INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION

FOR THE

MCCLURE SUBDIVISION PROJECT

AUGUST 2025

Prepared for:

City of Modesto
1010 10th Street
Modesto, CA 95354
(209) 577-5200

Prepared by:

De Novo Planning Group
1020 Suncast Lane, Suite 106
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(916) 580-9818

De Novo Planning Group

A Land Use Planning, Design, and Environmental Firm

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CEQA Guidelines Section 15183 - Streamlined Environmental Review Process

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Proposed Mitigated Negative Declaration
McClure Subdivision Project

Lead Agency: City of Modesto
1010 10th Street
Modesto, CA 95354
(209) 577-5200

Project Title: McClure Subdivision Project

Project Location: The Project site is located on the west side of McClure Road, north of Yosemite Boulevard (State Route 132), in the City of Modesto. The Project site includes three (3) contiguous parcels (APNs: 033-089-030, -035, and -036). Surrounding land uses include existing commercial development to the south (e.g., Burger King, AutoZone, and Diamond Gas Mart), vacant commercial parcels to the southwest, and single-family residential neighborhoods to the north and west. The site is located within a transitional area between highway commercial uses along Yosemite Boulevard and established residential subdivisions to the north and west, including the Dry Creek Woods subdivision.

Project Description: The proposed Project is an infill development project led by Self-Help Enterprises (SHE) and Stanislaus Equity Partners (STEP), in collaboration with the City of Modesto. Located at 3401 N McClure, the initiative will deliver 38 newly constructed, for sale single-family homes, including three-bedroom homes (~1,100 sq. ft.) and four-bedroom homes (~1,400 sq. ft.). All homes will be reserved for households earning at or below 80% of the Area Median Income (AMI), with construction anticipated to begin in November 2025. The project has secured $4.2 million in CalHome secondary financing and a $7 million New Markets Tax Credit allocation to fund the construction of the first 17 homes. This effort aims to expand affordable homeownership options and enhance neighborhood stability in one of Stanislaus County's most disinvested census tracts. This initiative plays a critical role in advancing racial equity by targeting homeownership opportunities to populations historically excluded from the housing market due to systemic discrimination and income inequality. By prioritizing low-income households— many of whom are families of color—the project supports long-term wealth-building and community empowerment. Through equitable access to stable, high-quality housing, the Modesto Homeownership Initiative addresses the racial wealth gap and contributes to a more inclusive and resilient local economy.

The proposed Project would subdivide approximately ±4.15 gross acres (±3.22 net acres) of vacant land into 38 single-family residential parcels ranging in size from approximately 3,024 to 4,854 square feet. The proposed Project requires a General Plan amendment from Commercial to Residential, and a Rezone from C-3 (Highway Commercial) to a single-family residential (R-1) zoning designation. Development would include construction of a new public street (Street "A"), utility extensions, sidewalks, and associated frontage improvements along McClure Road.

Findings: In accordance with the California Environmental Quality Act, the City of Modesto has prepared an Initial Study to determine whether the proposed project may have a significant adverse effect on the environment. The Initial Study and Proposed Mitigated Negative Declaration reflect the independent judgment of City of Modesto staff. On the basis of the Initial Study, the City of Modesto hereby finds:

> *Although the proposed project could have a significant adverse effect on the environment, there will not be a significant adverse effect in this case because the project has incorporated specific provisions to reduce impacts to a less than significant level and/or the mitigation measures described herein have been added to the project. A Mitigated Negative Declaration has thus been prepared.*

The Initial Study, which provides the basis and reasons for this determination, is attached and/or referenced herein and is hereby made a part of this document.

Signature _____ Date_____

Proposed New Mitigation Measures:

NOISE

Mitigation Measure NOI-1: The following measures shall be incorporated into the Project on-site construction operations:

- Noise-generating construction activities within the Project area shall adhere to the time restrictions of the City of Modesto General Plan to the maximum extent feasible.
- All noise-producing Project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.
- All mobile or fixed noise-producing equipment used on the Project site that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while during Project activity.
- Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from the existing residences to the north and west.
- Project area and site access road speed limits shall be established and enforced during the construction period.
- If unusual circumstances or emergencies prevent certain Project construction activities from complying with the Modesto requirements, then a noise control plan shall be developed to ensure that sufficient mitigation is implemented during Project construction to ensure adverse noise impacts are avoided.
- Notification of construction hours and durations shall be provided to the existing residences to the north and west of the project site.

Mitigation Measure NOI-2: The following measures shall be incorporated into the design:

- A solid noise barrier measuring 7 feet in height relative to backyard elevation should be constructed adjacent to the residences abutting the commercial areas to the south to minimize noise conflicts from commercial operations on the new residents.
- The noise barrier could take the form of masonry wall, earthen berm, or a combination of the two. Other materials may be acceptable but should be reviewed by an acoustical consultant prior to use.
- All second-floor windows of residences proposed adjacent to commercial areas shall have a minimum Sound Transmission Class (STC) rating of 32.
- Air conditioning shall be provided for all residences of this development to allow occupants to close doors and windows as desired for acoustic isolation.

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INITIAL STUDY CHECKLIST

PROJECT TITLE

McClure Subdivision Project

LEAD AGENCY NAME AND ADDRESS

City of Modesto
1010 10th Street
Modesto, CA 95354
(209) 577-5200

CONTACT PERSON AND PHONE NUMBER

Steve McMurtry
De Novo Planning Group
1020 Suncast Lane #106
El Dorado Hills, CA 95762
(916) 580-9818

PROJECT LOCATION

LOCATION

The Project site is located on the west side of McClure Road, north of Yosemite Boulevard (State Route 132), in the City of Modesto.

ASSESSOR'S PARCEL NUMBER

The Project site includes three (3) contiguous parcels (APNs: 033-089-030, -035, and -036).

SURROUNDING USES

Surrounding land uses include existing commercial development to the south (e.g., Burger King, AutoZone, and Diamond Gas Mart), vacant commercial parcels to the southwest, and single-family residential neighborhoods to the north and west. The site is located within a transitional area between highway commercial uses along Yosemite Boulevard and established residential subdivisions to the north and west, including the Dry Creek Woods subdivision. Figure 1 provides the Regional Location, and Figure 2 provides a Project Vicinity Map.

EXISTING SITE CONDITIONS

The Project site is currently vacant and contains no existing structures, pavement, or landscaping. The Project site has been previously graded and is largely free of debris or vegetation, with established property lines and frontage improvements present along McClure Road. No utilities are currently installed within the interior of the site. Figure 4 provides an aerial photo that illustrates the existing Project site land uses.

SITE TOPOGRAPHY

The project site is generally flat, with minimal topographic variation across the Project site. Elevations remain consistent throughout the site, and there are no notable natural features such as hills, creeks, or drainage channels. The flat topography is typical of the surrounding area and poses no significant constraints to development.

PROJECT SPONSOR'S NAME AND ADDRESS

_____
_____
_____

GENERAL PLAN DESIGNATION

COMMERCIAL (C) - EXISTING

The Project site is designated as Commercial. Figure 4 depicts the existing General Plan Land Use or the Project site. This designation encompasses a variety of service and retail uses, including but not limited to business, medical, and professional offices (other than large office campuses), neighborhood retail centers, convenience retail, highway-oriented commerce (restaurants, gas stations, automotive repair, and service), and Regional Commercial uses. Commercial land uses in Modesto are generally located at intersections along major arterial streets and expressways. The Modesto Zoning Code presents additional criteria for the location and type of Commercial uses. The land use intensity is a Floor Area Ratio of approximately 0.35.

RESIDENTIAL (R) - PROPOSED

The proposed Project would require a land use designation change to Residential (R). Residential uses include single-family detached housing, single-family attached housing, multi-family housing, and mobile homes. Small-lot single-family residential development is encouraged, subject to applicable zoning regulations, design guidelines and General Plan criteria. Compatible uses in the residential designation may include schools, parks, and religious or community facilities. Existing small-scale commercial and office uses are also deemed compatible. This designation may be applied anywhere within the Modesto Urban Area General Plan where residential land uses would be compatible with other existing and planned land uses.

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.

ZONING DESIGNATION

HIGHWAY COMMERCIAL (C-3) - EXISTING

The Project site has a zoning designation of Highway Commercial (C-3). As described in the City of Modesto Municipal Code, the purposes of the C-3 zoning district is intended to allow sites for highway-oriented businesses and transportation-related service establishments, which serve City-wide and regional needs.

LOW DENSITY RESIDENTIAL (R-1) - PROPOSED

The proposed Project would require a rezone of the Project site from its current zoning of C-3 to Low-Density Residential (R-1). The R-1 zoning district is intended to accommodate lower-density residential development, including accessory structures and uses.

PROJECT DESCRIPTION

The proposed Project is an infill development project led by Self-Help Enterprises (SHE) and Stanislaus Equity Partners (STEP), in collaboration with the City of Modesto. Located at 3401 N McClure, the initiative will deliver 38 newly constructed, for sale single-family homes, including three-bedroom homes (~1,100 sq. ft.) and four-bedroom homes (~1,400 sq. ft.). All homes will be reserved for households earning at or below 80% of the Area Median Income (AMI), with construction anticipated to begin in November 2025. The project has secured $4.2 million in CalHome secondary financing and a $7 million New Markets Tax Credit allocation to fund the construction of the first 17 homes. This effort aims to expand affordable homeownership options and enhance neighborhood stability in one of Stanislaus County's most disinvested census tracts. This initiative plays a critical role in advancing racial equity by targeting homeownership opportunities to populations historically excluded from the housing market due to systemic discrimination and income inequality. By prioritizing low-income households— many of whom are families of color—the project supports long-term wealth-building and community empowerment. Through equitable access to stable, high-quality housing, the Modesto Homeownership Initiative addresses the racial wealth gap and contributes to a more inclusive and resilient local economy.

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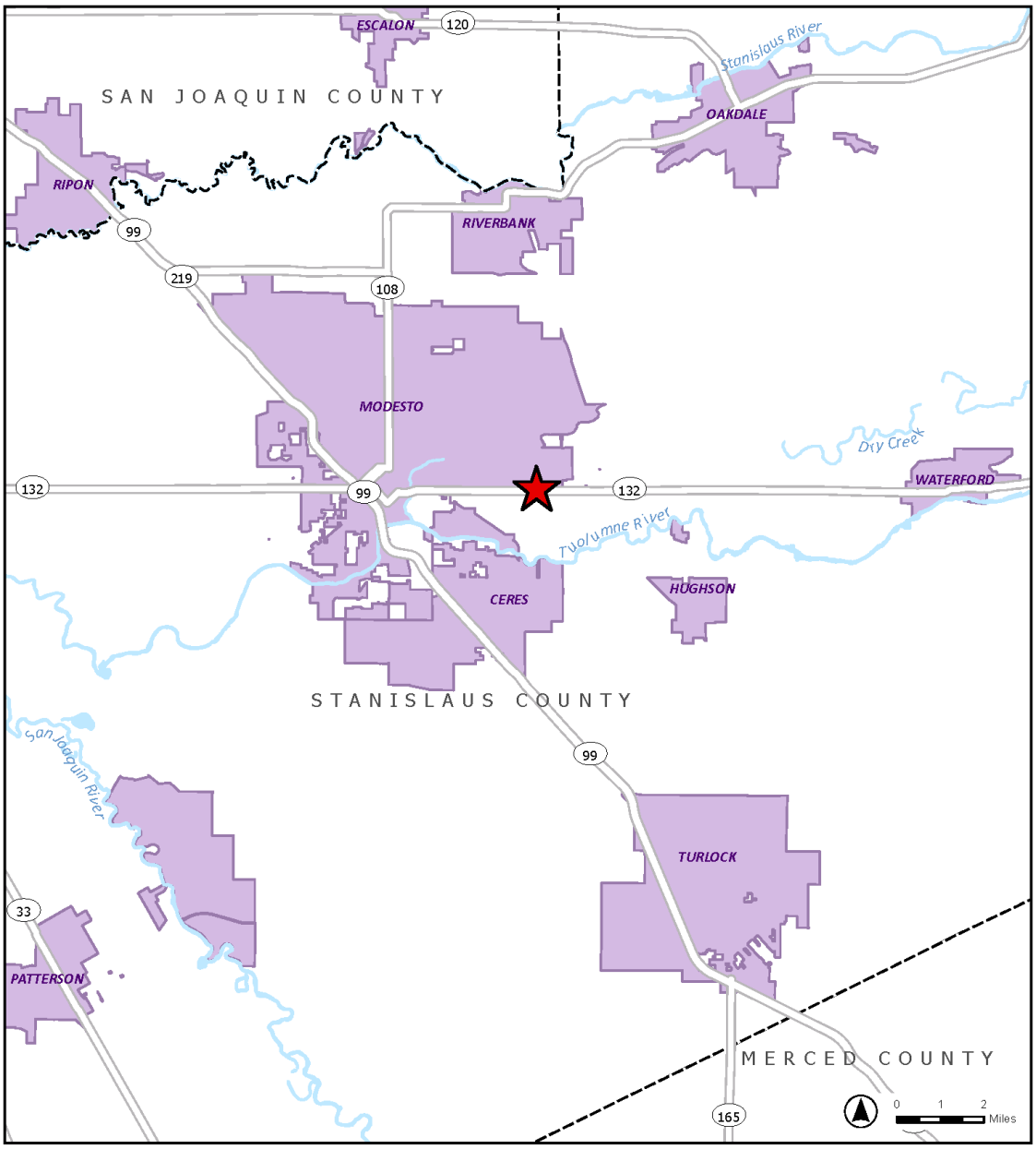
REQUESTED ENTITLEMENTS AND OTHER APPROVALS

The City of Modesto will be the Lead Agency for the proposed Project, pursuant to the State Guidelines for Implementation of the California Environmental Quality Act (CEQA), Section 15050. Actions that would be required from the City include, but are not limited to the following:

- Adoption of a Mitigated Negative Declaration;
- Approval of City of Modesto General Plan Amendment;
- Approval of City of Modesto Zoning Amendment;
- Approval of the Tentative Map.

The following agencies may be required to issue permits or approve certain aspects of the proposed project:

- Central Valley Regional Water Quality Control Board (CVRWQCB) – Storm Water Pollution Prevention Plan (SWPPP) for construction activities pursuant 2009-0009-DWQ Construction general permit;
- Central Valley Flood Protection – Discharge permit; and,
- San Joaquin Valley Air Pollution Control District (SJVAPCD) – Confirmation of compliance with applicable Air District rules, including Rule 9510 Indirect Source Review.



Legend

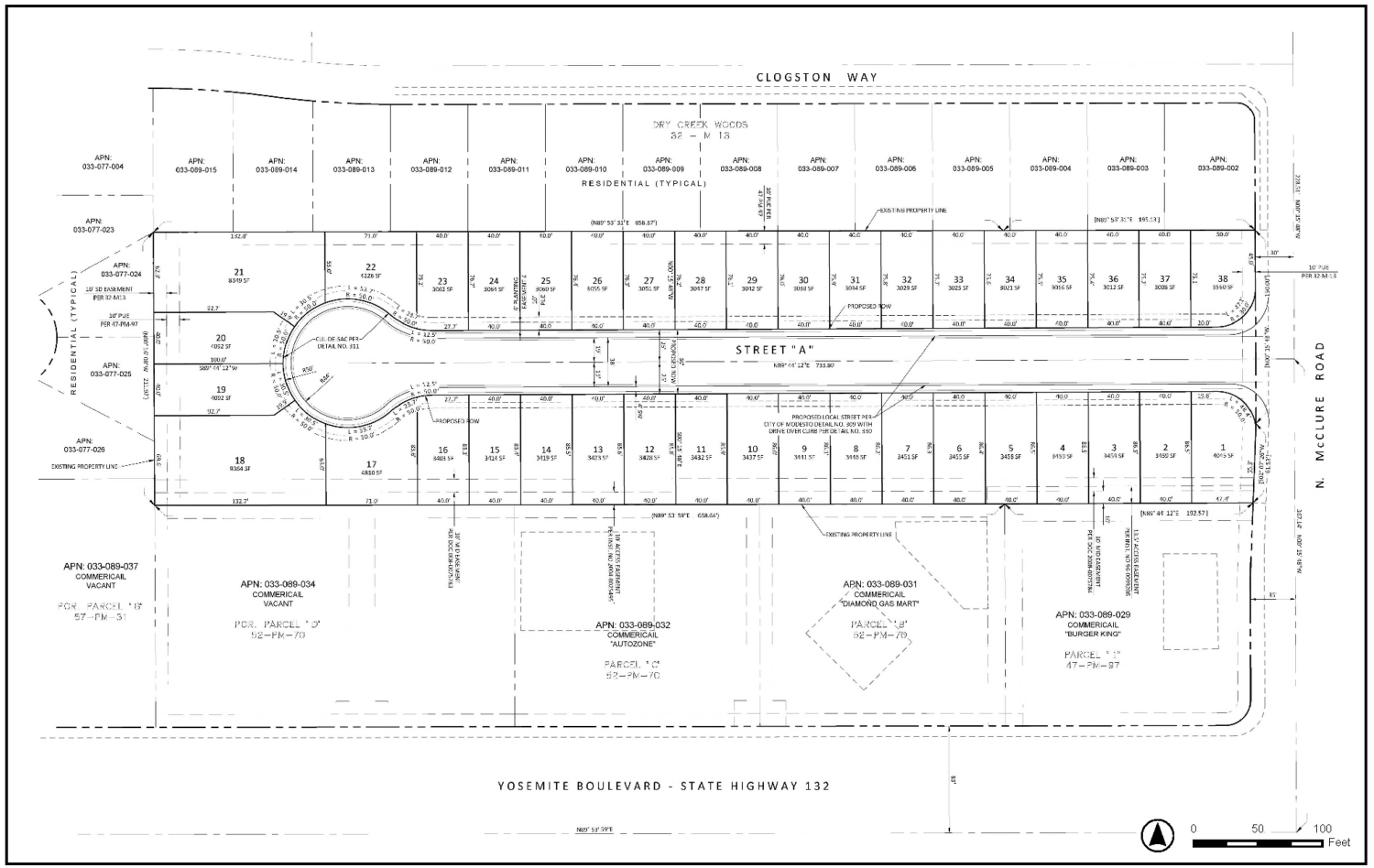
- Project Location
- Incorporated Area
- County Boundary

McCLURE TSM AND REZONE PROJECT
MODESTO, CALIFORNIA

Figure 1. Regional Project Location

Sources: Stanislaus County GIS; California State Geoportal. Map Date: July 14, 2025.

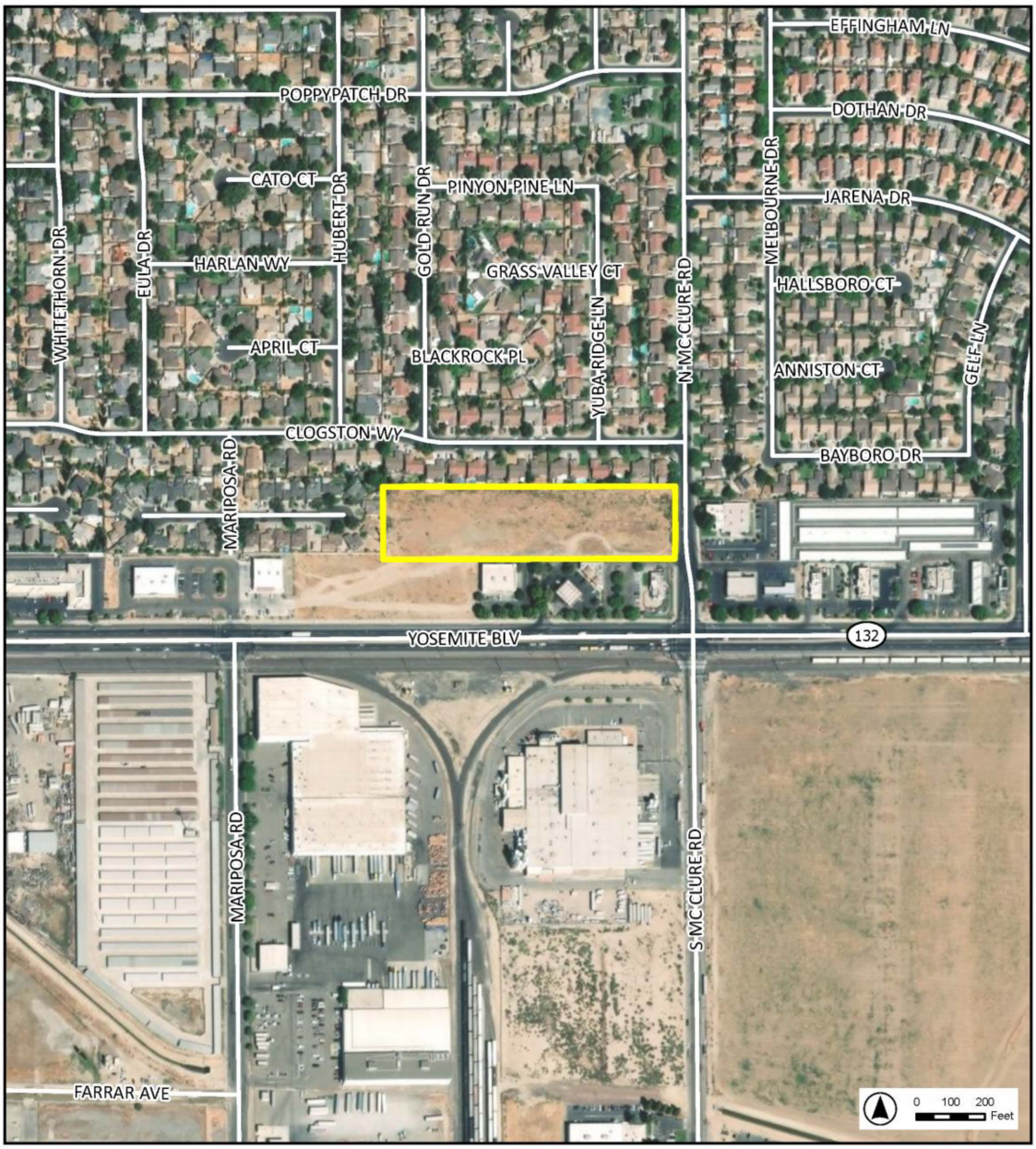
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McCLURE TSM AND REZONE PROJECT
MODESTO, CALIFORNIA

Figure 2. Site Plan

Source: Civil Design Studio, 5-28-2025. Map date: July 14, 2025.



Legend

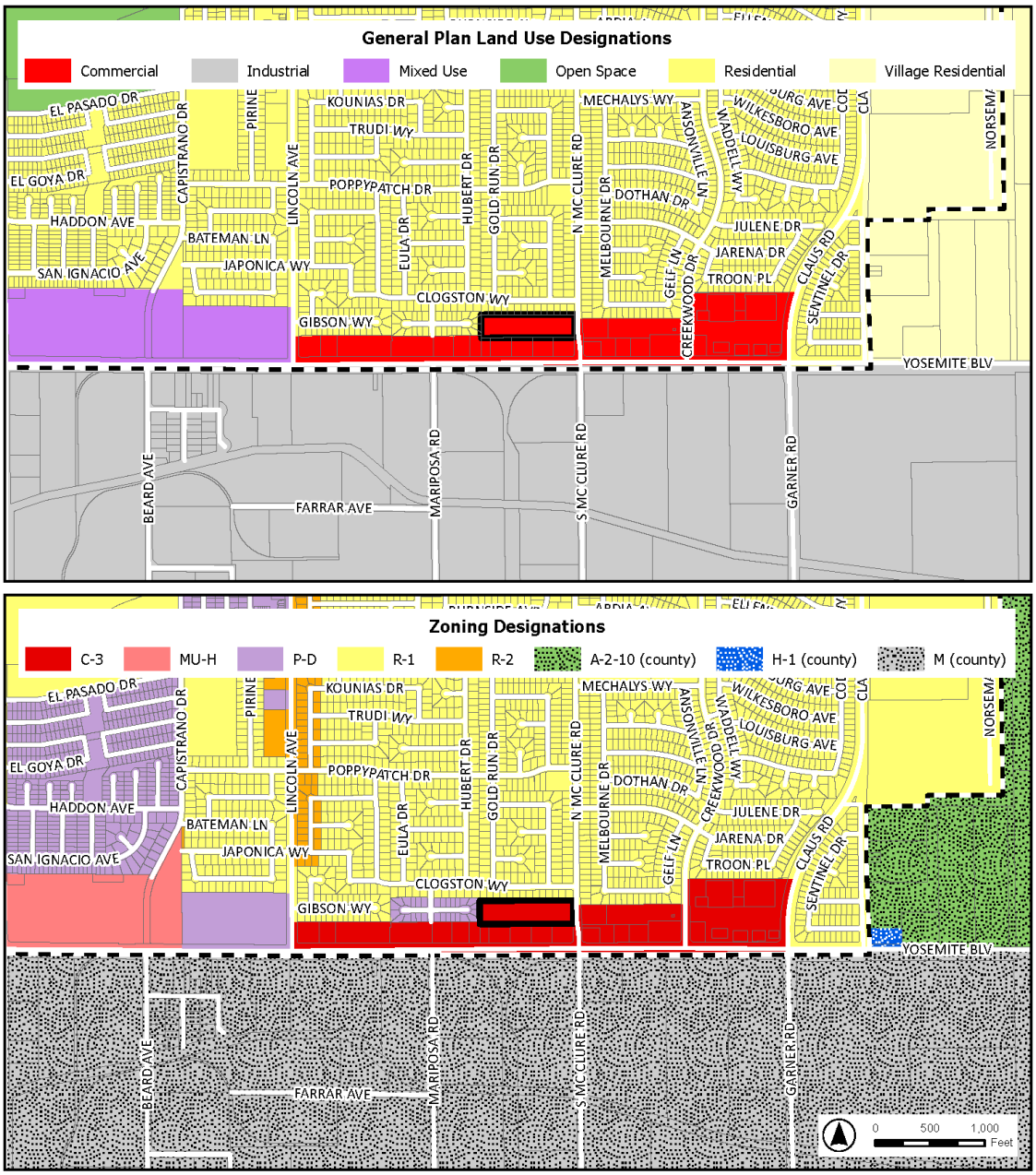
Project Boundary

McCLURE TSM AND REZONE PROJECT
MODESTO, CALIFORNIA

Figure 3. Aerial View

Sources: Stanislaus County GIS; MAXAR Imagery 9/9/2024. Map Date: July 14, 2025.

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Legend

- Project Boundary
- Modesto City Limits
- Parcel Boundary

McCLURE TSM AND REZONE PROJECT
MODESTO, CALIFORNIA

Figure 4. General Plan Land Uses and Zoning Designations

Sources: City of Modesto; Stanislaus County GIS. Map Date: July 15, 2025.

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ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

None of the environmental factors listed below would have potentially significant impacts because of development of this project, as described on the following pages.

	Aesthetics		Agriculture and Forestry Resources		Air Quality
	Biological Resources		Cultural Resources		Energy
	Geology and Soils		Greenhouse Gasses		Hazards and Hazardous Materials
	Hydrology and Water Quality		Land Use and Planning		Mineral Resources
	Noise		Population and Housing		Public Services
	Recreation		Transportation		Tribal Cultural Resources
	Utilities and Service Systems		Wildfire		Mandatory Findings of Significance

DETERMINATION

Based on this initial evaluation:

	I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
X	I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
	I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
	I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
	I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature Date

EVALUATION INSTRUCTIONS

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

EVALUATION OF ENVIRONMENTAL IMPACTS

In each area of potential impact listed in this section, there are one or more questions which assess the degree of potential environmental effect. A response is provided to each question using one of the four impact evaluation criteria described below. A discussion of the response is also included.

- Potentially Significant Impact. This response is appropriate when there is substantial evidence that an effect is significant. If there are one or more "Potentially Significant Impact" entries, upon completion of the Initial Study, an EIR is required.
- Less than Significant with Mitigation Incorporated. This response applies when the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact". The Lead Agency must describe the mitigation measures and briefly explain how they reduce the effect to a less than significant level.
- Less than Significant Impact. A less than significant impact is one which is deemed to have little or no adverse effect on the environment. Mitigation measures are, therefore, not necessary, although they may be recommended to further reduce a minor impact.
- No Impact. These issues were either identified as having no impact on the environment, or they are not relevant to the project.

The Project site is designated for physical development in the General Plan, and was analyzed as such under the General Plan EIR. The CEQA Guidelines have tiering provisions that allow for more streamlined analysis of environmental effects when a project is within the scope of a certified EIR. The proposed Project has certain environmental impacts that are within the scope of the General Plan EIR, and others that are not. For example, impacts to agricultural resources do not change if the site is developed for commercial or residential use. Other impacts that are not affected by the change of use as Aesthetics, Biological Resources, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Mineral Resources, Tribal Cultural Resources, and Wildfire. For these topics, the analysis is focused on determining 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. For all other topics, the focus of the analysis is on the effect that the change of use would have relative to what was expected under the General Plan EIR.

ENVIRONMENTAL CHECKLIST

This section of the Initial Study incorporates the most current Appendix "G" Environmental Checklist Form contained in the CEQA Guidelines. Impact questions and responses are included in both tabular and narrative formats for each of the 21 environmental topic areas.

I. AESTHETICS

Would the project:	***Potentially Significant Impact***	***Less Than Significant with Mitigation Incorporation***	***Less Than Significant Impact***	***No Impact***
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) 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 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?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

Prior Environmental Impacts

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.

City of Modesto Urban Area General Plan

The following is a list of General Plan policies that are relevant to this environmental topic.

- Policy VR-1: Provide at least one neighborhood park within each residential neighborhood. The neighborhood park should be centrally located within the neighborhood and have a service radius of one-half to three-quarters of a mile. The neighborhood park should have one collector street frontage, and the remaining sides should front on residential streets. The minimum size for a neighborhood park shall be seven acres or the total acreage based on one acre of park land per one thousand population within the neighborhood, whichever is greater. (UAGP Policy VI.H.12)
- Policy VR-2: Apply neighborhood Compatibility Guidelines, Design Guidelines for Commercial & Industrial Development, and other applicable development guidelines, as appropriate to new construction, additions to existing structures, replacement of existing

buildings / land uses, and other (non-residential) development. (UAGP Policies III.G.4; III.H.3)

- Policy VR-3: Visual corridors of the river will be protected and enhanced. (UAGP Policy VII-B.7[a])
- Policy VR-4: Visual corridors and access points on the riverfront will be recreated through redevelopment. (UAGP Policy VII-B.7[b]).

Responses to Checklist Questions

a) Have a substantial adverse effect on a scenic vista? Response: The General Plan does not designate specific scenic vistas on the Project site or vicinity. There are no scenic vistas on the Project site. Therefore, there is ***no impact*** related to a scenic vista.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? Response: The Project site is not located within view of a state scenic highway. Interstate 5 (I-5) is the only highway section in Stanislaus County listed as a Designated Scenic Highway by the Caltrans Scenic Highway Mapping System. This highway segment runs north-south adjacent to the California Aqueduct along the western hills of the Central Valley. The City of Modesto is located approximately 12 miles southwest of I-5, and the Project site is not visible from this highway segment. Therefore, there is ***no impact*** related to a state scenic highway.

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 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? Responses: Impacts related to a change in visual character are largely subjective and difficult to quantify. People have varying reactions to the visual quality of a project or project features; what may be considered aesthetically pleasing to some may not be to others. The Project site is located within an established urban corridor characterized by a mix of commercial and residential uses. Implementation of the proposed Project would change the existing visual character of the Project site from a primarily vacant site to an urbanized site consistent with the visual character of Modesto's urbanized environment. The proposed Project would rezone the site from C-3 to R-1 and would subdivide three parcels into 38 residential lots with associated roadway and infrastructure improvements. Although this would result in a change in the visual character of the site from vacant land to a built residential environment, this change is consistent with the surrounding urban context and existing General Plan development patterns. The change in visual quality and character of the Project site from vacant land to urban uses was previously anticipated and approved for the Project site through the adoption of the UAGP DEIR. The proposed Project would not introduce new visual elements or intensify land use in a manner that would alter the visual environment beyond what is currently present or anticipated in the General Plan. As such, the project would have a ***less than significant*** impact on visual character and would be consistent with the conclusions of the General Plan EIR.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? Response: Implementation of the proposed Project would introduce new sources of light and glare into the vacant Project site. New sources of glare would occur primarily from the windshields of vehicles travelling to and from the Project site and from vehicles parked at the site. There is also the potential for reflective building materials and windows to result in increases in daytime glare. Existing development within the overall project

area is comprised of a mix of existing and new business park, commercial and warehouse/distribution center uses, and a church. Future development of similar uses and new residential development would create new sources of light that is consistent with urban development; however, impacts would be less than significant with existing development standards for light fixtures applied to subsequent projects, such as shielding lights. The City has existing standards that require a street lighting plan to be completed as part of the improvement plans for review and approval by the City. All proposed outdoor lighting to meet applicable city standards regulating outdoor lighting to minimize any impacts resulting from outdoor lighting on adjacent properties. Additionally, all outdoor lighting sources of 1,000 lumens or greater must be fully shielded. Implementation of the City's existing lighting standards would reduce potential impacts associated with nighttime lighting and light spillage onto adjacent properties to a ***less than significant*** level.

II. AGRICULTURE AND FORESTRY RESOURCES

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1222(g)) or timberland (as defined in Public Resources Code section 4526)?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X

Prior Environmental Impacts

The Modesto General Plan EIR evaluated potential impacts to agricultural resources, including the conversion of Prime Farmland and conflicts with existing agricultural zoning. The General Plan EIR concluded that the loss of Prime Farmland and conflicts with agricultural zoning would result in significant and unavoidable impacts, while other indirect impacts to farmland were found to be less than significant. No impacts to forest land were identified.

This analysis incorporates the findings of the General Plan EIR and provides a streamlined review to assess whether the proposed Project would result in any new or more severe impacts. Specifically, the analysis evaluates whether there are project-specific effects that are: (1) unique to this site; (2) not previously identified as significant in earlier environmental reviews; (3) potentially significant off-site or cumulative impacts not previously addressed; or (4) more severe than previously disclosed due to new information. The determination of agricultural impacts is guided primarily by the Modesto General Plan and its associated EIR, which serve as the basis for evaluating consistency and potential environmental effects related to farmland conversion

City of Modesto Urban Area General Plan

The following is a list of General Plan policies that are relevant to this environmental topic.

- Policy 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])
- Policy AL-13: Facilitate infill development through active leadership and strategic provision of infrastructure and services, and supporting land uses. Provide incentives for infill

development, redevelopment and growth in existing urbanized areas to enhance community character, optimize infrastructure investments, support increased transit use, promote non-motorized transportation, increase housing diversity and enhance commercial viability. Structure fee programs so that infill development is "priced" according to its relative infrastructure efficiencies and the community-wide benefits to be realized. (UAGP Policy III.B.1)

- Policy AL-14: To maximize economic and social benefits, and resource efficiencies, prioritize and focus new development within the existing City limits. This will strengthen existing neighborhoods and maximize efficiencies of utility and infrastructure systems. New development should be accessible via all modes of transportation, both motorized and non-motorized, with an emphasis on availability of public services. (UAGP Policy III.B.2)
- Policy AL-15: Implement higher density, mixed-use development to create a balanced, vibrant downtown and active neighborhood centers by streamlining development processing, offering public parking for projects with parking structures (in lieu of the provision of private parking), reducing fees and providing for deferral of fees. (UAGP Policy III.F.1)

Responses to Checklist Questions

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? Response: The project site is not zoned for agricultural use and is not under a Williamson Act contract. Additionally, the site does not contain any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, nor is it designated as forestland or timberland. The rezone would not conflict with existing land uses or result in the conversion of agricultural resources. Therefore, no impacts would occur, and potential effects would not be more significant than those evaluated in the General Plan Master EIR. Implementation of the proposed Project would have ***no impact*** relative to this issue.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? Response: The Project site is within the urbanized area of the City of Modesto and is not under a Williamson Act contract. The proposed Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. Implementation of the proposed Project would have ***no impact*** relative to this issue.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1222(g)) or timberland (as defined in Public Resources Code section 4526)? Response: The Project site is not designated as forest land (as defined in Public Resources Code section 1222(g)) or timberland (as defined in Public Resources Code section 4526). The proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land or timberland. Implementation of the proposed Project would have ***no impact*** relative to this issue.

d) Result in the loss of forest land or conversion of forest land to non-forest use? Response: The Project site is not designated as forest land. The proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use. Implementation of the proposed Project would have ***no impact*** relative to this issue.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use? Response: The Project site does not contain forest land, and there is no forest land in the vicinity of the Project site. The Project site would result in a conversion of the farmland to non-farmland. The proposed Project does not involve any other changes in the existing environment not disclosed under the previous responses which, due to their location or nature, could result in conversion of farmland, to non-agricultural use, or conversion of forest land to non-forest use. Implementation of the proposed Project would have ***no impact*** relative to this issue.

III. AIR QUALITY

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

Prior Environmental Impacts

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.

City of Modesto Urban Area General Plan

The following is a list of General Plan policies that are relevant to this environmental topic.

> Policy VII.H.2[a]. Implement measures to reduce motor vehicle use and related ozone precursor and PM10 emissions through changes to the transportation infrastructure. Potential measures to be implemented may include those shown in Section V-2 of the Final Master Environmental Impact Report.
>
> Policy VII.H.2[b]. Implement measures to reduce vehicle use and associated emissions related to existing and future land use development in the City of Modesto. Potential measures to be implemented may include those shown in Section V-2 of the Final Master Environmental Impact Report.
>
> Policy VII.H.2[c]. Implement measures to reduce emissions associated with energy use by residences and businesses. Potential measures to be implemented may include those shown in Section V-2 of the Draft Master EIR.

The following policies are intended to accurately determine and fairly mitigate the local and regional air quality impacts of projects proposed in the City of Modesto.

> Policy VII.H.2[o]. Determine project air quality impacts using analysis methods and significance thresholds recommended by the SJVAPCD.
>
> Policy VII.H.2[p]. Ensure that identified air quality impacts are consistently and fairly mitigated.

Policy VII.H.2[q]. Ensure all air quality mitigation measures are feasible, implementable, and cost effective.

Policy VII.H.2[r]. Identify the cumulative transportation and air quality impacts of all General Plan amendments approved during the previous year.

Policy VII.H.2[s]. Reduce the air quality impacts of development projects that may be insignificant by themselves, but cumulatively are significant.

Policy VII.H.2[t]. Encourage innovative mitigation measures to reduce air quality impacts by coordinating with the SJVAPCD, project applicants, and other interested parties.

Policy VII.H.2[u]. Review of new development shall be coordinated with SJVAPCD staff to ensure all projects subject to the SJVAPCD Rule 9510 (Indirect Source Review) comply fully with the rule. This rule fulfills the SJVAPCD's emissions reduction commitments in the PM10 and Ozone Attainment Plans through emission reductions from the construction and use of development projects through design features and onsite measures. Rule 9510 applies to any application that seeks to gain a final discretionary approval for a development project, or any portion thereof, which meets certain minimum thresholds.

The following policies are consistent with the SJVAPCD Air Quality Guidelines for General Plans and are intended to integrate land use planning, transportation planning, and air quality planning to make the most efficient use of public resources and to create a healthier and more livable environment.

Policy VII.H.2[y]. Consider air quality when planning the land uses and transportation systems to accommodate the expected growth in this community.

Policy VII.H.2[z]. All transportation improvement projects to be included in regional transportation plans (TRP, RTIP, CMP, etc.) should be consistent with air quality goals and policies of the General Plan.

Policy VII.H.2[aa]. Consult with transit providers to determine project impacts on long-range transit plans and ensure that impacts are mitigated where feasible.

Policy VII.H.2[bb]. Work with the Housing Authority, transit providers, and developers to encourage the construction of low-income housing developments that use transit-oriented and pedestrian-oriented design principles.

Policy VII.H.2[cc]. Work with Caltrans and the Regional Transportation Planning Agency to minimize the air quality, mobility, and social impacts of large-scale transportation projects on existing neighborhoods.

The following policies are consistent with the SJVAPCD Air Quality Guidelines for General Plans and are intended to reduce emissions of PM_{10} and other particulates with local control potential.

- Policy VII.H.2[jj]. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VII. 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[kk]. 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[ll]. Reduce PM10 emissions from City-maintained roads to the maximum extent feasible

The following controls are required to be implemented at all construction sites.

- Policy VII.H.2[mm]. 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[nn]. Effectively stabilize dust emissions using water, chemical stabilizer/suppressant, all onsite unpaved roads and off-site unpaved access roads.
- Policy VII.H.2[oo]. 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[pp]. Wet all exterior surfaces of buildings that are more than six stories tall during demolition.
- Policy VII.H.2[qq]. 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 space from the top of the container.
- Policy VII.H.2[rr]. 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[ss]. 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[tt]. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site at the end of each workday.
- Policy VII.H.2[uu]. Prevent carryout and trackout for any site with 150 or more vehicle trips per day.

The following measures should be implemented at construction sites when required to mitigate significant PM_{10} impacts (note, these measures are to be implemented in addition to Regulation VIII requirements).

- Policy VII.H.2[vv]. Limit traffic speeds on unpaved roads to 15 mph.

- Policy VII.H.2[ww]. 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.2xx]. Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site.
- Policy VII.H.2[yy]. Install wind breaks at windward side(s) of construction areas.
- Policy VII.H.2[xx]. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent (20%) opacity limitation).
- Policy VII.H.2[aaa]. Limit the area subject to excavation, grading, and other construction activity at any one time.

Responses to Checklist Questions

a) Conflict with or obstruct implementation of the applicable air quality plan? Response: The 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 SJVACPD goals and policies. The proposed project would comply with policies AQ-30, AQ-66 through AQ-68, AQ-71, AQ-72, AQ-76, AQ-77, AQ-79 through 86, AQ-88, AQ-94, AQ-97, 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. This impact would be ***less than significant***.

b-d) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard, or expose sensitive receptors to substantial pollutant concentrations? Responses: The proposed project includes the development of 38 single-family residential units within the jurisdiction of the San Joaquin Valley Air Pollution Control District (SJVAPCD). According to the SJVAPCD's Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI, 2015), projects that fall below the Small Project Analysis Level (SPAL) thresholds are presumed to have a less-than-significant impact on air quality without the need for quantifying emissions. The SPAL threshold for single-family residential development is 50 dwelling units. Because the project proposes fewer units than this threshold, it qualifies as a small project and is exempt from detailed air quality modeling for criteria air pollutants. Therefore, the project would not exceed the SJVAPCD's significance thresholds for construction or operational emissions and would result in a ***less-than-significant*** impact to air quality. The proposed Project will still be subject to the SJVAPCD regulations (i.e. 9510, Fugitive Dust Prohibitions, etc.).

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? Response: The proposed Project would not generate objectionable odors. People in the immediate vicinity of construction activities may be subject to temporary odors typically associated with construction activities (diesel exhaust, hot asphalt, etc.). However, any odors generated by construction activities would be minor and would be short and temporary in duration.

Examples of facilities that are known producers of operational odors include: Wastewater Treatment Facilities, Chemical Manufacturing, Sanitary Landfill, Fiberglass Manufacturing, Transfer Station, Painting/Coating Operations (e.g., auto body shops), Composting Facility, Food Processing Facility, Petroleum Refinery, Feed Lot/Dairy, Asphalt Batch Plant, and Rendering Plant.

If a project would locate receptors and known odor sources in proximity to each other further analysis may be warranted; however, if a project would not locate receptors and known odor sources in proximity to each other, then further analysis is not warranted.

The proposed Project does not include any of the uses. Additionally, construction activities would be temporary and minor. Lastly, other emissions are evaluated in responses a-c), as provided above. As such, implementation of the proposed Project would have a ***less than significant*** impact relative to this topic.

IV. BIOLOGICAL RESOURCES

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?				X
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any 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?			X	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X	
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

Prior Environmental Impacts

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.

City of Modesto Urban Area General Plan

The following is a list of General Plan policies that are relevant to this environmental topic.

- 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-2: For all lands within the Planned Urbanizing Area, site-specific surveys shall be conducted by a qualified biologist to determine whether any sensitive natural communities or species are present within the proposed development area. These studies shall particularly focus on proposed development within any lands included within a potential biological resource study area as delineated on Figure V-7-1 in the Final Program Environmental Impact Report (Riparian Corridor Diagram). Prior to considering development applications, the City shall coordinate with the USFWS and CDFW regarding listed species and potential for impacts. The City shall employ the measures recommended by the USFWS and/or CDFW to avoid an incidental take.

  Conduct surveys at the appropriate season to best determine the likelihood of occurrence and should employ accepted methodologies as determined by CDFW and the USFWS. The results of such surveys should be recorded onto the City's existing biological resources map for future planning purposes. (UAGP Policy VII-E.3[a])

Responses to Checklist Questions

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? Response: The Project site consists of vacant, undeveloped land that has historically been disturbed and does not contain suitable foraging or nesting habitat for most special-status wildlife species. The absence of natural vegetation and the urban context of the surrounding area limit the site's potential to support sensitive plant species. No special-status plants or wildlife species are anticipated to occur on-site due to the lack of habitat. However, given their mobility, there is limited potential for special-status bird species to occur transiently within the site. In particular, burrowing owls are known to have nesting sites in the broader region and could potentially utilize nearby areas. The California Fish and Game Code Section 3503 prohibits the destruction of active nests and eggs of birds, while Section 3513 provides additional protections for migratory nongame birds. The proposed Project would be required to comply with the applicable provisions of the Modesto UAGP and the California Department of Fish and Wildlife (CDFW) regulations to ensure impacts to special-status species are reduced to ***less than significant*** levels.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? Responses: There is no riparian habitat on the Project site, therefore, implementation of the proposed Project would have ***no impact*** on riparian habitats or natural communities.

c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological

interruption, or other means? Response: There is no wetland habitat on the Project site, therefore, implementation of the proposed Project would have ***no impact*** on wetlands.

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? Response: The General Plan EIR did not document any identified wildlife corridors or wildlife nursery site on, or adjacent to, the Project site. Therefore, the proposed Project would have a ***less than significant*** impact relative to this topic.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? Responses: The Project site is within the urbanized area of the City of Modesto. The proposed Project does not conflict with General Plan or other existing standards and/or ordinances intended to provide biological resources. Implementation of this Project would have a ***less than significant impact*** relative to this issue.

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? Responses: The City of Modesto is not located within an approved local, regional, or State habitat conservation plan. Therefore, implementation of the proposed Project would have ***no impact***.

V. CULTURAL RESOURCES

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?			X	
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	

Prior Environmental Impacts

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.

City of Modesto Urban Area General Plan

The following is a list of General Plan policies that are relevant to this environmental topic.

- Policy VII.F.3.[a]. Any project subject to CEQA that involves substantial earth-disturbing activities should require consultation by the applicant for the purposes of determining archaeological and cultural resources impacts and creating appropriate mitigation to address such impacts.
- Policy VII.F.3.[b]. 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.
- Policy VII.F.3.[c]. 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:

    1. 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;

2. 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;
3. 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,
4. 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.
5. 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.

Responses to Checklist Questions

a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section15064.5? b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5? Responses: The proposed Project site is currently vacant and undeveloped. As such, the project would not result in the alteration or demolition of any potentially historic structure, nor would it affect any resource over 50 years old that has been identified as historically significant. The site is not located within or near a known riparian corridor, and based on prior environmental review conducted for the City's General Plan, the potential for archaeological resources in this area is considered low. Nevertheless, the project would remain subject to General Plan policies AH-9 and AH-12 through AH-18, which provide protocols for the discovery of archaeological materials or human remains during any future site

work. Compliance with applicable state regulations, including California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and CEQA Guidelines Section 15064.5(e), would also be required in the event of an unexpected discovery. Therefore, the proposed Project would not result in significant impacts related to cultural or historic resources and would be consistent with the level of analysis previously conducted in the General Plan EIR. Therefore, the proposed Project's impact would be ***less than significant***.

c) Disturb any human remains, including those interred outside of formal cemeteries?
Response: Indications suggest that humans have occupied Stanislaus County for over 10,000 years and it is not always possible to predict where human remains may occur outside of formal burials. Therefore, excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials.

Under CEQA, human remains are protected under the definition of archaeological materials as being "any evidence of human activity." Additionally, Public Resources Code Section 5097 has specific stop-work and notification procedures to follow if human remains are inadvertently discovered during Project implementation.

While no human remains are documented on or near the Project site, the TSP states that development within the planning area, including the Project site, would adhere to the existing Modesto General Plan policies on regarding the discovery of human remains at a project site. The Modesto General Plan states that if human remains are discovered, the project sponsors would immediately contact the Stanislaus County Coroner's Office, who would contact the Native American Heritage Commission to notify the appropriate closest descendant. Construction activities which inadvertently discover human remains implement these standards. Implementation of the proposed Project would have a ***less than significant*** impact relative to this topic.

VI. ENERGY

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			X	

Prior Environmental Impacts

The General Plan EIR discusses energy consumption and conservation on pages 3.7-1 through 3.7-7. The General Plan EIR found that energy impacts related to wasteful, inefficient, or unnecessary consumption of energy, and potential conflicts with state or local plans for renewable energy or energy efficiency, would be less than significant with compliance with applicable building codes and energy standards.

City of Modesto Urban Area General Plan

The following is a list of General Plan policies that are relevant to this environmental topic.

- Policy VII.I.2.[a] Require shade trees, where feasible and appropriate, in landscape plans for all new development proposals. Mature trees have lower water needs. Develop shade-tree specifications for development projects, including appropriate types of trees (size, deciduous or evergreen, absence or lower branches, etc), locations (e.g., distance from structures), density (i.e. within a subdivision or parking lot), and orientation (trees on the west side of a building generally provide the most benefit) for use in landscape plans.
- Policy VII.I.2.[b] Require the planting of large-canopy species in new development areas in such a way that they grow to full size without damaging streets and sidewalks (including, but not limited to, deep watering until roots are established, proper fertilizers, root barriers, and structured soils).
- Policy VII.I.2.[c] Discourage removal of street trees unless they are badly diseased and have become a threat to public safety. If a tree must be removed, it should be replaced no later than the end of the next planting season with a large-canopy species.
- Policy VII.I.2.[d] The goal of the street tree maintenance program is to maintain trees in the best possible health by ensuring that newly planted trees are cared for in such a way as to prevent or minimize sidewalk and street damage (including, but not limited to, deep watering until roots are well established, proper fertilizers, root barriers, and structured soils), pruning to remove mistletoe, pruning to prevent the tree from leaning, and using measures to control disease.
- Policy VII.I.2.[e] Encourage the Modesto and Turlock Irrigation Districts to establish and promote a program whereby existing residential and commercial building owners are provided incentives to increase the number of shade trees in developed parts of the City. Provide information on types of trees and planting locations to maximize energy savings from the program.

- Policy VII.I.2.[f] Coordinate with the Modesto and Turlock Irrigation Districts (for electricity) and Pacific Gas & Electric Company (for natural gas) on all new, large-scale, development proposals.
- Policy VII.I.2.[g] Encourage the use of solar energy systems for residential, agricultural, parks, public buildings, and business purposes as provided in Government Code Section 65850.5.
- Policy VII.I.2.[h] Design and orient new buildings and lots in new subdivisions to maximize solar energy.
- Policy VII.I.2.[i] Approve applications for solar energy systems in accordance with State law.
- Policy VII.I.2.[j] Support the State of California's commitment to the "Renewable Portfolio Standard," which requires electrical utility providers to obtain one-third (33%) of their electricity from renewable energy sources by 2020.
- Policy VII.I.2.[k] Reduce heat gain from pavement by minimizing street rights-of-way and pavement widths. Reinstate the use of parkway strips with trees, where feasible, to provide shading of streets.
- Policy VII.I.2.[l] Consider purchasing clean-fuel / alternative-fuel fleet vehicles.
- Policy VII.I.2.[m] Work with the local energy providers and developers on voluntary incentive-based programs to encourage the use of energy efficient designs and equipment.
- Policy VII.I.2.[n] Work with the local energy providers and developers on voluntary incentive-based programs to encourage the use of energy efficient designs and equipment.
- Policy VII.I.2.[o] Work with the local energy providers and developers on voluntary incentive-based programs to encourage the use of energy efficient designs and equipment.

Responses to Checklist Questions

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?
Response: The State CEQA Guidelines requires consideration of the potentially significant energy implications of a project. CEQA requires mitigation measures to reduce "wasteful, inefficient and unnecessary" energy usage (Public Resources Code Section 21100, subdivision [b][3]). The means to achieve the goal of conserving energy include decreasing overall energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. In particular, the proposed Project would be considered "wasteful, inefficient, and unnecessary" if it were to violate state and federal energy standards and/or result in significant adverse impacts related to project energy requirements, energy inefficiencies, energy intensiveness of materials, cause significant impacts on local and regional energy supplies or generate requirements for additional capacity, fail to comply with existing energy standards, otherwise result in significant adverse impacts on energy resources, or conflict or create an inconsistency with applicable plan, policy, or regulation.

The amount of energy used at the Project site would directly correlate to the size and type of the proposed buildings, the energy consumption of associated unit appliances, and outdoor lighting.

Other major sources of proposed Project energy consumption include fuel used by vehicle trips generated during Project construction and operation, and fuel used by off-road construction vehicles during construction. The energy consumption associated with the Project, during construction and during its lifespan, are anticipated to be slightly higher under the C-3 zone when compared to the R-1. The Project impacts on this topic would be ***less than significant***.

VII. GEOLOGY AND SOILS

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation*	*Less Than Significant Impact*	*No Impact*
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:			X	
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
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?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

Prior Environmental Impacts

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.

City of Modesto Urban Area General Plan

The following is a list of General Plan policies that are relevant to this environmental topic.

- Policy GSM-1: Continue to use building codes as the primary tool for reducing seismic risk in structures. The current version of the California Building Code, as adopted by the City of Modesto, is intended to ensure that buildings resist major earthquakes of the intensity or severity of the strongest experience in California, without collapse, but with some structural as well as nonstructural damage. In most structures, it is expected that structural damage could be limited to repairable damage, even in a major earthquake. (UAGP Policy VII.K[a])
- Policy GSM-2: Require all new buildings in the City to be built to the seismic requirements of the current adopted California Building Code. (UAGP Policy VII.K[b])
- Policy GSM-3: Continue to explore measures to induce building owners to upgrade and retrofit structures to render them seismically safe. (UAGP Policy VII.K[c])
- Policy GSM-4: Enforce provisions of the Alquist-Priolo Earthquake Fault Zoning Act. (UAGP Policy VII.K[d])
- Policy GSM-5: Any construction that occurs as a result of the General Plan must conform to the current California Building Code regulations, which address seismic safety of new structures and slope requirements. As appropriate, require a geotechnical analysis prior to tentative map approval in order to ascertain site-specific subsurface information necessary to estimate foundation conditions. These geotechnical studies should reference and make use of the most recent regional geologic maps available from the California Department of Conservation Division of Mines and Geology. (UAGP Policy VII.N[a])
- Policy GSM-6: Discourage development on lands that are subject to landslides. (UAGP Policy VII.N[b])
- Policy GSM-7: New public roads in areas subject to landslides should be designed to minimize landslide risks. (UAGP Policy VII.N[c])
- Policy GSM-8: All building permits should be reviewed to ensure compliance with the current adopted edition of the California Fire Code, California Building Code, California Mechanical Code, California Electrical Code, California Plumbing Code, Title 19, Title 24, and the City of Modesto Municipal Code. (UAGP Policy VII.N[d])
- Policy GSM-9: Include “best management practices” in the erosion control program, as appropriate, given the specific circumstances of the site and/or project. Table 9-2 in the Program Environmental Impact Report presents examples of best management practices. (UAGP Policy VII.N.[f])
- Policy GSM-10: Design sediment control basins to capture eroded sediments and contain them on the project sites shall be designed consistent with the criteria outlined in Table 9-3 in the Program Environmental Impact Report. (UAGP Policy VII.N[g])
- Policy GSM-11: Promote public awareness of the following local routes for the public’s use in evacuating the City in the event of an emergency.
    - State Highways 99, 132, 219, and 108

- Briggsmore Avenue
- Claus Road
- Standiford/Sylvan Avenue
- Scenic Drive
- Pelandale Avenue
- Ninth Street
- Paradise Road
- Carpenter Road (UAGP Policy VII.N[h])

- Policy GSM-12: City plans and policies shall not interfere with any emergency evacuation and response plans. This would include the continued maintenance of adequate police and fire services, and identified emergency evacuation routes (UAGP Figure VII-3). (UAGP Policy VII.N[i])
- Policy GSM-13: Ensure the provision of adequate and accessible evacuation routes. (UAGP Policy VII.N[j])

Existing Setting

The proposed Project is in the central portion of the Great Valley Geomorphic Province of California, an alluvial plain roughly 50 miles wide and 400 miles long. The Great Valley is a deep structural basin that has been slowly filling with sediment nearly continuously for about 160 million years. These sediments consist of continental sedimentary rocks and alluvial deposits. The Great Valley is bounded on the east by the Sierra-Nevada and on the west by the Coast Range mountains. More specifically, the site is located at the northern end of the San Joaquin Valley, an alluvial valley and plain developed along the San Joaquin River and its tributaries. Regionally, the project area is underlain by Quaternary-aged poorly sorted clay, silt, sand and gravel.

Responses to Checklist Questions

a.) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: a.i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42., a.ii) Strong seismic ground shaking?, a.iii) Seismic-related ground failure, including liquefaction?, 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?, d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?, a.iv) Landslides?, 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? Responses: The Project site is not located within an Alquist-Priolo Earthquake Fault Zone, and no known active faults traverse the site. As such, the potential for surface fault rupture is considered low. The Project site lies within a seismically stable region of Modesto, characterized by relatively flat terrain and no nearby steep slopes. The Project site is located in a flat area and is not subject to landslides, liquefaction hazards, or slope instability.

Development and structural improvements on the Project site would be required to comply with applicable California Building Code standards and City regulations addressing seismic safety. Based on the site's location and the absence of significant geologic hazards, risks associated with ground shaking, liquefaction, landslides, or unstable soils are expected to be minimal. Therefore, the Project's impact would be ***less than significant***.

b) Result in substantial soil erosion or the loss of topsoil? Response: The potential for erosion generally increases because of human activity, primarily through the development of facilities and impervious surfaces and the removal of vegetative cover; thus, there is the potential for erosion associated with construction activities or through the operational phase of a project. New construction and ground disturbance is proposed as part of the proposed Project. Construction of the proposed Project would adhere to General Plan Policies GSM-9 and GSM-10, which require the use of industry-standard best practices for erosion control and sediment containment. These measures would minimize the potential for loss of topsoil during grading and earthwork associated with development of the proposed Project. In addition, compliance with the National Pollutant Discharge Elimination System (NPDES) program would require preparation of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP would incorporate Best Management Practices (BMPs) to control sediment and reduce erosion during construction activities. Therefore, potential impacts related to substantial soil erosion or the loss of topsoil would be less than significant. Therefore, the proposed Project would result in ***less than significant*** impact related to substantial soil erosion or the loss of topsoil.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? Response: The City of Modesto General Plan EIR identifies the presence of expansive soils as a potential geotechnical concern but concludes that associated risks can be adequately addressed through adherence to applicable building standards. General Plan Policy GSM-1 requires that all development conform to current building codes, which include measures to address soil conditions such as expansion potential. The Project includes physical development in the form of a subdivision map and supporting infrastructure improvements, future construction of single-family homes on the newly created parcels would be subject to all applicable City of Modesto codes, standards, and policies, including those related to site preparation, building safety, and geotechnical conditions. Compliance with these regulations would ensure that potential impacts related to soil conditions remain less than significant. Implementation of the proposed Project would not result in any new or more severe environmental impacts beyond those already evaluated in the Modesto General Plan EIR. As such, impacts would be ***less than significant***.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? Response: The proposed Project has been designed to connect to the existing City sewer system and septic systems will not be used. Therefore, ***no impact*** would occur related to soils incapable of adequately supporting the use of septic tanks.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? Response: Known paleontological resources or sites are not located on the Project site. Additionally, unique geologic features are not located on the Project site. Furthermore, the proposed Project would be subject to applicable General Plan policies, including policies AH-15 through AH-21 which address the protection of paleontological resources in the event of an unanticipated discovery. Therefore, the project would not result in any new or more severe impacts beyond those previously evaluated in the General Plan EIR. As such, impacts would be ***less than significant***.

VIII. GREENHOUSE GAS EMISSIONS

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?			X	

Prior Environmental Impacts

The General Plan EIR discusses greenhouse gas 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.

Existing Setting

Climate change refers to any significant change in measures of climate (such as temperature, precipitation, or wind) lasting for an extended period (decades or longer). Climate change, in the context of this discussion, is the change in global climate that is a result of human activities (e.g., burning fossil fuels, deforestation, reforestation, urbanization, desertification) that have increased the volume of greenhouse gases (GHG) present in the atmosphere and have thereby caused the earth's atmosphere to heat up.

Various gases in the Earth's atmosphere, classified as atmospheric GHGs play a critical role in determining the Earth's surface temperature. Solar radiation enters Earth's atmosphere from space, and a portion of the radiation is absorbed by the Earth's surface. The Earth emits this radiation back toward space, but the properties of the radiation change from high-frequency solar radiation to lower-frequency infrared radiation.

Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. In California, the transportation sector is the largest emitter of GHGs, followed by the industrial sector (California Energy Commission, 2016).

Responses to Checklist Questions

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?

Responses: The proposed Project is consistent with the adopted goals, policies, and actions in the General Plan that are aimed at achieving greenhouse gas (GHG) reductions required under state and federal regulations. The General Plan EIR provides a qualitative assessment of adopted policies (Policies AQ-1 through AQ-64) aimed at reducing GHG emissions through strategies related to land use efficiency, compact development, and transportation alternatives.

The proposed Project would be consistent with the plans, policies, regulations, and GHG emissions reduction actions/strategies outlined in the 2022 Scoping Plan Update and the StanCOG 2022 RTP/SCS. Furthermore, the Project's incremental increase in GHG emissions as described above 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.

Therefore, 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 related to greenhouse gases are ***less than significant***.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses? Responses: As discussed in the General Plan EIR, implementation of the General Plan would result in significant impacts if it were to conflict with Assembly Bill 32, Senate Bill 375, or Senate Bill 32, or if it generated greenhouse gas emissions that conflicted with those regulations. The proposed Project would be constructed in compliance with the latest versions of CALGreen and Title 24 standards, which are designed to reduce greenhouse gas emissions associated with energy use, water consumption, and waste generation.

Project Consistency with Applicable Plans

Several plans and policies have been adopted to reduce GHG emissions in the San Joaquin Valley region. The Project's consistency with the State's 2022 Scoping Plan, as well as the StanCOG 2022 Regional Transportation Plan and the Sustainable Communities Strategy (RTP/SCS).

Project Consistency with the 2022 Scoping Plan Policies: Table GHG-1, below provides a consistency analysis of the relevant 2022 Scoping Plan Policies in comparison to the proposed Project. The 2030 goal was codified under SB 32 and is addressed by the 2022 Scoping Plan. The new plan provides a strategy that can reach the SB 32 target 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. SB 375 and AB 32 is implemented with the StanCOG RTP/SCS. The 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. The 2022 Scoping Plan Update includes the strategy that the State intends to pursue to achieve the 2030 targets of Executive Order S-3-05 and SB 32.

TABLE GHG-1: PROJECT CONSISTENCY WITH THE 2022 SCOPING PLAN

SCOPING PLAN MEASURE	*PROJECT CONSISTENCY*
SCAQMD Rule 445 (Wood Burning Devices): Restricts the installation of wood-burning devices in new development.	No Conflict -Mandatory Compliance. The Project would not include hearths (woodstove and fireplaces) as mandated by this rule.

SCOPING PLAN MEASURE	*PROJECT CONSISTENCY*
California Renewables Portfolio Standard, Senate Bill 350 (SB 350) and Senate Bill 100 (SB 100): 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.	No Conflict -Mandatory Compliance. The Project would utilize electricity provided by Pacific Gas & Electric (PG&E), which is required to meet the 2030, 2045, and 2050 performance standards. In 2021, 48 percent of PG&E's electricity came from renewable resources.[1] By 2030 PG&E plans to achieve over 60 percent carbon-free energy.
All Electric Appliances for New Residential and Commercial Buildings (AB 197): All electric appliances beginning 2026 (residential) and 2029 (commercial), contributing to 6 million heat pumps installed statewide by 2030.	No Conflict -Mandatory Compliance. The proposed Project would be consistent with this requirement.
California Code of Regulations, Title 24, Building Standards Code: Requires compliance with energy efficiency standards for residential and nonresidential buildings.	No Conflict -Mandatory Compliance. The proposed Project would be required to meet applicable energy efficiency standards as outlined in the 2022 Title 24 Building Code.
California Green Building Standards (CALGreen) Code Requirements: All bathroom exhaust fans are required to be ENERGY STAR compliant.	No Conflict -Mandatory Compliance. The proposed Project would be required to use ENERGY STAR-compliant exhaust fans and appliances in new home construction.
California Green Building Standards (CALGreen) Code Requirements: HVAC system designs are required to meet American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) standards.	No Conflict -Mandatory Compliance. The proposed Project construction would be required to install HVAC systems that meet current efficiency standards per CALGreen and ASHRAE.
California Green Building Standards (CALGreen) Code Requirements: Air filtration systems are required to meet a minimum efficiency reporting value (MERV) 8 or higher.	No Conflict -Mandatory Compliance. The proposed 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.
California Green Building Standards (CALGreen) Code Requirements: Refrigerants used in newly installed HVAC systems shall not contain any chlorofluorocarbons.	No Conflict -Mandatory Compliance. The proposed Project would be required to meet this requirement as part of its compliance with the CALGreen Code.
California Green Building Standards (CALGreen) Code Requirements: 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.	No Conflict -Mandatory Compliance. The proposed Project would be consistent with this requirement.

SCOPING PLAN MEASURE	*PROJECT CONSISTENCY*
Mobile Source Strategy (Cleaner Technology and Fuels): 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.	Consistent. The proposed 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.
Senate Bill (SB) 375: 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.	Consistent. As demonstrated in Table GHG-2, the proposed Project would comply with the Stanislaus Council of Governments (StanCOG) 2022 RTP/SCS, and therefore, the Project would be consistent with SB 375.
CCR, Title 24, Building Standards Code: Title 24 includes water efficiency requirements for new residential and non- residential uses.	No Conflict -Mandatory Compliance. Refer to the discussion under 2022 Title 24 Building Standards Code and CALGreen Code, above.
Water Conservation Act of 2009 (Senate Bill X7-7): 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 convene, treat, and distribute the water; it also reduces emissions from wastewater treatment.	No Conflict -Mandatory Compliance. Refer to the discussion under 2022 Title 24 Building Standards Code and CALGreen Code, above.
California Integrated Waste Management Act (IWMA) of 1989 and Assembly Bill (AB) 341: 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.	No Conflict -Mandatory Compliance. The Project would be served by a local waste collection provider and would comply with state and local solid waste diversion goals, reducing landfilled waste in accordance with AB 939 and AB 341.

[1]*PG&E 2021 POWER MIX. WEBSITE: HTTPS://WWW.PGE.COM/PGE_GLOBAL/COMMON/PDFS/YOUR-ACCOUNT/YOUR-BILL/UNDERSTAND-YOUR-BILL/BILL-INSERTS/2022/1022-POWER-CONTENT-LABEL.PDF*

SOURCE: CALIFORNIA AIR RESOURCES BOARD. 2022. FINAL 2022 SCOPING PLAN FOR ACHIEVING CARBON NEUTRALITY. WEBSITE: HTTPS://WW2.ARB.CA.GOV/SITES/DEFAULT/FILES/2022-12/2022-SP.PDF

Project Consistency with StanCOG's RTP/SCS: The proposed Project is analyzed for consistency with the strategies contained in the latest adopted StanCOG RTP/SCS (i.e. 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 ambitious, yet achievable, approach to

how land use development and transportation can work together to meet greenhouse gas 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. Table GHG-2 below provides this consistency analysis.

TABLE GHG-2: PROJECT CONSISTENCY WITH THE STANCOG'S 2022 RTP/SCS

RTP/SCS POLICY	*PROJECT CONSISTENCY*
Goal 1: Mobility and Accessibility	**Consistent.** The proposed Project provides roadways, bicycle, and pedestrian amenities that link the Project site and other nearby developments.
Goal 2: Social Equity	**Consistent.** The proposed Project includes housing that is compatible with surrounding neighborhoods and supports equitable access to infrastructure and services.
Goal 3: Economic and Community Vitality	**Consistent.** The proposed Project includes infrastructure investment and neighborhood connectivity that supports long-term residential development and stability.
Goal 4: Sustainable Development Pattern	**Consistent**. The proposal includes infill development within the existing city limits, helping to reduce sprawl and vehicle miles traveled.
Goal 5: Environmental Quality	**Consistent**. The proposal includes compliance with CALGreen and Title 24 standards that promote energy efficiency and reduce greenhouse gas emissions.
Goal 6: Safety and Health	**Consistent**. There are no geometric safety concerns with the circulation system. The system includes bike and pedestrian facilities which is consistent with the health policy directives aimed at active transportation.
Goal 7: System Preservation	**Consistent**. The proposed Project connects to a network of roadways, bicycle lanes, trails, and sidewalks.
Goal 8: Smart Infrastructure	**Consistent**. The proposed Project includes efficient site layout and modern utility connections that support long-term infrastructure reliability.
Goal 9: Resiliency and Reliability	**Consistent.** The proposed Project includes residential design and infrastructure improvements that support existing utility networks, which enhance the reliability of essential services.
Goal 10: Congestion Management	**Consistent.** The proposed Project includes a local street connection (Street "A") that helps distribute traffic and avoids congestion on major arterials.

SOURCE: STANISLAUS COUNCIL OF GOVERNMENTS, CALIFORNIA. 2022. ADOPTED AUGUST 17, 2022. RTP/SCS.

Conclusion

Overall, the proposed Project would be consistent with the policies within the CARB's 2022 Scoping Plan and the StanCOG's latest RTP/SCS. Therefore, the proposed Project would not generate a significant cumulative impact to GHGs. The proposed Project screens out as a Small Project Level of Analysis (SPAL) for Air Quality emissions. Overall, 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. Therefore, impacts related to greenhouse gases are ***less than significant***.

IX. HAZARDS AND HAZARDOUS MATERIALS

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?			X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?			X	

Prior Environmental Impacts

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.

City of Modesto Urban Area General Plan

The following is a list of General Plan policies that are relevant to this environmental topic.

- Policy HM-3: Comply with all existing federal and state laws which regulate the generation, transportation, storage, and disposal of hazardous materials. (UAGP Policy VI.M.1)
- Policy HM-4: Require that businesses and industries using hazardous material provide mitigation measures commensurate with the hazards they bring to the community, in accordance with the most current adopted edition of the Uniform Fire Code. (UAGP Policy VI.M.2)
- Policy 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)
- Policy HM-6: For each specific project that would generate hazardous waste, require as a condition of building permit approval that the project sponsor prepare a hazardous material transportation program. Passage through residential streets should be minimized and parking of waste haulers on residential streets should be prohibited. The City Fire Department shall review and approve the applicant's hazardous materials transportation program or, working with the applicant, modify it to the satisfaction of both parties. (UAGP Policy VI.M.4)
- Policy 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)

- Policy 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)

Responses to Checklist Questions

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? Responses: The Project site is surrounded by a mix of existing commercial and residential uses, including single-family neighborhoods to the north and west, and commercial businesses such as Burger King, Diamond Gas Mart, and AutoZone to the south. These surrounding uses do not routinely use, store, or dispose of hazardous materials in quantities that would present a reasonably foreseeable release of hazardous substances, beyond typical materials such as household cleaners, paint, or motor oil.

The site has historically remained undeveloped and has not been used for agricultural, industrial, or other activities commonly associated with hazardous materials. However, given the urbanized setting and proposed ground-disturbing activities such as excavation and trenching for roads, utilities, and building foundations, there is a potential to encounter previously unknown contaminants in soil or groundwater. The project 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 proposed Project is not expected to result in new or increased hazardous material risks beyond those previously evaluated in the City's General Plan EIR. With implementation of standard site assessment and construction management practices, potential impacts related to hazardous materials would be ***less than significant***.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? Response: The Project site is located over ¼ mile from an existing school. The nearest school to the Project site is the Hughes Elementary School, located approximately 0.5 miles from the Project site, at its closest point. Because the Project site is beyond the ¼-mile radius of a school, Implementation of the proposed Project would result in ***no impact*** relative to this topic.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? Response: Pursuant to Government Code 65962.5, the Cortese List catalogs a list of sites that have been contaminated with hazardous materials. The Cortese List and General Plan EIR concluded that none of the parcels within the Project site were contaminated with hazardous materials. However, the General Plan did note the possibility of soil containing residual chemicals from agricultural operations and recommended soil testing before parcels were converted to residential use. Given that the Project site is within the approved General Plan planning area, it can be concluded that the same site conditions exist. Given that the General Plan and subsequent EIR has been approved and adopted, the potential risk for site contamination from hazardous materials remains ***less than significant***.

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? Response: The Federal Aviation Administration (FAA) establishes distances of ground clearance for take-off and landing safety based on such items as the type of aircraft using the airport. The Project site is located approximately 1.42 miles northwest of the Modesto City–County Airport, a public use airport governed by the Stanislaus County Airport Land Use Commission (ALUC). The Project site is located within the Airport Influence Area (AIA) identified in the Modesto City–County Airport Land Use Compatibility Plan (ALUCP) but lies outside of any designated safety zones or noise contours that would restrict residential development. According to the ALUCP, the Project site is not subject to land use restrictions related to height hazards, aircraft overflight, or high noise exposure. Implementation of the proposed Project would have a ***less than significant*** impact with regards to this environmental issue.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? Response: The Stanislaus County Office of Emergency Services (OES) maintains an Emergency Operations Plan (EOP) and the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan, which both serve as guiding documents for Stanislaus County and the City of Modesto regarding the response to hazardous materials. These documents include planned operational functions and overall responsibilities of County Departments during an emergency.

The County OES establishes effective response capabilities to contain and control releases, establishes oversight of long-term cleanup and mitigation of residual releases, and integrates multi-jurisdiction and agency coordination. It also includes guidelines and regulations for directing response to hazardous materials incidents for first responders.

The project would not alter travel lanes on roadways carrying emergency vehicles. Emergency vehicles would have access to the project site via McClure drive. Therefore, construction and operation of the project 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 proposed Project would not block access or permanently constrain evacuation routes adopted in an emergency response plan or emergency evaluation plan. No additional impacts beyond those previously identified in the City of Modesto General Plan EIR are anticipated. Implementation of the proposed Project would have a ***less than significant*** impact with regards to this environmental issue.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires? Response: The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), weather (winds, temperatures, humidity levels and fuel moisture contents), and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point, while fuels such as trees have a lower surface area to mass ratio and require more heat to reach the ignition point. The City has areas with an abundance of flashy fuels (i.e., grassland) in the outlying residential parcels and open lands that, when combined with warm and dry summers with temperatures often exceeding 100 degrees Fahrenheit, create a situation that results in higher risk of wildland fires, as is common throughout the Central Valley. Most wildland fires are human caused, so areas with easy human access to land with the appropriate fire parameters generally result in an increased risk of fire.

According to CalFire, the Project site is in an area with a "Local Responsibility Zone (LRA) Unzoned" rank, meaning that responsibility to wildfire events is passed to regional and local agencies. Stanislaus County currently maintains a Multi-Jurisdictional Hazard Mitigation Plan that includes plans to respond to, and mitigate the damage from, wildfires. The Project site is not located on a steep slope, instead, the Project site is essentially flat. The Project site is in an urban area, with existing or future urban development located on multiple sides. Additionally, wildfire hazards and potential increased risk from wildfire has been considered by the General Plan EIR, which includes the Project site. Therefore, this is a ***less than significant*** impact and no mitigation is required.

X. HYDROLOGY AND WATER QUALITY

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			X	
(i) Result in substantial erosion or siltation on- or off-site;			X	
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X	
(iii) 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; or			X	
(iv) Impede or redirect flood flows?			X	
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			X	
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	

Prior Environmental Impacts

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.

City of Modesto Urban Area General Plan

The following is a list of General Plan policies that are relevant to this environmental topic.

- FWQ-3: The City of Modesto will restrict development and encroachment into the Tuolumne River and Dry Creek floodplains to ensure and maintain proper downstream conveyance of flood flows to the San Joaquin River. The Comprehensive Planning Districts established for the Tuolumne and Stanislaus Rivers and Dry Creek by the Urban Area General Plan will limit development to open-space and related uses.

- FWQ-4: When development is proposed on parcels located within any "Flood Potential Study Area" shown on Figure VII-2 [of the UAGP], the following policies apply.

  Approve new urban development only when the City determines via "findings" that it is protected from "200-year" floods, and otherwise complies with the City's Floodplain Management Ordinance (Title 9, Chapter 4 of the Modesto Municipal Code). (UAGP Policy VII.L[a])

  Undeveloped floodway areas as well as the Tuolumne River Regional Park Master Plan, the Dry Creek Master Plan, the Tuolumne River Comprehensive Planning District (CPD), and the Dry Creek CPD should be preserved for undeveloped and non-urban use, as provided in the City's Floodplain Management Ordinance. (UAGP Policy VII.L[b])

  Appropriate emergency plans for the safe evacuation of people from areas subject to inundation from dam failure shall be reviewed and periodically updated. The City Fire Department, Police Department, and Public Works Department should continue to work with other jurisdictions to develop evacuation routes to be used in case of dam failure. Evacuation routes will serve all of the jurisdictions in the County. (UAGP Policy VII.L[c])

- FWQ-5: The following policies will help to minimize the future loss of life and reduce property damage as a result of floods as well as reduce the economic impact of floods.
  - Maintain the floodplain management ordinance to ensure that flood insurance can be made available to qualified property owners through State and Federal programs. (UAGP Policy VII.L[d])
  - Support the Federal Emergency Management Agency (FEMA) Flood Insurance Program so that residents who qualify may purchase such protection. Property owners whose property is located within certain areas identified by FEMA as flood hazard areas may purchase insurance against flood damage. (UAGP Policy VII.L[e])
  - Discourage development in areas susceptible to floods, except as provided under the Flood Insurance Program and City Floodplain Management Ordinance. (UAGP Policy VII.L[f])
- FWQ-6: All of the Flood Hazard Policies adopted for the Baseline Developed Area apply equally within the Planned Urbanizing Area. (UAGP Policy VII.L[g])

- FWQ-7: The environmental review document for any Comprehensive Planning District located within or including any portion of a "Flood Potential Study Area" on Figure VII-2 [of the UAGP], should include a Flood Hazard Analysis developed to mitigate all of the Flood Hazard impacts identified in the Master Environmental Impact Report. (UAGP Policy VII.L[h])

- FWQ-8: The results of the Flood Hazard Analysis should be incorporated into the project design of any Specific Plan. The Specific Plan shall prohibit development within the flood channel, consistent with the City's Floodplain Management Ordinance. Where possible, the Specific Plan shall minimize development within the floodplain, consistent with the City's Floodplain Management Ordinance, by such means as providing setbacks from flood zones, designating areas within the flood zones for low-intensity development only, or providing for setback levees. When levee improvements are necessary to achieve flood protection, the Specific Plan shall include adequate funding for those improvements. Funding mechanisms

may include special assessments or special taxes for both capital and maintenance costs, and shall not rely solely on impact fees. The City may work with other agencies to provide these improvements. (UAGP Policy VII.L[i])

- FWQ-9: Meet the requirements of acceptable urban storm runoff as established by the Central Valley Regional Water Quality Control Board Basin Plan for surface discharges and Environmental Protection Agency for underground injection. (UAGP Policy VI.G.1)
- FWQ-10: Construct, operate, maintain, and replace storm water drainage facilities in a manner that will provide the best possible service to the public, as required by federal and state laws and regulations. In developing implementation plans, consideration should be given to rehabilitation of existing facilities, remediation of developed areas with inadequate levels of drainage service, and timely system expansion for future development. (UAGP Policy VI.G.2)
- FWQ-11: 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-12: For developments within a mapped 100-year floodplain, prepare studies that demonstrate how the development will comply with both the construction and post-construction programs under the City's municipal NPDES permit. No increased erosion or releases of other contaminants that would cause violations of the City's municipal NPDES permit should occur as a result of development. (UAGP Policy VI.G.4)
- 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-15: 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)
- 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)

Responses to Checklist Questions

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality? Response: The proposed project does not contain any drainage connectivity to Waters of the US. To ensure that stormwater runoff from the project site does not adversely increase pollutant levels in adjacent surface waters and stormwater conveyance infrastructure, the application of BMPs to effectively reduce pollutants from stormwater leaving the site during both the construction and operational phases of the project are required.

As outlined in the City of Modesto General Plan, policies require implementation of stormwater management practices, preparation of drainage plans, and use of best management practices to minimize urban runoff pollutants. Furthermore, the RWQCB requires a project-specific SWPPP to be prepared for each project that disturbs an area one acre or larger. The SWPPP is required to include project specific best management measures that are designed to control drainage and erosion. These measures include controlling erosion, managing sediment, and implementing permanent pollution controls such as vegetation planting and runoff filtration. Therefore, the proposed Project's impact on surface and groundwater quality is anticipated to be less than significant and consistent with the assumptions and findings of the General Plan EIR. Therefore, the proposed Project would have a ***less than significant*** impact on operation-related water quality.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? Response: The proposed project would be served by the City's municipal water system. As described in greater detail in the Utilities Section of this document, the City has adequate water supplies to serve the proposed project without increasing the current rate of groundwater extraction.

Groundwater recharge occurs primarily through percolation of surface waters through the soil and into the groundwater basin. The addition of significant areas of impervious surfaces (such as roads, parking lots, buildings, etc.) can interfere with this natural groundwater recharge process. Upon full project buildout, most of the project site would be covered in impervious surfaces, which would limit the potential for groundwater percolation to occur on the project site to landscaped areas. However, given the relatively large size of the groundwater basin in the Modesto area, the areas of impervious surfaces added because of project implementation will not adversely affect the recharge capabilities of the local groundwater basin. The proposed Project would result in ***less than significant*** impacts related to depletion of groundwater supplies and interference with groundwater recharge.

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: c.i) Result in substantial erosion or siltation on- or off-site; c.ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; c.iii) 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; or c.iv) Impede or redirect flood flows? e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? Responses : The proposed Project would not substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial surface runoff, erosion, or siltation. There are no streams within or in the vicinity of the project area. The nearest river is the Stanislaus River, approximately 1 mile away to the north. The implementation of the proposed project would result in additional impervious surfaces.

The project site is not located within a FEMA-designated 100-year flood hazard zone. However, the site is within a broad, relatively flat area that is subject to sheet flow-type shallow flooding. Flooding can occur because of catastrophic dam failure and the release of waters contained in upstream reservoirs. Although a very low probability event, catastrophic structural dam failure can be caused by earthquake or overflow.

The proposed Project would conform to existing flood hazard control regulations within the Modesto UAGP as well as the recommendations and priorities established in the Integrated Regional Groundwater Management Plan for the Modesto Subbasin and the City of Modesto 2015 Water Shortage Contingency Plan. These plans guide hydrologic planning decisions for the region. In addition, the proposed project 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. Therefore, with conformance to these standards, the proposed Project impact would not result in significant hydrology or water quality impacts beyond what has been considered in the General Plan Environmental Impact Report. Therefore, the Project impact would be ***less than significant***.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? Response: The Project site is located outside the 100- year flood zone and is categorized as having a low flood risk. The proposed Project would not expose people or structures to a significant risk of loss, injury or death involving flooding because of the failure of a levee or dam given the distance between the Project site and existing dams and other flood control infrastructure. The Project site is not anticipated to be inundated by a tsunami given its location in California's Central Valley. The Project site is not anticipated to be inundated by a seiche because it is not located near a water body capable of creating a seiche. Implementation of the proposed Project would have a ***less than significant*** impact relative to the risk of release of pollutants due to project inundation by flood hazards, seiches, and tsunamis, or the potential to alter the course of a stream or river in a manner that would impede or redirect flood flows.

XI. LAND USE AND PLANNING

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Physically divide an established community?			X	
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?			X	

Prior Environmental Impacts

The General Plan EIR addresses impacts to land use and planning 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 would be less than significant.

City of Modesto Urban Area General Plan

The following is a list of General Plan policies that are relevant to this environmental topic.

- Policy III.A.1. Parcel-Specific Zoning. Zoning within the incorporated City limits should be, and generally is, consistent with the General Plan Land Use Designations as presented on the Land Use Diagram. However, because these designations are broad in nature, there may be minor instances in which the existing zoning for a particular property is not consistent with the Land Use Designation for the property. These situations are still considered to be consistent with the overall goals and policies of the General Plan, and development of these properties may occur consistent with zoning.
- Policy III.A.2. Rezoning. Rezonings should also be consistent with the General Plan Land Use Designations. However, rezonings involving less than five (5) acres may occur even if they are not consistent with the Land Use Designation for the property, as long as the rezoning can be found consistent with the Land Use goals and policies of the General Plan. Rezonings of five (5) acres or more that are inconsistent with the applicable Land Use Designation(s) will require a General Plan amendment.
- Policy III.B.1. Infill Incentives. Facilitate infill development through active leadership and strategic provision of infrastructure and services, and supporting land uses. Provide incentives for infill development, redevelopment and growth in existing urbanized areas to enhance community character, optimize infrastructure investments, support increased transit use, promote non-motorized transportation, increase housing diversity and enhance commercial viability. Structure fee programs so that infill development is "priced" according to its relative infrastructure efficiencies and the community wide benefits to be realized.
- Policy III.B.2. Existing City. To maximize economic and social benefits, and resource efficiencies, prioritize and focus new development within the existing City limits. This will strengthen existing neighborhoods and maximize efficiencies of utility / infrastructure systems. New development will be accessible by all modes of transportation, both motorized and non-motorized, with an emphasis on availability of public services.

- Policy III.B.3. Property Maintenance. Encourage owners of visually unattractive or poorly-maintained properties to upgrade existing deficiencies, whether related to structures, outdoor storage / activities, and/or any other maintenance issues, in order to improve their visual quality.
- Policy III.C.4. Diverse Centers. Encourage development of local, citywide and regional mixed-use centers that address different community needs and market sectors, and that compliment and are well-integrated with surrounding neighborhoods.
- Policy III.C.5. New Neighborhoods Core. All parts of new neighborhoods should be within a half-mile of a central gathering place that is located on a collector street or minor arterial and that includes public space, shopping areas, transit access, and community-supportive facilities and services.
- Policy III.C.6. Traditional Grid and Pedestrian Safety. Design new neighborhoods with traditional grid block sizes ranging from 300 to 400 feet in length. Separate sidewalks from the curb with a minimum eight-foot (8') landscaped parkway. Construct context-appropriate traffic-calming improvements, such as traffic circles and intersection bulbouts.
- Policy III.C.7. Connections to Transit. New neighborhoods include transit stops that support and connect to the citywide transit system, and that are within a half-mile walking distance of all dwelling units.
- Policy III.C.9. Senior Housing Development. Encourage the development of senior housing in neighborhoods that are accessible to public transit, commercial services, and health & community facilities.
- Policy III.C.11. Development Guidelines. Apply Neighborhood Compatibility Guidelines, Multi-Family Residential Design Guidelines, Guidelines for Small-Lot Single-Family Residential Developments, and other adopted development guidelines, as appropriate to new construction, additions to existing structures, replacement of existing buildings / land uses, and other neighborhood improvements.
- Policy III.C.12. Residential Design. For new residential development, include a range of lot sizes, varied setbacks, and orient buildings to the street (e.g. entry, windows).
- Policy III.C.13. Transitions in Scale. Scale and massing of new development in higher-density centers and corridors should provide appropriate transitions in building height and bulk that are sensitive to the physical and visual character of adjoining neighborhoods.
- Policy III.D.1. Study Corridors. The following "Major Transportation Corridors" are the best candidates for reinvestment, based in part on the connectivity they provide between downtown and other parts of the City / surrounding region (see Figure III-2):
    i. McHenry Avenue/SR108;
    ii. Yosemite Avenue / SR132;
    iii. Crows Landing Road;
    iv. Paradies Road;
    v. Maze Boulevard

vi. N. 9th Street, and,
vii. Other corridor(s) as needed.

- Policy III.D.2 Corridor Study Topics. Corridor Studies will address the following:

  i. Transportation mode priority (include transit, bicycle, and pedestrian);
  ii. Street design;
  iii. Land use designations;
  iv. Development standards & design guidelines;
  v. Pedestrian safety; and,
  vi. Other considerations as applicable.

- Policy III.E.1. Transit Oriented Development. Locate higher-density, transit-oriented, mixed-use development (TOD) along major transportation corridors near significant intersections and public transportation facilities. Development density along major transportation corridors should increase with proximity to transit stops and decrease with distance from transit stops in order to encourage increased transit ridership. Establish specific thresholds, standards and guidelines for TOD and other development types in the applicable corridor study documentation. (Air quality, public health, energy conservation, environmental justice).

- Policy III.E.2. Corridor Mixed-Use Infill. Promote mixed-use infill development along major transportation corridors through the use of corridor studies, zoning, flexible development standards, density bonuses and other development incentives. Locate such development along the back of sidewalk, and oriented to frame the street, while incorporating public plazas and pedestrian amenities that will create people-oriented centers for living, working and gathering. (environmental justice).

- Policy III.E.3. Corridor Residential Infill. Encourage high-quality, compact, multi-story residential infill development along major transportation corridors, through design criteria contained within applicable corridor study documentation. Minimize parking requirements where appropriate. Maintain compatibility with form and function of nearby existing neighborhoods through use of applicable design guidelines.

- Policy III.E.4. Corridor Study Implementation. Corridor studies may include a form-based code component to guide subsequent development, in order to provide clear and consistent development standards. Other potential implementation mechanisms include, and are not limited to, mixed-use and/or overlay zoning, specific plans, and design guidelines.

- Policy III.E.5. Corridor Features. Promote the transformation of major transportation corridors, via formal corridor studies, into boulevards that are attractive, comfortable, and safe for pedestrians and cyclists by incorporating the following design features: (Air quality, public health, energy conservation, environmental justice).

  i. Wide sidewalks to accommodate pedestrian traffic, amenities and landscaping;
  ii. Class I, II, or IV bike facilities;
  iii. On-street parking between sidewalks and travel lanes;
  iv. Few curb cuts and driveways;

v. Enhanced pedestrian street crossings;
vi. Compatible interface with adjacent existing residential neighborhoods;
vii. Buildings located at the back of sidewalk;
viii. Building entrances oriented to the street;
ix. Transparent ground flood frontage
x. Street trees and furnishings; and,
xi. Pedestrian-scale lighting and signage.

- Policy III.I.1. CPD[1] Implementation. Specific Plans, as defined in Chapter VIII, should be used for the implementation of the CPDs presented in Figure III-1.
- Policy III.I.2. CPD Property Owners. Since each CPD contains a number of properties, unified direction from affected property owners should be encouraged, particularly for privately-initiated applications. In the case of disparate or unknown development intentions, the City may proactively seek consensus from affected property owners.
- Policy III.I.3. CPD Specific Plans. The Specific Plan(s) within each CPD should follow the policies and procedures as outlined in the City of Modesto's Specific Plan Procedures and Preparation Guide (Guide), which identifies all subsequent land use approvals required to be consistent with the Specific plan. The Guide should be updated in order to keep it current with regard to policies and practices.
- Policy III.I.4. Specific Plan Financing. Each Specific Plan should be accompanied by a long-range financing strategy that provides reasonable estimates of the costs of on- and off-site infrastructure to support the proposed development pattern. The strategy should generally address public facility funding for any development project that serves to implement the subject Specific Plan. If new public facilities are required that will also serve the broader community, the Specific Plan should include options for broad-based funding mechanisms. Each Specific Plan should address the need to provide water, wastewater and storm drainage infrastructure, in the context of the required Facilities Master Plan and Infrastructure Master Plan (prepared at developer's expense).
- Policy III.I.5. Public Safety Funding. With each Specific Plan, prepare a long-range financing strategy that provides reasonable estimates of the long-term public safety facilities, maintenance and operational costs. Identify funding mechanisms for these costs within the financing strategy documentation.
- Policy III.I.6. Specific Plan-CPD Relationship. More than one Specific Plan may be processed within a given CPD, as long as the remaining area within the CPD can still comply with the General Plan policies presented in this chapter. Conversely, a Specific Plan can be used to implement more than one CPD, when those districts are adjoining. A CPD may consist of more than one Specific Plan provided that the Specific Plans are consistent, compatible, and complement one another. This is particularly important for issues related to, but not limited to, land use plans, circulation plans and the Specific Plans' financing sections (which must

[1] CPD as referenced in General Plan policies means Comprehensive Planning District.

be correlated to provide for adequate infrastructure throughout the CPD). If Specific Plans are adopted at different times within a CPD, the first Specific Plan should include an infrastructure plan for the entire CPD.

Responses to Checklist Questions

a) Physically divide an established community? Response: The project is limited to the existing parcel and would not introduce new physical barriers or features that could obstruct or divide the surrounding community. As such, the project would have no impact on community connectivity and remains consistent with the assumptions and findings of the Modesto General Plan EIR. Implementation of the proposed Project would have a ***less than significant*** impact relative to this topic.

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? Response: The proposed Project includes a General Plan Amendment and rezone to revise the land use and zoning designations within the Project site. The General Plan included a commercial land use that has not resulted in market interest over the past 20 years the land uses were established. However, the market has shown a strong interest in housing more recently, especially in light of a declaration by the State of California that the state faces a housing crisis. The proposed project is a response to the market demand for housing, and specifically to the need for affordable housing. The proposed Project would not result in any displacement of people or housing. Housing is immediately adjacent to the site, and there are no conflicts with the existing commercial uses to the south. The proposed Project would not 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. Implementation of the Project would have a ***less than significant*** relative to this topic.

XII. MINERAL RESOURCES

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

Prior Environmental Impacts

The General Plan EIR analyzes impacts on mineral resources on pages 3.11-6 through 3.11-9. The General Plan EIR found that impacts related to the loss of availability of regionally or locally important mineral resources, or a mineral resource recovery site delineated on a local plan, specific plan, or other land use plan, would be less than significant. The Project site is not designated by the State or City as containing important mineral resources, nor is it located within a known mineral resource zone.

Historic mineral production in Stanislaus County has included construction materials, industrial materials, and metallic minerals. However, the only mineral commodities that are mined actively in Stanislaus County are sand and gravel. Modesto is entirely within an area zoned MRZ-3a for sand and gravel. This designation indicates areas containing known mineral occurrences of undetermined significance. No areas classified as Mineral Resource Zones (MRZ-2a or MRZ-2b) under the Surface Mining and Reclamation Act – that is, areas where significant mineral deposits have been determined to exist – occur within the planning area.

Responses to Checklist Questions

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? Responses: The California Geological Survey identifies areas that contain or that could contain significant mineral resources to provide context for local agency land use decisions and to protect availability of known mineral resources. Classifications ranging from MRZ-1 to MRZ-4 are based on knowledge of a resource's presence and the quality of the resource.

No mineral extraction operations are known to exist in or adjacent to the Project site. The California Division of Mines and Geology designates the Project site and surrounding lands as MRZ-3a, indicating that the area may contain known mineral occurrences of undetermined significance. Mining and/or mineral extraction in this commercial and residential area is not practical given the number of sensitive receptors in the immediate vicinity such as existing residential uses that may be impacted. There are no oil and gas extraction wells within or near the property. Implementation of the proposed Project would have a ***less than significant*** impact relative to this environmental topic.

XIII. NOISE

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporated*	*Less Than Significant Impact*	*No Impact*
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Generation of excessive groundborne vibration or groundborne noise levels?			X	
c) 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?			X	

Existing Setting

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 is a list of General Plan policies that are relevant to this environmental topic.

Chapter VII. Environmental Resources, Open Space and Conservation

G. Noise

1. Overview

California planning law requires every general plan to address local noise issues (Government Code Section 65302(f)). The noise element provides a guide for establishing a pattern of land uses that minimizes the exposure of community residents to excessive noise. The policies presented in this section were derived from mitigation measures established in the MEIR, which in turn recognized the guidelines established by the State Office of Noise Control (Department of Health Services). Noise is part of everyday life in an urban community, resulting from either stationary or mobile sources. Stationary sources include noise generators such as the airport, loud music, and industrial and construction activities. Mobile noise sources are typically transportation-related, such as aircraft, trains, automobiles, trucks, buses, motorcycles, and construction vehicles. Construction noise is considered localized and temporary. Sound intensity is measured in "A-

weighted" decibels (dBA) that are weighted to correct for the relative frequency response of the human ear. Typical dBA sound levels for various types of noise sources are summarized in Table VII-1 and range from quiet to painfully loud.

2. Noise Sources

Major sources of continuous or occasional noise include the following.

- Roadways, especially arterials and expressways. Roadway noise is generally continuous throughout the day, tapering off in the evening. In the evening, noise from trucks, loud car stereos, emergency vehicles, and poorly muffled engines are especially noticeable. Typical noise ranges from 60 dB to 100 dB.
- Railroads – Union Pacific, Burlington Northern-Santa Fe, and Modesto & Empire Traction Noise and vibrations from freight and passenger rail occurs throughout the day and night, which can be very disruptive. Due to federal regulations, train horns must be sounded at particular volumes and durations. It is possible to establish a 'quiet zone' in some circumstances to reduce – but not eliminate – train horn noise. Typical noise can range from 70 dB to 90 dB at a distance of 100 feet.
- Modesto City-County Airport Aircraft noise can occur at most hours of the day or night. Identifiable aircraft noise is negligible at a distance of more than two (2) or three (3) miles from the airport, but can be very significant and disruptive to nearby residences in the vicinity of the runway. CNEL volumes average about 60 dB at the eastern edges of the neighborhoods nearest to the airport. While CNEL averages noise levels, it should be noted that individual noise events, such as engine run ups and takeoffs, can produce considerably higher short-term noise volumes.

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.

Responses to Checklist Questions

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Response: The existing ambient noise environment at the Project site is primarily influenced by vehicular traffic along McClure Road and Yosemite Boulevard (State Route 132), both of which are regional arterials with moderate to high traffic volumes. Additional noise sources include activity from adjacent commercial properties, such as the gas station, fast food restaurant, and retail uses to the south of the Project site. Existing sensitive receptors include residential homes located north and west of the Project site, within the Dry Creek Woods subdivision and surrounding neighborhoods.

Development of the Project would involve new construction activities such as grading, utility installation, paving, and homebuilding, all of which would generate temporary construction noise.

Construction would be limited to daytime hours and would be required to comply with the noise standards set forth in Chapter 9, Article 1 of the Modesto Municipal Code, which restricts construction noise during sensitive periods and limits overall noise exposure for nearby receptors. Operational noise associated with the Project would be typical of low-density residential uses and would primarily consist of vehicle trips, conversations, lawn and garden equipment, and HVAC systems. These sources are consistent with the surrounding residential environment and are not anticipated to exceed the City's established noise thresholds. Furthermore, future residential development would be required to comply with applicable General Plan policies, including Policy Noise-2 (limiting noise from new land uses), Policy Noise-4 (protecting noise-sensitive land uses), and Policy Noise-9 (construction noise mitigation). The project would not be expected to generate new operational noise or construction-related noise. Therefore, no increase in noise levels is expected to occur beyond current ambient conditions.

There is some potential noise conflicts between the new resiential units on the south side of Street A that will back up to the existing commercial uses. The commercial uses may operate at noise sensitive times, and may include truck deliveries that can be disruptive to residents. To minimize this impact, two mitigation measures are listed below. With the implementation of the following mitigation, the impact would be reduced to a ***less than significant*** level.

Mitigation Measure NOI-1: The following measures shall be incorporated into the Project on-site construction operations:

- Noise-generating construction activities within the Project area shall adhere to the time restrictions of the City of Modesto General Plan to the maximum extent feasible.
- All noise-producing Project equipment and vehicles using internal-combustion engines shall be equipped with manufacturers-recommended mufflers and be maintained in good working condition.
- All mobile or fixed noise-producing equipment used on the Project site that are regulated for noise output by a federal, state, or local agency shall comply with such regulations while during Project activity.
- Material stockpiles and mobile equipment staging, parking, and maintenance areas shall be located as far as practicable from the existing residences to the north and west.
- Project area and site access road speed limits shall be established and enforced during the construction period.
- If unusual circumstances or emergencies prevent certain Project construction activities from complying with the Modesto requirements, then a noise control plan shall be developed to ensure that sufficient mitigation is implemented during Project construction to ensure adverse noise impacts are avoided.
- Notification of construction hours and durations shall be provided to the existing residences to the north and west of the project site.

Mitigation Measure NOI-2: The following measures shall be incorporated into the design:

- A solid noise barrier measuring 7 feet in height relative to backyard elevation should be constructed adjacent to the residences abutting the commercial areas to the south to minimize noise conflicts from commercial operations on the new residents.

- The noise barrier could take the form of masonry wall, earthen berm, or a combination of the two. Other materials may be acceptable but should be reviewed by an acoustical consultant prior to use.
- All second-floor windows of residences proposed adjacent to commercial areas shall have a minimum Sound Transmission Class (STC) rating of 32.
- Air conditioning shall be provided for all residences of this development to allow occupants to close doors and windows as desired for acoustic isolation.

b) Generation of excessive groundborne vibration or groundborne noise levels? Response: Construction vibration impacts include human annoyance and building structural damage. Human annoyance occurs when construction vibration rises significantly above the threshold of perception. No major stationary sources of groundborne vibration were identified in the project area that would result in the long-term exposure of proposed onsite land uses to unacceptable levels of ground vibration. In addition, the proposed project would not involve the use of any major equipment or processes that would result in potentially significant levels of ground vibration that would exceed these standards at nearby existing land uses. As a result, short-term groundborne vibration impacts would be considered ***less than significant***.

c) 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? Response: The Modesto City–County Airport is located approximately 1.42 miles southwest of the project site. The Stanislaus County adopted an Airport Land Use Compatibility Plans in 2016, analyzing the impacts to safety on surrounding development from the Modesto City–County Airport. The Stanislaus County Airport Land Use Compatibility Plan establishes noise contours surrounding the Modesto City–County Airport. Residences are currently located within the 60 dBA CNEL noise contour of the airport, but not within the 65 dBA CNEL noise contour.

However, the project site is located outside of both the 65 dB CNEL and the 60 dB CNEL noise contours for the Modesto City–County Airport. As such, the project site would not be exposed to excessive noise from the Modesto City–County Airport. This is a ***less than significant*** impact.

XIV. POPULATION AND HOUSING

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

Existing Setting

The General Plan EIR addresses impacts to population, and housing on pages 3.10-11 through 3.10-19. The General Plan EIR found that impacts involving substantial population growth, and displacement of people or housing would be less than significant.

City of Modesto Urban Area General Plan

The following is a list of General Plan policies that are relevant to this environmental topic.

- Policy II.A.1. Land Supply. Maintain a five-year supply of available developable land served with urban infrastructure. Consider both underdeveloped urban and non-urbanized land.
- Policy II.A.2. Contiguous Development Tied to Other Goals. Keep urban development as contiguous as possible in order to minimize urbanization of valuable farmland, foster resident convenience, improve air quality, reduce automobile vehicle miles traveled, improve public health and safety, and provide for economy in City services.
- Policy II.A.3. Development Follows Annexation. Annex residential growth and development within the Modesto Urban Area General Plan boundary before development occurs.
- Policy II.A.4. Direct Growth Inward. Direct urban growth to areas currently served with City services.
- Policy II.B.1. Priority Development Areas. Support new development with infrastructure developed in accordance with the established Capital Improvement Program priority areas of Downtown, Kiernan Business Park, the TSP area and the South Modesto Industrial Park (north of Whitmore Ave. between Crows Landing Rd. and Morgan Rd.).
- Policy II.B.2. Regional Financing. Develop broad-based regional financing options, such as state and federal loans and grants, Joint Powers Agreements and/or inter-agency partnerships for regional-serving capital projects.
- Policy II.B.3. Funding Capital Improvements. Increase and improve capital projects over time through maintaining or enhancing existing funding sources, maximizing joint-use efficiencies, and strategically prioritizing capital investments.

Responses to Checklist Questions

a) Induce substantial unplanned 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)? Response: The proposed Project includes the subdivision of approximately ±4.15 gross acres into 38 single-family residential lots and a rezone from C-3 to R-1. The Project would facilitate direct population growth by introducing new housing units; however, the level of growth is consistent with the type and intensity of development anticipated by the City of Modesto General Plan for this area. Additionally, the Project is located within the City's existing urban service area and would connect to existing infrastructure systems, including water, sewer, and roadways.

While the Project would require the construction of a new public street (Street "A") and minor utility extensions, these improvements are limited in scope and intended solely to serve the proposed subdivision. The Project would not result in the extension of infrastructure into previously undeveloped areas in a manner that would induce unplanned growth. Therefore, the Project would not induce substantial unplanned population growth either directly or indirectly, and impacts would be **less than significant**.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? Response: The Project site currently contains undeveloped vacant land. Therefore, the project would have ***no impact*** related to displacement of housing or people and is consistent with the assumptions and findings of the Modesto Urban Area General Plan and its associated EIR.

XV. PUBLIC SERVICES

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?			X	
Parks?			X	
Other public facilities?			X	

Existing Setting

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.

City of Modesto Urban Area General Plan

The following is a list of General Plan policies that are relevant to this environmental topic.

- Policy VI.H.12. Provide at least one neighborhood park within each residential neighborhood. The neighborhood park should be centrally located within the neighborhood and have a service radius of one-half to three-quarters of a mile. The neighborhood park should have one collector street frontage, and the remaining sides should front on residential streets. The minimum size for a neighborhood park shall be seven acres or the total acreage based on one acre of park land per one thousand population within the neighborhood, whichever is greater.
- Policy VI.H.13. The Community Park Service Area is that area within a radius of approximately one to one-and one-half miles of the community park site. The community park should have one major street frontage and the remaining sides may front on residential streets. Community parks should not back up to residential lots. The minimum size for a community park should be forty acres or the total acres based on two acres of the community park land per one thousand population within the Community Park Service Area.
- Policy VI.I.6. All of the policies for "Public Schools – Baseline Developed Area" apply equally in the Planned Urbanizing Area.
- Policy VI.J.1. Maintain an adequate personnel level to organize patrol areas, and provide investigative responses, to achieve a comfortable and safe community climate conducive to a high quality of life. To the maximum economic extent feasible, police operations should

include proactive law enforcement and administrative efforts, all to be expanded as the City's population grows.

- Policy VI.J.3. Strive to provide sworn officers in sufficient numbers to support basic police services consistent with other progressive departments with comparable populations and demographic statistics. The recommended long-term police staffing goal is a ratio of 1.85 sworn officers per one thousand residents.
- Policy VIV.K.1. Maintain adequate fire flows in relation to structures 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 sizing of water mains.
- Policy VIV.K.2. Ensure adequate ingress and egress to all structures for fire fighting 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.
- Policy VIV.K.6. Promote fire-safe behaviors within the community through public fire education activities and programs.
- Policy VIV.K.10. Protect life and property by requiring engineered fire protection systems and fire resistive roof systems as part of all new construction; in situations where access is limited, fire sprinklers shall be required for new construction.
- Policy VIV.K.11. Provide an effective prevention program aimed at fire loss reduction through inspection, investigation, and public education.

Responses to Checklist Questions

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Response: Subsequent development of the proposed Project would increase demand for police and fire services to any new residential uses. All construction plans and development proposals on the project site would be reviewed for consistency with City standards and would be required to pay Community Facilities Districts (CFDs) and pay associated Capital Facilities Fees (CFF) at the time of building permit issuance. The adequacy of impact fees is reviewed by the City on an annual basis to ensure that the fee is commensurate with the service. Payment of the applicable impact fees prior to any site occupancy, and ongoing revenues that would come from future property taxes, sales taxes, and other revenues generated, would fund capital and labor costs associated with fire and police protection services.

Additionally, all future development projects in Modesto are reviewed to ensure adequate fire protection and suppression service. The project site is within the jurisdiction of the Salida Fire Protection District (District) for purposes of fire services. Pursuant to a contract between the District and the City, the District pays the City to provide fire services and the City provides those services from the City's Fire Department. The District currently imposes a Special Tax under a

Community Facilities District to pay for City fire services under the Contract. The City has confirmed with the City's Fire Department that the Fire Department has adequate existing infrastructure and personnel to service the Project. Therefore, there is no CEQA impact to fire services. The Modesto Fire Department must have access to adequate onsite hydrants with adequate fire-flow pressure available to meet the needs of fire suppression units. The proposed project would include the installation of fire hydrants, and the SCFA would conduct fire flow tests prior to building occupancy.

New residential development because of the proposed project would increase demand for public school services, and any subsequent development would pay school impact fees at the time of building permit issuance. The adequacy of fees is reviewed on an annual basis to ensure that the fee is commensurate with the service. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from property taxes, sales taxes, and other revenues generated by the project, would fund improvements associated with school services. Under the provisions of SB 50, a project's impacts on school facilities are fully mitigated via the payment of the requisite new school construction fees established pursuant to Government Code Section 65995.

Potential project impacts to parks and recreational facilities are addressed in the "Recreation" section of this document.

Other public facilities in the City of Modesto include libraries, hospitals, and cultural centers such as museums and music halls. The proposed project would increase demand on these facilities, but not beyond that anticipated in the UAGP DEIR. The City of Modesto UAGP DEIR requires new development to pay its fair share of the costs of public buildings by collecting the CFDs and associated CFF. The CFDs and associated CFF is used by the City to expand public services and maintain public buildings to meet the increased demand generated by new development. The collection of fees and determined fair share fee amounts are adopted by the City as Conditions of Approval (COAs) for all new development projects prior to project approval. Payment of the applicable impact fees by the project applicant, and ongoing revenues that would come from taxes, would ensure that project impacts to libraries and public buildings are less than significant.

Overall, this is considered a ***less than significant*** impact.

XVI. RECREATION

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

Existing Setting

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

Responses to Checklist Questions

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Responses: The proposed General Plan amendment would allow for new residential development which would potentially increase the use of existing parks in the vicinity of the project area, but not at a level that would cause substantial physical deterioration of the facilities. The proposed Project would be required to pay CFF for its fair share contribution towards the development of any new parks. The collection of fees and determined fair share fee amounts are adopted by the City as Conditions of Approval COAs for all new development projects prior to project approval. Fees paid aid in the development of new park-space and maintenance as required, to ensure continued high quality park facilities for all city residents. Additionally, given that the City maintains an ample and diverse range of park sites and park facilities, and collects fees from new development to fund the construction of new parks and the maintenance of existing parks, the additional demand for parks generated by the proposed project would not result in the physical deterioration of existing parks and facilities within Modesto. As such, this is a ***less than significant*** impact and no mitigation is required.

b) 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? Responses: The proposed Project does not include the construction of recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Implementation of the proposed Project would have a ***less than significant*** impact relative to this topic.

XVII. TRANSPORTATION

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			X	
b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	

Existing Setting

The General Plan EIR discusses transportation and circulation impacts on pages 3.1-32 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.

City of Modesto Urban Area General Plan

The following is a list of General Plan policies that are relevant to this environmental topic.

- Policy V.A.2. Encourage Pedestrians and Bicycle Use. Streets, pedestrian paths, and bike paths contribute to a system of fully-connected routes to all destinations. Their designs encourage pedestrian and bicycle use when small and spatially defined by buildings, trees, and lighting, and when high-speed traffic is discouraged.
- Policy V.A.6. Level of Service and Mitigating Travel Demand. Level of Service and Quality of Service (see Tables V-1 and V-2, respectively) for all transportation modes (vehicle, transit, bicycle and pedestrian) on City roadways should be improved over time consistent with the financial resources reasonably available to the City and without unreasonably burdening property owners or developers. On roadways where the automobile LOS is expected to be level F, consider mitigation measures other than road widening, such as the addition of bicycle lanes, improved pedestrian access, improved transit service, and the establishment of walkable development patterns to improve the quality of service for all travel modes.
- Policy V.A.7. Complete Streets. Where traffic volumes, development types and access patterns provide opportunity, a four-lane street may be narrowed to a two-lane street, with a center turn lane, in order to better accommodate on-street parking, bicycle facilities and other amenities. These types of complete street retrofit projects are generally intended to enhance facilities for non-motorized travel modes, within an existing right-of-way, without resulting in reduced functionality for the motoring public. Maintaining high-quality transit service is equally important.

- Policy V.B.1. Street Grid. Design roadways and roadway connections to: provide a grid street system featuring short blocks and frequent connections to collectors and arterials to improve connectivity and accessibility for all modes; increase route choice; better accommodate public transit services; and, reduce trip lengths, traffic congestion, and pollution. To promote walking, limit block size to no more than 600 feet on a side, and provide internal access via alleys or walkways (any block-face less than 400 feet long need not have alleys or walkways). Cul-de-sacs are discouraged, and when deemed necessary, cul-de-sacs should include pedestrian and bicycle connections to the greatest extent possible.
- Policy V.C.1 Transportation Study Thresholds. Figure II-1 delineates the functional geographic areas (Downtown, Baseline Developed Area, Planned Urbanizing Area) of the city described below. For CEQA purposes, the following are Modesto's thresholds for performing transportation studies.

  Downtown Area: This area is exempt from automobile Level of Service (LOS) standards and no traffic impact analysis will be required for new development.

  Baseline Developed Area: If a proposal is consistent with the Urban Area General Plan, no traffic impact analysis will be required. If a general plan amendment is needed, a traffic impact analysis may be required if the proposal would result in at least 100 peak hour trips above and beyond what was assumed in the analysis for the Urban Area General Plan Master EIR, if determined to be necessary. LOS "D" is the significance threshold.

  Planned Urbanizing Area: In new specific plan areas that are outside city limits, a traffic study may be required if project-related traffic, as measured in Average Daily Trips, is expected to be at least ten percent (10%) greater than anticipated to result from the General Plan land use designations. The purpose of such a study would be to determine the amount of feasible automobile-oriented and non-auto-oriented mitigation associated with the project. Once a specific plan has been approved and the area annexed to the city, traffic study policies for the Baseline Developed Area will apply. LOS "D" is the significance threshold.
- Policy V.C.2. Traffic Study. If required, a Comprehensive Traffic Study should conform to the City of Modesto Traffic Impact Study Criteria. These Criteria will be amended to reflect general plan goals and policies, including definition of metrics for all both motorized and non-motorized transportation modes.
- Policy V.C.5. Travel Mitigation Outside of Downtown. Outside of the downtown area, consider and balance the effects of automobile traffic mitigation on non-automobile travel – particularly in areas where the city is attempting to improve conditions that support non-automobile travel – when considering solutions to traffic circulation problems.
- Policy V.D.4. Signal Timing. The green phase of traffic signals citywide should be timed to allow pedestrians of all ages and abilities to safely cross the street. The Federal Highway Administration's Best Practices Design Guide for Designing Sidewalks and Trails for Access,

suggests crossing times should allow for pedestrians traveling at 3.5 feet per second or slower.

- Policy V.D.5. ADA Compliance. Construct or modify curbramps and sidewalks to comply with the Americans with Disabilities Act.
- Policy V.D.7. 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.
- Policy V.E.6. Actively Plan New Facilities. Street projects should be evaluated to determine how the planned bicycle facilities can be accommodated.
- Policy V.E.7. Facilities on Constrained Streets. Where right-of-way constraints exist, a "sharrow" may be used to supplement Class II bicycle facilities where vehicle speeds do not exceed 25 mph.
- Policy V.E.8. Bicycles at Signalized Intersections. Protected intersection design features, bike boxes and bicycle detection systems may be used to delineate bicycle facilities, improve safety, and allow bicycle traffic to trigger the green phase of a traffic signal. In accordance with California Vehicle Code Section 21450.5, sensors that detect the presence of a waiting bicycle should be added to signalized intersections when signals are installed, upgraded and/or maintained. Other markings and signage may be used as approved by the City Engineer.
- Policy V.E.9. Signal Timing. The green phase of traffic signals throughout Modesto should be timed to allow bicycle riders of all ages and abilities to cross the street safely.
- Policy V.E.10. Bicycle Circulation Near the Downtown Passenger Rail Station. Plan for the future multimodal transportation center, by facilitating improved bicycle access and parking in and around downtown, to establish safe and convenient bicycle connections to and from the site.
- Policy V.H.2. Level of Service. LOS "D" is the threshold of significance for measuring traffic impacts.
- Policy V.H.3. Coordinate Planning Efforts. Coordinate the City's streets and highways system with Caltrans', the County's, and other jurisdictions' existing facilities and plans.
- Policy V.H.4. Transportation Demand Management. Prepare and maintain a Transportation Demand Management Plan that includes a focus on the Downtown area to reduce automobile trips and single-occupancy vehicle trips.
- Policy V.H.5. Driveway Consolidation. Consolidate driveways to reduce potential vehicle-pedestrian conflicts.
- Policy V.H.8. Intersection Control. The type(s) of intersection control(s) (e.g. traffic signal, traffic circle, roundabout, etc.) will be determined by the City Engineer at the time of project design.
- Policy V.H.9. Standard Specifications. The City's Standard Specifications Manual applies to the construction of new roadway facilities. More design detail is provided in the City's

adopted Standard Specifications. Update the Standard Specifications to be consistent with the General Plan.

VMT Thresholds of Significance

The City of Modesto has not adopted a formal VMT methodology or thresholds of significance for residential development projects. Instead, the City evaluates projects for consistency with the Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA (Technical Advisory). The Technical Advisory provides guidance as to how VMT analysis could be performed and what thresholds of significance may be appropriate for CEQA analysis.

Responses to Checklist Questions

a) Conflict with a program plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities? Response: Existing sidewalks along McClure Road provide pedestrian access to the Project site, consistent with the City of Modesto's sidewalk requirements as outlined in Modesto Municipal Code Title 7, Chapter 1, Article 3. Because the proposed Project includes new residential development and public street construction, pedestrian access would be enhanced through the installation of sidewalks within the Project site and along the new public street. The proposed Project would not impede or otherwise hinder pedestrian access but would instead improve connectivity. Impacts to pedestrian facilities would therefore be ***less than significant*** and consistent with those anticipated in the General Plan EIR.

There are no existing bicycle facilities along the project's frontage on McClure Road. However, regional bicycle facilities are available within the broader transportation network. While the Project would not trigger the direct installation of bicycle parking or infrastructure, it would be designed to integrate with nearby pedestrian and bicycle pathways, ensuring the future development is accessible for non-motorized transportation. The proposed Project would not conflict with adopted bicycle plans or policies. Impacts to bicycle facilities would be ***less than significant*** and would be consistent with the transportation assumptions in the General Plan EIR.

Furthermore, Public transit is available near the Project site. The Stanislaus Regional Transit Authority (StaRT) provides service along nearby arterial corridors, with the nearest bus stop located approximately 0.1 mile south from the site at the intersection of McClure Road and Yosemite Boulevard. The Project site is within a half-mile radius of additional transit routes. Therefore, impacts to public transit access and facilities would be ***less than significant*** and consistent with the transportation assumptions in the General Plan EIR.

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)? Responses: Pursuant to Senate Bill 743 and CEQA Guidelines Section 15064.3, Vehicle Miles Traveled (VMT) is the required metric for assessing transportation impacts under CEQA. The Governor's Office of Planning and Research (OPR) Technical Advisory (2018) identifies certain types of projects that may be presumed to have a less-than-significant impact with respect to VMT.

The proposed project consists of a 38-unit affordable housing subdivision located on a 4.18-acre infill site in the City of Modesto. As an affordable housing development, the project qualifies for the presumption of a less-than-significant impact under the OPR Technical Advisory, which states that "projects that are 100% affordable housing may be presumed to cause a less-than-significant impact" on VMT.

In addition, the project is in a developed, urbanized area, making it a residential infill, further supporting the use of this presumption. Therefore, no detailed VMT modeling is required, and the project is considered to have a less-than-significant transportation impact under CEQA. Implementation of the proposed Project would have a ***less than significant*** impact.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? d) Result in inadequate emergency access? Responses: Direct motor vehicle access to the Project site would be provided via a new public roadway (Street "A") connecting to McClure Road. The proposed Project would include pedestrian improvements such as new sidewalks along Street "A" and associated frontage improvements along McClure Road. Additionally, the proposed project would be subject to review and approval by the City. The review and approval process would include the Fire Department, which would include a review of the proposed project's consistency with the City's design criteria to ensure that safe vehicle access and viable emergency vehicles movements are provided. Therefore, these improvements are not expected to result in increased hazards.

The proposed Project would be consistent with the City of Modesto's design standards for local residential neighborhoods. All improvements, including the new roadway, sidewalks, and utility connections, would comply with applicable provisions of the Modesto General Plan, the Modesto Municipal Code, the City's Standard Specifications (2014), and the Transportation System Plan, ensuring safe and efficient site access and circulation.

Therefore, implementation of the proposed projects would not be inconsistent with an applicable design standard and the proposed projects would result in a ***less than significant*** safety impact.

XVIII. TRIBAL CULTURAL RESOURCES

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) 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:				
i) 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)?			X	
ii) 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? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resources to a California Native American tribe.			X	

Existing Setting

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 impacts related to human remains and tribal cultural resources would be less than significant.

City of Modesto Urban Area General Plan

The following is a list of General Plan policies that are relevant to this environmental topic.

- Policy VII.F.3.[a]. Any project subject to CEQA that involves substantial earth-disturbing activities should require consultation by the applicant for the purposes of determining archaeological and cultural resources impacts and creating appropriate mitigation to address such impacts.
- Policy VII.F.3.[b]. 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.
- Policy VII.F.3.[c]. 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:

1. 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;
2. 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;
3. 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,
4. 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.
5. 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.

Responses to Checklist Questions

a) 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: a.i) 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.ii) 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? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resources to a California Native American tribe.

There is a potential for the discovery of prehistoric, ethnohistoric, or historic archaeological sites that may meet the definition of Tribal Cultural Resources (TCRs). Although no TCRs have been documented on the Project site, the project is in a region where significant cultural resources have been recorded and there remains a potential that undocumented archaeological resources that may meet the TCR definition could be unearthed or otherwise discovered during ground-disturbing and construction activities. Examples of significant archaeological discoveries that may meet the TCR definition would include villages and cemeteries. Due to the possible presence of undocumented TCRs within the project site, construction-related impacts on tribal cultural resources may occur.

Implementation of the UAGP policies and existing State law would require appropriate steps to preserve and/or document any previously undiscovered resources that may be encountered during construction activities. Specifically, the proposed Project would be subject to the City's General Plan policies, including Policies AH-9 and AH-12 through AH-18, which provide procedures for addressing the unanticipated discovery of tribal cultural resources. Therefore, the impact related to tribal cultural resources would be ***less than significant*** and would not be more severe than those analyzed in the General Plan EIR.

XIX. UTILITIES AND SERVICE SYSTEMS

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Require or result in the relocation or construction of new or expanded water, wastewater or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments?			X	
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?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			X	

Existing Setting

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.

City of Modesto Urban Area General Plan

The following is a list of General Plan policies that are relevant to this environmental topic.

- Policy VI.A.1. Implement the demand management and conservation measures identified in the City's adopted Urban Water Management Plan (UWMP). During review of development proposals, require that all developments reduce their potable water demand. Refer to the UWMP for potential techniques to reduce potable water demand.
- Policy VI.A.2. Require water infrastructure master plans for public infrastructure and/or when otherwise pertinent to provision of water service at adopted service levels for the specific plan areas or other projects depending on site issues and location.

- Policy VI.A.3. 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.
- Policy VI.B.3. encourage the optimum beneficial use of water resources within the City. Strive to maintain an adequate supply of high-quality water for urban uses. At a minimum, potable water supplies delivered to water customers shall conform to the primary maximum contaminant levels as defined in State law (environmental justice).
- Policy VI.B.5. Construct, operate, maintain, and replace water infrastructure facilities in a manner that will provide the best option possible service to the public. Ensure that infrastructure is installed before or concurrently with development. Take a comprehensive approach to financing, using a blend of special taxes, benefit assessments, and other methods to ensure that infrastructure installation occurs in a timely manner.
- Policy VI.B.6. Continue to establish guidelines, policies, and programs to implement water conservation to the maximum extent feasible. Funding for large conservation rebate or exchange programs should be maintained and enhanced. Strive to maximize the utilization of water resources when developing and implementing the City's Economic Development Strategy.
- Policy VI.D.6. Construct, operate, maintain, and replace wastewater facilities in a manner that will provide the best possible service to the public. In developing implementations plans, consider rehabilitation of essential existing facilities, expansion to meet current excess demand, and the timely expansion for future demand.
- Policy VI.E.1. Allocate the City's wastewater system capacity to existing and future residential, commercial, and industrial customers. Discharges from environmental cleanup sites may be issued conditional discharge permits subject to the availability of excess treatment capacity. In accordance with federal and state regulations, discharges to the wastewater system may not, or may not threaten to, upset or interfere with, the wastewater system.
- Policy VI.E.3. Individual development projects are subject to review by the City for adequate wastewater collection service and treatment.
- Policy VI.E.6. Within the city limits and the sewer service area, all developed properties should connect to the sewer system within five (5) years of the extension of service.
- Policy VI.E.13. No provider of wastewater services may deny or condition the approval of an application for services, or reduce the amount of the services applied for, if the proposed development includes housing affordable to lower income households, except upon making specific findings pursuant to State law.
- Policy VI.E.14. 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.

Responses to Checklist Questions

a) Require or result in the relocation or construction of new or expanded water, wastewater or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the projects projected demand in addition to the providers existing commitments? Responses:

Water

Consistent with the City of Modesto General Plan and EIR, existing water supply entitlements and groundwater resources are sufficient to meet current and projected demands. The General Plan EIR concludes that the City has adequate water supplies to serve anticipated growth through 2045, including provisions for water conservation and drought contingency measures. The City's Water Shortage Contingency Plan and groundwater management programs provide additional assurances for the long-term availability and reliability of water resources. Furthermore, the project would be required to comply with applicable General Plan policies related to water demand management, conservation, and metering, consistent with the City's Urban Water Management Plan. Therefore, the proposed Project would not necessitate the construction of new or expanded water treatment or supply facilities, nor would it exceed existing water entitlements. Impacts related to water supply would be ***less than significant*** and consistent with those analyzed in the General Plan EIR.

Wastewater

The City of Modesto periodically updates its Wastewater Master Plan to ensure wastewater treatment facilities have sufficient capacity to accommodate future growth and development within the city. The proposed Project would continue to be subject to applicable General Plan policies, including those requiring review of wastewater service adequacy and compliance with treatment standards. Ultimately, the sanitary sewer collection system will be an underground collection system installed as per the City of Modesto standards and specifications. Sanitary sewer disposal and treatment will be to the City of Modesto Jennings facility. Additionally, because the Project applicant would pay City PFIP fees to develop the site, and adequate long-term wastewater treatment capacity is available to serve full build-out of the proposed project, a ***less than significant*** impact would occur related to requiring or resulting in the construction of new wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.

Storm Drainage

The proposed Project would be required to maintain compliance with applicable City of Modesto stormwater policies, including adherence to the City's Stormwater Management Program. The proposed Project would also be subject to Low Impact Development (LID) design standards aimed at minimizing runoff and protecting downstream water quality. Therefore, the proposed Project would have a ***less than significant*** impact related to stormwater runoff or drainage and would not result in impacts beyond those analyzed in the General Plan EIR.

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? e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste? Responses: Based on the most recent waste generation factor provided

by CalRecycle for residential uses, the proposed project is expected to generate approximately 380 pounds per day of solid waste, which is equivalent to less than 0.17 tons per day.

Currently, Flink Road Landfill has a remaining capacity of 19,000,000 cubic yards and has a current maximum permitted throughput of 2,400 tons per day. This landfill has a cease operation date in the year 2050. Forward Sanitary Landfill has a remaining capacity of 22,100,000 cubic yards and has a current maximum permitted throughput of 8,668 tons per day. This landfill has a cease operation date in the year 2036. The additional solid waste generation associated with the proposed Project to the Forward and Flink Road Landfills would not exceed either remaining capacity. Therefore, the proposed Project would not result in impacts beyond those already anticipated under the City of Modesto General Plan Master EIR. Therefore, impacts related to solid waste would be ***less than significant***.

XX. WILDFIRE

Would the project:	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?			X	
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?			X	
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?			X	
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?			X	

Existing Setting

The General Plan EIR analyzes wildfire-related impacts on pages 3.15-11 through 3.15-13. The General Plan EIR found that the City of Modesto is not located in or near a state responsibility area (SRA) or lands classified as very high fire hazard severity zones (VHFHSZs). The Project site is located within an urbanized, developed area and is not subject to elevated wildfire risk. Therefore, wildfire-related impacts would not be substantially greater than those identified in the General Plan EIR.

City of Modesto Urban Area General Plan

The following is a list of General Plan policies that are relevant to this environmental topic.

- Policy VI.K.1. Maintain adequate fire flows in relation to structures 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 sizing of water mains.
- Policy VI.K.2. Ensure adequate ingress and egress to all structures for fire fighting 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.
- Policy VI.K.3. Practice timely adoption of the current edition of the California Fire Code including local ordinances designed to address local conditions. The California Fire Code may be amended to suit local conditions.
- Policy VI.K.4. Ensure that fire stations, apparatus, equipment, and personnel are in place concurrent with construction in the Planned Urbanizing Area.

- Policy VI.K.5. Future fire station sites and facilities should be closely coordinated with existing and planned public parks, libraries, and other activity centers in order to encourage maximum efficiency of public facilities.
- Policy VI.K.6. Promote fire-safe behaviors within the community through public fire education activities and programs.
- Policy VI.K.7. Maintain readiness to mitigate man-made or natural disasters through maintenance and implementation of the Multi-Hazard Functional Plan, the Multi-Hazard Mitigation Plan, and the Emergency Operations Plan.
- Policy VI.K.8. Maintain equipment, staffing, and facilities to provide Emergency Medical Services, Fire Prevention and Suppression, Urban Search and Rescue, and Hazardous Materials Response Capabilities.
- Policy VI.K.9. Provide an adequate Fire and Life Safety Delivery system through the achievement of the following standards:
    a) Maintain an emergency response system capable of achieving the following standards in 90 percent of all cases:
        - The first fire emergency response unit arrives within six minutes of dispatch;
        - A full first alarm assignment consisting of four engines, one truck, one chief officer, and a minimum of 16 personnel arrives within 10 minutes of dispatch; and,
        - A second alarm assignment consisting of two engines and one truck with a minimum of nine personnel arrives within 15 minutes of dispatch.
- Policy VI.K.10. Protect life and property by requiring engineered fire protection systems and fire resistive roof systems as part of all new construction; in situations where access is limited, fire sprinklers shall be required for new construction.
- Policy VI.K.11. Provide an effective prevention program aimed at fire loss reduction through inspection, investigation, and public education.
- Policy VI.K.12. Coordinate with affected fire protection districts when an annexation to the City is proposed, and before it has been finalized, regarding fire protection and other emergency services.
- Policy VI.K.13. Negotiate with affected fire protection districts when an annexation to the City is contemplated and before it has been effected to determine whether the boundary change may result in the erosion of fire protection or other emergency services. Any resulting agreements must be approved by City Council and the governing board of the fire protection district prior to City Council approval of the annexation. Options range from the consolidation of the fire protection district into Modesto City Fire to revenue sharing.

Responses to Checklist Questions

a) Substantially impair an adopted emergency response plan or emergency evacuation plan? Response: The Project site will connect to an existing network of City streets. The proposed circulation improvements would allow for greater emergency access relative to existing conditions. The proposed Project would not impair implementation of or physically interfere with

an adopted emergency response plan or emergency evacuation plan. Therefore, impacts from project implementation would be considered ***less than significant*** relative to this topic.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? Response: The risk of wildfire is related to a variety of parameters, including fuel loading (vegetation), fire weather (winds, temperatures, humidity levels and fuel moisture contents) and topography (degree of slope). Steep slopes contribute to fire hazard by intensifying the effects of wind and making fire suppression difficult. Fuels such as grass are highly flammable because they have a high surface area to mass ratio and require less heat to reach the ignition point. The County has areas with an abundance of flashy fuels (i.e. grassland). The Project site is in an area that is predominately urban, which is not considered at a significant risk of wildlife. Therefore, impacts from project implementation would be considered ***less than significant*** relative to this topic.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? Response: The proposed Project includes development of infrastructure (water, sewer, and storm drainage). The proposed infrastructure improvements would allow for decreased fire risk relative to existing conditions. The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, impacts from project implementation would be considered ***less than significant*** relative to this topic.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? Response: The Project site currently connects to an existing network of City streets. The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Landslides include rockfalls, deep slope failure, and shallow slope failure. Factors such as the geological conditions, drainage, slope, vegetation, and others directly affect the potential for landslides. One of the most common causes of landslides is construction activity that is associated with road building (i.e. cut and fill). The Project site is relatively flat; therefore, the potential for a landslide in the Project site is essentially non-existent.

Therefore, impacts from Project implementation would be considered ***less than significant*** relative to this topic.

XXI. MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
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?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

Responses to Checklist Questions

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? Response: This Initial Study includes an analysis of the impacts associated with aesthetics, agricultural and forest resources, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation and traffic, and utilities and service systems. The analysis covers a broad spectrum of topics relative to the potential for the proposed Project to have environmental impacts. It was found that the proposed Project would have either no impact, a less than significant impact, or a less than significant impact with the implementation of mitigation measures. For the reasons presented throughout this Initial Study, the proposed Project would not 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, 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. The proposed Project would have a ***less than significant*** impact relative to this topic.

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)? Response: This Initial Study includes an analysis of the impacts associated with a broad spectrum of topics relative to

the potential for the proposed Project to have cumulative environmental impacts. It was found that the proposed Project would have either no impact, a less than significant impact, or a less than significant impact with the implementation of mitigation measures. There are no significant cumulative or cumulatively considerable effects that are identified associated with the proposed Project after the implementation of all mitigation measures presented in this Initial Study. With the implementation of all mitigation measures presented in this Initial Study, the proposed Project would have a ***less than significant*** impact relative to this topic.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Responses: Environmental factors such as air quality, noise, hazards, and transportation were previously addressed in responses above. As detailed prior, the proposed 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. The proposed Project would not cause substantial adverse effects on human beings. Implementation of the proposed Project would have a ***less than significant*** impact relative to this topic.

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