

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Public Works *[Signature]*

BOARD AGENDA # \*C-4

Urgent  Routine

AGENDA DATE July 1, 2008

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval to Adopt the Mitigated Negative Declaration for Stanislaus County Intersection Improvements at Las Palmas and Elm Avenue and Las Palmas Avenue and Sycamore Avenue

STAFF RECOMMENDATIONS:

1. Find the project is consistent with the overall goals and policies of the Stanislaus County General Plan.
2. Adopt the Mitigated Negative Declaration pursuant to CEQA Guidelines Section 15074(B), by finding on the basis of the whole record, including the Initial Study and any comments received, that there is no substantial evidence the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects Stanislaus County's independent judgment and analysis.
3. Order the filing of a Notice of Determination with the Stanislaus County Clerk-Recorder's Office pursuant to Public Resources Code Section 21125 and CEQA Guidelines Section 15075.

FISCAL IMPACT:

There is no direct fiscal impact associated with the recommended actions for adoption of the Mitigated Negative Declaration.

BOARD ACTION AS FOLLOWS:

No. 2008-514

On motion of Supervisor Grover, Seconded by Supervisor DeMartini  
and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, DeMartini and Chairman Mayfield

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:

*Christine Ferraro*

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Adopt the Mitigated Negative Declaration for Stanislaus County Intersection Improvements at Las Palmas and Elm Avenue and Las Palmas Avenue and Sycamore Avenue

DISCUSSION:

In March 2007, the Board of Supervisors awarded a contract to Associated Engineering for environmental and engineering services for the Las Palmas Avenue at Elm Avenue and Las Palmas Avenue at Sycamore intersection improvements.

The project consists of intersection improvements and signals at two intersections very similar in nature located at Las Palmas Avenue at Sycamore Avenue and Las Palmas Avenue at Elm Avenue. Improvements are needed to accommodate additional traffic related to general growth in the region.

The proposed new traffic signals and additional through and turn lanes will improve traffic safety and enhance the flow of traffic through these intersections. Installation of safety lighting and shoulder widening will also be completed.

Pursuant to the California Environmental Quality Act (CEQA), Associated Engineering has prepared and circulated an Initial Study/Mitigated Negative Declaration to various agencies and to the public. The public comment period closed on April 18, 2008. Department staff received comments from three agencies and has incorporated the comments into the final Mitigated Negative Declaration.

After adoption of the Mitigated Negative Declaration, Associated Engineering will proceed with right-of-way purchase on nine parcels. The total area to be purchased is approximately 43,452 square feet.

Plans, Specifications, and right-of-way purchases is tentatively scheduled for Board approval in December 2008 with construction to begin in March 2009.

POLICY ISSUES:

The Board should consider if the recommended actions are consistent with its priorities of providing a safe community, a healthy community and a well-planned infrastructure system.

STAFFING IMPACT:

There is no staffing impact associated with this item.

PS:sr

L:\ROADS\9725 - Las Palmas Ave at Elm Ave\Design Division\Board Items\Las Palmas @ Elm 7-1-08

FINAL INITIAL STUDY/  
MITIGATED NEGATIVE DECLARATION

LAS PALMAS TRAFFIC SIGNAL PROJECT  
IMPROVEMENTS TO THE INTERSECTIONS OF  
LAS PALMAS AVENUE/SYCAMORE AVENUE AND  
LAS PALMAS AVENUE/ELM AVENUE  
NEAR THE CITY OF PATTERSON, CALIFORNIA

STATE CLEARINGHOUSE NO.: 2008032071

June 6, 2008

**InSite**  
environmental, inc.

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Prepared for:  
County of Stanislaus  
Public Works Department  
1716 Morgan Road  
Modesto, CA 95358

**FINAL INITIAL STUDY/  
MITIGATED NEGATIVE DECLARATION**

**LAS PALMAS TRAFFIC SIGNAL PROJECT  
IMPROVEMENTS TO THE INTERSECTIONS OF  
LAS PALMAS AVENUE/SYCAMORE AVENUE AND  
LAS PALMAS AVENUE/ELM AVENUE  
NEAR THE CITY OF PATTERSON CALIFORNIA**

**STATE CLEARINGHOUSE NO.: 2008032071**

**June 6, 2008**

**Prepared for:  
County of Stanislaus  
Public Works Department  
1716 Morgan Road  
Modesto, CA 95358**

**Prepared by:  
InSite Environmental  
6653 Embarcadero Drive, Suite Q  
Stockton, CA 95219  
(209) 472-8650**

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## 1.0 INTRODUCTION

The proposed project involves the improvement of two existing County road intersections located in the vicinity of the City of Patterson in western Stanislaus County. The Stanislaus County Public Works Department proposes to install new traffic signals and make related improvements to the existing intersections of Las Palmas Avenue with Sycamore Avenue and Elm Avenue. The two intersections are located approximately one mile apart and east of the City of Patterson.

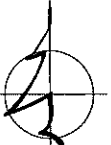
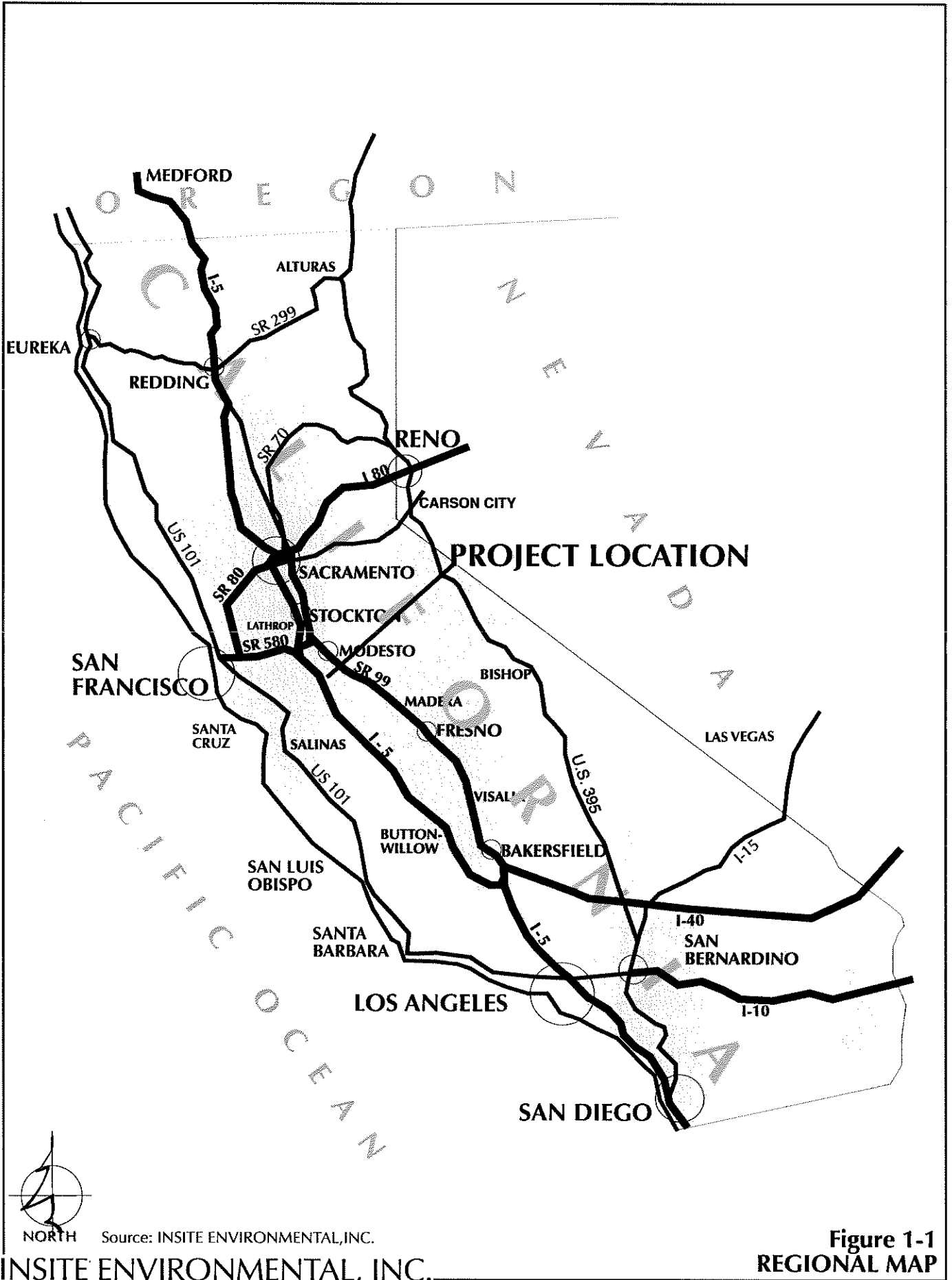
Proposed intersection improvements would include the widening of the Sycamore Avenue approaches to Las Palmas Avenue to allow the installation of new left turn lanes and additional shoulder width. The Elm Avenue approaches to Las Palmas Avenue would also be widened but only to provide additional shoulder width; left turn lanes would not be provided on Elm Avenue. At both locations, the overall intersection footprint would be enlarged to provide additional turning radii for right turn movements. The existing pavement width along Las Palmas Avenue would not be increased; however, the existing roadway section would be overlaid with new pavement and re-striped.

Proposed improvements to the Las Palmas/Sycamore Avenue intersection would include the relocation of four existing date palm trees that are located within the proposed intersection improvements. Similarly, improvements at Las Palmas/Elm Avenue would involve the relocation of three existing date palm trees. These trees would be removed and replanted within the Las Palmas Avenue right-of-way within existing gaps in the tree plantings as a part of the project. The location of the proposed project is shown on Figures 1-1 through 1-4.

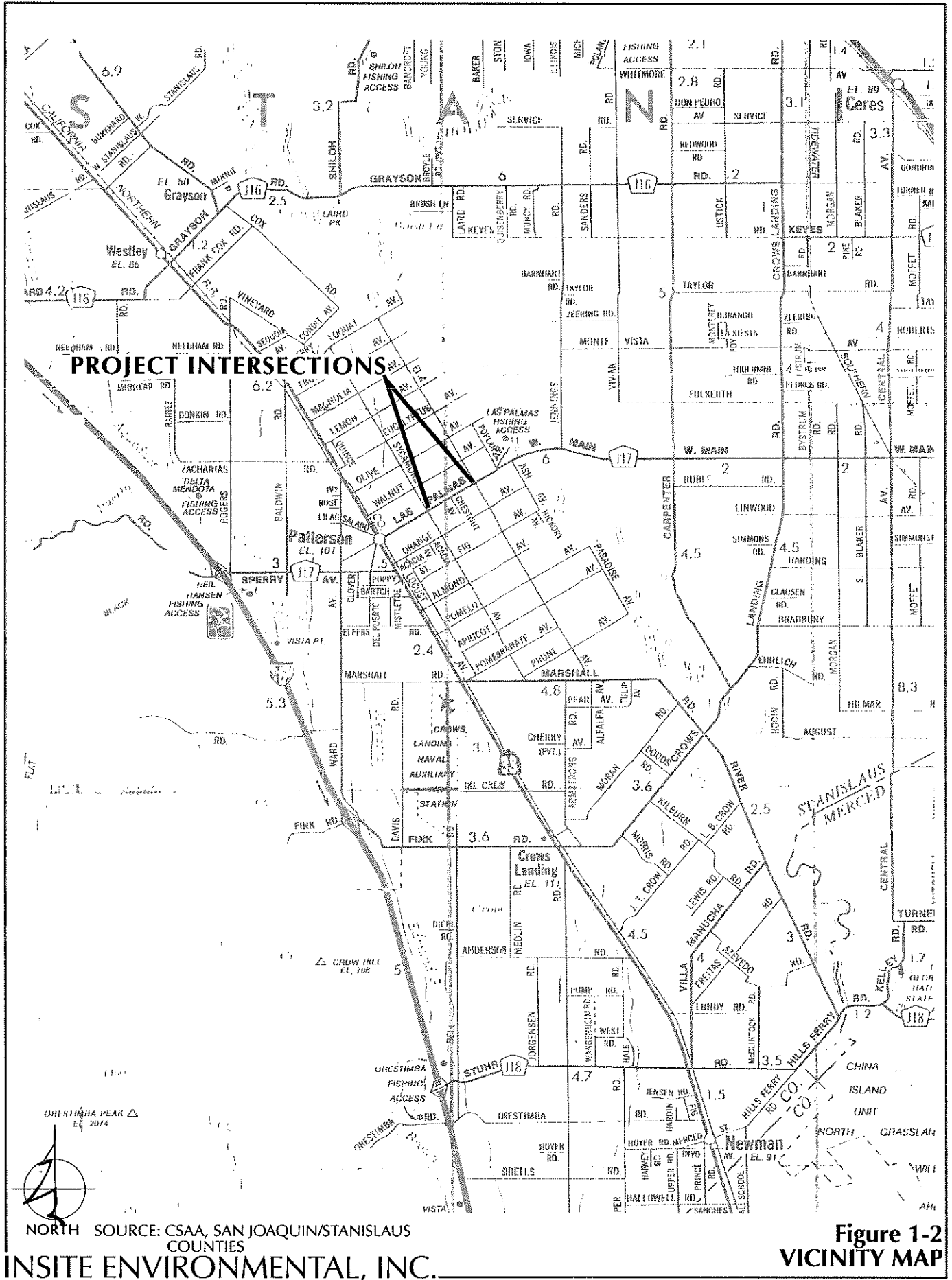
An Initial Study and proposed Mitigated Negative Declaration (IS/MND) for the Las Palmas Traffic Signal Project was prepared by Department of Public Works, County of Stanislaus, and circulated for a 30-day agency and public comment period extending from March 19, 2008 until April 18, 2008. Copies of the public review legal notices and transmittal documents are shown in Appendix A.

This Final IS/MND, when combined with the Public Review Draft of the IS/MND, constitutes the complete environmental review document for the Las Palmas Traffic Signal Project. The IS/MND will be considered the Board of Supervisors of the County of Stanislaus before making its decision on the project.

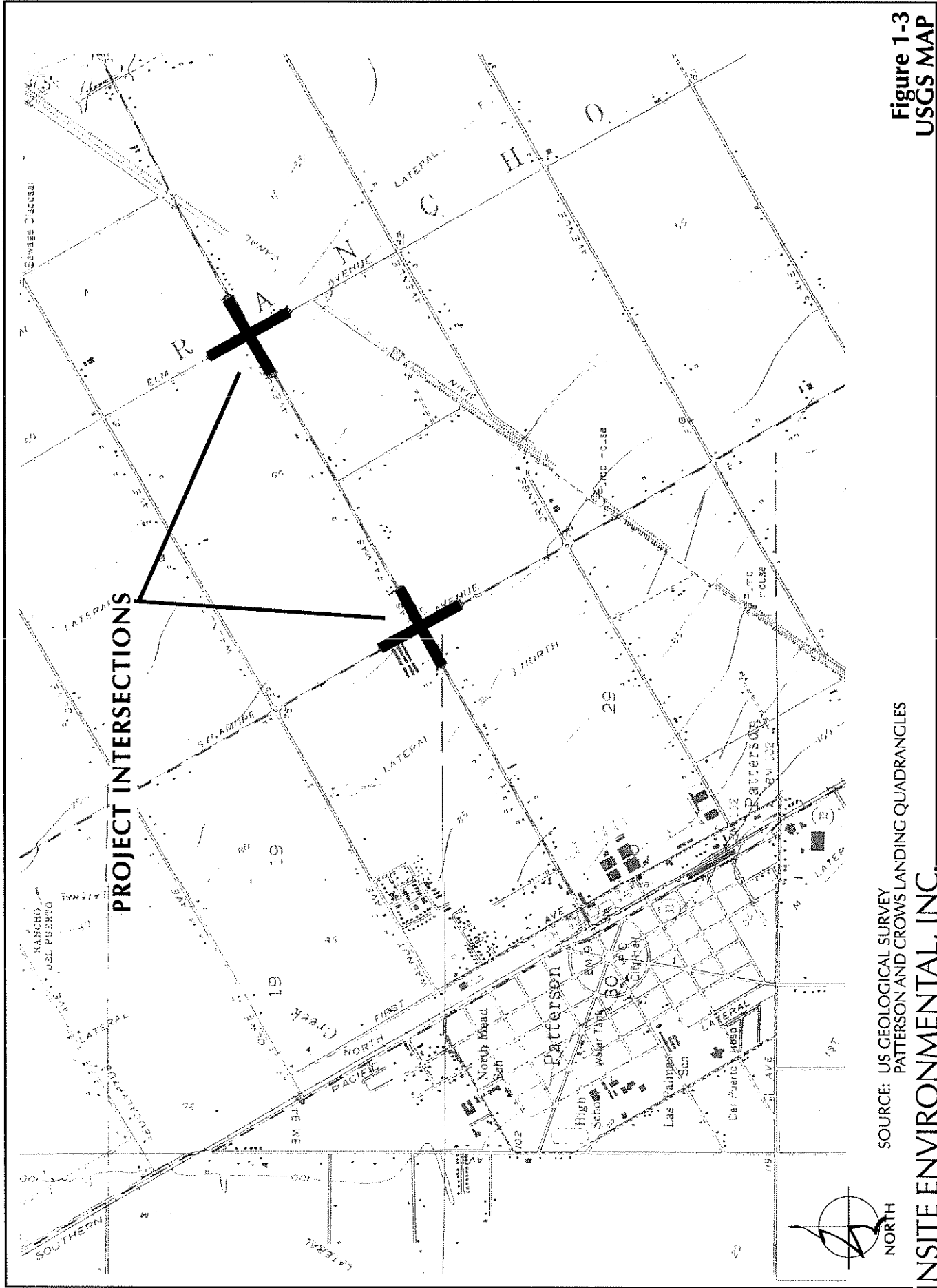
This Final IS/MND contains a summary of the environmental effects of the project (Section 2.0). A list of comments received and the County's responses to the comments received are shown in Section 3.0. The Summary Table in Chapter 2.0 includes a minor correction to a proposed mitigation measure identified by County staff.



NORTH Source: INSITE ENVIRONMENTAL, INC.

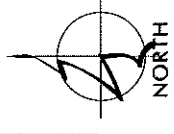






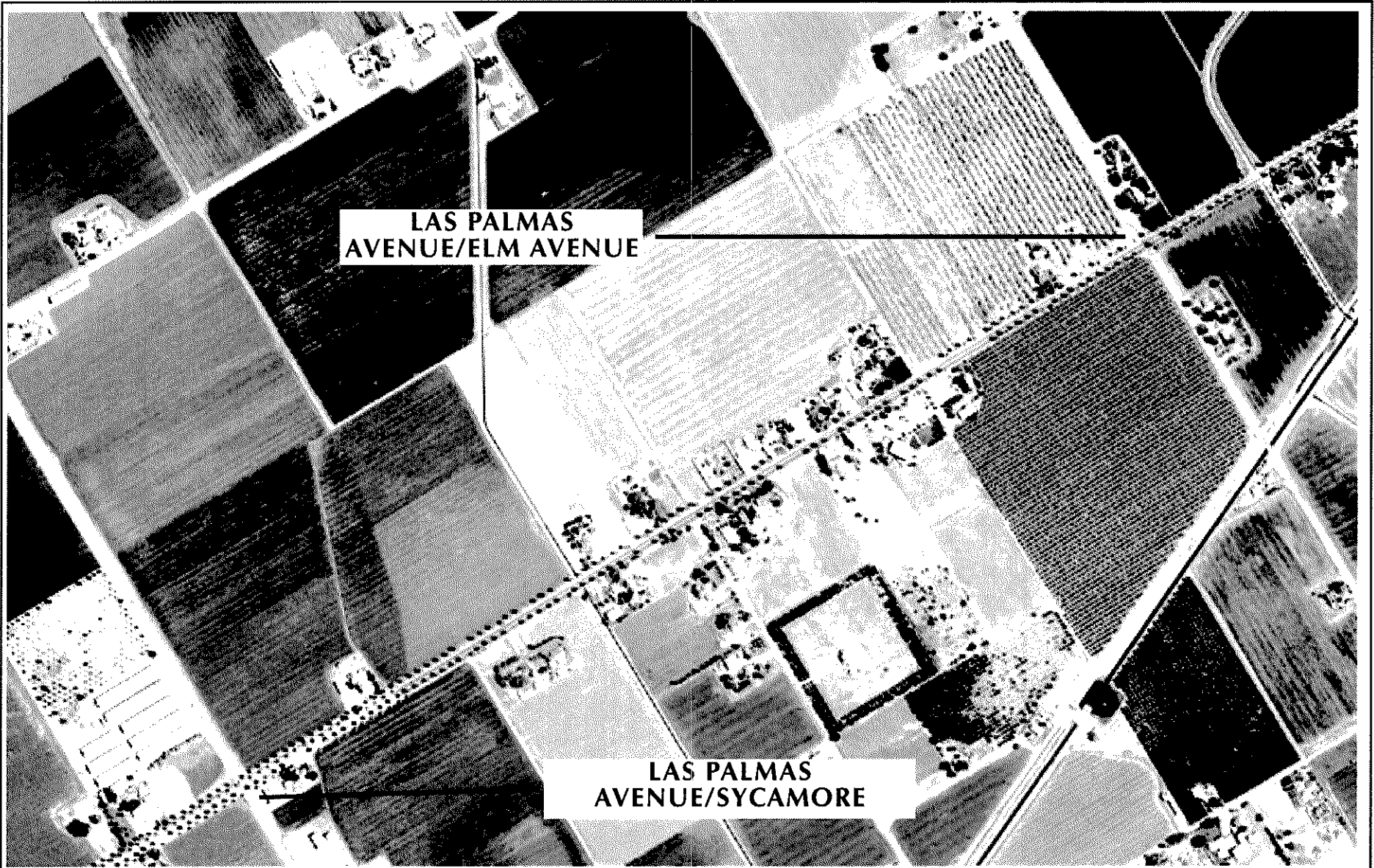
**PROJECT INTERSECTIONS**

SOURCE: US GEOLOGICAL SURVEY  
PATTERSON AND CROWS LANDING QUADRANGLES



**Figure 1-3**  
**USGS MAP**

**INSITE ENVIRONMENTAL, INC.**



NORTH SOURCE: GLOBEXPLORER

INSITE ENVIRONMENTAL, INC.

Figure 1-4  
AERIAL PHOTO

August 21, 2007

## 2.0 SUMMARY TABLE

The following pages contain Table 2-1, Summary of Impacts and Mitigation Measures. The table is drawn from the Public Review Draft IS/MND, but it has been revised as necessary to respond to any comments submitted by agencies and the public, or to reflect comments and corrections by County staff. Changes to the table are shown in underline (additions) and ~~strikeout~~ (deletions). These changes are explained or documented as required in Section 3.0, Responses to Comments.

The potential environmental impacts of the proposed project are summarized in the first column of Table 2-1. The level of significance of the impact is indicated in the second column, mitigation measures proposed to minimize the impacts are shown in the third column, and the significance of the impact, after mitigation measures are applied, is shown in the fourth column.

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Potential Impact   | Significance<br>Before<br>Mitigation<br>Measures | Mitigation Measures   | Significance<br>After<br>Mitigation |
|--|--|---|-------------------------------------|
| <b>1. AESTHETICS</b>                                       |  |   |                                     |
| Impacts on On-Site Aesthetic Resources and Light and Glare | LS   | None required   |                                     |
| <b>2. AGRICULTURE</b>                                      |  |   |                                     |
| Impacts on Conversion of Agricultural Land                 | LS   | None required   |                                     |
| <b>3. AIR</b>  |  |   |                                     |
| Impacts on Air Quality                                     | PS   | <ol style="list-style-type: none"> <li>1. During construction, the District will comply with required control measures specified in San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive Dust Rules), including compliance with the following mitigation measures 2 through 9.</li> <li>2. Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix A. The dust control measures specified in mitigations 3 through 9 shall be applied as required to maintain the VDE standard.</li> <li>3. Pre-water all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activity sites and phase earthmoving.</li> <li>4. Apply water, chemical/organic stabilizer/ suppressant, or vegetative ground cover to all disturbed areas, including unpaved roads.</li> <li>5. Restrict vehicular access to the disturbance area during periods of inactivity.</li> <li>6. Apply water or chemical/organic stabilizers/ suppressants, construct wind barriers and/or cover exposed potentially dust-generating materials.</li> <li>7. When materials are transported off-site, stabilize and cover all materials to be transported and maintain six inches of freeboard space from the top of the container.</li> <li>8. Remove carryout and trackout of soil materials on a daily basis unless it extends more than 50 feet from site; carryout and trackout extending more than 50 feet from the site shall be removed immediately. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden. If the project would involve more than 150 construction vehicle trips per day onto</li> </ol> | LS                                  |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Potential Impact                | Significance<br>Before<br>Mitigation<br>Measures | Mitigation Measures   | Significance<br>After<br>Mitigation |
|---------------------------------|--|---|-------------------------------------|
|                                 |  | the public street, additional restrictions specified in Section 5.8 of Rule 8041 will apply.  |                                     |
|                                 |  | 9. Traffic speeds on unpaved roads shall be limited to 15 mph.  |                                     |
|                                 |  | 10. The project shall comply with any other applicable SJVAPCD rules and regulations.   |                                     |
| <b>4. BIOLOGICAL RESOURCES</b>  |  |   |                                     |
| Impacts on Biological Resources | PS   | <p>1. Relocation of the existing date palm trees should occur between November 1 and December 31. This would avoid any potential conflict with Swainson's hawk, owl or other protected species nesting.</p> <p>2. If project construction will occur between March 1 and September 15, pre-construction surveys for nesting Swainson's hawks shall be conducted by qualified biologists for areas within 0.25 miles of the project. If active nests are found, the biologist should determine the need (if any) for temporal restrictions on construction. Pursuant to criteria set forth by the California Department of Fish and Game (1994).</p> | LS                                  |
| <b>5. CULTURAL RESOURCES</b>    |  |   |                                     |
| Impacts on Cultural Resources   | PS   | <p>1. If any subsurface cultural resources are encountered during construction of the project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance and recommend mitigation measures. The County of Stanislaus Department of Public Works shall be notified and shall be responsible for implementing mitigation measures recommended by the archaeologist for any identified significant cultural resources, pursuant to the requirements of the CEQA Guidelines.</p>  | LS                                  |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Potential Impact                          | Significance<br>Before<br>Mitigation<br>Measures | Mitigation Measures   | Significance<br>After<br>Mitigation |
|---|--|---|-------------------------------------|
|   |  | 2. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Stanislaus County Department of Public Works shall be notified immediately. The Coroner must contact the Native American Heritage Commission if the remains have been identified as being of Native American descent. At the same time, the Department shall retain a qualified archaeologist to evaluate the archaeological implications of the find and recommend any mitigation measures that may be required under CEQA; the Department shall implement those recommendations. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin. |                                     |
| <b>6. GEOLOGY AND SOILS</b>               |  |   |                                     |
| Geological and Soils Impacts              | LS   | None required   |                                     |
| <b>7. HAZARDS AND HAZARDOUS MATERIALS</b> |  |   |                                     |
| Hazard Impacts                            | LS   | None required   |                                     |
| <b>8. HYDROLOGY AND WATER QUALITY</b>     |  |   |                                     |
| Impacts on Groundwater                    | PS   | 1. Stanislaus County shall comply with the applicable requirements of the Stanislaus County Storm Water Management Plan (2004, or as amended), including preparation of a Storm Water Pollution Prevention Plan (SWPPP). <u>Filing and filing of a Notice of Intent (NOI) with the Regional Water Quality Control Board is not required for projects less than an acre in size.</u>   | LS                                  |
| <b>9. LAND USE AND PLANNING</b>           |  |   |                                     |
| Land Use and Conflicts                    | LS   | None required   |                                     |
| <b>10. MINERAL RESOURCES</b>              |  |   |                                     |
| Impact on Mineral Resources               | LS   | None required   |                                     |

**TABLE 2-1  
SUMMARY OF IMPACTS AND MITIGATION MEASURES**

| Potential Impact                                  | Significance<br>Before<br>Mitigation<br>Measures | Mitigation Measures   | Significance<br>After<br>Mitigation |
|---|--|---|-------------------------------------|
| <b>11. NOISE</b>                                  |  |   |                                     |
| Noise Impacts                                     | PS   | <ol style="list-style-type: none"> <li>1. Temporary noise impacts resulting from project construction shall be minimized by restricting hours of construction involved in heavy equipment usage of 7:00 AM to 10:00 PM Monday through Friday and to 7:00 AM to 6:00 PM on Saturday and Sunday.</li> <li>2. The contractor shall ensure that all construction equipment used in the vicinity of existing residences is properly muffled at all times.</li> </ol>   | LS                                  |
| <b>12. POPULATION AND HOUSING</b>                 |  |   |                                     |
| Impacts on Population and Housing                 | LS   | None required   |                                     |
| <b>13. PUBLIC SERVICES/FACILITIES</b>             |  |   |                                     |
| Project Impacts on Public Services and Facilities | LS   | None required   |                                     |
| <b>14. RECREATION</b>                             |  |   |                                     |
|   |  | Recreational facilities have been addressed under Section 13 Public Services  |                                     |
| <b>15. TRANSPORTATION/CIRCULATION</b>             |  |   |                                     |
| Project Traffic Impacts                           | PS   | <ol style="list-style-type: none"> <li>1. The contractor shall prepare and implement a Traffic Control Plan that addresses the potential traffic conflicts within the project site. The Traffic Control Plan shall include such items as resident notification 48 hours in advance of any driveway closure, and the availability of temporary parking facilities if the project would prohibit use of existing parking. The Traffic Control Plan shall be subject to the review and approval of the Director of Public Works.</li> <li>2. The contractor shall coordinate construction of each project segment with the Stanislaus County Department of Public Works.</li> <li>3. The contractor shall coordinate any required road closures with the Department of Public Works, the County Sheriff, CHP and West Stanislaus Fire District.</li> </ol> | LS                                  |
| <b>16. UTILITIES/SERVICES SYSTEMS</b>             |  |   |                                     |
| Project Impacts on Utilities and Services Systems | LS   | None required   | LS                                  |

### 3.0 COMMENTS ON THE ENVIRONMENTAL DOCUMENT AND LEAD AGENCY RESPONSES TO COMMENTS

The Department of Public Works, Stanislaus County received a total of five (5) comment letters from agencies regarding the Public Review Draft IS/MND for the Las Palmas Traffic Signal Project. The comment letters are reproduced in this section, and the agencies that submitted the comments are listed below.

1. Governor's Office of Planning and Research, dated April 18, 2008
2. Stanislaus County Environmental Review Committee, dated February 22, 2008
3. Stanislaus County Environmental Review Committee, dated January 28, 2008
4. California Department of Conservation, dated March 25, 2008
5. City of Patterson, dated April 16, 2008

On the following pages, each of the above-listed comment letters received is accompanied by the Lead Agency's response to the comments. Where a single comment letter contains several relevant comments, each substantive comment is assigned a letter code. The lead agency's responses are keyed to the unique code made up of the commenter number and a letter code. For example, comment "1A" would be the first comment made by the Governor's Office of Planning and Research.



**Comment Letter #1: Governor's Office of Planning and Research, dated April 18, 2008**

**Lead Agency Response to Comment #1:**

This letter does not include any comments on the IS/MND. No response is necessary.



ARNOLD SCHWARZENEGGER  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE OF PLANNING AND RESEARCH  
STATE CLEARINGHOUSE AND PLANNING UNIT



CYNTHIA BRYANT  
DIRECTOR

April 18, 2008

Peter Song  
Stanislaus County Department of Public Works  
1716 Morgan Road  
Modesto, CA 95358

Subject: Las Palmas Traffic Signal Project  
SCH#: 2008032071

Dear Peter Song:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on April 17, 2008, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in black ink that reads "Terry Roberts".

Terry Roberts  
Director, State Clearinghouse

**Comment Letter #2: Stanislaus County Environmental Review Committee, dated February 22, 2008**



**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 Rosen  
*Assistant Executive Officer*

1019 19<sup>th</sup> Street, Suite 8800 Modesto, CA 95364  
P.O. Box 3404 Modesto, CA 95331-3404  
Phone: 209 526 6333 Fax: 209 544 6226

**Lead Agency Response to**

**Comment # 2:** This comment is not addressed to the IS/MND and does not require a response in the context of CEQA.

The potential for the occurrence of environmental contamination hazards within the proposed project site was considered during the preparation of the IS/MND. No such concerns were identified. Review of available information, including aerial photographs, did not indicate that the project sites had in the past supported residences or farm buildings. In the event that existing or former underground storage tanks, buried refuse of contaminated soil are encountered during project construction, the Department of Environmental Resources will be notified.

**STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE**

February 22, 2008

Peter Song  
Department of Public Works  
1716 Morgan Road  
Modesto, CA 95358

**SUBJECT: ENVIRONMENTAL REFERRAL – ADMINISTRATIVE DRAFT INITIAL STUDY – LAS PALMAS TRAFFIC SIGNAL PROJECT**

Mr. Song:

The Stanislaus County Environmental Review Committee (ERC) has reviewed the subject project and has the following comment(s):

- 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. 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 the DER.

The ERC appreciates the opportunity to comment on this project.

Sincerely,

  
Raul Mendez, Senior Management Consultant  
Environmental Review Committee

cc: ERC Members

**Comment Letter #3 Stanislaus County Environmental Review Committee, dated January 29, 2008**

**Lead Agency Response to Comment #3:**

The ERC indicates its agreement with the IS/MND, saying that the project would not have a significant effect on the environment

The comment indicates that the proposed signals shall be provided with signal pre-emption. Signal pre-emption, which permits emergency vehicles to override traffic signal control systems, is required by Stanislaus County development standards and is included in the project.



OFFICE OF FIRE WARDEN  
FIRE PREVENTION BUREAU

Gary Minshew  
Fire Warden

Ray Jackson  
Deputy Fire Warden

Kenneth Slamon  
Fire Marshal

3705 Caliente Blvd, Modesto, CA 95357

**STANISLAUS COUNTY ENVIRONMENTAL REVIEW COMMITTEE**

DATE: January 29, 2008  
ADDRESS: Las Palmas Traffic Signal near Patterson  
LOCATION:  
PROJECT #: Los Palmas Traffic Signal Project  
APPLICANT: County of Stanislaus

Fire Prevention Bureau Comments

**Project has a less than significant adverse impact on West Stanislaus Fire Protection District.**

**Mitigation measures:**

- \* All traffic signals installed and/or retrofitted due to proposed project shall be provided with signal preemption

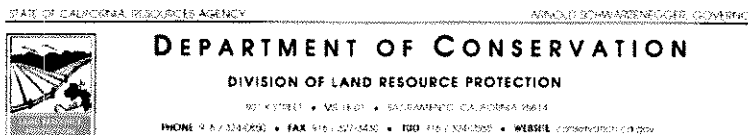
A handwritten signature in black ink, appearing to read "Kenneth Slamon".

**Kenneth Slamon  
Fire Marshal**

West Stanislaus Fire Protection District

**Comment Letter #4: California Department of Conservation, dated March 25, 2008, pg. 1**

**Lead Agency Response to Comment # 4:** This letter does not include any comments on the IS/MND. The letter explains existing requirements of Government Code Section 51238.1, which, as the letter notes, is a requirement separate from CEQA. The County appreciates the Department of Conservation's reminder of these requirements, which the County will observe in its processing of the project. However, no further response is necessary in the CEQA context.



March 25, 2008

Mr. Peter Song, Senior Engineering Technician  
Stanislaus County Department of Public Works  
1716 Morgan Road  
Modesto, CA 95358

SUBJECT Las Palmas Traffic Signal Project – Improvements to the Intersection of Las Palmas Avenue/Elm Avenue near the City of Patterson, Stanislaus County (County)

Dear Mr. Song:

The Department of Conservation's (Department) Division of Land Resource Protection (Division), monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. The Division has reviewed the above Initial Study/Negative Declaration and offers the following comments on the project.

The proposed project involves the improvement of two existing County road intersections located in the vicinity of the City of Patterson in western Stanislaus County. The Stanislaus County Public Works Department proposes to install new traffic signals and make related improvements to the existing intersection of Las Palmas Avenue with Sycamore Avenue and Elm Avenue. The intersection improvements would include additional paved width on the approaches to both intersections to accommodate left turning movements and/or shoulders as well as additional pavement expansion in all four corners of the intersections to accommodate right turning movements. A new pavement overlay would be applied along 650 feet of all four approaches to both intersections, and the intersections would be re-stripped and signed consistent with existing County standards. The proposed improvements will affect nine parcels of land, four of which are restricted by Williamson Act contracts.

The four restricted parcels of land under existing Williamson Act contracts are located at the intersections of the project site: 047-037-025 located at the northeast corner of Elm and Las Palmas, 047-036-07, located at the northwest corner of Elm and Las Palmas, 048-003-005 located at the southwest corner of Elm and Las Palmas, and 047-036-015 located at the northeast corner of Sycamore and Las Palmas.

*The Department of Conservation's mission is to protect Californians and their environment by protecting lives and property from earthquakes and landslides. Ensuring safe mining and oil and gas drilling. Conserving California's farmland, and saving energy and resources through recycling.*

Mr. Peter Song, Senior Engineering Technician  
March 25, 2008  
Page 2 of 2


The Initial Study states that the project as proposed would involve no significant effect on land restricted by Williamson Act contracts and that the road improvements will not significantly compromise the long term productive agricultural capability of the adjoining parcels and would be consistent with the criteria specified in Government Code Section 51238.1.

Williamson Act statute requires public agencies to notify the Department whenever land under Williamson Act contract is being **considered** for public acquisition (Government Code §51291.1. Such notification must occur when it **appears** that land enrolled in a Williamson Act contract may be required for a public use. Notice must be submitted separately from the California Environmental Quality Act (CEQA) process and CEQA documentation as prescribed in the enclosed Williamson Act Acquisition Notification Provisions

Prior notification of the County's intention to acquire the property creates a record of compliance with Williamson Act regulations (Government Code §51290). In addition, the County must make specific findings (Government Code §51292) and acquire the land by eminent domain or in lieu of eminent domain to void the contracts (Government Code §51295). If the acquisition does not void the contract, the County's uses of the contracted property will be affected and limited by the terms of the contract, which will remain in effect. The Department does not provide counsel regarding eminent domain law, but encourages Stanislaus County to obtain legal counsel for this purpose.

Please feel free to contact Jacquelyn Ramsey, Environmental Planner, at (916) 323-2379, if you have any additional questions or concerns.

Sincerely,

  
Brian Leahy  
Assistant Director

Enclosure

**Comment Letter #5: City of Patterson, dated April 16, 2008, pg. 1**

**Lead Agency Response to Comment #5A:** The City of Patterson's letter concerns the potential impacts of the proposed project on the existing rows of palm trees that line Las Palmas Avenue, and a concern that the IS/MND adequately reflect the community's views with respect to those resources. The following responses address the specific concerns raised in that letter.

The City expresses concern regarding potential conflicts in the IS/MND's analysis of environmental effects related to the palm trees, for example in contrasting the conclusions of the Aesthetics and Biological Resources analyses. After review of the subject sections, the County does find conflict in the analyses of these issues; the subject aesthetic and biological analyses consider the importance of the project's impacts on the palm trees from these two distinct perspectives. From the aesthetic perspective, the removal and replacement of the seven trees would not result in a significant aesthetic impact. From a biological perspective, the trees are not considered biologically important, except as to their potential function as raptor nesting sites. Therefore, with proposed biological mitigation measures that would avoid impacts on nesting, the project would not have significant biological effects related to the palm trees.



**City of Patterson**

1 Plaza  
P.O. Box 667  
Patterson, California 95761  
(209) 835-3000 FAX (209) 837-8416

April 16, 2008

County of Stanislaus  
Director of Public Works  
Mr. Matthew Machado  
1010 Tenth Street, Suite 3500  
Modesto, CA 95354

Dear Mr. Machado:

Subject: Review of Initial Study for Las Palmas Signalization

This letter is a synopsis of comments from all City of Patterson staff who reviewed the Initial Study (IS). The City of Patterson fully appreciates that the project carries with it some substantial space constraints, as well as the fact that it represents a needed and considerable improvement in traffic handling capacity. At the same time, it is our responsibility to protect and preserve those resources relating to the heritage of our community and in the wider perspective, the State of California. We would therefore like to emphasize that it is within this latter framework that our review and recommendations should be considered. Our Urban Forestry Supervisor, a certified arborist (Will Barrera, 892-3215), should be consulted at the time of the move.

The IS appears to us to have some internal conflicts between sections, for example;

In the SUMMARY OF IMPACTS AND MITIGATION MEASURES, for aesthetics on page 1-4, mitigation measures are listed as "none required". In the same section but under a different category on page 1-5, the trees are mentioned but only to the extent that they are a potential nesting site for the Swainson's Hawk. However in section 3, the NARRATIVE EXPLANATION of the checklist, pages 3-4, 3-7, 3-15 and 3-18 there is discussion of whether or not the trees are biologically or culturally significant. There also seems to be, in this section, some confusion concerning the terms "cultural" and "archeological" resources. Perhaps as a concession to the recommendations cited in the letter from the Gianelli Co., it is stated that the trees should be relocated and that an arborist be involved in the relocation effort.

Next, there is the reference to the "Palm Tree Lined Area" on East Las Palmas Avenue listed as property number 058168 on page 30 of the State Office of Historic Preservation's (SHPO) Directory of Properties in the Historic Property Data File for Stanislaus County. The Status Code for the palms on Las Palmas Avenue is 7R, which decodes to "identified in Reconnaissance Level Survey. Not evaluated". In light of the italicized paragraph below, upon evaluation the palms would likely take on greater significance than they would now appear to have. This paragraph is taken from Technical Assistance Bulletin #8 of SHPO.

*"Our understanding of historical significance changes over time. In 2004, there is a greater appreciation and understanding of social and cultural history than in earlier years. Understanding of the importance of cultural landscapes and resources of the*

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APR 14 2008

STANISLAUS COUNTY  
CLERK OF COUNTY RECORDS

**Comment Letter #5: City of Patterson, dated April 16, 2008, pg. 2**

**(response #5 cont'd)**

The County recognizes that the term "cultural resources" refers collectively to both archaeological and historical resources; the terms are used specifically with respect to each resource individually or to both collectively. The mention of a "significant cultural resource or a unique archaeological resource" in the impact analysis is with reference to the importance of the palm trees with respect to CEQA thresholds of significance for cultural resources.

The City suggests that the concept of relocation of the trees is a response to the Gianelli (arborist) letter, which is not the case. The project proposes the relocation of the trees as an integral part of proposed intersection improvements. The purpose of the tree relocation is to preserve the existing integrity of the rows of palm trees along Palm Avenue.

The cultural resource significance of the palm tree rows was considered in detail in the IS/MND. The cultural resources specialist that prepared the analysis for the IS/MND was also consulted with respect to the City's comments; the results of this consultation are shown in the letter from Genesis Society, Appendix B. In brief, the letter indicates that the analysis and significance conclusion presented in the IS/MND is based on information prepared subsequent to the information cited in the City's letter and is conclusive from the County's point of view.

*recent past is evolving as historic preservationists are grappling with how to recognize and characterize these types of resources."*

In our view it would be tragically short-sighted to assume that because of the current Status Code the palm trees are, as stated in the Genesis Society letter "not considered a significant cultural resource or a unique archaeological resource". In our estimation the Genesis letter has not considered the fact that: a) the palms have not yet been subjected to a full evaluation and, b) the importance of cultural landscapes and resources of the recent past is still evolving, as admitted by SHPO in their technical bulletin.

Finally, neither the IS nor its attachments address the significance of the trees to the local community. The Canary Island Date Palms are as much a part of the identity of Patterson as the Center Building (listed on both the National and California Registers) or the Carriage Library. The palms appear on the City logo, our letterhead and in murals around the city and are considered to have local historical significance.

In conclusion, we are gratified that the intent is to relocate the trees, but ask that in light of the regard in which they are held, the utmost care be taken in doing so. It is our position that upon evaluation by the State, they will be reclassified to a greater resource category than they now occupy. In order to afford them the protection we believe they deserve, we ask that the conditions below be regarded in their handling during relocation.

As a final footnote, in my research on the palms in 2006 I found that an Historic Resource form was submitted to the State Parks and Recreation Department by Mr. John Miller of the Stanislaus County Parks Department in 1974. With that, we request that the following four conditions be regarded at the time of the move.

Conditions:

1. Ensure certified arborist is present during relocation with assistance from the city arborist
2. City to make decision on which "gaps" to be filled with relocated trees
3. Guarantee trees dying from relocation are replaced with trees of like size
4. Trees to be relocated at a season likely to provide best chance of survival

If you have questions relating to the comments contained herein, please contact either Community Development Director Rod Simpson at 885-8020, myself at 885-8023 or our Urban Forestry Supervisor at 882-3215.

Sincerely,  
  
James P. Bodin  
City Planner

c. M. Cleve Morris  
Rod R. Simpson  
Michael Willett  
Wil Barrera

**Comment Letter #5: City of Patterson, dated April 16, 2008, pg. 3**

**(response #5, cont'd.)**

However, as also suggested by the Genesis Society, the City of Patterson retains the prerogative to assign its own cultural value to the palm tree rows, as it has in its letter when it states that the trees are significant to the local community. The information provided by the City of Patterson is incorporated into the IS/MND by the inclusion of its letter in this document. This information will be considered by Stanislaus County decision-makers in conjunction with their consideration of the project.

The City of Patterson, on the basis of its assignment of community value, has made four recommendations with respect to the proposed relocation of the trees. The County accepts these recommendations as shown in its letter on this subject, also included in the appendix.

The County notes that its arborist (Gianelli, pers. comm.) has indicated that replanting of the palms may occur at any time during the year, except on windy days.



APPENDIX A  
COPIES OF PUBLIC REVIEW LEGAL NOTICE AND  
TRANSMITTAL DOCUMENTS

County of Stanislaus  
Public Works Department  
1716 Morgan Road  
Modesto, CA 95358  
(209) 525-4198

FILED

08 MAR 18 AM 8:41

STANISLAUS CO. CLERK-RECORDER

BY Alexandra Arenweg  
DEPUTY

NOTICE OF INTENT TO ADOPT MITIGATED NEGATIVE DECLARATION  
AND NOTICE OF PUBLIC MEETING

LAS PALMAS TRAFFIC SIGNAL PROJECT

Notice is hereby given that the Public Works Department of Stanislaus County has prepared an Initial Study of environmental effects and intends to adopt a Mitigated Negative Declaration for the proposed intersection improvements located along existing Las Palmas Avenue (County Road J17) in the vicinity of the City of Patterson. The Las Palmas/Sycamore Avenue intersection is located approximately one mile northeast of the Union Pacific Railroad (UPRR). The intersection of Las Palmas/Elm Avenue is located an additional mile northeast of Sycamore Avenue and approximately two miles Northeast of the UPRR.

Copies of the proposed Initial Study and Mitigated Negative Declaration are available for public review at the Department of Public Works, 1716 Morgan Road, Modesto, CA; the Planning and Community Development Department, 1010 10<sup>th</sup> Street, Suite 3400, Modesto, CA; the Stanislaus County Library, Patterson Branch, 46 N. Salado, Patterson, CA; and the Stanislaus County Library, Modesto Branch, 1500 I Street, Modesto, CA.

The Department of Public Works will accept public and agency comments on the document during the review period that will begin on Wednesday, March 19, 2008 and end on April 18, 2008. Comments may be sent to the Stanislaus County Department of Public Works, 1716 Morgan Road, Modesto, CA 95358, Attention: Peter Song, Senior Engineering Technician.

In addition, notice is hereby given that the Stanislaus County Board of Supervisors will consider adoption of the Mitigated Negative Declaration and approval of the project at a public meeting scheduled for May 20, 2008 at 9:00 AM at 1010 10<sup>th</sup> Street, Chambers, Basement Level, Modesto, CA.

Matthew Machado  
Matthew Machado, Director of Public Works

Date: March 11, 2008

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 # 2008032071

Project Title: Las Palmas Traffic Signal Project
Lead Agency: Stanislaus County Department of Public Works
Mailing Address: 1716 Morgan Road
City: Modesto Zip: 95358
Contact Person: Peter Song
Phone: (209) 525-4198
County: Stanislaus

RECEIVED
MAR 19 2008
STATE CLEARING HOUSE

Project Location: County: Stanislaus City/Nearest Community: Patterson
Cross Streets: Elm Avenue and Sycamore Avenue Zip Code: 95363
Lat. / Long.: 37 ° 28 ' 46.6 " N / 121 ° 06 ' 44.9 " W Total Acres: N/A
Assessor's Parcel No.: N/A Section: None Twp.: 5 South Range: 8 East Base: MDBM
Within 2 Miles: State Hwy #: SR 33 Waterways: None
Airports: None Railways: Union Pacific RR Schools: \*see below Proj. Desc.

Document Type:

- CEQA: [ ] NOP [ ] Draft EIR NEPA: [ ] NOI Other: [ ] Joint Document
[ ] Early Cons [ ] Supplement/Subsequent EIR [ ] EA [ ] Final Document
[ ] Neg Dec (Prior SCH No.) [ ] Draft EIS [ ] Other
[ ] Mit Neg Dec Other [ ] FONSI

Local Action Type:

- [ ] General Plan Update [ ] Specific Plan [ ] Rezone [ ] Annexation
[ ] General Plan Amendment [ ] Master Plan [ ] Prezone [ ] Redevelopment
[ ] General Plan Element [ ] Planned Unit Development [ ] Use Permit [ ] Coastal Permit
[ ] Community Plan [ ] Site Plan [ ] Land Division (Subdivision, etc.) [ ] Other \*\*see below

Development Type:

- [ ] Residential: Units \_\_\_\_\_ Acres \_\_\_\_\_ [ ] Water Facilities: Type \_\_\_\_\_ MGD \_\_\_\_\_
[ ] Office: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_ [ ] Transportation: Type Traffic Signal Project
[ ] Commercial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_ [ ] Mining: Mineral \_\_\_\_\_
[ ] Industrial: Sq.ft. \_\_\_\_\_ Acres \_\_\_\_\_ Employees \_\_\_\_\_ [ ] Power: Type \_\_\_\_\_ MW \_\_\_\_\_
[ ] Educational \_\_\_\_\_ [ ] Waste Treatment: Type \_\_\_\_\_ MGD \_\_\_\_\_
[ ] Recreational \_\_\_\_\_ [ ] Hazardous Waste: Type \_\_\_\_\_
[ ] Other: \_\_\_\_\_

Project Issues Discussed in Document:

- [x] Aesthetic/Visual [ ] Fiscal [ ] Recreation/Parks [x] Vegetation
[x] Agricultural Land [x] Flood Plain/Flooding [ ] Schools/Universities [x] Water Quality
[x] Air Quality [ ] Forest Land/Fire Hazard [ ] Septic Systems [x] Water Supply/Groundwater
[x] Archeological/Historical [x] Geologic/Seismic [ ] Sewer Capacity [ ] Wetland/Riparian
[x] Biological Resources [x] Minerals [x] Soil Erosion/Compaction/Grading [x] Wildlife
[ ] Coastal Zone [x] Noise [ ] Solid Waste [ ] Growth Inducing
[ ] Drainage/Absorption [ ] Population/Housing Balance [ ] Toxic/Hazardous [x] Land Use
[ ] Economic/Jobs [x] Public Services/Facilities [x] Traffic/Circulation [ ] Cumulative Effects
[ ] Other \_\_\_\_\_

Present Land Use/Zoning/General Plan Designation:

General Plan Designation is Agriculture. Project is zoned A-2 (General Agriculture) (Project Area)

Project Description: (please use a separate page if necessary)
Proposed intersection improvements along existing Las Palmas Avenue (County Road J17) in the vicinity of the City of Patterson. Signalization and associated widening are proposed at the intersections of Las Palmas and Sycamore Avenue and Las Palmas and Elm Avenue.

\*Schools: Las Palmas Elementary, Northmead Elementary, Del Puerto High School, Patterson High School

\*\* Other - Infrastructure Construction

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 # _____              | <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 # _____                                |
| <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 # _____             | <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 March 19, 2008 Ending Date April 18, 2008

-----  
**Lead Agency (Complete if applicable):**

|  |  |
|--|--|
| Consulting Firm: <u>InSite Environmental, Inc.</u> | Applicant: <u>Department of Public Works</u> |
| Address: <u>6653 Embarcadero, Suite Q</u>          | Address: <u>1716 Morgan Road</u>             |
| City/State/Zip: <u>Stockton, CA 95219</u>          | City/State/Zip: <u>Modesto, CA 95358</u>     |
| Contact: <u>Charlie Simpson</u>                    | Phone: <u>(209) 525-4198</u>                 |
| Phone: <u>(209) 472-8650</u>                       |  |

-----  
Signature of Lead Agency Representative:  Date: 3-12-08

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

## PUBLIC REVIEW DRAFT IS/MND DISTRIBUTION LIST

**A COPY OF THE NOI AND PUBLIC REVIEW DRAFT IS/MND WAS MAILED TO EACH OF THE FOLLOWING:**

Ann Juette  
Agricultural Commissioner  
3800 Cornucopia Way, Suite B  
Modesto, CA 95358

TOM DUMAS  
CALTRANS  
P O BOX 2048  
STOCKTON CA 95201

City of Patterson  
Planning Department  
P O Box 667  
Patterson CA 95363

County Counsel  
Jack Doering  
1010 10th Street, Suite 6400  
Modesto, CA 95354

Environment Resources  
Vicki Jones & Bella Badal  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358

Shirley Koelmans  
Stanislaus Consolidated Fire  
Protection District  
3324 Topeka Street  
Riverbank, CA 95367

Stanislaus Fire Prevention Bureau  
Ken Slamon  
3705 Oakdale Road  
Modesto, CA 95357

Julie Vance  
Ca Dept of Fish and Game  
1130 E Shaw Ave Ste 206  
Fresno CA 93710

Patterson Irrigation Dist  
Post Office Box 685  
Patterson CA 95363

LAFCO  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354

Steve Andriese Exe Dir  
Mountain Valley  
Emergency Medical Services  
1101 Standiford Ave Ste D-1  
Modesto CA 95350

Pacific Gas & Electric  
1524 N Carpenter Rd  
Modesto CA 95351-1110

Public Works  
1010 10<sup>th</sup> Street, Suite 3500  
Modesto, CA 95354

State of California  
Regional Water Quality Control  
11020 Sun Center Drive #200  
Rancho Cordova CA 95670-6114

StanCOG  
900 H Street, Suite D  
Modesto, CA 95354

Patterson  
Joint Unified School District  
510 Keystone Blvd.  
Patterson CA 95363

Sheriff Dept. - Operations Division  
Deputy Patrick McCulloch  
250 E Hackett Road  
Modesto, CA 95358

Stanislaus County  
Farm Bureau  
Post Office Box 3070  
Modesto CA 95353

The Alliance  
Bill Bassitt  
P.O. Box 3081  
Modesto, CA 95354

USDA NRCS Service Center  
3800 Cornucopia Way Ste E  
Modesto CA 95358 9492

Hazardous Materials  
Jim Simpson  
3600 Cornucopia Way, Suite C  
Modesto, CA 95358

Chief Executive Office  
Keith Boggs  
1010 10th Street Suite 6800  
Modesto, CA 95354

Cooperative Extension  
3800 Cornucopia Way Suite A  
Modesto, CA 95358

Public Works  
Angie Halverson  
1010 10th Street, Suite 3500  
Modesto, CA 95354

Parks Department  
Sonya Harrigfeld  
3800 Cornucopia Way, Suite C  
Modesto, CA 95358

Daniel Barber  
Supervising Air Quality Specialist  
San Joaquin Valley APCD  
1990 E Gettysburg Avenue  
Fresno, CA 93726

Community Services Agency  
251 E Hackett Road  
Modesto, CA 95358

Public Works Transportation  
Brad Christian  
1010 10th Street, Suite 3500  
Modesto, CA 95354

Chief Executive Office  
Raul Mendez  
1010 10th Street Suite 6800  
Modesto, CA 95354

Planning & Community Development  
Joshua Mann  
1010 10th Street, Suite 3400  
Modesto, CA 95354

State Clearinghouse  
Office of Research & Planning  
P O Box 3044  
Sacramento, CA 95812-3044

William O'Brien  
Stanislaus County Supervisor District 1  
1010 10<sup>th</sup> Street, Suite 6500  
Modesto, CA 95354

AT&T  
Dennis Patalingjug  
Post Office Box 3929  
Modesto CA 95352-3929

CA Dept of Conservation  
Division of Land Resource  
ATT: Dennis O'Bryant  
801 'K' Street **MS 13-71**  
Sacramento, CA 95814

**PROOF OF PUBLICATION**  
(2015.5 C.C.P.)

This space is for the County Clerk's Filing Stamp

STATE OF CALIFORNIA  
County of Stanislaus

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years and not a party to or interested in the above-entitled matter. I am the principal clerk of the printer of the Patterson Irrigator, a newspaper of general circulation, printed and published once a week on Wednesdays or Saturdays, in the city of Patterson, California, County of Stanislaus, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court, of the County of Stanislaus, State of California, under the date of June 15, 1952, Case Number 47304; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

March 19

all in the year 2008

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Patterson, California, this 19  
day of March, 2008

Abbie DeLaRosa

Signature

Proof of Publication of

Notice

COUNTY OF STANISLAUS  
Public Works Department  
1716 Morgan Road  
Modesto, CA 95368  
209-625-4198

**NOTICE OF INTENT TO ADOPT MITIGATED NEGATIVE DECLARATION AND NOTICE OF PUBLIC MEETING**

**LAS PALMAS TRAFFIC SIGNAL PROJECT**

Notice is hereby given that the Public Works Department of Stanislaus County has prepared an Initial Study of environmental effects and intends to adopt a Mitigated Negative Declaration for the proposed intersection improvements located along existing Las Palmas Avenue (County Road J17) in the vicinity of the City of Patterson. The Las Palmas/Sycamore Avenue intersection is located approximately one mile northeast of the Union Pacific Railroad (UPRR). The intersection of the Las Palmas/Elm Avenue is located an additional mile northeast of Sycamore Avenue and approximately two miles Northeast of the UPRR.

Copies of the proposed Initial Study and Mitigated Negative Declaration are available for public review at the Department of Public Works, 1716 Morgan Road, Modesto, CA; the Planning and Community Development Department, 1010 10th Street, Suite 3400, Modesto, CA; the Stanislaus County Library, Patterson Branch, 48 N. Salsado, Patterson, CA; and the Stanislaus County Library, Modesto Branch, 1500 I Street, Modesto, CA.

The Department of Public Works will accept public and agency comments on the document during the review period that will begin on Wednesday, March 19, 2008 and end on April 18, 2008. Comments may be sent to the Stanislaus County Department of Public Works, 1716 Morgan Road, Modesto, CA 95368, Attention: Peter Song, Senior Engineering Technician. In addition, notice is hereby given that the Stanislaus County Board of Supervisors will consider adoption of the Mitigated Negative Declaration and approval of the project at a public meeting scheduled for May 20, 2008 at 9:00 am at 1010 10th Street, Chambers, Basement Level, Modesto, CA.

Date: March 11, 2008  
ss/Matthew Machado,  
Director of Public Works

3/19/08

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

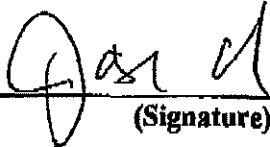
**COUNTY OF STANISLAUS  
STATE OF CALIFORNIA**

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

**MARCH 19, 2008**

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

**MARCH 19, 2008**

  
(Signature)

County of Stanislaus  
Public Works Department  
1716 Morgan Road  
Modesto, CA 95358

**NOTICE OF INTENT TO ADOPT  
MITIGATED NEGATIVE DECLARATION  
AND NOTICE OF PUBLIC MEETING  
LAS PALMAS TRAFFIC SIGNAL PROJECT**

Notice is hereby given that the Public Works Department of Stanislaus County has prepared an Initial Study of environmental effects and intends to adopt a Mitigated Negative Declaration for the proposed intersection improvements located along existing Las Palmas Avenue (County Road J17) in the vicinity of the City of Patterson. The Las Palmas/Sycamore Avenue intersection is located approximately one mile northeast of the Union Pacific Railroad (UPRR). The intersection of Las Palmas/Elm Avenue is located on additional mile northeast of Sycamore Avenue and approximately two miles Northeast of the UPRR.

Copies of the proposed Initial Study and Mitigated Negative Declaration are available for public review at the Department of Public Works, 1716 Morgan Road, Modesto, CA; the Planning and Community Development Department, 1010 10th Street, Suite 340, Modesto, CA; the Stanislaus County Library, Patterson Branch, 46 N. Salado, Patterson, CA; and the Stanislaus County Library, Modesto Branch, 1500 I Street, Modesto, CA.

The Department of Public Works will accept public and agency comments on the document during the review period that will begin on Wednesday, March 19, 2008 and end on April 18, 2008. Comments may be sent to the Stanislaus County Department of Public Works, 1716 Morgan Road, Modesto, CA 95358, Attention: Peter Sosa, Senior Engineering Technician.

In addition, notice is hereby given that the Stanislaus County Board of Supervisors will consider adoption of the Mitigated Negative Declaration and approval of the project at a public meeting scheduled for May 20, 2008 at 9:00 AM at 1010 10th Street, Chambers, Basement Level, Modesto, CA. *Matthew Machado*  
Dated: January 7, 2008  
Matthew Machado, Director of Public Works  
MARCH 19, 2008

HS 98-264



APPENDIX B  
CORRESPONDENCE RELATED TO  
CITY OF PATTERSON CONCERNS

# GENESIS SOCIETY

*a Corporation Sole*

7053 MOLOKAI DRIVE  
PARADISE, CALIFORNIA 95969  
(530) 680-6170 VOX  
(530) 876-8650 FAX  
scan-jensen@sbcglobal.net

May 9, 2008

## **Insite Environmental, Inc.**

*Attn.: Charlie Simpson*  
6653 Embarcadero Dr., Suite Q  
Stockton, California 95219

***Subject: Las Palmas Road Signalization Project, City of Patterson.***

Dear Mr. Simpson:

I have reviewed the City's letter regarding the Initial Study for the Las Palmas Signalization project, for which we completed an archaeological survey report in 2007. In its review, the City's primary points regarding recorded historical site P-50-001718, referenced as a "Palm Tree Lined Area" along East Las Palmas Avenue, include the following:

1. **7R Status:** The City references the 'Palm Tree lined Area' as property number 058188 on page 30 of SHPO's Directory of Properties in the Historic Property Data File as having been assigned Status Code 7R – not evaluated. This assignment was based on a 1974 Historic Resources Inventory form submitted by the Department of Parks and Recreation.

Subsequent to this status assignment, a State Primary Record (DPR-523 Form, site P-50-001718) was prepared and submitted to the Central California Information Center, following which Susan Wilcox of the State Water Resources Control Board prepared a detailed evaluation of the site, requesting SHPO concurrence with the Board's finding (and the finding of the Board's consulting archaeologist, Applied Earthworks, Inc.), that "...losses in integrity of design, setting, feeling and association render the resource not eligible for inclusion on the National Register." SHPO concurred with the State Water Resources Control Board in a letter dated March 4, 1999, at which point the Historic Property Data File Status Code became 6Y – Determined Ineligible for listing on the National Register.

2. **SHPO Technical Assistance Bulletin #8:** The City quotes a section from Bulletin #8, indicating that understanding historical significance changes over time, and that our understanding of cultural landscapes and resources of the recent past continuously evolves.

We agree fully. However, our own evaluation of the resource in 2007, per CEQA evaluative criteria, still finds "losses in integrity of design, setting, feeling and association..." overwhelming, such that we concluded that this particular site did not, therefore, qualify as a "significant cultural resource or a unique archaeological resource," per CEQA.

Our conclusions are, however, nothing more than recommendations, based on our best professional judgment which in the present case included field observations and a careful review of relevant existing information (the prior evaluation by Water Resources and SHPO). These "recommendations" do not have to be accepted by the City of Patterson, and we clearly recognize and acknowledge that the City's perspective may not correspond with Water Resources, SHPO, or our own.

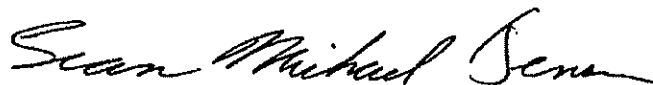
3. **No Full Evaluation:** The City comments that based on the existence of the 7R Status Code, no full evaluation of the site has yet been completed. In fact, as noted in #1 above, a "full evaluation" of this site has been completed by a professional archaeologist working for Water Resources, by Water Resources cultural resource specialist, and by SHPO. Again, however, we recognize that an evaluation from a strictly City perspective is a City prerogative.

4. **City Recommended Conditions to be Followed at the Time of the Move:**  
The City specifies four conditions to be met at the time of the proposed move of certain palm trees. These recommendations appear to be based primarily on aesthetic considerations, as opposed to strictly cultural or historical issues.

These are fully reasonable and understandable, and should be followed.

Thank you for the opportunity to comment on the City's concern regarding the historical tree-lined Las Palmas Road.

Sincerely Yours,

A handwritten signature in black ink that reads "Sean Michael Jensen". The signature is written in a cursive, flowing style.

**Sean M. Jensen, M.A.**



**DEPARTMENT OF PUBLIC WORKS**

**Matthew Machado**  
Director

**Engineering & Operations Divisions**  
1716 Morgan Road, Modesto CA 95358  
Office: 209.525.4130 Fax: 209.525.4140

May 13, 2008

James P. Bodin  
City Planner  
1 Plaza  
P.O. Box 667  
Patterson, CA 95363

**SUBJECT: Las Palmas Avenue Traffic Signals at Elm Ave. and Sycamore Ave.**

Dear Mr. Bodin:

Stanislaus County received your letter dated April 16, 2008 regarding concerns and comments the City has with the proposed relocation of seven palm trees along Las Palmas Avenue. We sent a copy of your letter to Vicki Jordan at Insite Environmental to do further research on the palm trees. Enclosed is a response letter from Sean M. Jensen, Insite's contact at Genesis Society, responding to the City's comments.

The four conditions stated in your letter has been reviewed and accepted by the County. However, we have comments on conditions #2 and #3. Below are the City's conditions with our comments.

1. Ensure certified arborist is present during relocation, with assistance from the city arborist.

*The County agrees.*

2. City to make decision on which "gaps" to be filled with relocated trees.

*The County agrees. However, early identification of these locations by the City is needed to allow the County adequate time to deal with potential construction easement requirements and coordination with property owners.*

3. Guarantee trees dying from relocation are replaced with trees of like size.

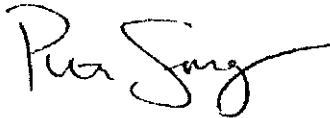
*The County agrees and will provide a 1-year guarantee on the relocated palm trees. Relocated palm trees that die within that period will be replaced with the existing palm trees from Old Las Palmas Avenue or new palm trees of standard size and same species.*

4. Trees to be relocated at a season likely to provide best chance of survival.

*The County agrees.*

These conditions will be reflected on the project plans, specifications, and estimate. If you have any questions, please contact me at (209) 525-4198.

Sincerely,

A handwritten signature in black ink that reads "Peter Song". The signature is written in a cursive style with a long, sweeping underline.

Peter Song  
Assistant Engineer

Enclosure

# MITIGATION MONITORING/REPORTING PROGRAM

## LAS PALMAS TRAFFIC SIGNAL PROJECT IMPROVEMENTS TO THE INTERSECTIONS OF LAS PALMAS AVENUE/SYCAMORE AVENUE AND LAS PALMAS AVENUE/ELM AVENUE NEAR THE CITY OF PATTERSON, CALIFORNIA

STATE CLEARINGHOUSE NO.: 2008032071

June 6, 2008

**InSite**  
environmental, inc.

6653 Embarcadero Drive, Suite Q  
Stockton, CA 95219  
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Fax 209.472.8654  
[www.insite-env.com](http://www.insite-env.com)

Prepared for:  
County of Stanislaus  
Public Works Department  
1716 Morgan Road  
Modesto, CA 95358

# MITIGATION MONITORING/REPORTING PROGRAM

## LAS PALMAS TRAFFIC SIGNAL PROJECT IMPROVEMENTS TO THE INTERSECTIONS OF LAS PALMAS AVENUE/SYCAMORE AVENUE AND LAS PALMAS AVENUE/ELM AVENUE NEAR THE CITY OF PATTERSON, CALIFORNIA

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Prepared for:  
County of Stanislaus  
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1716 Morgan Road  
Modesto, CA 95358

Prepared by:  
InSite Environmental  
6653 Embarcadero Drive, Suite Q  
Stockton, CA 95219  
(209) 472-8650

MITIGATION MONITORING/REPORTING PROGRAM  
 LAS PALMAS TRAFFIC SIGNAL PROJECT  
 JUNE 6, 2008

The Las Palmas Traffic Signal Project involves the improvement of two existing County road intersections located in the vicinity of the City of Patterson in western Stanislaus County. The Stanislaus County Public Works Department proposes to install new traffic signals and make related improvements to the existing intersections of Las Palmas Avenue with Sycamore Avenue and Elm Avenue.

The proposed intersection improvements are located along existing Las Palmas Avenue (County Road J17) near the City of Patterson. The Las Palmas/Sycamore Avenue intersection is located approximately one mile northeast of the Union Pacific Railroad (UPRR). The intersection of Las Palmas/Elm Avenue is located an additional mile northeast of Sycamore Avenue and approximately two miles northeast of the UPRR.

Both intersections are located within the Rancho Del Puerto Mexican land grant area, in Township 5 South, Range 8 East, MDBM; the project sites are shown on the USGS Crows Landing 7.5-minute quadrangle map.

An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the project, and after public review the IS/MND was adopted by the Stanislaus County Board of Supervisors. The adopted IS/MND includes the mitigation measures listed on the following pages, and all of these mitigation measures will be implemented in conjunction with the project. Implementation of the mitigation measures will occur primarily through their incorporation into or attachment to the project plans and specifications. Responsibility for monitoring of these requirements will be the responsibility of the Stanislaus County Department of Public Works and their contractor. The San Joaquin Valley APCD will also have responsibility for monitoring compliance with its rules and regulations. The Stanislaus County Department of Public Works will periodically review project compliance with these measures, advise the contractor of any substantial shortfall in implementation and direct any necessary correction.

| POTENTIAL IMPACT       | MITIGATION MEASURES  | RESPONSIBILITY FOR IMPLEMENTATION             | TIMING OF IMPLEMENTATION |
|------------------------|--|---|--------------------------|
| AIR QUALITY            |  |   |                          |
| Impacts on Air Quality | 1. During construction, the District will comply with required control measures specified in San Joaquin Valley Air Pollution Control District Regulation VIII (Fugitive Dust Rules), including compliance with the following mitigation measures 2 through 9. | Department of Public Works and its contractor | During construction      |



| POTENTIAL IMPACT | MITIGATION MEASURES  | RESPONSIBILITY FOR IMPLEMENTATION             | TIMING OF IMPLEMENTATION |
|------------------|--|---|--------------------------|
|                  | 2. Visible Dust Emissions (VDE) from construction, demolition, excavation or other earthmoving activities related to the project shall be limited to 20% opacity or less, as defined in Rule 8011, Appendix A. The dust control measures specified in mitigations 3 through 9 shall be applied as required to maintain the VDE standard. | Department of Public Works and its contractor | During construction      |
|                  | 3. Pre-water all land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activity sites and phase earthmoving.   | Department of Public Works and its contractor | During construction      |
|                  | 4. Apply water, chemical/organic stabilizer/suppressant, or vegetative ground cover to all disturbed areas, including unpaved roads.   | Department of Public Works and its contractor | During construction      |
|                  | 5. Restrict vehicular access to the disturbance area during periods of inactivity.   | Department of Public Works and its contractor | During construction      |
|                  | 6. Apply water or chemical/organic stabilizers/suppressants, construct wind barriers and/or cover exposed potentially dust-generating materials.   | Department of Public Works and its contractor | During construction      |
|                  | 7. When materials are transported off-site, stabilize and cover all materials to be transported and maintain six inches of freeboard space from the top of the container.  | Department of Public Works and its contractor | During construction      |

| POTENTIAL IMPACT                | MITIGATION MEASURES   | RESPONSIBILITY FOR IMPLEMENTATION             | TIMING OF IMPLEMENTATION |
|---------------------------------|---|---|--------------------------|
|                                 | 8. Remove carryout and trackout of soil materials on a daily basis unless it extends more than 50 feet from site; carryout and trackout extending more than 50 feet from the site shall be removed immediately. The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden. If the project would involve more than 150 construction vehicle trips per day onto the public street, additional restrictions specified in Section 5.8 of Rule 8041 will apply. | Department of Public Works and its contractor | During construction      |
|                                 | 9. Traffic speeds on unpaved roads shall be limited to 15 mph.  | Department of Public Works and its contractor | During construction      |
|                                 | 10. The project shall comply with any other applicable SJVAPCD rules and regulations.   | Department of Public Works and its contractor | During construction      |
| <b>BIOLOGICAL RESOURCES</b>     |   |   |                          |
| Impacts on Biological Resources | 1. Relocation of the existing date palm trees should occur between November 1 and December 31. This would avoid any potential conflict with Swainson's hawk, owl or other protected species nesting.  | Department of Public Works and its contractor | Prior to construction    |
|                                 | 2. If project construction will occur between March 1 and September 15, pre-construction surveys for nesting Swainson's hawks shall be conducted by qualified biologists for areas within 0.25 miles of the project. If active nests are found, the biologist should determine the need (if any) for temporal restrictions on construction. Pursuant to criteria set forth by the California Department of Fish and Game (1994).  | Department of Public Works and its contractor | Prior to construction    |

| POTENTIAL IMPACT              | MITIGATION MEASURES  | RESPONSIBILITY FOR IMPLEMENTATION             | TIMING OF IMPLEMENTATION |
|-------------------------------|--|---|--------------------------|
| <b>CULTURAL RESOURCES</b>     |  |   |                          |
| Impacts on Cultural Resources | 1, If any subsurface cultural resources are encountered during construction of the project, all construction activities in the vicinity of the encounter shall be halted until a qualified archaeologist can examine these materials and make a determination of their significance and recommend mitigation measures. The County of Stanislaus Department of Public Works shall be notified and shall be responsible for implementing mitigation measures recommended by the archaeologist for any identified significant cultural resources, pursuant to the requirements of the CEQA Guidelines.  | Department of Public Works and its contractor | During construction      |
|                               | 2. If human remains are encountered at any time during the development of the project, all work in the vicinity of the find shall halt and the County Coroner and the Stanislaus County Department of Public Works shall be notified immediately. The Coroner must contact the Native American Heritage Commission if the remains have been identified as being of Native American descent. At the same time, the Department shall retain a qualified archaeologist to evaluate the archaeological implications of the find and recommend any mitigation measures that may be required under CEQA; the Department shall implement those recommendations. The CEQA Guidelines detail steps to be taken when human remains are found to be of Native American origin.. | Department of Public Works and its contractor | During construction      |

| POTENTIAL IMPACT                        | MITIGATION MEASURES  | RESPONSIBILITY FOR IMPLEMENTATION             | TIMING OF IMPLEMENTATION |
|---|--|---|--------------------------|
| <b>HYDROLOGY AND WATER QUALITY</b>      |  |   |                          |
| Impacts on Groundwater                  | 1. Stanislaus County shall comply with the applicable requirements of the Stanislaus County Storm Water Management Plan (2004, or as amended), including preparation of a Storm Water Pollution Prevention Plan (SWPPP). Filing of a Notice of Intent (NOI) with the Regional Water Quality Control Board is not required for projects less than one acre in size.   | Department of Public Works and its contractor | Prior to construction    |
| <b>NOISE</b>                            |  |   |                          |
| Impacts from Project Construction Noise | 1. Temporary noise impacts resulting from project construction shall be minimized by restricting hours of construction involved in heavy equipment usage of 7:00 AM to 10:00 PM Monday through Friday and to 7:00 AM to 6:00 PM on Saturday and Sunday.  | Department of Public Works and its contractor | During construction      |
|   | 2. The contractor shall ensure that all construction equipment used in the vicinity of existing residences is properly muffled at all times.   | Department of Public Works and its contractor | During construction      |
| <b>TRANSPORTATION AND CIRCULATION</b>   |  |   |                          |
| Project Traffic Impacts                 | 1. The contractor shall prepare and implement a Traffic Control Plan that addresses the potential traffic conflicts within the project site. The Traffic Control Plan shall include such items as resident notification 48 hours in advance of any driveway closure, and the availability of temporary parking facilities if the project would prohibit use of existing parking. The Traffic Control Plan shall be subject to the review and approval of the Director of Public Works. | Department of Public Works and its contractor | Prior to construction    |

| POTENTIAL IMPACT | MITIGATION MEASURES   | RESPONSIBILITY FOR IMPLEMENTATION             | TIMING OF IMPLEMENTATION |
|------------------|---|---|--------------------------|
|                  | 2. The contractor shall coordinate construction of each project segment with the Stanislaus County Department of Public Works.                                | Department of Public Works and its contractor | During construction      |
|                  | 3. The contractor shall coordinate any required road closures with the Department of Public Works, the County Sheriff, CHP and West Stanislaus Fire District. | Department of Public Works and its contractor | During construction      |