

City of Modesto

Finding of Conformance with the Urban Area General Plan Master EIR (SCH No. 2014042081)

Initial Study Environmental Checklist C&ED No. 2021-31

For the proposed:

**Fairview Village Annexation #2
General Plan Amendment from Commercial to Village
Residential
Fairview Village Specific Plan Amendment #4
Fairview Village Phase 1 Vesting Tentative Subdivision Map**

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

December 10, 2021

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City of Modesto

Master EIR Initial Study Environmental Checklist

I. PURPOSE

CEQA allows for the limited environmental review of subsequent projects under the City's Master Environmental Impact Report ("Master EIR"). This Initial Study Environmental Checklist ("Initial Study") is used in determining whether the Fairview Village Annexation, Fairview Village Specific Plan Amendment #4, and Fairview Village Phase 1 Vesting Tentative Subdivision Map are "within the scope" of the project analyzed in the Modesto Urban Area General Plan Master EIR (SCH# 2014042081) (Public Resources Code section 21157.1). When the Initial Study supports this conclusion, the City will issue a Finding of Conformance.

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

1. it will have no additional significant effects on the environment that were not addressed as significant effects in the Master EIR; and,
2. no new or additional mitigation measures or alternatives are required.

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

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

An environment impact report was prepared for the Fairview Village Specific Plan and certified in 1997. Since that time, there have been several major updates to the General Plan, the most recent having been adopted in 2019. Consequently, the Fairview Village Specific Plan will be evaluated against the 2019 General Plan and Master EIR (SCH# 2014042081) and the 1997 environmental document will be set aside.

II. PROJECT DESCRIPTION

- A. Title: Fairview Village Annexation, Fairview Village Specific Plan Amendment #4, and Fairview Village Phase 1 Vesting Tentative Subdivision Map
- B. Address or Location: northeast of the intersection of Carpenter Road and Whitmore Avenue
- C. Applicant: Bava Family Farms
3104 Valdez Drive
Modesto, CA 95355
- D. City Contact Person: Cindy van Empel

Project Manager: Cindy van Empel
Department: Community & Economic Development
Phone Number: (209) 577.5267

E-mail address: cvanempel@modestogov.com

- E. Current General Plan Designation(s): VR, Village Residential; C, Commercial; OS, Open Space
- F. Current Zoning Classification(s): P-SP, Prezoned Specific Plan
- G. Surrounding Land Uses:
 - North: Tuolumne River, residential (city)
 - South: agriculture (county)
 - East: vacant residential and residential (city and county)
 - West: agriculture (county)
- H. Project Description, including the project type listed in Section II.C (Anticipated Future Projects) of the Master EIR (Attach additional maps/support materials as needed for complete record):

The proposed project has four components: annexation, general plan amendment, specific plan amendment, and vesting tentative subdivision map. These are described below.

Annexation

The westerly 177.75 acres of the Fairview Village Specific Plan area and seven lots north of Hatch Road are proposed to be annexed to the City of Modesto. This would entail the annexation of the area to Sewer District 1 and detachment of a portion of Carpenter Road from the Burbank-Paradise Fire Protection District and a portion of Whitmore Avenue from the Westport Fire Protection District. The area to be annexed includes APNs 056.026.001, 056.026.006, 056.026.007, 056.026.012, - 56.026.031-.034, 056.027.009, 056.027.009, 056.028.010, 056.028.012-.014.

General Plan Amendment

The General Plan will be amended to revise the portion of the Fairview Village Specific Plan designated C, Commercial, to VR, Village Residential. A roughly 20-acre area in the unincorporated area of the specific plan is designated C, Commercial, in the General Plan. This amendment would change that designation from C, Commercial, to VR, Village Residential. As currently conceived, the Fairview Village Specific Plan will have about 8 acres of commercial development, with the remaining 12 acres to be residential.

Specific Plan Amendment

Specific Plan Amendment #4 will amend storm water basin policies and agricultural preservation policies in order to be consistent with the General Plan. The circulation and land use plans will also be revised. The number of dwelling units will range from approximately 1,075-2,150 single family and 220-440 multifamily dwelling units for a total of 1,295-2,590 dwelling units, consistent with the General Plan estimate of 2,310 dwelling units. The Commercial designation would be reduced to approximately 8 acres, reflecting the reduced need for commercial square footage. The backbone street plan will be altered slightly. Finally, substantial portions of the Fairview Village Specific Plan are being revised to streamline project review, consistent with current practices of the City of Modesto.

Vesting Tentative Subdivision Map

The map will divide approximately 38.5 acres into 217 residential lots and six landscape lots. Residential lots range in size from 3,140 square feet to 9,825 square feet. Internal streets will have 50 feet of right of way, while external streets will have 56, 60, or 70 feet of right of way.

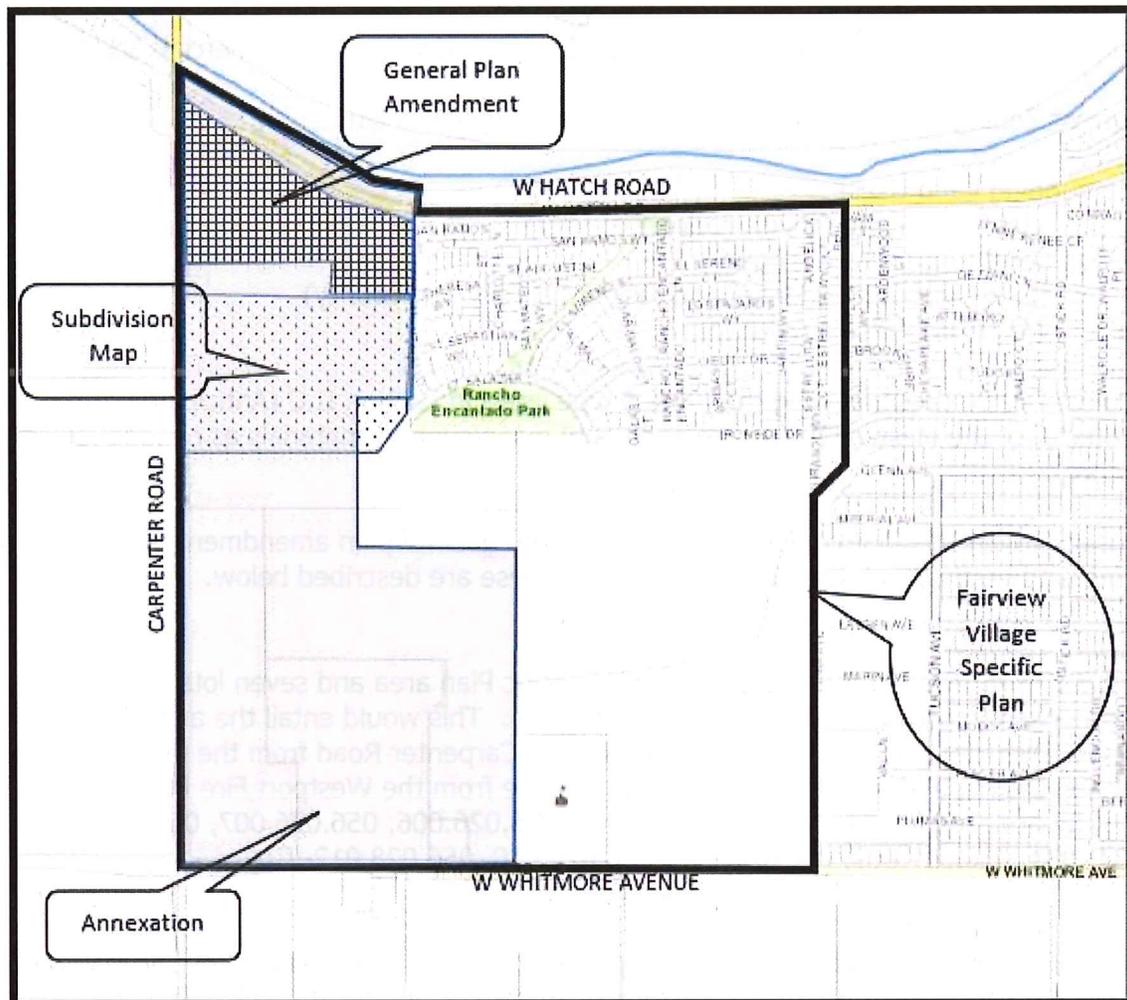


FIGURE 1: Project Boundaries

I. Other Public Agencies Whose Approval is Required:

Local Agency Formation Commission
Board of Equalization

III. FINDINGS / DETERMINATION (SELECT ONE ON THE BASIS OF THE ANALYSIS IN SECTION IV)

1. ___ Within the Scope – The project is within the scope of the Master EIR and no new environmental document or Public Resources Code Section 21081 findings are required. All of the following statements are found to be true:

A. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR;

- B. No new or additional mitigation measures or alternatives are required;
- C. The subsequent project is within the scope of the project covered by the Master EIR; and,
- D. All applicable policies, regulations, and/or mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

2. **Mitigated Negative Declaration Required** – On the basis of the above determinations, the project is not within the scope of the Master EIR. A mitigated negative declaration will be prepared for the project. The following statements are all found to be true:

- A. The subsequent project is within the scope of the project covered by the Master EIR;
- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,
- C. The project will have one or more potential new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures are being required of the project that will reduce the effects to a less than significant level.

3. **Focused EIR Required** – On the basis of the above determinations, the project is not within the scope of the Master EIR. A Focused EIR will be prepared for the project. All of the following statements are found to be true:

- A. The subsequent project is within the scope of the project covered by the Master EIR;
- B. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project; and,
- C. The project will have one or more new significant effects on the environment that were not addressed as significant effects in the Master EIR. New or additional mitigation measures or alternatives are required as a result.

Synthia Charamiempel
Project Manager

Senior Planner
Title

16 Dec 21
Date

4. Within the Scope Analysis of this Document:

The Master EIR allows projects to be found within the scope of the MASTER EIR if certain criteria are met. If the following statements are found to be true for all 20 impact categories included in this Initial Study, then the proposed project is addressed by the Master EIR analysis and is within the scope of the Master EIR. Any “No” response must be discussed.

| | YES | NO |
|--|-----|--------------------------|
| (1) The lead agency for subsequent projects shall be the City of Modesto or a responsible agency identified in the Master EIR. | X | <input type="checkbox"/> |
| (2) City policies that reduce, avoid, or mitigate environmental effects will continue to be in effect and, therefore, would be applied to subsequent projects where appropriate. The policies are described in the list of policies in place as “mitigating policies” attached to the Initial Study template. Project impacts would be mitigated to a less-than-significant level using the Master EIR’s mitigating policies only. | X | <input type="checkbox"/> |
| (3) Federal, State, regional, and Stanislaus County regulations do not change in a manner that is less restrictive on development than current law (i.e., would not offer the same level of protection assumed under the Master EIR). | X | <input type="checkbox"/> |
| (4) No specific information concerning the known or potential presence of significant resources is identified in future reports, or through formal or informal input received from responsible or trustee agencies or other qualified sources. | X | <input type="checkbox"/> |
| (5) The project will occur within the boundaries of the City’s planning area as established in the Urban Area General Plan. | X | <input type="checkbox"/> |
| (6) Implementation of the project will comply with all appropriate mitigating policies contained and enumerated in the 2019 Urban Area General Plan Master EIR. | X | <input type="checkbox"/> |

Discussion:

- (1) Modesto City County is the lead agency for the entire project. The subdivision map cannot be implemented until and unless the annexation is approved by the Local Agency Formation Commission.
- (2) All appropriate and relevant City policies will be applied to the project.
- (3) The proposed project will not result in changes to federal, state, or local regulations. The Specific Plan Amendment will result in revisions that make the existing Fairview Village Specific Plan compliant with the existing General Plan.
- (4) No information about significant resources has been identified by the City or by agencies to which this project was referred for comment.
- (5) The project lies wholly within the City of Modesto’s General Plan boundary and Sphere of Influence.
- (6) All appropriate and relevant policies contained in the General Plan Master EIR will be applied to this project.

5. Currency of the Master EIR Document

The Master EIR should be reviewed on a regular basis to determine its currency, and whether additional analysis / mitigation should be incorporated into the Master EIR via a Supplemental or Subsequent EIR (CEQA Section 21157.6). Staff has reviewed Sections 1 through 20 of this document in light of the criteria listed below to determine whether the Master EIR is current. The analyses contained within the Master EIR are current as long as the following circumstances have not changed. Any “no” response must be explained.

| | | YES | NO |
|-----|--|-------------------------------------|--------------------------|
| (1) | Certification of the Urban Area General Plan Master EIR occurred less than five (5) years prior to the filing of the application for this subsequent project. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (2) | The proposed project is described in the Master EIR and its approval will not affect the adequacy of the Master EIR for any subsequent project because the City can make the following findings: | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (a) | No substantial changes have occurred with respect to the circumstances under which the Master EIR was certified; | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (b) | No new information, which was not known and could not have been known at the time the Master EIR was certified as complete, has become available; and, | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| (c) | Policies that require site-specific mitigation, and avoidance or other mitigation of impacts as a prerequisite to future development, remain in full force and effect. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion:

- (1) The General Plan Master EIR was last certified on March 5, 2019. The analysis contained in the Master EIR is adequate for subsequent projects, as documented in the discussion below.
- (2) The project is consistent with the analysis contained in the Master EIR. This is documented in the discussion of the 20 individual evaluation topics within this initial study.
 - (2)(a) There have been no substantive changes to the Urban Area General Plan since the Master EIR was certified that would create additional significant environmental effects that were not analyzed by the Master EIR.
 - (2)(b) There has been no new information that would affect the adequacy of the analysis contained in the Master EIR.
 - (2)(c) All policies contained in the Master EIR that require site-specific mitigation or avoidance of impacts remain in effect and will be applied to the project as appropriate.

IV. ENVIRONMENTAL ANALYSIS

This Initial Study, in accordance with Section 21157.1(b) of the Public Resources Code, discloses whether the proposed project may cause any project-specific significant effect(s) to the environment that was not examined in the Final Master EIR for the Urban Area General Plan, and whether new or additional mitigation measures or alternatives may be required as a result. The Initial Study thereby documents whether or not the project is “within the scope” of the Master EIR.

Pursuant to Public Resources Code Section 21157.1, no new environmental document or findings are necessary for projects that are determined to be within the scope of the Master EIR. Adoption of the

findings specified in Section III.1, above, after completion of the Initial Study fulfills the City's obligation in that situation. All environmental effects cited reflect 2040 conditions resulting from the Urban Area General Plan, as identified in the Master EIR.

The environmental impact analysis in the Master EIR for the Urban Area General Plan is organized in twenty subject / topical areas. The following analysis is based on the impact analyses contained in Chapter V of the Master EIR. For ease of reference, the sections are numbered in the same order as the analyses in Chapter V.

1. TRAFFIC AND CIRCULATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable traffic and circulation impacts expected after application of mitigating policies.

Direct Impacts

Effect: Increased automobile traffic will result in roadway segments (see Master EIR Table V-1-6, pages V-1-36 to V-1-39) operating at LOS D, Modesto's significance threshold for automobile traffic, or lower (LOS E or F).

Effect: The substantial increase in traffic relative to the existing load and capacity of the street system will cause, either individually or cumulatively, the violation of automobile service standards established by StanCOG's Congestion Management Plan for designated roads and highways.

Effect: A substantial increase in automobile vehicle miles traveled (see Master EIR Tables V-1-7 through V-1-10, pages V-1-44 through V-1-45).

Cumulative Impacts

Effect: Potential for growth inducement or acceleration of development resulting from highway and local road projects.

Effect: Substantial increase in traffic in relation to the existing traffic load and capacity of the street system, including a violation, either individually or cumulatively, of an automobile LOS standard established by the Congestion Management Plan for designated roads and highways.

Effect: Increased demand for capacity-enhancing alterations to existing roads or automobile traffic reduction.

Other impact categories affected by Traffic and Circulation are addressed throughout this Initial Study (see also: Section 2, Air Quality and Greenhouse Gas Emissions; Section 3, Generation of Noise; Section 18, Energy; Section 19, Visual Resources; and, Section 20, Land Use and Planning).

b. Urban Area General Plan Mitigating Policies Applied to the Project

Traffic and Circulation-related mitigating policies pertinent to this project are found on Master EIR pages V-1-7 through V-1-30. All mitigating policies appropriate to the project, including any new measures, will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No impacts are expected and no mitigating policies from the Master EIR will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-1.B of the Master EIR provides analysis of Traffic and Circulation impacts of development of the General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) that were not disclosed in the Master EIR.

Significance Criteria: A subsequent development project will have a new significant effect on the environment if it would exceed the following thresholds / criteria:

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-----------|
| 1. TRAFFIC AND CIRCULATION | | | | |
| 1) The proposed project would conflict with an applicable plan, ordinance or policy (including those within the Urban Area General Plan) establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency, for designated facilities. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 3) The proposed project would result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 4) The proposed project would substantially increase hazards due to a design feature (e.g. sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment), or result in inadequate emergency access. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 5) The proposed project would conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 6) The proposed project would result in projected Level of Service "D" or worse for non-exempt City of Modesto roadways, Caltrans facilities, and/or County of Stanislaus roadways. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

- (1) The project includes a specific plan amendment that would result in a range of approximately 1,075-2,150 single family and 220-440 multifamily dwelling units for a total of 1,295-2,590 dwelling units, consistent with the General Plan estimate of 2,310 dwelling units. The Commercial designation would be reduced to approximately 8 acres, reflecting the reduced need for commercial square footage. Traffic resulting from the general plan and specific plan amendments would be about the same as that assumed in the General Plan. Therefore, no impacts will occur as compared to the analysis in the General Plan Master EIR and no mitigation measures will be applied.
- (2) The project would not exceed a level of service standard established by the county congestion management agency (StanCOG). No impacts will occur.
- (3) The proposed project would not result in a change in air traffic patterns. There are no airports within two miles of the site. No impacts on airports will occur.
- (4) There are no changes to the specific plan that would increase hazards. Traffic engineering reviewed the proposal and identified no design features in the specific plan amendment or the Vesting Tentative Subdivision Map that would result in traffic hazards. No impacts have been identified and no mitigation measures will be applied.
- (5) The proposed specific plan amendment includes additional bicycle facilities that will promote the use of alternative transportation methods, consistent with General Plan policies. No impacts are anticipated and no mitigation measures will be applied.
- (6) There are no significant changes in the level of service or the volume-capacity ratio as a result of the project, and therefore there are no significant long-term traffic impacts.

2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable air quality impacts expected after application of mitigating policies.

Direct Impacts

Effect: Expected automobile traffic will result in increased operational emissions of reactive organic gases (ROG) and oxides of nitrogen (NO_x), and increased carbon monoxide (CO) levels in the project area (see Master EIR Tables V-2-4 through V-2-6, pages V-2-40 through V-2-41).

Effect: Expected construction and development activities could result in increased emissions of particulate matter 10 microns or less (PM₁₀) and 2.5 microns or less in diameter (PM_{2.5}) (see Master EIR page V-2-31, "2. Significant Direct Impacts").

Cumulative Impacts

The Master EIR indicates the same impacts identified as direct impacts above will contribute to regional impacts on air quality for the criteria pollutants ROG, NO_x, PM₁₀, and PM_{2.5}.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Air quality-related mitigating policies that are relevant to the proposed project are found on pages V-2-8 through V-2-29 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate policies to be applied to this project include **AQ-100, AQ-103, AQ-105, AQ-107** through **AQ-110**, and **AQ-113** through **AQ-116** from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-2.B of the Master EIR is the analysis of air quality impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not analyzed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|--------------------------|
| 2. AIR QUALITY AND GREENHOUSE GAS EMISSIONS | | | | |
| 1) The proposed project would be inconsistent with the air quality and greenhouse gas emissions policies in the Urban Area General Plan. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would conflict with or obstruct implementation of the applicable air quality plan. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 3) The proposed project would violate any air quality standard or contribute substantially to existing or projected violation. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 4) The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 5) The proposed project would expose sensitive receptors to substantial pollutant concentrations. | <input type="checkbox"/> | <input type="checkbox"/> | X | <input type="checkbox"/> |
| 6) The proposed project would create objectionable odors affecting a substantial number of people. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 7) The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 8) The proposed project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emission of greenhouse gases. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

- (1) The proposed project includes annexation of the remaining area of the Fairview Village Specific Plan to the City of Modesto, a General Plan amendment to change from C, Commercial, to VR, Village Residential, the area of the Fairview Village Specific Plan south of Hatch Road, amendment of the Fairview Village Specific Plan document to make it consistent with current General Plan policies, and a Vesting Tentative Subdivision Map to divide approximately 38.5 acres into 217 residential lots and 6 landscape lots. This project is anticipated under the General Plan. Tailpipe emissions resulting from development in this area is expected to be consistent with the emissions evaluated as part of the General Plan Master EIR, therefore, no greater impacts will occur as compared to the analysis in the General Plan Master EIR.

- (2-4) As a development project consistent with and smaller than the development anticipated in the General Plan Master EIR, impacts from this project would be less than those anticipated in the Master EIR. Therefore, the project will have no impact on air quality plans or on violations of air quality standards.
- (5-6) The project is in proximity to existing single-family development. Air quality impacts are expected from construction activities, which would be temporary in nature. Impacts would be less than significant level with mitigation measures **AQ-100, AQ-103, AQ-105, AQ-107** through **AQ-110**, and **AQ-113** through **AQ-116** from the Master EIR. No odors are expected to be released that would be inconsistent with odors from residential development.
- (7) The proposed project would result in the emission of greenhouse gases from the use of internal combustion engines used in transportation and construction and from the use of natural gas in a residential context. These impacts are consistent with impacts evaluated in the General Plan Master EIR, but would not exceed those impacts because the proposed project is consistent with the General Plan. No additional impacts are expected.
- (8) The project would not exceed emissions thresholds established by the SJVAPCD, and is consistent with the development standards for a residential use as established by the General Plan. As part of the approval process, the Air District requires the developer seek the Air District's separate approval under the Indirect Source Review Rule. No additional impacts are expected to occur, as compared to the impacts disclosed in the General Plan Master EIR.

3. GENERATION OF NOISE AND VIBRATION

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable noise and vibration impacts expected after application of mitigating policies.

Direct Impacts

Effect: Future automobile traffic noise levels and roadway construction and maintenance activities resulting from development consistent with the Urban Area General Plan will exceed the City's noise thresholds at various locations, but particularly in areas adjacent to heavily traveled roadways (see Master EIR Table V-3-9, pages V-3-28 through V-3-31).

Effect: New noise-generating land uses could produce noise levels that would exceed the City's noise thresholds of acceptability at sensitive receptors in the vicinity.

Effect: Construction noise would cause a temporary or periodic increase in noise exposure above ambient noise levels.

Effect: Demolition and construction activities may expose people to excessive vibration levels.

Cumulative Impacts

Effect: Traffic from development in the City of Modesto would, when combined with traffic from new development in the County and other cities, contribute to a cumulative increase in roadside noise levels on major roads and highways throughout Stanislaus County.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Noise policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-3-18 through V-3-24 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The appropriate policies to be applied to this project include **Noise-4, Noise-6, Noise-7, and Noise-11** from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-3.B of the Master EIR discloses noise impacts resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project -specific effect not analyzed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| 3. NOISE AND VIBRATION | | | | |
| 1) The proposed project is inconsistent with Urban Area General Plan noise and vibration policies and standards. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would generate excessive ground-borne noise and/or vibration levels. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 3) The proposed project would result in a permanent increase of 3 dBA where any other noise threshold or standard would be exceeded, and/or 5 dBA where noise levels would otherwise fall within acceptable limits, in ambient noise levels in the project vicinity above levels existing without the project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 4) The proposed project would result in a substantial temporary or periodic increase in ambient noise levels existing without the project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 5) For a project located within an airport land use plan, or where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, the proposed project would result in exposure of people residing or working in the project area to excessive noise levels. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 6) For a project within the vicinity of a private airstrip, the proposed project would expose people residing or working in the project area to excessive noise levels. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 7) For new residential development within 200 feet of active rail lines, the proposed project would result in noise levels generated during train passbys that exceed 50 dBA L _{max} inside bedrooms or 55 dBA L _{max} inside other occupied areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

- (1-4) The proposed project has been part of the General Plan for decades and is consistent with the noise and vibration policies contained in the General Plan. Noise and vibration expected wot occur during construction and operation of the project are expected to be consistent with similar development throughout the city and region.

Construction noise could be substantial at times, particularly during earth-moving activities for residences near new development. General Plan mitigating policies **Noise-4** and **Noise-11** would reduce those impacts, but short-term construction noise could still be substantial.

Areas of the Fairview Village Specific Plan are within the 71 dB contour along Carpenter Road, as shown on Table V.3.9 of the General Plan (with General Plan scenario). The General Plan and Specific Plan require noise attenuation when outdoor noise is expected to exceed 65 dB. A sound wall is proposed as part of the Vesting Tentative Subdivision Map, which will reduce noise impacts from Carpenter Road at adjacent residences. General Plan mitigating policies **Noise-6** and **Noise-7** will be applied to the project.

No impacts are expected greater than those evaluated in the General Plan Master EIR and no mitigation measures will be applied.

- (5-7) The project site is approximately 3 miles west-southwest of the nearest airport, the Modesto City-County Airport, and so is well outside the area most likely to experience effects from the airport. There is no private airstrip nor rail line nearby. No impact is expected to occur and no mitigation measures will be applied.

4. EFFECTS ON AGRICULTURAL LANDS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on agricultural lands expected after application of mitigating policies.

Direct Impacts

Effect: Development consistent with the Urban Area General Plan may convert up to approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to urban uses.

Effect: Approximately 1,100 acres of urban development along a 350-foot wide 26-mile boundary between urban and agricultural uses could be affected by continued agricultural operations, including noise, dust, and chemical overspray or drift.

Cumulative Impacts

Effect: Growth within Modesto's planning area would contribute considerably to the loss of agricultural land within Stanislaus County, accounting for the conversion of as much as approximately 10,500 acres of farmland in various categories in the Planned Urbanizing Area to 2040.

b. Urban Area General Plan Mitigating Policies Pertinent to the Project

Agricultural land-related mitigating policies pertinent to the proposed project are found on pages V-4-4 to and V-4-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

General Plan Master EIR mitigating policy **AL-21** will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-4.B of the Master EIR discloses the impacts resulting from the implementation of the Urban Area General Plan on agricultural lands. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect(s) not previously analyzed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-----------|
| 4. EFFECTS ON AGRICULTURAL RESOURCES | | | | |
| 1) The proposed project would be inconsistent with the Urban Area General Plan policies relating to agricultural resources. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would convert areas of Prime Farmland, Unique Farmland or Farmland of Statewide Importance to non-agricultural uses, impair the agricultural productivity of prime agricultural land, or result in substantial pesticide overspray, dust, or noise at urban uses. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 3) The proposed project would conflict with existing zoning for agricultural use, or with a Williamson Act contract. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 4) The proposed project would conflict with existing zoning for, or cause rezoning of, forest land or timberland. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 5) The proposed project would result in the loss of forest land or conversion of forest land to non-forest use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 6) The proposed project would involve other changes to the environment that could result in conversion of farmland or forest land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

- (1) The proposed project has been included in the last several versions of the General Plan and has been analyzed as part of the General Plan Master EIR. The project is consistent with General Plan policies related to agricultural resources.
- (2) Most of the annexation area is classified as prime agricultural land in the General Plan Master EIR. Therefore, the project is subject to the Stanislaus County Local Agency Formation Commission’s agricultural preservation policy (General Plan mitigation **AL-21**), which calls for 1 acre of prime farmland to be preserved for every 1 acre of prime farmland that is taken out of production. This will be made a condition of approval on the Vesting Tentative Subdivision Map and has been included as a policy in the Specific Plan Amendment.
- (3-6) There are no Williamson Act contracts in the Fairview Village Specific Plan area, nor are there any forests on the property. The proposed project will result in the direct conversion of prime farmland, discussed under item 2, but will not result in the indirect conversion of farmland, as major roadways, which are a major driver of farmland conversion already exist. Urban utilities cannot normally be extended without annexing land to a city or utility district; the utilities that will be extended to serve this portion of the Fairview Village Specific Plan will only be sized to serve this area. In order to serve areas outside of the Fairview Village Specific Plan with urban

services, separate discretionary actions would have to be made. As a result, no impacts are expected and no mitigation measures will be applied.

5. INCREASED DEMAND FOR LONG-TERM WATER SUPPLIES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on long-term water supplies expected after application of mitigating policies.

Direct Impacts

Effect: Implementation of the Urban Area General Plan could substantially deplete groundwater supply or interfere with recharge.

Effect: Implementation of the Urban Area General Plan could necessitate construction of new water treatment facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

Effect: Implementation of the Urban Area General Plan could necessitate expansion of existing water supply entitlements.

Cumulative Impacts

Effect: Groundwater withdrawals from both subbasins by the City, when combined with other users' withdrawals, may result in overdrafting.

Effect: Cumulative impacts resulting from construction of new water treatment facilities, or expansion of existing facilities, could cause significant environmental effects.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Water supply-related mitigating policies pertinent to the proposed project are found on pages V-5-11 through V-5-16 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-5.B of the Master EIR discloses impacts on long-term water supplies resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| 5. EFFECTS RELATIVE TO INCREASED DEMAND FOR LONG TERM WATER SUPPLIES | | | | |
| 1) The proposed project is inconsistent with the Urban Area General Plan policies relating to water supply. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would substantially deplete groundwater supply, interfere with groundwater recharge, result in water demand exceeds the capacity for recharge or that would contribute to overdraft of the groundwater basins. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 3) The proposed project would require or result in the construction of new water treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 4) The proposed project would exceed existing water supply entitlements or require expansion of entitlements. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

- (1-4) The proposed project has been included in the General Plan and its Master EIR for many years. Urban water will need to be extended to serve the annexation area and the Vesting Tentative Subdivision Map and no water supply problems are anticipated as a result. The project has been referred to Engineering staff and to the Turlock Irrigation District and no concerns with water supply were raised. No significant impact is anticipated and no mitigations will be applied.

6. INCREASED DEMAND FOR SANITARY SEWER SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sanitary sewer services after application of mitigating policies.

Direct Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in exceedance of wastewater treatment requirements of the Central Valley RWQCB.

Effect: Development resulting from implementation of the Urban Area General Plan may require or result in construction of new wastewater facilities, or the expansion of existing facilities, that could cause significant effects.

Effect: Development resulting from implementation of the Urban Area General Plan may result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the projected demand in addition to the provider's existing commitments.

Cumulative Impacts

Effect: Development resulting from implementation of the Urban Area General Plan may result in cumulative effects similar to those described under "direct Impacts," above.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Sewer service-related mitigating policies that are relevant to the proposed project are found on pages V-6-3 through V-6-7 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-6.B of the Master EIR discloses impacts on the Increased Demand for Sanitary Sewer Service resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-----------|
| 6. INCREASED DEMAND FOR SANITARY SEWER SERVICES | | | | |
| 1) The proposed project is inconsistent with wastewater policies in the Urban Area General Plan, or would exceed wastewater treatment requirements of the Central Valley RWQCB. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would require or result in the construction of new wastewater facilities or the expansion of existing facilities, beyond those identified improvements needed to serve the proposed project, which would cause significant effects. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 3) The proposed project would result in a finding that the wastewater treatment facilities do not have adequate capacity to serve the proposed project's projected demand in addition to the provider's existing commitments. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

- (1-3) Sewer service will need to be extended to the annexation area and will be extended to serve the Vesting Tentative Subdivision Map area, should the annexation be approved. The project is consistent with General Plan policies addressing development and the provision of sewer service. The project was referred to Engineering staff for review and comment and no concerns were raised regarding service or capacity. No impacts are expected and no mitigation measures will be applied.

7. LOSS OF SENSITIVE WILDLIFE AND PLANT HABITAT

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on sensitive wildlife and plant habitat expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant impacts on sensitive wildlife and plant habitat are expected to occur with the application of the policies contained in the Urban Area General Plan.

Cumulative Impacts

Effect: Implementation of the Urban Area General Plan will contribute to the cumulative impact of habitat loss in the San Joaquin Valley. Requiring increased density / intensity for new development than has occurred in the past, or that is expected in the future, would minimize the City's contribution to the cumulative loss of habitat. Nonetheless, this is a significant and unavoidable impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Wildlife and plant habitat-related mitigating policies that are pertinent to the proposed project are found on pages V-7-18 through V-7-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

The applicable mitigating policies to be applied to this project is SWPH-14 (k) from the Master EIR. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-7.B of the Master EIR discloses impacts on the Loss of Sensitive Wildlife and Plant Habitat resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|--------------------------|
| 7. LOSS OF PLANT AND WILDLIFE HABITAT | | | | |
| 1) The proposed project is inconsistent with the Urban Area General Plan policies related to loss of sensitive plant and wildlife habitat. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special-status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service. | <input type="checkbox"/> | X | <input type="checkbox"/> | <input type="checkbox"/> |
| 3) The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife service. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 4) The proposed project would have a substantial adverse effect on federally-protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marshes, vernal pools, coastal wetlands, etc.) through direct removal, filling, hydrological interruption or other means. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 5) The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 6) The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 7) The proposed project would conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

- (1) The proposed project is consistent with General Plan policies related to sensitive plants and wildlife habitat. No mitigation measures will be applied.

- (2) The project applicant contracted for the preparation of a biological due-diligence review with Moore Biological Consultants. That study is contained in Appendix A. The study concluded that the property has been heavily disturbed by long-term agricultural activities, making it unlikely that special-status plant species will occur on the site and there is no critical habitat for federally listed species. Some of the larger orchard trees could provide suitable raptor nesting habitat, but no active nests were observed. Other sensitive species have been determined to be unlikely to be observed on the site. Master EIR measure **SWPH-14 (k)** shall be a condition of approval, as recommended by the biological study.
- (3-7) The proposed project is not anticipated to have an effect on wetlands or riparian habitat and would not interfere with movements of fish or wildlife, although the Tuolumne River is adjacent to the project site. Areas adjacent to the Tuolumne River are designated Open Space and will eventually be incorporated into Tuolumne River Regional Park. No sensitive natural community has been identified within the project area. Modesto has no regulations that protect biological resources and there is no habitat conservation plan in the area. No impact is anticipated and no mitigation would be applied from the Master EIR.

8. DISTURBANCE OF ARCHAEOLOGICAL / HISTORICAL SITES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on archaeological / historical sites expected after application of mitigating policies.

Direct Impacts

Effect: Modification resulting in a substantial adverse change in the significance of a historically relevant resource, or the demolition of a listed or eligible historically relevant resource.

Cumulative Impacts

Effect: No additional cumulative impacts were disclosed in the Master EIR. The Direct impact described above could also result in a significant cumulative impact.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Archaeological or historic resource-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on page V-8-16 through V-8-25 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. Policies relating to archaeological resources will only be implemented if resources are discovered during any phase of development. Measures **AH-15**, **AH-16**, **AH-17**, and **AH-18** from the General Plan Master EIR will be applied as needed and appropriate. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-8.B of the Master EIR discloses impacts on archaeological / historical resources resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in any new, significant, project-specific effect(s) not disclosed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-----------|
| 8. ARCHAEOLOGICAL / HISTORICAL SITES | | | | |
| 1) The proposed project is inconsistent with the Urban Area General Plan archaeological / historical resource policies. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would result in a modification that would result in a substantial adverse change in the significance of the resource or demolition of a listed or eligible historic resource. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 3) The proposed project would have an adverse effect on any structure more than 50 years old that has been determined to have historical significance per policy AH-8 as shown in the Master EIR. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 4) The proposed project would involve the removal of known significant resources. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 5) The proposed project would result in an adverse impact to undiscovered archaeological and/or paleontological resources. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 6) The proposed project would cause a substantial adverse change to a tribal cultural resource, as defined by State law, that is listed (or is eligible for listing) in the California Register of Historical Resources (or a local register of historical resources), or that otherwise has potential significance to a California Native American Tribe, including human remains. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

(1-6) The project is consistent with General Plan policies and lies outside the Archaeological Resources Study Area. There are no known historic or archaeological resources in the project vicinity and no impacts on these resources are expected. The proposed project has been referred to potentially affected tribal authorities in the region and none has expressed concerns. Ground disturbance could result in the discovery of unknown resources, however. In the event historic or archaeological resources are discovered during construction, mitigation measures **AH-15, AH-16, AH-17, and AH-18** will be applied as needed and appropriate.

9. INCREASED DEMAND FOR STORM DRAINAGE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on storm drainage expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: Existing drainage inadequacies, combined with the associated increase in impervious surface areas created by pavement and structures, have the potential to increase the rate or amount of runoff in a manner that could result in flooding in the urban area. Cumulative hydrologic impacts of storm water flows from Modesto's urban areas and other areas of the County could occur due to the fixed capacity of MID and TID irrigation canals to convey drainage west to the San Joaquin River. If drainage channels in some areas prove insufficient to handle the increased drainage discharges, existing storm water runoff from urban and agricultural areas during large storm events would have to be interrupted until water levels receded to a point allowing the resumption of discharges to the channel. Ceasing discharges to drainage channels could cause inundation in and around the drainage conveyance pipeline systems, surface drainage channels, detention basins, and other urban areas. This cumulative impact is considered significant and unavoidable.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Storm Drainage-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-9-4 through V-9-8. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. Measures **FWQ-11**, **FWQ-13**, **FWQ-14**, and **FWQ-16** from the Master EIR will be applied as conditions of approval. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-9.B of the MASTER EIR discloses impacts on the demand for storm drainage resulting from development of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| 9. INCREASED DEMAND FOR STORM DRAINAGE | | | | |
| 1) The proposed project is inconsistent with the Urban Area General Plan storm drainage policies. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would substantially increase the rate or amount of surface runoff in a manner that would result in on- or off-site flooding. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 3) The proposed project would create or contribute runoff water that would exceed the capacity of existing or planned storm drainage systems or provide substantial additional sources of polluted runoff. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

- (1-3) The proposed project is consistent with the storm drainage policies in the Urban Area General Plan. The project will utilize low impact strategies and meet the standards contained in the "Guidance Manual for New Development-Storm Water Quality Control Measures." This requirement will be implemented as a condition of project approval. The project was referred to the Land Development Engineering Department who indicated no concerns with storm water runoff. The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system. Policies **SD-10**, **SD-12**, **SD-13**, and **SD-15** from the Master EIR will be applied as conditions of approval.

10. FLOODING AND WATER QUALITY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on flooding and water quality expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Flooding and Water Quality-related mitigating policies that are pertinent to the project being analyzed in this Initial Study are found on pages V-10-7 through V-10-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. Measures **FWQ-11**, **FWQ-13**, **FWQ-14**, and **FWQ-16** from the Master EIR will be applied as conditions of approval. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-10.B of the Master EIR provides analysis of Flooding and Water Quality impacts of development of the General Plan, the following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not previously analyzed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| 10. FLOODING AND WATER QUALITY | | | | |
| 1) The proposed project is inconsistent with the flooding and water quality policies in the Urban Area General Plan. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would place housing within a 100-year flood hazard area. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 3) The proposed project would place structures within a 100-year floodplain as defined by FEMA. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 4) The proposed project would expose people or structures to a significant risk of loss, injury or death including flooding as a result of the failure of a levee or dam. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 5) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river that would result in flooding onsite or offsite. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 6) The proposed project would violate water quality standards, including groundwater standards administered by the SWRCB's DDW, standards for surface water quality such as the NPDES or waste discharge requirements. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 7) The proposed project would substantially alter the existing drainage pattern of the site or area or the course of a stream or river in a manner that would result in substantial erosion or siltation onsite or offsite. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 8) The proposed project would create or contribute runoff water that would provide substantial additional sources of polluted runoff or substantially increase the rate or amount of surface runoff in a manner that would result in flooding onsite or offsite. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

(1, 6) The proposed project is consistent with the flooding and water quality policies in the Urban Area General Plan. This project is similar in nature to residential development in Modesto and throughout the region. No unusual impacts are expected to occur and compliance with Modesto's NPDES permit during construction will be required. Measures **FWQ-11**, **FWQ-13**, **FWQ-14**, and **FWQ-16** will be applied as conditions of approval.

(2-4) The Fairview Village Specific Plan lies outside of FEMA's 100-year floodplain boundary. The northerly portions of the seven lots that lie north of Hatch Road (FEMA FIRM Map No.

06099C0535E, September 26, 2008), however, lie within the 100-year floodplain. The 100-year floodplain is located downslope from Hatch Road in the Tuolumne River floodway. Of these seven lots, the largest three are owned by the City of Modesto. These properties are all designed OS, Open Space, and will eventually be part of the Tuolumne River Regional Park, which will substantially reduce any further risk of damage to life or property from flooding along the Tuolumne River in the Fairview Village Specific Plan.

A portion of the site is located 1-in-200 chance (200-year) flood hazard area. In accordance to the Central Valley Flood Protection Act of 2008, cities and counties are required to make findings related to an "Urban Level of Flood Protection" before approving a tentative map within a flood hazard zone. The state Department of Water Resources (DWR) has defined location criteria for determining whether or not a project is subject to urban level of flood protection requirements. The location criteria indicate that for a subdivision to be subject to the requirement, it must be located in an area with a potential flood depth above three (3) feet. Analysis of the site (Appendix B, Balance Hydrologics Assessment of Floodplain Extents and Pertinent Flood Elevations for Design, Fairview Comprehensive Planning District, City of Modesto, November 30-2017) has conservatively identified the elevation of a 200-year flooding event to be 72.21 feet, and the grading plan of the tentative map demonstrates that the lowest pad elevation is 71.1 feet. As the difference is approximately fourteen inches, the project is not subject to the urban level of flood protection requirements.

No impacts greater than those evaluated in the General Plan are expected to occur and no mitigation measures will be applied.

(5,7,8) The project will not violate water quality standards or waste discharge requirements. The project would not substantially alter the existing drainage pattern of the site, area or a watercourse in a manner that would result in erosion or siltation. The City's Land Development Engineering Staff have reviewed the project and indicated no concerns that the project would cause significant flooding or unanticipated sources of runoff. The project will not contribute additional water runoff that would exceed the capacity of the storm drainage system.

11. INCREASED DEMAND FOR PARKS AND OPEN SPACE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on parks and open space expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Parks and open space-related mitigating policies that are pertinent to the proposed project are found on pages V-11-2 through V-11-8 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-11.B of the MASTER EIR discloses impacts of the Urban Area General Plan on parks and open space. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| 11. INCREASED DEMAND FOR PARKS AND OPEN SPACE | | | | |
| 1) The proposed project is inconsistent with the Urban Area General Plan parks and open space policies. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would eliminate parks or open space. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 3) The proposed project would not provide at least three (3) total acres of parkland and open space per 1,000 people (one acre for neighborhood park facilities; two acres for community park facilities). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

- (1-3) The proposed project has been developed in cooperation with the Department of Parks, Recreation and Neighborhoods, which has determined that it is consistent with General Plan policies regarding parks and open space. The specific plan amendment will ensure that the central park is developed. No impacts are anticipated and no mitigation measures will be applied.

12. INCREASED DEMAND FOR SCHOOLS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on school facilities expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR. By statute, the impact of new students is considered to be mitigated below a level of significance by payment of school impact fees and the exercise of any or all of the financing options set out in Government Code Section 65997.

Cumulative Impacts

Effect: Similar to direct impacts resulting from implementation of the Urban Area General Plan, no residual significant direct impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Mitigation relies upon the implementation of the policies in place under the Modesto Urban Area General Plan. As long these policies are applied to all subsequent projects, no new mitigation is necessary. Further, payment of school impact fees and compliance with SB 50 is statutorily deemed to be full mitigation of school impacts (Government Code Section 65995).

Schools-related mitigating policies that are relevant to the proposed project can be found on pages V-12-3 through V-12-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-12.B of the Master EIR discloses impacts resulting from implementation of the Urban Area General Plan associated with increased demand for schools. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-----------|
| 12. INCREASED DEMAND FOR SCHOOLS | | | | |

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|--|---------------------------------------|--|-------------------------------------|------------------|
| 1) The proposed project is inconsistent with Urban Area General Plan school policies. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would result in new student population that exceeds the school system capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB50 / Proposition 1A as subsequently amended. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

- (1-2) The proposed project is consistent with the intensity of development anticipated to occur within the boundaries of the Fairview Village Specific Plan and is consistent with policies relating to schools in the General Plan. The application was referred to Modesto City Schools for comment. The school district expressed no concerns; new development will be assessed fees in effect at the time development occurs. No impacts are expected to occur and no mitigation measures will be applied.

13. INCREASED DEMAND FOR POLICE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on police services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Police services-related mitigating policies that are pertinent to the proposed project are found on pages V-13-2 through V-13-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-13.B of the Master EIR discloses impacts on police services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|---|--------------------------------|---|------------------------------|-----------|
| 13. INCREASED DEMAND FOR POLICE SERVICES | | | | |
| 1) The proposed project is inconsistent with Urban Area General Plan policies relating to police service. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would result in development occurring in an area(s) that cannot be adequately served by existing or budgeted police personnel and facilities. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

- (1-2) The proposed project includes detachment from the Stanislaus County Sheriff's Department and attachment to the Modesto Police Department for the annexation area. The proposed project is consistent with General Plan policies having to do with policing and was referred to MPD for review and comment. MPD expressed no concerns with the proposed project. No impacts are expected and no mitigation measures will be applied.

14. INCREASED DEMAND FOR FIRE SERVICES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on fire services expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Fire Services-related mitigating policies pertinent to the project being analyzed in this Initial Study are found on pages V-14-3 through V-14-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-14.B of the Master EIR discloses impacts on fire services resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| 14. INCREASED DEMAND FOR FIRE SERVICES | | | | |
| 1) The proposed project is inconsistent with Urban Area General Plan policies relating to fire service. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would result in any substantial adverse impact(s) associated with the need for – and/or provision of – new or physically altered fire service facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable response times. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

- (1-2) The project is consistent with the fire service policies in the General Plan. The project would not result in the need for construction of new or significantly altered facilities which could cause new significant environmental impacts in order to maintain acceptable service ratios, response times or other performance objectives. The project area will continue to be served by the Industrial Fire Protection District. Two minor detachments, from the Westport and Burbank-Paradise Fire Protection Districts will be required, but these fire protection districts currently serve only a portion of the bordering streets and do not serve any of the properties in the Fairview Village Specific Plan area. The project was referred to the Modesto City Fire Department, which indicated no concerns. No impacts are expected and no mitigation measures will be applied.

15. GENERATION OF SOLID WASTE

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on solid waste expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Solid waste-related mitigating policies that are pertinent to the proposed project are found on pages V-15-4 through V-15-5 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-15.B of the Master EIR discloses solid waste impacts resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|--|---------------------------------------|--|-------------------------------------|------------------|
| 15. GENERATION OF SOLID WASTE | | | | |
| 1) The project is inconsistent with the solid waste policies in the Urban Area General Plan. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The project would result in solid waste generation that exceeds the projected capacity of existing landfills and waste-reduction facilities, or if it would result in non-compliance with any federal, state or local statutes or regulations related to solid waste. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

- (1-2) The proposed project is consistent with General Plan policies related to solid waste. There is nothing about the project that sets it apart from other similar projects in Modesto and the region. Furthermore, the project was referred to the Solid Waste Division for comment and the division had no concerns about it. No impacts are expected and no mitigation measure will be applied.

16. GENERATION OF HAZARDOUS MATERIALS

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts regarding hazardous materials expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Hazardous materials-related mitigating policies that are pertinent to the proposed project are found on pages V-16-5 through V-16-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No impacts are expected to occur that are greater than those evaluated in the General Plan Master EIR. No mitigation measures will be applied. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-16.B of the Master EIR discloses impacts on hazardous materials resulting from implementation of the Urban Area General Plan. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| 16. HAZARDS AND HAZARDOUS MATERIALS | | | | |
| 1) The proposed project is inconsistent with the Urban Area General Plan hazards and hazardous materials policies. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would create 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 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| hazardous materials into the environment. | | | | |
| 3) The proposed project would result in hazardous materials emissions or handle hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 4) The proposed project would be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or environment. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two (2) miles of a public airport or public use airport, would result in a safety hazard for people residing or working in the project area. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 6) For a project within the vicinity of a private airstrip, a safety hazard would result for people residing or working in the project area. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 7) The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 8) The proposed project would expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

- (1-3) The proposed project is consistent with the hazardous materials policies stated in the General Plan. No unusual hazardous materials are expected to be used, stored, or transported to and from the site, other than those that normally occur with residential and commercial development. No impacts are expected to occur and no mitigation measures will be applied.
- (4) The project area is not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5, and as a result, would not create a significant hazard to the public or the environment. The site was evaluated for known contaminants as identified by the CA State Department of Toxic Substances Control (www.envirostor.dtsc.ca.gov) and the CA State Department of Water Resources (geotracker.waterboards.ca.gov) and is not shown to contain any contaminants.

- (5-6) Harry Sham field is located approximately 3 miles east-northeast of the site, which lies well outside the airport safety zones. No unusual hazards are expected to occur, due to the distance from the airport, and no mitigation measures will be applied.

- (7-8) No impacts from wildfires is expected to occur, as the area is not particularly susceptible to such events. The site is well-located to be evacuated, should a major emergency occur, lying as it does near State Routes 132 and 99. No mitigation measures will be applied.

17. GEOLOGY, SOILS, AND MINERAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts related to geology, soils, and mineral resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

Geology, soils, and mineral resource-related mitigating policies that are pertinent to the proposed project are found on pages V-17-7 through V-17-10 of the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigation measures from the Master EIR will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

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

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| 17. GEOLOGY, SOILS, AND MINERAL RESOURCES | | | | |
| 1) The project is inconsistent with policies relating to geology, soils, and mineral resources contained in the Urban Area General Plan. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would expose people or structures to potential substantial adverse effects including: the risk of loss, injury, or death involving fault rupture, strong seismic activity; location on an expansive soil; loss of topsoil; or, result in the loss of availability of known mineral resources that would be of value to the region and the state. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

- (1) There are no known geological or soil issues in the project area and there are no known mineral resources in the Modesto General Plan area. No impacts are expected and no mitigation measures will be applied.
- (2) There are no known faults on or near the project site, nor is the site known to have soil problems that would impact development or that are of value to the region or to the state. No impacts are expected and no mitigation measures will be applied.

18. ENERGY

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to energy expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following energy-related mitigating policies that are pertinent to the proposed project are found on pages V-18-2 and V-18-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No MEIR mitigation measures will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on energy resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| 18. ENERGY | | | | |
| 1) The proposed project is inconsistent with policies relating to energy in the Urban Area General Plan. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would result in energy consumption during construction, operation, maintenance, or removal that is more wasteful, inefficient, and unnecessary than assumed in the | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|--------------------------|--------------------------------|---|------------------------------|-----------|
| Urban Area General Plan. | | | | |

Discussion:

(1-2) The proposed project is consistent with the energy policies in the General Plan. No new impacts are anticipated to occur and no mitigation measures will be applied. The project would not result in energy consumption during construction, operation, maintenance or removal that is more wasteful, inefficient and unnecessary than assumed in the General Plan. No Master EIR mitigation measures will be applied.

19. EFFECTS ON VISUAL RESOURCES

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts on visual resources expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

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

b. Urban Area General Plan Mitigating Policies Applied to the Project

The following visual resources-related mitigating policies pertinent to the proposed project are found on pages V-19-2 and V-19-3 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No MEIR mitigations will be applied to the project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-18.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on visual resources. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| 19. VISUAL RESOURCES | | | | |
| 1) The proposed project is inconsistent with the Urban Area General Plan visual resource policies. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project would have a substantial adverse effect on a scenic vista. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 3) The proposed project would substantially damage scenic resources, including trees, rock outcrops, and/or historic buildings along a state scenic highway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 4) The proposed project would substantially degrade the existing visual character or quality of the site and its surroundings. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 5) The proposed project would create a new source of substantial light or glare that would adversely affect daytime or nighttime views. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 6) The proposed project would substantially degrade views from riverside areas and parks. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 7) The proposed project would substantially degrade views of riverside areas from public roadways and/or nearby properties. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

- (1) The project is consistent with the visual resources policies contained in the General Plan. No mitigation measures will be applied.
- (2-4) The project site is near the Tuolumne River, but there are no views of the river from the site and would not degrade views to riverside areas. There are no scenic resources in the Fairview Village Specific Plan area, as identified in the General Plan. The specific plan area has been planned for urban development for decades and has been evaluated as part of the General Plan Master EIR. No unanticipated impacts are expected to occur and no mitigation measures will be applied.
- (5) The proposed project will create new light and glare sources. However, this specific plan was approved in the 1990s in substantially similar form and has been included in the General Plan and Master EIR for decades. No new impacts are expected and no mitigation measures will be applied.
- (6-7) Development will be set back from the bluff above the Tuolumne River, which will prevent the degradation of river and park views in the area. Existing development at the top of the bluff will eventually be removed as part of the Tuolumne River Regional Park and, indeed, the City of Modesto already owns some of the lots at the top of the bluff. No impacts that were not evaluated in the General Plan Master EIR are expected to occur and no mitigation measures will be applied.

20. LAND USE AND PLANNING

a. Significant Effects Identified in the Master EIR

The Master EIR discloses the following residual significant and unavoidable impacts pertaining to land use and planning expected after application of mitigating policies.

Direct Impacts

Effect: No residual significant direct impacts were disclosed in the Master EIR.

Cumulative Impacts

Effect: No residual significant cumulative impacts were disclosed in the Master EIR.

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

The following land use and planning-related mitigating policies pertinent to the proposed project are found on pages V-20-5 through V-20-12 in the Master EIR. All mitigating policies appropriate to the project will be incorporated into or made conditions of approval of this project and are listed in Section V, "Mitigating Policies Applied to Project."

Discussion:

No mitigation measures will be applied to the proposed project. No new or additional mitigation measures or alternatives are required to reduce project impacts to a less-than-significant level.

c. Project-Specific Effects

Section V-20.B of the Master EIR discloses impacts of implementing the Urban Area General Plan on land use and planning. The following is an analysis of whether the proposed project would result in a new, significant, project-specific effect not disclosed in the Master EIR.

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

| | Potentially Significant Impact | Less Than Significant w/Mitigating Policies | Less Than Significant Impact | No Impact |
|--|--------------------------------|---|------------------------------|-----------|
| 20. LAND USE AND PLANNING | | | | |
| 1) The proposed project is inconsistent the Urban Area General Plan land use and planning policies. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 2) The proposed project contains elements that would physically divide an established community in a way not assumed in the Urban Area General Plan. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 3) The proposed project conflicts with a land use plan, policy or regulation established for the purpose of avoiding or mitigating an environmental impact by an agency that has jurisdiction over the proposed project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |
| 4) The proposed project conflicts with an applicable habitat conservation plan or natural community conservation plan. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | X |

Discussion:

- (1) The Fairview Village Specific Plan area has been in the General Plan boundary for many years. The adopted Specific Plan is designated as Village Residential, which allows for a mix of uses to ensure new development has destinations nearby within walking distance.
- (2) The proposed project would remove barriers to the completion of the Fairview Village Specific Plan by annexing the remainder of the specific plan area to the City of Modesto and amending the Fairview Village Specific Plan to make it consistent with the General Plan. No impacts would occur and no mitigation measures will be applied.
- (3-4) The project is consistent with the land use plan, policies and regulations of the City of Modesto. There are no habitat conservation plans or natural community conservation plans in the vicinity, therefore, no conflict would occur. No impacts are expected, and no mitigation will be applied.

V. APPLICABLE URBAN AREA GENERAL PLAN MITIGATING POLICIES

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

A. Urban Area General Plan Mitigating Policies Applied to the Project

Pursuant to Public Resources Code Section 21157.1(c), in order for a Finding of Conformance to be made, all appropriate mitigating policies from the Master EIR shall be incorporated into the proposed project. Urban Area General Plan Policies that mitigate impacts shall be made part of the proposed project prior to approval by means of conditions of project approval or incorporation into the appropriate document or plan. All applicable and appropriate mitigating policies have been applied to the project (listed below).

B. New or Additional Mitigation Measures or Alternatives Required

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

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

Traffic and Circulation:

None.

Air Quality and Greenhouse Gases:

AQ-100. Reduce particulate emissions from construction, grading, excavation, and demolition to the maximum extent feasible in accordance with the requirements of SJVAPCD Regulation VIII. Regulation VIII was adopted to reduce the amount of particulate matter suspended in the atmosphere as a result of emissions generated from anthropogenic (man-made) fugitive dust sources. (Policy VII.H.2.jj)

AQ-103. Effectively stabilize dust emissions using water, chemical stabilizer / suppressant, cover with a tarp or other suitable cover or vegetative ground cover, all disturbed areas, including storage piles, which are not being actively utilized for construction purposes. (Policy VII.H.2.mm)

AQ-105. Effectively control fugitive dust emissions utilizing application of water or by presoaking all land clearing, grubbing, scraping, excavation, land leveling, grading, cut & fill, and demolition activities. (Policy VII.H.2.oo)

AQ-107. When materials are transported off site, cover all materials, or effectively wet them to limit visible dust emissions, and maintain at least six inches of freeboard from top of container. (Policy VII.H.2.qq)

AQ-108. Limit operations or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions.) (Use of blower devices is expressly forbidden.) (Policy VII.H.2.rr)

AQ-109. Following the addition of materials to, or the removal of materials from, the surface of outdoor storage piles, effectively stabilize said piles for fugitive dust emissions utilizing sufficient water or chemical stabilizer / suppressant. (Policy VII.H.2.ss)

AQ-110. Within urban areas, immediately remove trackout when it extends 50 or more feet from the site and at the end of each workday. (Policy VII.H.2.tt)

AQ-113. Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent (1%). (Policy VII.H.2.ww)

AQ-114. Install wheel washers for all exiting trucks, or wash all trucks and equipment leaving the site. (Policy VII.H.2.xx)

AQ-115. Install wind breaks at windward side(s) of construction areas. (Policy VII.H.2.yy)

AQ-116. Suspend excavation and grading activity when winds exceed 20 mph (regardless of windspeed, an owner/operator must comply with Regulation VIII's 20 percent opacity limit). (Policy VII.H.2.zz)

Generation of Noise and Vibration:

Noise-4. Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:

- Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
- Require impact tools to be equipped with shrouds or shields;
- Require that the quietest equipment available be used; and,
- Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

Noise-6. Use the most recent noise contour map (Figure VII-2) to implement the requirements of Noise Insulation Standards contained in Title 24 of the California Code of Regulations. Developers may be allowed to demonstrate that detailed noise studies and / or mitigation are not necessary due to local conditions, changes in the expected future noise environment, or inapplicable assumptions made in the Master EIR. (Policy VII-G.3.d)

Noise-7. Incorporate construction practices and acoustic treatment in new residential construction to reduce typical indoor noise levels to 45 dB. Developers of residential buildings within the 65 dBA contours shown in the General Plan Master EIR shall demonstrate that interior noise has been reduced to 45 dB. Other types of development should be protected against noise intrusion at least to the levels indicated on UAGP Table VII-2. (Policy VII-G.3.e)

Noise-11. Limit trucking to specific routes, times, and speeds that avoid or minimize adverse effects on sensitive receptors. (Policy VII-G.3.i)

Effects on Agricultural Lands:

AL-21. Require development projects to comply with current LAFCo policy(ies) regarding preservation of agricultural resources. (Policy VII-D.4[f])

Increased Demand for Long-Term Water Supplies:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Water studies / analyses may be required depending on the scope or location of the proposed development project.

Increased Demand for Sanitary Sewer Services:

There are no standard / typical examples of general plan policies that would mitigate project-specific impacts for this category. Sanitary sewage generation and/or capacity studies may be required depending on the scope or location of the proposed development project.

Loss of Sensitive Wildlife and Plant Habitat:

SWPH-14 (k).

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

To avoid such impacts, surveys for nesting Swainson's hawk shall be conducted for projects within riparian, grassland, and agricultural habitats as mapped by Figure V-7-1 or for projects within 0.25 mile of such habitats (see Figure V-7-2) and containing potential nest trees (trees greater than 20 feet in height). Surveys shall follow the methodology developed by the Swainson's Hawk Technical Advisory Committee (2000) and survey potential nest trees within 0.25 mile of disturbance activities.

- If ground disturbance is initiated during the nesting season (March 15 – July 31), two pre-construction surveys shall be conducted with surveys not recommended between April 20 and June 10 because of difficulty in detecting active Swainson's hawk nests during the egg incubation period. The first survey may be conducted up to two months prior to initial activities. The second survey shall occur within 14 days of project initiation.
- If an active nest is observed, a no-disturbance buffer zone shall be established in coordination with CDFW. No-disturbance buffers for new and intensive disturbances are typically 0.25 mile surrounding the nest location until the nest has been determined to no longer be active by a qualified biologist; however, the buffer may be reduced in consultation with CDFW and is dependent upon nest location, existing disturbance barriers, and baseline disturbance levels.
- No surveys are required if ground disturbance is initiated outside of the nesting season; however, impacts to known nest trees should be avoided at all times of year. If avoidance of a known nest tree (documented nest site within the previous five years) is not feasible,

consultation with the CDFW is warranted prior to taking any action, and a determination of "take" potential under CESA or under Fish and Game Code Sections 3503.5 and 3513 will be made. Project-related "take" (as defined in Section 86 of the Fish and Game Code) of Swainson's hawk must be completely avoided or a State Incidental Take Permit, pursuant to Section 2081 of the Fish and Game Code, would be warranted.

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

Disturbance of Archaeological / Historic Sites:

AH-15. Whenever possible, avoid disturbing or damaging archaeological resources. Preservation in place to maintain the relationship between the artifacts and the archaeological context is the preferred manner of mitigating impacts to archaeological sites. Preservation may be accomplished by:

- (1) Planning construction to avoid archaeological sites;
- (2) Incorporating sites within parks, green space, or other open space;
- (3) Covering the sites with a layer of chemically stable soil; and/or,
- (4) Deeding the site into a permanent conservation easement.

When in-place mitigation is not feasible, data recovery through excavation may be necessary. A data recovery plan, which makes provisions for adequately recovering the scientifically consequential information about the site, shall be prepared and adopted prior to any excavation being undertaken. Such studies must be deposited with the Central California Information Center in Turlock, California. Special rules apply to any archaeological sites known to contain human remains (Health and Safety Code Section 7050.5; Guidelines Section 15126.4(b)).

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

AH-16. Allow reasonable time for the qualified archaeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site. (Policy VII.F.2[m])

AH-17. If any find is determined to be significant by the qualified archaeologist, representatives of the construction contractor and the City, the qualified archaeologist, and a representative of the Native American community (if the discovery is an aboriginal burial) will meet to determine the appropriate course of action. (Policy VII.F.2[n])

AH-18. All cultural materials recovered as part of a monitoring program are subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards. (Policy VII.F.2[o])

Increased Demand for Storm Drainage:

SD-10. Construction activities shall comply with the requirements of the City's Stormwater Management Plan under its municipal NPDES stormwater permit, and the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity. (Policy VI.G.3)

SD-12. Ensure that new development complies with the City of Modesto's *Stormwater Management Program: Guidance Manual for New Development Stormwater Quality Control Measures*. (Policy VI.G.5)

SD-13. Require new development to implement an appropriate selection of permanent pollution control measures in accordance with the City's implementation policies for the municipal NPDES stormwater permit. (Policy VI.G.6)

SD-15. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Flooding and Water Quality:

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. (Policy VI.G.3)

FWQ-13. Ensure that new development complies with the City of Modesto's Stormwater Management Program: *Guidance Manual for New Development Stormwater Quality Control Measures*. (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. (Policy VI.G.6)

FWQ-16. Integrate Low Impact Development principles into proposed development projects' design. Low Impact Development is a storm water management and land development strategy that promotes conservation and use of natural on-site features combined with engineered small-scale hydrologic devices. In designing development projects, minimize the amount of impervious surface in order to maximize on-site infiltration of stormwater runoff and minimize the potential for storm water runoff from the site. (Policy VI.G.8)

Increased Demand for Parks and Open Space:

None.

Increased Demand for Schools:

None.

Increased Demand for Police Services:

None.

Increased Demand for Fire Services:

None.

Generation of Solid Waste:

None.

Generation of Hazardous Materials:

None.

Geology, Soils, and Mineral Resources:

None.

Energy:

None.

Effects on Visual Resources:

None.

Land Use and Planning:

None.

APPENDIX A

MOORE BIOLOGICAL CONSULTANTS, April 6, 2021

MOORE BIOLOGICAL CONSULTANTS

April 6, 2021

Mr. Patrick Tysell
Tim Lewis Communities
3500 Douglas Blvd., Suite 270
Roseville, CA. 95661

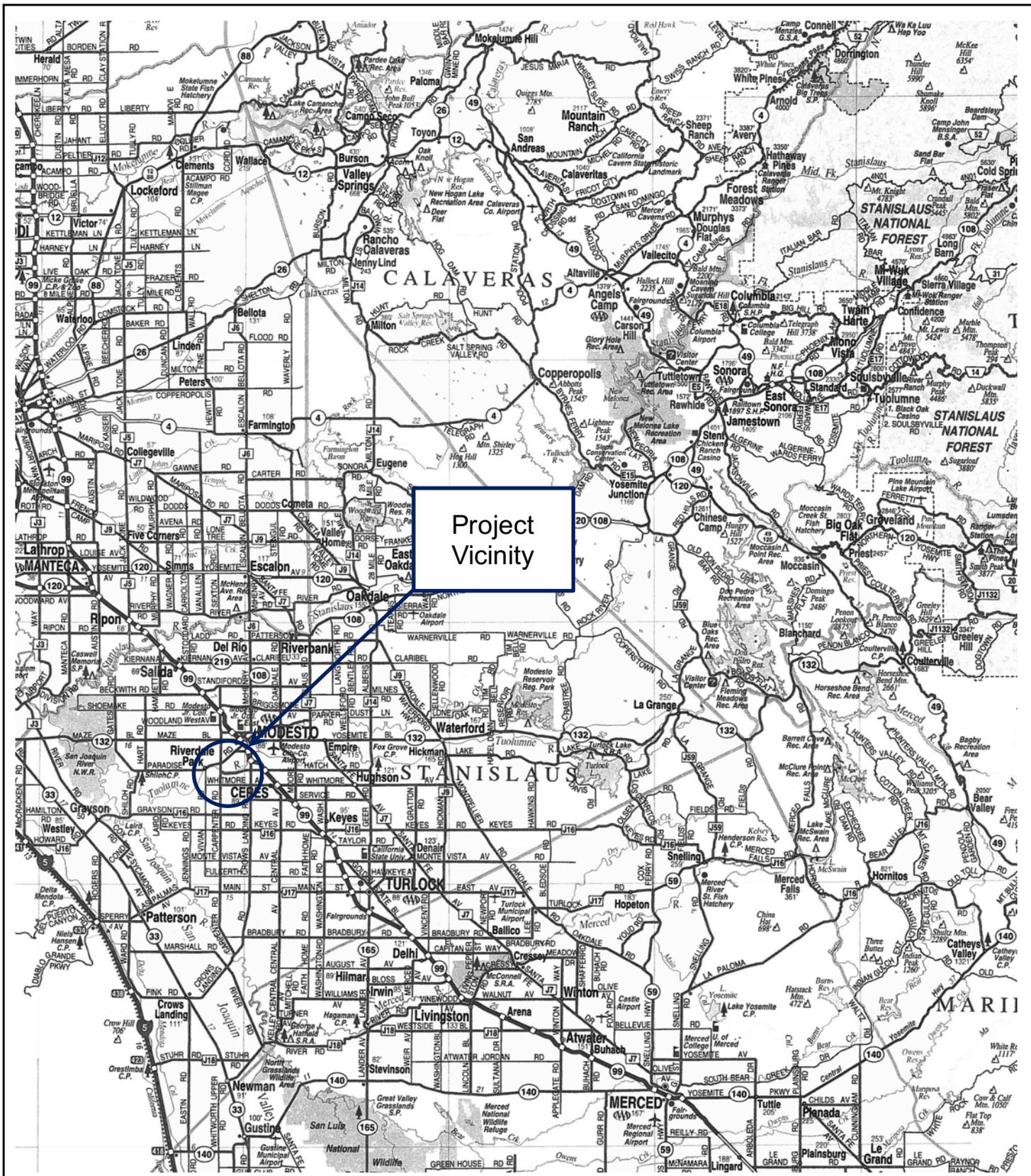
SUBJECT: "40+/- ACRE "FAIRVIEW VILLAGE" SITE, MODESTO,
CALIFORNIA: BIOLOGY DUE-DILIGENCE REVIEW

Dear Patrick:

Thank you for asking Moore Biological Consultants to assist with a biological resources due-diligence review of this 40+/- acre site in Modesto, Stanislaus County, California (Figures 1 and 2). The proposed acquisition consists of a block of almond orchards envisioned for residential development (see Site Plan in Attachment A). The review was conducted to identify any potentially significant biological resource obstacles to timely and cost-effective development on the site. The work involved reviewing databases and available documents, conducting surveys to document habitats present in the site, and searching the site for potentially jurisdictional Waters of the U.S. or wetlands and suitable habitat for or presence of special-status species. This report details the methodology and results of our investigation.

Executive Summary

The site is a leveled field that has been farmed for decades and currently supports an almond orchard. Overall, the site is biologically unremarkable. No potentially jurisdictional Waters of the U.S. or wetlands were observed in the site.



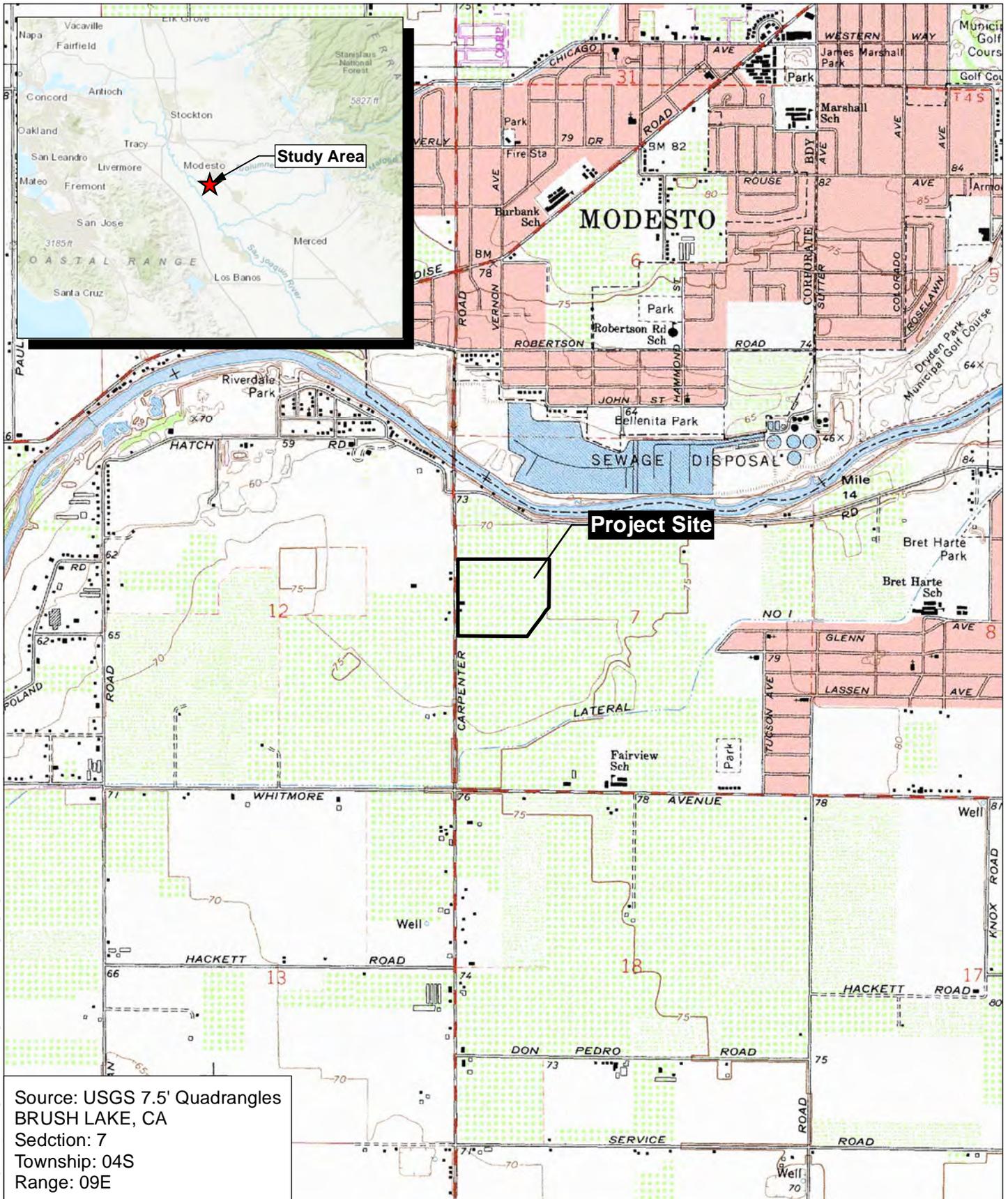
Source: California State Automobile Association

Moore Biological Consultants



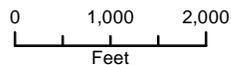
FIGURE 1

PROJECT VICINITY



Source: USGS 7.5' Quadrangles
 BRUSH LAKE, CA
 Sedction: 7
 Township: 04S
 Range: 09E

Figure 2



Moore Biological
 Consultants

Map Date: 01/29/2021

USGS

Fairview Village

City of Modesto, Stanislaus County, CA

Due to a lack of suitable habitat, it is unlikely that special-status plants occur in the site. No special-status wildlife species were observed in the site or are expected to occur in the site on more than a very occasional or transitory basis. The site is not within designated critical habitat of any federally listed species.

Methods

California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database (CNDDDB, 2021) was searched prior to the field survey. The CNDDDB search included the USGS 7.5-minute Salida, Riverbank, Brush Lake and Ceres topographic quadrangles, which encompass approximately 240 square miles surrounding the site. The United States Fish and Wildlife Service (USFWS) IPaC Trust Report of Federally Threatened and Endangered species that may occur in or be affected by projects in the project's geographical area was also reviewed (Attachment B). This information was used to identify wildlife and plant species that have been previously documented in the project vicinity or have the potential to occur based on suitable habitat and geographical distribution. The USFWS on-line-maps of designated critical habitat were also downloaded.

An early morning field survey was conducted on February 3, 2021. The survey consisted of walking throughout the site making observations of site conditions and noting surrounding land use, general habitat types, and plant and wildlife species. The survey included an assessment of the site for presence or absence of potentially jurisdictional Waters of the U.S. (a term that includes wetlands) as defined by the U.S. Army Corps of Engineers (ACOE, 1987; 2008), special-status species, and suitable habitat for special-status species (e.g., blue elderberry shrubs, vernal pools). Additionally, trees in and near the site were assessed for the potential use by nesting raptors, especially Swainson's hawk (*Buteo swainsoni*). The site was also searched for burrowing owls (*Athene cunicularia*) or ground squirrel burrows that could be utilized by burrowing owls.

Results

GENERAL SETTING: The project site is in Modesto, in Stanislaus County, California (Figure 1). The site is in Section 7, in Township 4 South, Range 9 East of the USGS 7.5-minute Brush Lake topographic quadrangle (Figure 2). The site is leveled and is at an elevation of approximately 70 feet above mean sea level.

The site consists of an almond orchard with a few farm roads separating the blocks of trees (Figure 3 and photographs in Attachment C). There is a small residence, barn, and a few other structures along the west edge of the site, fronting on Carpenter Road. The rows between the trees in the site are routinely mowed; vegetation in the site consisted of common ruderal species and recently sprouted grasses and weeds.

Land uses in this portion of Stanislaus County are primarily residential and agricultural. Carpenter Road borders the west edge of the site and Monticello Lane borders the east edge of the site. Saint Salazar Circle abuts the southeast part of the site. The north and south edges of the site are bordered by rows of orchard trees as the site boundary cuts through an existing larger orchard (see Figure 3). There is a residential subdivision and small park just east of the site and two larger ranchette-style parcels west of the site, across Carpenter Road.

VEGETATION: Habitats in the site are highly disturbed from intensive farming for decades and. The site appears to be periodically mowed and or/disked and supports ruderal grassland vegetation (see photographs in Attachment C). The California annual grassland series (Sawyer and Keeler-Wolf, 1995) best describes the vegetation in the site. Annual bluegrass (*Poa annua*) and rigput brome (*Bromus diandrus*) are the dominant grasses in the site. Other grassland species such as Russian thistle (*Salsola tragus*), shepherd's purse (*Capsella bursa-pastoris*), clasping henbit (*Lamium amplexicaule*), common mallow (*Malva neglecta*), and filaree (*Erodium botrys*) are intermixed with the grasses. Plant species observed in the site are listed in Table 1.



Project Site

S Carpenter Rd

Monticello Ln

San Ramos Ct

Saint Theresa Way

Saint Charlotte Ln

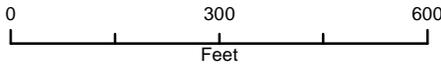
Saint Sebastian Way

Salazar Cir

Figure 3

Moore Biological Consultants

Map Date: 01/29/2021
Aerial Source: Google Earth (08/2019)



AERIAL

Fairview Village

City of Modesto, Stanislaus County, CA

C:\Users\owner\Documents\FEC_IN\Projects\Moore Biological\Fairview_Village\MXD\Fairview_village_aerial_Figure_3.mxd

TABLE 1
PLANT SPECIES OBSERVED IN THE SITE

| | |
|--------------------------------|------------------------|
| <i>Acmispon americanus</i> | Spanish lotus |
| <i>Avena</i> sp. | oat |
| <i>Bromus diandrus</i> | ripgut brome |
| <i>Capsella bursa-pastoris</i> | shepherd's purse |
| <i>Cerastium glomeratum</i> | mouse ear chickweed |
| <i>Erigeron bonariensis</i> | flax-leaved horseweed |
| <i>Erigeron canadensis</i> | Canada horseweed |
| <i>Erodium botrys</i> | long beak stork's bill |
| <i>Lamium amplexicaule</i> | clasping henbit |
| <i>Leontodon saxatilis</i> | hawkbit |
| <i>Malva neglecta</i> | common mallow |
| <i>Poa annua</i> | annual bluegrass |
| <i>Salsola tragus</i> | Russian thistle |
| <i>Sonchus oleraceus</i> | common sowthistle |
| <i>Urtica dioica</i> | stinging nettle |

The only trees or shrubs within the project site beyond the almond trees within the orchard are a few ornamental species and fruit trees associated with the home site. There are several ornamental landscape trees associated with nearby residential subdivisions, larger home parcels, and associated with the park situated just east of the site. No blue elderberry (*Sambucus nigra* ssp. *caerulea*) shrubs were observed in or adjacent to the site.

WILDLIFE: Several bird species common to Stanislaus County were observed during the survey. American crow (*Corvus brachyrhynchos*), mourning dove (*Zenaida macroura*), California scrub jay (*Aphelocoma californica*), white-crowned sparrow (*Zonotrichia leucophrys*), yellow-rumped warbler (*Setophaga coronata*), and Brewer's blackbird (*Euphagus cyanocephalus*) are representative bird species observed in and near the site (Table 2).

TABLE 2
WILDLIFE SPECIES DOCUMENTED IN THE SITE

Birds

| | |
|-----------------------|--------------------------------|
| Great blue heron | <i>Ardea herodias</i> |
| American kestrel | <i>Falco sparverius</i> |
| Rock dove | <i>Columba livia</i> |
| Mourning dove | <i>Zenaida macroura</i> |
| Nuttall's woodpecker | <i>Picoides nuttallii</i> |
| California scrubjay | <i>Aphelocoma californica</i> |
| Yellow-billed magpie | <i>Pica nuttalli</i> |
| American crow | <i>Corvus brachyrhynchos</i> |
| Ruby-crowned kinglet | <i>Regulus calendula</i> |
| American robin | <i>Turdus migratorius</i> |
| Northern mockingbird | <i>Mimus polyglottos</i> |
| Cedar waxwing | <i>Bombycilla cedrorum</i> |
| European starling | <i>Sturnus vulgaris</i> |
| Yellow-rumped warbler | <i>Zonotrichia atricapilla</i> |
| White crowned sparrow | <i>Zonotrichia leucophrys</i> |
| Brewer's blackbird | <i>Euphagus cyanocephalus</i> |
| American goldfinch | <i>Spinus tristis</i> |
| House sparrow | <i>Passer domesticus</i> |

The site contains orchard trees, a few of which are relatively large, that are potentially suitable for nesting by a variety of migratory birds, including raptors. No large raptor stick nests were observed in the on-site trees. There are also several trees near the site that could potentially be used by nesting raptors. A remnant raptor stick nest was observed in a large tree associated with a residence approximately 200 feet west of the site. The nest was not occupied during the survey. Smaller birds, such as songbirds, likely nest in these trees within or adjacent to the site. A few common songbirds were observed perching

in trees and flying throughout the orchard trees during the field survey; none of these birds were exhibiting nesting behavior and no active nests were observed.

A few mammals common to urban and agricultural areas may occur on the project site on occasion. No mammals were observed in the site during the field survey. No California ground squirrel (*Otospermophilus beecheyi*) burrows were observed in or adjacent to the site. Common species such as desert cottontail (*Sylvilagus audubonii*), coyote (*Canis latrans*), raccoon (*Procyon lotor*), striped skunk (*Mephitis mephitis*), black-tailed hare (*Lepus californicus*), and Virginia opossum (*Didelphis virginiana*) may occur in the site on occasion.

Due to lack of suitable habitat, only a few amphibians and reptiles are expected to occur in the site and none were observed during the field survey. Common species such as Pacific chorus frog (*Pseudacris regilla*), western fence lizard (*Sceloporus occidentalis*), western skink (*Eumeces skiltonianus*), and western terrestrial garter snake (*Thamnophis elegans*) may occur on the site on occasion.

WATERS OF THE U.S. AND WETLANDS: Waters of the U.S., including wetlands, are broadly defined under 33 Code of Federal Regulations (CFR) 328 to include navigable waterways, their tributaries, and adjacent wetlands. State and federal agencies regulate these habitats and Section 404 of the Clean Water Act requires that a permit be secured prior to the discharge of dredged or fill materials into any waters of the U.S., including wetlands. Some jurisdictional waters of the U.S. also fall under the jurisdiction of CDFW and/or the California Regional Water Quality Control Board (RWQCB).

“Waters of the U.S.”, as defined in 33 CFR 328.4, encompasses Territorial Seas, Tidal Waters, and Non-Tidal Waters; Non-Tidal Waters includes interstate and intrastate rivers and streams, as well as their tributaries. The limit of federal jurisdiction of Non-Tidal Waters of the U.S. extends to the “ordinary high water mark”. The ordinary high water mark is established by physical characteristics

such as a natural water line impressed on the bank, presence of shelves, destruction of terrestrial vegetation, or the presence of litter and debris.

Jurisdictional wetlands are vegetated areas that meet specific vegetation, soil, and hydrologic criteria defined by the ACOE *Wetlands Delineation Manual* and Regional Supplement (ACOE, 1987; 2008). Jurisdictional wetlands are usually adjacent to or hydrologically associated with Waters of the U.S. Isolated wetlands are outside federal jurisdiction, but may be regulated by RWQCB under the State Wetlands Program.

Jurisdictional wetlands and Waters of the U.S. include, but are not limited to, perennial and intermittent creeks and drainages, lakes, seeps, and springs; emergent marshes; riparian wetlands; and seasonal wetlands. Wetlands and Waters of the U.S. provide critical habitat components, such as nest sites and a reliable source of water, for a wide variety of wildlife species.

No potentially jurisdictional Waters of the U.S. and wetlands were observed in the site. Specifically, no vernal pools, seasonal wetlands, marshes, ponds, creeks, or lakes of any type were observed in the site. The body of the site has been leveled and farmed for decades. Soils appear well draining and the orchard floors support upland grasses and weeds. No areas within the project site meet the technical and regulatory criteria of jurisdictional Waters of the U.S. or wetlands. There are no areas within the site mapped as aquatic features in the National Wetland Inventory (NWI) (Attachment D).

SPECIAL-STATUS SPECIES: Special-status species are plants and animals that are legally protected under the state and/or federal Endangered Species Act or other regulations. The Federal Endangered Species Act (FESA) of 1973 declares that all federal departments and agencies shall utilize their authority to conserve endangered and threatened plant and animal species. The California Endangered Species Act (CESA) of 1984 parallels the policies of FESA and pertains to native California species.

Special-status species also include other species that are considered rare enough by the scientific community and trustee agencies to warrant special consideration, particularly with regard to protection of isolated populations, nesting or denning locations, communal roosts, and other essential habitat. The presence of species with legal protection under the Endangered Species Act often represents a constraint to development, particularly when the species are wide-ranging or highly sensitive to habitat disturbance and where proposed development would result in a take of these species.

Special-status plants are those which are designated rare, threatened, or endangered and candidate species for listing by the USFWS. Special-status plants also include species considered rare or endangered under the conditions of Section 15380 of the California Environmental Quality Act Guidelines, such as those plant species identified on Lists 1A, 1B and 2 in the Inventory of Rare and Endangered Vascular Plants of California by the California Native Plant Society (CNPS, 2021). Finally, special-status plants may include other species that are considered sensitive or of special concern due to limited distribution or lack of adequate information to permit listing or rejection for state or federal status, such as those included on List 3 in the CNPS Inventory.

The likelihood of occurrence of listed, candidate, and other special-status species in the work areas is generally low. Table 3 provides a summary of the listing status and habitat requirements of special-status species that have been documented in the greater project vicinity or for which there is potentially suitable habitat in the greater project vicinity. This table also includes an assessment of the likelihood of occurrence of each of these species in the site. The evaluation of the potential for occurrence of each species is based on the distribution of regional occurrences (if any), habitat suitability, and field observations.

SPECIAL-STATUS PLANTS: Heartscale (*Atriplex cordulata*), subtle orache (*Atriplex subtilis*), and prairie wedge grass (*Sphenopholis obtusata*) are the only special-

TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED IN THE GREATER PROJECT VICINITY

| Common Name | Scientific Name | Federal Status ¹ | State Status ¹ | CNPS List ² | Habitat | Likelihood of Occurrence in the Project Site |
|-----------------------|------------------------------|-----------------------------|---------------------------|------------------------|---|---|
| PLANTS | | | | | | |
| Heartscale | <i>Atriplex cordulata</i> | None | None | 1B | Valley and foothill grassland, chenopod scrub; within areas with alkaline or saline soils. | Unlikely: the orchard does not provide suitable habitat for heartscale; the upland grassland in the site is highly disturbed and routinely mowed. The nearest occurrence of this species in the CNDDDB (2021) search area is approximately 9 miles southeast of the site. |
| Subtle orache | <i>Atriplex subtilis</i> | None | None | 1B | Valley and foothill grassland, in areas with alkaline soils. | Unlikely: the upland grassland in the site is disturbed and does not provide suitable habitat for subtle orache. The nearest occurrence of this species in the CNDDDB (2021) search area is approximately 9 miles southeast of the site. |
| Prairie wedge grass | <i>Sphenopholis obtusata</i> | None | None | 2B | Cismontane woodland and meadows and seeps. | Unlikely: The site does not provide suitable habitat for prairie wedge grass. The nearest occurrence of this species in the CNDDDB (2021) search area is approximately 2.5 miles southwest of the site. |
| WILDLIFE BIRDS | | | | | | |
| Tricolored blackbird | <i>Agelaius tricolor</i> | None | T | N/A | Nests in dense brambles and emergent wetland vegetation associated with open water habitat. | Unlikely: there is no suitable nesting habitat in or adjacent in the site to support nesting tricolored blackbird. The nearest occurrence of this species in the CNDDDB (2021) search area is approximately 4.5 miles southwest of the site. |
| Swainson's hawk | <i>Buteo swainsoni</i> | None | T | N/A | Breeds in stands of tall trees in open areas. Requires adjacent suitable foraging habitats such as grasslands or alfalfa fields supporting rodents. | Low: larger orchard trees in the site and other large trees in adjacent parcels are potentially suitable for nesting Swainson's hawks. There is a remnant raptor stick nest in a tree approximately 200 feet west of the site that may be used by nesting Swainson's hawks during some years. The orchard does not provide suitable Swainson's hawk foraging habitat. The nearest occurrence of nesting Swainson's hawks in the CNDDDB (2021) search area is approximately 5 miles northeast of the site. |

TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED IN THE GREATER PROJECT VICINITY

| Common Name | Scientific Name | Federal Status ¹ | State Status ¹ | CNPS List ² | Habitat | Likelihood of Occurrence in the Project Site |
|----------------------------------|--------------------------------|-----------------------------|---------------------------|------------------------|---|---|
| Burrowing owl | <i>Athene cunicularia</i> | None | SC | N/A | Open, dry annual or perennial grasslands, deserts and scrublands characterized by low-growing vegetation. | Unlikely: no ground squirrel burrows were observed in or adjacent to the project site and this species is not known to occur in large numbers in this part of Stanislaus County. The nearest occurrence of this species in the CNDDDB (2021) search area is approximately 7 miles west of the site. |
| MAMMALS | | | | | | |
| Townsend's big-eared bat | <i>Corynorhinus townsendii</i> | None | SC | N/A | Desert scrub, mixed conifer forest, and pinyon-juniper or pine forest; primarily roosts in caves, mines and buildings. | Unlikely: the site does not contain suitable roosting habitat for this species. The nearest occurrence of Townsend's big-eared bat in the CNDDDB (2021) search area is approximately 7 miles northeast of the site. |
| REPTILES & AMPHIBIANS | | | | | | |
| Giant garter snake | <i>Thamnophis gigas</i> | T | T | N/A | Freshwater marsh and low gradient streams; adapted to drainage canals and irrigation ditches, primarily for dispersal or migration. | Unlikely: the site does not provide suitable habitat for giant garter snake, which is not known from the area. There are no occurrences of this species in the CNDDDB (2021) search area. |
| California tiger salamander | <i>Ambystoma californiense</i> | T | T | N/A | Breeds in seasonal water bodies such as deep vernal pools or stock ponds. Requires small mammal burrows for summer refugia. | Unlikely: there is no breeding habitat for California tiger salamander in or near the site. The nearest occurrence of this species in the CNDDDB (2021) search area is approximately 7 miles northwest of the site. The site is not within an area designated critical habitat for this species (USFWS, 2005a). |
| California red-legged frog | <i>Rana aurora draytonii</i> | T | SC | N/A | Lowlands and foothills in or near permanent sources of water with vegetation. | Unlikely: there is no suitable aquatic habitat for California red-legged frog in or near the site. California red-legged frog is not known from the area and there are no occurrences of this species in the CNDDDB (2021) search area. The site is not in designated for this species (USFWS, 2006). |

TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED IN THE GREATER PROJECT VICINITY

| Common Name | Scientific Name | Federal Status ¹ | State Status ¹ | CNPS List ² | Habitat | Likelihood of Occurrence in the Project Site |
|------------------------------------|----------------------------------|-----------------------------|---------------------------|------------------------|--|---|
| Northern California legless lizard | <i>Anniella pulchra</i> | None | SC | N/A | Sandy or loose loamy soils under sparse vegetation. | Unlikely: the site does not provide habitat for this species. The nearest occurrence of northern California legless lizard in the CNDDDB (2021) search area is approximately 10.5 miles northeast of the site. |
| FISH | | | | | | |
| Delta smelt | <i>Hypomesus transpacificus</i> | T | T | N/A | Shallow lower delta waterways with submersed aquatic plants and other suitable refugia. | None: there is no suitable aquatic habitat for delta smelt in or near the site. There are no occurrences of delta smelt recorded in the CNDDDB (2021) within the search area. There is no designated critical habitat for delta smelt (USFWS, 1994) in or near the site. |
| Hardhead | <i>Mylopharodon conocephalus</i> | None | SC | N/A | Clear, deep pools with sand and gravel bottoms in tributaries to the San Joaquin and Sacramento River. | None: there is no aquatic habitat for the hardhead in the site. The nearest occurrence of hardhead in the CNDDDB (2021) search area is just north of the site within the Tuolumne River. |
| Central Valley steelhead | <i>Oncorhynchus mykiss</i> | T | None | N/A | Riffle and pool complexes with adequate spawning substrates within Central Valley drainages. | None: there is no aquatic habitat in the site to support Central Valley steelhead. The nearest occurrence of Central Valley steelhead in the CNDDDB (2021) search is just north of the site within the Tuolumne River. |
| INVERTEBRATES | | | | | | |
| Vernal pool tadpole shrimp | <i>Lepidurus packardii</i> | E | None | N/A | Vernal pools and seasonally wet depressions within the Central Valley. | None: there are no vernal pools or seasonal wetlands in the site. The nearest occurrence of vernal pool tadpole shrimp in the CNDDDB (2021) search area is approximately 9.5 miles northwest of the site. The site is not within designated critical habitat for this species (USFWS, 2005b). |
| Vernal pool fairy shrimp | <i>Branchinecta lynchi</i> | T | None | N/A | Vernal pools and seasonally inundated depressions in the Central Valley. | None: there are no vernal pools or seasonal wetlands in the site. The nearest occurrence of vernal pool fairy shrimp in the CNDDDB (2021) search area is approximately 8 miles west of the site. The site is not within designated critical habitat for this species (USFWS, 2005b). |

TABLE 3

SPECIAL-STATUS PLANT AND WILDLIFE SPECIES DOCUMENTED IN THE GREATER PROJECT VICINITY

| Common Name | Scientific Name | Federal Status ¹ | State Status ¹ | CNPS List ² | Habitat | Likelihood of Occurrence in the Project Site |
|-----------------------------------|--|-----------------------------|---------------------------|------------------------|--|---|
| Valley elderberry longhorn beetle | <i>Desmocerus californicus dimorphus</i> | T | None | N/A | Elderberry shrubs in the Central Valley and surrounding foothills | None: there are no blue elderberry shrubs in or adjacent to the site. The nearest occurrence of valley elderberry longhorn beetle recorded in the CNDDDB (2021) search area is mapped nonspecifically around the City of Modesto and is noted to occur in areas along the Tuolumne River. |
| Crotch bumble bee | <i>Bombus crotchii</i> | N | CE | N/A | Open grassland and scrub habitats throughout California; rarely found in the Central Valley. | Unlikely: the site does not provide high quality habitat to support Crotch bumble bee. The nearest occurrence of this species in the CNDDDB (2021) search area is a large area mapped nonspecifically around the City of Modesto. |

Notes:

- 1 T= Threatened; E = Endangered; R = Rare; CE = Candidate Endangered; SC = Species of Special Concern per California Department of Fish and Wildlife.
- 2 CNPS List 1B includes species that are rare, threatened, or endangered in California and elsewhere.

status plants identified in the CNDDDB (2021) search. No additional special-status species are identified in the USFWS IPaC Trust Report (Attachment B).

Special-status plants generally occur in relatively undisturbed areas in vegetation communities such as vernal pools, marshes and swamps, seasonal wetlands, riparian scrub, and areas with unusual soils. All of the special-status plants identified in Table 3 occur in habitat types that do not occur in the site. The site contains ruderal grassland species that is routinely disked, mowed, and/or sprayed; the site has been historically farmed for decades and is not suitable for special-status plants. No special-status plants or potentially suitable habitat for special-status plants were observed in the site. Due to lack of suitable habitat, it is unlikely that special-status plants occur in the site.

SPECIAL-STATUS WILDLIFE: Special-status wildlife species recorded in project area in the CNDDDB (2021) query include Swainson's hawk, tricolored blackbird (*Agelaius tricolor*), burrowing owl, Townsend's big-eared bat (*Corynorhinus townsendii*), northern California legless lizard (*Anniella pulchra*), California tiger salamander (*Ambystoma californiense*), Central valley steelhead (*Oncorhynchus mykiss*), hardhead (*Mylopharodon conocephalus*), valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*), vernal pool tadpole shrimp (*Lepidurus packardii*), vernal pool fairy shrimp (*Branchinecta lynchi*), and Crotch bumble bee (*Bombus crotchii*).

California red-legged frog (*Rana aurora draytonii*), giant garter snake (*Thamnophis gigas*), delta smelt (*Hypomesus transpacificus*), are not recorded in the CNDDDB (2021) within the search area, but are on the USFWS IPaC Trust Report (Attachment B).

While the project site may have provided habitat for several of the special-status wildlife species listed in Table 3 at some time in the past, intensive farming and development have substantially modified natural habitats in the greater project vicinity, including those in the site. Swainson's hawk is the only species identified

in the CNDDDB that has much potential to occur in the site on more than a transitory or very occasional basis and is discussed below.

SWAINSON'S HAWK: The Swainson's hawk is a migratory hawk listed by the State of California as a Threatened species. The Migratory Bird Treaty Act and Fish and Game Code of California protect Swainson's hawks year-round, as well as their nests during the nesting season (March 1 through September 15).

Swainson's hawk are found in the Central Valley primarily during their breeding season, a population is known to winter in the San Joaquin Valley.

Swainson's hawks prefer nesting sites that provide sweeping views of nearby foraging grounds consisting of grasslands, irrigated pasture, hay, and wheat crops. Orchards and vineyards are not suitable for foraging. Most Swainson's hawks are migratory, wintering in Mexico and breeding in California and elsewhere in the western United States. This raptor generally arrives in the Central Valley in mid-March, and begins courtship and nest construction immediately upon arrival at the breeding sites. The young fledge in early July, and most Swainson's hawks leave their breeding territories by late August.

The CNDDDB (2021) contains a few records of nesting Swainson's hawk in the greater project vicinity with the nearest being approximately 5 miles northeast of the project site. While the orchard does not provide suitable Swainson's hawk foraging habitat, annual cropland and grasslands in the region provide suitable foraging habitat for this species.

A majority of the orchard trees in the site are mature and could potentially be large enough to support nesting raptors, including Swainson's hawks. However, it is more likely Swainson's hawks would choose to nest in larger non-orchard trees in the project vicinity that are in closer proximity to foraging areas. There are a few potential nest trees in the site and in close proximity to the site that could potentially be suitable for nesting Swainson's hawks and a remnant raptor

stick nest in a tree approximately 200 feet west of the site associated with a residence.

OTHER SPECIAL-STATUS SPECIES: Other special-status birds including tricolored blackbird and burrowing owl may fly over the site on occasion, but would not be expected to nest within the project site. No ground squirrel burrows were observed in or adjacent to the site and burrowing owls are not known to occur in high densities in this part of Stanislaus County.

There is no suitable roosting habitat in the site to support Townsend's big-eared bat as this species primarily roosts in caves or developed forest environments. The ruderal grassland in the site does not provide suitable habitat for northern California legless lizard. The site does not provide suitable aquatic habitat for any type of fish, giant garter snake, California red-legged frog, and California tiger salamander. There are no vernal pools or seasonal wetlands in the site for vernal pool branchiopods (i.e., fairy and tadpole shrimp). No blue elderberry shrubs were observed in the site, precluding the presence of valley elderberry longhorn beetle. The site lacks the floristic requirements to support Crotch bumble bee, which also rarely occurs in the Central Valley.

CRITICAL HABITAT: The site is not in designated critical habitat for any special-status plant, California red-legged frog (USFWS, 2006), federally listed vernal pool shrimp or plants (USFWS, 2005a), California tiger salamander (USFWS, 2005b), valley elderberry longhorn beetle (USFWS, 1980), delta smelt (USFWS, 1994), or Central Valley steelhead (NOAA, 2005) (Attachment E).

Conclusions and Recommendations

- The site consists of dense orchard trees and highly disturbed grassland that has been subject to routine mowing, disking, and/or spraying. On-site habitats are biologically unremarkable.

- No potentially jurisdictional wetlands or Waters of the U.S. were observed in the site.
- Due to a lack of suitable habitat, it is unlikely that special-status plants occur in the site.
- The site does not provide suitable Swainson's hawk foraging habitat. The project will not result in the conversion of Swainson's hawk foraging habitat and will not contribute to a cumulative loss of Swainson's hawk foraging habitat.
- Swainson's hawk is the only special-status species with potential to occur in the site on more than a transitory or occasional basis. Although no evidence of this species was observed in the site, Swainson's hawks could establish nesting territories within the site or in adjacent habitats.
- A pre-construction survey for nesting Swainson's hawks within 0.25 miles of the project site is recommended if construction commences between March 1 and September 15. If active nests are found, a qualified biologist should determine the need (if any) for temporal restrictions on construction. The determination should utilize criteria set forth by CDFW (CDFG, 1994).
- Trees and grasslands in the site could be used by birds protected by the Migratory Bird Treaty Act of 1918. If vegetation removal or construction commences during the general avian nesting season (March 1 through July 31), a pre-construction survey for all species of nesting birds is recommended. If active nests are found, work in the vicinity of the nests should be delayed until the young fledge.
- The site is not within designated critical habitat for any federally listed species.

We hope this information is useful. Please call me at (209) 745-1159 with any questions.

Sincerely,



Diane S. Moore, M.S.
Principal Biologist

References and Literature Consulted

ACOE (U.S. Army Corps of Engineers). 1987. Technical Report Y87-1. U.S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, MI.

ACOE. 2008. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. U.S. Army Engineer Research and Development Center, Vicksburg, MS. September.

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California Native Plant Society, Rare Plant Program. 2021. Inventory of Rare and Endangered Plants of California (online edition, v8-03 0.39). Website <http://www.rareplants.cnps.org>

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Sawyer, J.O. and T. Keeler-Wolf. 1995. A Manual of California Vegetation. California Native Plant Society, Sacramento. California.

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USFWS. 2005a. Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the California Tiger Salamander, Central Population; Final Rule. Federal Register Vol. 70, No. 162, August 23, 2005, pp. 49390 – 49458.

USFWS. 2005b. Part II, Department of the Interior, Fish and Wildlife Service. 50 CFR Part 17: Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for Four Vernal Pool Crustaceans and Eleven Vernal Pool Plants in California and Southern Oregon; Evaluation and Economic Exclusions from August 2003 Final Designation, Final Rule. Federal Register Vol. 70, No. 154, August 11.

USFWS. 2006. Part II, Department of the Interior, Fish and Wildlife Service. 50 CFR Part 17: Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for California Red-Legged Frog, and Special Rule Exemption Associated with Final Listing for Existing Routine Ranching Activities, Final Rule. Federal Register Vol. 71, No. 71, April 13.

USFWS. 2017. Framework for Assessing Impacts to the Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*). U.S. Fish and Wildlife Service; Sacramento, California. 28pp.

Attachment A

Site Plan

| PLAN REVISIONS | | |
|----------------|------|----------|
| NO. | DATE | REVISION |
| | | |
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1165 Scenic Drive, Suite A
Modesto, CA 95350
odellengineering.com

FAIRVIEW VILLAGE
PHASE 1
MODESTO, CALIFORNIA

PRELIMINARY LAYOUT

APPROVED: _____

DESIGNED: MP
DRAWN: JJB
CHECKED: MP
SCALE: 1" = 80'
DATE: 01/18/2021
JOB NO.: 36601
FILE NO.: EX-FAIRVIEW VILLAGE-36601.DWG

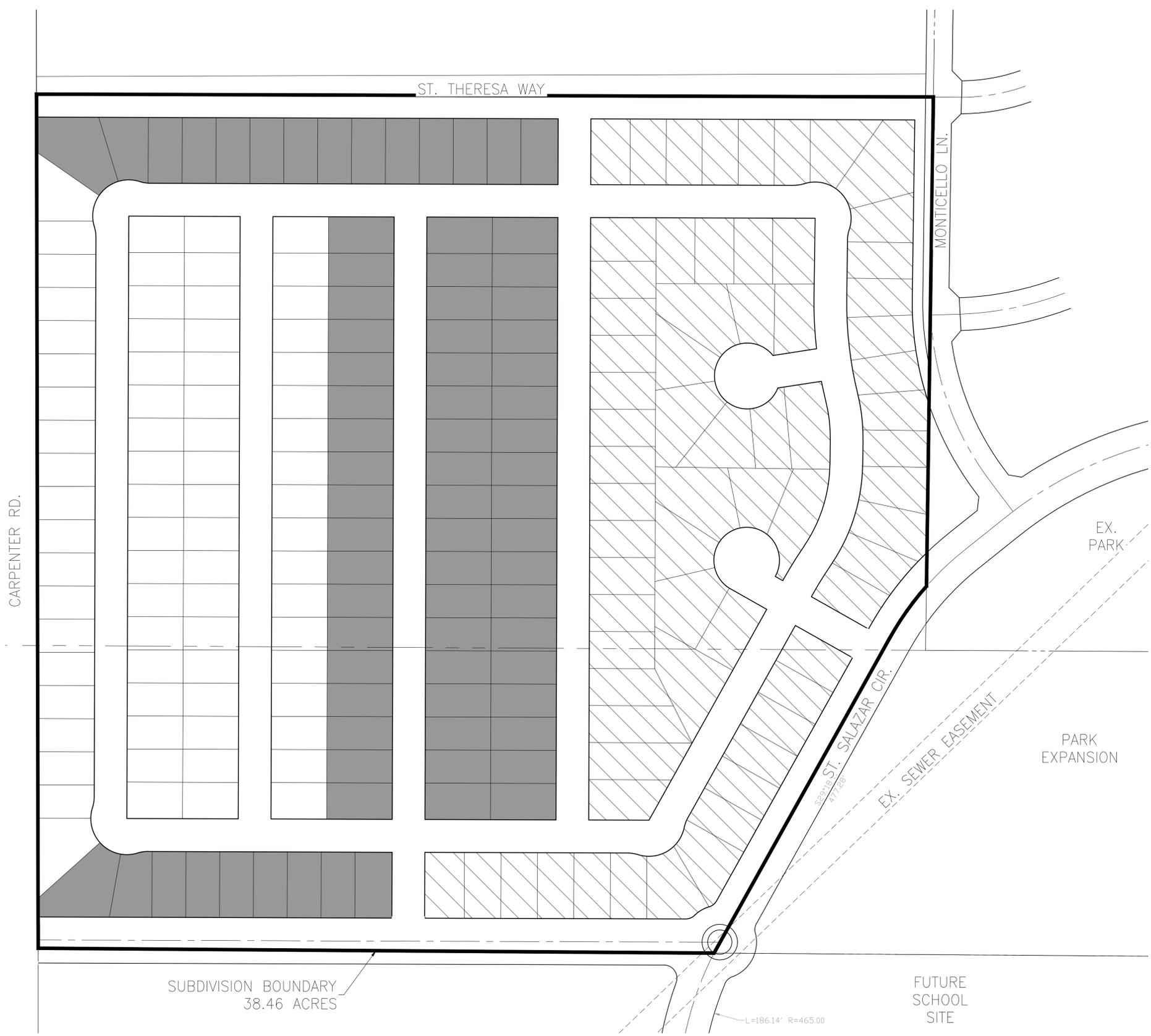
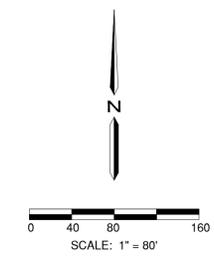
SHEET NO.
1
OF
1



LEGEND

-  74 - 50'x85' LOTS
-  77 - 50'x100' LOTS
-  68 - 55'x100' LOTS

219 TOTAL LOTS



H:\36601-Fairview Village_TLO\Civil\Exhibits\EX-Fairview Village-36601.dwg 12:53:18 01/18/2021

Attachment B

CNDDDB Summary Report and Exhibits
& USFWS IPaC Trust Resource Report



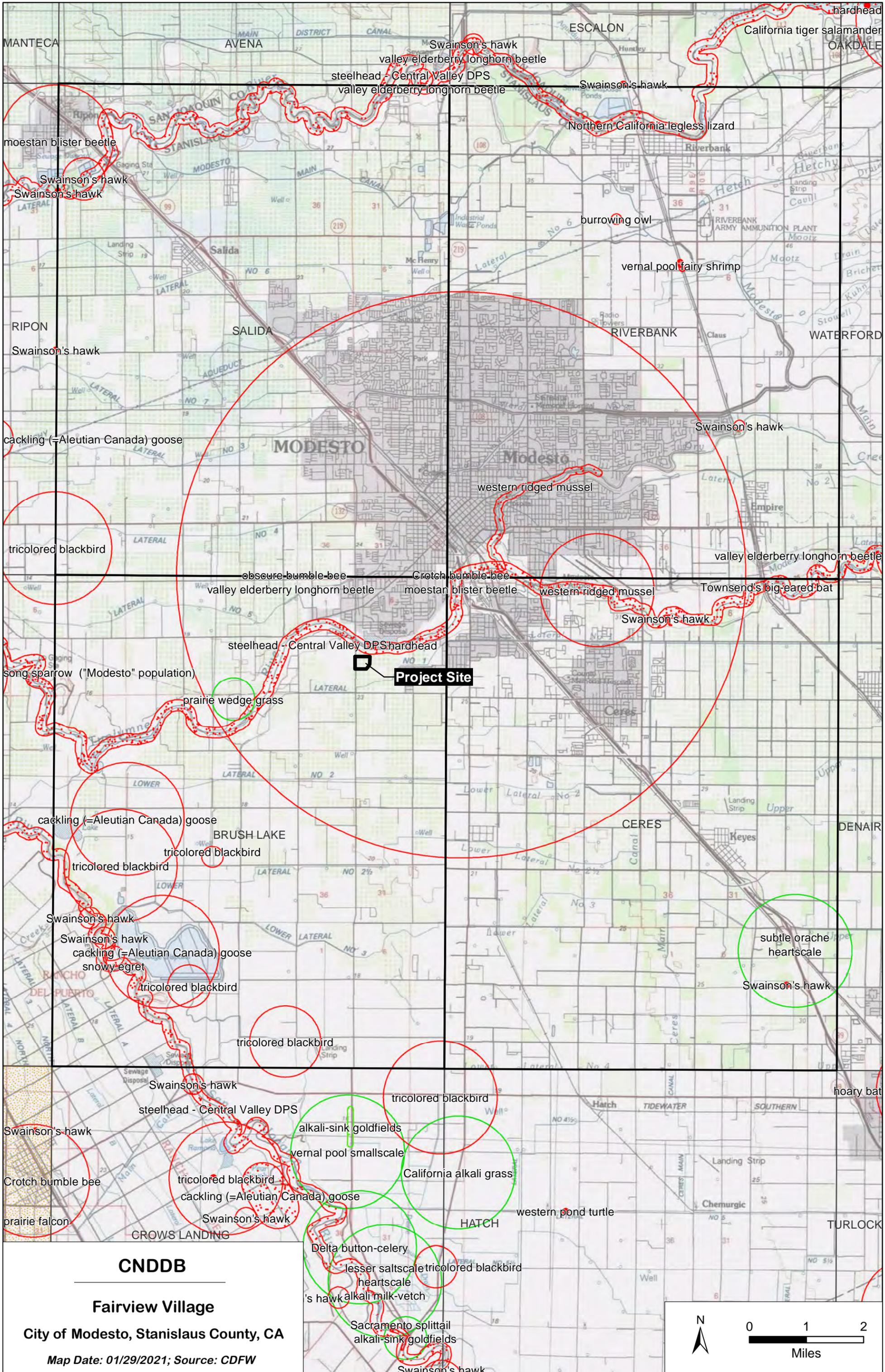
Selected Elements by Scientific Name
 California Department of Fish and Wildlife
 California Natural Diversity Database



Query Criteria: Quad IS (Salida (3712161) OR Riverbank (3712068) OR Brush Lake (3712151) OR Ceres (3712058))

| Species | Element Code | Federal Status | State Status | Global Rank | State Rank | Rare Plant Rank/CDFW SSC or FP |
|--|--------------|----------------|----------------------|-------------|------------|--------------------------------|
| <i>Agelaius tricolor</i> tricolored blackbird | ABPBXB0020 | None | Threatened | G2G3 | S1S2 | SSC |
| <i>Ambystoma californiense</i> California tiger salamander | AAAAA01180 | Threatened | Threatened | G2G3 | S2S3 | WL |
| <i>Anniella pulchra</i> Northern California legless lizard | ARACC01020 | None | None | G3 | S3 | SSC |
| <i>Ardea herodias</i> great blue heron | ABNGA04010 | None | None | G5 | S4 | |
| <i>Athene cunicularia</i> burrowing owl | ABNSB10010 | None | None | G4 | S3 | SSC |
| <i>Atriplex cordulata var. cordulata</i> heartscale | PDCHE040B0 | None | None | G3T2 | S2 | 1B.2 |
| <i>Atriplex subtilis</i> subtle orache | PDCHE042T0 | None | None | G1 | S1 | 1B.2 |
| <i>Bombus caliginosus</i> obscure bumble bee | IIHYM24380 | None | None | G4? | S1S2 | |
| <i>Bombus crotchii</i> Crotch bumble bee | IIHYM24480 | None | Candidate Endangered | G3G4 | S1S2 | |
| <i>Branchinecta lynchi</i> vernal pool fairy shrimp | ICBRA03030 | Threatened | None | G3 | S3 | |
| <i>Branta hutchinsii leucopareia</i> cackling (=Aleutian Canada) goose | ABNJB05035 | Delisted | None | G5T3 | S3 | WL |
| <i>Buteo swainsoni</i> Swainson's hawk | ABNKC19070 | None | Threatened | G5 | S3 | |
| <i>Corynorhinus townsendii</i> Townsend's big-eared bat | AMACC08010 | None | None | G3G4 | S2 | SSC |
| <i>Desmocerus californicus dimorphus</i> valley elderberry longhorn beetle | IICOL48011 | Threatened | None | G3T2 | S3 | |
| <i>Egretta thula</i> snowy egret | ABNGA06030 | None | None | G5 | S4 | |
| <i>Gonidea angulata</i> western ridged mussel | IMBIV19010 | None | None | G3 | S1S2 | |
| <i>Lepidurus packardii</i> vernal pool tadpole shrimp | ICBRA10010 | Endangered | None | G4 | S3S4 | |
| <i>Lytta moesta</i> moestan blister beetle | IICOL4C020 | None | None | G2 | S2 | |
| <i>Mylopharodon conocephalus</i> hardhead | AFCJB25010 | None | None | G3 | S3 | SSC |
| <i>Oncorhynchus mykiss irideus pop. 11</i> steelhead - Central Valley DPS | AFCHA0209K | Threatened | None | G5T2Q | S2 | |
| <i>Sphenopholis obtusata</i> prairie wedge grass | PMPOA5T030 | None | None | G5 | S2 | 2B.2 |

Record Count: 21



Species listed on the map include: Swainson's hawk, valley elderberry longhorn beetle, steelhead - Central Valley DPS, Northern California legless lizard, burrowing owl, vernal pool fairy shrimp, cackling (=Aleutian Canada) goose, tricolored blackbird, obscure bumble-bee, Crotch bumble-bee, western ridged mussel, Townsend's big-eared bat, song sparrow ("Modesto" population), prairie wedge grass, steelhead - Central Valley DPS, hardhead, Swainson's hawk, subtle orache, heartscale, cackling (=Aleutian Canada) goose, tricolored blackbird, Swainson's hawk, cackling (=Aleutian Canada) goose, snowy egret, tricolored blackbird, Swainson's hawk, Swainson's hawk, steelhead - Central Valley DPS, tricolored blackbird, alkali-sink goldfields, vernal pool smallscale, California alkali grass, Crotch bumble bee, tricolored blackbird, cackling (=Aleutian Canada) goose, Swainson's hawk, western pond turtle, prairie falcon, Delta button-celery, lesser saltscaler, tricolored blackbird, heartscale, Swainson's hawk, alkali milk-vetch, Sacramento splittail, alkali-sink goldfields, Swainson's hawk, hoary bat, California tiger salamander, and hardhead.

CNDDDB

Fairview Village

City of Modesto, Stanislaus County, CA

Map Date: 01/29/2021; Source: CDFW



IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Stanislaus County, California



Local office

Sacramento Fish And Wildlife Office

☎ (916) 414-6600

📅 (916) 414-6713

Federal Building
2800 Cottage Way, Room W-2605
Sacramento, CA 95825-1846

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Reptiles

NAME

STATUS

| | |
|--|-------------------|
| Giant Garter Snake <i>Thamnophis gigas</i> | Threatened |
| Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/4482 | |

Amphibians

| NAME | STATUS |
|--|-------------------|
| California Red-legged Frog <i>Rana draytonii</i> | Threatened |
| Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/2891 | |
| California Tiger Salamander <i>Ambystoma californiense</i> | Threatened |
| There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/2076 | |

Fishes

| NAME | STATUS |
|--|-------------------|
| Delta Smelt <i>Hypomesus transpacificus</i> | Threatened |
| Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/321 | |

Insects

| NAME | STATUS |
|--|-------------------|
| Valley Elderberry Longhorn Beetle <i>Desmocerus californicus dimorphus</i> | Threatened |
| Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/7850 | |

Crustaceans

| NAME | STATUS |
|--|-------------------|
| Vernal Pool Fairy Shrimp <i>Branchinecta lynchi</i> | Threatened |
| Wherever found There is final critical habitat for this species. The location of the critical habitat is not available. https://ecos.fws.gov/ecp/species/498 | |

Vernal Pool Tadpole Shrimp *Lepidurus packardii*

Endangered

Wherever found

There is **final** critical habitat for this species. The location of the critical habitat is not available.

<https://ecos.fws.gov/ecp/species/2246>

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your

list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

| NAME | BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.) |
|--|--|
| <p>Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626</p> | Breeds Jan 1 to Aug 31 |
| <p>Lawrence's Goldfinch <i>Carduelis lawrencei</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9464</p> | Breeds Mar 20 to Sep 20 |
| <p>Nuttall's Woodpecker <i>Picoides nuttallii</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9410</p> | Breeds Apr 1 to Jul 20 |
| <p>Oak Titmouse <i>Baeolophus inornatus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9656</p> | Breeds Mar 15 to Jul 15 |
| <p>Rufous Hummingbird <i>selasphorus rufus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/8002</p> | Breeds elsewhere |

Short-billed Dowitcher *Limnodromus griseus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9480>

Breeds elsewhere

Song Sparrow *Melospiza melodia*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

Breeds Feb 20 to Sep 5

Spotted Towhee *Pipilo maculatus clementae*

This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA

<https://ecos.fws.gov/ecp/species/4243>

Breeds Apr 15 to Jul 20

Whimbrel *Numenius phaeopus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9483>

Breeds elsewhere

Willet *Tringa semipalmata*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

Wrentit *Chamaea fasciata*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds Mar 15 to Aug 10

Yellow-billed Magpie *Pica nuttalli*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<https://ecos.fws.gov/ecp/species/9726>

Breeds Apr 1 to Jul 31

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review.

Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER FORESTED/SHRUB WETLAND

[PFOA](#)

FRESHWATER POND

[PUBK](#)

RIVERINE

[R2UBH](#)

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or

local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

NOT FOR CONSULTATION

Attachment C

Photographs



Farm road in the south part of the site, looking west from the southeast part of the site; 02/03/21.



Row of almond trees in the body of the site, looking south from the north part of the site; 02/03/21. The orchard does not provide suitable foraging habitat for Swainson's hawks.



Southeast part of the site where Saint Salazar Circle will be extended further southwest and incorporated into the new subdivision, looking southwest; 02/03/21.



South edge of the site, looking east from the southwest corner of the site; 02/03/21.



East edge of the site, looking north from the southeast part of the site; 02/03/21.



East edge of the site, looking south along Monticello Lane from the northeast corner of the site.



West edge of the site, looking north along Carpenter Road from the southwest corner of the site; 02/03/21.



North edge of the site, looking east from the northwest corner of the site; 02/03/21.



Residence and a few small structures in the southwest part of the site, looking northwest; 02/03/21.

Attachment D

National Wetland Inventory Map



January 25, 2021

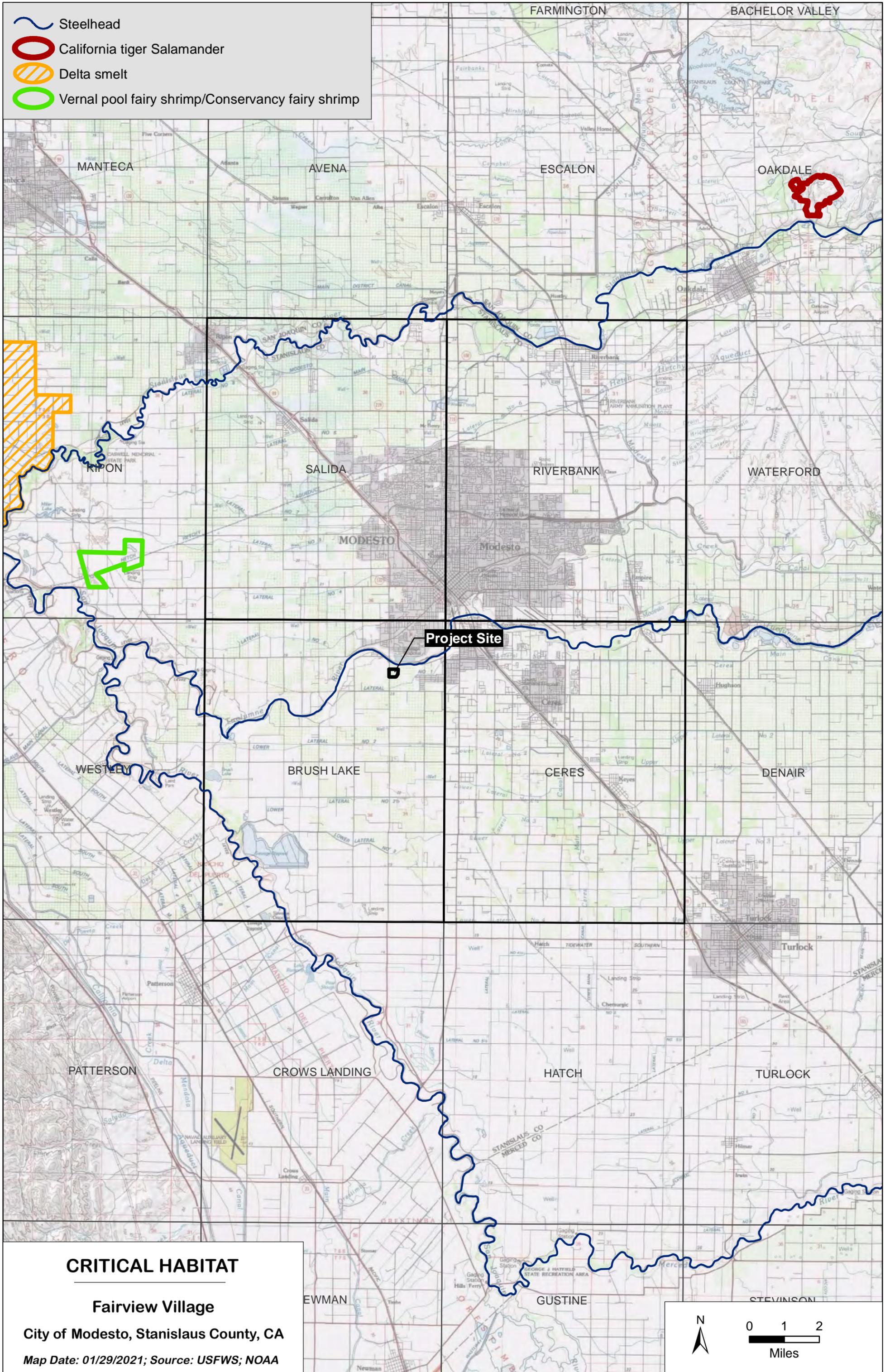
Wetlands

- | | | |
|--|---|--|
|  Estuarine and Marine Deepwater |  Freshwater Emergent Wetland |  Lake |
|  Estuarine and Marine Wetland |  Freshwater Forested/Shrub Wetland |  Other |
| |  Freshwater Pond |  Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Attachment E
Designated Critical Habitat

-  Steelhead
-  California tiger Salamander
-  Delta smelt
-  Vernal pool fairy shrimp/Conservancy fairy shrimp



CRITICAL HABITAT

Fairview Village

City of Modesto, Stanislaus County, CA

Map Date: 01/29/2021; Source: USFWS; NOAA

