that are adopted to avoid, minimize, or mitigate significant effects (Policies AQ-1 through AQ-64). These policies address GHGs, efficient land use design, and transportation efficiency and transportation mode choice. However, the General Plan EIR concludes that impacts involving the generation of GHG emissions would be significant and unavoidable even with the implementation of these policies.

As discussed under Threshold (b), the project, including the off-site improvements, would be consistent with the plans, policies, regulations, and GHG emissions reduction actions/strategies outlined in the General Plan, California Air Resources Board's 2022 Scoping Plan Update, and the Stanislaus County Council of Governments'(StanCOG) 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). Furthermore, because the project is consistent and does not conflict with these plans, policies, and regulations, the project's incremental increase in GHG emissions would not result in a new significant impact or in a substantially greater impact than the General Plan EIR projected for buildout of the project site.

**ANALYZED IN THE PRIOR EIR**

- b. *Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

As discussed in the General Plan EIR, the General Plan would result in significant impacts if it were to conflict with Assembly Bill 32, Senate Bill 375, and Senate Bill 32, and implementation of the General Plan would generate greenhouse gas emissions that could conflict with these abovementioned regulations.

Several plans and policies have been adopted to reduce GHG emissions in the San Joaquin Valley region, including the City’s General Plan, California Air Resources Board’s 2022 Scoping Plan Update, and StanCOG’s 2022 RTP/SCS, as described in the below subsections.

### City of Modesto Urban Area General Plan

The City’s General Plan includes policies designed to address GHGs, efficient land use design, and transportation efficiency and transportation mode choice. Table 1 provides a consistency analysis of the proposed project with applicable General Plan policies.

**Table 1 Project Consistency with General Plan Policies**

Policy	Policy Summary	Consistency Analysis
AQ-1	Promote complete, sustainable, high-quality development	<b>Consistent.</b> The project would support infill development, enhance economic activity, and utilize existing infrastructure, contributing to a complete and sustainable urban environment.
AQ-2	Facilitate infill development with infrastructure and incentives	<b>Consistent.</b> Once a specific development project is proposed, the project would use existing services and infrastructure, reducing sprawl and supporting compact growth.
AQ-3	Prioritize development within city limits	<b>Consistent.</b> Located on vacant land within City limits, the project would maximize infrastructure efficiency.
AQ-33	Close gaps in pedestrian and bicycle systems	<b>Consistent.</b> Once a specific development project is proposed, the project would contribute to pedestrian infrastructure along its frontage and within the site.
AQ-76	Separate pollution sources from sensitive receptors	<b>Consistent.</b> The proposed rezone would allow for residential uses, minimizing exposure risks.
AQ-77	Mitigate construction air quality impacts	<b>Consistent.</b> Once a specific development project is proposed, dust and construction emissions would be controlled per SJVAPCD guidelines, including watering and equipment standards.
AQ-85	Comply with SJVAPCD Rule 9510 (Indirect Source Review)	<b>Consistent.</b> Once a specific development project is proposed, the project would comply with Rule 9510, incorporating emission-reducing design features.
AQ-89	Integrate air quality into land use and transportation planning	<b>Consistent.</b> The project would support air quality goals through infill development and multimodal access.
AQ-100–AQ-105	Control fugitive dust and particulate emissions	<b>Consistent.</b> Once a specific development project is proposed, the construction contractor would implement dust control measures during construction and use appropriate paving materials to minimize emissions.

Policy	Policy Summary	Consistency Analysis
AQ-107	Cover or wet materials during off-site transport	<b>Consistent.</b> Once a specific development project is proposed, the construction contractor would require covered or wetted loads with proper freeboard.
AQ-109	Stabilize outdoor storage piles	<b>Consistent.</b> Once a specific development project is proposed, the construction contractor would stabilize piles using water or chemical suppressants.
AQ-110	Remove trackout extending 50+ feet	<b>Consistent.</b> Once a specific development project is proposed, the construction contractor would remove trackout immediately and at end of each workday.
AQ-111	Prevent carryout/trackout for 150+ trips/day	<b>Consistent.</b> Once a specific development project is proposed, the construction contractor would implement trackout control measures as required.
AQ-112	Limit speeds on unpaved roads to 15 mph	<b>Consistent.</b> Once a specific development project is proposed, the construction contractor would enforce speed limits on unpaved surfaces.
AQ-113	Prevent silt runoff from sloped sites	<b>Consistent.</b> Once a specific development project is proposed, the construction contractor would install erosion control measures like sandbags.
AQ-114	Install wheel washers or wash trucks	<b>Consistent.</b> Once a specific development project is proposed, the construction contractor would install wheel washers or wash stations for exiting vehicles.
AQ-115	Install wind breaks at construction sites	<b>Consistent.</b> Once a specific development project is proposed, the construction contractor would install wind breaks on windward sides of active areas.
AQ-116	Suspend grading when winds exceed 20 mph	<b>Consistent.</b> Once a specific development project is proposed, the construction contractor would suspend activities during high winds and comply with opacity limits.
AQ-117	Limit active grading area	<b>Consistent.</b> Once a specific development project is proposed, the construction contractor would phase grading to limit disturbed area at any one time.

## California Air Resources Board's 2022 Scoping Plan Update

The 2022 Scoping Plan Update provides a strategy that can reach the Executive Order S-3-05 and SB 32 emissions targets if the measures included in the plan are implemented and achieve reductions within the ranges expected. Under the Scoping Plan Update, local government plays a supporting role through its land use authority and control over local transportation infrastructure. Table 2 provides a consistency analysis of the proposed project with applicable 2022 Scoping Plan Update measures.

**Table 2 Project Consistency with 2022 Scoping Plan Update**

Scoping Plan Measure	Consistency Analysis
SQAQMD Rule 445 (Wood Burning Devices): Restricts the installation of wood-burning devices in new development.	<b>No Conflict -Mandatory Compliance.</b> The project would not include hearths (woodstove and fireplaces) as mandated by this rule.

Scoping Plan Measure	Consistency Analysis
<p><b>California Renewables Portfolio Standard, Senate Bill 350 (SB 350) and Senate Bill 100 (SB 100):</b> Increases the proportion of electricity from renewable sources to 33 percent renewable power by 2020. SB 350 requires 50 percent by 2030. SB 100 requires 44 percent by 2024, 52 percent by 2027, and 60 percent by 2030. It also requires the State Energy Resources Conservation and Development Commission to double the energy efficiency savings in electricity and natural gas final end uses of retail customers through energy efficiency and conservation.</p>	<p><u>No Conflict -Mandatory Compliance.</u> Once a specific development project is proposed, the project would utilize electricity provided by Pacific Gas &amp; Electric (PG&amp;E), which is required to meet the 2030, 2045, and 2050 performance standards. In 2021, 48 percent of PG&amp;E’s electricity came from renewable resources. By 2030 PG&amp;E plans to achieve over 60 percent carbon-free energy.</p>
<p><b>All Electric Appliances for New Residential and Commercial Buildings (AB 197):</b> All electric appliances beginning 2026 (residential) and 2029 (commercial), contributing to 6 million heat pumps installed statewide by 2030.</p>	<p><u>No Conflict -Mandatory Compliance.</u> The proposed project would be consistent with this requirement.</p>
<p><b>California Code of Regulations, Title 24, Building Standards Code:</b> Requires compliance with energy efficiency standards for residential and nonresidential buildings.</p>	<p><u>No Conflict -Mandatory Compliance.</u> Once a specific development project is proposed, the project would be required to meet the applicable requirements of the 2022 Title 24 Building Energy Efficiency Standards (or better).</p>
<p><b>California Green Building Standards (CALGreen) Code Requirements:</b> All bathroom exhaust fans are required to be ENERGY STAR compliant.</p>	<p><u>No Conflict -Mandatory Compliance.</u> Project-specific construction plans would be required to demonstrate that energy efficiency appliances, including bathroom exhaust fans, and equipment are ENERGY STAR compliant.</p>
<p><b>California Green Building Standards (CALGreen) Code Requirements:</b> HVAC system designs are required to meet American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standards.</p>	<p><u>No Conflict -Mandatory Compliance.</u> Project-specific construction plans would be required to demonstrate that the HVAC system meets the ASHRAE standards.</p>
<p><b>California Green Building Standards (CALGreen) Code Requirements:</b> Air filtration systems are required to meet a minimum efficiency reporting value (MERV) 8 or higher.</p>	<p><u>No Conflict -Mandatory Compliance.</u> Once a specific development project is proposed, the project would be required to install air filtration systems (MERV 8 or higher) as part of its compliance with the 2022 Title 24 Building Energy Efficiency Standards.</p>
<p><b>California Green Building Standards (CALGreen) Code Requirements:</b> Refrigerants used in newly installed HVAC systems shall not contain any chlorofluorocarbons.</p>	<p><u>No Conflict -Mandatory Compliance.</u> Once a specific development project is proposed, the project would be required to meet this requirement as part of its compliance with the CALGreen Code.</p>
<p><b>California Green Building Standards (CALGreen) Code Requirements:</b> Parking spaces shall be designed for carpool or alternative fueled vehicles. Up to eight percent of total parking spaces is required for such vehicles, based on the land use.</p>	<p><u>No Conflict -Mandatory Compliance.</u> The proposed Project would be consistent with this requirement.</p>
<p><b>Mobile Source Strategy (Cleaner Technology and Fuels):</b> Reduce GHGs and other pollutants from the transportation sector through transition to zero-emission and low-emission vehicles, cleaner transit systems, and reduction of vehicle miles traveled.</p>	<p><u>Consistent.</u> Once a specific development project is proposed, the project would be consistent with this strategy by supporting the use of zero-emission and low-emission vehicles through site design and infrastructure; refer to CALGreen Code discussion above.</p>

Scoping Plan Measure	Consistency Analysis
<p><b>Senate Bill (SB) 375:</b> SB 375 establishes mechanisms for the development of regional targets for reducing passenger vehicle GHG emissions. Under SB 375, CARB is required, in consultation with the State’s Metropolitan Planning Organizations, to set regional GHG reduction targets for the passenger vehicle and light-duty truck sector for 2020 and 2035.</p>	<p><u>Consistent.</u> As demonstrated in Table 3, the project would comply with the StanCOG 2022 RTP/SCS, and therefore, the project would be consistent with SB 375.</p>
<p><b>CCR, Title 24, Building Standards Code:</b> Title 24 includes water efficiency requirements for new residential and non- residential uses.</p>	<p><u>No Conflict -Mandatory Compliance.</u> Refer to the discussion under 2022 Title 24 Building Standards Code and CALGreen Code, above.</p>
<p><b>Water Conservation Act of 2009 (Senate Bill X7-7):</b> The Water Conservation Act of 2009 sets an overall goal of reducing per capita urban water use by 20 percent by December 31, 2020. Each urban retail water supplier shall develop water use targets to meet this goal. This is an implementing measure of the Water Sector of the AB 32 Scoping Plan. Reduction in water consumption directly reduces the energy necessary and the associated emissions to convey, treat, and distribute the water; it also reduces emissions from wastewater treatment.</p>	<p><u>No Conflict -Mandatory Compliance.</u> Refer to the discussion under 2022 Title 24 Building Standards Code and CALGreen Code, above.</p>
<p><b>California Integrated Waste Management Act (IWMA) of 1989 and Assembly Bill (AB) 341:</b> The IWMA mandates that State agencies develop and implement an integrated waste management plan which outlines the steps to divert at least 50 percent of solid waste from disposal facilities. AB 341 directs the California Department of Resources Recycling and Recovery (CalRecycle) to develop and adopt regulations for mandatory commercial recycling and sets a Statewide goal for 75 percent disposal reduction by the year 2020.</p>	<p><u>No Conflict -Mandatory Compliance.</u> Any specific development project would be required to comply with AB 341 which requires commercial recycling services. This would reduce the overall amount of solid waste disposed at landfills. The decrease in solid waste would in return decrease the amount of methane released from decomposing solid waste.</p>

Source: California Air Resources Board 2022

## StanCOG’s 2022 RTP/SCS

With the passage of SB 375 in 2008, Metropolitan Planning Organizations were required to develop an SCS, which must demonstrate an achievable approach to how land use development and transportation can work together to meet GHG emission reduction targets for cars and light trucks. These targets, set by the California Air Resources Board, call for the region to reduce per capita emissions. SB 375 and AB 32 are implemented with the StanCOG 2022 RTP/SCS. The 2022 RTP/SCS envisions an increase in development density that would encourage fewer and shorter trips and more trips by transit, walking, and bicycling in amounts sufficient to achieve the SB 375 targets. Table 3 provides a consistency analysis of the proposed project with applicable 2022 RTP/SCS measures.

**Table 3 Project Consistency with StanCOG’s 2022 RTP/SCS**

Scoping Plan Measure	Consistency Analysis
Goal 1: Mobility and Accessibility	<b>Consistent.</b> The proposed project would provide pedestrian facilities that link the rezone site and other nearby developments.
Goal 2: Social Equity	<b>Consistent.</b> The proposed rezone would facilitate new residential development for residents, which is consistent with social equity directives aimed at creating opportunities for local residents.
Goal 3: Economic and Community Vitality	<b>Consistent.</b> The proposed rezone would facilitate new residential development thereby promoting economic and community vitality.
Goal 4: Sustainable Development Pattern	<b>Consistent.</b> The project site is located on infill land within an urbanized area, reducing pressure on agricultural and open space lands and supporting compact development.
Goal 5: Environmental Quality	<b>Consistent.</b> Future development would implement SJVAPCD-compliant dust and emissions controls to reduce GHG emissions.
Goal 6: Safety and Health	<b>Consistent.</b> There are no geometric safety concerns with the circulation system. The system includes pedestrian facilities which is consistent with the health policy directives aimed at active transportation.
Goal 7: System Preservation	<b>Consistent.</b> Future development would connect to a larger network of roadways, bicycle lanes, trails, and sidewalks.
Goal 8: Smart Infrastructure	<b>Not applicable.</b>
Goal 9: Resiliency and Reliability	<b>Consistent.</b> Future development would include resilient design features such as stormwater management, heat-resilient landscaping, and durable materials to adapt to changing climate conditions.
Goal 10: Congestion Management	<b>Consistent.</b> The rezone site is located on infill land within an urbanized area, on an arterial street with Class II bike lanes and transit service.

Source: StanCOG 2022

## Conclusion

Any future development project consistent with the proposed rezone would be constructed in conformance with the most recent iteration of CALGreen and Title 24, which would reduce greenhouse gas emissions associated with project operation. As described in Table 1, Table 2, and Table 3, the proposed project would be consistent with policies and measures within the City’s General Plan, the California Air Resources Board’s 2022 Scoping Plan Update, and StanCOG’s 2022 RTP/SCS. Therefore, the proposed project would not generate a significant impact involving GHGs. The proposed project would not generate GHG emissions that would have a significant impact on the environment or conflict with any applicable plans, policies, or regulations. Impacts would not be substantially greater than those identified in the General Plan EIR.

ANALYZED IN THE PRIOR EIR

- c. *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?*
- d. *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?*

Upon future development, construction activities would involve the use of energy during construction and operation, including fuel consumption to operate heavy equipment, light-duty vehicles, machinery, and generators for lighting; temporary grid power; permanent grid connections for electricity and natural gas; and fuel consumption from increased vehicle trips associated with potential development. The proposed project is consistent with the General Plan buildout, and therefore, energy conclusions from the General Plan EIR apply to the project.

### Construction

In any future development, all construction equipment and operation thereof would be regulated pursuant to the CARB In-Use Off-Road Diesel Vehicle Regulation, which imposes limits on idling, requires all vehicles to be reported to CARB, restricts the addition of older vehicles into fleets, and requires fleets to reduce emissions by retiring, replacing, or repowering older engines, or installing exhaust retrofits. Compliance with the Regulation would improve fuel efficiency of construction vehicles.

Construction equipment would be subject to the USEPA Construction Equipment Fuel Efficiency Standard, which would minimize inefficient fuel consumption. These construction equipment standards are contained in 40 Code of Federal Regulations Parts 1039, 1065, and 1068. Electrical power would be consumed during construction activities, and the demand, to the extent required, would be supplied from existing electrical infrastructure in the region.

Based on the above, the temporary increase in energy use during construction of any future development would not result in a significant increase in peak or base demands or require additional capacity from local or regional energy supplies. Any future development would be required to comply with all applicable regulations related to energy conservation and fuel efficiency, which would help to reduce the temporary increase in demand. Furthermore, the project would be consistent with the site's existing General Plan land use designation; thus, there would be no new or substantially more severe impacts than what was analyzed in the General Plan EIR, and further analysis is not warranted.

### Operation

Operation of any future development project would contribute to regional energy demand by consuming electricity, gasoline, diesel, and potentially natural gas. Electricity would be used for lighting, appliances, and water and wastewater conveyance, among other purposes. Gasoline and diesel consumption would be

associated with vehicle trips generated by residents and visitors. Natural gas could be utilized for heating and cooling systems, and other purposes.

The project would be subject to all relevant provisions of the most recent update of the California Building Standards Code, including the CalGreen standards, which would ensure that proposed structure would consume energy efficiently. Through compliance with the State's Building Standards Code, as well as applicable General Plan policies, the project would implement all necessary energy efficiency regulations. There would be no new or substantially more severe impacts than what was analyzed in the General Plan EIR, and further analysis is not warranted.

ANALYZED IN THE PRIOR EIR

### **Conclusion**

The proposed project is consistent with the General Plan and the analysis in the General Plan EIR. The project would have no new significant or substantially more severe or peculiar impacts to greenhouse gas emissions or energy, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, as a result of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact than discussed in the previous environmental documents. Accordingly, no additional review is required.

# 8 Hazards and Hazardous Materials

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
--	--------------------	---	-----------	---------------------------	--

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"/>	<input 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"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site that is included on a list of hazardous material 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
e. For a project located in 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 or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Analysis in Previous Environmental Documents

The General Plan EIR discusses hazardous materials impacts on pages 3.8-38 through 3.8-45. The General Plan EIR found impacts involving the creation of a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, or through reasonably foreseeable upset and accident conditions involving the release of hazardous materials, to be less than significant. Impacts related to the handling of hazardous materials within 0.25 mile of a school and the location of development on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962 were also found to be less than significant. The General Plan EIR found less than significant impacts involving airport safety hazards, interference with an adopted emergency response or emergency evacuation plan, and wildland fires.

The following describes the analysis included in the General Plan EIR and provides a streamlined review to determine whether there would be project-specific impacts that are either 1) peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in a previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental

documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

### City of Modesto Urban Area General Plan

The following policies are applicable to the proposed project.

- **HM-5.** In the event that site inspection or construction activities uncover chemical contamination, underground storage tanks, abandoned drums, or other hazardous materials or wastes at a parcel, the inspection report preparer shall so notify the City. The City shall notify the County Health Services Department. Under the direction of these agencies, a site remediation plan would be prepared by the project applicant.

The plan would (1) specify measures to be taken to protect workers and the public from exposure to potential site hazards and (2) certify that the proposed remediation measures would clean up the wastes, dispose the wastes, and protect public health in accordance with federal, state, and local requirements.

Permitting or work in the areas of potential hazard shall not proceed until the site remediation plan is on file with the City.

If a parcel is found to be contaminated to a level that prohibits the proposed use, the potential for reduction of the hazard should be evaluated. Site remediation is theoretically capable of removing hazards to levels sufficiently low to allow any use at the site. In practice, both the technical feasibility of the remediation and its cost (financial feasibility) should be evaluated in order to determine the overall feasibility of locating a specific use on a specific site. In some cases, it may require restriction to industrial use or a use that involves complete paving and covering of the parcel.

In accordance with OSHA requirements, any activity performed at a contaminated site shall be preceded by preparation of a separate site health and safety plan (prepared by the project applicant and filed with the City) for the protection of workers and the public. All reports, plans, and other documentation shall be added to the administrative record. (UAGP Policy VI.M.3)

- **HM-7.** Prior to the issuance of all building permits, identify the site in relation to all Comprehensive Environmental Response, Compensation and Liability Information System sites and to known or suspected uncontrolled or abandoned hazardous waste sites. All projects within 2,000 feet of these facilities should conduct hazardous materials studies as necessary to identify the type and extent of contamination, if any, and the extent of risk to human health and public safety. If necessary, a remedial action program should be developed and implemented as in UAGP Policy VI.M.3. (UAGP Policy VI.M.5)
- **HM-8.** Applicants for building permits should determine that a site containing or formerly containing residences or farm buildings / structures has been fully investigated for the presence of hazardous materials or wastes prior to issuance of the permit. Investigation should consist of, at minimum, a Phase I environmental site assessment and a Phase II site assessment, if found necessary

as a result of the Phase I assessment. The findings of the site assessment should be reported to the City and the County's Department of Environmental Resources. The appropriate remediation should occur prior to final occupancy of the approved development. (UAGP Policy VI.M.6)

### **Project-Specific Impacts**

- a. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*
- b. *Would the project 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?*
- c. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school?*

No development is proposed in conjunction with this rezone. Upon future development, potentially hazardous materials such as fuels, lubricants, and solvents would be used by heavy machinery during construction. However, such development would be required to comply with goals and policies in the General Plan, including HM-3 and HM-4, to eliminate potential significant hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials. Development would also be required to adhere to federal, state, and local regulations regarding hazardous materials. During grading and construction activities, it is anticipated that limited quantities of miscellaneous hazardous substances, such as gasoline, diesel fuel, hydraulic fluid, solvents, oils, paints, would be brought onto the site. Construction contractors would be required to comply with applicable federal and state environmental and workplace safety laws. Additionally, the construction SWPPP would include BMPs to control accidental spills of equipment fluids and measures for cleanup. Adherence to these regulatory requirements and the SWPPP would ensure that this impact is less than significant.

The nearest school to the project site is Sylvan Elementary School, located approximately 0.25 miles to the south of the site. Exposure of people to hazardous materials could occur in the following ways: improper handling or use of hazardous materials or hazardous waste during construction or operation of future developments, particularly by untrained personnel; transportation accident; environmentally unsound disposal methods; or fire, explosion, or other emergencies. However, any future development on the project site would be required to comply with the regulations, standards, and guidelines established by the USEPA, State, and City of Modesto related to storage, use, and disposal of hazardous materials, as included in the General Plan EIR. Therefore, with compliance with state, federal, and local regulations as well as General Plan policies, no impacts beyond those identified in the General Plan EIR would occur.

**ANALYZED IN THE PRIOR EIR**

- d. *Would the project be located on a site that is included on a list of hazardous material 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?*

The subject parcel is not included on a list of hazardous material sites (GC 65962.5); therefore, there is no impact. (Site search: envirostor.dtsc.ca.gov)

ANALYZED IN THE PRIOR EIR

- 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 or excessive noise for people residing or working in the project area?*

The nearest airport is the Modesto City-County Airport approximately 3.5 miles north of the project site. The project site is not located within the Modesto City-County Airport's Airport Influence Area but outside of the noise contours and safety zones (Stanislaus County Airport Land Use Commission n.d.). Therefore, the proposed project would not result in a safety hazard or excessive noise for people working in the project area. No impacts beyond those identified in the General Plan EIR would occur.

ANALYZED IN THE PRIOR EIR

- f. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

The proposed rezone would not remove or impede any established evacuation routes within the City or region and would not conflict with adopted emergency response or evacuation plans. The project would not alter travel lanes on roadways carrying emergency vehicles. Emergency vehicles would have access to the subject property via Coffee Road. Therefore, any future development and use of the site would not directly impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, or involve the development of structures that could potentially impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation. The project would not block access or permanently constrain evacuation routes adopted in an emergency response plan or emergency evaluation plan. No impacts beyond those identified in the General Plan EIR would occur.

ANALYZED IN THE PRIOR EIR

- g. *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?*

The project site is not within or near State Responsibility Areas (SRA) or lands classified as very high fire hazard severity zones (VHFHSZ). The project site is generally flat and surrounded by numerous firebreaks such as roads and urban development. Therefore, the risk of wildfire on the project site would be low. No impact would occur, and the proposed project would be consistent with the findings of the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

**Conclusion**

The proposed rezone is consistent with the General Plan and the analysis in the General Plan EIR. The rezone to residential uses would have no new significant or substantially more severe or peculiar impacts to hazards and hazardous materials, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

## 9 Hydrology and Water Quality

	Significant Impact	Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
--	--------------------	--	-----------	---------------------------	--

Would the project:

- |   |                          |                          |                          |                                     |                          |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?</p>   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?</p>                                  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:</p> |                          |                          |                          |                                     |                          |
| <p>(i) Result in substantial erosion or siltation on- or off-site;</p>  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;</p>   |                          |                          |                          |                                     |                          |
| <p>(iii) Create or contribute runoff water which would</p>  |                          |                          |                          |                                     |                          |

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or (iv) Impede or redirect flood flows?					
d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

### Analysis in Previous Environmental Documents

The General Plan EIR analyzes impacts on hydrology and water quality on pages 3.9-28 through 3.9-39. The General Plan EIR found that impacts related to violation of water quality standards, groundwater supply and recharge, alteration of existing drainage patterns, release of pollutants due to inundation, and conflict with water quality or groundwater plans would be less than significant.

The following describes the analysis included in the General Plan EIR and provides a streamlined review to determine whether there would be project-specific impacts that are either 1) peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in a previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

## City of Modesto Urban Area General Plan

The following policies are applicable to the proposed project.

- **FWQ-II.** Construction activities shall comply with the requirements of the City's Storm Water Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy VI.G.3)
- **FWQ-13.** Ensure that new development complies with the City of Modesto's Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. (UAGP Policy VI.G.5)
- **FWQ-14.** Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (UAGP Policy VI.G.6)
- **FWQ-16.** Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (UAGP Policy VI.G.8)

### Project-Specific Impacts

- a. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?*

No development is proposed in conjunction with this rezone. Any future development as a result of the rezone could adversely affect surface water quality and groundwater quality through short-term construction-related discharges of wastes, long-term soil erosion from construction and increased discharges of stormwater to drainage channels, and increased long-term discharges of urban pollutants. Nonetheless, as discussed in the General Plan EIR, General Plan policies FWQ-9 through FWQ-13 would minimize discharges of urban pollutants to natural waterways and require new development to prepare drainage plans and implement urban runoff control measures. In addition, General Plan policy FWQ-14 would require implementation of permanent pollution control measures such as seeding and planting vegetation for new cut-and-fill slopes, directing runoff through vegetation, and reducing offsite discharge of particulates and sediment to control offsite discharge of urban pollutants. Therefore, impacts on surface water quality and groundwater quality would be less than significant and would not be more severe than those analyzed in the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

- b. *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?*

The General Plan EIR concluded that implementation and future buildout of the proposed General Plan would not appreciably add to the volume of impervious surfaces in Modesto, when compared to the overall size of the regional groundwater basin recharge area, and that there are adequate water supplies (including groundwater) to serve the projected buildout demand of the General Plan. Development under the project would not include installation of new groundwater wells or use of groundwater from existing wells. Although the project may increase impervious surfaces on the site, development of the project site was anticipated under the General Plan and the project would not use water or prevent recharge at a rate beyond that anticipated in the General Plan. Therefore, the project would have no impacts beyond those previously identified in the prior environmental document, and would be consistent with the findings of the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

- c.(i) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?*
- c.(ii) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?*
- c.(iii) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would 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?*
- c.(iv) *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?*

The project site is currently vacant and unpaved. No development is proposed with the rezone; however any future development would be required to comply with the City's Stormwater Management Program and Construction General Permit requirements; incorporation of Low Impact Development design measures that restrict the amount of post-development runoff from exceeding pre-development conditions; and implementation of post-construction erosion control and stormwater control measures. Therefore, with implementation of General Plan policies, impacts would be less than significant and would not be more severe than those analyzed in the General Plan EIR.

ANALYZED IN THE PRIOR EIR

- d. *In flood hazard, tsunami, or seiche zones, would the project risk release of pollutants due to project inundation?*

The project site is not located in a tsunami inundation area, nor is there a water body near the project site capable of seiche. The proposed project would be located outside of the 100-year floodplain and would not expose people or structures to a significant risk of loss, injury, or death involving flooding. There would be no impact. Impacts would not be more severe than those analyzed in the General Plan EIR.

ANALYZED IN THE PRIOR EIR

- e. *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

The City of Modesto is under the jurisdiction of the Central Valley Regional Water Quality Control Board (RWQCB). The Central Valley RWQCB requires permits for projects that may affect surface waters and groundwater locally and is responsible for preparing the Water Quality Control Plan for the Sacramento-San Joaquin River Basins (Basin Plan). The Basin Plan designates beneficial uses of water in the region and establishes narrative and numerical water quality objectives. The Basin Plan serves as the basis for the Central Valley RWQCB's regulatory programs and incorporates an implementation plan for achieving water quality objectives. The proposed project would not interfere with the objectives and goals in the Basin Plan. Impacts would be less than significant, and the proposed project would be consistent with the findings of the General Plan EIR.

ANALYZED IN THE PRIOR EIR

## Conclusion

The proposed rezone is consistent with the General Plan and the analysis in the General Plan EIR. The rezone would have no new significant or substantially more severe or peculiar impacts on hydrology and water quality, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, as a result of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact than discussed in the previous environmental documents. Accordingly, no additional review is required.

# 10 Land Use, Population, and Housing

Would the project:

- a. Physically divide an established community?
- b. Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?
- c. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure)?
- d. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

## Analysis in Previous Environmental Documents

The General Plan EIR addresses impacts to land use, population, and housing on pages 3.10-11 through 3.10-19. The General Plan EIR found that impacts involving physical division of an established community, conflict with an applicable land use plan, policy, or regulation adopted to avoid or mitigate an environmental effect, substantial population growth, and displacement of people or housing would be less than significant.

The following describes the analysis included in the General Plan EIR and also provides a streamlined review to determine whether there would be project-specific impacts that are either 1) peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in a previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative

impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

### City of Modesto Urban Area General Plan

The following policies are applicable to the proposed project.

- **LUP-16:** Preserve, protect, and enhance established neighborhoods by providing sensitive transitions between and among adjoining neighborhoods, and by requiring new development – both private and public – to respect and respond to those existing physical characteristics, buildings, streetscapes, open spaces, and urban form that contribute to the overall character and livability of the neighborhood. (UAGP Policy III.C.2)
- **LUP-18:** Development along major transportation corridors that occurs pursuant to an adopted corridor study should be compact, mixed-use, transit- / bicycle- / pedestrian-friendly, and scaled appropriately to match the context and transition to existing nearby neighborhoods. (UAGP Goal III.E)

### Project-Specific Impacts

*a. Would the project physically divide an established community?*

No development is proposed concurrently with this rezone. Future development would involve infill multi-family residential uses consistent with the Medium Density Residential (R-2) Zone and would not result in new obstructions or divisions between established communities. Any future development would be limited to the project site and would not include linear or other features that could impede access between or within neighborhoods. Therefore, the proposed project would have no impact and would be consistent with the findings of the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

*b. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

The proposal is to rezone the parcel only; no development is proposed with the rezone. The rezone would be for Medium Density Residential (R-2) uses which would conform to the existing Mixed Use (MU) land use designation in the General Plan. Therefore, the proposed project would have a less than significant impact involving conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The proposed project would be consistent with the findings of the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

- c. *Would the project 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)?*

The proposal is to rezone 1.35 gross acres from Professional Office (P-O) Zone to the Medium Density Residential (R-2) Zone. No development is proposed in conjunction with the rezone. Any future development would be infill in nature and allow for between 10.9 and 22 units per acre. The project would have less than significant impact and would be consistent with the findings of the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

- d. *Would the project displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?*

“Substantial” displacement would occur if the proposed project would displace more residences than would be accommodated through growth facilitated by the project. The project site is currently vacant and contains no existing residences. Therefore, construction and development of the site would not displace people or residences. The project would have no impact and would be consistent with the findings of the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

## **Conclusion**

The proposed project is consistent with the General Plan and the analysis in the General Plan EIR. The project would have no new significant or substantially more severe or peculiar impacts to land use, population and housing, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental documents. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

# 11 Noise

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
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"/>	<input type="checkbox"/>
b. 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"/>	<input type="checkbox"/>
c. 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"/>	<input type="checkbox"/>
d. 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, expose people residing or working in the project area to excessive noise levels within two miles of a public airport or public use airport?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. For a project within the vicinity of a private airstrip, expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Analysis in Previous Environmental Documents

The General Plan EIR analyzes noise impacts on pages 3.11-17 through 3.11-28. The General Plan EIR found that impacts involving the generation of traffic noise, exposure to railroad noise and groundborne vibration, generation of excessive stationary noise sources, and increases in construction noise and vibration would be significant and unavoidable.

The following describes the analysis included in the General Plan EIR and provides a streamlined review to determine whether there would be project-specific impacts that are either 1) peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in a previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

### City of Modesto Urban Area General Plan

The following policies are applicable to the proposed project.

- **Noise-1.** Construction activities are to comply with Modesto Municipal Code Title 4, Chapter 9.
- **Noise-2.** Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:
  - Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
  - Require impact tools to be equipped with shrouds or shields;
  - Require that the quietest equipment available be used; and,
  - Require selection of haul routes that affect the fewest number of people. (UAGP Policy VII-G.3.b)
- **Noise-5:** Incorporate construction practices and acoustic treatment in new residential construction to reduce typical indoor noise levels to 45 dB. Developers of residential buildings within the 65 dBA contours shown in the General Plan Program EIR shall demonstrate that interior noise has been reduced to 45 dB. Other types of development should be protected against noise intrusion at least to the levels indicated on UAGP Table VII-2. (UAGP Policy VII-G.3.e)

### City of Modesto Municipal Code Noise Ordinance

- Generally, the Modesto Municipal Code prohibits any noise that can be deemed “loud and raucous.” Determining what noises are “loud and raucous” depends on several factors, such as its volume and duration, whether the nature of the noise is usual or unusual, when the noise occurs, and whether it is recurrent,

intermittent, or constant. The Municipal Code prohibits “loud and raucous” construction-related noise before 7:00 am or after 9:00 pm daily. It also forbids the loud and raucous operation of many specific types of construction equipment. For example, it prohibits loud and raucous noise from exhaust of any stationary internal combustion engine.

### Project-Specific Impacts

- a. *Would the project result in 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. *Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*
- c. *Would the project result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

The project is a proposed rezone to Medium Density Residential (R-2) uses and would result in future development of multi-family residential uses. Future development of the site would not generate excessive ground-borne noise or vibration levels, or lead to a permanent increase in ambient noise level. Future development projects resulting in any increase in noise would be construction-related and temporary, and less than significant impact with mitigation measures applied. Subsequent development would be required to adhere to the City’s noise ordinance. Overall, impacts would be less than significant and would not be substantially greater than those identified in the General Plan EIR.

ANALYZED IN THE PRIOR EIR

- d. *For a project located within the vicinity of a private airstrip or 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?*
- e. *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?*

The rezone site is 1.35 acres at the intersection of Coffee Road and Thorsen Avenue, and is not within the vicinity of a public or private airport/airstrip. Therefore, there would be no impact.

NO IMPACT

### Conclusion

The proposed project is consistent with the General Plan and the analysis in the General Plan EIR. The project would have no new significant or substantially more severe or peculiar impacts involving noise, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that

were not discussed in the prior environmental document. Further, there are no previously identified significant effects which, because of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

## 12 Public Services and Recreation

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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:					
1 Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2 Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3 Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4 Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5 Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Does the project include recreational facilities or require the construction or expansion of	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
recreational facilities which might have an adverse physical effect on the environment?					

### Analysis in Previous Environmental Documents

The General Plan EIR analyzes impacts to public services and recreation on pages 3.12-22 through 3.12-27. The General Plan EIR found that impacts to public services and recreational facilities would be less than significant.

The following describes the analysis included in the General Plan EIR and provides a streamlined review to determine whether there would be project-specific impacts that are either 1) peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in a previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

### City of Modesto Urban Area General Plan

The following policies are applicable to the proposed project.

#### **Fire**

- **FS-1.** Maintain adequate fire flows in relation to structure size, design, and requirements for construction and/or built-in fire protection systems in accordance with the California Fire Code and adopted local ordinances. Determination of adequate fire flows includes factors such as storage capacity, system gridding, hydrant spacing, and spacing and sizing of water mains. (UAGP Policy VI.K.1)
- **FS-2.** Ensure adequate ingress and egress to all structures for firefighting and rescue purposes independent of privately owned and maintained driveways. Provide protection of life and property through the use of engineered fire protection systems, including roof systems. (UAGP Policy VI.K.2)

#### **Police**

The following UAGP policies apply in the Baseline Developed Area and, where relevant, in the Planned Urbanizing Area. In general, however, the Modesto Police Department is only authorized to provide services within the incorporated Modesto city limits.

- **PS-7.** Review proposed projects in order to evaluate security features, encourage Crime Prevention Through Environmental Design (CPTED), and evaluate traffic

flow with respect to speed and collision mitigation. Ensure that the following CPTED principles, as modified by periodic amendments thereto, are incorporated in specific sites and situations, including new development.

- Territoriality is a design concept that clearly delineates private space from semi- public and public spaces and also creates a sense of ownership. Ownership thereby creates an environment where appearances of such strangers and intruders stand out and are more easily identified through:
  - The enhanced feeling of legitimate ownership by reinforcing existing natural surveillance and natural access control strategies with additional symbolic or social ones;
  - The design of space to allow for its continued use and intended purpose; and,
  - The use of pavement treatments, landscaping, art, signage, screening and fences define and outline ownership of space.
- Natural surveillance is a design concept directed primarily at keeping intruders under observation. Provision of natural surveillance helps to create environments where there is sufficient opportunity for people engaged in their normal behavior to observe the space around them. Areas can be designed so they are more easily observed through:
  - Design and placement of physical features to maximize visibility. This may include: building orientation, windows, entrances and exits, parking lots, refuse containers, walkways, guard gates, landscape trees and shrubs, use of wrought iron fences or walls, signage and other physical obstructions;
  - Placement of persons or activities to maximize surveillance possibilities; and,
  - Minimum maintained lighting standards that provide for nighttime illumination of parking lots, walkways, entrances, exits, and related areas to promote a safe environment.
- Access control is a design concept directed primarily at decreasing criminal accessibility. Provision of natural access control limits access and increases natural surveillance to restrict criminal intrusion, especially into areas where they will not be easily observed. Intruders are more readily recognized through:
  - The use of sidewalks, pavement, gates, lighting and landscaping to clearly guide the public to and from entrances and exits; and,
  - The use of gates, fences, walls, landscaping and lighting to prevent or discourage public access to or from dark or unmonitored areas.

- Activity support is the presence of activity planned for the space, and involves placing activity where the individuals engaged in an activity will become part of the natural surveillance system. Examples include:
  - Place safe activities in areas that will discourage would-be offenders, to increase the natural surveillance of these activities and the perception of safety for normal users, and the perception of risk for offenders;
  - Place high-risk activities in safer locations to overcome the vulnerability of these activities by using natural surveillance and access control of the safe area;
  - Locate gathering areas in locations that provide for natural surveillance and access control or in locations away from the view of would-be offenders; and,
  - Improve the scheduling of space to allow for effective use and appropriate intensity of accepted behaviors.
- Proper maintenance of landscaping, lighting treatment, and other features can facilitate the principles of CPTED. Functions include:
  - Proper maintenance of lighting fixtures to prescribed standards;
  - Landscaping that is maintained at prescribed standards; and,
  - Minimizing the conflicts between surveillance and landscaping as groundcover, shrubs and trees mature. (UAGP Policy VI.J.6)

### ***Parks and Open Space***

- **POS-40.** Historical and archaeological resources will be preserved and protected, when feasible. The locations of archaeological resources will not be disclosed to the public. (UAGP Policy VII-B.7[u])

### ***Schools***

An objective of the UAGP is to place a hierarchy of schools near the residential areas that they may serve, to maximize the opportunity for children to walk or bike to school, minimize the extent of busing, reduce the use of private vehicles, and maximize the use of adjoining school and park facilities.

The UAGP has the following policies relating to schools:

- **S-3.** Continue to require that developers pay, prior to issuance of any building permit, the maximum residential, commercial, and industrial development school fees in effect. This requirement is in accordance with the provisions of State law. (UAGP Policy VI.I.2)

## Project-Specific Impacts

- a.1. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities, or the 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?*

No development is proposed in conjunction with this rezone. Any future development as a result would be required to comply with the California Fire Code pursuant to Title 3, Chapter 1 of the MCO, as well as fire safety requirements pursuant to Title 9, Chapter 8, Article 27 of the MCO. Future development would also be required to comply with General Plan policies FS-1 and FS-2, which require adequate fire flows and ingress/egress for fire protection vehicles for new development.

The closest fire station to the project site is Fire Station 7 located approximately 1.3 miles northeast of the site at 1800 Mable Avenue. The proposed project would be consistent with the buildout assumed in the General Plan EIR and would be in an urbanized area already served by existing Modesto Fire Department facilities. The proposed project would not create excessive demand for fire services or introduce development to areas outside of normal service range that would necessitate new or substantially physically altered fire police protection facilities. Therefore, this impact would be less than significant and would not be more severe than those analyzed in the General Plan EIR.

ANALYZED IN THE PRIOR EIR

- a.2. *Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities, or the need for new or physically altered police protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*

No development is proposed in conjunction with this rezone. Future development of multi-family residential uses would be required to enroll in the City's Crime-Free Multi-Family Housing Program as administered by the Modesto Police Department. Future development at the allowed density of the Medium-Density (R-2) Zone would be consistent with the buildout assumed in the General Plan EIR and would be in an urbanized area already served by existing Modesto Police Department facilities. The proposed project would not create excessive demand for police services or introduce development to areas outside of normal service range that would necessitate new or substantially physically altered police protection facilities. The proposal was referred to the Modesto City Police Department, who indicated no concerns with the rezone. Therefore, this impact would be less than significant and would not be more severe than those analyzed in the General Plan EIR.

ANALYZED IN THE PRIOR EIR

*a.3. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered schools, or the need for new or physically altered schools, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives?*

The proposed rezone, if approved would facilitate the development of new multi-family residential uses to a maximum of 22 units per acre on a site of 1.35 acres gross. As discussed in the General Plan EIR, existing schools could not sufficiently accommodate the increase in new students generated by development under the General Plan. Nonetheless, future development, including the proposed project, would be required to pay school impact fees pursuant to Government Code Section 65995 to mitigate impacts to schools. The proposal was referred to the Modesto City Schools and Sylvan Elementary School Districts, who indicated no concerns with the rezone. Therefore, this impact would be less than significant and would not be more severe than those analyzed in the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

*a.4. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered parks, or the need for new or physically altered parks, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives?*

Refer to thresholds b and c.

*a.5. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or the 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 other public facilities?*

The proposed project does not include and would not require new or physically altered governmental facilities. Therefore, this impact would be less than significant and would not be more severe than those analyzed in the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

*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?*

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

The proposed rezone, if approved would facilitate the development of new multi-family residential uses to a maximum of 22 units per acre on a site of 1.35 acres gross. The project would not induce population growth that could substantially increase the use of existing recreational facilities, or require the construction or expansion of recreational facilities. The proposal was referred to the City's Parks Planning Department, who indicated no concerns with the rezone. Therefore, this impact

would be less than significant and would not be more severe than those analyzed in the General Plan EIR.

ANALYZED IN THE PRIOR EIR

### **Conclusion**

The proposed rezone is consistent with the General Plan and the analysis in the General Plan EIR. The project would have no new significant or substantially more severe or peculiar impacts to public services and recreation, nor would there be potentially significant off-site impacts, cumulative impacts, or previously identified significant effects that were not discussed in the prior environmental document. Further, there are no previously identified significant effects which, as a result of substantial new information not known at the time of the previous environmental review, have been determined to have a more severe adverse impact than those discussed in the previous environmental documents. Accordingly, no additional review is required.

# 13 Transportation and Circulation

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a geometric 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"/>	<input type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Analysis in Previous Environmental Documents

The General Plan EIR discusses transportation and circulation impacts on pages 3.13-32 through 3.13-38. The General Plan EIR found impacts involving increases in VMT to be significant and unavoidable. The General Plan EIR found impacts involving conflict with a program, plan, policy, or ordinance addressing the circulation system, transportation hazards, and inadequate emergency access to be less than significant.

The following describes the analysis included in the General Plan EIR and also provides a streamlined review to determine whether there would be project-specific impacts that are either 1) peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in a previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

## City of Modesto Urban Area General Plan

The purpose of Modesto's transportation system is to move people and goods safely, conveniently, and efficiently. The system should provide transportation choices that are safe, reliable, effective, and economical for all users to decrease household transportation costs, improve air quality, reduce greenhouse gas emissions, and promote public health.

The following policies are applicable to the proposed project:

- TC-59: ADA Compliance. Construct or modify curb-ramps and sidewalks to comply with the Americans with Disabilities Act. (UAGP Policy V.D.5)
- TC-61: Street Trees. Plant and maintain large species trees along streets to separate pedestrians from moving traffic for safety and to create an inviting walking environment. (UAGP Policy V.D.7)

### Project-Specific Impacts

The proposed rezone was referred to the City's Transportation Engineering and Design (TED) staff for review and comment, who indicated no concerns with the proposal. Future development would be evaluated for traffic and transit mitigation needs upon submittal of an application for multi-family residential development. The full Transportation Analysis can be found attached as Appendix C.

- a. *Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*

No development is proposed in conjunction with this rezone. Future development would be required to provide for new roadway improvements if new streets are proposed, including curb, gutter and sidewalks. New sidewalks would be required to meet the City's sidewalk requirements pursuant to Title 7, Chapter 1, Article 3 of the Modesto Municipal Code and applicable City Standard Specifications. Therefore, impacts to traffic and pedestrian facilities would be less than significant and would not be substantially greater than those identified in the General Plan EIR.

Class II bike lanes are striped on both sides of Coffee Road in the vicinity of the rezone site. Impacts to bicycle facilities would be less than significant and would not be substantially greater than those identified in the General Plan EIR.

The Coffee Road frontage of the site has an existing bus stop opposite of Thorsen Avenue, served by the Stanislaus Regional Transit Authority's bus route 32. Additional routes 60 and 37 run on Floyd Avenue approximately one-half mile from the site. Therefore, impacts to transit facilities would be less than significant and would not be substantially greater than those identified in the General Plan EIR.

ANALYZED IN THE PRIOR EIR

- b. *Would the project conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)??*

The General Plan EIR concluded that implementation of the General Plan would result in VMT that would be greater than 85 percent of baseline conditions; additionally, General Plan implementation would not cause the total VMT in the Planning Area to decrease. Therefore, impacts from implementation of the General Plan would be significant and unavoidable. Any increase in VMT generated by future residential development as a result of the rezone is considered in the General Plan EIR, and future development would be consistent with the current land use designation of Mixed Uses in the General Plan. Therefore, impacts involving VMT would not be substantially greater than those identified in the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

- c. *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?*

No development is proposed in conjunction with this rezone. Any future development would be required to demonstrate adherence to relevant City codes and standards, and at minimum be subject to administrative Development Plan Review per Modesto Municipal Code Title 10, Chapter 9, Article 10 prior to issuance of a building permit. Therefore, the proposed rezone would not substantially increase hazards due to a geometric design feature or incompatible use and impacts would be less than significant. Impacts would not be more severe than those analyzed in the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

- d. *Would the project result in inadequate emergency access?*

Emergency vehicles would have access to the rezone site via Coffee Road. The rezone would not impair implementation of an emergency plan or physically interfere with an emergency access, nor would it result in the blockage of access routes or evacuation routes adopted within an emergency response plan or emergency evaluation plan. This impact is less than significant and impacts would not be more severe than those analyzed in the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

## **Conclusion**

The proposed project is consistent with the General Plan and the analysis in the General Plan EIR. The project would have no new significant or substantially more severe or peculiar impacts concerning transportation, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, as a result of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact than discussed in the previous environmental documents. Accordingly, no additional review is required.

# 14 Utilities and Service Systems

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
Would the project:					
a. Require or result in the relocation or construction of new or expanded water, wastewater, or stormwater drainage facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, single dry and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Comply with federal, state, and local management and reduction statutes and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
regulations related to solid waste?					

### Analysis in Previous Environmental Documents

The General Plan EIR analyzes impacts to utilities and service systems on pages 3.14-19 through 3.14-22, 3.14-31 through 3.14-34; 3.14-46 through 3.14-48; and 3.14-56 and 3.14-57. The General Plan EIR found that impacts involving water supplies and water treatment facilities would be less than significant; impacts involving wastewater capacity and wastewater treatment facilities would be less than significant; impacts involving stormwater drainage facilities would be less than significant; and impacts involving solid waste would be less than significant.

The following describes the analysis included in the General Plan EIR and provides a streamlined review to determine whether there would be project-specific impacts that are either 1) peculiar to the project or the parcel on which the project is located; 2) were not previously analyzed in a previous environmental documents as significant effects; 3) are potentially significant off-site impacts and cumulative impacts that were not previously discussed in the previous environmental documents; and 4) are now determined to have a more severe impact than discussed in the previous environmental documents due to substantial new information.

### City of Modesto Urban Area General Plan

The following policies are applicable to the proposed project.

#### Water

- **WS-14.** All new connections to the public water system are to have meters installed. In addition, on or before January 1, 2025, all existing municipal and industrial service connections are to have water meters installed. (UAGP Policy VI.A.3)

#### Wastewater

- **SS-13.** Individual development projects are subject to review by the City for adequate wastewater collection service and treatment. (UAGP Policy VI.E.3)
- **SS-23.** Require each new development project to be served with public sanitary sewers. Utilities located in private streets shall be part of the public sewerage system and shall be connected to a sewer lateral. (UAGP Policy VI.E.14)

#### Storm Drainage

- **SD-10.** Construction activities shall comply with the requirements of the City’s Stormwater Management Plan under its municipal NPDES stormwater permit,

and the State Water Resources Control Board’s General Permit for Discharges of Storm Water Associated with Construction Activity. (UAGP Policy VI.G.3)

- **SD-12.** Ensure that new development complies with the City of Modesto’s Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures. (UAGP Policy VI.G.5)
- **SD-13.** Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City’s implementation policies for the municipal NPDES stormwater permit. (UAGP Policy VI.G.6)
- **SD-14.** Design development projects to preserve and, where possible, create or restore areas that provide important water quality benefits, such as riparian corridors, wetlands and buffers. Minimize disturbance of natural water bodies or natural drainage systems that might result from development, including road construction. (UAGP Policy VI.G.7) **SD-15:** Integrate Low Impact Development principles into proposed development projects’ design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (UAGP Policy VI.G.8)

The following tables identify standards referenced in the UAGP that will apply to future development.

**Table 3.14-13: Requirements for Drainage Plans**

Order	Requirement
A	The plan shall be based on a drainage study prepared by a qualified engineer and shall be implemented in all construction projects where the drainage study indicates a need.
B	The drainage study shall identify 100-year flood elevations before and after development, location and available capacity of any existing drainage systems, and the volume and rate of water flows created by the proposed project during a 100-year storm.
C	The study shall also provide the location and capacity of retention/detention basins and/or drainage channels to accommodate the increment in water flows and siltation created by the project.
D	The plan shall include water quality control measures to ensure that minimal contaminants get discharged to surface streams or percolated into the ground.
E	The water quality control measures shall address both construction and operation periods.
F	The plan shall be implemented as part of a proposed project prior to occupancy permit issuance and during the life of the project.
G	Fluvial erosion related to construction is controlled by a construction erosion control program that shall be filed with the City Utilities Department and kept current throughout any site development phase.
H	The erosion control program shall include BMPs as appropriate, given the specific circumstances of the site and/or project. The City shall consult Table V-9-2 in the Master EIR for examples of BMPs.
I	Sediment control basins that capture and contain eroded sediments on project sites shall incorporate design criteria listed in Table V-9-3 in the Master EIR.

J	A stormwater management program (SWMP) shall be prepared for the operation of all proposed land development projects and shall be utilized to obtain an NPDES permit and be incorporated into the Drainage Plan. The SWMP shall utilize measures selected from Table V-9-4 in the Master EIR.
---	---

*Notes: This table does not use the standard nomenclature found elsewhere in this document in order to be consistent with the reference contained in the UAGP.*

**Table 3.14-14: Examples of Construction Site Best Management Practices**

Order	Requirement
A	Implement effective erosion control measures, such as minimizing long, unbroken flow paths by placing transverse gravel bag lines or installing transverse straw wattle lines across flow paths.
B	Make drainage swales broad and flat to reduce hydraulic efficiency.
C	Control offsite drainage and route it around disturbed areas, including newly graded areas.
D	Provide a system of berms along the tops of slopes, combined with properly designed swales or other conveyance measures, to prevent water from running uncontrolled down the slopes.
E	Collect the water in these berms and take it down the slopes in a non-erosive manner.
F	Provide energy dissipaters and erosion control pads at the bottom of downdrains.
G	Implement effective sediment control measures, such as directing site drainage into a sediment control basin before releasing it from the site.
H	Install permanent landscaping, as soon as practical, after the completion of grading.
I	Maintain facilities, including stormwater best management practices, in operable condition at all times.
J	Inspect facilities at the end of each workday to ensure they are ready for service.

*Notes: This table does not use the standard nomenclature found elsewhere in this document in order to be consistent with the reference contained in the UAGP.*

**Table 3.14-15: Design Criteria for Sediment Control Basins**

Order	Requirement
A	Provide 15 cubic yards of sediment storage per acre of tributary drainage area.
B	Provide an erosion-proof spillway from the basin to a protected outlet.
C	Do not provide a drain in the basin since this would allow some sediment to escape.
D	If site conditions permit, build an oversize basin so it will not have to be cleaned out during the life of the grading project.
E	Maintain and clean out basin as necessary.
F	Inspect the basin at end of each work day to assure it is in working order.

*Notes: This table does not use the standard nomenclature found elsewhere in this document in order to be consistent with the reference contained in the UAGP.*

**Table 3.14-16: Measures That Can Be Incorporated into a SWMP**

Order	Requirement
A	Educate the public regarding the problem of contaminants in urban runoff and solutions they can utilize to reduce the number of contaminants in urban runoff.
B	Design projects to direct runoff from impervious surfaces to areas of landscaping, where feasible.
C	Promote efficient and safe housekeeping practices when handling fertilizers, pesticides, cleaning solutions, paint products, automotive products, and swimming pool chemicals. These substances

	should be utilized and stored according to labels and instructions and should not be disposed of in a manner that will allow them to contaminate storm flows.
D	Minimize the use of and utilize the least harmful fertilizers, pesticides, cleaning solutions, automotive and paint products where alternatives exist.
E	Hazardous materials shall be stored as follows: in the minimum amount necessary; in designated areas; utilizing secondary containment; and shall be subject to regular inspections.
F	Employees and contractors shall be trained in appropriate storage methods and procedures for spill cleanup.
G	Discourage illegal dumping by identifying elements of the drainage system with a sign prohibiting dumping and indicating the reason for the sign.
H	Coordinate with private industry to establish used oil disposal facilities for recycling of bulk used oil.
I	Project operators shall ensure that vehicle maintenance occurs in appropriate facilities and that spills are reduced, contained, and cleaned up before they contaminate urban runoff.
J	Discharge of pollutants to storm water from above ground storage tanks shall be minimized by installation of secondary containment, regular inspections, and training in spill cleanup techniques.
K	Prevent unwarranted physical connections to the storm drain system from sanitary sewer, and floor drains through regulation, inspection, testing, and education.
L	Identify and repair sewer blockages, infiltration, inflow, and wet weather overflows from sanitary sewers to the stormwater drain system.
M	Reduce the discharges of pollutants from roadway and parking lot surfaces by conducting street cleaning on a regular basis.
N	Maintain catch basins and stormwater inlets on a regular basis to remove pollutants and restore basin sediment trapping capacity.
O	Regularly remove illegally dumped items and materials from storm drainage canals and creeks.
P	Identify low impact development facilities, such as bioretention areas, as facilities to utilize in drainage systems where conditions permit.
Q	Wet ponds (i.e., permanent water pools used to treat incoming stormwater) or constructed wetlands shall be utilized where warranted and conditions permit.
R	Vegetated channels and strips shall be incorporated into drainage plans.
S	Media filtration should be utilized where sediment is a problem and there is no other adequate alternative sediment-control method available.
T	Oil/water separators shall be installed and maintained in all facilities where automotive maintenance or industrial facilities result in oil release.
U	Vehicle fueling and washing facilities, including steam cleaning, shall utilize concrete floors, protected from the rain and drained to a sump to assure contaminants are contained.
V	Outdoor container storage of liquids and outdoor equipment shall include a dike to contain spills and storm water and be covered to minimize storm water in the area.
W	Outdoor storage shall be covered, have secondary equipment and be designed to prevent stormwater runoff.

*Notes: This table does not use the standard nomenclature found elsewhere in this document in order to be consistent with the reference contained in the UAGP.*

**Solid Waste**

No policies/mitigation related to solid waste are applicable to the rezone as no concurrent development is proposed; however, future development will be required to adhere to the City’s codes and standards related to handling of solid waste.

## Project-Specific Impacts

- a. *Would the project require or result in the relocation or construction of new or expanded water, wastewater, or stormwater drainage facilities, the construction or relocation of which could cause significant environmental effects?*
- b. *Would the project have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, single dry and multiple dry years?*
- c. *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?*

### Water

No development is proposed in conjunction with the rezone. If approved, the rezone to Medium Density Residential (R-2) Zone would allow for the development of at maximum 22 units per acre at the 1.35-gross acre site, which would be within the buildout and consistent with the land use assumed in the General Plan EIR. As discussed in the General Plan EIR, there would be sufficient water supplies from existing entitlements as well as sufficient groundwater supplies to serve development under the General Plan EIR. According to the General Plan EIR, the City has sufficient water supply to meet demand in normal, single dry, and multiple dry water years through 2045 with water conservation. In addition, the City has a Water Shortage Contingency Plan which identifies the necessary steps to take and conservation measures to implement in the event of a water shortage, as well as several groundwater supply management programs and infrastructure projects to ensure long-term function of its wells and availability of its groundwater supplies. Furthermore, the proposed project would be required to comply with General Plan policy WS-14 which would require installation of meters for new connections to the public water system. Therefore, like what was analyzed in the General Plan EIR, the proposed project would not require or result in the construction or expansion of new water treatment facilities or exceed or require expansion of existing water supply entitlements. Impacts would be less than significant and would not be more severe than those analyzed in the General Plan EIR.

### Wastewater

No development is proposed in conjunction with the rezone. If approved, the rezone to Medium Density Residential (R-2) Zone would allow for the development of a maximum 22 units per acre at the 1.35-gross acre site, which would be within the buildout and consistent with the land use assumed in the General Plan EIR. Since the project site is vacant, any future development would increase demand for sanitary sewer service. However, the demand is expected to be fairly low and consistent with similar residential development in Modesto. As discussed in the General Plan EIR, the City mandates periodic updates to the Wastewater Master Plan which ensures the City's wastewater treatment facilities have adequate capacity to serve future development. Furthermore, the proposed project would be required to comply with General Plan policies SS-13 and SS-23, which require review by the City for adequate wastewater collection service and treatment; and service by public sanitary sewers.

Since the proposed rezone would facilitate development within the buildout assumed in the General Plan EIR, similar to what was analyzed in the General Plan EIR, the proposal would not result in the expansion or construction of new wastewater facilities; would not exceed wastewater treatment requirements of the Central Valley RWQCB; and would not result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. Therefore, impacts would be less than significant and would not be more severe than those analyzed in the General Plan EIR.

### **Stormwater Drainage**

The project site is currently vacant and unpaved. The proposed rezone would, if approved, facilitate multi-family residential development which would increase impervious surfaces on the site. Nonetheless, the proposed project would include construction of stormwater drainage facilities such as curbs and gutters along any proposed new street within the development, as well as landscaped areas to reduce surface runoff. In addition, any future development would be required to comply with General Plan policies FWQ-9 through FWQ-16, which would require compliance with the City's Stormwater Management Program and Construction General Permit requirements; installation of stormwater drainage facilities; incorporation of Low Impact Development design measures that restrict the amount of post-development runoff from exceeding pre-development conditions; and implementation of post-construction erosion control and stormwater control measures. This impact would be less than significant and would be less than significant and would not be more severe than those analyzed in the General Plan Master EIR.

**ANALYZED IN THE PRIOR EIR**

- d. *Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?*
- e. *Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?*

Modesto's solid waste goes to the Flink Road Landfill and Forward Sanitary Landfill. According to the General Plan EIR, the solid waste capacity of these landfills is sufficient to meet the needs of projected growth. The General Plan EIR also finds that impacts would be less than significant, as projected population growth under the General Plan is not anticipated to generate significant additional solid waste demand. Furthermore, continued compliance with the City's General Plan policies, including SW-6 and SW-8 through SW-10, would ensure any development complies with federal, State, and local statutes and regulations related to solid waste and would lead to increased recycling and waste diversion. The proposed rezone would have no impacts beyond those analyzed previously. The proposed rezone would be consistent with the findings of the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

## **Conclusion**

The proposed project is consistent with the General Plan and the analysis in the General Plan EIR. The project would have no new significant or substantially more severe or peculiar impacts to utilities and service systems, nor are there any potentially significant off-site impacts, cumulative impacts, or previously identified significant effects, which were not discussed in the prior environmental documents. Also, there are no previously identified significant effects which, because of substantial new information that was not known at the time of the previous environmental review, are determined to have a more severe adverse impact that discussed in the previous environmental documents. Accordingly, no additional review is required.

# 15 Mandatory Findings of Significance

	Significant Impact	Less than Significant or Less than Significant with Mitigation Incorporated	No Impact	Analyzed in the Prior EIR	Substantially Mitigated by Uniformly Applicable Development Policies
--	--------------------	---	-----------	---------------------------	--

Does the project:

a. Have the potential to substantially 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, substantially 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?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. 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 effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

## Project-Specific Impacts

- a. *Does the project have the potential to substantially 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, substantially 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?*

Consistent with the findings of the General Plan EIR and as discussed in Environmental Checklist Section 4, *Biological Resources*, the project would not substantially reduce the habitat of a fish or wildlife species; cause a fish or wildlife species population to drop below self-sustaining levels; threaten to eliminate a plant or animal community; or reduce the number or restrict the range of a rare or endangered plant or animal.

As discussed in Environmental Checklist Section 5, *Cultural and Tribal Resources*, the project would not impact or eliminate important examples of the major periods of California history or prehistory, including archaeological resources. As such, the project would not result in impacts peculiar to the project beyond those identified in the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

- 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 effects of other current projects, and the effects of probable future projects)?*

Conformance with General Plan policies would ensure that potential impacts are individually limited and not cumulatively considerable in the context of impacts associated with other pending and planned development projects. As part of the General Plan EIR, cumulative impacts associated with buildout of the City were analyzed. The project is consistent with the General Plan EIR and land use designation of the site. The General Plan is a planning document that establishes a land use scenario and goals, policies, and objectives for development and growth throughout the City. Thus, the impact analyses in the General Plan EIR effectively constitute cumulative analyses of the approved land uses in the planning boundaries. The project would not result in significant impacts peculiar to the project area, as indicated in Sections 1 through 14 above. Nearby development would be required to be consistent with the local planning documents, or mitigation would be required to assess the impacts that were not addressed in the General Plan EIR. Therefore, the project’s consistency with the General Plan and analysis above in Sections 1 through 14 indicate that the project would not result in significant cumulative impacts that were not addressed in the General Plan EIR.

**ANALYZED IN THE PRIOR EIR**

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

In general, impacts to human beings are associated with air quality, hazards and hazardous materials, geology and soils, noise, and traffic safety. As detailed in the preceding responses, the project would not result, either directly or indirectly, in substantial adverse impacts related to these issue areas. The project's effects on regional air quality, hazards and hazardous materials, geology and soils, noise, and transportation/traffic would be less than significant or analyzed in prior environmental review documents. Therefore, the project would not have substantial direct or indirect adverse effects on human beings.

ANALYZED IN THE PRIOR EIR

### Conclusion

The proposed rezone would, if approved, facilitate development consistent with the development density established by the Medium Density (R-2) Zone, the Mixed Use land use designation, and General Plan policies for which an EIR was certified. Accordingly, based on the assessments presented the environmental checklist, the project does not require additional environmental review as the impacts:

1. Are not peculiar to the project or the parcel on which the project would be located,
2. Were analyzed as significant effects in a prior EIR on the zoning action, general plan, and specific plan, with which the project is consistent where applicable,
3. Are not potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan and specific plan, and
4. Are not previously identified significant effects which, because of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

Furthermore, impacts would be reduced by compliance with General Plan policies. Accordingly, implementation of the project complies with Section 15183 of the *CEQA Guidelines* and no further environmental review is required.

# References

---

## Bibliography

California Air Resources Board. 2022. 2022 Scoping Plan for Achieving Carbon Neutrality. December 2022. <https://ww2.arb.ca.gov/sites/default/files/2023-04/2022-sp.pdf> (accessed June 2025).

California Department of Fish and Wildlife. 2025. California Natural Diversity Database. <https://wildlife.ca.gov/Data/CNDDDB> (accessed June 2025).

Modesto, City of. 2025a. Modesto Urban Area General Plan Environmental Impact Report. February 2025. [https://files.ceqanet.lci.ca.gov/306771-2/attachment/wQdkgUw\\_jeMzh66XJqPsh3EDHFvRutX5KFvROaSS4rIAduIEFFwcVT\\_aE2urlAijp4QBW0\\_AQYxalnz0](https://files.ceqanet.lci.ca.gov/306771-2/attachment/wQdkgUw_jeMzh66XJqPsh3EDHFvRutX5KFvROaSS4rIAduIEFFwcVT_aE2urlAijp4QBW0_AQYxalnz0) (accessed June 2025).

----- 2025b. Modesto Urban Area General Plan. <https://www.modestogov.com/2069/General-Plan> (accessed June 2025).

----- 2025c. City of Modesto Zoning Code. [https://library.municode.com/ca/modesto/codes/code\\_of\\_ordinances?nodeId=TIT10ZORE](https://library.municode.com/ca/modesto/codes/code_of_ordinances?nodeId=TIT10ZORE) (accessed June 2025).

Stanislaus County Airport Land Use Commission. No date. Stanislaus County Airport Land Use Compatibility Plan. [https://www.stancounty.com/planning/agenda-aluc/2016/10-06-16/EX\\_B.pdf](https://www.stancounty.com/planning/agenda-aluc/2016/10-06-16/EX_B.pdf) (accessed May 2025).

Stanislaus County Council of Governments. 2022. 2022 Regional Transportation Plan and Sustainable Communities Strategy. <https://stancog.org/DocumentCenter/View/1473/Final-2022-Regional-Transportation-PlanSustainable-Communities-Strategy-RTPSCS> (accessed June 2025).

State Water Resources Control Board. 2025. GeoTracker Database. [https://geotracker.waterboards.ca.gov/profile\\_report?global\\_id=SL185742938](https://geotracker.waterboards.ca.gov/profile_report?global_id=SL185742938) (accessed May 2025).