

## **APPENDIX A**

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# **NOTICE OF PREPARATION (NOP) AND COMMENTS**

Notice of Preparation

To: State Clearinghouse
1400 Tenth Street
Sacramento, CA 95814

From: City of Ceres
2220 Magnolia Street
Ceres, CA 95307

Subject: Notice of Preparation of a Draft Environmental Impact Report

City of Ceres

will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study ( [ ] is [x] is not ) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Barry C. Siebe at the address shown above. We will need the name for a contact person in your agency.

Project Title: West Ceres Specific Plan

Project Applicant, if any: City of Ceres

Date 12/22/2008

Signature [Handwritten Signature]

Title Planning Manager

Telephone 209-538-5762

Reference: California Code of Regulations, Title 14, (CEQA Guidelines) Sections 15082(a), 15103, 15375.

### Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P. O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613  
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH # \_\_\_\_\_

Project Title: West Ceres Specific Plan

Lead Agency: City of Ceres

Contact Person: Barry Siebe

Mailing Address: 2220 Magnolia Street

Phone: 209-538-5762

City: Ceres

Zip: 95307

County: Stanislaus

Project Location: County: Stanislaus

City/Nearest Community: Ceres

Cross Streets: Whitmore Avenue and Crows Landing Road

Zip Code: 95358

Lat. / Long.: 37 ° 36 ' 16 " N / 120 ° 59 ' 22 " W

Total Acres: 960

Assessor's Parcel No.: Numerous - See attachment A

Section: \_\_\_\_\_

Twp.: \_\_\_\_\_

Range: \_\_\_\_\_

Base: \_\_\_\_\_

Within 2 Miles: State Hwy #: CA-99

Waterways: Tuolumne River

Airports: N/A

Railways: UPRR

Schools: Numerous Modesto Unified and Ceres Districts Schools

#### Document Type:

- |   |  |                                    |  |
|---|--|------------------------------------|--|
| CEQA: <input checked="" type="checkbox"/> NOP | <input type="checkbox"/> Draft EIR                 | NEPA: <input type="checkbox"/> NOI | Other: <input type="checkbox"/> Joint Document |
| <input type="checkbox"/> Early Cons           | <input type="checkbox"/> Supplement/Subsequent EIR | <input type="checkbox"/> EA        | <input type="checkbox"/> Final Document        |
| <input type="checkbox"/> Neg Dec              | (Prior SCH No.) _____                              | <input type="checkbox"/> Draft EIS | <input type="checkbox"/> Other _____           |
| <input type="checkbox"/> Mit Neg Dec          | Other _____  | <input type="checkbox"/> FONSI     |  |

#### Local Action Type:

- |  |   |  |  |
|--|---|--|--|
| <input type="checkbox"/> General Plan Update               | <input checked="" type="checkbox"/> Specific Plan | <input type="checkbox"/> Rezone                            | <input checked="" type="checkbox"/> Annexation |
| <input checked="" type="checkbox"/> General Plan Amendment | <input type="checkbox"/> Master Plan              | <input checked="" type="checkbox"/> Prezone                | <input type="checkbox"/> Redevelopment         |
| <input type="checkbox"/> General Plan Element              | <input type="checkbox"/> Planned Unit Development | <input type="checkbox"/> Use Permit                        | <input type="checkbox"/> Coastal Permit        |
| <input type="checkbox"/> Community Plan                    | <input type="checkbox"/> Site Plan                | <input type="checkbox"/> Land Division (Subdivision, etc.) | <input type="checkbox"/> Other _____           |

#### Development Type:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Residential: Units <u>2450 to 3650</u> Acres <u>294</u>                         | <input type="checkbox"/> Water Facilities: Type _____ MGD _____  |
| <input checked="" type="checkbox"/> Office: Sq.ft. <u>up to 384,000</u> Acres <u>17.7</u> Employees <u>1090</u>     | <input type="checkbox"/> Transportation: Type _____  |
| <input checked="" type="checkbox"/> Commercial: Sq.ft. <u>up to 942,000</u> Acres <u>81.6</u> Employees <u>1430</u> | <input type="checkbox"/> Mining: Mineral _____   |
| <input checked="" type="checkbox"/> Industrial: Sq.ft. <u>up to 555,300</u> Acres <u>61.7</u> Employees <u>1150</u> | <input type="checkbox"/> Power: Type _____ MW _____  |
| <input checked="" type="checkbox"/> Educational <u>two elementary school sites totaling 16 acres</u>                | <input type="checkbox"/> Waste Treatment: Type _____ MGD _____   |
| <input checked="" type="checkbox"/> Recreational <u>43 acres of parks and plazas and 27 acres of open space</u>     | <input type="checkbox"/> Hazardous Waste: Type _____   |
|   | <input checked="" type="checkbox"/> Other: <u>173.9-acre existing Stanislaus County facilities (jail, ag center, family services, etc), 126.6-acre existing G3 industrial facility, existing Carol Lane neighborhood totaling 18.9 acres</u> |

#### Project Issues Discussed in Document:

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Aesthetic/Visual         | <input type="checkbox"/> Fiscal                     | <input type="checkbox"/> Recreation/Parks                | <input type="checkbox"/> Vegetation               |
| <input type="checkbox"/> Agricultural Land        | <input type="checkbox"/> Flood Plain/Flooding       | <input type="checkbox"/> Schools/Universities            | <input type="checkbox"/> Water Quality            |
| <input type="checkbox"/> Air Quality              | <input type="checkbox"/> Forest Land/Fire Hazard    | <input type="checkbox"/> Sewer Systems                   | <input type="checkbox"/> Water Supply/Groundwater |
| <input type="checkbox"/> Archeological/Historical | <input type="checkbox"/> Geologic/Seismic           | <input type="checkbox"/> Septic Capacity                 | <input type="checkbox"/> Wetland/Riparian         |
| <input type="checkbox"/> Biological Resources     | <input type="checkbox"/> Minerals                   | <input type="checkbox"/> Soil Erosion/Compaction/Grading | <input type="checkbox"/> Wildlife                 |
| <input type="checkbox"/> Coastal Zone             | <input type="checkbox"/> Noise                      | <input type="checkbox"/> Solid Waste                     | <input type="checkbox"/> Growth Inducing          |
| <input type="checkbox"/> Drainage/Absorption      | <input type="checkbox"/> Population/Housing Balance | <input type="checkbox"/> Toxic/Hazardous                 | <input type="checkbox"/> Land Use                 |
| <input type="checkbox"/> Economic/Jobs            | <input type="checkbox"/> Public Services/Facilities | <input type="checkbox"/> Traffic/Circulation             | <input type="checkbox"/> Cumulative Effects       |
- Other Attachment A includes a discussion of the analysis proposed in the EIR.

#### Present Land Use/Zoning/General Plan Designation:

See Attachment A: Project Description for more details. The site is currently largely in agricultural use and would require a GP amendment and pre-zoning.

#### Project Description: (please use a separate page if necessary)

The project as proposed includes approval of the West Ceres Specific Plan (WCSP) and annexation of the plan area into the City of Ceres, with related approvals. The proposed development is envisioned as a mixed-use, pedestrian-friendly community with a diverse mix of home types and a jobs/housing balance including up to 4260 new commercial, office and industrial jobs and up to 3650 new homes. The plan also includes two elementary school sites as well as parks and open space to support the proposed community.

See Attachment A: Project Description for additional details.

Note: The state Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

## Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with an "X".  
If you have already sent your document to the agency please denote that with an "S".

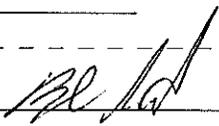
<input type="checkbox"/> Air Resources Board	<input type="checkbox"/> Office of Historic Preservation
<input type="checkbox"/> Boating & Waterways, Department of	<input type="checkbox"/> Office of Public School Construction
<input type="checkbox"/> California Highway Patrol	<input type="checkbox"/> Parks & Recreation
<input type="checkbox"/> Caltrans District # <u>10</u>	<input type="checkbox"/> Pesticide Regulation, Department of
<input type="checkbox"/> Caltrans Division of Aeronautics	<input type="checkbox"/> Public Utilities Commission
<input type="checkbox"/> Caltrans Planning (Headquarters)	<input type="checkbox"/> Reclamation Board
<input type="checkbox"/> Coachella Valley Mountains Conservancy	<input type="checkbox"/> Regional WQCB # <u>5S</u>
<input type="checkbox"/> Coastal Commission	<input type="checkbox"/> Resources Agency
<input type="checkbox"/> Colorado River Board	<input type="checkbox"/> S.F. Bay Conservation & Development Commission
<input type="checkbox"/> Conservation, Department of	<input type="checkbox"/> San Gabriel & Lower L.A. Rivers and Mtns Conservancy
<input type="checkbox"/> Corrections, Department of	<input type="checkbox"/> San Joaquin River Conservancy
<input type="checkbox"/> Delta Protection Commission	<input type="checkbox"/> Santa Monica Mountains Conservancy
<input type="checkbox"/> Education, Department of	<input type="checkbox"/> State Lands Commission
<input type="checkbox"/> Energy Commission	<input type="checkbox"/> SWRCB: Clean Water Grants
<input type="checkbox"/> Fish & Game Region # <u>4</u>	<input type="checkbox"/> SWRCB: Water Quality
<input type="checkbox"/> Food & Agriculture, Department of	<input type="checkbox"/> SWRCB: Water Rights
<input type="checkbox"/> Forestry & Fire Protection	<input type="checkbox"/> Tahoe Regional Planning Agency
<input type="checkbox"/> General Services, Department of	<input type="checkbox"/> Toxic Substances Control, Department of
<input type="checkbox"/> Health Services, Department of	<input type="checkbox"/> Water Resources, Department of
<input type="checkbox"/> Housing & Community Development	
<input type="checkbox"/> Integrated Waste Management Board	<input type="checkbox"/> Other _____
<input type="checkbox"/> Native American Heritage Commission	<input type="checkbox"/> Other _____
<input type="checkbox"/> Office of Emergency Services	

### Local Public Review Period (to be filled in by lead agency)

Starting Date 12/23/08 Ending Date 1/21/09

### Lead Agency (Complete if applicable):

Consulting Firm: <u>Lamphier-Gregory</u>	Applicant: <u>City of Ceres</u>
Address: <u>1944 Embarcadero</u>	Address: <u>2220 Magnolia Street</u>
City/State/Zip: <u>Oakland, CA 94606</u>	City/State/Zip: <u>Ceres, CA 95307</u>
Contact: <u>Rebecca Gorton</u>	Phone: <u>209-538-5762</u>
Phone: <u>510-535-6690</u>	

Signature of Lead Agency Representative:  Date: 12/22/08

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

# ATTACHMENT A: WEST CERES SPECIFIC PLAN PROJECT DESCRIPTION

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## SITE LOCATION AND CONDITIONS

### LOCATION

The 960-acre West Ceres Specific Plan (WCSP) area is located in an unincorporated area of Stanislaus County, adjacent to the City of Ceres. The City of Ceres is located south of Modesto, and approximately 10-miles northwest of the City of Turlock, along State Route 99 (SR 99). (Figure 1) The Specific Plan area boundaries are:

- Whitmore Avenue to the north,
- Union Pacific Railroad to the east,
- Service Road to the south, and
- Ustick Road to the west.

The Specific Plan area is directly accessible from Whitmore Avenue, Crows Landing Road, and Service Road from existing and anticipated interchanges with SR-99.

### PROPERTY OWNERSHIP AND EXISTING USES

Figure 2 shows the properties that make up the Specific Plan area, with APNs and ownership.

Stanislaus County has land and facilities to the east of Crows Landing Road amounting to 19% of the Specific Plan area including a County jail, Sheriff’s administration and training facility, Agricultural Center, and Family Services, as well as additional area for future expansion of facilities and uses. The County’s plans for continuation and expansion of uses in this area will be accommodated in the plan.

The remaining area to the east of Crows Landing Road is the existing G3 Enterprises facility, representing 13% of the Specific Plan area. These properties include an industrial labeling and logistics facility as well as a retail corner at Whitmore Avenue and Crows Landing Road.

Carol Lane is an existing dead-end street (accessed off Whitmore Ave.) with a residential neighborhood consisting of 24 rural residential parcels generally ranging in size from approximately one half acre to one and a half acres in size, and 2 parcels at the corner of Whitmore Avenue making up the Whitmore Church of Christ. The Carol Lane neighborhood represents 2% of the Specific Plan area. This existing neighborhood is expected to remain under the proposed Specific Plan, which would focus on appropriate adjacent uses and buffers.

The remaining 66% of the Specific Plan area includes 22 parcels primarily in agricultural use with some scattered rural home sites. This is the main area being planned for new development in the Specific Plan. This area also includes the existing El Rematito Flea Market, located at the northwest corner of Crows Landing Road and Hackett Road.

## **GENERAL PLAN DESIGNATION**

The West Ceres Specific Plan area currently falls under the jurisdiction of Stanislaus County, but is within the Phase 1, Phase 2 and Reserve Urban Growth Areas of the City of Ceres 1997 General Plan (Figure 3). Accordingly, the City of Ceres General Plan designates lands uses for the West Ceres Specific Plan (WCSP) in anticipation of its eventual annexation and development.

Lands within the City of Ceres Urban Growth Area are divided between Phase 1, Phase 2 and Reserve Areas to indicate the timing of development anticipated in these areas. The proposed plan would represent an acceleration of the timing implied by the current Urban Growth Area designations. A General Plan Amendment, including revision of the Urban Growth Areas would be required.

The City of Ceres General Plan (General Plan) designates the following uses in the WCSP: (See Figure 3)

- Office (O)
- Community Commercial (CC)
- Light Industrial (LI)
- General Industrial (GI)
- Community Facilities (CF)
- Residential Reserve (RR)

## **ADJACENT USES**

The WCSP area is surrounded by a variety of land uses as summarized below:

- Low-density residential subdivision and industrial uses to the north (City of Modesto)
- Low-density residential subdivision to the east (City of Ceres)
- Industrial, commercial and agricultural uses to the south (City of Ceres and unincorporated areas)
- Agricultural uses to the west (unincorporated)

# PROJECT DESCRIPTION

## SUMMARY

The project as proposed includes approval of the West Ceres Specific Plan (WCSP) and annexation of the Specific Plan area into the City of Ceres. Development as proposed in the WCSP would require a number of other City approvals, including environmental review, a General Plan Amendment, and rezoning.

The WCSP is being developed as a policy document to guide future growth, land use, infrastructure and public service planning and investment in the Specific Plan area, and as a regulatory document to provide rules and standards by which new development within the Specific Plan area may proceed. It would contain design guidelines and development standards to regulate development within the Specific Plan area.

The Preferred Concept Plan (as of December 2008) is included as Figure 4. In total, the Specific Plan area would result in a new mixed-use master planned community expected to support development of a total of approximately:

- 2450 to 3650 residential units;
- up to 942,000 square feet of retail commercial;
- up to 384,000 square feet of office space;
- 555,000 to 606,000 square feet of light industrial and/or Research and Development uses;
- 16 acres of schools;
- and 70 acres of parks and open space.

Additionally, some existing uses would be anticipated to remain under the plan, including:

- the existing 18.9-acre Carol Lane neighborhood;
- the G3 industrial facility, which would be expected to continue to expand on their 126.6 acre site,
- and the 173.9-acre County facilities which would be expected to continue to develop based upon their master plan for the site.

A breakdown of the acreage in each land use can be found in Figure 4.

## DESCRIPTION OF RESIDENTIAL LAND USES

The residential land use districts in the WCSP are envisioned to provide quality housing to people of all income levels, ages and family size – creating a vibrant and diverse community both demographically and architecturally. These residential districts will be organized such that high density development will be located near retail, employment and transit corridors along Crows Landing Road. This will place the highest concentration of residents within walking distance of transit, jobs and services. Uses will gradually transition to low-density single family detached units along the western project boundary at Ustick Road. Table 1 shows a breakdown of the anticipated residential units in each of the land uses categories.

Low Density Residential (LDR)

Consistent with the General Plan, WCSP will include a Low Density Residential District with a 7 dwelling unit/acre maximum density. This district is generally intended for single-family detached and duplex/halfplex residential units.

Medium Density Residential (MDR)

Consistent with the General Plan, WCSP will include a Medium Density Residential District with a 7-12 dwelling unit/acre range. This district is intended to include a range of housing types, such as standard lot single family detached, small lot homes, cluster homes and cottages.

High Density Residential I (HDR I) (12-18 du/ac.)

This High Density Residential I designation is proposed to have a 12-18 dwelling unit/acre range. This district is intended as a transition between medium density and the upper range of High Density Residential with housing types ranging from small lot, cluster and cottage homes to attached townhomes, within the prescribed density limits.

High Density Residential II (HDR II) (18-25 du/ac.)

This High Density Residential II designation is the upper end of HDR and is proposed to have an 18-25 dwelling unit/acre range. This district is anticipated to include mostly attached housing types, such as apartments, condominiums, townhomes and live-work units.

**Table 1: WCSP Anticipated Residential Units**

<b>Residential Land Use</b>	<b>Land Use Designation</b>	<b>Gross Acres</b>	<b>Specific Plan Gross Density Ranges</b>	<b>Estimated Units Low Range</b>	<b>Estimated Units High Range</b>	<b>Estimated Average Units</b>
Low Density	LDR	140.8	4.5-7 du/ac	633	985	739
Medium Density	MDR	78.4	7-12 du/ac	549	940	659
High Density	HDR	39.3	12-18 du/ac	472	707	412
High Density	HDR	31.7	18-24 du/ac	570	760	634
Neighborhood Commercial Mixed Use <sup>1</sup>	NC/HDR	32.2 @25%	Assume 20 du/ac	160	160	160
Office Mixed Use <sup>1</sup>	O/HDR	17.7 @25%	Assume 20 du/ac	88	88	88
<b>Residential Totals</b>		<b>340.1</b>		<b>2472</b>	<b>3640</b>	<b>2692</b>

<sup>1</sup> Some residential development is allowed in the Neighborhood Commercial and Office Mixed-Use designations, as outlined in the discussions of those land use designations.

**DESCRIPTION OF COMMERCIAL, OFFICE AND INDUSTRIAL USES**

Regional Commercial (RC)

The Regional Commercial district is envisioned to allow a variety of retail uses and services, including large-scale shopping centers, wholesale “club” type stores, factory outlets, and other

commercial uses such as retail stores, food and drug stores, apparel stores, specialty shops, home furnishings, restaurants, entertainment uses, and other similar uses that serve a community wide and regional market.

- Primary Use Commercial –100% (31.8 ac.) Up to approximately 500,000 square feet of regional commercial uses could be anticipated.
- Job generation estimate--700 jobs (based on average 715 gross building s.f. per job)
- Residential – Not to be permitted in this district.

#### Community Commercial

This district is envisioned as a pedestrian-oriented, retail transition from the Regional Commercial use to the neighborhood “core” of the West Ceres community (referred to as the Mixed Use Center). This district is intended to be a somewhat lower intensity use than the RC district, with retail stores, food and drug stores, apparel stores, specialty shops, real estate offices, restaurants, florists, hotels/motels, and other community serving uses.

- Primary Use Commercial – 100% (15.1 ac.) Up to approximately 150,000 square feet of community commercial uses could be anticipated.
- Job Generation estimate--220 jobs (based on an average of 671 s.f. per job)
- Residential – Not to be permitted in this district.

#### Neighborhood Commercial (NC) and High Density Residential (HDR) – Mixed Use

This Mixed Use district is envisioned as a pedestrian oriented, mixed use retail core of the West Ceres community, referred to as the Mixed Use Center. This district is intended to be a highly visible, high intensity, active, social, and cultural gathering place and “hub” of the West Ceres community– where buildings open onto wide sidewalks allowing outdoor dining and retail displays.

- Primary Use Commercial and Office– 75% minimum (24.2 ac.) 100% maximum (32.2 ac.). Up to approximately 291,700 square feet of neighborhood commercial and office uses could be allowed. An additional approximately 60,000 square feet of office and/or up to 160 residential units could be allowed over retail uses
- Job Generation estimate--@75%--500 jobs; @100%--680 jobs (510 retail jobs + 170 office jobs above retail) (based on an average of 631 s.f. per job for neighborhood commercial and 350 s.f. per job for office)
- Secondary Use Residential – 25% maximum (8.0 ac.) Only high density residential would be allowed, supporting bus transit and placing a high concentration of residents within close walking distance of work and services. At 20 units per acre this could be up to 160 units.

#### Office (O) Mixed use

The Office Mixed Use district is intended for professional and administrative office uses such as finance, insurance, and banking, arranged in a well landscaped, campus-style setting, with accessory supporting commercial uses such as copy centers, cafes, retail sales and services.

- Primary Use Office and Accessory – 75% minimum (13.3 ac.) 100% maximum (17.7 ac.) Up to approximately 324,000 square feet of office park uses could be allowed.

- Job Generation estimate--@75%--700 jobs; @100%—920 jobs (based on an average of 350 s.f. per job)
- Residential – 25% maximum (4.4 ac.) Only high density residential would be allowed, supporting bus transit and placing a high concentration of residents within close walking distance of work and services. At 20 units per acre, this could be up to 90 units.

### Light Industrial (LI)

The Light Industrial district will be more fully explored as the Specific Plan is drafted, as there are currently two scenarios for development of this area, a business park or a light industrial park, as described below.

#### *Business Park*

The Business Park scenario is envisioned as a campus-style setting for research and development, light manufacturing, warehousing, distribution and related supporting uses.

- Primary Use –100% maximum and minimum (61.7 ac.) Up to approximately 605,500 square feet of business park uses could be allowed.
- Job Generation estimate- @100%--1780 jobs (based on an average of 341 s.f. per job)
- Residential – Not to be permitted in this district.

#### *Light Industrial Park*

The Light Industrial Park scenario is envisioned as an alternative land use for this 61.7-acre area. This alternate use would be seen as a setting for light industrial and heavy commercial uses, including light manufacturing and fabricating, contractor’s yards and offices, motor vehicle service and repair, wholesale uses, lumber yards, hardware stores, other similar industrial and heavy commercial uses, offices and recreational uses.

- Primary Use –100% maximum (61.7 ac.) Up to approximately 555,300 square feet of light industrial uses could be allowed.
- Job Generation estimate- @100%--1150 jobs (based on an average of 480 s.f. per job)
- Residential – Not to be permitted in this district.

## **INFRASTRUCTURE AND SERVICES**

The project would require the expansion, improvement and construction of new infrastructure and public facilities on the project site. This includes approximately 70 acres of parks and open space, which would include passive recreation and open space uses, trails, and sports fields and courts.

Fire protection to the currently unincorporated Specific Plan area and the surrounding areas is currently provided by the Westport Fire Protection District. As part of the annexation process, it is anticipated that Fire District boundaries will be reorganized so that the Specific Plan area will become annexed to the fire protection service area of the City of Ceres Fire Department. At this point, the Ceres Fire Department considers it unlikely that they will be able to maintain adequate response times to serve the Specific Plan area from existing stations, and they will continue to be consulted regarding the possibility of a new 1-acre station site within the Specific Plan area. While a potential location for

this facility has been identified on the Preferred Concept Plan (Figure 4), the ultimate location will be determined in consultation with the Fire Department.

Currently, law enforcement service to the unincorporated Specific Plan area is provided by the County Sheriff's Office. Once annexed, the Specific Plan area will fall within the service area of the City of Ceres Police Department. To serve the proposed West Ceres community, the Ceres Police Department may pursue a substation within the Specific Plan area. The Police and Fire Departments could support a combined new facility, of which the police substation would need approximately 800 square feet for their substation, if needed.

The eastern portion of the Specific Plan area, between the Union Pacific rail line and Crows Landing Road, is within the Ceres Unified School District. The western portion of the Specific Plan area, from Crows Landing Road to Ustick Road, is located within the Modesto School District. The possibility of a school district boundary change so that the entire Specific Plan area falls within the Ceres Unified School District is being explored. Based on preliminary discussions with both school districts, two elementary school sites have been included in the Specific Plan area (see Figure 4). It is anticipated that middle school and high school students can be accommodated in existing facilities in either District.

The project would include the development of an internal circulation system of neighborhood, collector, and arterial roads and streets, as well as improvements to existing arterial roadways that run through and along the perimeter of the project site, where warranted. The ultimate configuration and characteristics of the roadways will be determined through traffic projection analysis.

Potable domestic water would be provided by the City of Ceres Municipal Utilities Department water distribution system for the majority of the Specific Plan area. The possible exception includes the existing G3 facility, which is currently being served by the City of Modesto and is likely to remain on their services. Other existing facilities within the Specific Plan area will need to be upgraded in order to meet the project needs. A looped system will be required between the trunk mains in Whitmore Avenue and Service Road. Any proposed well and tank sites within the WCSP project will also be interconnected with the City's transmission system providing additional pressures and capacity for the proposed project. The number of wells, tanks, and pumping facilities will be determined based on the final land use plan and incorporated into future landscape areas where possible.

Wastewater flows generated by the project would be collected by the City of Ceres sanitary sewer system and conveyed to the City of Ceres Wastewater Treatment Plant located southeast of the project at the intersection of Service Road and Blaker Road. Existing trunk mains in Service Road within a quarter of a mile to the project will provide the sewer connection for the project.

Stormwater facilities would include regional detention/retention facilities, upgrading and upsizing of existing drainage lines and structures, improvements to existing pump stations, and the construction of new discharge facilities. Enhancement of drainage channels and detention/retention basins will be explored in the Specific Plan to serve aesthetic purposes such as open space, bike trails, wetland preserves and habitats.

## **PROPOSED ANALYSIS**

An Initial Study Checklist has not been prepared for this Notice of Preparation. The City of Ceres, as Lead Agency for the project, intends to prepare a comprehensive EIR for the project, which will address all environmental issues related to the project. The following is a summary of the environmental issues anticipated to be addressed in the Draft EIR for this project.

### **AIR QUALITY**

Primary air quality issues associated with this project would be impacts to regional air quality from indirect sources (i.e., project traffic generation) and evaluation of appropriate buffers between planned sensitive uses and sources of air pollution or odors. An air quality analysis will be prepared in accordance with the San Joaquin Valley Air Pollution Control District (SJVAPCD) CEQA Guidelines and will include assessment of construction impacts, regional air quality impacts, traffic-related carbon monoxide concentrations, and global climate change/greenhouse gas emissions.

### **AESTHETICS**

Design plans for development at the project site will be reviewed and issues will be addressed related to possible adverse effects on scenic vistas, scenic resources, degradation of the existing visual character of the site or vicinity, and any new source of substantial light or glare which would adversely affect day or nighttime views of the area. Graphics created for the Specific Plan will illustrate the visual character of the proposed new community.

### **AGRICULTURAL RESOURCES**

Environmental impacts associated with the conversion of land currently in agricultural use to non-agricultural uses will be evaluated, as will potential conflicts with Williamson Act provisions.

### **BIOLOGICAL RESOURCES**

A literature review and field survey will be conducted to document and describe on-site biological resources, identify any potentially significant impacts to these resources from development of the site, and provide any needed mitigation recommendations to reduce or avoid biological impacts to the extent possible. Key biological resources in the general area are wetlands (and associated sensitive species such as fairy shrimp), valley elderberry longhorn beetle, and nesting raptors, including Swainson's hawk and burrowing owl. As most of the Specific Plan area appears to be leveled and intensively cultivated orchards or irrigated pasture, sensitive habitats and species may be few or none.

### **CULTURAL AND HISTORIC**

A records search and field survey will be conducted to identify any significant cultural or historic resources within the project site. Preliminary research suggests there are no currently identified cultural/historic resources on site, though at least two structures appear to date from a historic period and may need to be evaluated.

## **GEOLOGY/SOILS**

The extent to which development of the project site as proposed would have an environmental effect related to geology and soils will be evaluated including review of published maps and reports and site reconnaissance by a professional geologist. Key issues include expansive soils, liquefaction of soils at depth, and seismically induced ground-shaking hazards.

## **HAZARDS/HAZARDOUS MATERIALS**

The extent to which development of the project would have an environmental effect related to hazards and hazardous materials will be evaluated. The existing site use is largely agricultural and the primary concern in the conversion of agricultural land to residential and commercial use is the potential for chemicals used in agriculture, such as pesticides, fertilizers, and petroleum hydrocarbons, to be present in soils at the site.

## **HYDROLOGY/WATER QUALITY**

The extent to which development of the project would have an environmental effect related to geology and soils will be evaluated, including assessment of: local drainage patterns and capacities, runoff and its effects on storm drain levels, the potential for increased risk of flood hazard exposure, the potential of non-point source pollutants to impact the water quality of receiving waters, and the potential for increased soil erosion.

## **NOISE AND VIBRATION**

Noise issues would include the noise and land use compatibility of proposed land uses and the potential for the project to result in temporary or permanent increases in noise levels at nearby sensitive receivers. The primary existing noise sources affecting the Specific Plan area are traffic noise, train noise, and localized noise from existing facilities or agricultural use. Measurements of ambient noise levels would be made at locations representative of both existing and planned sensitive uses and future noise levels will be calculated based on the results of the ambient noise measurements, future traffic volume projections, and railroad activity projections. Noise impacts would be assessed with respect to applicable City policies and appropriate CEQA significance criteria. The impact assessment will also evaluate the potential for any offsite noise impacts associated with the project, which would include construction noise impacts on existing residences surrounding the Specific Plan area.

## **POPULATION AND HOUSING**

The extent to which the proposed development would induce substantial population growth will be evaluated within the context of existing plans.

## **PUBLIC SERVICES**

The extent to which the proposed development would require new or physically altered governmental facilities associated with the provision of fire protection services, police protection services, schools, parks and other public facilities (e.g., libraries, civic office space, etc.) will be evaluated.

## TRANSPORTATION AND CIRCULATION

Existing transportation data will be collected and evaluated. The evaluation will include City and County roadways, State highways, transit, pedestrian, and bicycle facilities. In consultation with City of Ceres staff, 18 study intersections and 8 roadway segments most likely to be impacted by the proposed project were identified for analysis. These locations are listed below and highlighted in Figure 5.

### Intersections:

1. Crows Landing Road / SR99 Northbound Ramps
2. Crows Landing Road / Hatch Road
3. Carpenter Road / Whitmore Avenue
4. Ustick Avenue / Whitmore Avenue
5. Crows Landing Road / Whitmore Avenue
6. Morgan Road / Whitmore Avenue
7. Blaker Road / Whitmore Avenue
8. Whitmore Place / El Camino Avenue
9. Whitmore Place / Whitmore Avenue
10. Crows Landing Road / Hackett Road
11. Carpenter Road / Service Road
12. Crows Landing Road / Service Road
13. Morgan Road / Service Road
14. Blaker Road / Service Road
15. Central Avenue / Service Road
16. Mitchell Road / Service Road
17. Carpenter Road / Keyes Road
18. Crows Landing Road / Keyes Road

### Roadway Segments:

1. Crows Landing Road north of Hatch Road
2. Crows Landing Road north of Whitmore Avenue
3. Crows Landing Road south of Whitmore Avenue
4. Whitmore Avenue east of Crows Landing Road
5. Whitmore Avenue east of Blaker Road
6. Service Road east of Central Avenue
7. SR 99 north of Crows Landing Road
8. SR 99 south of Mitchell Road

Locations on State Route 99 (SR 99) will be evaluated using Highway Capacity Manual (HCM) methods in compliance with the California Department of Transportation's (Caltrans) Guide for the

Preparation of Traffic Impact Studies. The cumulative traffic volumes will be projected using the StanCOG travel demand model. The land use and circulation assumptions in the model will be reviewed and, if necessary, modified to reflect the future developments and roadway improvements as well as the land use assumptions in the General Plan for the study area. This would form the basis for the baseline cumulative conditions. Turning movements for the baseline cumulative condition at the study intersections will be forecasted using the Furness process. Forecasts for the project will be generated using the same process described above. The land use and roadway network will be modified to reflect the project changes. Turning movements for the cumulative with project condition will be developed using the Furness process. Intersection and roadway level of service at the study intersections will be reported per HCM and/or City of Ceres policies.

An assessment of circulation within the study area will be performed based on the project's circulation system. Emphasis will be placed on identification of safety hazards at potential conflict points such as driveways, connectivity of proposed roadway network, traffic-carrying capacity, and effectiveness of traffic control devices.

The projected changes in transit demand will be qualitatively discussed and potential impacts identified.

An evaluation will be performed of the project's potential impacts on existing or planned County, City, or StanCOG Regional Bicycle Transportation Master Plan and Bicycle Action Plan facilities located within 1/4 mile of the project site, or that may have a potential for significant environmental impact due to the project. We will also review any proposed on-site bicycle facilities for consistency with the City's goals and policies as well as potential conflicts with vehicles and pedestrians.

An evaluation will be performed of the project's potential impacts on any pedestrian facilities that may have a potential for significant environmental impact due to the project including proposed on-site facilities.

## **UTILITIES/SERVICE SYSTEMS**

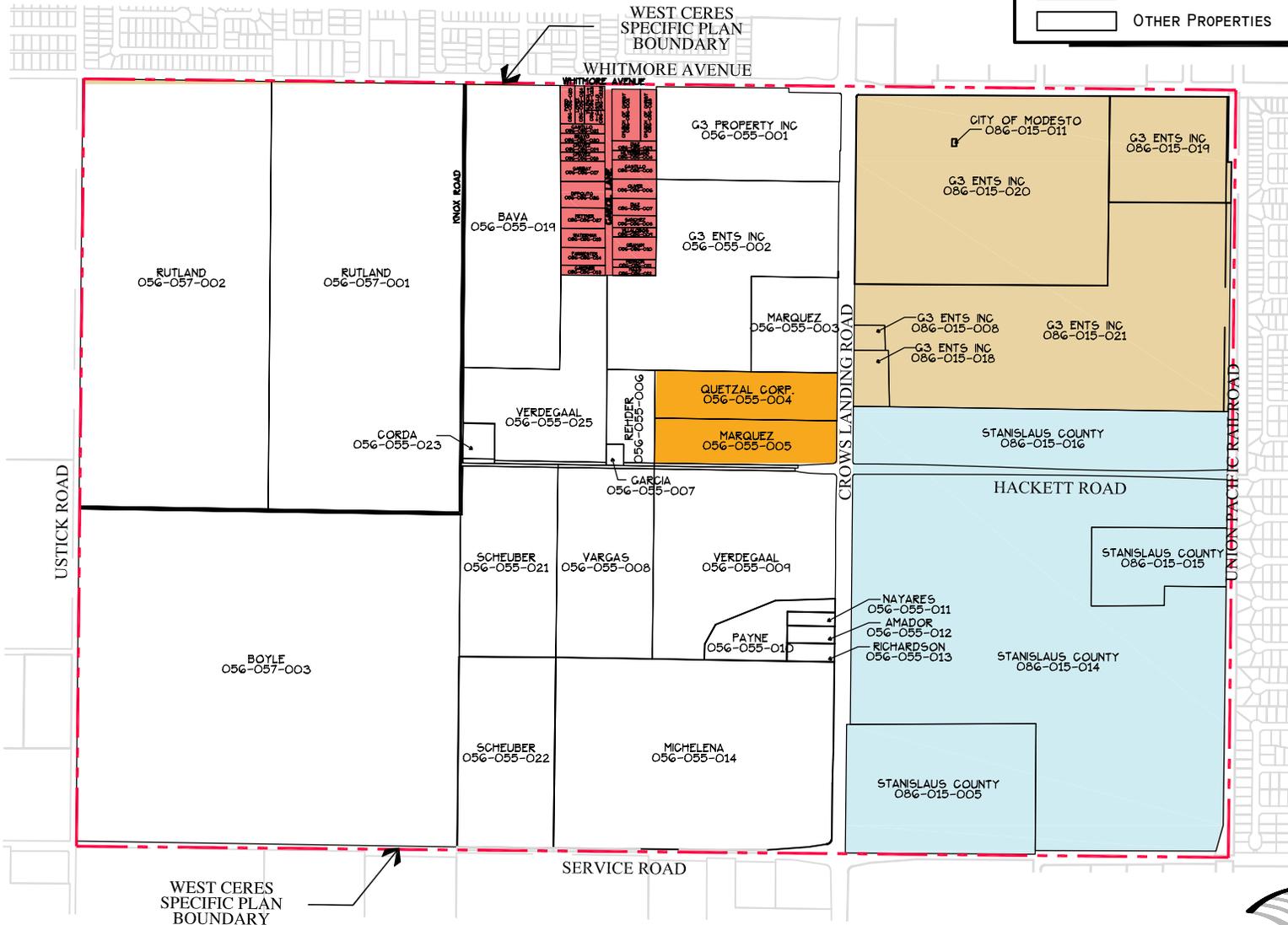
The extent to which development of the project site as proposed would affect existing water supply, treatment and delivery systems, existing wastewater collection and treatment systems, existing storm drainage systems, and existing solid waste collection and disposal services will be evaluated.



# FIGURE 2 PROPERTY OWNERSHIP WEST CERES PLANNING AREA MAY 2008

### LEGEND

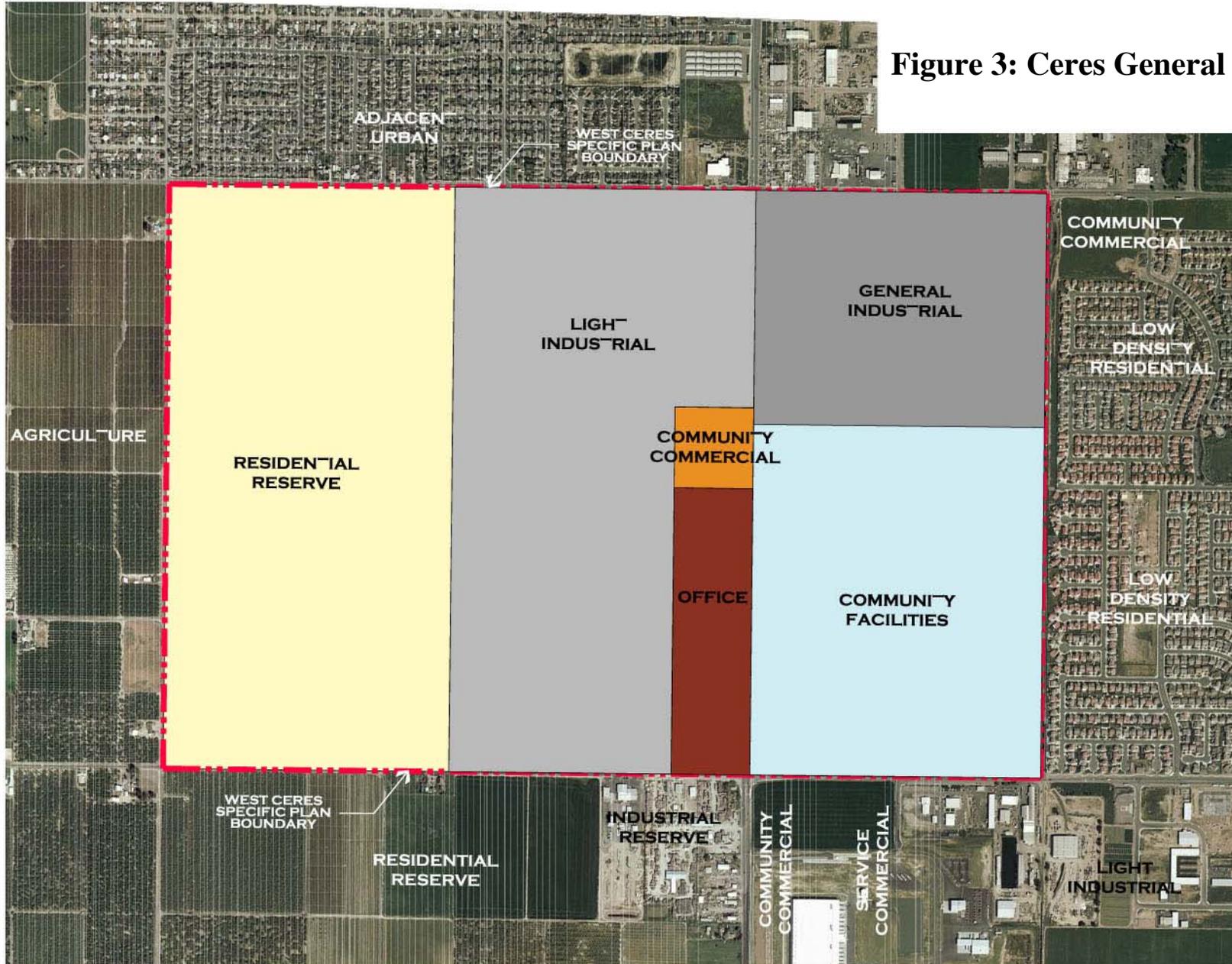
- G3 ENTERPRISES FACILITY
- EL REMATITO FLEA MARKET
- STANISLAUS COUNTY PROPERTIES
- CAROL LANE NEIGHBORHOOD
- OTHER PROPERTIES



NOT TO SCALE

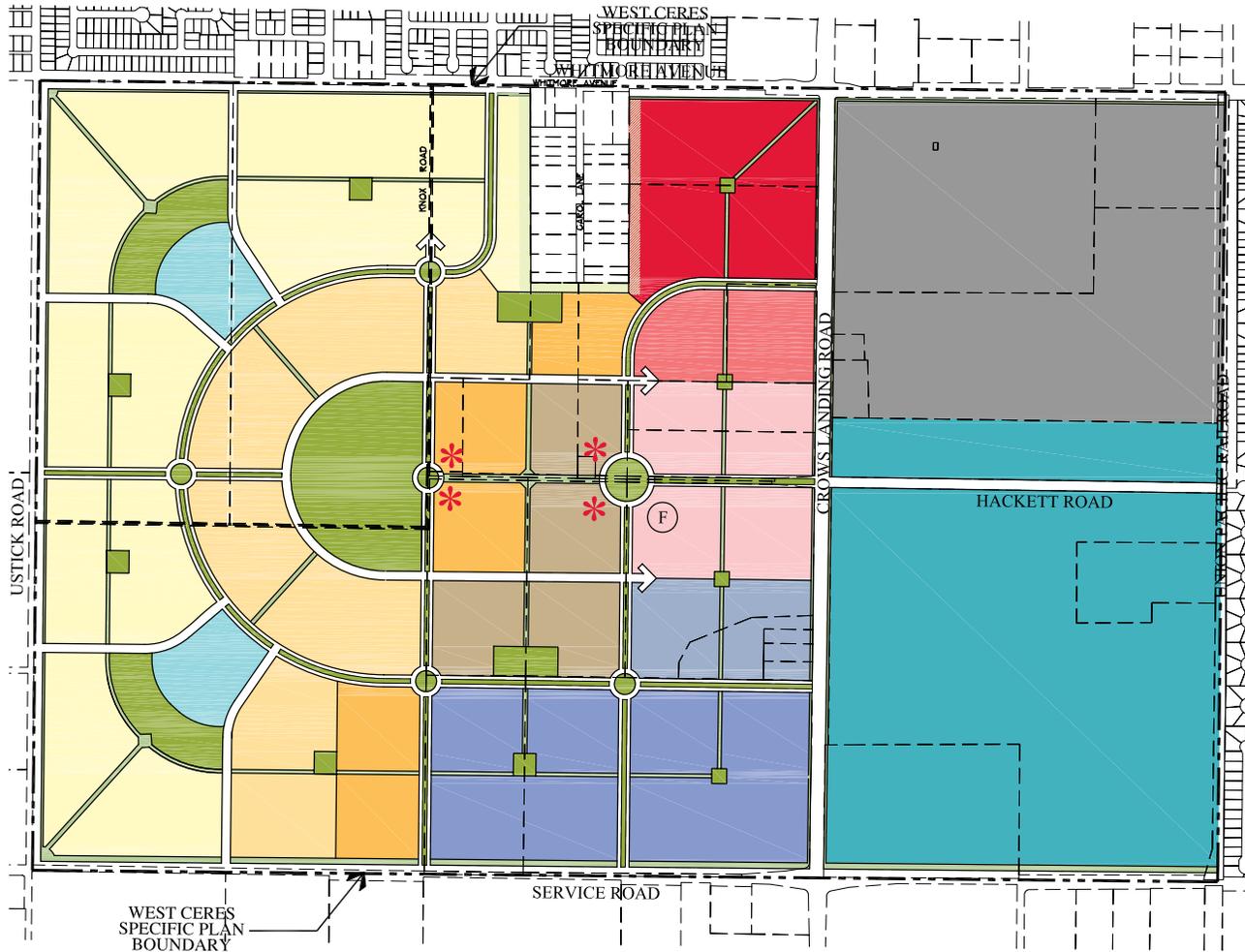
**WOOD RODGERS**  
 DEVELOPING INNOVATIVE DESIGN SOLUTIONS  
 580 Second Street Ste. 200 Tel 510.208.2400  
 Oakland, CA. 94607 Fax 510.208.2401

**Figure 3: Ceres General Plan Designations**



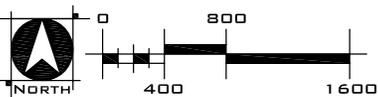
# Figure 4: Preferred Concept Plan West Ceres Specific Plan

NOVEMBER 2008



## LAND USE SUMMARY

GENERAL PLAN	LAND USE	DENSITY RANGE	ACREAGE
	LDR	LOW DENSITY RESIDENTIAL	7 du/ac max. 146.0
	MDR	MEDIUM DENSITY RESIDENTIAL	7-12 du/ac 77.6
	HDR I	HIGH DENSITY RESIDENTIAL I	12-18 du/ac 38.4
	HDR II	HIGH DENSITY RESIDENTIAL II	18-25 du/ac 31.9
	RC	REGIONAL COMMERCIAL	- 34.1
	CC	COMMUNITY COMMERCIAL	- 15.3
	NC/HDR	NEIGHBORHOOD COMMERCIAL	18-25 du/ac 32.2
	O/HDR	OFFICE MIXED-USE	18-25 du/ac 17.7
	LI	LIGHT INDUSTRIAL	- 61.7
	GI	GENERAL INDUSTRIAL	- 126.6
	CF	COMMUNITY FACILITIES	- 173.9
	S	POTENTIAL ELEMENTARY SCHOOL	16.1
	P	PARKS/PLAZAS	- 43.2
	P	PARKWAYS/LANDSCAPE CORRIDORS	- 26.9
	CAROL LANE		- 18.9
	CAROL LANE BUFFER		-
	STREETS		98.9
	* POTENTIAL NEIGHBORHOOD COMMERCIAL SITE		
	(F) POTENTIAL FIRE STATION/POLICE SUBSTATION		
<b>TOTAL</b>			<b>959.4</b>



# Figure 5: Plan Area and Study Intersections





**CHIEF EXECUTIVE OFFICE**  
*Richard W. Robinson*  
Chief Executive Officer

*Patricia Hill Thomas*  
Chief Operations Officer/  
Assistant Executive Officer

*Monica Nino-Reid*  
Assistant Executive Officer

*Stan Risen*  
Assistant Executive Officer

1010 10<sup>th</sup> Street, Suite 6800, Modesto, CA 95354  
P.O. Box 3404, Modesto, CA 95353-3404  
Phone: 209.525.6333 Fax 209.544.6226

## **STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE**

March 2, 2009

Kenneth Craig, Community Development Director  
Community Development Department  
City of Ceres  
2220 Magnolia Street  
Ceres, CA 95307

**SUBJECT: ENVIRONMENTAL REFERRAL – CITY OF CERES – WEST CERES  
SPECIFIC PLAN**

Mr. Craig:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has determined that it may have a significant effect on the environment and submits the following comments for consideration.

### **Stanislaus County Facilities**

The West Ceres Specific Plan area includes the Stanislaus County Public Safety Center and other County offices. The County is currently planning an expansion of the safety center and associated buffer area uses. In 1998, Kitchell CEM completed the original Jail Needs Assessment and Master Plan. An EIR was completed at that time, and included an assessment of the proposed Jail, Sheriff's Operation Center, and other miscellaneous government uses.

The Kitchell report indicated that by 2007, the County would require 1,850 beds at the facility. Current capacity is 1,492 beds.

Through 2008, the basic footprint and building additions have remained true to the original Master Plan. However, the custody ratio has changed from the original projection of an approximate 50/50 split between Medium/Maximum Security and Minimum Security to today's actual split of closer to 80/20, respectfully.

**ENVIRONMENTAL REFERRAL – CITY OF CERES – WEST CERES SPECIFIC PLAN**  
**Page 2**

The County hired TRG consulting in 2007 to re-evaluate and update the projected needs at the jail facility through 2040. Based on that study, the projected capacity of the Jail is as follows:

<b>Adult Detention Facility Beds Needed 2010 - 2040</b>	
<b>Year</b>	<b>Total Beds</b>
2010	1,965 Beds
2020	2,298 Beds
2030	2,618 Beds
2040	2,965 Beds

This capacity can be constructed within the previously identified footprint of the Public Safety Center, and the County will be initiating the Environmental Review of the proposed expansion prior to approval of construction. The West Ceres Specific Plan EIR should include an acknowledgement that the Public Safety Center will be expanding as shown, and that all access to the Center will be off of Crows Landing to Hackett Road. There will be no access to the Public Safety Center on Cornucopia Way or Service Road.

Additional future facilities that were outlined in the original Master Plan include:

1. Construction of an ultimate 8,320 square foot Coroners Facility by 2020;
2. Improvements to the Sheriff's Operation Center (SOC); and
3. Integration of the DA's High Tech Crimes Unit.

Facilities that could be added that were not envisioned in the original Master Plan include possible relocation of the Emergency Operations Center to the SOC. All of these facilities would have access off of Hackett Road and not Cornucopia Way.

The original project description as evaluated in the original EIR included a "buffer area" surrounding the Jail facility. This "buffer area" was defined to include unspecified government services as needed by the County. To date, the Stanislaus County Agricultural Center, Ray Simon Training Center Facility, Sheriff's Posse facilities and other uses have been constructed within the "buffer area".

The County is also currently preparing a proposed Mitigated Negative Declaration for construction of a new Animal Shelter within the "buffer area" adjacent to the Raymond Simon Training Facility. The Shelter would serve both the unincorporated County and our partner cities, and would be located on approximately 5 acres directly to the north of the existing Cornucopia Way entrance off of Crows Landing Road. At full build-out, the 34,925 square foot center could house up to 572 dogs and cats, and include veterinarian services, and adoption center, large animal and farm and native animal housing, and administrative functions.

**ENVIRONMENTAL REFERRAL – CITY OF CERES – WEST CERES SPECIFIC PLAN**  
**Page 3**

Details regarding the proposed Animal Shelter can be found in the Board of Supervisors Agenda report dated February 10, 2009 and available on the web at:

<http://www.stancounty.com/bos/agenda/2009/20090210/B05.pdf>

Additional future uses within the “buffer area” are currently unknown, but could include a variety of government uses as the need arises and if the site is suitable. The West Ceres Specific Plan EIR should assume that ultimately, the entire site will be built out at use intensities as defined in the modified Jail Needs Assessment for the approximate 100 acre core Public Safety Facility, and at intensities similar to those already constructed within the “buffer area”.

**Environmental Health**

Existing on-site well and/or septic tank shall be destroyed under permit from the Department of Environmental Resources and in accordance with all laws and policies (Stanislaus County and California State Model Well Standards).

**Hazardous Materials**

- Applicant shall determine, to the satisfaction of the Department of Environmental Resources (DER), that a site containing (or formerly containing) residences or farm buildings, or structures, has been fully investigated (via Phase I study and Phase II study if necessary) prior to the issuance of a grading permit. DER recommends research be conducted to determine if pesticides were used on the proposed development site if rezoning from agricultural land; if confirmed, suspect site areas should be tested for organic pesticides and metals. Any discovery of underground storage tanks, former underground storage tank locations, buried chemicals, buried refuse, or contaminated soil shall be brought to the immediate attention of DER.
- Applicant should contact the Department of Environmental Resources regarding appropriate permitting requirements for hazardous materials and/or wastes. Applicant and/or occupants handling hazardous materials or generating hazardous wastes must notify the Department of Environmental Resources relative to: (Calif. H&S, Division 20).
  - A. Permits for the underground storage of hazardous substances at a new or the modification of existing tank facilities.
  - B. Requirements for registering as a handler of hazardous materials in the County.
  - C. Submittal of hazardous materials Business Plans by handlers of materials in excess of 55 gallons or 500 pounds of a hazardous material or of 200 cubic feet of compressed gas.
  - D. The handling of acutely hazardous materials may require the preparation of a Risk Management Prevention Program that must be implemented prior to operation of the facility. The list of acutely hazardous materials can be found in SARA, Title III, Section 302.

- E. Generators of hazardous waste must notify the Department of Environmental Resources relative to the: (1) quantities of waste generated; (2) plans for reducing wastes generated; and (3) proposed waste disposal practices.
- F. Permits for the treatment of hazardous waste on-site will be required from the Hazardous Materials Division.
- G. Medical waste generators must complete and submit a questionnaire to the Department of Environmental Resources for determination if they are regulated under the Medical Waste Management Act.

### **Agricultural Resources**

A majority of the West Ceres Specific Plan Area located to the west of Crows Landing Road is currently zoned "General Agriculture" (A-2-40). Three parcels (APN 056-057-003, 056-055-008, 056-055-019) totaling approximately 188 acres are currently enrolled in Williamson Act contracts. One parcel (APN 056-057-003 – 138 Acres) has filed for a non-renewal that becomes effective on January 1, 2016.

Development of the Specific Plan area as proposed could result in direct losses of prime farmland and a mitigation strategy should be developed to offset this loss. Additionally, development as proposed could result in direct and indirect impacts from residential and light industrial uses to adjacent farming operations to the south of Service Road and to the west of Ustick Road. The County has adopted buffer guidelines as part of our Agricultural Element of our General Plan. These guidelines can be accessed at the following web page:

<http://www.stancounty.com/planning/pl/gp/gp-ag-element-a.pdf>

The design of the various neighborhoods (especially along the western boundary) should comply with these buffer guidelines to minimize potential impacts to adjacent farming operations.

### **Infrastructure Systems**

Infrastructure standards and scope must be defined and maintained at the highest order to properly mitigate project impacts. Proper master planning of infrastructure should be included in the Environmental phase. The impact of not having Master Plans is that the full impact of development cannot be assessed. It is anticipated that the West Ceres Specific Plan will provide Master Plans that include fiscal plans based on a capital improvement program, and include an analysis of impact fees, finance options and maintenance and operations funding.

**ENVIRONMENTAL REFERRAL – CITY OF CERES – WEST CERES SPECIFIC PLAN**  
**Page 5**

The following provides an outline of the various Master Plans that are anticipated prior to development:

Transportation Master Plan to identify:

- Regional impacts;
- Phasing plans with triggers for improvements;
- Identification of right of way dedication needed;
- Circulation element;
- Roadway standards;
- Traffic calming standards;
- Public transit planning;
- Maintenance funding;
- IT elements; and
- Bicycle and pedestrian circulation.

Water Master Plan and System Model to identify:

- Study area and land use plan;
- Design criteria: Provide information on service criteria as well as fire protection planning guidance. Specific design criteria shall include: distribution, system piping (sizing, maximum velocity, minimum and maximum pressures, layout, valving, etc.), storage tanks (minimum storage requirements, maximum and minimum base elevations, etc.), pumping facilities (sizing, layout, type, etc.) pipeline materials, and other miscellaneous items;
- Water supply and water demand;
- Water quality summary and potential treatment facilities; and
- Sustainable water supply (SB 610), which may be a combination of surface water, groundwater, and reclaimed water.

Storm Drain Master Plan to identify:

- Topographic surveys;
- Hydraulic analysis;
- Storm drain improvements;
- Basin design standards;
- Outfalls to rivers or canals;
- NPDES/water quality;
- Storm drainage impact fees; and
- Design standards.

Sewer Master Plan to identify:

- Existing system;
- Characteristics of sewer sheds;
- Flow data;
- Wastewater generation factors and peaking factors;

- Sewer hydraulic model;
- Reclaimed water; and
- Treatment facilities and alternatives.

### Fire Protection Services

This proposed project may have a significant adverse impact on the Westport Fire Protection District. At present, there is a financial agreement between the City of Ceres and the Westport Fire Protection District. This agreement includes the G-3 properties.

The significant impact is the annexation of this land to the City of Ceres and the detachment of the land from the Westport Fire Protection District.

On behalf of the Westport Fire Protection District, the following mitigation measures are required.

- At a minimum, the existing agreement between the City of Ceres and Westport Fire Protection District needs to be extended and expanded to include all of the proposed area.

Or,

- A focused EIR on the impact of this project to the Westport Fire Protection District economical viability needs to be done.

The EIR needs to address the loss of revenue from the detachment and how the City of Ceres will make the Westport Fire Protection District whole for the life of the District.

Please note that the economic loss may result in a physical environmental impact. Without a study by the City, this impact can not be properly addressed. The lost revenue may result in a degradation of the Westport Fire Protection District's ability to respond to and fight fires in the remainder of the District. This could result in larger fires resulting in adverse air quality, the production of green house gasses, and the run off of contaminated water to the water shed and ground water.

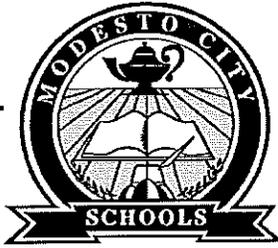
The ERC appreciates the opportunity to comment on this project and the additional time allotted for the submission of this response.

Sincerely,



Raul Mendez, Senior Management Consultant  
Environmental Review Committee

cc: ERC Members



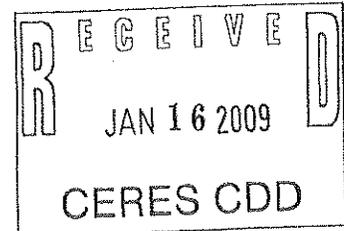
## MODESTO CITY SCHOOLS

Office of Planning and Research  
(209) 576-4032/Fax 576-4879

426 Locust Street, Modesto, CA 95351  
Email: mcgarry.d@monet.k12.ca.us

January 13, 2009

Mr. Barry C. Siebe  
Planning Manager  
City of Ceres  
2220 Magnolia Street  
Ceres, CA 95307



RE: Notice of Preparation – West Ceres Specific Plan

Dear Mr. Siebe:

Modesto City Schools appreciates the opportunity to provide comments regarding the City of Ceres' "West Ceres Specific Plan". The plan is located in unincorporated Stanislaus County, adjacent to the corporate limits of the City of Ceres. The 960 acre plan, if approved, would provide for up to 3,650 residential units, 942,000 sf of retail commercial, 384,000 sf of office space, up to 606,000 sf of light industrial uses, 16 acres for public schools, and 70 acres of parks and open space. Some existing uses will likely remain including, 19 acres of existing residences, the G3 industrial facility, and the 174 acre County facility.

The comments contained herein are only preliminary and based solely upon the information contained in the Notice of Preparation. The district reserves the right to submit additional information as the plan develops.

### Development Mitigation

It is the position of the Modesto City Schools District that development within the District should mitigate 100% of the cost of housing the students generated by that development. In the event that School Facility Programs funds are available from the State, those monies can be used to offset the cost of constructing the school facilities. **Statutory developer fees and state School Facility Program grant amounts DO NOT fully mitigate the cost of constructing school facilities.**

A number of options beyond statutory developer fees are available for mitigating the impact of development upon public schools. They include, but are not limited to, Developer/District negotiated agreements, Mello-Roos Community Facility Districts, and Developer built schools. The District encourages the development community to work with the District achieve appropriate mitigation solutions for the students generated by the development.

Letter to City of Ceres  
NOP - West Ceres Specific Plan

### Student Generation

Two-thirds (2/3) of the plan area lie within the boundaries of the Modesto Elementary and High School district's with all of the planned residential areas occurring fully within the Modesto City Schools' boundaries. The following student generation rates will be applied in determining school facility needs:

Student Generation Rates	K-6	7-8	9-12
Single Family	0.271	0.083	0.176
Multi-Family	0.199	0.021	0.096

In the absence of knowing the actual number of each type of dwelling to be constructed, the maximum number of dwelling units listed for each residential land use designation (page 4 of the NOP) will be assumed.

	# of units	K-6	7-8	9-12	Total
LDR	985	266.93	81.75	173.36	522.04
MDR*	960	260.16	79.68	168.96	508.80
HDR	1,467	291.93	30.80	140.83	463.56
MIXED USE	248	49.35	5.2	23.8	78.35
	3,660	868.37	197.43	506.95	1572.75
*MDR calculated at Single-family generation rate					
LDR	985	266.93	81.75	173.36	522.04
MDR*	940	187.06	19.74	90.24	297.04
HDR	1,467	291.93	30.80	140.83	463.56
MIXED USE	248	49.35	5.2	23.8	78.35
	3,640	795.27	137.49	428.23	1360.99
*MDR Calculated at Multi-family generation rate					

### Facility Needs

Based on the California Department of Education's (CDE) standards, the District's schools are designed to house students as follows:

K-6 600  
7-8 1,000  
9-12 2,500 students

Also based on CDE standards, net acreage requirements for school sites housing the above listed students are as follows:

Elementary Schools: 14 net acres  
Junior High/Middle Schools: 23.5 net acres  
High Schools: 61.5 acres + 5 acres if building a stadium,  
baseball fields with bleachers and dugouts and any aquatic programs = 66.5  
acres

Combining the student generation information with CDE design standards result in the following facility requirements for the Modesto Elementary and High School districts as a result of the West Ceres Specific Plan:

Elementary Schools:	$868/600 = 1.44$ of one Elementary School
Junior High:	$197/1,000 = .197$ of one Junior High
High School:	$507/2,500 = .20$ of one High School

### Current School Facilities

The Modesto Elementary and High School district schools, especially those serving the project area, remain critically overcrowded. The project area is located within the attendance boundaries for Fairview Elementary (K-6), Hanshaw Middle School (7-8), and Downey High (9-12). Fairview Elementary is currently overcrowded and operates on a multi-track year round schedule. Hanshaw Middle School is likewise overcrowded and operating at 90% of impact capacity. Capacity remains at Downey High. Based upon the student generation data, the proposed project could significant impact all three (3) schools and compound existing facility deficiencies at Fairview Elementary.

### Comprehensive Environmental Review (CEQA)

As the Environmental Impact Report(EIR) is developed, it should make reasonable assumptions about all proposed land uses within the plan area, including any and all public facilities, including public schools. Environmental impact review should include:

- ❖ Vehicle trip generations and road segment/intersection analysis
- ❖ Greenhouse emissions – generated by vehicle traffic and potential student exposure
- ❖ Air quality impacts upon future students
- ❖ Noise generated by a public school and noise impacts upon future students
- ❖ Water and Wastewater needs of a public school
- ❖ Storm drainage needs of a public school
- ❖ Conversion of farmland
- ❖ Biological resources
- ❖ Hazardous substances

Pursuant to CEQA Guidelines §15126, the Lead Agency must consider all phases of a project when evaluating its impact upon the environment, including those projects outside of the Lead Agency's control and projects which are growth inducing. It is the position of this District that because school facilities have been identified as part of the specific plan, a generalized analysis can be included in the EIR, regardless of the precise location of the proposed public facility. Furthermore, the District asserts that residential growth of the scale proposed is indeed growth inducing and will, in fact, require additional school facilities in which to serve the students generated by the project. Although a public school to serve the plan area has not been budgeted for at

this time, baseline impacts can be determined and included in the EIR for the plan area.

Summary

Without knowing the actual number of residences to be constructed it is impossible to determine the actual facility needs. However, based on the information in the NOP, the District will require (to the extent that is statutorily permissible by law) the following minimal facilities and will expect development to mitigate 100% of the cost to acquire land and construct new facilities, as necessary:

Elementary Schools:	868/996 = .87 of one Elementary School
Junior High:	197/840 = .23 of one Junior High
High School:	506/2500 = .20 of one High School

In addition, the NOP states the project area contains approximately 161 acres of undeveloped land identified for commercial or industrial uses, 174 acres owned and operated by Stanislaus County, an existing 126 acre industrial facility, and 19 acres of existing residential uses. Any new or expanded commercial or industrial uses are subject to statutory development impact fees. Current fee for commercial or industrial development is \$0.47 per square feet. Expansions to existing County facilities or residential will be subject to statutory fees in compliance with existing State law.

Thank you for the opportunity to comment on the proposed project's NOP. Should you have questions regarding the content of this response letter, please contact me at (209) 576-4032 or via email at [mcgarry.d@monet.k12.ca.us](mailto:mcgarry.d@monet.k12.ca.us).

Regards,



Dana McGarry  
Director, Planning & Research  
Modesto City Schools

# Ceres Unified School District

*"Committed to Excellence, Responsive to Every Student"*

**BOARD MEMBERS:**

*Teresa Guerrero, President  
Eric Ingverson, Clerk  
Betty Davis  
Jim Kinard  
Faye Lane  
Edgar Romo  
Mike Welsh*

**SUPERINTENDENT:**

*Walt L. Hanline, Ed.D.*

January 9, 2009

**RECEIVED**

JAN 9 2009

**CITY OF CERES**

Mr. Brad Kilger  
City Manager  
City of Ceres  
2720 Second Street  
Ceres, CA 95307

Re: California Environmental Quality Act Analysis for the  
Crow's Landing Project – School Issues

Dear Mr. Kilger:

We understand that the City is in the process of finalizing the project description to be used in analyzing the Crow's Landing Project ("Project") under the California Environmental Quality Act ("CEQA"), and will soon be moving forward with the preparation of an Environmental Impact Report ("EIR") for the Project. We are writing to request that the EIR address several issues impacting Ceres Unified School District ("District"). Specifically, we ask that the impacts from a potential reorganization of the District's boundaries be addressed in the EIR. Doing so will allow both the Project and the related possible District reorganization to move forward in the most expeditious fashion.

## CEQA Analysis of Potential School District Reorganization

As the City is aware, the Project area is currently located within the boundary of the Modesto City High School and Elementary School Districts (collectively "Modesto City Schools"), but adjacent to Ceres Unified School District. As the City is also aware, the Project's developer has spoken to the District about the possibility of reorganizing the District boundaries so that the Project will be served by the District's schools. We understand that the developer has also met with City staff and with Modesto City Schools to discuss the possibility of such a reorganization.

District staff is supportive of a boundary adjustment that will bring the Project within the District's jurisdiction, subject to consideration and approval by the CUSD Board of Trustees. The Project will be located within the City of Ceres, and based on its location, will share a common community identity with both the City and the District. The District's existing and planned schools are closer to the Project and will allow for shorter paths of travel than would Modesto City Schools' facilities. These

shorter distances are good both for students, who will have to travel a shorter distance and can stay within their community, and for the environment, since cars would not be on the road as long or as far and more students will be able to walk or ride bikes.

Whether the developer and the school districts are able to reach consensus about such a reorganization or if a petition is filed to commence the process of reorganization, the process, commonly known as a "territory transfer," will be governed by Education Code sections 35700, et seq. The territory transfer process would be overseen by the Stanislaus County Committee on School District Organization ("County Committee"), which is supported by the County Superintendent and the Stanislaus County Office of Education ("SCOE").

As part of its analysis, the County Committee will be required to consider the CEQA impacts of the reorganization. (Fullerton Joint Union High School District v. State Board of Education (1982) 32 Cal.3d 779 (the California Supreme Court ruled that school district reorganization is a "project" within the scope of CEQA).) While a regulation was adopted to remove reorganizations from the definition of a project requiring CEQA review (former Cal. Code Regs., tit. 14, §15378), that regulation was later overturned in court. (Communities for a Better Environment v. California Resources Agency (2002) 103 Cal.App.4th 98, 125.) As a result, "filing of CEQA documents is again required on school district reorganization actions." (Cal. Dept. of Ed., District Organization Handbook, p. 69 (2006).)

In recent years, county offices of education and county committees around the state have struggled to determine how best to address the CEQA requirement relative to a reorganization. This question has grown more complicated following a recent CEQA lawsuit against the State Board of Education regarding an appeal to the State Board of a school boundary reorganization. The case settled, but the settlement included an agreement that the State Board would require a full EIR to address the impacts of the reorganization in that particular case. We are aware that some county offices of education around the state have interpreted this to mean that an EIR is always required. While we do not concur with that position, it has led some county offices to seek and receive waivers from the State Board of Education of statutory time lines to process a reorganization petition. This contributes to delays that can lead to situations in which residential development progresses before the issue of which school district will serve the development is resolved. This, in turn, leads to disruption for future residents and makes it difficult for school districts to plan facilities accordingly.

Additionally, delays regarding the reorganization can contribute to delays in development projects, as potential challenges are raised to moving forward without knowing which school district will serve a project. These can include challenges under CEQA alleging that the lead agency has illegally "piecemealed" the project so that the impact of the development and the impact of a territory transfer that is being necessitated by the development are not considered at the same time.

To avoid these types of problems and potential delays, it would be preferable for the Project EIR to consider the need for a territory transfer that will be created solely because of the Project, as well as the resulting impacts from such reorganization, if any. Where CEQA analysis for a new residential development includes analysis of related school boundary issues and potential reorganization, we are aware that other county offices of education have been willing to rely on that analysis, without having to undertake their own separate CEQA study. This avoids piecemealing the analysis of potential impacts, and complies with the intent of CEQA to consider the entirety of related, simultaneous

actions, as well as the cumulative impacts stemming from such actions. To the extent that the reorganization is not itself part of the Project, it can still be addressed within the EIR, whether under Project alternatives, mitigation measures, or otherwise.

#### Other Impacts on Schools

District staff also requests that the EIR have a full and complete analysis of the impact of the Project on schools. It is clear that a development of this size will lead to the need to expand existing schools and/or construct new ones, regardless of which school district serves the Project. We would be happy to provide you with a more detailed discussion of the scope of the EIR in relation to school issues at a future date, but did want to make our initial request that the impact on schools be assessed. Such assessment would include analysis both of the nature and extent of the impact on schools and mitigation measures that are available to address those impacts. It is our hope that the City's CEQA consultant will coordinate with the impacted school districts to obtain information necessary for the EIR regarding schools, as well as information concerning the nature and extent of the impacts.

California school districts are dependent on the provisions of Government Code sections 65995, et seq., and Education Code sections 17600, et seq., for financing new school facilities and for the cost of maintaining existing facilities to the extent necessary to continue providing existing levels of service. The developer fees mandated by Section 65995 provide the District the bulk of its financing for facilities needs related to new development. In the District's case, even after developer fees as well as potential state funding are taken into consideration, the District estimates that there could be a shortfall per single family residential unit of approximately \$8,400; for multi-family units, the shortfall is estimated at almost \$4,000 per unit. While District staff supports a territory transfer so that the District would serve the Project, the District's ability to do so will depend in large part on addressing those shortfalls. We note that even if Project were to stay in Modesto City Schools, we would expect that the possibility of significant shortfalls also exist there. These are issues that will have to be taken into consideration in the EIR.

While the foregoing funding considerations are fiscal, they translate directly into physical, environmental impacts, in that inadequate funding for new school construction can result in overcrowding of existing facilities. Furthermore, fiscal and social considerations are relevant to an EIR, particularly when they either contribute to or result from physical impacts. (Pub. Resources Code § 21001(g); Cal. Code Regs., tit. 14, §§ 15021(b), 15131(a) – (c) & 15382.)

There are also impacts related to schools from new development that are themselves physical impacts. This includes traffic related impacts stemming from transportation between the new homes and schools that will serve the residents, as well as noise issues that could impact schools.

#### Conclusion

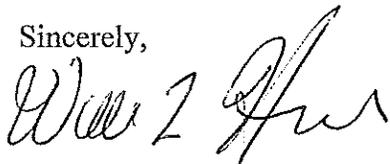
For the reasons stated above, we urge the City to analyze the District boundary issues in the EIR, including consideration of the impacts of a boundary adjustment. We believe that an adjustment that will bring the Project within the District is likely to have beneficial impacts, reducing the overall impact of the Project. We also request that the City carefully look at the issue of the impacts on schools to ensure that they are sufficiently addressed and mitigated.

City of Ceres  
January 9, 2009  
Page 4

We look forward to working with the City in relation to the Project, and would be happy to answer any questions you may have.

Thank you.

Sincerely,

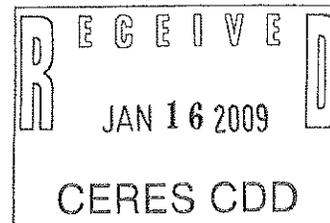
A handwritten signature in black ink, appearing to read "Walt Hanline". The signature is written in a cursive style with a large, stylized initial "W".

Walt Hanline, Ed.D.  
Superintendent

cc: CUSD Board of Trustees  
Scott Siegel, Deputy Superintendent

January 13, 2009

Barry Siebe  
City of Ceres  
2220 Magnolia Street  
Ceres, CA 95307



**SUBJECT: WEST CERES SPECIFIC PLAN - NOTICE OF PREPARATION**

Dear Mr. Siebe:

Thank you for the opportunity to review the Notice of Preparation (NOP) for the City's preparation of a draft Environmental Impact Report (EIR). The following comments are provided for the City's consideration:

1. As Lead Agency, the City of Ceres is responsible for considering the effects, both individual and collective, of all activities involved in the project (Public Resources Code §21102.1). LAFCO is a Responsible Agency and will utilize the CEQA documents prepared by the City in reviewing the subject proposal.
2. As a portion of the proposed annexation area is outside of the City's current Sphere of Influence, the project will also necessitate a Sphere of Influence (SOI) amendment. Due to the size of this amendment, the City will also need to prepare a Municipal Service Review (MSR) prior to or concurrent with the SOI amendment (per Government Code §56425 and 56430).

Local LAFCO policy states that a Primary Area of Influence shall also be identified, representing the City's short-term growth area. Lands within the Primary Area are eligible for annexation and extension of urban services within a zero to ten year period. Territory between an adopted Primary Area and Sphere of Influence is considered a transition area, anticipated to need services within ten to twenty years. In order to preclude urban sprawl within an adopted sphere of influence, these transition areas are not considered eligible for annexation. Therefore, any area proposed for annexation must also be within the City's Primary Area of Influence.

3. Agricultural Resources - The area proposed for addition into the City's Sphere of Influence and concurrent annexation includes an area currently designated as "General Agriculture" on the County's General Plan and "Residential Reserve" on the City's General Plan. The City's General Plan describes these areas with the goal that they be maintained for consideration of development projected to occur beyond 2015.

The NOP notes the current proposal would necessitate an amendment to the City's General Plan as "the proposed plan would represent an acceleration of timing implied by the current Urban Growth Designations."

The purposes of LAFCO, as set forth by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 include discouraging urban sprawl, encouraging orderly formation and development of local governmental agencies, and the protection and promotion of agriculture. Per LAFCO policy, amendment proposals involving Sphere expansion which contains prime agricultural land will not be approved by LAFCO if there is sufficient alternative land available for annexation within the existing Sphere of Influence. An application for a sphere amendment and concurrent annexation of this reserve area should include a discussion explaining the City's preference to convert its Residential Reserve lands at an accelerated timing in advance of other lands within its existing sphere boundaries.

4. Williamson Act Contracted Lands - The proposed West Ceres Specific Plan study area includes prime farmland and 187± acres under Williamson Act contracts. The Williamson Act is considered a mechanism to preserve agricultural land both in the short and long term. The EIR should discuss the location of these lands as it relates to possible phasing, general plan policies, development, and financing scenarios which would preserve the agricultural viability of this land as long as possible.

Government Code §51243.5 requires the Commission to determine whether a city may exercise an option not to succeed to a Williamson Act contract upon annexation. As identified in the law, the city may exercise its option not to succeed to the contract if it is determined by LAFCO that each of the following had occurred prior to January 1, 1991:

- The land being annexed was within one mile of the city's boundary when the contract was executed;
- The City had filed with the local agency formation commission a resolution protesting the execution of the contract;
- The local agency formation commission had held a hearing to consider the city's protest to the contract;
- The local agency formation commission had found that the contract would be inconsistent with the publicly desirable future use and control of the land; and,
- The local agency formation commission had approved the city's protest.

If the City intends not to succeed to any of the contracts upon annexation, this should be stated in any resolution adopted by the City approving the proposal. Pursuant to Government Code §56754, the Commission shall determine whether the City shall succeed to the Williamson Act rights, duties, and powers of the County pursuant to §51243, or if the City may exercise its option to not to succeed to the contracts pursuant to §51243.5.

5. City-County Meeting and Agreement – Per Government Code §56425(b), "Prior to a city submitting an application to the commission to update its sphere of influence, representatives from the city and representatives from the county shall meet to discuss the proposed new boundaries of the sphere..." The section goes on to state that the commission shall give great weight to the agreement in its final determination of the city sphere.

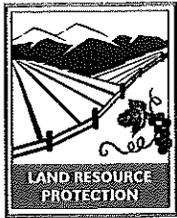
6. Due to the proposed sphere amendment, at the time of application to LAFCO, a "Sphere of Influence Supplemental Application" will need to be submitted along with the general application form. (Both forms are available on the LAFCO website: [www.stanislauslafco.org](http://www.stanislauslafco.org))
7. Streets and Canals – Per LAFCO policy, the boundaries of the annexation proposal should include the entire rights-of-way of surrounding streets and canals. At the time of application to LAFCO, an original map and legal description, consistent with State Board of Equalization requirements, will need to be provided.
8. Prezoning – As required by Government Code §56375, the subject area must be prezoned prior to submittal of an annexation application to LAFCO.
9. Pursuant to LAFCO policies, the proposal must show that the City has the necessary services available to serve the proposed annexation area. This analysis must include detailed evidence of current service levels, sufficient sewer capacity, sufficient quantities and quality of water, police and fire services, and financing mechanisms. This information can also be used to prepare the "Plan for Services" required by LAFCO Policy and State Law (Government Code §56653), which requires information on the present and future level of services, and evidence that the annexing agency can at least maintain the current level of public services already provided within its boundaries.
10. The proposed territory is located within the Westport Fire Protection District and will detach from the District upon annexation to the City of Ceres. Therefore, as Lead Agency, the project description and environmental analysis must include a discussion of the impacts of the detachment from the Westport Fire Protection District.

Please include LAFCO in any future referrals involving this project. If you have any questions regarding this matter, please contact our office at (209) 525-7660.

Sincerely,



Sara Lytle-Pinhey  
Assistant Executive Officer



# DEPARTMENT OF CONSERVATION

## DIVISION OF LAND RESOURCE PROTECTION

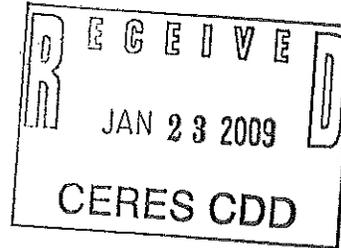
801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0860 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE [conservation.ca.gov](http://conservation.ca.gov)

January 21, 2009

**VIA FACSIMILE (209) 538-5780**

Barry Siebe  
City of Ceres  
2220 Magnolia Street  
Ceres, CA 95307



Dear Mr. Siebe:

Subject: West Ceres Specific Plan Notice of Preparation (Stanislaus County)  
**SCH# 2008122087**

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation (NOP) for the referenced project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the project's impacts on agricultural land and resources.

### Project Description

The West Ceres Specific Plan project includes the approval of the West Ceres Specific Plan (WCSP) and annexation of the plan area into the City of Ceres (City). The proposed project is a mixed-used master planned community. The 960-acre WCSP is located in an unincorporated area of Stanislaus County. The NOP notes that the project's environmental impacts associated with the conversion of agricultural land to non-agricultural uses, as well as potential conflicts with lands under Williamson Act contracts, will be evaluated in the Draft Environmental Impact Report (DEIR). Therefore, the Division recommends that the DEIR address the following items to provide a comprehensive discussion of potential impacts of the project on agricultural land and activities:

### Agricultural Setting of the Project

- Location and extent of Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and other types of farmland in and adjacent to the project area.
- Current and past agricultural use of the project area. Please include data on the types of crops grown, and crop yields and farm gate sales values.

To help describe the full agricultural resource value of the soils on the site, the Department recommends the use of economic multipliers to assess the total contribution of the site's potential or actual agricultural production to the local, regional and state economies. Two sources of economic multipliers can be found at the University of California Cooperative Extension Service and the United States Department of Agriculture (USDA).

### Project Impacts on Agricultural Land

- Type, amount, and location of farmland conversion resulting directly and indirectly from project implementation and growth inducement, respectively.
- Impacts on current and future agricultural operations; e.g., land-use conflicts, increases in land values and taxes, vandalism, etc.
- Incremental project affects leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely projects in the future.

Under California Code of Regulations §15064.7, impacts on agricultural resources may also be both quantified and qualified by use of established thresholds of significance. As such, the Division has developed a California version of the USDA Land Evaluation and Site Assessment (LESA) Model. The California LESA model is a semi-quantitative rating system for establishing the environmental significance of project-specific impacts on farmland. The model may also be used to rate the relative value of alternative project sites. The LESA Model is available on the Division's website at:

[http://www.consrv.ca.gov/DLRP/qh\\_lesa.htm](http://www.consrv.ca.gov/DLRP/qh_lesa.htm)

### Mitigation Measures

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department recommends the use of permanent agricultural conservation easements on land of at least equal quality and size as partial compensation for the direct loss of agricultural land. If a Williamson Act contract is terminated, or if growth inducing or cumulative agricultural impacts are involved, the Department recommends that this ratio of conservation easements to lost agricultural land be increased. Conservation easements will protect a portion of those remaining land resources and lessen project impacts in accordance with California Environmental Quality Act (CEQA) Guideline §15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands should be conducted regionally or statewide, and not limited strictly to lands within the project's surrounding area.

Other forms of mitigation may be appropriate for this project, including:

- Directing a mitigation fee to invest in supporting the commercial viability of the remaining agricultural land in the project area, County or region through a mitigation bank that invests in agricultural infrastructure, water supplies, marketing, etc.

The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the address or phone number below. General information about agricultural conservation easements, the Williamson Act, and provisions noted above is available on the Department's website. The Division's website address is:

<http://www.conservation.ca.gov/dlrp/index.htm>

Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

#### Williamson Act Lands

Under California Code of Regulations §15206(b)(3), a project is deemed to be of statewide, regional or area-wide significance if it would result in the cancellation of a Williamson Act for any parcel of 100 or more acres. The public agency responsible for such a project must submit a Draft Environmental Impact Report or Negative Declaration to the State Clearinghouse and the appropriate metropolitan area council of governments for review and comment. In either of these two CEQA documents, the Department recommends that the following information be provided and/or discussed:

- A map detailing the location of agricultural preserves and contracted land within each preserve. The CEQA document should also tabulate the number of Williamson Act acres, according to land type (e.g., prime or non-prime agricultural land), which could be impacted directly or indirectly by the project.
- A discussion of Williamson Act contracts that may be terminated in order to implement the project. The CEQA document should discuss the potential impacts on nearby properties resulting from the termination of adjacent Williamson Act contracts. For example, a termination of a Williamson Act contract may have a growth-inducing impact on adjacent lands. In other words, a contract termination may not only lift a barrier to development, but also result in higher property taxes, and thus, an incentive to shift to a more intensive land use, such as urban development.
- As a general rule, land can only be withdrawn from a Williamson Act contract through the nine-year non-renewal process. Immediate termination via cancellation is reserved for "extraordinary circumstances" (See Sierra Club v. City of Hayward (1981) 28 Cal.3d 840, 852-855). Under Government Code §51282, the city or county must approve a request for cancellation and base that approval on specific findings that are supported by substantial evidence. When cancellation is proposed, the Department recommends that a discussion of the findings be included in the CEQA document. Finally, a notice of the hearing to approve the tentative cancellation and a copy of the landowner's petition must be mailed to the Director of the Department ten working days prior to the hearing. (The notice should be mailed to Bridgett Luther, Director, Department of Conservation, c/o Division of Land Resource Protection, 801 K Street MS 18-01, Sacramento, CA 95814-3528)

- Under Government Code §51243, if a city annexes land under a Williamson Act contract, the city must succeed to all rights, duties, and powers of the county under the contract. However, under Government Code §51243.5, a city may exercise its option not to succeed to the contract if certain conditions are met. LAFCO must notify the Department within 10 days of a city's proposal to annex land under a contract (Government Code §56753.5). Additionally, LAFCO must not approve a change to a sphere of influence or annexation of contracted land to a city unless certain conditions are met (see Government Code §§51296.3, 56426, 56426.5, 56749 and 56856.5).
- If portions of the planning area are under Williamson Act contracts (and will continue to be under contract after project implementation), the CEQA document should discuss the proposed uses for those lands. Uses of contracted land must meet compatibility standards identified in Government Code §§51238 - 51238.3. Otherwise, contract termination (see paragraph above) must occur prior to the initiation of the land use.
- An agricultural preserve is a zone authorized by the Williamson Act and established by the local government to designate qualified land to be placed under the Williamson Act's 10-year contracts. Preserves are also intended to create a setting for contract-protected lands that is conducive to continuing agricultural use. Under Government Code §51230, "An agricultural preserve may contain land other than agricultural land, but the use of any land within the preserve and not under contract shall within two years of the effective date of any contract on land within the preserve be restricted by zoning, including appropriate minimum parcel sizes that are at a minimum consistent with this chapter, in such a way as not to be incompatible with the agricultural use of the land." Therefore, the CEQA document should also discuss any proposed general plan designation or zoning within agricultural preserves affected by the project.

Thank you for giving us the opportunity to comment on this NOP. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Elliott Lum, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814; or, phone (916) 324-0869.

Sincerely,



Dan Otis  
Program Manager  
Williamson Act Program

cc: State Clearinghouse

STATE OF CALIFORNIA  
 FACSIMILE COVER  
 10-2A-0049

<b>TO:</b>  <b>Barry Siebe</b>		<b>FROM: Janet P. Jaramillo, Transportation Planner Caltrans – D10, Intergovernmental Review</b>	
		<b>DEPARTMENT OF TRANSPORTATION 1976 EAST CHARTER WAY STOCKTON, CA 95205</b>	
<b>UNIT/COMPANY:</b>  <b>City of Ceres</b>		<b>DATE: 01-26-09</b>	<b>TOTAL PAGES (Including Cover Page): 2</b>
		<b>FAX #</b>  <b>(209) 942-7164</b>	<b>ATSS FAX</b>  <b>N/A</b>
<b>DISTRICT/CITY:</b>  <b>Ceres</b>		<b>PHONE #</b>  <b>(209) 942-6022</b>	<b>ATSS</b>  <b>N/A</b>
<b>PHONE #</b>  <b>(209) 538-5774</b>	<b>FAX #</b>  <b>(209) 538-5759</b>	<b>ORIGINAL DISPOSITION:</b>	

**RE: 10-STA-99-PM R011.908**  
 Notice of Preparation for the  
 West Ceres Specific Plan Draft  
 Environmental Impact Report  
 State Clearinghouse No. 2008122087

Thank you,

- Janet -

**DEPARTMENT OF TRANSPORTATION**

P.O. BOX 2048 STOCKTON, CA 95201  
(1976 E. CHARTER WAY/1976 E. DR. MARTIN  
LUTHER KING JR. BLVD. 95205)  
TTY: California Relay Service (800) 735-2929  
PHONE (209) 941-1921  
FAX (209) 948-7194



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January 26, 2009

**10-STA-99-R011.908  
Notice of Preparation (NOP) for the  
West Ceres Specific Plan Draft  
Environmental Impact Report (EIR  
State Clearinghouse No. 2008122087**

Mr. Barry Siebe  
City of Ceres  
2220 Magnolia Street  
Ceres, CA 95307

Dear Mr. Siebe:

The California Department of Transportation (Caltrans) appreciates the opportunity to review and comment on the NOP for the West Ceres Specific Plan Draft EIR located in an unincorporated area of Stanislaus County, adjacent to the City of Ceres.

We have circulated a copy of the application our functional unit for review. Caltrans has the following comment:

- In order to determine the opening day impacts of each of the individual projects, a traffic study will need to be submitted for each project as they begin to develop.

Caltrans encourages contacting the Native American Heritage Commission: 915 Capitol Mall, Room 364, Sacramento, California, 95814, Telephone (916) 657-5390 for advice on consulting with Native Americans regarding any cultural concerns within the project area.

We look forward to continuing to work with you in a cooperative manner. If you have any questions, please contact Janet P. Jaramillo at (209) 942-6022 (email: [jjaramil@dot.ca.gov](mailto:jjaramil@dot.ca.gov)) or me at (209) 941-1921.

Sincerely,

*Janet P. Jaramillo*

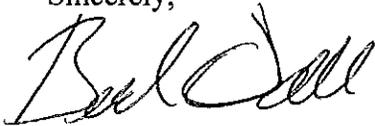
*-for-* TOM DUMAS, Chief  
Office of Metropolitan Planning

c: Scott Morgan, State Clearinghouse

3. Whitmore Avenue is planned as a 4-lane minor arterial street in the Modesto General Plan without the anticipation of the proposed regional commercial center. The EIR should examine the number of lanes needed on Whitmore Avenue, especially the segments along the regional commercial development.
4. Ustick Road is one mile from Crows Landing Road. This is on the one-mile grid for arterial streets. The specific plan should designate Ustick Road as an arterial street and acquire the right of way for it.
5. The estimated employee density rate for the commercial development is too low. The assumed 1,430 employees on 81.6 acres results in 17.5 employees/acre. The employee density rate for commercial development in the Modesto General Plan is 24 employees/acre. This rate is more accurate in projecting the new traffic generated from commercial development than the lower rate.
6. The specific plan should extend Carol Lane and connect it to the new residential street. Otherwise, without a local access road, each short, local trip from these houses has to travel on the arterial street. This is not desirable to the traffic safety and operation of the arterial street and its intersections.

Please contact me directly at 209.577.5273 if you would like to discuss this letter. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Wall". The signature is fluid and cursive, with the first name "Brad" being more prominent than the last name "Wall".

Brad Wall, AICP  
Principal Planner

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298



January 21, 2009

Barry Siebe  
City of Ceres  
2220 Magnolia Street  
Ceres, CA 95307

Re: Notice of Preparation (NOP), Draft Environmental Impact Report (EIR)  
West Ceres Specific Plan /SCH# 2008122087

Dear Mr. Siebe:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers.

The Commission recommends that the City include consideration of potential project-related rail safety impacts and measures to reduce adverse impacts of the proposed project to the Whitmore Avenue at-grade crossing (CPUC # 075C-6.07). The project's traffic impact study (TIS) is the mechanism by which to address these concerns since it will be the basis for the analysis within the Transportation/Circulation section of the DEIR.

In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians. Changes in land use should not be allowed that would permit housing adjacent to existing rail yards. Similarly, where a need for grade-separated crossings is identified, new development should not be placed adjacent to at-grade highway rail crossings, within the footprint of land needed for future grade-separation structures.

General categories of measures to reduce potential adverse impacts on rail safety include:

- Installation of grade separations at crossings, i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossings
- Installation of additional warning signage
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption
- Installation of median separation to prevent vehicles from driving around railroad crossing

gates

Barry Siebe  
City of Ceres  
SCH#2008122087  
January 21, 2009  
Page 2 of 2

- Where soundwalls, landscaping, buildings, etc. would be installed near crossings, maintaining the visibility of warning devices and approaching trains
- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices and channelization
- Installation of additional traffic lanes through the crossing to accommodate additional traffic
- Construction of pull-out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

CPUC also encourages localities to set up mechanisms whereby new developments pay a fair share of their impact costs to fund the above measures if not already in an existing Fee program by the City or a Regional Fee program.

Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing.

Please forward the revised Traffic impact Study (TIS) scope, so we may have an opportunity to review the proposed analysis which will make our review more efficient and expedient during the DEIR.

Thank you for your consideration of these comments and we look forward to working with the City on this project. If you have any questions in this matter, please call me at (415) 713-0092 or email at [ms2@cpuc.ca.gov](mailto:ms2@cpuc.ca.gov).

Sincerely,

Moses Stites  
Rail Corridor Safety Specialist  
Consumer Protection and Safety Division  
Rail Transit and Crossings Branch  
515 L Street, Suite 1119  
Sacramento, CA 95814