

# City Council Agenda



**AUGUST 26, 2014**

**6:00 p.m.**

**City of Turlock Yosemite Room**

**156 S. Broadway, Turlock, California**



Mayor  
**John S. Lazar**

Council Members  
**Amy Bublak**                      **Steven Nascimento**  
**William DeHart, Jr.**           **Forrest White**  
Vice Mayor

City Manager  
**Roy W. Wasden**  
City Clerk  
**Kellie E. Weaver**  
City Attorney  
**Phaedra A. Norton**

**SPEAKER CARDS:** To accommodate those wishing to address the Council and allow for staff follow-up, speaker cards are available for any agenda item or any other topic delivered under Public Comment. Please fill out and provide the Comment Card to the City Clerk or Police Officer.

**NOTICE REGARDING NON-ENGLISH SPEAKERS:** The Turlock City Council meetings are conducted in English and translation to other languages is not provided. Please make arrangements for an interpreter if necessary.

**EQUAL ACCESS POLICY:** If you have a disability which affects your access to public facilities or services, please contact the City Clerk's Office at (209) 668-5540. The City is committed to taking all reasonable measures to provide access to its facilities and services. Please allow sufficient time for the City to process and respond to your request.

**NOTICE:** Pursuant to California Government Code Section 54954.3, any member of the public may directly address the City Council on any item appearing on the agenda, including Consent Calendar and Public Hearing items, before or during the City Council's consideration of the item.

**AGENDA PACKETS:** Prior to the City Council meeting, a complete Agenda Packet is available for review on the City's website at [www.cityofturlock.org](http://www.cityofturlock.org) and in the City Clerk's Office at 156 S. Broadway, Suite 230, Turlock, during normal business hours. Materials related to an item on this Agenda submitted to the Council after distribution of the Agenda Packet are also available for public inspection in the City Clerk's Office. Such documents may be available on the City's website subject to staff's ability to post the documents before the meeting.

**1. A. CALL TO ORDER**

**B. SALUTE TO THE FLAG**

**2. PROCLAMATIONS, RECOGNITIONS, APPOINTMENTS, ANNOUNCEMENTS & PRESENTATIONS**

A. Proclamation: California State University Stanislaus Warriors Golf, 2014 California Collegiate Athletic Association Tournament Champions

B. Recognition: Fourth of July Celebration

C. Presentation: Stanislaus Innovation Challenge, Kurtis Clark, Director of Alliance Small Business Development Center

**3. A. SPECIAL BRIEFINGS: None**

**B. STAFF UPDATES: None**

**C. PUBLIC PARTICIPATION**

This is the time set aside for members of the public to directly address the City Council on any item of interest to the public, before or during the City Council's consideration of the item, that is within the subject matter jurisdiction of the City Council. You will be allowed three (3) minutes for your comments. If you wish to speak regarding an item on the agenda, you may be asked to defer your remarks until the Council addresses the matter.

No action or discussion may be undertaken on any item not appearing on the posted agenda, except that Council may refer the matter to staff or request it be placed on a future agenda.

**4. A. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**

**B. DISCLOSURE OF EX PARTE COMMUNICATIONS**

1. Scheduled Matter Item 7B is a quasi-judicial proceeding. Council should disclose the following information if applicable
  - a. State for the public record the nature of the communication; and
  - b. With whom the ex parte communication was made; and
  - c. A brief statement as to the substance of the communication.

**5. CONSENT CALENDAR**

Information concerning the consent items listed hereinbelow has been forwarded to each Councilmember prior to this meeting for study. Unless the Mayor, a Councilmember or member of the audience has questions concerning the Consent Calendar, the items are approved at one time by the Council. The action taken by the Council in approving the consent items is set forth in the explanation of the individual items.

- A. Resolution: Accepting Demands of 7/17/14 in the amount of \$1,177,237.00; Demands of 7/24/14 in the amount of \$823,526.64; Demands of 7/31/14 in the amount of \$1,181,257.38
- B. Motion: Accepting Minutes of Regular Meeting of August 12, 2014
- C. Motion: Accepting notification of Contract Change Order No. 1 in the amount of \$2,750 (Fund 215) for City Project No. 11-48, "Intersection Improvements at Golden State Boulevard and Del's Lane," bringing the contract total to \$371,074
- D.
  1. Motion: Approving Contract Change Order No. 2 (Final) in the amount of \$6,572.81 (Fund 305) for City Project No. 13-25B, "Public Safety Training Facility Utilities and Site Improvements," bringing the contract total to \$119,624.58
  2. Motion: Accepting improvements for City Project No. 13-25B, "Public Safety Training Facility Utilities and Site Improvements," and authorizing the City Engineer to file a Notice of Completion
- E.
  1. Motion: Approving Contract Change Order No. 1 (Final) in the amount of \$1,493.69 (Fund 217) for City Project No. 13-48, "Roadway Widening at 1338 and 1344 East Avenue," bringing the contract total to \$53,159.69
  2. Motion: Accepting improvements for City Project No. 13-48, "Roadway Widening at 1338 and 1344 East Avenue," and authorizing the City Engineer to file a Notice of Completion
- F. Motion: Approving Amendment No. 4 with Omni Means, Inc., for the preparation of a Project Study Report (PSR) and Plans, Specifications and Estimate (PS&E) for the modifications of State Route 99 Interchanges at Fulkerth Road, City Project No. 0828, "Update State Route 99/Fulkerth"

- G. Resolution: Approving the Federal Transit Administration (FTA) Title VI Program Update and authorizing the City Manager to sign all necessary documents
- H. Motion: Approving Amendment No. 3 with Quad Knopf, Inc., for the preparation of an Environmental Impact Report (EIR) and Master Plan document for the Morgan Ranch Residential Master Plan
- I. Motion: Approving Amendment No. 1 for the Service Agreement with First Transit, Inc., to provide transit operational services for the Turlock Bus Line Services from December 1, 2011 to November 30, 2017, reflecting the fixed amount and hourly rates identified in the current First Transit, Inc. agreement
- J. Motion: Authorizing a blanket Out-of-Boundary Service Agreement for water services for property located within an unincorporated island of Stanislaus County, outside of City limits
- K. Resolution: Authorizing the City Manager or his designee to enter into an agreement with the San Joaquin Valley Stormwater Quality Partnership for the purposes of coordinating cooperative public outreach and education objectives outlined in the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit
- L. Motion: Approving the renewal of an Independent Contract between the City of Turlock and Dragon Sports to offer youth self defense classes
- M. Resolution: Re-appropriating unspent funds from Fiscal Year 2013-14 for the repair of the elevator located at Turlock City Hall, 156 S. Broadway, Turlock, California
- N. Motion: Rejecting Claim for Damages filed by Donnell Eugene Bak
- O. Motion: Rejecting Claim for Damages filed by Donnell Eugene Bak
- P. Motion: Rejecting Claim for Damages filed by Natalie Uballe
- Q. Motion: Rejecting Claim for Damages filed by Fontana Wholesale Lumber

**6. FINAL READINGS:** None

**7. PUBLIC HEARINGS**

Challenges in court to any of the items listed below, may be limited to only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Turlock City Council at, or prior to, the public hearing.

- A. Request to establish a Residential Permit Parking Zone along Garden Lane and Garden Court, to include portions of Pedras Road adjacent to 901 Pedras Road and 2001 Garden Lane on the north side of the street, every day between the hours of 9:00 p.m. and 7:00 a.m. (*Pitcock*)

***Recommended Action:***

Resolution: Establishing a Residential Permit Parking Zone along Garden Lane and Garden Court, to include portions of Pedras Road adjacent to 901 Pedras Road and 2001 Garden Lane on the north side of the street, every day between the hours of 9:00 p.m. and 7:00 a.m.

- B. Request to deny the appeal and affirm the Planning Commission Decision approving Minor Discretionary Permit 2014-01; Adopt the Mitigated Negative Declaration of Environmental Effect, incorporating the mitigation measures found in the Initial Study and Mitigation Monitoring Program prepared for this project having made the findings contained in the attached Draft City Council Resolution; and Approve Minor Discretionary Permit 2014-01 (Taco Bell). (*Pitcock*)

***Recommended Action:***

*Motion:* Denying the appeal and affirming the Planning Commission Decision approving Minor Discretionary Permit 2014-01

*Motion:* Adopting a Mitigated Negative Declaration of Environmental Effect, incorporating the mitigation measures found in the Initial Study and Mitigation Monitoring Program prepared for this project having made the findings contained in the attached Draft City Council Resolution

*Resolution:* Approving Minor Discretionary Permit 2014-01 (Taco Bell)

**8. SCHEDULED MATTERS:**

- A. Request to approve a Memorandum of Understanding with Stanislaus County for the contract and development of a Regional Consolidated Plan for 2015-2020, a 2015 Annual Action Plan and an updated Assessment of Impediments to Fair Housing, and authorize the City Manager to execute all related documents to this cooperative project. (*Pitt*)

***Recommended Action:***

*Motion:* Approving a Memorandum of Understanding with Stanislaus County for the contract and development of a Regional Consolidated Plan for 2015-2020, a 2015 Annual Action Plan and an updated Assessment of Impediments to Fair Housing, and authorizing the City Manager to execute all related documents to this cooperative project

- B. Request to authorize the City Manager to sign a tentative agreement between the City of Turlock Fire Department, City of Modesto Fire Department, City of Ceres Fire Department and Stanislaus Consolidated Fire Protection District to provide automatic aid in the case of a major fire, disaster or other emergency. (*Lohman*)

***Recommended Action:***

*Motion:* Authorizing the City Manager to sign a tentative agreement between the City of Turlock Fire Department, City of Modesto Fire Department, City of Ceres Fire Department and Stanislaus Consolidated Fire Protection District to provide automatic aid in the case of a major fire, disaster or other emergency

**9. COUNCIL ITEMS FOR FUTURE CONSIDERATION**

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**10. COUNCIL COMMENTS**

Councilmembers may provide a brief report on notable topics of interest. The Brown Act does not allow discussion or action by the legislative body.

**11. CLOSED SESSION:**

- A. Conference with Legal Counsel – Existing Litigation, Cal. Gov't Code §54956.9(d)(1)  
“For purposes of this section, litigation shall be considered pending when any of the following circumstances exist... Litigation, to which the local agency is a party, has been initiated formally.”

Name of Case: Turlock Associated Police Officers vs. City of Turlock

- B. Conference with Labor Negotiators, Cal. Gov't Code §54957.6  
“Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.”

Agency Negotiator: Mayor John Lazar

Unrepresented Employees: City Manager, City Attorney

- C. Conference with Labor Negotiators, Cal. Gov't Code §54957.6(a)  
“Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation.”

Agency Negotiators: Roy W. Wasden/Dave Young

Employee Organization: Turlock Associated Police Officers

Employee Organization: Turlock City Employee Association

Employee Organization: Turlock Firefighters Association. Local 2434

Employee Organization: Turlock Management Association-Public Safety

Unrepresented Employees:

Accountant, Sr., Assistant to the City Manager for Economic Development/Community Housing, Community Housing Program Supervisor, Deputy Development Services Director/Planning, Development Services Director/City Engineer, Development Services Supervisor/City Surveyor, Executive Assistant to the City Manager/City Clerk, Finance Customer Service Supervisor, Fire Chief, Human Resources Analyst, Human Resources Manager, Human Resources Technician, Legal Assistant, Municipal Services Director, Parks, Recreation & Public Facilities Director, Parks, Recreation & Public Facilities Superintendent, Payroll Coordinator, Principal Civil Engineer, Regulatory Affairs Manager, Secretary/Deputy City Clerk, Executive Administrative Assistant/Public Safety, Technical Services Manager, Utilities Manager, Water Quality Control Division Manager

**12. ADJOURNMENT**

2A

IN HONOR OF  
CSU STANISLAUS WARRIORS GOLF  
2014 CALIFORNIA COLLEGIATE ATHLETIC ASSOCIATION  
TOURNAMENT CHAMPIONS

WHEREAS, the California State University, Stanislaus Warriors Golf Team has won the Men's Golf 2014 California Collegiate Athletic Association Tournament Championships; and

WHEREAS, special commendation is due all team members and to Coach John Cooke; and

WHEREAS, this has been an exciting, hard-fought, and successful golf season for the Warriors; and

WHEREAS, the excellent performance, dedication, and commitment of these young men, along with their coach, have proven to be a source of admiration and inspiration to the citizens of Turlock; and

WHEREAS, the team's accomplishments are consistent with Coach Cooke's dedication to academic excellence, personal growth, and team unity; and

WHEREAS, our City is proud of the record the Warriors have earned and the fine publicity they have brought to our community by their good sportsmanship and inspired team play.

NOW, THEREFORE, I, JOHN LAZAR, by virtue of the authority vested in me as Mayor of the City of Turlock, and on behalf of all our citizens, do hereby honor the **California State University, Stanislaus Men's Golf Team and Coach Cooke** for their outstanding achievement and commend them for their fine display of sportsmanship and teamwork.

IN WITNESS WHEREOF, I, JOHN LAZAR, Mayor of Turlock, have hereunto set my hand and caused the Seal of the City of Turlock to be affixed this 26<sup>th</sup> day of August, 2014.

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JOHN LAZAR, MAYOR  
City of Turlock, County of Stanislaus,  
State of California

5A

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ACCEPTING DEMANDS }  
OF 7/17/14 IN THE AMOUNT OF \$1,177,237.00; }  
DEMANDS OF 7/24/14 IN THE }  
AMOUNT OF \$823,526.64; DEMANDS OF }  
7/31/14 IN THE AMOUNT OF \$1,181,257.38 }  
\_\_\_\_\_ }

RESOLUTION NO. 2014-

WHEREAS, the City has received demands for ratification and approval.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Turlock does hereby accept Demands as follows:

Demands of:	In the Amount of:
7/17/14	\$1,177,237.00
7/24/14	\$823,526.64
7/31/14	\$1,181,257.38

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Turlock this 26<sup>th</sup> day of August, 2014, by the following vote:

AYES:  
NOES:  
NOT PARTICIPATING:  
ABSENT:

ATTEST:

\_\_\_\_\_  
Kellie E. Weaver, City Clerk  
City of Turlock, County of Stanislaus,  
State of California

# Payment Register

From Payment Date: 7/11/2014 - To Payment Date: 7/17/2014

5A

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - Accounts Payable									
Check									
98447	07/15/2014	Open			Utility Management Refund	COX, ALISON	\$184.73		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$184.73	
98448	07/15/2014	Open			Utility Management Refund	DALTON, KATY	\$33.72		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$33.72	
98449	07/15/2014	Open			Utility Management Refund	DARMER, JANIE, H	\$133.66		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$133.66	
98450	07/15/2014	Open			Utility Management Refund	DROEGEMEIER, JENNA, ANN	\$133.89		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$133.89	
98451	07/15/2014	Open			Utility Management Refund	KREIN, JOEL	\$106.05		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$106.05	
98452	07/15/2014	Open			Utility Management Refund	LANDLORD PROPERTY MANAGEMENT	\$25.00		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$25.00	
98453	07/15/2014	Open			Utility Management Refund	LEMA, RYAN	\$134.63		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$134.63	
98454	07/15/2014	Open			Utility Management Refund	MILLER, AMY	\$99.30		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$99.30	
98455	07/15/2014	Open			Utility Management Refund	REED, ANDREW	\$159.38		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$159.38	
98456	07/15/2014	Open			Utility Management Refund	SAGUNDES, AURELIA	\$115.90		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$115.90	

# Payment Register

From Payment Date: 7/11/2014 - To Payment Date: 7/17/2014

Paying Fund	Refund	Cash Account	Amount
98457	420 - WATER 07/15/2014 Open	420.11000 (Cash)	\$115.90
	Utility Management Refund	SCARANO, RICK	\$222.46
98458	420 - WATER 07/15/2014 Open	420.11000 (Cash)	\$222.46
	Utility Management Refund	SOUZA, TOM	\$60.35
98459	420 - WATER 07/15/2014 Open	420.11000 (Cash)	\$60.35
	Utility Management Refund	STONE, MICHELLE	\$183.04
98460	420 - WATER 07/15/2014 Open	420.11000 (Cash)	\$183.04
	Utility Management Refund	TEXANOS USED CARS	\$44.90
98461	420 - WATER 07/17/2014 Open	420.11000 (Cash)	\$44.90
	Accounts Payable	A & A PORTABLES INC	\$79.76
98462	246 - Landscape Assessment 07/17/2014 Open	246.11000 (Cash)	\$79.76
	Accounts Payable	AFLAC GROUP INSURANCE	\$2,979.70
98463	104 - Payroll Clearing Fund 07/17/2014 Open	104.11000 (Cash)	\$2,979.70
	Accounts Payable	ALFRED MATTHEWS COLLISION	\$2,000.00
98464	420 - WATER 07/17/2014 Open	420.11000 (Cash)	\$2,000.00
	Accounts Payable	ALL VALLEY SMOG INC	\$24.75
98465	502 - Engineering 07/17/2014 Open	502.11000 (Cash)	\$24.75
	Accounts Payable	APPLIED PEST MANAGEMENT INC	\$220.00
98466	410 - WATER QUALITY CONTROL (WQC) 07/17/2014 Open	410.11000 (Cash)	\$220.00
	Accounts Payable	ARMOR FIRE EXTINGUISHER	\$6.00
98467	110 - General Fund 07/17/2014 Open	110.11000 (Cash)	\$6.00
	Accounts Payable	AT&T/SBC	\$97.92

# Payment Register

From Payment Date: 7/11/2014 - To Payment Date: 7/17/2014

98468	110 - General Fund 07/17/2014 Open Paying Fund	110.11000 (Cash) Accounts Payable	BALSWICK'S TIRE SHOP INC	\$97.92
		Cash Account		Amount
	110 - General Fund	110.11000 (Cash)		\$1,413.00
98469	205 - Sports Facilities 07/17/2014 Open Paying Fund	205.11000 (Cash) Accounts Payable	BONANDER TRUCKS	\$297.88
		Cash Account		Amount
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		\$18.08
	426 - Transit - Fixed Route	426.11000 (Cash)		\$33.11
98470	07/17/2014 Open Paying Fund	Accounts Payable	CENTRAL SANITARY SUPPLY	\$2,083.22
		Cash Account		Amount
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		\$2,083.22
98471	07/17/2014 Open Paying Fund	Accounts Payable	CENTRAL VALLEY BUSINESS FORMS	\$3,683.79
		Cash Account		Amount
	420 - WATER	420.11000 (Cash)		\$3,683.79
98472	07/17/2014 Open Paying Fund	Accounts Payable	CENTRAL VALLEY CONCRETE	\$373.99
		Cash Account		Amount
	217 - Streets - Gas Tax	217.11000 (Cash)		\$373.99
98473	07/17/2014 Open Paying Fund	Accounts Payable	CHAMPION INDUSTRIAL	\$5,526.39
		Cash Account		Amount
	110 - General Fund	110.11000 (Cash)		\$5,362.39
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		\$164.00
98474	07/17/2014 Open Paying Fund	Accounts Payable	CHARTER COMMUNICATIONS	\$78.36
		Cash Account		Amount
	110 - General Fund	110.11000 (Cash)		\$16.69
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)		\$3.33
	420 - WATER	420.11000 (Cash)		\$3.34
	501 - Information Technology	501.11000 (Cash)		\$55.00
98475	07/17/2014 Open Paying Fund	Accounts Payable	CHILDREN'S CRISIS CENTER	\$2,855.50
		Cash Account		Amount
	255 - CDBG	255.11000 (Cash)		\$2,855.50
98476	07/17/2014 Open Paying Fund	Accounts Payable	GINCINNATI LIFE INS INC	\$815.78
		Cash Account		Amount
	104 - Payroll Clearing Fund	104.11000 (Cash)		\$815.78
98477	07/17/2014 Open Paying Fund	Accounts Payable	CITY OF CERES	\$33,086.00
		Cash Account		Amount

# Payment Register

From Payment Date: 7/11/2014 - To Payment Date: 7/17/2014

98478	256 - Stanislaus Housing Consortia 07/17/2014 Open Paying Fund	256.11000 (Cash) Accounts Payable Cash Account	CITY OF NEWMAN	\$33,086.00 Amount \$5,716.74
98479	256 - Stanislaus Housing Consortia 07/17/2014 Open Paying Fund	256.11000 (Cash) Accounts Payable Cash Account	CITY OF TURLOCK - CASH	\$200.00 Amount
98480	110 - General Fund 07/17/2014 Open Paying Fund	110.11000 (Cash) Accounts Payable Cash Account	CLARK PEST CONTROL INC	\$3,901.00 Amount
98481	217 - Streets - Gas Tax 410 - WATER QUALITY CONTROL (WQC) 07/17/2014 Open Paying Fund	217.11000 (Cash) 410.11000 (Cash) Accounts Payable Cash Account	COMBINED BENEFITS ADMIN C	\$469.00 \$3,432.00 Amount \$34,061.08
98482	511 - Health Care 07/17/2014 Open Paying Fund	511.11000 (Cash) Accounts Payable Cash Account	COMBINED BENEFITS ADMIN-	\$34,061.08 Amount \$4,499.09
98483	511 - Health Care 07/17/2014 Open Paying Fund	511.11000 (Cash) Accounts Payable Cash Account	COMBINED BENEFITS ADMIN	\$4,499.09 Amount \$1,508.14
98484	511 - Health Care 07/17/2014 Open Paying Fund	511.11000 (Cash) Accounts Payable Cash Account	COMBINED BENEFITS ADMIN=	\$1,508.14 Amount \$134,796.53
98485	511 - Health Care 07/17/2014 Open Paying Fund	511.11000 (Cash) Accounts Payable Cash Account	COUNTRY FORD TRUCKS INC	\$134,796.53 Amount \$738.10
98486	110 - General Fund 410 - WATER QUALITY CONTROL (WQC) 502 - Engineering 07/17/2014 Open Paying Fund	110.11000 (Cash) 410.11000 (Cash) 502.11000 (Cash) Accounts Payable Cash Account	CULLIGAN INC	\$551.63 \$65.88 \$120.59 Amount \$87.50
98487	420 - WATER 07/17/2014 Open Paying Fund	420.11000 (Cash) Accounts Payable Cash Account	CUSTOM LOCKSMITH & ALARM INC	\$87.50 Amount \$70.45
98488	410 - WATER QUALITY CONTROL (WQC) 07/17/2014 Open Paying Fund	410.11000 (Cash) Accounts Payable Cash Account	D & HWATER SYSTEM INC	\$70.45 Amount \$3,576.29

# Payment Register

From Payment Date: 7/11/2014 - To Payment Date: 7/17/2014

98489	410 - WATER QUALITY CONTROL (WQC) 07/17/2014 Open	410.11000 (Cash)	Accounts Payable	DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT	\$3,576.29
98490	Paying Fund 258 - Housing Stimulus Funds 07/17/2014 Open	Cash Account 258.11000 (Cash)	Accounts Payable	DIVISION OF THE STATE ARCHITECT	\$18,113.90
98491	Paying Fund 301 - Capital Improvements 07/17/2014 Open	Cash Account 301.11000 (Cash)	Accounts Payable	DOWNEY BRAND ATTORNEYS	\$2,764.50
98492	Paying Fund 410 - WATER QUALITY CONTROL (WQC) 420 - WATER 07/17/2014 Open	Cash Account 410.11000 (Cash) 420.11000 (Cash)	Accounts Payable	FINANCIAL CREDIT NETWORK	\$855.41
98493	Paying Fund 110 - General Fund 410 - WATER QUALITY CONTROL (WQC) 420 - WATER 07/17/2014 Open	Cash Account 110.11000 (Cash) 410.11000 (Cash) 420.11000 (Cash)	Accounts Payable	FIRST AMERICAN TITLE INC	\$216,077.86
98494	Paying Fund 256 - Stanislaus Housing Consortia 07/17/2014 Open	Cash Account 256.11000 (Cash)	Accounts Payable	FIRST TRANSIT INC	\$45,254.03
98495	Paying Fund 425 - Transit - Dial-A-Ride 426 - Transit - Fixed Route 07/17/2014 Open	Cash Account 425.11000 (Cash) 426.11000 (Cash)	Accounts Payable	GEOANALYTICAL LAB INC	\$6,284.75
98496	Paying Fund 410 - WATER QUALITY CONTROL (WQC) 420 - WATER 07/17/2014 Open	Cash Account 410.11000 (Cash) 420.11000 (Cash)	Accounts Payable	GOMES & SONS INC, JOE M	\$22,087.81
	Paying Fund 110 - General Fund 205 - Sports Facilities 217 - Streets - Gas Tax 246 - Landscape Assessment 405 - Building 410 - WATER QUALITY CONTROL (WQC) 420 - WATER	Cash Account 110.11000 (Cash) 205.11000 (Cash) 217.11000 (Cash) 246.11000 (Cash) 405.11000 (Cash) 410.11000 (Cash) 420.11000 (Cash)	Accounts Payable		\$12,763.24 \$370.81 \$1,591.27 \$2,286.46 \$280.92 \$1,708.67 \$630.73

# Payment Register

From Payment Date: 7/11/2014 - To Payment Date: 7/17/2014

98497	425 - Transit - Dial-A-Ride	425.11000 (Cash)			\$1,412.63
	426 - Transit - Fixed Route	426.11000 (Cash)			\$815.23
	502 - Engineering	502.11000 (Cash)			\$227.85
	07/17/2014 Open	Accounts Payable	GOMES PROPANE		\$135.50
	Paying Fund	Cash Account		Amount	
	217 - Streets - Gas Tax	217.11000 (Cash)			\$135.50
98498	07/17/2014 Open	Accounts Payable	HILMAR READY MIX		\$45.74
	Paying Fund	Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			\$45.74
98499	07/17/2014 Open	Accounts Payable	HSQ INC		\$15,648.68
	Paying Fund	Cash Account		Amount	
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			\$3,990.74
	420 - WATER	420.11000 (Cash)			\$11,657.94
98500	07/17/2014 Open	Accounts Payable	INTELLI-TECHNOLOGIES AND SERVICES INC		\$1,176.00
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)			\$588.00
98501	501 - Information Technology	501.11000 (Cash)			\$588.00
	07/17/2014 Open	Accounts Payable	IPMA-CCC		\$40.00
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)			\$40.00
98502	07/17/2014 Open	Accounts Payable	JOHN DEERE LANDSCAPE		\$755.31
	Paying Fund	Cash Account		Amount	
	205 - Sports Facilities	205.11000 (Cash)			\$755.31
98503	07/17/2014 Open	Accounts Payable	KLEINFELDER INC		\$3,528.50
	Paying Fund	Cash Account		Amount	
	215 - Streets - Grant Funded Projects	215.11000 (Cash)			\$2,935.00
	228 - Park Development Tax	228.11000 (Cash)			\$407.50
	305 - Capital Facility Fees	305.11000 (Cash)			\$186.00
98504	07/17/2014 Open	Accounts Payable	KYOCERA DOCUMENT SOLUTIONS AMERICA INC		\$843.58
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)			\$804.85
	405 - Building	405.11000 (Cash)			\$19.36
	505 - Fleet	505.11000 (Cash)			\$19.37
98505	07/17/2014 Open	Accounts Payable	LANGUAGE LINE SERVICES		\$25.79
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)			\$25.79

# Payment Register

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98514	426 - Transit - Fixed Route	426.11000 (Cash)			\$13.23
	505 - Fleet	505.11000 (Cash)			\$36.19
	07/17/2014	Open	Accounts Payable	PACIFIC STORAGE COMPANY	\$206.00
	Paying Fund	Cash Account			Amount
98515	110 - General Fund	110.11000 (Cash)			\$206.00
	07/17/2014	Open	Accounts Payable	PLATT ELECTRIC SUPPLY	
	Paying Fund	Cash Account			Amount
98516	246 - Landscape Assessment	246.11000 (Cash)			\$720.98
	07/17/2014	Open	Accounts Payable	PRIME SHINE INC	
	Paying Fund	Cash Account			Amount
	110 - General Fund	110.11000 (Cash)			\$280.00
	205 - Sports Facilities	205.11000 (Cash)			\$0.00
	217 - Streets - Gas Tax	217.11000 (Cash)			\$0.00
	255 - CDBG	255.11000 (Cash)			\$0.00
	405 - Building	405.11000 (Cash)			\$0.00
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			\$31.50
	420 - WATER	420.11000 (Cash)			\$0.00
	501 - Information Technology	501.11000 (Cash)			\$0.00
	502 - Engineering	502.11000 (Cash)			\$7.00
	505 - Fleet	505.11000 (Cash)			\$0.00
98517	07/17/2014	Open	Accounts Payable	PROTECH SECURITY/ELEC INC	\$233.00
	Paying Fund	Cash Account			Amount
98518	110 - General Fund	110.11000 (Cash)			\$233.00
	07/17/2014	Open	Accounts Payable	PROVOST AND PRITCHARD ENGINEERING GROUP	
	Paying Fund	Cash Account			Amount
98519	420 - WATER	420.11000 (Cash)			\$6,183.70
	07/17/2014	Open	Accounts Payable	RECOLOGY GROVER	
	Paying Fund	Cash Account			Amount
98520	246 - Landscape Assessment	246.11000 (Cash)			\$3,013.50
	07/17/2014	Open	Accounts Payable	ROGERS, DANIEL, W	
	Paying Fund	Cash Account			Amount
98521	256 - Stanislaus Housing Consortia	256.11000 (Cash)			\$500.00
	07/17/2014	Open	Accounts Payable	ROSS SILVA APPRAISALS, HORACIO, M	
	Paying Fund	Cash Account			Amount
98522	256 - Stanislaus Housing Consortia	256.11000 (Cash)			\$800.00
	07/17/2014	Open	Accounts Payable	SAFETY-KLEEN CORPORATION	
	Paying Fund	Cash Account			Amount

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Paying Fund	Cash Account	Amount
98523	410 - WATER QUALITY CONTROL (WQC) 07/17/2014 Open	\$134.32
	Accounts Payable	
	SIERRA CHEMICAL CO	\$4,608.45
98524	410 - WATER QUALITY CONTROL (WQC) 07/17/2014 Open	\$4,608.45
	Accounts Payable	
	ST BOARD OF EQUALIZATION	\$1,367.17
98525	505 - Fleet 07/17/2014 Open	\$1,367.17
	Accounts Payable	
	STANISLAUS CO PLANNING	\$2,308.66
98526	256 - Stanislaus Housing Consortia 07/17/2014 Open	\$2,308.66
	Accounts Payable	
	STANISLAUS COUNTY	\$29,353.08
98527	110 - General Fund 07/17/2014 Open	\$29,353.08
	Accounts Payable	
	T I D	\$64,012.78
98528	110 - General Fund 216 - Streets - Local Transportation 410 - WATER QUALITY CONTROL (WQC) 420 - WATER 07/17/2014 Open	\$20,398.93 \$1,409.62 \$3,380.22 \$38,824.01
	Accounts Payable	
	TARGET SPECIALTY PROD INC	\$13,209.60
98529	217 - Streets - Gas Tax 246 - Landscape Assessment 410 - WATER QUALITY CONTROL (WQC) 07/17/2014 Open	\$1,585.15 \$792.57 \$10,631.88
	Accounts Payable	
	TBA AUTO PARTS	\$2,452.95
98530	110 - General Fund 205 - Sports Facilities 217 - Streets - Gas Tax 246 - Landscape Assessment 410 - WATER QUALITY CONTROL (WQC) 420 - WATER 425 - Transit - Dial-A-Ride 502 - Engineering 07/17/2014 Open	\$816.59 \$675.74 \$397.25 \$122.06 \$173.71 \$31.15 \$230.44 \$6.01
	Accounts Payable	
	TERRA RENEWAL WEST LLC	\$43,101.60

# Payment Register

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98531	410 - WATER QUALITY CONTROL (WQC) 07/17/2014 Open Paying Fund	410.11000 (Cash) Accounts Payable	TID	\$43,101.60	\$59.29
98532	258 - Housing Stimulus Funds 07/17/2014 Open Paying Fund	258.11000 (Cash) Accounts Payable	TURLOCK CHAMBER COMMERCE	\$59.29	\$1,995.00
98533	426 - Transit - Fixed Route 07/17/2014 Open Paying Fund	426.11000 (Cash) Accounts Payable	TURLOCK CITY TOW INC	\$1,995.00	\$214.00
98534	110 - General Fund 07/17/2014 Open Paying Fund	110.11000 (Cash) Accounts Payable	TURLOCK JOURNAL	\$214.00	\$500.00
98535	204 - AB 939 Integrated Waste Mgmt 07/17/2014 Open Paying Fund	204.11000 (Cash) Accounts Payable	TURLOCK SCAVENGER CO INC	\$500.00	\$200,000.00
98536	110 - General Fund 07/17/2014 Open Paying Fund	110.11000 (Cash) Accounts Payable	UTILITY TELEPHONE, INC.	\$200,000.00	\$522.40
98537	501 - Information Technology 07/17/2014 Open Paying Fund	501.11000 (Cash) Accounts Payable	VISION SERVICE PLAN CA	\$522.40	\$6,228.87
98538	511 - Health Care 07/17/2014 Open Paying Fund	511.11000 (Cash) Accounts Payable	WALKER ASSOC INC, LARRY	\$6,228.87	\$4,102.50
98539	410 - WATER QUALITY CONTROL (WQC) 07/17/2014 Open Paying Fund	410.11000 (Cash) Accounts Payable	WESTAMERICA BANK	\$4,102.50	\$204,453.32
98540	256 - Stanislaus Housing Consortia 07/17/2014 Open Paying Fund	256.11000 (Cash) Accounts Payable	GARCIA, KATHY	\$204,453.32	\$250.00
98541	110 - General Fund 07/17/2014 Open Paying Fund	110.11000 (Cash) Accounts Payable	GUTIERREZ, ORLANDO	\$250.00	\$60.00
	420 - WATER	420.11000 (Cash)		\$60.00	
Type Check Totals:					\$1,177,237.00
AP - Accounts Payable Totals				95 Transactions	

# Payment Register

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Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	95	\$1,177,237.00	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>95</b>	<b>\$1,177,237.00</b>	<b>\$0.00</b>

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	95	\$1,177,237.00	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>95</b>	<b>\$1,177,237.00</b>	<b>\$0.00</b>

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	95	\$1,177,237.00	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>95</b>	<b>\$1,177,237.00</b>	<b>\$0.00</b>

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	95	\$1,177,237.00	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>95</b>	<b>\$1,177,237.00</b>	<b>\$0.00</b>

# Payment Register

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - Accounts Payable									
98542	07/18/2014	Open			Cash Account	FARIA, JAMIE	\$242.00		
	Paying Fund								
98543	07/18/2014	Open		104.11000 (Cash)	Accounts Payable	STANISLAUS CTY SHERIFF	\$1,077.17		
	Paying Fund								
98544	07/18/2014	Open		104.11000 (Cash)	Accounts Payable	SUPPORT PAYMENT CLEARING	\$439.13		
	Paying Fund								
98545	07/23/2014	Open		104.11000 (Cash)	Licensing Refund	STANLEY TOSCANA'S RESTORANTE DIMOND'S INC	\$50.38		
	Paying Fund								
98546	07/23/2014	Open		110.11000 (Cash)	Utility Management Refund	BERGER & COMPANY CPA	\$3,920.42		
	Paying Fund								
98547	07/23/2014	Open		110.11000 (Cash)	Utility Management Refund	DHINDSA, ASHRAJ	\$111.75		
	Paying Fund								
98548	07/23/2014	Open		420.11000 (Cash)	Utility Management Refund	HALL, MARGARET, L	\$12.72		
	Paying Fund								
98549	07/23/2014	Open		420.11000 (Cash)	Utility Management Refund	METCALFE, SHARON	\$388.28		
	Paying Fund								
98550	07/23/2014	Open		420.11000 (Cash)	Utility Management Refund	SALDIVAR, ROQUE	\$92.10		
	Paying Fund								
98551	07/23/2014	Open		420.11000 (Cash)	Utility Management Refund	STEELEY, KENNETH, J	\$17.64		
	Paying Fund								

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98552	420 - WATER 07/23/2014	Open	420.11000 (Cash)	Utility Management Refund	TORNQUIST, PHILLIP	\$17.64	\$83.18
	Paying Fund		Cash Account			Amount	
98553	420 - WATER 07/24/2014	Open	420.11000 (Cash)	Accounts Payable	A & G SALES PROMOTION LTD	\$83.18	\$235.45
	Paying Fund		Cash Account			Amount	
98554	110 - General Fund 07/24/2014	Open	110.11000 (Cash)	Accounts Payable	ABS DIRECT INC	\$235.45	\$5,300.00
	Paying Fund		Cash Account			Amount	
98555	110 - General Fund 07/24/2014	Open	110.11000 (Cash)	Accounts Payable	AFLAC	\$5,300.00	\$5,429.95
	Paying Fund		Cash Account			Amount	
98556	104 - Payroll Clearing Fund 07/24/2014	Open	104.11000 (Cash)	Accounts Payable	AFLAC GROUP INSURANCE	\$5,429.95	\$2,979.70
	Paying Fund		Cash Account			Amount	
98557	104 - Payroll Clearing Fund 07/24/2014	Open	104.11000 (Cash)	Accounts Payable	APPLIED PEST MANAGEMENT INC	\$2,979.70	\$120.00
	Paying Fund		Cash Account			Amount	
98558	110 - General Fund 07/24/2014	Open	110.11000 (Cash)	Accounts Payable	AT&T / CALNET 2	\$120.00	\$5,237.85
	Paying Fund		Cash Account			Amount	
	110 - General Fund		110.11000 (Cash)			\$4,599.51	
	205 - Sports Facilities		205.11000 (Cash)			\$39.32	
	255 - CDBG		255.11000 (Cash)			\$13.14	
	405 - Building		405.11000 (Cash)			\$12.89	
	410 - WATER QUALITY CONTROL (WQC)		410.11000 (Cash)			\$241.01	
	420 - WATER		420.11000 (Cash)			\$65.52	
	426 - Transit - Fixed Route		426.11000 (Cash)			\$66.66	
	501 - Information Technology		501.11000 (Cash)			\$86.34	
	502 - Engineering		502.11000 (Cash)			\$13.93	
	505 - Fleet		505.11000 (Cash)			\$99.53	
98559	07/24/2014	Open		Accounts Payable	CHAMPION INDUSTRIAL		\$658.83
	Paying Fund		Cash Account			Amount	
	110 - General Fund		110.11000 (Cash)			\$517.71	
	205 - Sports Facilities		205.11000 (Cash)			\$141.12	
98560	07/24/2014	Open		Accounts Payable	CHARTER COMMUNICATIONS		\$753.98

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Paying Fund	Cash Account	Amount
110 - General Fund	110.11000 (Cash)	\$49.99
410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	\$152.49
420 - WATER	420.11000 (Cash)	\$42.50
501 - Information Technology	501.11000 (Cash)	\$509.00
07/24/2014 Open	Accounts Payable	
	CLARK PEST CONTROL INC	\$585.00
Paying Fund	Cash Account	Amount
410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	\$585.00
07/24/2014 Open	Accounts Payable	
	CODE PUBLISHING COMPANY	\$392.90
Paying Fund	Cash Account	Amount
110 - General Fund	110.11000 (Cash)	\$392.90
07/24/2014 Open	Accounts Payable	
	COMBINED BENEFITS ADMIN C	\$57,216.57
Paying Fund	Cash Account	Amount
511 - Health Care	511.11000 (Cash)	\$57,216.57
07/24/2014 Open	Accounts Payable	
	COMBINED BENEFITS ADMIN-	\$4,220.12
Paying Fund	Cash Account	Amount
511 - Health Care	511.11000 (Cash)	\$4,220.12
07/24/2014 Open	Accounts Payable	
	COMBINED BENEFITS ADMIN/	\$384.18
Paying Fund	Cash Account	Amount
511 - Health Care	511.11000 (Cash)	\$384.18
07/24/2014 Open	Accounts Payable	
	ECONOMIC & PLANNING INC	\$936.25
Paying Fund	Cash Account	Amount
410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	\$936.25
07/24/2014 Open	Accounts Payable	
	ECONOMIC & PLANNING INC	\$936.25
Paying Fund	Cash Account	Amount
411 - Storm Drainage Construction	411.11000 (Cash)	\$936.25
07/24/2014 Open	Accounts Payable	
	FEDERAL EXPRESS	\$392.05
Paying Fund	Cash Account	Amount
110 - General Fund	110.11000 (Cash)	\$360.75
410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	\$31.30
07/24/2014 Open	Accounts Payable	
	ING LIFE INSURANCE AND	\$26.00
Paying Fund	Cash Account	Amount
104 - Payroll Clearing Fund	104.11000 (Cash)	\$26.00
07/24/2014 Open	Accounts Payable	
	INTELLI-TECHNOLOGIES AND	\$545.37
Paying Fund	Cash Account	Amount
501 - Information Technology	501.11000 (Cash)	\$545.37

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Payment ID	Payment Date	Account Type	Account Name	Account Number	Amount
98571	07/24/2014	Open	ITRON INC		\$2,840.97
	Paying Fund				
	420 - WATER	Cash Account			\$2,840.97
	420 - WATER	420.11000 (Cash)			
98572	07/24/2014	Open	JCS PROPERTIES LLC		\$1,414.07
	Paying Fund				
	625 - Successor Agency - LMI	Cash Account			\$1,414.07
	625 - Successor Agency - LMI	625.11000 (Cash)			
98573	07/24/2014	Open	KLEINFELDER INC		\$2,932.00
	Paying Fund				
	420 - WATER	Cash Account			\$2,932.00
	420 - WATER	420.11000 (Cash)			
98574	07/24/2014	Open	LOZANO SMITH, LLP		\$89.60
	Paying Fund				
	110 - General Fund	Cash Account			\$89.60
	110 - General Fund	110.11000 (Cash)			
98575	07/24/2014	Open	MADRUGA BROS ENT INC		\$329.00
	Paying Fund				
	110 - General Fund	Cash Account			\$329.00
	110 - General Fund	110.11000 (Cash)			
	255 - CDBG	255.11000 (Cash)			\$3.50
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			\$31.50
	420 - WATER	420.11000 (Cash)			\$14.00
	501 - Information Technology	501.11000 (Cash)			\$3.50
	502 - Engineering	502.11000 (Cash)			\$14.00
98576	07/24/2014	Open	MAGIC SANDS MOBILE HOME PARK		\$281.07
	Paying Fund				
	625 - Successor Agency - LMI	Cash Account			\$281.07
	625 - Successor Agency - LMI	625.11000 (Cash)			
98577	07/24/2014	Open	MCC BUSINESS SYSTEMS		\$105.94
	Paying Fund				
	110 - General Fund	Cash Account			\$105.94
	110 - General Fund	110.11000 (Cash)			
98578	07/24/2014	Open	MCI ENGINEERING		\$67,812.19
	Paying Fund				
	215 - Streets - Grant Funded Projects	Cash Account			\$67,812.19
	215 - Streets - Grant Funded Projects	215.11000 (Cash)			
98579	07/24/2014	Open	MCI ENGINEERING INC		\$778.81
	Paying Fund				
	215 - Streets - Grant Funded Projects	Cash Account			\$778.81
	215 - Streets - Grant Funded Projects	215.11000 (Cash)			
98580	07/24/2014	Open	MCI ENGINEERING INC		\$3,569.06
	Paying Fund				
	215 - Streets - Grant Funded Projects	Cash Account			\$3,569.06
	215 - Streets - Grant Funded Projects	215.11000 (Cash)			
98581	07/24/2014	Open	MULBERRY MOBILE PARK		\$167.73
	Paying Fund				
	215 - Streets - Grant Funded Projects	Cash Account			\$167.73
	215 - Streets - Grant Funded Projects	215.11000 (Cash)			

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Paying Fund	Cash Account	Amount
98582	625-11000 (Cash)	\$167.73
	07/24/2014 Open	
	Accounts Payable	
	NAPA AUTO PARTS	\$268.16
	Paying Fund	Amount
98583	110-11000 (Cash)	\$268.16
	07/24/2014 Open	
	Accounts Payable	
	NESTLE WATERS NORTH AMERICA	\$369.26
	Paying Fund	Amount
98584	110-11000 (Cash)	\$55.20
	246-11000 (Cash)	\$55.20
	410-11000 (Cash)	\$258.86
	07/24/2014 Open	
	Accounts Payable	
	NEW WORLD SYSTEM CORP	\$5,385.00
	Paying Fund	Amount
98585	110-11000 (Cash)	\$3,790.00
	501-11000 (Cash)	\$1,595.00
	07/24/2014 Open	
	Accounts Payable	
	NEXT LEVEL PARTS INC	\$352.53
	Paying Fund	Amount
98586	110-11000 (Cash)	\$14.28
	217-11000 (Cash)	\$19.79
	426-11000 (Cash)	\$318.46
	07/24/2014 Open	
	Accounts Payable	
	OMNI-MEANS INC	\$13,975.32
	Paying Fund	Amount
98587	305-11000 (Cash)	\$13,975.32
	07/24/2014 Open	
	Accounts Payable	
	OVERAA & CO INC, C	\$128,942.60
	Paying Fund	Amount
98588	415-11000 (Cash)	\$128,942.60
	07/24/2014 Open	
	Accounts Payable	
	P G & E	\$13,868.97
	Paying Fund	Amount
98589	110-11000 (Cash)	\$4,429.12
	505-11000 (Cash)	\$9,429.85
	07/24/2014 Open	
	Accounts Payable	
	PACE SUPPLY CORPORATION	\$561.34
	Paying Fund	Amount
98590	420-11000 (Cash)	\$561.34
	07/24/2014 Open	
	Accounts Payable	
	PACIFIC STORAGE COMPANY	\$206.00
	Paying Fund	Amount
98591	110-11000 (Cash)	\$206.00
	07/24/2014 Open	
	Accounts Payable	
	PRESORT CTR STOCKTON INC	\$9,261.38

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Paying Fund	Cash Account	Amount
110 - General Fund	110.11000 (Cash)	\$3,087.14
410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	\$3,087.12
420 - WATER	420.11000 (Cash)	\$3,087.12
07/24/2014 Open	Accounts Payable	\$558.60
Paying Fund	Cash Account	Amount
426 - Transit - Fixed Route	426.11000 (Cash)	\$558.60
07/24/2014 Open	Accounts Payable	\$881.23
Paying Fund	Cash Account	Amount
410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	\$881.23
07/24/2014 Open	Accounts Payable	\$3,720.28
Paying Fund	Cash Account	Amount
110 - General Fund	110.11000 (Cash)	\$2,592.02
205 - Sports Facilities	205.11000 (Cash)	\$23.13
217 - Streets - Gas Tax	217.11000 (Cash)	\$5.45
246 - Landscape Assessment	246.11000 (Cash)	\$5.45
405 - Building	405.11000 (Cash)	\$36.65
410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	\$628.33
420 - WATER	420.11000 (Cash)	\$84.64
502 - Engineering	502.11000 (Cash)	\$344.61
07/24/2014 Open	Accounts Payable	\$7,358.55
Paying Fund	Cash Account	Amount
621 - Successor Agency - Non LMI	621.11000 (Cash)	\$7,358.55
07/24/2014 Open	Accounts Payable	\$731.00
Paying Fund	Cash Account	Amount
110 - General Fund	110.11000 (Cash)	\$395.00
217 - Streets - Gas Tax	217.11000 (Cash)	\$167.00
246 - Landscape Assessment	246.11000 (Cash)	\$47.00
410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	\$75.00
502 - Engineering	502.11000 (Cash)	\$47.00
07/24/2014 Open	Accounts Payable	\$778.30
Paying Fund	Cash Account	Amount
110 - General Fund	110.11000 (Cash)	\$251.31
205 - Sports Facilities	205.11000 (Cash)	\$62.95
217 - Streets - Gas Tax	217.11000 (Cash)	\$80.04
246 - Landscape Assessment	246.11000 (Cash)	\$24.47
270 - Recreation Grants	270.11000 (Cash)	\$21.02

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98598	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			\$154.21
	420 - WATER	420.11000 (Cash)			\$144.65
	505 - Fleet	505.11000 (Cash)			\$39.65
	07/24/2014 Open	Accounts Payable	STANISLAUS REGIONAL TRANS		\$1,080.50
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)			\$1,080.50
98599	07/24/2014 Open	Accounts Payable	T I D		\$36,220.40
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)			\$7,807.20
	216 - Streets - Local Transportation	216.11000 (Cash)			\$25,888.08
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			\$609.86
	420 - WATER	420.11000 (Cash)			\$1,915.26
98600	07/24/2014 Open	Accounts Payable	THE MECHANICS BANK		\$6,786.45
	Paying Fund	Cash Account		Amount	
	415 - Sewer Bond Projects	415.11000 (Cash)			\$6,786.45
98601	07/24/2014 Open	Accounts Payable	TURLOCK SCAVENGER CO INC		\$302,186.30
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)			\$302,186.30
98602	07/24/2014 Open	Accounts Payable	UNITED RESOURCE SYSTEMS INC		\$64.98
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)			\$18.89
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			\$25.54
	420 - WATER	420.11000 (Cash)			\$20.55
98603	07/24/2014 Open	Accounts Payable	US BANK-VISA		\$70,209.56
	Paying Fund	Cash Account		Amount	
	110 - General Fund	110.11000 (Cash)			\$27,044.28
	203 - Animal Fee Forfeiture	203.11000 (Cash)			\$471.90
	204 - AB 939 Integrated Waste Mgmt	204.11000 (Cash)			\$352.93
	205 - Sports Facilities	205.11000 (Cash)			\$6,540.81
	216 - Streets - Local Transportation	216.11000 (Cash)			\$467.09
	217 - Streets - Gas Tax	217.11000 (Cash)			\$3,042.27
	225 - Transportation Tax	225.11000 (Cash)			\$360.24
	242 - Computer Replacement	242.11000 (Cash)			\$7,856.16
	246 - Landscape Assessment	246.11000 (Cash)			\$762.28
	266 - Police Services Grants	266.11000 (Cash)			\$599.83
	270 - Recreation Grants	270.11000 (Cash)			\$8,288.71
	405 - Building	405.11000 (Cash)			\$37.76

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98604	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)				\$8,506.49
	420 - WATER	420.11000 (Cash)				\$4,976.41
	502 - Engineering	502.11000 (Cash)				\$808.70
	505 - Fleet	505.11000 (Cash)				\$93.70
	07/24/2014 Open	Accounts Payable	VERIZON WIRELESS			\$584.93
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)				\$29.63
	241 - Asset Replacement	241.11000 (Cash)				\$0.00
	405 - Building	405.11000 (Cash)				\$89.74
	502 - Engineering	502.11000 (Cash)				\$465.56
98605	07/24/2014 Open	Accounts Payable	WESTERN VIEW MOBILE RANCH			\$3,145.68
	Paying Fund	Cash Account			Amount	
	625 - Successor Agency - LMI	625.11000 (Cash)				\$3,145.68
98606	07/24/2014 Open	Accounts Payable	WESTFORK ESTATES			\$683.70
	Paying Fund	Cash Account			Amount	
	625 - Successor Agency - LMI	625.11000 (Cash)				\$683.70
98607	07/24/2014 Open	Accounts Payable	DOMINGUEZ, TONY			\$76.00
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)				\$76.00
98608	07/24/2014 Open	Accounts Payable	GOMEZ, MARK			\$600.00
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)				\$600.00
98609	07/24/2014 Open	Accounts Payable	MAHIL, AVNEET			\$300.00
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)				\$300.00
98610	07/24/2014 Open	Accounts Payable	REYNOLDS, GARNER			\$186.80
	Paying Fund	Cash Account			Amount	
	420 - WATER	420.11000 (Cash)				\$186.80
98611	07/24/2014 Open	Accounts Payable	RIDOS, ANDRES			\$24.66
	Paying Fund	Cash Account			Amount	
	257 - State HOME Funds	257.11000 (Cash)				\$24.66
98612	07/24/2014 Open	Accounts Payable	WILLIAMS, STEVE			\$600.00
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)				\$600.00
98613	07/24/2014 Open	Accounts Payable	YOSEMITE FARM CREDIT, ACA			\$648.00
	Paying Fund	Cash Account			Amount	
	110 - General Fund	110.11000 (Cash)				\$648.00

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98614	07/24/2014	Open	Accounts Payable	YOSEMITE FARM CREDIT, ACA	\$39,814.50
	Paying Fund		Cash Account		Amount
	110 - General Fund		110.11000 (Cash)	\$39,814.50	
Type Check Totals:					\$823,526.64
AP - Accounts Payable Totals					

73 Transactions

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	73	\$823,526.64	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	73	\$823,526.64	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	73	\$823,526.64	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	73	\$823,526.64	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	73	\$823,526.64	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	73	\$823,526.64	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	73	\$823,526.64	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	73	\$823,526.64	\$0.00

# Payment Register

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Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
AP - Accounts Payable									
Check									
98615	07/29/2014	Open			Accounts Payable	STEWART TITLE OF CA INC	\$266,670.71		
	Paying Fund			Cash Account					
	256 - Stanislaus Housing Consortia			256.11000 (Cash)				\$266,670.71	
98616	07/30/2014	Open			Utility Management Refund	CLARK BROS INC	\$94.07		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$94.07	
98617	07/30/2014	Open			Utility Management Refund	CLARK, KEVIN	\$92.10		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$92.10	
98618	07/30/2014	Open			Utility Management Refund	CONNOLLY, JORDAN	\$91.80		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$91.80	
98619	07/30/2014	Open			Utility Management Refund	DAVENPORT, NATHAN	\$143.80		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$143.80	
98620	07/30/2014	Open			Utility Management Refund	HOWRY, TIFFANY, M	\$77.80		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$77.80	
98621	07/30/2014	Open			Utility Management Refund	MALONE, JOSEPH	\$185.43		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$185.43	
98622	07/30/2014	Open			Utility Management Refund	MIRANDA, IDA	\$16.74		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$16.74	
98623	07/30/2014	Open			Utility Management Refund	NUNES, JOE, L	\$210.65		
	Paying Fund			Cash Account					
	420 - WATER			420.11000 (Cash)				\$210.65	
98624	07/30/2014	Open			Utility Management Refund	ORNELAS, MANUEL	\$111.05		

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Paying Fund	Cash Account	Amount
98625	420 - WATER 07/30/2014 Open Utility Management Refund SAREEN, MOHINDER	\$111.05 \$89.83
98626	Paying Fund 420 - WATER 07/30/2014 Open Utility Management Refund SINGH, HARJOGINDER	\$117.33 \$183.90
98627	Paying Fund 420 - WATER 07/30/2014 Open Utility Management Refund VALDEZ JR, DANNY	\$117.33 \$217.95
98628	Paying Fund 110 - General Fund 410 - WATER QUALITY CONTROL (WQC) 420 - WATER 07/30/2014 Open Utility Management Refund VALLEJO HOWARD, CUAHTEMOC, J	\$0.84 \$1.43 \$181.63 \$217.95
98629	Paying Fund 110 - General Fund 410 - WATER QUALITY CONTROL (WQC) 420 - WATER 07/30/2014 Open Utility Management Refund VILLA-VALLE, MIGUEL, A	\$0.84 \$1.90 \$215.21 \$181.90
98630	Paying Fund 420 - WATER 07/30/2014 Open Utility Management Refund ZONTEK, JAMES, RUDOLPH	\$181.90 \$99.30
98631	Paying Fund 420 - WATER 07/31/2014 Open Accounts Payable A & A PORTABLES INC	\$99.30 \$689.16
98632	Paying Fund 301 - Capital Improvements 07/31/2014 Open Accounts Payable A & G SALES PROMOTION LTD	\$689.16 \$3,576.56
98633	Paying Fund 110 - General Fund 270 - Recreation Grants 07/31/2014 Open Accounts Payable AECOM TECHNICAL SERVICES INC	\$510.94 \$3,065.62 \$4,807.02

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98634	110 - General Fund 07/31/2014 Open Paying Fund	110.11000 (Cash) Accounts Payable	ALL VALLEY SMOG INC	\$4,807.02
98635	410 - WATER QUALITY CONTROL (WQC) 07/31/2014 Open Paying Fund	Cash Account 410.11000 (Cash) Accounts Payable	AMERICAN REPROGRAPHICS CO LLC	\$24.75 \$274.44
98636	502 - Engineering 07/31/2014 Open Paying Fund	Cash Account 502.11000 (Cash) Accounts Payable	AT & T	\$274.44 \$827.63
98637	110 - General Fund 07/31/2014 Open Paying Fund	Cash Account 110.11000 (Cash) Accounts Payable	AT&T INFO SYSTEM	\$827.63 \$359.68
98638	110 - General Fund 07/31/2014 Open Paying Fund	Cash Account 110.11000 (Cash) Accounts Payable	AT&T MOBILITY	\$359.68 \$845.32
98639	110 - General Fund 07/31/2014 Open Paying Fund	Cash Account 110.11000 (Cash) Accounts Payable	AVAYA INC	\$845.32 \$12.07
98640	110 - General Fund 07/31/2014 Open Paying Fund	Cash Account 110.11000 (Cash) Accounts Payable	BUREAU VERITAS NO AMERICA	\$12.07 \$19,994.99
98641	405 - Building 07/31/2014 Open Paying Fund	Cash Account 405.11000 (Cash) Accounts Payable	BURTON'S FIRE APPARATUS	\$19,994.99 \$2,667.42
98642	110 - General Fund 07/31/2014 Open Paying Fund	Cash Account 110.11000 (Cash) Accounts Payable	CHAMPION INDUSTRIAL	\$2,667.42 \$2,225.63
98643	110 - General Fund 410 - WATER QUALITY CONTROL (WQC) 07/31/2014 Open Paying Fund	Cash Account 110.11000 (Cash) 410.11000 (Cash) Accounts Payable	CHARTER COMMUNICATIONS	Amount \$415.41 \$1,810.22 Amount \$178.82
98644	110 - General Fund 410 - WATER QUALITY CONTROL (WQC) 501 - Information Technology 07/31/2014 Open Paying Fund	Cash Account 110.11000 (Cash) 410.11000 (Cash) 501.11000 (Cash) Accounts Payable Cash Account	COMBINED BENEFITS ADMIN C	Amount \$73.83 \$49.99 \$55.00 Amount \$53,398.08

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98645	511 - Health Care	07/31/2014	Open	511.11000 (Cash)	Accounts Payable	CSJVRMA	\$53,398.08
	Paying Fund			Cash Account			Amount
	110 - General Fund			110.11000 (Cash)			\$8,562.00
	205 - Sports Facilities			205.11000 (Cash)			\$45.00
	217 - Streets - Gas Tax			217.11000 (Cash)			\$1,273.00
	246 - Landscape Assessment			246.11000 (Cash)			\$239.00
	255 - CDBG			255.11000 (Cash)			\$31.00
	405 - Building			405.11000 (Cash)			\$65.00
	410 - WATER QUALITY CONTROL (WQC)			410.11000 (Cash)			\$1,218.00
	420 - WATER			420.11000 (Cash)			\$373.00
	425 - Transit - Dial-A-Ride			425.11000 (Cash)			\$663.00
	426 - Transit - Fixed Route			426.11000 (Cash)			\$2,421.00
	501 - Information Technology			501.11000 (Cash)			\$25.00
	502 - Engineering			502.11000 (Cash)			\$161.00
	505 - Fleet			505.11000 (Cash)			\$6.00
	512 - Casualty Insurance			512.11000 (Cash)			\$174,103.00
98646	07/31/2014	Open			Accounts Payable	CURTIS & SONS INC, L N	\$1,969.32
	Paying Fund			Cash Account			Amount
	110 - General Fund			110.11000 (Cash)			\$1,969.32
98647	07/31/2014	Open			Accounts Payable	CUSTOM LOCKSMITH & ALARM INC	\$278.01
	Paying Fund			Cash Account			Amount
	110 - General Fund			110.11000 (Cash)			\$278.01
98648	07/31/2014	Open			Accounts Payable	DAVID KEITH TODD CONSULTING ENGINEERS	\$2,273.75
	Paying Fund			Cash Account			Amount
	420 - WATER			420.11000 (Cash)			\$2,273.75
98649	07/31/2014	Open			Accounts Payable	GARTON TRACTOR INC	\$21.69
	Paying Fund			Cash Account			Amount
	205 - Sports Facilities			205.11000 (Cash)			\$21.69
98650	07/31/2014	Open			Accounts Payable	GOMES & SONS INC, JOE M	\$22,065.56
	Paying Fund			Cash Account			Amount
	110 - General Fund			110.11000 (Cash)			\$12,420.93
	205 - Sports Facilities			205.11000 (Cash)			\$431.23
	217 - Streets - Gas Tax			217.11000 (Cash)			\$1,704.20
	246 - Landscape Assessment			246.11000 (Cash)			\$2,057.29
	255 - CDBG			255.11000 (Cash)			\$81.15

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98651	256 - Stanislaus Housing Consortia	256.11000 (Cash)	Accounts Payable	HD SUPPLY WATERWORKS LTD	Amount	\$49.49
	405 - Building	405.11000 (Cash)			Amount	\$314.48
	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)			Amount	\$2,380.31
	420 - WATER	420.11000 (Cash)			Amount	\$754.20
	425 - Transit - Dial-A-Ride	425.11000 (Cash)			Amount	\$1,523.86
	426 - Transit - Fixed Route	426.11000 (Cash)			Amount	\$348.42
	07/31/2014	Open	Accounts Payable		Amount	\$456.49
	Paying Fund	Cash Account			Amount	\$456.49
98652	420 - WATER	420.11000 (Cash)	Accounts Payable	HENSLEY'S PAVING & ENGR	Amount	\$46,830.38
	07/31/2014	Open			Amount	\$46,830.38
	Paying Fund	Cash Account			Amount	\$46,830.38
98653	217 - Streets - Gas Tax	217.11000 (Cash)	Accounts Payable	HILMAR READY MIX	Amount	\$107.63
	07/31/2014	Open			Amount	\$107.63
	Paying Fund	Cash Account			Amount	\$107.63
98654	410 - WATER QUALITY CONTROL (WQC)	410.11000 (Cash)	Accounts Payable	HUB INT'L OF CA INS SVC	Amount	\$651.56
	07/31/2014	Open			Amount	\$651.56
	Paying Fund	Cash Account			Amount	\$651.56
98655	110 - General Fund	110.11000 (Cash)	Accounts Payable	KEENAN & ASSOCIATES	Amount	\$91,147.00
	07/31/2014	Open			Amount	\$91,147.00
	Paying Fund	Cash Account			Amount	\$91,147.00
98656	510 - Workers Compensation Ins	510.11000 (Cash)	Accounts Payable	KID TIME FITNESS COMPANY	Amount	\$843.60
	07/31/2014	Open			Amount	\$843.60
	Paying Fund	Cash Account			Amount	\$843.60
98657	110 - General Fund	110.11000 (Cash)	Accounts Payable	L & L SIGNS	Amount	\$675.00
	07/31/2014	Open			Amount	\$675.00
	Paying Fund	Cash Account			Amount	\$675.00
98658	112 - GF Reserve for Capital Purchases	112.11000 (Cash)	Accounts Payable	LEHIGH HANSON INC	Amount	\$74.26
	07/31/2014	Open			Amount	\$74.26
	Paying Fund	Cash Account			Amount	\$74.26
98659	217 - Streets - Gas Tax	217.11000 (Cash)	Accounts Payable	LINCOLN EQUIPMENT INC	Amount	\$648.33
	07/31/2014	Open			Amount	\$648.33
	Paying Fund	Cash Account			Amount	\$648.33
98660	110 - General Fund	110.11000 (Cash)	Accounts Payable	MEYERS POWER PRODUCTS, INC.	Amount	\$375.00
	07/31/2014	Open			Amount	\$375.00
	Paying Fund	Cash Account			Amount	\$375.00
98661	216 - Streets - Local Transportation	216.11000 (Cash)	Accounts Payable	MOTOROLA INC	Amount	\$5,859.98
	07/31/2014	Open			Amount	\$5,859.98

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Paying Fund	Cash Account	Amount
98662	110 - General Fund 07/31/2014 Open Paying Fund	\$5,859.98
	Accounts Payable	
	NAPA AUTO PARTS	\$68.00
98663	110 - General Fund 420 - WATER 07/31/2014 Open Paying Fund	\$37.09 \$30.91
	Accounts Payable	
	NEXT LEVEL PARTS INC	\$66.98
98664	110 - General Fund 420 - WATER 07/31/2014 Open Paying Fund	\$63.04 \$3.94
	Accounts Payable	
	PAGE SUPPLY CORPORATION	\$78.57
98665	420 - WATER 07/31/2014 Open Paying Fund	\$78.57
	Accounts Payable	
	R & B COMPANY	\$2,590.04
98666	410 - WATER QUALITY CONTROL (WQC) 420 - WATER 07/31/2014 Open Paying Fund	\$585.65 \$2,004.39
	Accounts Payable	
	R L RIGHETTI ENTERPRISES INC	\$17,238.51
98667	110 - General Fund 07/31/2014 Open Paying Fund	\$17,238.51
	Accounts Payable	
	SIERRA CHEMICAL CO	\$18,912.68
98668	410 - WATER QUALITY CONTROL (WQC) 07/31/2014 Open Paying Fund	\$18,912.68
	Accounts Payable	
	STANISLAUS COUNTY - TAX	\$3,080.98
98669	120 - Tourism 07/31/2014 Open Paying Fund	\$3,080.98
	Accounts Payable	
	T I D	\$100,451.33
98670	110 - General Fund 205 - Sports Facilities 216 - Streets - Local Transportation 410 - WATER QUALITY CONTROL (WQC) 420 - WATER 426 - Transit - Fixed Route 505 - Fleet 07/31/2014 Open Paying Fund	\$3,736.88 \$4,383.39 \$13,474.28 \$2,633.91 \$74,548.29 \$246.66 \$1,427.92
	Accounts Payable	
	TURLOCK UNIFIED	\$722.50

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98671	110 - General Fund 07/31/2014 Paying Fund	Open	110.11000 (Cash)	Accounts Payable	UNIVAR USA INC	\$722.50	\$4,126.38
98672	410 - WATER QUALITY CONTROL (WQC) 07/31/2014 Paying Fund	Open	410.11000 (Cash)	Accounts Payable	VAN DE POL ENTERPRISE INC	\$491.86	\$610.24
98673	110 - General Fund 07/31/2014 Paying Fund	Open	110.11000 (Cash)	Accounts Payable	VINE & SONS INC, ER	\$167.20	\$41.70
	205 - Sports Facilities		205.11000 (Cash)			\$34.38	\$49.03
	217 - Streets - Gas Tax		217.11000 (Cash)			\$78.30	\$114.90
	246 - Landscape Assessment		246.11000 (Cash)			\$19.74	\$500.00
98674	410 - WATER QUALITY CONTROL (WQC) 420 - WATER 425 - Transit - Dial-A-Ride 502 - Engineering 07/31/2014 Paying Fund	Open	410.11000 (Cash) 420.11000 (Cash) 425.11000 (Cash) 502.11000 (Cash)	Accounts Payable	VIRTUAL PROJECT MANAGER LLC	\$500.00	
98675	502 - Engineering 07/31/2014 Paying Fund	Open	502.11000 (Cash)	Accounts Payable	WALKER ASSOC INC, LARRY	\$1,620.00	
98676	410 - WATER QUALITY CONTROL (WQC) 07/31/2014 Paying Fund	Open	410.11000 (Cash)	Accounts Payable	WESTAMERICA BANK	\$50,000.00	
98677	257 - State HOME Funds 07/31/2014 Paying Fund	Open	257.11000 (Cash)	Accounts Payable	WINTON-IRELAND STROM AND GREEN INSURANCE	\$253,194.00	
	110 - General Fund 205 - Sports Facilities 217 - Streets - Gas Tax 246 - Landscape Assessment 410 - WATER QUALITY CONTROL (WQC) 420 - WATER 425 - Transit - Dial-A-Ride 426 - Transit - Fixed Route 502 - Engineering		110.11000 (Cash) 205.11000 (Cash) 217.11000 (Cash) 246.11000 (Cash) 410.11000 (Cash) 420.11000 (Cash) 425.11000 (Cash) 426.11000 (Cash) 502.11000 (Cash)			\$105,431.00	\$82.00
						\$1,338.00	\$133.00
						\$45,523.00	\$22,282.00
						\$547.00	\$2,657.00
						\$7,114.00	

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Account Number	Account Name	Account Type	Account Description	Amount
505 - Fleet	505.11000 (Cash)			\$6,843.00
512 - Casualty Insurance	512.11000 (Cash)			\$61,244.00
98678	07/31/2014 Open	Accounts Payable	ZUMAR INDUSTRIES INC	\$377.76
	Paying Fund	Cash Account		
	226 - Traffic Tax			\$377.76
98679	07/31/2014 Open	Accounts Payable	BARAJAS, IRMA	\$570.00
	Paying Fund	Cash Account		
98680	110 - General Fund			\$570.00
	07/31/2014 Open	Accounts Payable	BEST WESTERN PLUS EL RANCHO INN	\$279.74
	Paying Fund	Cash Account		
98681	110 - General Fund			\$279.74
	07/31/2014 Open	Accounts Payable	BREWER, JAMES	\$210.96
	Paying Fund	Cash Account		
98682	110 - General Fund			\$210.96
	07/31/2014 Open	Accounts Payable	EISSAYOU, FIODIR	\$42.00
	Paying Fund	Cash Account		
98683	110 - General Fund			\$660.00
	301 - Capital Improvements			\$6.00
	07/31/2014 Open	Accounts Payable	HENSLEY'S PAVING & GENERAL ENGINEERING INC.	\$36.00
	Paying Fund	Cash Account		
98684	110 - General Fund			\$660.00
	07/31/2014 Open	Accounts Payable	HILLERMAN, JENNIFER	\$71.36
	Paying Fund	Cash Account		
98685	110 - General Fund			\$71.36
	07/31/2014 Open	Accounts Payable	HILLERMAN, LAURA	\$577.00
	Paying Fund	Cash Account		
98686	110 - General Fund			\$577.00
	07/31/2014 Open	Accounts Payable	JACKSON, ROBERT	\$2,500.00
	Paying Fund	Cash Account		
98687	110 - General Fund			\$2,500.00
	07/31/2014 Open	Accounts Payable	ROGERS, WAYNE	\$80.00
	Paying Fund	Cash Account		
98688	217 - Streets - Gas Tax			\$80.00
	07/31/2014 Open	Accounts Payable	TERRY ST. PIERRE	\$128.00
	Paying Fund	Cash Account		
	110 - General Fund			\$128.00

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98689      07/31/2014      Open      Accounts Payable      WILLIAMS, CASEY      \$80.00  
 Paying Fund  
 217 - Streets - Gas Tax      Cash Account      Amount  
 217.11000 (Cash)      217.11000 (Cash)      \$80.00  
 75 Transactions      \$1,181,257.38

Type Check Totals:  
 AP - Accounts Payable Totals

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	75	\$1,181,257.38	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>75</b>	<b>\$1,181,257.38</b>	<b>\$0.00</b>

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	75	\$1,181,257.38	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>75</b>	<b>\$1,181,257.38</b>	<b>\$0.00</b>

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	75	\$1,181,257.38	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>75</b>	<b>\$1,181,257.38</b>	<b>\$0.00</b>

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	75	\$1,181,257.38	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	<b>Total</b>	<b>75</b>	<b>\$1,181,257.38</b>	<b>\$0.00</b>

- 
1.
    - A. **CALL TO ORDER** –Mayor Lazar called the meeting to order at 6:04 p.m.  
PRESENT: Councilmembers Amy Bublak, Bill DeHart, Steven Nascimento, Forrest White, and Mayor John S. Lazar.  
ABSENT: None
    - B. **PRESENTATION OF COLORS AND SALUTE TO THE FLAG:** Presented by Turlock Fire Department Honor Guard.
  
  2. **PROCLAMATIONS, PRESENTATIONS, RECOGNITIONS, ANNOUNCEMENTS & APPOINTMENTS:**
    - A. Jeri Gilley, Finance Customer Service Supervisor, was not in attendance to receive a Proclamation in honor of her retirement from the City of Turlock.
    - B. Bob Stresak, Executive Director of the Commission on Peace Officers Standards and Training, presented Police Chief Robert Jackson with his POST Executive Certificate.
  
  3.
    - A. **SPECIAL BRIEFINGS:** None
    - B. **STAFF UPDATES**
      1. Development Services Director Mike Pitcock provided an update on capital projects and building activities, including Fulkerth Rd., Colorado Ave., E. Main St. Resurfacing project, Monte Vista Ave./Colorado Ave. Signalization project, Public Safety Facility Training Facility project, Dog Park at Swanson/Centennial Park project, Dels Lane/Golden State Blvd. Signal project, and the Walnut Rd. Median at Turlock Junior High School project.
      2. Parks, Recreation & Public Facilities Director Allison Van Guilder provided an update on landscape water conservation efforts, including reduced watering in medians on Monte Vista Ave. and Christoffersen Parkway, grant funding opportunities to replace current landscaping with drought tolerant landscaping, and the change in hours at spray parks.
    - C. **PUBLIC PARTICIPATION:** None
  
  4.
    - A. **DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS:** None
    - B. **DISCLOSURE OF EX PARTE COMMUNICATIONS**
      1. Scheduled Matter Item 7A is a quasi-judicial proceeding. Council should disclose the following information if applicable
        - a. State for the public record the nature of the communication; and
        - b. With whom the ex parte communication was made; and
        - c. A brief statement as to the substance of the communication.

There were no disclosures of ex parte communications.

5. CONSENT CALENDAR:

Mayor Lazar advised Item 5H would be removed from the Consent Calendar for separate consideration and noted the green sheet to Item 5F.

**Action:** Motion by Councilmember Bublak, seconded by Councilmember DeHart, to adopt the consent calendar. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

- A. **Resolution No. 2014-135** Accepting Demands of 7/3/14 in the amount of \$1,375,357.02; Demands of 7/10/14 in the amount of \$1,294,675.85
- B. Motion: Accepting Minutes of Regular Meeting of July 22, 2014
- C. 1. Motion: Making the determination that City Project No. 13-51, "Fulkerth Bus Stop Improvements," is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 (New Construction or Conversion of Small Structures)  
2. Motion: Awarding bid and approving an agreement in the amount of \$14,600 (Fund 426) with Taylor Backhoe Service, Inc., of Merced, California, for City Project No. 13-51, "Fulkerth Bus Stop Improvements"
- D. Motion: Approving a service agreement with Joe Gomes & Sons, Inc., for a 24-hour offsite card lock system for gasoline and diesel fuel services for a period of thirty-six (36) months, in an amount not to exceed \$600,000 annually
- E. **Resolution No. 2014-136** Re-appropriating \$3,552 of unspent funds from Fiscal Year 2013/14 to account number 269-60-614-380.47124 "Parks Donation Expenses" from Fund 269 "Parks Donation-General" reserve balance for the purchase of the "Quaile Rand Norton Park" sign
- F. 1. Motion: Approving an agreement with Collicutt Energy Services, Inc., for annual maintenance and inspection and service repairs for Kohler generator for the Public Safety Facility for a period of twelve (12) months, in an annual amount not to exceed \$2,100 for preventive maintenance and up to an additional \$2,900 for unexpected service repairs  
2. **Resolution No. 2014-137** Appropriating \$5,000 to account number 110-20-200.43125\_025 "Maintenance Generator Repair & Maintenance" from Fund 110 "General Fund" reserve balance for the annual preventive maintenance and inspection and service repairs for the Kohler generator at the Turlock Public Safety Facility
- G. **Resolution No. 2014-138** Appropriating funds in the amount of \$42,527 to Fund 266-20-255-341.51107 "JAG Expenses" for the purchase of front line police equipment authorized by the 2012 and 2013 JAG Grants previously awarded and accepted
- H. *Removed for separate consideration*

**Item 5H** City Manager Roy Wasden presented the staff report on the request to adopt the response letter provided by Turlock Police Chief Robert Jackson to the Civil Grand Jury regarding Case 14-25GJ and authorizing the City Clerk to provide verification of such adoption to the Civil Grand Jury

Mayor Lazar asked for public comment. No one spoke. Mayor Lazar closed public comment.

Council discussion included procedure and timing involved in the response to the grand jury and the importance of noting that the police department is understaffed.

**Action:**        **Resolution No. 2014-139** Adopting the response letter provided by Turlock Police Chief Robert Jackson to the Civil Grand Jury regarding Case 14-25GJ and authorizing the City Clerk to provide verification of such adoption to the Civil Grand Jury was introduced by Councilmember Nascimento, seconded by Councilmember White, and carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

6.     **FINAL READINGS:** None

7.     **PUBLIC HEARINGS**

- A.     Parks, Recreation & Public Facilities Director Allison Van Guilder presented the staff report on the request for approval establishing a lien for payment for repair cost of certain maintenance of curbs, gutters, sidewalks, curb cuts, and driveway approaches that are out of repair. Ms. Van Guilder noted a reduction in the amount of the assessment identified in Exhibit A to the Resolution from \$2,570.89 to the correct amount of \$2,244.41.

Mayor Lazar opened the public hearing. No one spoke. Mayor Lazar closed the public hearing.

**Action:**        **Resolution No. 2014-140** Assessing properties for sidewalk repair costs and establishing a lien for payment was introduced by Councilmember Bublak, seconded by Councilmember DeHart, and carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

8.     **SCHEDULED MATTERS:**

- A.     Recreation Supervisor Karen Packwood presented the staff report on the request to approve a Memorandum of Understanding among Stanislaus County Office of Education, City of Turlock and Turlock Unified School District; Authorizing the acceptance of an allocation of funds and execution of a grant agreement to implement the ASES Program (Supporting After School for Everyone).

Mayor Lazar asked for public comment. No one spoke. Mayor Lazar closed public comment.

**Action:** Motion by Councilmember Bublak, seconded by Councilmember White, Approving a Memorandum of Understanding among Stanislaus County Office of Education, City of Turlock and Turlock Unified School District; Authorizing the acceptance of an allocation of funds and execution of a grant agreement to implement the ASES Program (Supporting After School for Everyone). Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

- B. Police Chief Robert Jackson presented the staff report on the request to approve a Memorandum of Understanding (MOU) between the City of Turlock and the Stanislaus County Regional Apprehension Team (RAT) to locate noncompliant offenders within Stanislaus County through proactive enforcement, and authorizing the City Manager and the Chief of Police to execute the MOU.

Stanislaus County Probation Assistant Chief Mike Hamasaki spoke regarding the RAT program/partnership, AB 109 funding, and provided statistics on the number of offenders in Stanislaus County.

Council discussion included offenders living in Turlock and available programs.

Mayor Lazar asked for public comment. No one spoke. Mayor Lazar closed public comment.

**Action:** Motion by Councilmember Bublak, seconded by Councilmember DeHart, Approving a Memorandum of Understanding (MOU) between the City of Turlock and the Stanislaus County Regional Apprehension Team (RAT) to locate noncompliant offenders within Stanislaus County through proactive enforcement, and authorizing the City Manager and the Chief of Police to execute the MOU. Motion carried 5/0 by the following vote:

Councilmember DeHart	Councilmember Nascimento	Councilmember Bublak	Councilmember White	Mayor Lazar
Yes	Yes	Yes	Yes	Yes

9. COUNCIL ITEMS FOR FUTURE CONSIDERATION: None

10. COUNCIL COMMENTS: None

## 11. CLOSED SESSION:

City Attorney Phaedra Norton introduced the Closed Session Items.

- A. Conference with Real Property Negotiators, Cal. Gov't Code §54956.8  
*"Notwithstanding any other provisions of this chapter, a legislative body of a local agency may hold a closed session with its negotiator prior to the purchase, sale, exchange, or lease of real property by or for the local agency to grant authority to its negotiator regarding the price and terms of payment for the purchase, sale, exchange, or lease."*  
Property: 153 S. Broadway, Turlock, CA (APN No. 061-016-046-000)  
Agency Negotiator: Roy W. Wasden  
Negotiating Parties: Bonander Properties (c/o FMT Marilyn Bessey)  
Under Negotiation: Price and terms of payment

**Action:** No reportable action.

- B. Public Employee Performance Evaluation, Cal. Gov't Code §54957(b) (1)  
*"Subject to paragraph (2), this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session."*  
Title: City Manager

**Action:** Council approved the satisfactory performance evaluation of the City Manager.

- C. Public Employee Performance Evaluation, Cal. Gov't Code §54957(b) (1)  
*"Subject to paragraph (2), this chapter shall not be construed to prevent the legislative body of a local agency from holding closed sessions during a regular or special meeting to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee or to hear complaints or charges brought against the employee by another person or employee unless the employee requests a public session."*  
Title: City Attorney

**Action:** Council approved the satisfactory performance evaluation of the City Attorney.

- D. Conference with Labor Negotiators, Cal. Gov't Code §54957.6  
*"Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation."*  
 Agency Negotiator: Mayor John Lazar  
 Unrepresented Employees: City Manager, City Attorney

**Action:** No reportable action.

- E. Conference with Labor Negotiators, Cal. Gov't Code §54957.6(a)  
*"Notwithstanding any other provision of law, a legislative body of a local agency may hold closed sessions with the local agency's designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, and, for represented employees, any other matter within the statutorily provided scope of representation."*  
 Agency Negotiators: Roy W. Wasden/Dave Young  
 Employee Organization: Turlock Associated Police Officers  
 Employee Organization: Turlock City Employee Association  
 Employee Organization: Turlock Firefighters Association. Local 2434  
 Employee Organization: Turlock Management Association-Public Safety

Unrepresented Employees:  
 Accountant, Sr., Assistant to the City Manager for Economic Development/Community Housing, Community Housing Program Supervisor, Deputy Development Services Director/Planning, Development Services Director/City Engineer, Development Services Supervisor/City Surveyor, Executive Assistant to the City Manager/City Clerk, Finance Customer Service Supervisor, Fire Chief, Human Resources Analyst, Human Resources Manager, Human Resources Technician, Legal Assistant, Municipal Services Director, Parks, Recreation & Public Facilities Director, Parks, Recreation & Public Facilities Superintendent, Payroll Coordinator, Principal Civil Engineer, Regulatory Affairs Manager, Secretary/Deputy City Clerk, Executive Administrative Assistant/Public Safety, Technical Services Manager, Utilities Manager, Water Quality Control Division Manager

**Action:** No reportable action.

**12. ADJOURNMENT:**

Motion by Councilmember Nascimento, seconded by Councilmember DeHart, to adjourn at 6:39 p.m. Motion carried unanimously.

RESPECTFULLY SUBMITTED

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Kellie E. Weaver  
 City Clerk



5c

# Council Synopsis

August 26, 2014

From: Michael G. Pitcock, P.E.  
Director of Development Services / City Engineer

Prepared by: Stephen Fremming, Associate Civil Engineer

Agendized by: Roy W. Wasden, City Manager

## 1. ACTION RECOMMENDED:

Motion: Accepting notification of Contract Change Order No. 1 in the amount of \$2,750 (Fund 215) for City Project No. 11-48, "Intersection Improvements at Golden State Boulevard and Del's Lane," bringing the contract total to \$371,074

## 2. DISCUSSION OF ISSUE:

On September 10, 2013, council awarded a contract in the amount of \$368,324 to George Reed Inc. of Modesto, California for City Project No. 11-48, "Intersection Improvements at Golden State Boulevard and Del's Lane".

Change Order History	Amount	City Council Meeting
Original Contract	\$368,324	September 10, 2013
Change Order No. 1	\$ 2,750	August 26, 2014
Adjusted Contract Total	\$371,074	

Contract Change Order No. 1:

**A. \$1,650.** Additional demolition and removal for 57 lineal feet of curb and gutter.

The plans called for removal of adjacent sidewalk due to uplift of panels caused by tree roots as well as surface restoration of the adjacent asphalt roadway. The existing curb itself was functional, but did have a fair amount of cracking and it was determined that replacement of this section of curb was warranted.

**B. \$1,100.** Modify 5 section signal head to 3 section signal head at location D per Contract Change Directive No. 4.

The plans called for a 5 section signal head on a pole for southbound traffic on Golden State Blvd., though the plans called for a 3 section head for the left turn pocket for southbound traffic turning left onto Del's Lane. This created a situation where traffic would get a conflicting message as to whether the signal was operating in protected-permissive mode, or protected mode. It was determined that the signal should operate in

protected mode, therefore direction was given to the contractor to replace the 5 section head with a 3 section head (left arrows) such that left turns would only be allowed as a dedicated phase on a green arrow.

**3. BASIS FOR RECOMMENDATION:**

- A) City Policy is that the City Engineer is authorized to approve change orders up to 2%, the City Manager is authorized to approve change orders up to 5% and all other change orders must be approved by the City Council.
- B) The proposed change order work is necessary for work performed to remove curb and gutter such that new curb can be constructed adjacent to new sidewalk and pavement, as well as to modify the 5 section signal head to a 3 section signal head for operation of the signal in protected mode.

**Strategic Plan Initiative D. MUNICIPAL INFRASTRUCTURE**

- Goal(s):** a. Identify avenues to address current deficiencies  
iv) Streets/Roadways

The intersection of Golden State Boulevard and Del's Lane is deficient in terms of traffic movement efficiency, safety, and pavement condition.

**4. FISCAL IMPACT / BUDGET AMENDMENT:**

Funds are available in the construction project line item number for contingencies such as this. The original contract amount of \$368,324 will be increased in the amount of \$2,750, bringing the total contract to \$371,074.

**Note:** No General Fund money will be used for this project.

**5. CITY MANAGER'S COMMENTS:**

None.

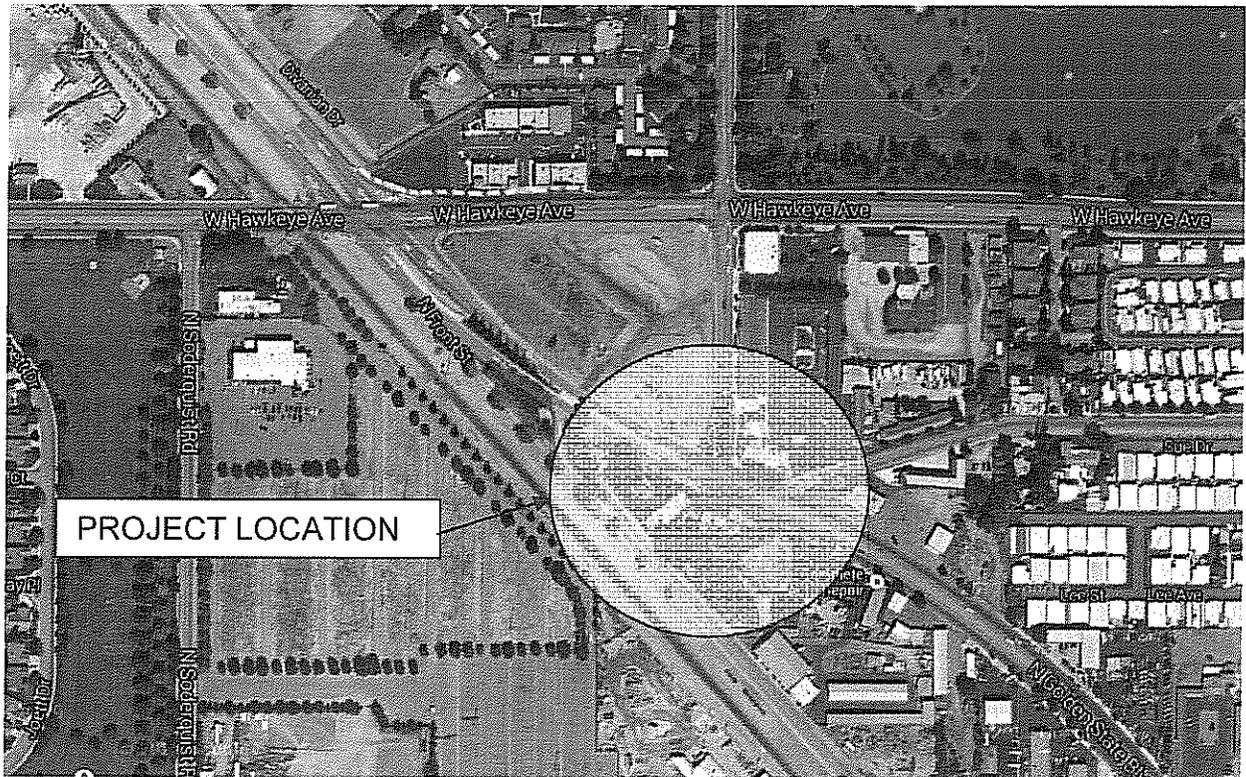
**6. ENVIRONMENTAL DETERMINATION:**

N/A

**7. ALTERNATIVES:**

The Council could choose to not accept notification of Change Order No. 1. This is not recommended as Change Order No. 1 has been approved by the City Engineer through his authority as provided by the City Council.

City Project No. 11-48  
"Intersection Improvements at Golden State Boulevard and Del's Lane"





**CONTRACT  
CHANGE ORDER  
AUTHORIZATION  
FORM**

**PROJECT INFORMATION**

George Reed, Inc.  
P.O. Box 4760  
Modesto, CA 95352  
209-523-0734

Project Name: Intersection Improvements at Golden State Boule  
Project No.: 11-48  
Awarded on: September 10, 2013  
Original Contract Amount: \$368,324.00  
Increase to contract: \$2,750.00  
Increase percentage: 0.7%  
New Contract Total: \$371,074.00

Change Order No.	1
------------------	---

Description of change order:

No.	Item	Unit	Qty	Unit Price	Total
A.	Additional demo and removal for 57 lineal feet of curb and gutter	LS	1	\$1,650.00	\$1,650.00
B.	Modify 5 section head to 3 section head	LS	1	\$1,100.00	\$1,100.00
<b>TOTAL THIS CCO</b>					<b>\$2,750.00</b>

- A. The plans called for removal of adjacent sidewalk due to uplift of panels caused by tree roots. The existing curb itself was functional, but did have a fair amount of cracking and but it made sense to replace the curb as well
- B. The plans called for a 5 section head on a pole for southbound traffic on Golden State Blvd., though the plans called for a 3 section head for the left turn pocket for southbound traffic turning left onto Del's Lane. This created a situation where traffic would get a conflicting message as to whether the signal was operating in protected-permissive mode, or protected mode. It was determined that the signal should operate in protected mode, therefore direction was given to the contractor to replace the 5 section head with a 3 section head (left arrows).

**Change orders <2% of contract: Approval of City Engineer, notify City Manager & City Council**

Approved: \_\_\_\_\_  
 Michael G. Pitcock, Director of Development Services      Date  
 City Engineer

**Change order >2% and <5% of contract: Recommended by City Engineer; approved by City Manager; City Council is notified.**

Recommended: \_\_\_\_\_  
 Michael G. Pitcock, Director of Development Services      Date  
 City Engineer

Approved: \_\_\_\_\_  
 Roy W. Wasden, City Manager      Date

**Change order >5% of contract: Recommended by City Engineer and City Manager; Approved by City council.**

Recommended: \_\_\_\_\_  
 Michael G. Pitcock, Director of Development Services      Date  
 City Engineer

Recommended: \_\_\_\_\_  
 Roy W. Wasden, City Manager      Date

Approval by City Council: \_\_\_\_\_



## CONTRACT CHANGE ORDER

Date issued: 5-Aug-14	Change Order No.: 1	
Project Name: Intersection Improvements at Golden State Boulevard and Del's Lane		
George Reed, Inc.	Project No.: 11-48	
P.O. Box 4760	Contract For: \$368,324.00	
Modesto, CA 95352	Contract Award Date: September 10, 201	

*You are directed to make the following changes in this contract as requested by The City of Turlock:*

ITEM	Unit:	Quantity:	Unit Price:	Total:	
A.	Additional demo and removal for 57 lineal feet of curb and gutter	LS	1	\$1,650.00	\$1,650.00
B.	Modify 5 section signal head to 3 section signal head at location D per Contract Change Directive No. 4	LS	1	\$1,100.00	\$1,100.00
<b>Total this CCO=</b>				<b>\$2,750.00</b>	
<i>The original contract sum =</i>				<b>\$368,324.00</b>	
<i>Net change by previous change orders =</i>				<b>\$0.00</b>	
<i>The contract sum will be (increased) by this Change Order =</i>				<b>\$2,750.00</b>	
<i>The new contract sum including this change order will be =</i>				<b>\$371,074.00</b>	
<i>The contract time will be increased by (10) working days.</i>					

Accepted: \_\_\_\_\_  
Contractor

Date: \_\_\_\_\_

Recommended: \_\_\_\_\_  
Michael G. Pitcock, Development Services Director/City Engineer

Date: \_\_\_\_\_

Approved: \_\_\_\_\_  
City Manager

Date: \_\_\_\_\_



# Council Synopsis

5D

August 26, 2014

From: Michael G. Pitcock, PE  
Director of Development Services / City Engineer

Prepared by: Anthony R. Orosco, P.E., Senior Civil Engineer

Agendized by: Roy W. Wasden, City Manager

## 1. ACTION RECOMMENDED:

Motion: Approving Contract Change Order No. 2 (Final) in the amount of \$6,572.81 (Fund 305) for City Project No. 13-25B, "Public Safety Training Facility Utilities and Site Improvements," bringing the contract total to \$119,624.58

Motion: Accepting improvements for City Project No. 13-25B, "Public Safety Training Facility Utilities and Site Improvements," and authorizing the City Engineer to file a Notice of Completion

## 2. DISCUSSION OF ISSUE:

On February 25, 2014, staff awarded a contract in the amount of \$107,218.80 to Marko Construction Group, Inc. of Fresno, California for "Public Safety Training Facility Utilities and Site Improvements."

Change Order History	Amount	City Council Meeting
Original Contract	\$107,218.80	February 25, 2014
Change Order No. 1	\$5,832.97	June 24, 2014
Change Order No. 2(Final)	\$6,572.81	August 26, 2014
Adjusted Contract Total	\$119,624.58	

Change order No. 2(Final) includes the following:

- 1) Construct landings with truncated domes at two (2) accessible ramps in the amount of \$6,572.81.

The original accessible ramps and landings from the Palm Street Public Safety Facility required reconstruction due to differing elevations (ground to threshold) at the new corporation yard location. The ramps and landings are required per the building code.

**3. BASIS FOR RECOMMENDATION:**

- A) City Policy is that the City Engineer is authorized to approve change orders up to 2%, the City Manager is authorized to approve change orders up to 5% and all other change orders must be approved by the City Council.
- B) The changes were needed to complete all work in accordance with the project plans.

**Strategic Plan Initiative C. PUBLIC SAFETY**

- Goal(s):**
- b Police Department
    - ii. Complete construction and transition into new Public Safety Facility

**4. FISCAL IMPACT / BUDGET AMENDMENT:**

Funds have been encumbered in line item number 305-40-441.51270 and are available for contingencies such as this Contract Change Order No. 2(Final). The original contract amount of \$107,218.80 was increased by \$5,832.97 with Change Order No. 1 (approved on June 24, 2014) and will be increased in the amount of \$6,572.81with this Change Order No. 2, bringing the total contract to \$119,624.58.

**Note:** No General Fund money will be used for this project.

**5. CITY MANAGER'S COMMENTS:**

Recommend approval.

**6. ENVIRONMENTAL DETERMINATION:**

N/A

**7. ALTERNATIVES:**

Not approve Change Order No. 2(Final). This option is not recommended by City Staff because the extra work specified was needed to comply with the Federal ADA law and California Building Code.

PUBLIC SAFETY TRAINING FACILITY  
(Not to scale)



The Interim Evidence/Investigation Facility will be relocated to the City Corporation Yard at 801 S. Walnut and utilized as the Public Safety Training Facility





## CONTRACT CHANGE ORDER

Date issued: 26-Aug-14 Change Order No.: 2 (FINAL)  
 Project Name: Public Safety Training Facility Utilities and Site Improvements

**Marko Construction Group, Inc.** Project No.: 13-25B  
 3675 Jensen Ave. Contract For: \$107,218.80  
 Fresno, CA 93725 Contract Award Date: 25-Feb-14

*You are directed to make the following changes in this contract as requested by The City of Turlock:*

ITEM	Unit:	Quantity:	Unit Price:	Total:
Actual Amount Paid to Contractor for Bid Items (See Attached)	---	---	---	\$107,218.80
Contractor's Bid Amount for Bid Items	---	---	---	\$107,218.80
<b>Subtotal of Difference</b>				<b>\$0.00</b>
1. Construct landings with truncated domes at the ends of two (2) accessible ramps.	LS	1	\$6,572.81	\$6,572.81
<b>Total this CCO=</b>				<b>\$6,572.81</b>

<i>The original contract sum =</i>	\$107,218.80
<i>Net change by previous change orders =</i>	\$5,832.97
<i>(increased)</i>	\$6,572.81
<i>The new contract sum including this change order will be =</i>	<b>\$119,624.58</b>

**The contract time will be changed by (0) working days. The scheduled completion date is unchanged.**

Accepted: \_\_\_\_\_ Date: \_\_\_\_\_  
Contractor

Recommended: \_\_\_\_\_ Date: \_\_\_\_\_  
Michael G. Pitcock, Development Services Director/City Engineer

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
Roy W. Wasden, City Manager

# CITY OF TURLOCK

## FINAL QUANTITIES

Public Safety Training Facility Utilities and Site Impro Project No. 13-25B

Item No.	Item Description	Unit of Measure	Contractor's Unit Price	Final Actual Quantities	Final Actual Amount	Bid Quantities	Bid Amount	Total Difference
1	Mobilization	LS	\$14,929.03	1.00	\$14,929.03	1.00	\$14,929.03	\$0.00
2	Clearing and Grubbing	LS	\$2,559.20	1.00	\$2,559.20	1.00	\$2,559.20	\$0.00
3	Remove Existing Improvements	LS	\$1,120.00	1.00	\$1,120.00	1.00	\$1,120.00	\$0.00
4	Earthwork	LS	\$1,120.00	1.00	\$1,120.00	1.00	\$1,120.00	\$0.00
5	Aggregate Base (Class II)	CY	\$254.15	14.00	\$3,558.10	14.00	\$3,558.10	\$0.00
6	Hot Mix Asphalt (PG70-10)	TON	\$216.16	51.00	\$11,024.16	51.00	\$11,024.16	\$0.00
7	Minor Concrete (Service Cabinet Foundation)	LS	\$1,386.56	1.00	\$1,386.56	1.00	\$1,386.56	\$0.00
8	2"x4" Headerboard	L.F.	\$18.31	91.00	\$1,666.21	91.00	\$1,666.21	\$0.00
9	Sewer Service	LS	\$6,320.16	1.00	\$6,320.16	1.00	\$6,320.16	\$0.00
10	1 1/2" Water Service	LS	\$5,053.44	1.00	\$5,053.44	1.00	\$5,053.44	\$0.00
11	4" Fire Sprinkler Service	EA	\$13,221.60	1.00	\$13,221.60	1.00	\$13,221.60	\$0.00
12	Fire Hydrant, Complete	EA	\$4,248.16	1.00	\$4,248.16	1.00	\$4,248.16	\$0.00
13	Communication Conduit	LS	\$8,594.88	1.00	\$8,594.88	1.00	\$8,594.88	\$0.00
14	Network Cable	LS	\$3,270.40	1.00	\$3,270.40	1.00	\$3,270.40	\$0.00
15	Electrical Service	LS	\$23,184.00	1.00	\$23,184.00	1.00	\$23,184.00	\$0.00
16	Guard Post	EA	\$430.53	10.00	\$4,305.30	10.00	\$4,305.30	\$0.00
17	Wheel Stop	EA	\$95.20	2.00	\$190.40	2.00	\$190.40	\$0.00
18	Traffic Striping and Signage	LS	\$907.20	1.00	\$907.20	1.00	\$907.20	\$0.00
19	Modular Building Services	LS	\$560.00	1.00	\$560.00	1.00	\$560.00	\$0.00
	<b>SUB-TOTAL CONTRACT ITEMS =</b>				<b>\$107,218.80</b>		<b>\$107,218.80</b>	<b>\$0.00</b>
C.O. #	CHANGE ORDERS							
1	Change Order No. 1	LS	\$5,832.97	1	\$5,832.97			\$5,832.97
2	Change Order No. 2(Final)	LS	\$6,572.81	1	\$6,572.81			\$6,572.81
	<b>SUB-TOTAL CHANGE ORDER ITEMS =</b>				<b>\$12,405.78</b>		<b>\$0.00</b>	<b>\$12,405.78</b>
	<b>TOTAL PROJECT =</b>				<b>\$119,624.58</b>		<b>\$107,218.80</b>	<b>\$12,405.78</b>

**RECORDED AT THE REQUEST OF:**  
CITY OF TURLOCK

**WHEN RECORDED MAIL TO:**  
CITY OF TURLOCK  
*Office of the City Clerk*  
156 S. Broadway, Suite 230  
TURLOCK CA 95380-5454

**NOTICE OF COMPLETION  
CITY PROJECT NO. 13-25B  
PUBLIC SAFETY TRAINING FACILITY UTILITIES  
AND SITE IMPROVEMENTS**

Notice is hereby given that work on the above-referenced project located on City property at 801 South Walnut Road, was completed by the undersigned agency on August 26, 2014. The contractor of work Marko Construction Group Inc., 3675 E. Jensen Avenue, Fresno, CA 93725, and the owner is the City of Turlock, 156 South Broadway, Suite 150, Turlock, California, 95380. Kindly refer to said Project Number on all communications relating to this work.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature- Michael G. Pitcock, PE, Director of Development Services/  
City Engineer, Owner's Agent)

**VERIFICATION**

I, the undersigned, Development Services Director/ City Engineer of the owner of the aforesaid interest, have read this notice; I know and understand the contents thereof; and the facts stated therein are true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

CITY OF TURLOCK

\_\_\_\_\_  
MICHAEL G. PITCOCK, PE  
DEVELOPMENT SERVICES DIRECTOR/CITY ENGINEER  
OWNER'S AGENT

Executed on August 27, 2014 at Turlock, California, Stanislaus County



## Council Synopsis

5E

August 26, 2014

From: Michael G. Pitcock, PE  
Director of Development Services / City Engineer

Prepared by: Anthony R. Orosco, Sr. Civil Engineer

Agendized by: Roy W. Wasden, City Manager

### 1. ACTION RECOMMENDED:

Motion: Approving Contract Change Order No. 1 (Final) in the amount of \$1,493.69 (Fund 217) for City Project No. 13-48, "Roadway Widening at 1338 and 1344 East Avenue," bringing the contract total to \$53,159.69

Motion: Accepting improvements for City Project No. 13-48, "Roadway Widening at 1338 and 1344 East Avenue," and authorizing the City Engineer to file a Notice of Completion

### 2. DISCUSSION OF ISSUE:

On June 24, 2014, staff awarded a contract in the amount of \$51,666 to Hensley's Paving & General Engineering, Inc. of Hickman, California for "Roadway Widening at 1338 and 1344 East Ave."

Change Order History	Amount	City Council Meeting
Original Contract	\$51,666	June 24, 2014
Change Order No. 1	\$1,493.69	August 26, 2014
Adjusted Contract Total	\$53,159.69	

Change Order No. 1 (Final) includes the following:

- 1) Install 165 LF of Detail 27B striping in the amount of \$536.25.
- 2) Relocate small tree from City right of way to private property in the amount of \$231.89.
- 3) Install drain rock in v-ditch adjacent to the roadway in the amount of \$3,864.55. This was completed to reduce chance of a pedestrian falling due to the sharp angle of the v-ditch wall.
- 4) Included in this change order is a credit in the amount of (\$3,139) due to changes in the contract scope as shown in the final quantities.

**3. BASIS FOR RECOMMENDATION:**

- A) City Policy is that the City Engineer is authorized to approve change orders up to 2%, the City Manager is authorized to approve change orders up to 5% and all other change orders must be approved by the City Council.
- B) The changes were needed to complete all work in accordance with the project plans and City Standards.

**Strategic Plan Initiative D. MUNICIPAL INFRASTRUCTURE**

**Goal(s):** a. Identify avenues to address current deficiencies (general fund, grants, ballot initiatives, assessment districts, water and sewer enterprise funds as funded by user fees) in:

- iv. Streets/Roadways

**4. FISCAL IMPACT / BUDGET AMENDMENT:**

Funds have been encumbered in line item number 217-50-511.51270 and are available for contingencies such as this Contract Change Order No. 1(Final). The original contract amount of \$51,666 will be increased in the amount of \$1,493.69, bringing the total contract to \$53,159.69.

**Note:** No General Fund money will be used for this project.

**5. CITY MANAGER'S COMMENTS:**

Recommend approval.

**6. ENVIRONMENTAL DETERMINATION:**

N/A

**7. ALTERNATIVES:**

- A). Not approve Change Order No. 1 (Final). This option is not recommended by City Staff because the extra work was needed to comply with City standards, the project plans and specifications and safety concerns.

City Project No. 13-48  
Roadway Widening at 1338 and 1344 East Ave.





## CONTRACT CHANGE ORDER

Date issued: 26-Aug-14 Change Order No.: 1 (FINAL)  
 Project Name: Roadway Widening at 1338 and 1344 East Ave.

Hensley's Paving & General Engineering, Inc. Project No.: 13-48  
 P.O. Box 449 Contract For: \$51,666.00  
 Hickman, CA 95323 Contract Award Date: June 24, 2014

*You are directed to make the following changes in this contract as requested by The City of Turlock:*

ITEM	Unit:	Quantity:	Unit Price:	Total:
Actual Amount Paid to Contractor for Bid Items (See Attached)	—	—	—	\$48,527.00
Contractor's Bid Amount for Bid Items	—	—	—	\$51,666.00
<b>Subtotal of Difference</b>				<b>(\$3,139.00)</b>
1. Install 165 LF of Detail 27B	LS	1	\$536.25	\$536.25
2. Relocate small tree from City right of way to private property.	LS	1	\$231.89	\$231.89
3. Install rain rock in shoulder of roadway	LS	1	\$3,864.55	\$3,864.55
<b>Total this CCO=</b>				<b>\$1,493.69</b>

<i>The original contract sum =</i>	\$51,666.00
<i>Net change by previous change orders =</i>	\$0.00
<i>(increased)</i>	\$1,493.69
<i>The new contract sum including this change order will be =</i>	\$53,159.69
<i>The contract time will be changed by (0) working days. The scheduled completion date is unchanged.</i>	

Accepted: \_\_\_\_\_ Date: \_\_\_\_\_  
 Contractor

Recommended: \_\_\_\_\_ Date: \_\_\_\_\_  
 Michael G. Pitcock, Development Services Director/City Engineer

Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
 Roy W. Wasden, City Manager

# CITY OF TURLOCK

## FINAL QUANTITIES

Roadway Widening at 1338 and 1344 East Ave.

Project No. 13-48

Item No.	Item Description	Unit of Measure	Contractor's Unit Price	Final Actual Quantities	Final Actual Amount	Bid Quantities	Bid Amount	Total Difference
1	Traffic Control	LS	\$1,000.00	1.00	\$1,000.00	1.00	\$1,000.00	\$0.00
2	Remove Existing Improvements	LS	\$8,000.00	1.00	\$8,000.00	1.00	\$8,000.00	\$0.00
3	Relocate Improvements	LS	\$2,240.00	1.00	\$2,240.00	1.00	\$2,240.00	\$0.00
4	Clearing and Grubbing	LS	\$700.00	1.00	\$700.00	1.00	\$700.00	\$0.00
5	Earthwork	LS	\$8,700.00	1.00	\$8,700.00	1.00	\$8,700.00	\$0.00
6	Aggregate Base	CY	\$120.00	62.00	\$7,440.00	62.00	\$7,440.00	\$0.00
7	Hot Mix Asphalt	TN	\$190.00	72.10	\$13,699.00	62.00	\$11,780.00	\$1,919.00
8	A.C. Dike	LF	\$45.00	0.00	\$0.00	114.00	\$5,130.00	(\$5,130.00)
9	Header Board (2"x4")	LF	\$12.00	169.00	\$2,028.00	163.00	\$1,956.00	\$72.00
10	Minor Concrete (Sidewalk)	SF	\$10.00	24.00	\$240.00	24.00	\$240.00	\$0.00
11	Minor Concrete (Residential Stairs)	EA	\$1,100.00	1.00	\$1,100.00	1.00	\$1,100.00	\$0.00
12	Adjust Frames and Covers to Grade	EA	\$1,250.00	2.00	\$2,500.00	2.00	\$2,500.00	\$0.00
13	Traffic Sign and Post [R28(S)]	EA	\$275.00	2.00	\$550.00	2.00	\$550.00	\$0.00
14	Traffic Striping (Detail 23)	LF	\$2.00	165.00	\$330.00	165.00	\$330.00	\$0.00
<b>SUB-TOTAL CONTRACT ITEMS =</b>					<b>\$48,527.00</b>		<b>\$51,666.00</b>	<b>(\$3,139.00)</b>
<b>CHANGE ORDERS</b>								
C.O. #								
1	Contract Change Order # 1 (Final)*	LS	\$4,632.69	1	\$4,632.69			\$4,632.69
<b>SUB-TOTAL CHANGE ORDER ITEMS =</b>								
<b>TOTAL PROJECT =</b>					<b>\$4,632.69</b>		<b>\$0.00</b>	<b>\$4,632.69</b>
					<b>\$53,159.69</b>		<b>\$51,666.00</b>	<b>\$1,493.69</b>

\* Change Order #1 (Final) includes the value of the changes in the contract item quantities.

**RECORDED AT THE REQUEST OF:**  
CITY OF TURLOCK

**WHEN RECORDED MAIL TO:**  
CITY OF TURLOCK  
*Office of the City Clerk*  
156 S. Broadway, Suite 230  
TURLOCK CA 95380-5454

**NOTICE OF COMPLETION  
CITY PROJECT NO. 13-48  
ROADWAY WIDENING AT 1338 AND 1344 EAST AVENUE**

Notice is hereby given that work on the above-referenced project located on City right-of-way at 1338 and 1344 East Avenue, was completed by the undersigned agency on August 26, 2014. The contractor of work Hensley's Paving and General Engineering Inc., P.O. Box 449, Hickman, CA 95323, and the owner is the City of Turlock, 156 South Broadway, Suite 150, Turlock, California, 95380. Kindly refer to said Project Number on all communications relating to this work.

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature- Michael G. Pitcock, PE, Director of Development Services/  
City Engineer, Owner's Agent)

**VERIFICATION**

I, the undersigned, Development Services Director/ City Engineer of the owner of the aforesaid interest, have read this notice; I know and understand the contents thereof; and the facts stated therein are true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

CITY OF TURLOCK

\_\_\_\_\_  
MICHAEL G. PITCOCK, PE  
DEVELOPMENT SERVICES DIRECTOR/CITY ENGINEER  
OWNER'S AGENT

Executed on August 27, 2014 at Turlock, California, Stanislaus County



## Council Synopsis

5F

August 26, 2014

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From: Michael G. Pitcock, P.E.  
Director of Development Services/ City Engineer

Prepared by: Michael G. Pitcock, P.E.  
Director of Development Services/ City Engineer

Agendized by: Roy W. Wasden, City Manager

### 1. ACTION RECOMMENDED:

Motion: Approving Amendment No. 4 with Omni Means, Inc., for the preparation of a Project Study Report (PSR) and Plans, Specifications and Estimate (PS&E) for the modifications of State Route 99 Interchanges at Fulkerth Road, City Project No. 0828, "Update State Route 99/Fulkerth"

### 2. DISCUSSION OF ISSUE:

On June 24, 2008, City Council approved an agreement with Omni-Means, Inc. for preparation of a Project Study Report (PSR) and Plans, Specifications and Estimate (PS&E) for the modifications of State Route 99 Interchanges at Fulkerth Road. This is a time consuming Caltrans process that is required to enhance the interchange level of service.

Since that time, City Council has approved 3 amendments adding scope of work to the contract as well as extending the expiration date of the agreement. Work has been slow as we have weaved our way through the Caltrans process and we are finally making good progress. However, the current agreement needs to be extended so the final documents can be completed and approved by Caltrans.

Amendment No. 4 before the council extends the agreement through January 1, 2016. No additional compensation is requested by Omni Means, Inc. at this time.

### 3. BASIS FOR RECOMMENDATION:

A) All contract amendments must be approved by the City Council.

**4. FISCAL IMPACT / BUDGET AMENDMENT:**

**Fiscal Impact**

None – As this is addition of time only.

**Budget Amendment**

None Required

**5. CITY MANAGER'S COMMENTS:**

Recommend approval.

**6. ENVIRONMENTAL DETERMINATION:**

Not applicable

**7. ALTERNATIVES:**

- A). Not approve the amendment to the agreement with Omni Means, Inc. This alternative is not recommended because the work is necessary to make improvements to the Fulkerth and Hwy 99 interchange which is necessary for the complete build out of the Turlock Regional Industrial Park.



**AMENDMENT NO. 4**  
to  
**Agreement**  
between  
**CITY OF TURLOCK**  
and  
**OMNI-MEANS, LTD**  
For  
**Preparation of a Project Study Report (PSR) and**  
**Plans, Specification and Estimate (PS&E); City Project No. 0828**

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**THIS AMENDMENT NO. 4**, dated August 26, 2014, is entered into by and between the **CITY OF TURLOCK**, a municipal corporation (hereinafter "CITY") and **OMNI-MEANS, LTD**, (hereinafter "CONTRACTOR").

**WHEREAS**, the parties hereto previously entered into an agreement dated June 24, 2008, whereby CONTRACTOR would perform engineering and planning associated with Project Study Report (PSR); and Plans, Specifications and Estimate (PS&E) for the modification of State Route 99 interchange at Fulkerth Road (hereinafter the "Agreement"); and

**WHEREAS**, on May 12, 2009, the parties entered into Amendment No. 1 to the Agreement dated June 24, 2008, whereby CONTRACTOR was provided with additional scope of work and compensation; and

**WHEREAS**, on September 22, 2009, the parties entered into Amendment No. 2 to the Agreement dated June 24, 2008, whereby CONTRACTOR was provided with additional scope of work and compensation; and;

**WHEREAS**, on August 24, 2010, the parties entered into Amendment No. 3 to the Agreement dated June 24, 2008, whereby CONTRACTOR was provided with additional scope of work and compensation.

**NOW, THEREFORE**, the parties hereto mutually agree to further amend said Agreement as follows:

1. Paragraph 6 of the Agreement is amended to read as follows:

"6. **TERM OF AGREEMENT:** This Agreement shall become effective upon execution and shall continue in full force and effect until January 1, 2016, subject to CITY's availability of funds."

2. All other terms and conditions of the Agreement shall remain in full force and effect.

*OK for Agenda*  
*[Signature]*

**IN WITNESS WHEREOF**, the parties hereto have caused this Amendment to be executed by and through their respective officers thereunto duly authorized on the date first written hereinabove.

**CITY OF TURLOCK**

By: \_\_\_\_\_  
Roy W. Wasden, City Manager

APPROVED AS TO SUFFICIENCY:

BY: \_\_\_\_\_  
Michael G. Pitcock, P.E., Director of  
Development Services / City Engineer

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Phaedra A. Norton, City Attorney

ATTEST:

By: \_\_\_\_\_  
Kellie E. Weaver, City Clerk

**OMNI-MEANS, LTD**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



## Council Synopsis

August 26, 2014

59

From: Michael G. Pitcock, P.E.  
Director of Development Services / City Engineer

Prepared by: Scott Medeiros, Transit Planner

Agendized by: Roy W. Wasden, City Manager

### 1. ACTION RECOMMENDED:

Resolution: Approving the Federal Transit Administration (FTA) Title VI Program Update and authorizing the City Manager to sign all necessary documents

### 2. DISCUSSION OF ISSUE:

The City provides public transit services, which are funded by federal and state grant funds. One of the requirements for the use of these funds is that the local legislative body must approve specific documents, one of which is the Title VI Policy. Title VI ensures that no member of the public will be discriminated against or denied equal access to federally funded services. The Title VI Policy provides the information needed for filing a complaint regarding discrimination, and the procedure for addressing the complaint. The current Title VI Program for the City's transit operations expires on October 1, 2014.

By approving this resolution, the City Manager is authorized to sign the Title VI Policy Statement on behalf of the City of Turlock.

### 3. BASIS FOR RECOMMENDATION:

- A. For the use of Federal funds, FTA requires an approved Title VI Policy.
- B. Resolution approval will expedite the acceptance of the Program Update by the U.S. Department of Justice.

#### Strategic Plan Initiative:

Not specifically identified within the City Strategic Plan as this item pertains to the ongoing operation and overall maintenance of federally funded City facilities, equipment or infrastructure.

**4. FISCAL IMPACT / BUDGET AMENDMENT:**

Fiscal Impact: None

**5. CITY MANAGER'S COMMENTS:**

Recommend approval.

**6. ENVIRONMENTAL DETERMINATION:**

N/A

**7. ALTERNATIVES:**

- A). Not approve the resolution and fall out of compliance with Federal funding requirements. Staff does not recommend this alternative due to the fact that this action would jeopardize future Federal funding allocations.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF APPROVING THE }  
FEDERAL TRANSIT ADMINISTRATION }  
(FTA) TITLE VI PROGRAM UPDATE AND }  
AUTHORIZING THE CITY MANAGER TO }  
SIGN ALL NECESSARY DOCUMENTS }  
\_\_\_\_\_ }

RESOLUTION NO. 2014-

**WHEREAS**, the City of Turlock submits an annual transit grant application to the U.S. DOT Federal Transit Administration ("FTA") for the Urbanized Area Program Transportation funds (§5307) and the Bus and Bus Facility program funds (§5339); and

**WHEREAS**, the City is a recipient of Federal revenues and is required to meet federal regulatory requirements pursuant to Title VI of the Civil Rights Act of 1964, 42 U.S.C § 2000d *et seq.*, and create a Title VI Program, as established by 49 C.F.R part 21; and

**WHEREAS**, the FTA has requested that the City provide a Title VI Program update that ensures that no person or group of persons on the basis of race, color, or national origin is subject to discrimination in the level and quality of transportation services and benefits and that steps are taken to ensure that person with Limited English Proficiency are provided these rights; and

**WHEREAS**, the City developed and updated the Title VI Program based on the best practices that meet FTA Guidelines.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Turlock does hereby approve the 2014 Federal Transit Administration (FTA) Title VI Program Update and authorize the City Manager to sign all necessary documents attached as Exhibit A.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Turlock this 26<sup>th</sup> day of August, 2014, by the following vote:

AYES:  
NOES:  
NOT PARTICIPATING:  
ABSENT:

ATTEST:

\_\_\_\_\_  
Kellie E. Weaver, City Clerk,  
City of Turlock, County of Stanislaus,  
State of California

# EXHIBIT A

## TITLE VI POLICY STATEMENT

*The City of Turlock is committed to ensuring that no person is excluded from participation in, or denied the benefits of its transit services on the basis of race, color or national origin, as protected by Title VI of the Civil Rights Act of 1964. The City assures that every effort will be made to prevent discrimination through the impacts of its programs, policies, and activities on minority and low-income populations. In addition, the City will take reasonable steps to provide meaningful access to services for persons with Limited English Proficiency. If you believe you have been subjected to discrimination under Title VI, you may file a written complaint with the Title VI Coordinator, City of Turlock, 156 South Broadway, Suite 230, Turlock, CA 95830-5454; at (209) 668-5540; or available online complaint forms and instructions at [www.blastbus.com](http://www.blastbus.com).*

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Roy W. Wasden  
City Manager

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Date

# EXHIBIT A

## TITLE VI POLICY

The City of Turlock (City) will ensure that all programs, policies, and activities that are funded with federal assistance comply with the Title VI regulations. The City is committed to creating and maintaining a public transit service that is free of all forms of discrimination. The City will take whatever preventive, corrective and disciplinary action necessary for behavior that violates this policy or the rights and privileges it is designed to protect. The City establishes and complies with the following Title VI requirements.

The City ensures compliance accordance with 49 CFR Section 21.7, every application for financial assistance from FTA must be accompanied by an assurance that the applicant will carry out the program in compliance with Title VI of the Civil Rights Act of 1964, as required to provide an annual Title VI certification and assurance.

The City shall provide information to the public regarding their Title VI obligations and apprise members of the public of the protections against discrimination afforded to them by Title VI. The City as a transit service provider shall disseminate this information to the public through measures that can include but shall not be limited to a posting on the agency's website, as required to notify beneficiaries of protection under Title VI, 49 CFR Section 21.9(d).

The City shall develop procedures for investigating and tracking Title VI complaints filed, and make procedures for filing a complaint available to members of the public upon request, as required to develop Title VI Complaint Procedures, 49 CFR Section 21.9(b).

The City shall prepare and maintain a list of any active investigations conducted by entities other than the FTA, lawsuits, or complaints naming the recipient that allege discrimination on the basis of race, color, or national origin. This list shall include the date of the investigation, lawsuit, or complaint was filed; a summary of the allegation(s); the status of the investigation, lawsuit, or complaint; and actions taken by the recipient in response to the investigation, lawsuit, or complaint, as required to record Title VI Investigations, Complaints and Lawsuits, 49 CFR Section 21.9(b).

The City shall take responsible steps to ensure meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are Limited English Proficient, as required to provide meaningful access to Limited English Proficient (LEP) persons.

The City, at the discretion of the FTA, shall provide information other than that required by the referenced circular as may be requested, in writing, from a recipient in order to investigate complaints of discrimination or to resolve concerns about possible noncompliance with Title VI requirements.

The City shall report certain general information to determine their compliance with Title VI. The collection and reporting of this program constitute the recipients' Title VI Program. To ensure compliance with 49 CFR Section 21.9(b), FTA requires that all recipients document their compliance with this chapter by submitting a Title VI Program to FTA's regional civil rights officer once every three years.

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CITY OF TURLOCK

Resolution No. \_\_\_\_\_

## TITLE VI PROGRAM UPDATE

Category: Transit - Civil Rights

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### I. PURPOSE

The Federal Transit Administration (FTA) is responsible for ensuring that its funding recipients fully comply with Title VI of the Civil Rights Act of 1964, in their planning and implementation processes. Pursuant to (Title 49 U.S.C. Chapter 53), as amended, the City of Turlock is the designated recipient of funds under FTA sections (§5307 and §5339). Further Federal guidance, provided by Executive Order 12898, highlights the City's responsibility to ensure that Environmental Justice is incorporated into the City's mission to provide safe, convenient, courteous and reliable transit service for the greater Turlock urbanized area.

As the designated federal funds recipient, the City of Turlock prepares a triennial Title VI Update Report in accordance with the FTA Circular dated May 26, 1988, which assesses compliance of the City, its subrecipients, and contractors with the Civil Rights Act of 1964.

The City must also ensure that there is Title VI consideration whenever there is a change in service that could impact minority communities. In particular, the City transit operations must describe significant service changes relating to hours or days of operation, headways or fares, etc., and provide an analysis of the effect that any proposed changes may have on minority and low-income communities. This policy provides a delineation of that service review.

### II. TITLE VI PROGRAM MONITORING

The requirement to establish internal monitoring processes and methodologies is applicable to all recipients of Federal assistance. The City must monitor its services once a year, or when major service changes are proposed, using the procedures outlined in this section.

#### a. Civil Rights Assurance

The Assurances that are signed by the City Manager and attested by the City Attorney, assure that the level and quality of transit service and related benefits are provided in a manner consistent with Title VI. Program monitoring is conducted to ensure that the City complies with this assurance.

#### b. Corrective Actions in Federal Transportation Improvement Plan (FTIP)

If previous Title VI deficiencies have been found in the City or through an audit review, the corrective action to remedy these deficiencies may be incorporated into Stanislaus Council of Governments' (StanCOG) FTIP to assure compliance with Title VI.

# EXHIBIT A

## c. Monitoring Procedures

The City must implement complaint procedures to monitor the level and quality of transit service provided to the minority community against overall system averages to determine compliance with Title VI. These comparisons will measure the actual realization of established service policies and standards.

## III. PUBLIC INFORMATION REQUIREMENTS

The City will disseminate Title VI Program information to its employees, contractors, subcontractors, and beneficiaries as well as the general public. Public dissemination will include the posting of public statements, inclusion the Title VI language in contracts, and publishing annually the Title VI Policy Statement in newspapers having a general circulation in the vicinity of the proposed projects.

- a. The City's Title VI Policy and any other related information will be available to the public upon request.
- b. More detailed information regarding complaint procedures and Title VI Civil Rights statute will be included in brochures and other materials distributed to the public.
- c. **Multilingual Requirements.** Where a significant number or portion of the population eligible to be served by transit needs service information in a language other than English to participate in Federally funded programs, the City shall take every reasonable step to provide information in appropriate languages. In cases where the City posts signs warning the general public about dangerous situations, information must be displayed in iconic post or other languages when a significant number of the population is non-English speaking.

## IV. LIMITED ENGLISH PROFICIENCY (LEP) PLAN

Title VI of the Civil Rights Act of 1964 prohibits recipients of federal financial assistance from discriminating against or otherwise excluding individuals on the basis of race, color, or national origin in any of their activities.

It has been recognized that one form of discrimination occurs through an inability to communicate due to a limited proficiency in the English language. Title VI of the Civil Rights Act of 1964, Executive Order 13166, and various directives from the US Department of Justice (DOJ) and the US Department of Transportation (DOT) requires federal aid recipients to take reasonable steps to ensure meaningful access to programs, services, and activities by those who do not speak English proficiently.

To determine the extent to which LEP services are required and in which languages, the law requires the analysis of four factors:

1. The number or proportion of LEP persons eligible to be served or likely to be encountered by the City's programs, services, or activities.
2. The frequency with which LEP individuals come in contact with these programs, services, or activities.
3. The nature and importance of the program, service, or activity to people's lives.
4. The resources available and overall cost.

The goal of the LEP Access Plan is to ensure that the City identify and recognize the needs of the LEP members of the Turlock community and implements a plan to communicate effectively assuring reasonable access to City processes, information, services, and activities.

# EXHIBIT A

## Four-factor Analysis

For all service-related planning and policy changes under consideration, City of Turlock Transit Staff will analyze and conduct the four-factor framework provided in the DOT LEP Guidance.

**Factor 1:** Identify LEP Persons in Transit Service Area- The number of proportion of LEP Persons served or encountered in the City of Turlock's service area.

*Methodology for Data Sources:*

- Determine LEP population in Transit Service Area (City of Turlock urbanized area) the most current US Census Data will be the primary base for this analysis. The City will complement the Census data with other data sources available through the California Department of Education Demographics Office.

According to the 2010 U.S. Census data, the 2011 American Community Survey, approximately 37.3% of the City's population speaks a language other than English at home. The Spanish language is the most used non-English speaking language at 21% of the City's population. Other spoken at home languages were not specified in the ACS report but recorded at 16% of the population. Of this identified bi-lingual population, 25.5% were recorded as speaking English "less than very well."

The California Department of Education Demographics Office Fiscal Year 2009/2010 Stanislaus County Report further supports this data with 23.3% of enrollments identified as English Learners, with Spanish being the most predominant language with 89.1%.

**Factor 2:** The frequency of contacts with LEP Individuals with City Transit services.

*Methodology:*

- Conduct survey of LEP persons
- Survey and collect data from drivers, route supervisors, and ticket/monthly pass agents to determine the frequency of contact with LEP persons, as well as the languages spoken.

**Factor 3:** Assessing the importance of City Transit services.

*Methodology:*

- Identify Transit critical services or activities

The City of Turlock Transit Staff has identified the following services or activities:

- Public Notices regarding services or activities
- General route information
- Transit fares
- Safety/security issues
- Awareness of prohibited activities

## **Factor 4:** City resources available and cost.

### *Methodology:*

- Create an inventory of language assistance measures currently provided, along with the associated cost.
- Determine what, if any, additional services are needed to provide meaningful access.
- Analyze City annual transit/transportation budget.

The City of Turlock will ensure that public notices and general information, such as the riders guide is written in Spanish and made available for viewing in places where individuals with limited English proficiency congregate such as the Regional Transit Center. In addition, to improve meaningful access, transit fares have been written in Spanish and posted on the buses and at the Transit Center.

City Transit Staff will also maintain a list of those staff members who speak a language other than English to provide points of contact for person needing information.

## **Language Assistance Plan**

Based on findings of the four-factor analysis, the City recognizes the need to continue providing language services in its transit service area. A review of relevant City programs, activities, and services that are being offered or will continue to be offered by the City include the following:

- Maintain a list of employees who competently speak Spanish and are willing to provide translation and/or interpretation services and distribute this list to staff that regularly have contact with the public.
- Vital documents and available in both English and Spanish.
- Public Notices are available in both English and Spanish.
- General information, such as transit maps and bus stop information available in English and Spanish.
- Transit fare information posted in both English and Spanish.
- Outreach meetings/forums are conducted regularly to inform communities of the services offered by the City. Information is provided by bilingual staff on site to answer any questions and to address concerns.

The City will contact the community organizations that serve LEP persons, as well as LEP persons themselves, and perform a four-factor analysis every three years to identify what, if any additional information or activities might better improve the City services to assure non-discriminatory services to LEP persons. The City Transit staff will then evaluate the projected financial and personnel needed to provide the requested service enhancement and assess the cost-effectiveness of the improvement.

## V. TITLE VI SERVICE REVIEW

A Title VI analysis shall occur whenever there is a significant change to service provision, including the following:

- Route extensions
- Route eliminations
- Frequency changes of more than 25%

Major service adjustments are generally those that constitute an aggregate change of more than 25 percent or more in route miles or hours when compared on a daily basis. This includes system wide route restructuring, or adding and deleting service.

### Major Service Adjustment Review

For changes that impact more than 25% of the total route system within the service area, the City shall conduct a Title VI review that includes the following:

#### Level of Service Review:

Service provided to minority communities under the service change proposal shall be measured in terms of current City standards for frequency, span of service, vehicle load and distance to bus routes to determine if any proposed change would result in disproportionately high and adverse impacts to minority communities. This analysis shall include the identification of minority census tracts for purposes of comparing outcomes in those areas to those in the general service area.

#### Quality of Service Review

Using transit travel time, fare matrices, or other appropriate indices, the City shall analyze the service provided to minority communities under the service proposal. The City shall select the top three most traveled destinations in the service area and compare the impacts associated with the proposal on minority and non-minority communities to determine if the proposal will result in disproportionately high and adverse impacts to minority communities. The review shall include cost per revenue mile and number of affected riders.

#### Mitigation of Impacts

If the service proposals result in adverse or disproportionate impact on minority or low-income communities, the City must identify the following:

- Alternatives to the service proposal that would have fewer negative impacts and rationale for not selecting them
- Transit options that would be available for riders who would be negatively affected
- Measures to avoid, minimize or mitigate the negative impacts of the service change

### Minor Service Adjustment Review

Also covered under this policy are other changes to service that may result in a disproportionately high and adverse impact to minority communities as referenced in the FTA Circular, yet do not meet the 25% threshold for "Major Adjustments of Transit Service". These changes shall be characterized as "Minor Service Adjustments".

# EXHIBIT A

For changes that impact less than 25% of the route system within the service or planning area, the City shall conduct a Title VI analysis that includes the following:

## **Level of Service Review:**

Service provided to minority communities under the service change proposal shall be evaluated in terms of current City standards for frequency, span of service, vehicle load and access to bus routes to determine if any proposed service change would result in disproportionately high and adverse impacts to minority communities.

The evaluation should identify any changes to the following within the affected minority neighborhoods:

- Number of riders affected
- service frequency
- span of service
- walking distance to bus route

## **Mitigation of Impacts:**

The City shall also identify whether the minor service changes would result in adverse or disproportionate impacts on minority and low-income communities, and provide a description, if any, of the mitigations, options and alternatives.

## **VI. NOTIFICATION OF CONSTRUCTION PROJECT**

On December 17, 2009, the City of Turlock submitted to Alexander Smith, FTA Region IX office the required information for probable categorical exclusion as part of the American Recovery and Reinvestment Act of 2009 (ARRA) grant application CA 96-X019 for the construction of the Turlock Regional Bus Transfer Center.

The NEPA documentation assessed the proposed project site to have no impact on any identified population or community. In the proposed site for the construction facility FTA determined that the project qualifies as a categorical exclusion under 23 CFR part 771.117(d) and is consistent with the requirements for this categorical exclusion. This review, which is based on past experience with similar projects, finds that the project: does not induce significant environmental impacts to planned growth or land use for the area; does not require the relocation of significant numbers of people; does not have a significant impact on natural, cultural, recreational, historical or other resource; does not involve significant air, noise, or water quality impacts; does not have significant impacts on travel patterns; or does not otherwise, either individually or cumulatively, have any significant environmental impact.

The project was noticed as part of Stanislaus Council of Governments (StanCOG) 2009 Interim FTIP. The 45-day comment period began on February 25, 2009. No comments were received regarding this project.

StanCOG adopted and approved the project as part of its TIP in Resolution No. 08-48 dated March 11, 2009. FTA and FHWA jointly approved the inclusion of the STANCOG FTIP as part of the California's 2008/09 – 2011/12 FSTIP on April 7, 2009.

# EXHIBIT A

The City of Turlock in coordination with StanCOG integrated into environmental analysis the following:

## **Environmental Justice**

The concept of environmental justice includes the identification and assessment of disproportionately high and adverse effects of programs, policies, or activities on minority and low-income population groups. Within the context of transportation planning, environmental justice considers the relative distribution of costs and benefits from transportation investment strategies and polices among different segments of society.

The City shall be responsible for evaluating and monitoring environmental justice compliance with Title VI. The City staff will:

- Ensure Title VI environmental compliance
- Analyze and make findings regarding the population affected by the action
- Analyze and make findings regarding the impacts of planned projects on protected Title VI groups, and determine if there will be a disproportionately high and adverse impact on these groups.

## **COMPLAINTS OF DISCRIMINATION PROCEDURE**

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by the City of Turlock as to consultants, and Contractors. Intimidation or retaliation of any kind is prohibited by law. The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination. Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Coordinator may be utilized for resolution.

### **Complaint Procedure**

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by nondiscrimination requirements may file a complaint with the City of Turlock. A formal complaint must be filed within 180 days of the alleged occurrence.
2. In cases where the complainant is unable or incapable of providing a written statement, a verbal complaint may be made. The Title VI Coordinator will interview the complainant and if necessary assist the person in converting verbal complaints to writing. All complaints must, however, be signed by the complainant or his/her representative.
3. Complaints shall state, as fully as possible, the facts and circumstances surrounding the alleged discrimination.
4. Within five (5) working days of receipt of the complaint, the City of Turlock will provide the complainant or his/her representative and any Contractor (respondent) with a written acknowledgement that the City has received the complaint.
5. A copy of the complaint will be forwarded to the City Attorney for review.

## EXHIBIT A

6. The Title VI Coordinator will assign an investigator to the complaint (this may be the Title VI Coordinator or other designated staff).
  
7. The Investigator will determine if the complaint has investigative merit:
  - a. It was received within 180 days of the alleged occurrence.
  - b. It does not appear to be frivolous or trivial.
  - c. It involves the City or City Contractors and not another entity.
  - d. The complaint is against a Contractor involved in a Federally funded contract.
  
8. Within 10 working days of receipt of the complaint, the complainant and Contractor or other party to the complaint will be notified of the status of the complaint, *by registered mail*:
  - a. That the complaint will not be investigated and the reasons why the complaint does not have investigative merit.
  - b. That the complaint will be investigated and a request for additional information is needed to assist the investigator.
  
9. Within 30 working days from the date of its request, the complainant or Contractor must submit the requested additional information. Failure of the complainant to submit additional information within the designated timeframe may be considered good cause for a determination of no investigative merit. Failure of the Contractor to submit additional information within the designated timeframe may be considered good cause for a determination of noncompliance under the contract.
  
10. Within 15 working days of the complaint's receipt, the internal investigator and/or Contractor must supply the Title VI Coordinator with status report of their investigation and/or resolution of the complaint.
  
11. Within 60 working days from the receipt of the original complaint, the investigator will prepare a written report for the Title VI Coordinator.

The report shall include:

  - a. A narrative description of the incident, including persons or entities involved.
  - b. A statement of the issues raised by the complainant and the respondent's reply to each of the allegations.
  - c. Citations of relevant Federal, State and local laws, City policy etc.
  - d. Description of the investigation, including list of the persons contacted and a summary of the interviews conducted.
  - e. A statement of the investigator's finding and recommendations for disposition.
  
12. The investigative report and findings of the complaint will be sent to legal counsel for review.
  
13. The Title VI Coordinator shall, based on the information before him or her and in consult with legal counsel, make a determination on the disposition of the complaint. Determination shall be made within 10 working days from Title VI Coordinator's receipt of the investigator's report.

# EXHIBIT A

Examples of disposition are as follows:

- a. Complainant is found to have been discriminated against. The City or Contractor is therefore in noncompliance with Title VI regulations. Reasons for the determination will be listed. Remedial actions that the City or the Contractor must take will be listed in a Final Remedial Action Plan.
- b. Complaint is found to be without merit. Reasons why will be listed.

14. Notice of the Title VI Coordinator's determination will be mailed to the complainant and Contractor. Notice shall include information regarding appeal rights of complainant and instructions for initiating such an appeal.

Example of a notice of appeal follows:

- a. The City will only reconsider this determination if new facts are presented, that were not previously considered.
- b. If the complainant is dissatisfied with the determination and/or resolution set forth by the City, the same complaint may be submitted to the Federal Transit Administration (FTA) for investigation. For more information, please contact the Federal Transit Administration, Office of Civil Rights, 201 Mission Street, Suite 1650; San Francisco, CA 94105 / (415) 744-3133.

15. A copy of the complaint and the City's investigation report/letter of finding and Final Remedial Action Plan will be issued to FTA within 90 days of the receipt of the complaint.

16. After receiving FTA's comments, briefings may be scheduled with all relevant parties to the complaint.

17. A summary of the complaint and its resolution must be included in the annual report to the FTA.

## VII. GENERAL REPORTING REQUIREMENTS

The Department of Justice and Department of Transportation regulations implementing Title VI require Federal agencies to collect data and other information to enforce the Title VI. In this regard the City, as an applicant and/or recipient receiving Federal funding, shall hereby provide to FTA the following information:

- There are no active lawsuits or complaints naming the City of Turlock nor were there any investigations, complaints, or lawsuits in the past three years which allege discrimination on the basis of race, color, or national origin with respect to transit service or other transit benefits.

# EXHIBIT A

- There are currently no pending construction projects which would negatively impact minority communities being performed by the City.

## VIII. RECORD KEEPING REQUIREMENTS

The Title VI Coordinator shall ensure that all records relating to the City's compliance to Title VI are maintained for a minimum of seven years. Records will be available for compliance review audits.

Copies of the following material will be kept available by the Title VI Coordinator for dissemination to the public upon demand:

- The City of Turlock's Title VI policy.
- Annual reports to FTA.
- Audit report findings and recommendations.
- Summaries of actions taken by the City to remedy audit findings.
- Complaints received and a summary of their disposition.
- Annual report to Title VI Coordinator regarding Title VI compliance.



## Council Synopsis

August 26, 2014

From: Michael G. Pitcock, P.E.  
Director of Development Services/ City Engineer

Prepared by: Michael G. Pitcock, P.E.  
Director of Development Services/ City Engineer

Agendized by: Roy W. Wasden, City Manager

### 1. ACTION RECOMMENDED:

Motion: Approving Amendment No. 3 with Quad Knopf, Inc., for the preparation of an Environmental Impact Report (EIR) and Master Plan document for the Morgan Ranch Residential Master Plan

### 2. DISCUSSION OF ISSUE:

On July 13, 2010, City Council approved an agreement with Quad Knopf, Inc. for preparation of an Environmental Impact Report (EIR) and Master Plan document for the Morgan Ranch Residential Master Plan located in SE Turlock bounded by E. Glenwood Avenue, Golf Road, Hwy 99 and Lander Avenue.

Since that time, City Council has approved 2 amendments extending the expiration date of the agreement. Work continues and we are nearing completion of the documents. However, the current agreement needs to be extended so the final documents can be complete.

Amendment No. 3 before the council extends the agreement through June 30, 2015. No additional compensation is requested by Quad Knopf, Inc. at this time.

### 3. BASIS FOR RECOMMENDATION:

A) All contract amendments must be approved by the City Council.

### 4. FISCAL IMPACT / BUDGET AMENDMENT:

#### Fiscal Impact

None – As this is addition of time only.

#### Budget Amendment

None Required

**5. CITY MANAGER'S COMMENTS:**

Recommend approval.

**6. ENVIRONMENTAL DETERMINATION:**

Not applicable

**7. ALTERNATIVES:**

- A). Not approve the amendment to the agreement with Quad Knopf, Inc. This alternative is not recommended because the documents are necessary to begin construction of the Morgan Ranch Master Plan.



**AMENDMENT NO. 3  
to  
Agreement  
between  
CITY OF TURLOCK  
and  
QUAD KNOFF, INC  
For  
MORGAN RANCH MASTER PLAN AND EIR  
CONTRACT NO. 10-777**

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**THIS AMENDMENT NO. 3**, dated August 26, 2014, is entered into by and between the **CITY OF TURLOCK**, a municipal corporation (hereinafter "CITY") and **QUAD KNOFF, INC**, (hereinafter "CONTRACTOR").

**WHEREAS**, the parties hereto previously entered into an agreement dated July 13, 2010, whereby CONTRACTOR would prepare the Morgan Ranch Master Plan and Environmental Impact Report (EIR) for the Morgan Ranch Master Plan project (hereinafter the "Agreement"); and

**WHEREAS**, on June 12, 2012, the parties entered into Amendment No. 1 to the Agreement dated July 13, 2010, whereby the term of agreement was extended to June 30 2013; and

**WHEREAS**, on June 11, 2013, the parties entered into Amendment No. 2 to the Agreement dated July 13, 2010, whereby the term of agreement was extended to June 30 2014.

**NOW, THEREFORE**, the parties hereto mutually agree to further amend said Agreement as follows:

1. Paragraph 5 of the Agreement is amended to read as follows:  

"5. **TERM OF AGREEMENT:** This Agreement shall become effective upon execution and shall continue in full force and effect for a period of sixty (60) months beginning July 13, 2010 and ending June 30, 2015, subject to CITY's availability of funds."
2. All other terms and conditions of the Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have caused this Amendment to be executed by and through their respective officers thereunto duly authorized on the date first written hereinabove.

*OK for Agenda*  
*pm*

**CITY OF TURLOCK**

By: \_\_\_\_\_  
Roy W. Wasden, City Manager

APPROVED AS TO SUFFICIENCY:

BY: \_\_\_\_\_  
Michael G. Pitcock, P.E., Director of  
Development Services / City Engineer

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Phaedra A. Norton, City Attorney

ATTEST:

By: \_\_\_\_\_  
Kellie E. Weaver, City Clerk

**QUAD KNOFF, INC**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



## Council Synopsis

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August 26, 2014

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From: Michael G. Pitcock, P. E.  
Director of Development Services/City Engineer

Prepared by: Scott Medeiros, Transit Planner, Development Services/  
Engineering Division

Agendized by: Roy W. Wasden, City Manager

### 1. ACTION RECOMMENDED:

Motion: Approving Amendment No. 1 for the Service Agreement with First Transit, Inc., to provide transit operational services for the Turlock Bus Line Services from December 1, 2011 to November 30, 2017, reflecting the fixed amount and hourly rates identified in the current First Transit, Inc. agreement

### 2. DISCUSSION OF ISSUE:

A City's transit transportation system plays an important role in our daily lives. It affects how we travel to work, to school or to the store. It affects the distribution of consumer goods and the provision of services. The transit transportation system provides connections within and outside of our community. An efficient transit transportation system is essential to maintaining the quality of life and economic health of our community.

In 2011, staff recommended approval of a three year agreement with First Transit Inc. to provide dial-a-ride and fixed route service based on a proposal we received through a Request for Proposal (RFP) process. The proposal also included an option for a three year extension with fixed rates for each service. On November 30, 2014, the current three year transit service agreement with First Transit, Inc. will expire. Staff recommends extending the current contract three years (through November 30, 2017) as was defined in their original proposal. An amendment to the existing contract will provide a continuation of the current service provider for three years as referenced in Amendment 1. If approved by the City Council the amendment to the current agreement includes the same transit operations that are now being performed by First Transit, Inc. including the same employees and equipment, etc. No change in transit operations is anticipated under the proposed new amendment. As in past years funding for all transit operations and capital expenses come from two major sources Federal Transit Administration (FTA) and the Transportation Development Act (TDA),

with minor funding derived from passenger fares. No General Fund money is used for any transit operations or capital equipment needs.

Contract Provisions

The following is a synopsis of the major items contained in the current contract and proposed extension:

- The City will continue to supply buses, maintenance and fuel for all transit operation.
- The City will continue to furnish office facility and bus parking storage at the City corporation yard.
- The City will continue to pay for public transit telephone service and utilities for the transit operation office.
- The contractor will provide all personnel and administer the day-to-day operation of both dial-a-ride and fixed route transit service.
- The contractor will provide all office space facility and bus cleaning.
- The contractor will collect all fares, and turn the funds into the City Finance office.
- The contractor will provide all random drug testing, and training of transit staff.
- The proposal is based upon no change for the current schedule when transit service is available.

The cost portion of the contract includes the following items:

1. A monthly Base Service Cost for both fixed route and dial-a-ride service.
2. A Variable Service Hour rate for each type of service.
3. Hourly Rate for additional services using the City transit buses.

Many other items are included in the Agreement "Scope of Work" attached with the Agreement.

New fixed and variable FY 14/15 costs/contract amounts:

Base Service Cost (Monthly)	\$19,054.08
Variable Hourly Cost Fixed Route (BLAST)	\$22.06
Variable Hourly Cost Dial-a-Ride (DART)	\$22.06
Variable Hourly Cost (Extra non scheduled) Service)	\$22.06

**3. BASIS FOR RECOMMENDATION:**

Reasons City staff recommends entering an amendment to the agreement with First Transit, Inc. is:

- The City of Turlock has contracted with First Transit, Inc. employees for a number of years. City staff is pleased to report that First Transit, Inc. employees have conducted all our business in a highly professional and satisfactory manner.
- First Transit, Inc. staff has always been most helpful in solving problems, and providing advice concerning all aspects of our public transit needs. In this specialized field of public transportation, First Transit, Inc. staff has a broad range of knowledge that has been very helpful.
- Contract costs are competitive with what other firms are receiving for similar types of service.
- By entering into a contract amendment the City would avoid any hardship and disruption to the general riding public. Some degree of disruption and confusion usually results from the changing of transit service contractors.

**4. FISCAL IMPACT / BUDGET AMENDMENT:**

**Fiscal Impact:** Funds are available in Fund 425, Transit (Dial-a-Ride) and Fund 426, Transit (Fixed Route) to cover the operational expenditures for this transit service during FY 2014/15. The proposed contract amendment Budget amount for FY 2014/15 transit (Dial-a-Ride) service is \$170,000.00 and transit (Fixed Route) service is \$390,000.00. These funding amounts are estimated for budget purposes actual contract expenses rarely reach these amounts.

**Note:** No General Fund money is used for transit operations or capital equipment needs. FTA 5307 funding program and Transportation Development Act program limitations restrict this funding exclusively to transit operations and transit capital equipment needs.

**5. CITY MANAGER'S COMMENTS:**

Recommend approval

**6. ENVIRONMENTAL DETERMINATIONS:**

N/A

**7. ALTERNATIVES:**

- A). Not approve the amendment to the services agreement with First Transit, Inc. This alternative is not recommended because staff believes First Transit Inc. is the best available contractor for the price amounts to complete this work. This belief is based on their technical expertise working through the FTA and CalTrans system and additional experience demonstrated by First Transit, Inc.
  
- B). Undertake a rigorous cost analysis of future needs and receive new contract operation bids. A formal FTA bid process would be necessary to evaluate financial performance any new bidder. Develop backup plans for contract operations in the event that a transit contractor is not readily available to take over transit operations at a lower bid price.



**AMENDMENT NO. 1**  
to  
**Agreement**  
Between  
**CITY OF TURLOCK**  
and  
**FIRST TRANSIT, INC.**  
For  
**TURLOCK TRANSIT LINES MANAGEMENT AND OPERATIONS SERVICES**  
City Contract No. 11-961

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**THIS AMENDMENT**, dated August 26, 2014, is entered into by and between the **CITY OF TURLOCK**, a municipal corporation (hereinafter "CITY") and **FIRST TRANSIT, INC.**, (hereinafter "CONTRACTOR").

**WHEREAS**, the parties hereto previously entered into an agreement dated October 25, 2011, whereby CONTRACTOR will perform Turlock Transit Lines Management and Operations Services (hereinafter the "Agreement").

**NOW, THEREFORE**, the parties hereto mutually agree to amend said Agreement as follows:

1. Paragraph 5 of the Agreement is amended to read as follows:

**"5. TERM OF AGREEMENT:** This Agreement shall become effective upon execution and shall continue in full force and effect beginning December 1, 2011, and ending November 30, 2017, in accordance with Paragraph 34 and subject to CITY's availability of funds."

2. All other terms and conditions of the Agreement shall remain in full force and effect.

**IN WITNESS WHEREOF**, the parties hereto have caused this Amendment to be executed by and through their respective officers thereunto duly authorized on the date first written hereinabove.

**CITY OF TURLOCK**

By: \_\_\_\_\_  
Roy W. Wasden, City Manager

APPROVED AS TO SUFFICIENCY:

BY: \_\_\_\_\_  
Michael G. Pitcock, P.E., Director of  
Development Services/City Engineer

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Phaedra A. Norton, City Attorney

ATTEST:

By: \_\_\_\_\_  
Kellie E. Weaver, City Clerk

**FIRST TRANSIT, INC.**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



## Council Synopsis

August 26, 2014

From: Michael Cooke, Municipal Services Director

Prepared by: Garner Reynolds, Regulatory Affairs Manager

Agendized by: Roy W. Wasden, City Manager

### 1. ACTION RECOMMENDED:

Motion: Authorizing a blanket Out-of-Boundary Service Agreement for water services for property located within an unincorporated island of Stanislaus County, outside of City limits

### 2. DISCUSSION OF ISSUE:

The City of Turlock furnishes water service to properties outside the City limits in emergency situations or exceptional cases such as well failure or for public health and safety reasons. Recently, as a result of the three year drought, the City of Turlock has experienced an increase in requests for connection to City water service from properties located within unincorporated county islands, outside of City limits. These requests are from property owners whose domestic wells are no longer able to provide water; therefore, they are requesting connection to City water services. This is a health and safety issue for these properties.

In accordance with the Turlock Municipal Code Section 6-5-115, these types of requests do not require an agreement. However, California Government Code Section 56133 requires a contract or an agreement and written approval from the Local Agency Formation Commission (LAFCO). Stanislaus LAFCO is authorized to approve the City's request to provide new or extended services outside its jurisdictional boundaries and outside its sphere of influence to respond to an existing or impending threat to the public health or safety of the residents of the affected property.

Staff is currently requesting approval for a blanket agreement to be utilized for future requests. These requests will be approved at a department head level, without the need to seek further City Council approval. Included with the synopsis is the proposed blanket agreement.

### 3. BASIS FOR RECOMMENDATION:

A. As a result of the long-term drought, the City is experiencing an increase in requests for connection to City water service for properties located in county

islands, outside of City limits. For health and safety reasons, it is in the best interest of the City and the property owners to provide these services.

- B. Staff is currently requesting approval for a blanket agreement for Out-of-Boundary Service Agreements to be utilized for future requests. These requests will be approved at a department head level, without the need to seek further City Council approval.

**Strategic Plan Initiative:**

Not specifically identified within the City Strategic Plan as this pertains to immediate health and safety for individual properties.

**4. FISCAL IMPACT / BUDGET AMENDMENT:**

None.

**5. CITY MANAGER'S COMMENTS:**

Recommend approval.

**6. ENVIRONMENTAL DETERMINATION:**

N/A.

**7. ALTERNATIVES:**

- A). Do not approve the proposed blanket Out-of-Boundary Service Agreement. This alternative is not recommended as this is a health and safety issue and the City of Turlock is the only water purveyor able to provide water to these properties.

**RECORDING REQUESTED BY AND  
WHEN RECORDED RETURN TO :**

City of Turlock  
Attention: City Clerk  
156 S. Broadway, Suite 230  
Turlock, California 95380-5456

Exempt from fee per Government Code §6103

(Above for Recorder's Use Only)

**OUT-OF-BOUNDARY SERVICE AGREEMENT  
for Water Connection Affecting Real Property**

**THIS AGREEMENT** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the **CITY OF TURLOCK** (hereinafter referred to as "City") and \_\_\_\_\_, (hereinafter referred to as "Owner"), whose address of record is \_\_\_\_\_, \_\_\_\_\_, CA, \_\_\_\_\_.

**WHEREAS**, Owner is the owner of real property in the unincorporated area of the County of Stanislaus identified under Paragraph 23 of this Agreement, which property is located within an unincorporated island, outside of City limits (hereinafter referred to as "Property"); and

**WHEREAS**, City furnishes water service to properties outside the City limits in emergency situations or exceptional cases, such as well failure, where public health and safety is jeopardized; and

**WHEREAS**, Owner has an existing residential dwelling on its Property; and

**WHEREAS**, Owner desires that City provide water services to its existing facility; and

**WHEREAS**, in exchange for water service to its existing facility, Owner agrees to the annexation of the real Property identified under Paragraph 23 of this Agreement to the City; and

**WHEREAS**, under State law, permission to extend such services must be obtained from the Stanislaus County Local Agency Formation Commission (hereinafter referred to as "LAFCO"); and

**WHEREAS**, City is willing to furnish said water service upon the terms hereinafter set forth; and

**WHEREAS**, this Agreement does not convey or imply the future provision of sanitary sewer and/or storm water collection services to the Property.

**NOW, THEREFORE**, the parties hereto, in consideration of the mutual covenants hereinafter recited, hereby agree as follows:

1. **PROVISION OF WATER SERVICE.** City agrees to provide water service to Owner for Owner's existing municipal/industrial uses only. This right may not be sold, transferred, or otherwise conveyed to any other owner or property. This Agreement does not create any right to utilize any of City's services except such services for which rights are expressly granted herein. Owner has no right under this Agreement to receive sanitary sewer or storm water service from City.

2. **PRIVATE PROPERTY.** City makes no warranty whatsoever as to the current or continued condition of any private property utilized by Owner to receive City's extraterritorial services. For the purpose of this section, "Private Property" shall mean any Property that is not owned or leased by City and shall include, but not be limited to, any water lines that are not owned by City. In the event that Owner does not have access to City's services due to any malfunction of any private property, Owner shall still be liable to City for all applicable monthly or other fees.

3. **RIGHT OF ENTRY.** Owner hereby expressly grants consent to City to enter upon Owner's Property in the manner and according to the procedures prescribed by City for the purpose of disconnecting service when Owner's account is delinquent. No further consent shall be required.

4. **CHARGES FOR SERVICE.** Owner agrees to pay water service and usage charges at metered rate in such sum as from time-to-time may be established by the City Council. The City will issue monthly billing statements to Owner for water service and usage which will be due and payable on the first business day of each month, and will be considered delinquent if not paid within thirty (30) days of the due date.

5. **FEEES AND DEPOSITS.** Owner shall be an extraterritorial customer of the City's water system and hereby agrees to be subject to all water service laws, policies and ordinances applicable to customers within City boundaries. Owner also agrees to pay all applicable fees, including connection fees, deposits and usage fees, outlined in the City's ordinance and/or water fee schedule. Owner further agrees that, as an extraterritorial customer, Owner will not be entitled to notice or protest rights under Proposition 218 where fee increases are contemplated and initiated by City.

6. **LAFCO APPLICATION.** Prior to providing any services outside of its territorial boundaries, City must first obtain approval from the Stanislaus County Local Agency Formation Commission (LAFCO). LAFCO charges a fee and may require additional steps prior to approving extraterritorial service.

Property owner shall pay all LAFCO fees and any other costs related to the LAFCO process. This may include the preparation of an environmental document satisfying the requirements of LAFCO at an additional cost to Owner. City will have no obligation to provide service until LAFCO approval is finalized.

LAFCO is the responsible entity for decisions regarding service extensions. City makes no representations or warranties as to any action or decision that may or may not be taken by LAFCO.

7. DEVELOPMENT IMPACT FEES. Owner agrees to pay City all potable water-related development impact fees, including but not limited to Water Capital Charges and fees appropriate for the nature and extent of the intended use of the Property, in such amount as is established by the City in effect at the time of Owner's connection to the water system.

8. WATERLINE. Owner agrees at his own expense to cause a water line, of such size as shall be determined by City Engineer, to be constructed and installed according to City standards, at such location as shall be determined by City Engineer as necessary or desirable to serve Owner's Property and comply with City requirements.

Upon acceptance by City, waterline and all appurtenances up to the required meter shall become property of the City. All facilities downstream of this point shall be privately owned and maintained.

9. ENCROACHMENT PERMIT. Owner shall submit an application for an encroachment permit to the City of Turlock and Stanislaus County (if required), with any required improvement plans prepared by a licensed civil engineer.

10. COST OF FEES. Owner shall bear all costs of construction of the improvements, in accordance with all applicable laws, rules, and regulations, and shall pay all permit, plan check, inspection, application fees, water connection fee based upon service size, the City's Water Grid Fee and any and all other applicable fees, including all potable water-related development impact fees.

11. CONFORMANCE WITH CITY ORDINANCES. Owner agrees to cause all future improvements and construction on said Property to conform to the subdivision, zoning, housing, plumbing, electrical, building, fire, park dedication and other codes, ordinances and regulations of City, including payment of fees stipulated therein. In addition, all applicable requirements of Title 6 of the Turlock Municipal Code, as now existing or hereafter amended, dealing with the water system of the City of Turlock including, but not limited to, 6-5, 6-6 and 6-7 are incorporated herein by reference.

12. DEDICATION FOR PUBLIC USE. Owner agrees to dedicate to public use, at no cost to City, and without any demands, conditions or requirements, any easements, streets, alleys or other public ways which the City, City Planning Commission and/or the City Council find necessary and desirable for the future development of the Property or for the protection and maintenance of utilities.

14. COVENANTS RUNNING WITH THE LAND. City agrees to furnish water service for the benefit of Owner's real Property hereinafter described. The obligations of Owner stated in this Agreement are covenants running with the land, and are intended by City and by Owner to be binding upon Owner and Owner's heirs, administrators, assignees and successors in interest in the land described herein.

15. COVENANT TO ANNEX. Owner hereby covenants and binds himself and his successors in interest to annex said real Property to City when the City Council determines that such annexation shall be made, and Owner hereby acknowledges that this writing is a request and a consent by him to so annex the said real Property, and Owner for himself and his successors in interest further agrees not to protest annexation of said Property either by itself or as part of a larger parcel of land and hereby specifically waives the provisions of all sections of

law now existing or hereafter to be enacted permitting protests to be filed in annexation proceedings.

16. **RESULT OF FAILURE TO ANNEX.** It is further understood and agreed that state law provides that application must be made to the Local Agency Formation Commission before the real Property herein described may be annexed to the City, and if said Commission should not give its consent to annex, or if it places conditions or modifications upon annexation which are not acceptable to City, in its sole and unfettered discretion, then, and in that event, this Agreement shall be cancelled and terminated and City shall cease to provide water service and may disconnect City water lines from said Property upon giving the notice provided for in this Agreement, and neither Owner nor its successor-in-interest shall be entitled to any refund of charges previously paid to City.

17. **CONSENT TO PAY TAXES UPON ANNEXATION.** Upon annexation, Owner consents to be taxed and agrees to pay Owner's proportionate share of the City's general indebtedness existing at the time of annexation, pursuant to Government Code Section 57328.

18. **AGREEMENT TO NOTIFY PURCHASER OR GRANTEE.** In the event Owner's land, or any lot or parcel thereof, is to be sold or conveyed, Owner agrees to notify said purchaser or grantee of the terms and conditions of this Agreement, however the binding effect of this Agreement upon said purchaser or grantee shall not be lessened by the failure of the Owner to give such notice.

In the event of a transfer of Owner's Property by any means, including but not limited to, sale, gift, bequests, etc., City, in its sole and unfettered discretion, may terminate this Agreement, may renegotiate the terms of this Agreement or may take any and all other action it deems necessary or appropriate.

19. **FAILURE TO PAY.** Upon the failure of Owner or Owner's successors in interest to make the payments at the time and in the manner as herein provided, or to keep or perform any of the agreements or covenants on their part to be kept or performed as herein provided, City may cease to give water service and may disconnect City water lines from said Property upon giving the Owner or Owner's successor in interest 60 days' written notice of City's intention so to do, which said notice shall be by personal service or by mail to Owner or Owner's successor in interest at his or her last known mailing address.

Unpaid service charges for the Property described below shall constitute a debt of the Owner or Owner's successors in interest to the City. The Owner or the Owner's successor in interest who incurred the debt shall be liable in a civil action for the amount of the unpaid service charges, for the cost of suit, and for reasonable attorney fees. The service charges shall also constitute a lien against said Property for the amount of the unpaid service charges. Any lien shall be enforceable against Owner and Owner's successors in interest, and shall be subject to the same penalties and procedures under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

20. **APPROVALS PRIOR TO CONSTRUCTION.** The furnishing of water service set forth in Paragraph 1 shall not be effective and no construction shall take place before approval of the extension of the services by LAFCO, all plans and specifications have been approved, and all required permits have been obtained.

21. SUBSEQUENTLY ENACTED OR ADOPTED CHARGES. If the City Council shall hereafter increase or enact or adopt any other charges, fees or other requirements related to water service, annexation or any other aspect of the subject matter of this Agreement, Owner agrees to pay or perform the same, in the same manner, and to the same extent, as any other person similarly situated.

22. INTENDED USE OF PROPERTY. Water service for other than Owner's existing use to Owner's existing facility, or any increase in the scale or intensity of its current operation, shall require further approval by City and, if so approved, will be charged for in accordance with the charges then in effect. City may impose other or different conditions upon such approval or may deny the same, in City's sole discretion. The City Council has the right to delegate authority to one or more designated persons to amend this Agreement as to the type of use or the number of connections which may be made. Until or unless such delegation of authority is affected by resolution or ordinance, amendment of this Agreement requires the approval of the City Council.

23. PROPERTY DESCRIPTION. The Property herein referred to is described as follows:

Address: \_\_\_\_\_, Turlock, CA 9538\_

Assessor's Parcel Number: \_\_\_-\_\_\_-\_\_\_

See Exhibit "A"

24. RECORDATION OF AGREEMENT. Owner shall record this Agreement with the Stanislaus County Recorder's Office within thirty (30) days of execution thereof. No permit shall be issued pursuant to this Agreement until this Agreement has been recorded in the official records of Stanislaus County and Owner has provided a copy of the recorded Agreement to City.

25. PARTIAL INVALIDITY. If any provision of this Agreement is determined by any court of competent jurisdiction or arbitrator to be invalid, illegal, or unenforceable, such provision shall, to the extent of such invalidity, illegality, or unenforceability, be severed, and the remaining provisions of this Agreement shall remain in effect.

26. SUCCESSORS. This Agreement shall be binding on and inure to the benefit of the respective successors, assigns and representatives of the Parties.

27. ATTORNEY'S FEES AND ARBITRATION. In the event of any litigation, including arbitration, between the Parties hereto arising out of this Agreement or the performance thereof, the losing party shall pay the prevailing party's reasonable attorney's fees and costs.

28. WAIVER. The waiver of any breach of this Agreement by either party shall not constitute a continuing waiver of any subsequent breach by such breaching party of the same or different provision.

29. AMBIGUITY. This Agreement has been jointly negotiated and in the event of any ambiguity, said ambiguity shall be given a reasonable interpretation and shall not be construed against either party.

30. ANNEXATION. Upon annexation into the City of the Property affected by this Agreement, this Agreement shall automatically terminate, and the annexed Property shall become a customer within the City with all rights and obligations pertaining thereto.

31. TERMINATION BY CITY. City may terminate this Agreement upon any material breach of this Agreement by Owner or upon any violation of any City ordinance, policy, regulation or other requirement conditioned upon City providing due notice to Owner that City would otherwise provide to a customer located within the City prior to termination or suspension of water service. Grounds for termination include, but are not limited to: (1) illegally connecting to City's system, (2) contaminating City's water supply, (3) tampering with water meters or taking other steps to disguise the amount of water used or avoid paying the established rate, (4) involuntary abandonment of right to receive service in accordance with the procedures contained in City's ordinances. Upon termination, Owner is responsible for disconnecting its Property from City's services. If Owner fails to disconnect the Property from City services, City may perform the work needed to disconnect and recover the costs as a lien against the Property or through any other lawful method.

36. INDEMNIFICATION. In consideration of the City's processing and consideration of this Agreement, the LAFCO application for service extension, and/or the related California Environmental Quality Act (CEQA) consideration by City, Owner agrees to defend, indemnify and hold harmless the City of Turlock ("City") from liability or loss connected, directly or indirectly, with this Agreement, the LAFCO application and/or process, and/or the CEQA process, as follows:

a. The Owner shall defend, indemnify and hold harmless the City and its agents, officers and employees from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void, or annul this Agreement, the LAFCO application and/or process, and/or the CEQA process, or any prior or subsequent approvals regarding this Agreement, the LAFCO application and/or process, and/or the CEQA process, or any condition imposed by the City or any of its agencies, departments, commissions, agents, officers or employees concerning the same, or to impose personal liability against such agents, officers or employees resulting from their involvement in the same, including any claim for private attorney general fees claimed by or awarded to any party from City. The obligations of Owner under this Indemnification shall apply regardless of whether this Agreement and/or the LAFCO outside service application is approved.

b. The City will promptly notify Owner of any such claim, action, or proceedings that is or may be subject to this Indemnification and, will cooperate fully in the defense.

c. The City may, within its unlimited discretion, participate in the defense of any such claim, action, or proceeding if the City defends the claim, actions, or proceeding in good faith. To the extent that City uses any of its resources responding to such claim, action, or proceeding, Owner will reimburse City upon demand. Such resources include, but are not limited to, staff time, court costs, City Attorney's time at their regular rate for external or non-City agencies, and any other direct or indirect cost associated with responding to the claim, action, or proceedings, including, but not limited to, the use of special counsel.

d. Owner shall not be required to pay or perform any settlement by the City of such claim, action or proceeding unless the settlement is approved in writing by Owner, which approval shall not be unreasonably withheld.

e. Owner shall pay all court ordered costs and attorney fees.

f. This Indemnification represents the complete understanding between Owner and the City with respect to matters set forth in this Paragraph 36.

37. NOTICE. Whenever notice is required or convenient to effect this Agreement, Customer shall give notice to the City at the current address of City's main office to the attention of the City Manager. City shall give notice by either mailing notice to the record owner, by providing notice within or in the same manner as the monthly water bill, or by posting notice at the appropriate property.

38. COUNTERPARTS. This Agreement may be executed in separate counterparts, each of which is effective and enforceable. Signatures delivered by facsimile shall be effective and enforceable.

**IN WITNESS WHEREOF**, the parties have caused this Agreement to be executed by and through their respective officers thereunto duly authorized.

**CITY OF TURLOCK**, a municipal corporation

**OWNER**,

By \_\_\_\_\_  
Roy W. Wasden, City Manager

By \_\_\_\_\_

Date \_\_\_\_\_

APPROVED AS TO FORM:

By \_\_\_\_\_  
Phaedra A. Norton, City Attorney

APPROVED AS TO SUFFICIENCY:

By \_\_\_\_\_  
Michael I. Cooke  
Municipal Services Director

ATTEST:

By \_\_\_\_\_  
Kellie E. Weaver, City Clerk

ACKNOWLEDGEMENT

STATE OF CALIFORNIA     }  
COUNTY OF STANISLAUS   }

On \_\_\_\_\_ before me, \_\_\_\_\_  
personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the  
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing  
paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

[Seal]

**EXHIBIT A**

**ATTACH (ASSESSOR'S) MAP WITH SUBJECT PARCEL CLEARLY MARKED**



## Council Synopsis

5K

August 26, 2014

From: Michael Cooke, Municipal Services Director

Prepared by: Toni Cordell, Staff Services Technician

Agendized by: Roy W. Wasden, City Manager

### 1. ACTION RECOMMENDED:

Resolution: Authorizing the City Manager or his designee to enter into an agreement with the San Joaquin Valley Stormwater Quality Partnership for the purposes of coordinating cooperative public outreach and education objectives outlined in the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permit

### 2. DISCUSSION OF ISSUE:

On April 30, 2003 the State Water Resources Control Board issued a General Permit for the Discharge of Storm Water from Small MS4s (WQ Order No. 2003-0005-DWQ) to provide permit coverage for smaller municipalities (populations less than 100,000). On February 5, 2013 a new Phase II Small MS4 General Permit was adopted and became effective on July 1, 2013.

To apply for General Permit coverage, on June 26<sup>th</sup>, 2013, the City filed a Notice of Intent (NOI) with the State Water Board. The NOI represents the City's commitment to comply with the Best Management Practices (BMPs) specified under the Permit, in order to achieve compliance with the minimum control measure requirements.

By the first year Annual Report, the City is required to submit information specifying a Public Outreach and Education component which can be fulfilled through participation in a regional collaborative effort. Annual reporting requires documentation of participation through a written agreement, letter, or similar document, confirming the collaboration with other MS4s.

For the purposes of coordinating cooperative public outreach and education activities to fulfill the permit requirements, the Cities of Ceres, Escalon, Hughson, Lathrop, Livingston, Lodi, Manteca, Merced, Newman, Oakdale, Patterson, Ripon, Riverbank, Stockton, Tracy, and Turlock as well as the Counties of Merced, San Joaquin, Stanislaus and the Mt. House Community Service District, Port of Stockton and Tracy Unified School District (collectively known as the San Joaquin Valley Stormwater Quality Partnership or SJVSWQP) have developed a

Letter of Agreement to provide for regional collaborative public education and outreach opportunities. The agreement does not commit the City to any specific activity nor does it prevent the City from pursuing separate projects individually.

Further, the SJVSWQP has established an annual membership fee to fund member communication efforts such as the website and informational materials. Turlock's annual cost for participation is \$100.00.

**3. BASIS FOR RECOMMENDATION:**

- A. The State Water Resources Control Board adopted the Phase II Small Municipal Separate Storm Sewer System (Small MS4) General National Pollutant Discharge Elimination System (NPDES) Permit which requires the City of Turlock to comply with its requirements
- B. Permit requirements include a public education and outreach component which allows for compliance through participation in a regional collaborative effort documented through a written agreement, letter, or similar document.

**Strategic Plan Initiative B. FISCAL RESPONSIBILITY**

**Goal(s):** c. Ensure the most efficient use of resources and maximize value within department budgets and develop value-added partnerships with public and private agencies, industry, and educational institutions.

- Interregional cooperation for the benefit of the City of Turlock and participating agencies and businesses.

**4. FISCAL IMPACT / BUDGET AMENDMENT:**

An annual \$100.00 membership fee is required for inclusion in the San Joaquin Valley Stormwater Quality Partnership. Funds have been allocated in the Water Quality Control Fund Account 410-51-532.47500 for NPDES Permit compliance programs.

**5. CITY MANAGER'S COMMENTS:**

Recommend approval.

**6. ENVIRONMENTAL DETERMINATION:**

N/A

**7. ALTERNATIVES:**

- A) Not participate in the SJVSWQP regional collaborative efforts. This is not recommended because the City would forgo the opportunity for cost-sharing activities, potentially resulting in more costly compliance alternatives.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF AUTHORIZING THE }  
CITY MANAGER OR HIS DESIGNEE TO }  
ENTER INTO AN AGREEMENT WITH THE }  
SAN JOAQUIN VALLEY STORMWATER }  
QUALITY PARTNERSHIP FOR THE }  
PURPOSES OF COORDINATING }  
COOPERATIVE PUBLIC OUTREACH AND }  
EDUCATION OBJECTIVES OUTLINED IN }  
THE NATIONAL POLLUTANT DISCHARGE }  
ELIMINATION SYSTEM (NPDES) }  
MUNICIPAL SEPARATE STORM SEWER }  
SYSTEM (MS4) PERMIT }

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RESOLUTION NO. 2014-

**WHEREAS**, the State Water Resources Control Board adopted the Phase II Small Municipal Separate Storm Sewer System (Small MS4) General National Pollutant Discharge Elimination System (NPDES) Permit which requires the City of Turlock to comply with its requirements; and

**WHEREAS**, the NPDES permit requirements include a public education and outreach component which allows for compliance through participation in a regional collaborative effort documented through a written agreement, letter, or similar document; and

**WHEREAS**, the San Joaquin Valley Stormwater Quality Partnership (SJVSWQP) have developed a Letter of Agreement to provide for regional collaborative public education and outreach opportunities; and

**WHEREAS**, the agreement does not commit the City to any specific activity nor does it prevent the City from pursuing separate projects individually; and

**WHEREAS**, the SJVSWQP has established an annual one hundred dollar membership fee to fund member communication efforts such as the website and informational materials and is required to participate in the above stated agreement.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Turlock does hereby authorize the City Manager or his designee to enter into an agreement with the San Joaquin Valley Stormwater Quality Partnership for the purposes of coordinating cooperative public outreach and education objectives outlined in the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit and authorize the payment of the membership fee required to participate in the agreement.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Turlock this 26<sup>th</sup> day of August, 2014, by the following vote:

AYES:  
NOES:  
NOT PARTICIPATING:  
ABSENT:

ATTEST:

---

Kellie E. Weaver, City Clerk,  
City of Turlock, County of Stanislaus,  
State of California



LETTER OF AGREEMENT FOR REGIONAL PUBLIC OUTREACH AND  
EDUCATION COLLABORATIVE EFFORTS BETWEEN MEMBERS OF  
THE SAN JOAQUIN VALLEY STORMWATER QUALITY PARTNERSHIP  
(SJVSQP)

This agreement, dated June 25, 2014, is entered jointly among the Cities of Ceres, Escalon, Hughson, Lathrop, Livingston, Lodi, Manteca, Merced, Newman, Oakdale, Patterson, Ripon, Riverbank, Stockton, Tracy, Turlock; Counties of Merced, San Joaquin, Stanislaus; and Agencies of Mt. House Community Service District, Port of Stockton, and Tracy Unified School District (collectively known as the San Joaquin Valley Stormwater Quality Partnership or SJVSQP), for the purposes of coordinating cooperative public outreach and education activities through regional collaboration between National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) permittees, in order to fulfill compliance objectives with specific MS4 NPDES permit requirements.

This agreement does not prevent any signatory from pursuing other projects individually, nor does it require the participation in any or all activities pursued by the collective group. Further, any agency may withdraw their participation at any time by submitting a letter stating their intent to cease participation.

Each of the parties represent to the others that the person or persons who have executed this document on their behalf have been authorized to do so in accordance with governing law, and that this Agreement is a binding legal obligation on each of the parties upon its execution by them.

So agreed as evidenced by the signatures on the following page:

OK for Agenda  
am

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**SIGNATURE**

---

**PRINTED NAME**

---

**TITLE**

---

**AGENCY**

---

**DATE**



## Council Synopsis

August 26, 2014

From: Allison Van Guilder, Parks, Recreation and Public Facilities Director

Prepared by: Mark Crivelli, Recreation Sr. Supervisor

Agendized by: Roy Wasden, City Manager

### 1. ACTION RECOMMENDED:

Motion: Approving the renewal of an Independent Contract between the City of Turlock and Dragon Sports to offer youth self defense classes

### 2. DISCUSSION OF ISSUE:

The City of Turlock and Dragon Sports, intend to work together to implement youth self defense classes for the year August 2014 to August 2015. This program is designed to teach children ages 4 – 15 the fundamentals and skills of self defense. All program activities will take place at City of Turlock facilities. This is a renewal of a current contract between the City of Turlock and Dragon Sports.

### 3. BASIS FOR RECOMMENDATION:

To ensure the City and Dragon Sports are adequately shielded from risk and liability, staff thoroughly evaluated the impacts of entering into an Independent Contract with Dragon Sports. In order to contract with the City of Turlock, Dragon Sports will be required to adhere to the standards set by the City of Turlock, in regards to operational guidelines, insurance requirements, fingerprinting and financial management, all of which are detailed in the contract. Staff will work closely with Dragon Sports to ensure all requirements are maintained for the life of the contract.

**Strategic Plan Initiative** H. COMMUNITY PROGRAMS, FACILITIES, AND INFRASTRUCTURE

**Goal(s):** b-ii Support the community's youth by providing quality after school opportunities

b-iv Develop ongoing community partnerships, collaborations and sponsorships which will result in enhanced programming and services to the community as well as leveraging City resources

**4. FISCAL IMPACT / BUDGET AMENDMENT:**

At the conclusion of the program, the City of Turlock will pay Dragon Sports 60% of net program fees and include a detailed report that includes date, location and session that is being paid. The City of Turlock will retain 40% of the net revenue, plus \$6.00 administrative fee per registration received for the program. No additional monies are required for this program.

**5. CITY MANAGER'S COMMENTS:**

Recommend approval

**6. ENVIRONMENTAL DETERMINATION:**

N/A

**7. ALTERNATIVES:**

- A). Council could choose not to enter into a Contract with Dragon Sports to provide youth self defense classes. With this alternative, there could be a potential loss of revenue, as well as a loss of affordable youth activities.



**AGREEMENT FOR SPECIAL SERVICES**  
between  
**CITY OF TURLOCK**  
and  
**DRAGON SPORTS**  
for  
**Youth Self Defense Classes**  
CONTRACT NO. 14-072

**THIS AGREEMENT** is made this 26<sup>th</sup> day of August, 2014, by and between the **CITY OF TURLOCK**, a municipal corporation of the State of California hereinafter referred to as "CITY" and **DRAGON SPORTS**, a youth self defense provider, hereinafter referred to as "INDEPENDENT CONTRACTOR."

**WITNESSETH:**

**WHEREAS**, in accordance with California Government Code §37103, CITY has a need for youth self defense classes; and

**WHEREAS**, INDEPENDENT CONTRACTOR has represented itself as duly trained, qualified, and experienced to provide such special service, hereinafter referred to as "Services."

**NOW, THEREFORE**, the parties hereto mutually agree as follows:

1. **SCOPE OF WORK:** INDEPENDENT CONTRACTOR shall furnish all labor, equipment, materials and process, implements, and tools, except as otherwise specified which are necessary and required to provide the Services and shall perform such special services in accordance with the standards of its profession and the specifications attached hereto as Exhibit A. INDEPENDENT CONTRACTOR shall provide Services that are acceptable to CITY.

2. **PERSONNEL AND EQUIPMENT:** INDEPENDENT CONTRACTOR shall provide all personnel needed to accomplish the Services hereunder. INDEPENDENT CONTRACTOR shall additionally acquire, provide, maintain, and repair, at its sole cost and expense, such equipment, materials, and supplies as INDEPENDENT CONTRACTOR shall reasonably require to accomplish said Services. INDEPENDENT CONTRACTOR and any and all of its employees who will provide services to CITY under this agreement shall be fingerprinted by CITY prior to services being provided. INDEPENDENT CONTRACTOR shall be solely responsible for the cost of fingerprinting by CITY.

3. **SAFETY REQUIREMENT:** All Services and merchandise must comply with California State Division of Industrial Safety orders and O.S.H.A.

4. **COMPENSATION:** CITY agrees to pay INDEPENDENT CONTRACTOR in accordance with Exhibit A as full remuneration for performing all Services and furnishing all staffing and materials called for in Exhibit A and for performance by INDEPENDENT CONTRACTOR of all of its duties and obligations under this Agreement. In no event shall the sum of this Agreement exceed eighteen

OK for Agenda  
1  
*[Signature]*

thousand and no/100<sup>ths</sup> Dollars (\$18,000). INDEPENDENT CONTRACTOR agrees that compensation shall be paid in the manner and at the times set forth below:

(a) Invoices:

(1) The CITY will collect all program registration fees. INDEPENDENT CONTRACTOR is not authorized to collect program fees. Following the collection of fees from registration, CITY shall confirm the number of participants enrolled. INDEPENDENT CONTRACTOR will be compensated only for participants who have paid. At the conclusion of the program, the CITY will pay INDEPENDENT CONTRACTOR 60% minus participation fee of \$6.00, and include a program report that includes the date, location and services that INDEPENDENT CONTRACTOR is being paid for.

(b) Payment:

(1) All payments by CITY shall be made in arrears, after satisfactory service, as determined and approved by CITY, has been provided. Payment shall be made by CITY no more than thirty (30) days after program ends.

(2) CITY shall normally pay by voucher or check within ten (10) working days after each meeting at which payments can be authorized.

(3) CITY reserves the right to only pay for such services rendered to the satisfaction of CITY.

(c) Non-Appropriation of Funds:

(1) Payment due and payable to INDEPENDENT CONTRACTOR for current services is within the current budget and within an available, unexhausted and unencumbered appropriation of the City. In the event the CITY has not appropriated sufficient funds for payment of INDEPENDENT CONTRACTOR services beyond the current fiscal year, this Agreement shall cover only those costs incurred up to the conclusion of the current fiscal year.

**5. TERM OF AGREEMENT:** This Agreement shall become effective upon execution and shall continue in full force and effect for a period of twelve months (12) beginning August 26, 2014 and ending August 26, 2015, subject to CITY's availability of funds.

**6. INSURANCE:** INDEPENDENT CONTRACTOR shall not commence work under this Agreement until INDEPENDENT CONTRACTOR has obtained CITY's approval regarding all insurance requirements, forms, endorsements, amounts, and carrier ratings, nor shall INDEPENDENT CONTRACTOR allow any subcontractor to commence work on a subcontract until all similar insurance required of the subcontractor shall have been so obtained and approved. INDEPENDENT CONTRACTOR shall procure and maintain for the duration of this Agreement insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by INDEPENDENT CONTRACTOR, its agents, representatives, employees or subcontractors. Failure to maintain or renew coverage or to provide evidence of renewal may constitute a material breach of contract.

(a) Minimum Scope of Insurance: Coverage shall be at least as broad as:

(1) Insurance Services Office Commercial General Liability coverage (occurrence Form CG 00 01) with an additional insured endorsement (form CG 20 10 11 85 or its equivalent), to be approved by the City of Turlock.

Code 1 (any auto). (2) Insurance Services Office Form CA 00 01 covering Automobile Liability,

(3) Workers' Compensation insurance as required by the State of California and Employer's Liability Insurance.

(4) Errors and Omissions/Professional Liability Insurance.

(b) Minimum Limits of Insurance: INDEPENDENT CONTRACTOR shall maintain limits no less than:

(1) General Liability (including operations, products and completed operations): \$1,000,000 per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit is used, either the general aggregate limit shall apply separately to this project/location or the general aggregate limit shall be twice the required occurrence limit.

(2) Automobile Liability: \$1,000,000 per occurrence for bodily injury and property damage.

(3) Workers' Compensation: as statutorily required by the State of California. Employer's Liability: \$1,000,000 per accident or bodily injury or disease.

(4) Errors and Omissions/Professional Liability: \$1,000,000 per claim.

(c) Deductibles and Self-Insured Retentions: Any deductibles or self-insured retentions must be declared to and approved by CITY. At the option of CITY, either: (a) the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects CITY, its elective and appointive boards, officers, agents, employees, and volunteers; or (b) INDEPENDENT CONTRACTOR shall provide a financial guarantee satisfactory to CITY guaranteeing payment of losses and related investigations, claim administration and defense expenses.

(d) Other Insurance Provisions: The commercial general liability and automobile policies are to contain, or be endorsed to contain, the following provisions:

(1) CITY, its elective and appointive boards, officers, agents, employees, and volunteers are to be covered as additional insured's with respect to liability arising out of automobiles owned, leased, hired or borrowed by or on behalf of INDEPENDENT CONTRACTOR; and with respect to liability arising out of work or operations performed by or on behalf of INDEPENDENT CONTRACTOR, including materials, parts or equipment furnished in connection with such work or operations, which coverage shall be maintained in effect for at least three (3) years following the completion of the work specified in the contract. General liability coverage can be provided in the form of an endorsement to INDEPENDENT CONTRACTOR insurance (CG 20 10 11 85 or its equivalent), or as a separate Owners Protective Liability policy providing both ongoing operations and completed operations.

(2) For any claims related to this project, INDEPENDENT CONTRACTOR's insurance coverage shall be primary insurance as respects CITY and any insurance or self-insurance maintained by CITY shall be excess of INDEPENDENT CONTRACTOR's insurance and shall not contribute with it.

(3) Notice of cancellation or coverage change is required. Each policy of

insurance required by this Agreement shall be endorsed to provide CITY a minimum of thirty (30) days' written notice of cancellation or nonrenewal.

(4) Coverage shall not extend to any indemnity coverage for the active negligence of the additional insured in any case where an agreement to indemnify the additional insured would be invalid under Subdivision (b) of Section 2782 of the Civil Code.

(e) Acceptability of Insurers: Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII.

(f) Verification of Coverage: INDEPENDENT CONTRACTOR shall furnish CITY with original certificates and endorsements, including amendatory endorsements, effecting coverage required by this Agreement. All certificates and endorsements are to be received and approved by CITY before work commences. CITY reserves the right to require complete, certified copies of all required insurance policies, including endorsements effecting the coverage required by these specifications at any time.

(g) Waiver of Subrogation: With the exception of professional liability, INDEPENDENT CONTRACTOR hereby agrees to waive subrogation which any insurer of INDEPENDENT CONTRACTOR may acquire from INDEPENDENT CONTRACTOR by virtue of the payment of any loss. The commercial general liability policy and workers' compensation policy shall be endorsed to contain a waiver of subrogation in favor of CITY for all work performed by INDEPENDENT CONTRACTOR, its agents, employees, independent contractors and subcontractors. INDEPENDENT CONTRACTOR agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation.

(h) Subcontractors: INDEPENDENT CONTRACTOR shall include all subcontractors as insureds under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.

**7. INDEMNIFICATION:** INDEPENDENT CONTRACTOR shall indemnify, defend, and hold harmless CITY and its elective and appointive boards, officers, agents, employees, and volunteers from and against all claims, damages, losses and expenses including attorney fees arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of INDEPENDENT CONTRACTOR, any subcontractor, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, except where caused by the active negligence, sole negligence, or willful misconduct of CITY.

**8. INDEPENDENT CONTRACTOR RELATIONSHIP:** All acts of INDEPENDENT CONTRACTOR, its agents, officers, and employees and all others acting on behalf of INDEPENDENT CONTRACTOR relating to the performance of this Agreement, shall be performed as independent contractors and not as agents, officers, or employees of CITY. INDEPENDENT CONTRACTOR, by virtue of this Agreement, has no authority to bind or incur any obligation on behalf of CITY. INDEPENDENT CONTRACTOR has no authority or responsibility to exercise any rights or power vested in the CITY. No agent, officer, or employee of the CITY is to be considered an employee of INDEPENDENT CONTRACTOR. No agent, officer, or employee of the INDEPENDENT CONTRACTOR is to be considered an employee of CITY. It is understood by both INDEPENDENT CONTRACTOR and CITY that this Agreement shall not under any circumstances be construed or considered to create an employer-employee relationship or a joint venture.

INDEPENDENT CONTRACTOR, its agents, officers and employees are and, at all times during the terms of this Agreement, shall represent and conduct themselves as independent contractors and not as employees of CITY.

INDEPENDENT CONTRACTOR shall determine the method, details and means of performing the work and services to be provided by INDEPENDENT CONTRACTOR under this Agreement. INDEPENDENT CONTRACTOR shall be responsible to CITY only for the requirements and results specified in this Agreement, and, except as expressly provided in this Agreement, shall not be subjected to CITY's control with respect to the physical action or activities of the INDEPENDENT CONTRACTOR in fulfillment of this Agreement. INDEPENDENT CONTRACTOR has control over the manner and means of performing the services under this Agreement. INDEPENDENT CONTRACTOR is permitted to provide a service to others during the same period service is provided to CITY under this Agreement. If necessary, INDEPENDENT CONTRACTOR has the responsibility for employing other persons or firms to assist INDEPENDENT CONTRACTOR in fulfilling the terms and obligations under this Agreement.

If in the performance of this Agreement any third persons are employed by INDEPENDENT CONTRACTOR, such persons shall be entirely and exclusively under the direction, supervision, and control of INDEPENDENT CONTRACTOR. All terms of employment including hours, wages, working conditions, discipline, hiring, and discharging or any other term of employment or requirement of law shall be determined by the INDEPENDENT CONTRACTOR.

It is understood and agreed that as an independent contractor and not an employee of CITY neither the INDEPENDENT CONTRACTOR or INDEPENDENT CONTRACTOR's assigned personnel shall have any entitlement as a CITY employee, right to act on behalf of the CITY in any capacity whatsoever as an agent, or to bind the CITY to any obligation whatsoever.

It is further understood and agreed that INDEPENDENT CONTRACTOR must issue W-2 forms or other forms as required by law for income and employment tax purposes for all of INDEPENDENT CONTRACTOR's personnel.

As an independent contractor, INDEPENDENT CONTRACTOR hereby indemnifies and holds CITY harmless from any and all claims that may be made against CITY based upon any contention by any third party that an employer-employee relationship exists by reason of this Agreement.

**9. VOLUNTARY TERMINATION:** CITY may terminate this Agreement without cause or legal excuse by providing thirty (30) days written notice to INDEPENDENT CONTRACTOR.

**10. TERMINATION OF STATED EVENT:**

(a) Termination on Occurrence of Stated Events. This Agreement shall terminate automatically on the date on which any of the following events occur: (1) bankruptcy or insolvency of INDEPENDENT CONTRACTOR, (2) legal dissolution of INDEPENDENT CONTRACTOR, or (3) death of key principal(s) of INDEPENDENT CONTRACTOR.

(b) Termination by CITY for Default of INDEPENDENT CONTRACTOR. Should INDEPENDENT CONTRACTOR default in the performance of this Agreement or materially breach any of its provisions, at its option CITY may terminate this Agreement by giving written notification to INDEPENDENT CONTRACTOR. The termination date shall be the effective date of the notice. For the purposes of this section, material breach of this Agreement shall include but not be limited to any of the following: failure to perform required services or duties, willful destruction of CITY's property by INDEPENDENT CONTRACTOR, dishonesty or theft.

(c) Termination by INDEPENDENT CONTRACTOR for Default of CITY. Should CITY default in the performance of this Agreement or materially breach any of its provisions, at its option INDEPENDENT CONTRACTOR may terminate this Agreement by giving written notice to CITY. The

termination date shall be the effective date of the notice. For the purposes of this section, material breach of this Agreement shall include but not be limited to any of the following: failure to cooperate reasonably with INDEPENDENT CONTRACTOR, willful destruction of INDEPENDENT CONTRACTOR's property by CITY, dishonesty or theft.

(d) Termination for Failure to Make Agreed-Upon Payments. Should CITY fail to pay INDEPENDENT CONTRACTOR all or any part of the payments set forth in this Agreement on the date due, at its option INDEPENDENT CONTRACTOR may terminate this Agreement if the failure is not remedied within thirty (30) days after INDEPENDENT CONTRACTOR notifies CITY in writing of such failure to pay. The termination date shall be the effective date of the notice.

(e) Termination by CITY for Change of INDEPENDENT CONTRACTOR's Tax Status. If CITY determines that INDEPENDENT CONTRACTOR does not meet the requirements of federal and state tax laws for independent contractor status, CITY may terminate this Agreement by giving written notice to INDEPENDENT CONTRACTOR. The termination date shall be the effective date of the notice.

(f) In the Event of Termination. If this Agreement is terminated pursuant to this Paragraph, INDEPENDENT CONTRACTOR shall cease all its work on the project as of the termination date and shall see to it that its employees, subcontractors and agents are notified of such termination and cease their work. If CITY so requests, and at CITY's cost, INDEPENDENT CONTRACTOR shall provide sufficient oral or written status reports to make CITY reasonably aware of the status of INDEPENDENT CONTRACTOR's work on the project. Further, if CITY so requests, and at CITY's cost, INDEPENDENT CONTRACTOR shall deliver to CITY any work products whether in draft or final form which have been produced to date.

If the Agreement is terminated pursuant to any of the subsections contained in this paragraph, CITY will pay INDEPENDENT CONTRACTOR an amount based on the percentage of work completed on the termination date, this percentage shall be determined by CITY in its sole discretion. If the Agreement is terminated pursuant to the subparagraph entitled Termination by CITY for Default of INDEPENDENT CONTRACTOR, INDEPENDENT CONTRACTOR understands and agrees that CITY may, in CITY's sole discretion, refuse to pay INDEPENDENT CONTRACTOR for that portion of INDEPENDENT CONTRACTOR's services which were performed by INDEPENDENT CONTRACTOR on the project prior to the termination date and which remain unacceptable and/or not useful to CITY as of the termination date.

**11. CONFORMANCE WITH FEDERAL AND STATE LAW:** All equipment, supplies and services used and/or provided by INDEPENDENT CONTRACTOR in the performance of this Agreement shall conform to the laws of the government of the United States and the State of California. INDEPENDENT CONTRACTOR its agents, officers and employees who violate local, state, or federal laws aimed at protecting children are ineligible to provide services under this agreement.

**12. NONDISCRIMINATION:** In connection with the execution of this Agreement, INDEPENDENT CONTRACTOR shall not discriminate against any employee or applicant for employment because of age, race religion, color, sex, or national origin. INDEPENDENT CONTRACTOR shall take affirmative action to insure that applicants are employed, and the employees are treated during their employment, without regard to their age, race, religion, color, sex or national origin. Such actions shall include, but not be limited to, the following: employment, promotions, demotions or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. INDEPENDENT CONTRACTOR shall also comply with the requirement of Title VII of the Civil Rights Act of 1964 (P.L. 88-352) and with all applicable regulations, statutes, laws, etc., promulgated pursuant to the civil rights acts of the government of the United States and the State of California now in existence or hereafter

enacted. Further, INDEPENDENT CONTRACTOR shall comply with the provisions of Section 1735 of the California Labor Code.

**13. TIME:** Time is of the essence in this Agreement.

**14. ENTIRE AGREEMENT AND MODIFICATION:** This Agreement supersedes all previous Agreements and constitutes the entire understanding of the parties hereto. INDEPENDENT CONTRACTOR shall be entitled to no other benefits than those specified herein. No changes, amendments or alterations shall be effective unless in writing and signed by both parties. INDEPENDENT CONTRACTOR specifically acknowledges that in entering into and executing this Agreement, INDEPENDENT CONTRACTOR relies solely upon the provisions contained in this Agreement and no others.

**15. OBLIGATIONS OF INDEPENDENT CONTRACTOR:** Throughout the term of this Agreement, INDEPENDENT CONTRACTOR shall possess, or secure all licenses, permits, qualifications and approvals legally required to conduct business. INDEPENDENT CONTRACTOR warrants that it has all of the necessary professional capabilities and experience, as well as all tools, instrumentalities and other resources necessary to provide the CITY with the services contemplated by this Agreement. INDEPENDENT CONTRACTOR further represents that it will follow the best current, generally accepted and professional practices to make findings, render opinions, prepare factual presentations, and provide professional advice and recommendations regarding this project.

**16. OWNERSHIP OF DOCUMENTS:** Any and all reports, data, computations, plans, correspondence and/or other pertinent data, information, documents and computer media, including disks and other incidental work or materials gathered, furnished or prepared by Contractor in performance of this Agreement, shall become and remain the property of the CITY, and may be used by CITY as it may require without any additional cost to CITY. No reports shall be used by the INDEPENDENT CONTRACTOR for purposes other than this contract without the express prior written consent of CITY. Such work product shall be transmitted to CITY within ten (10) days after a written request. INDEPENDENT CONTRACTOR may retain copies of such products. All written documents that are intended for public review shall be provided to City in a format suitable for posting on the internet.

**17. NEWS AND INFORMATION RELEASE:** INDEPENDENT CONTRACTOR agrees that it will not issue any news releases in connection with either the award of this Agreement, or any subsequent amendment of or efforts under this Agreement, without first obtaining review and approval of said news releases from CITY through the City Manager.

**18. INTEREST OF INDEPENDENT CONTRACTOR:** INDEPENDENT CONTRACTOR warrants that it presently has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed under this Agreement. INDEPENDENT CONTRACTOR warrants that, in performance of this Agreement, INDEPENDENT CONTRACTOR shall not employ any person having any such interest. INDEPENDENT CONTRACTOR agrees to file a Statement of Economic Interests with the City Clerk at the start and end of this contract if so required at the option of CITY.

**19. AMENDMENTS:** Both parties to this Agreement understand that it may become desirable or necessary during the execution of this Agreement, for CITY or INDEPENDENT CONTRACTOR to modify the scope of services provided for under this Agreement. Any material extension or change in the scope of work shall be discussed with CITY and the change and cost shall be memorialized in a written amendment to the original contract prior to the performance of the additional work.

Until a change order is so executed, CITY will not be responsible to pay any charges INDEPENDENT CONTRACTOR may incur in performing such additional services, and INDEPENDENT CONTRACTOR shall not be required to perform any such additional services.

**20. PATENT/COPYRIGHT MATERIALS:** Unless otherwise expressly provided in the contract, INDEPENDENT CONTRACTOR shall be solely responsible for obtaining the right to use any patented or copyrighted materials in the performance of this Agreement. INDEPENDENT CONTRACTOR shall furnish a warranty of such right to use to CITY at the request of CITY.

**21. PARTIAL INVALIDITY:** If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless continue in full force without being impaired or invalidated in any way.

**22. WAIVER:** The waiver by any party to this Agreement of a breach of any provision hereof shall be in writing and shall not operate or be construed as a waiver of any other or subsequent breach hereof unless specifically stated in writing.

**23. AUDIT:** CITY's duly authorized representative shall have access at all reasonable times to all reports, contract records, contract documents, contract files, and personnel necessary to audit and verify INDEPENDENT CONTRACTOR's charges to CITY under this Agreement.

INDEPENDENT CONTRACTOR agrees to retain reports, records, documents, and files related to charges under this Agreement for a period of four (4) years following the date of final payment for INDEPENDENT CONTRACTOR services. CITY's representative shall have the right to reproduce any of the aforesaid documents.

**24. GOVERNING LAW:** This Agreement shall be governed according to the laws of the State of California.

**25. HEADINGS NOT CONTROLLING:** Headings used in the Agreement are for reference purposes only and shall not be considered in construing this Agreement.

**26. COMPLIANCE WITH LAWS:** INDEPENDENT CONTRACTOR shall insure compliance with all safety and hourly requirements for employees, in accordance with federal, state, and county safety and health regulations and laws. INDEPENDENT CONTRACTOR shall fully comply with all applicable federal, state, and local laws, ordinances, regulations and permits.

**27. CITY BUSINESS LICENSE:** INDEPENDENT CONTRACTOR will have a City of Turlock business license.

**28. DRIVERS LICENSE:** INDEPENDENT CONTRACTOR will have a valid California Driver's License.

**29. TAXPAYER IDENTIFICATION NUMBER** INDEPENDENT CONTRACTOR shall provide the City with a complete Request for Taxpayer Identification Number ("TIN") and Certification, Form W-9, as issued by the Internal Revenue Service.

**30. ASSIGNMENT:** This Agreement is binding upon CITY and INDEPENDENT CONTRACTOR and their successors. Except as otherwise provided herein, neither CITY nor INDEPENDENT CONTRACTOR shall assign, sublet, or transfer interest in this Agreement or any part thereof without the prior written consent of the other.

**31. RECORD INSPECTION AND AUDIT:** INDEPENDENT CONTRACTOR shall maintain full and accurate records with respect to all services and matters covered under this Agreement. CITY shall have free access at all reasonable times to such records, and the right to examine and audit the same and to make transcripts therefrom, and to inspect all program data, documents, proceedings and activities. INDEPENDENT CONTRACTOR shall maintain an up-do-date list of key personnel and telephone numbers for emergency contact after normal business hours.

**32. EXCLUSIVE USE:** Services provided within the scope of this Agreement are for the exclusive use of CITY and INDEPENDENT CONTRACTOR agrees that, until final approval by CITY, all data, plans, specifications, reports, and other documents will not be released to third parties by INDEPENDENT CONTRACTOR without the prior written consent of CITY.

**33. RIGHT TO UTILIZE OTHERS** CITY reserves the right to utilize other to perform work similar to the services provided hereunder

**34. EMPLOYMENT OF CITY OFFICIAL OR EMPLOYEE:** INDEPENDENT CONTRACTOR shall employ no CITY official or employee in the work performed pursuant to this Agreement. No officer or employee of CITY shall have any financial interest in this Agreement in violation of California Government Code Sections 1090 *et seq.*; nor shall CITY violate any provision of its Conflict of Interest Code adopted pursuant to the provisions of California Government Code Sections 87300 *et seq.*

**35. NOTICE:** Any and all notices permitted or required to be given hereunder shall be deemed duly given and effective (1) upon actual delivery, if delivery is by hand; or (2) five (5) days after delivery into the United States mail, if delivery is by postage paid, registered, or certified (return receipt requested) mail. Each such notice shall be sent to the parties at the address respectively indicated below or to any other address as the respective parties may designate from time to time:

For  
INDEPENDENT  
CONTRACTOR:

DRAGON SPORTS  
ATTN: TROY EDWARDS  
PO BOX 335  
DENAIR CA 95316  
PHONE: (209) 605-1529  
FAX: N/A

For CITY:

CITY OF TURLOCK  
ATTN: ALLISON VAN GUILDER  
PARKS, RECREATION & PUBLIC FACILITIES DEPARTMENT  
144 S. BROADWAY  
TURLOCK, CALIFORNIA 95380-5454  
PHONE: (209) 668-5599 Ext. 4601  
FAX: (209) 668-5619

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by and through their respective officer's thereunto duly authorized.

**CITY OF TURLOCK, a municipal corporation**

**DRAGON SPORTS**

By: \_\_\_\_\_  
Roy W. Wasden, City Manager

By: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

APPROVED AS TO FORM:

Print name: \_\_\_\_\_

By: \_\_\_\_\_  
Phaedra A. Norton, City Attorney

Date: \_\_\_\_\_

ATTEST:

By: \_\_\_\_\_  
Kellie Weaver, CMC, City Clerk

## **EXHIBIT A**

### **SCOPE OF SERVICES**

#### **PERFORMANCE OF DUTIES**

**INDEPENDENT CONTRACTOR** agrees to provide various Youth Self Defense classes to participants 5 to 15 years, to the sole reasonable satisfaction of the City of Turlock Parks Recreation and Public Facilities Director or his/her designee. **INDEPENDENT CONTRACTOR** shall (1) furnish services to CITY at such times and locations as are mutually agreeable to the parties, (2) perform such instruction in a skillful and competent manner, (3) shall abide by all laws in doing so, (4) perform such other duties as are customarily performed by one holding such position in other similar businesses or enterprises as those engaged in by CITY and (5) maintain instruction area in a clean, safe and orderly manner.

#### **COMPENSATION**

**INDEPENDENT CONTRACTOR** will be paid at 60% of registration fees minus a \$6.00 per participant administrative fee to be kept by City of Turlock for registration purposes. The City of Turlock Parks Recreation and Public Facilities Department will pay **INDEPENDENT CONTRACTOR** from registrations received for each class session. Compensation will not exceed eighteen thousand dollars (\$18,000) for the duration of this agreement. **INDEPENDENT CONTRACTOR** will be paid within six weeks of registration closure.

#### **SUBCONTRACTORS**

In the event an **INDEPENDENT CONTRACTOR** will not be able to teach class due to illness or some other reason beyond the control of the **INDEPENDENT CONTRACTOR**, the class will be canceled and a make up class added to the end of the session. **INDEPENDENT CONTRACTOR** will be responsible for notifying the students of the cancellation.

#### **SUPERVISION**

**INDEPENDENT CONTRACTOR** agrees to establish appropriate rules for conducting the class and to assume responsibility for student discipline to ensure adequate protection for students and facility.

#### **FACILITY**

**INDEPENDENT CONTRACTOR** agrees to assume full responsibility for setting up any facility for instruction and for cleaning and restoring the facility to its usual condition following each class session. This includes properly securing all doors and windows upon exiting the facility. City representatives shall at all times have access to facility, whenever class is in progress to monitor programs for quality.

#### **CONDUCT**

**INDEPENDENT CONTRACTOR** understands the City of Turlock is a public entity under the California Government Code and the Constitution of the State of California, and CITY's purpose in engaging **INDEPENDENT CONTRACTOR** is to provide its residents with recreational activities in a manner that will foster a sense of community, security, fun and fair play. **INDEPENDENT CONTRACTOR** agrees to conduct himself/herself in a manner that will further these goals. **INDEPENDENT CONTRACTOR** further acknowledges failure to do so will result in immediate termination of this agreement.

#### **COORDINATION OF WORK**

**INDEPENDENT CONTRACTOR** agrees to coordinate with CITY's specified time(s) and date(s) in order to avoid conflict of use. It is agreed the resolution of any conflict is at the sole discretion of the City's Parks, Recreation and Public Facilities Director or his/her designee. **INDEPENDENT CONTRACTOR** agrees to work with assigned City staff to maintain accurate enrollment records.

**WAIVER OF  
INSURANCE PROVISIONS  
in Contract No. 14-072  
between  
THE CITY OF TURLOCK  
and  
DRAGON SPORTS**

The following insurance requirements set forth in the above-referenced Agreement have been waived for the stated reasons:

1.     **Workers' Compensation Insurance**  
Troy Edwards is the sole proprietor of Dragon Sports and has no employees.
  
2.     **Automobile Liability Insurance**  
Troy Edwards will not be using an automobile as part of his work or service under this Agreement.
  
3.     **Errors and Omissions / Professional Liability Insurance** is not applicable for the scope of work under this agreement.

Dated: August 26, 2014

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Troy Edwards, Owner  
Dragon Sports

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Allison Van Guilder, Director  
Parks, Recreation and Public Facilities Department



## Council Synopsis

5M

August 26, 2014

From: Allison Van Guilder, Parks, Rec & Public Facilities Director

Prepared by: Allison Van Guilder, Parks, Rec & Public Facilities Director

Agendized by: Roy W. Wasden, City Manager

### 1. ACTION RECOMMENDED:

Resolution: Re-appropriating unspent funds from Fiscal Year 2013-14 for the repair of the elevator located at Turlock City Hall, 156 S. Broadway, Turlock, California

### 2. DISCUSSION OF ISSUE:

On May 19, 2014 the City of Turlock entered in to an agreement with Otis Elevator to replace parts found faulty during the annual inspection of the elevator at Broadway City Hall. The recommended infrared passenger protection system will offer maximum protection for passenger safety and minimizes potential injury to passengers as they enter and exit the elevator.

### 3. BASIS FOR RECOMMENDATION:

Otis required a 50% down payment upon entering in to the agreement. Due to scheduling issues, the work was not performed by the end of the fiscal year at 6/30/14. Staff is requesting the unspent funds be re-appropriated in FY 14-15 for the remaining amount owed to Otis Elevator for the installation of the replacement part on the elevator at Broadway City Hall.

**Strategic Plan Initiative:** B. POLICY INITIATIVE – FISCAL RESPONSIBILITY

**Goal(s):** c. Ensure the most efficient use of resources and maximize value within department budgets and develop value-added partnerships with public and private agencies, industry, and educational institutions, such as California State University, Stanislaus.

### 4. FISCAL IMPACT / BUDGET AMENDMENT:

**Fiscal Impact - \$1,564.00**

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF RE-APPROPRIATING } RESOLUTION NO. 2014-  
UNSPENT FUNDS FROM FISCAL YEAR }  
2013-14 FOR THE REPAIR OF THE }  
ELEVATOR LOCATED AT TURLOCK CITY }  
HALL, 156 S. BROADWAY, TURLOCK, }  
CALIFORNIA }  
\_\_\_\_\_ }

**WHEREAS**, on May 19, 2014 the City Council approved an agreement with Otis Elevator to replace parts found faulty during the annual inspection of the elevator at Broadway City Hall; and

**WHEREAS**, the recommended part is an infrared passenger protection system that will offer maximum protection for passenger safety and minimizes potential injury to passengers as they enter and exit the elevator; and

**WHEREAS**, Otis Elevator required a 50% down payment upon entering in to the agreement, but due to scheduling issues the work was not performed before the end of the fiscal year at 6/30/14.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Turlock does hereby appropriate funds as detailed below from each respective fund's reserve balance for the remaining amount owed to Otis Elevator for the installation of the replacement part on the elevator located at Turlock City Hall, 156 S. Broadway, Turlock, California:

110-10-112.43125_004 "Maintenance-Elevator/Inspection"	\$1,564.00
110-10-100.43035_000 "City Hall Shared Costs-City Council"	\$ 127.00
110-10-102.43035_000 "City Hall Shared Costs-City Manager"	\$ 120.00
110-10-110.43035_000 "City Hall Shared Costs-HR"	\$ 61.00
110-10-106.43035_000 "City Hall Shared Costs-Finance"	\$ 191.00
501-10-130.43035_000 "City Hall Shared Costs-IT"	\$ 47.00
110-10-108.43035_000 "City Hall Shared Costs-City Attorney"	\$ 52.00
110-40-400.43035_000 "City Hall Shared Costs-Planning"	\$ 78.00
405-40-405.43035_000 "City Hall Shared Costs-Building"	\$ 182.00
502-40-410.43035_000 "City Hall Shared Costs-Engineering"	\$ 380.00
410-51-530.43035_000 "City Hall Shared Costs-WQC"	\$ 163.00
420-52-550.43035_000 "City Hall Shared Costs-Water"	\$ 163.00
110-10-112.43035_001 "City Hall Shared Costs Transfers In"	(\$1,564.00)

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Turlock this 26<sup>th</sup> day of August, 2014, by the following vote:

AYES:  
NOES:  
NOT PARTICIPATING:  
ABSENT:

ATTEST:

---

Kellie E. Weaver, City Clerk,  
City of Turlock, County of Stanislaus,  
State of California



# CLAIM FORM

Please type or print and return via personal delivery or U.S. Mail.  
Electronic copies (fax or e-mail) will not be accepted.

# 5N

JUL 29 2014

156 S. BROADWAY, SUITE 230 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5540 | FAX 209-668-5668

CLAIM AGAINST: CITY OF TURLOCK  
(Name of Entity)

Claimant's name: Donnell Eugene Birk

SS#: [REDACTED] DOB: 3/25/198 Gender: Male  Female

Claimant's address: 1500 EAST AVE #45 TURLOCK CA 95380

Claimant's Telephone Number(s): 662-1220 (209)

Address where notices about claim are to be sent, if different from above: \_\_\_\_\_

Date of incident/accident: MARCH 31/2014 AT 2:45pm

Date injuries, damages, or losses were discovered: SAME AS ABOVE

Location of incident/accident: SEVEN CENTER STREET "VLS", TURLOCK

What did entity or employee do to cause this loss, damage, or injury? POT HOLE IN STREET CAUSED ME TO FALL WHEN CROSSING STREET IN FRONT OF PONS BARBER MORTUARY  
(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)?  
UNKNOWN AT THIS TIME

What specific injuries, damages, or losses did claimant receive? INJURY TO TOP OF HEAD FACE/PALMS OF HANDS LEFT ARM AND LEG  
(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

If the amount of your claim does not exceed \$10,000, state the total amount claimed: R/A

If the amount of your claim exceeds \$10,000, indicate whether your claim would be a "limited civil case" (if the amount claimed does not exceed \$25,000 it is treated as a limited civil case) please check one box:  
 DOES NOT EXCEED \$25,000  EXCEEDS \$25,000 [see Government Code 910(f)]

How was this amount calculated (please itemize)? UNABLE TO DETERMINE FULL EXTENT OF INJURIES/ADD COSTS AT THIS TIME  
(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

Date Signed: 7/19/2014 Signature: Donnell E Birk

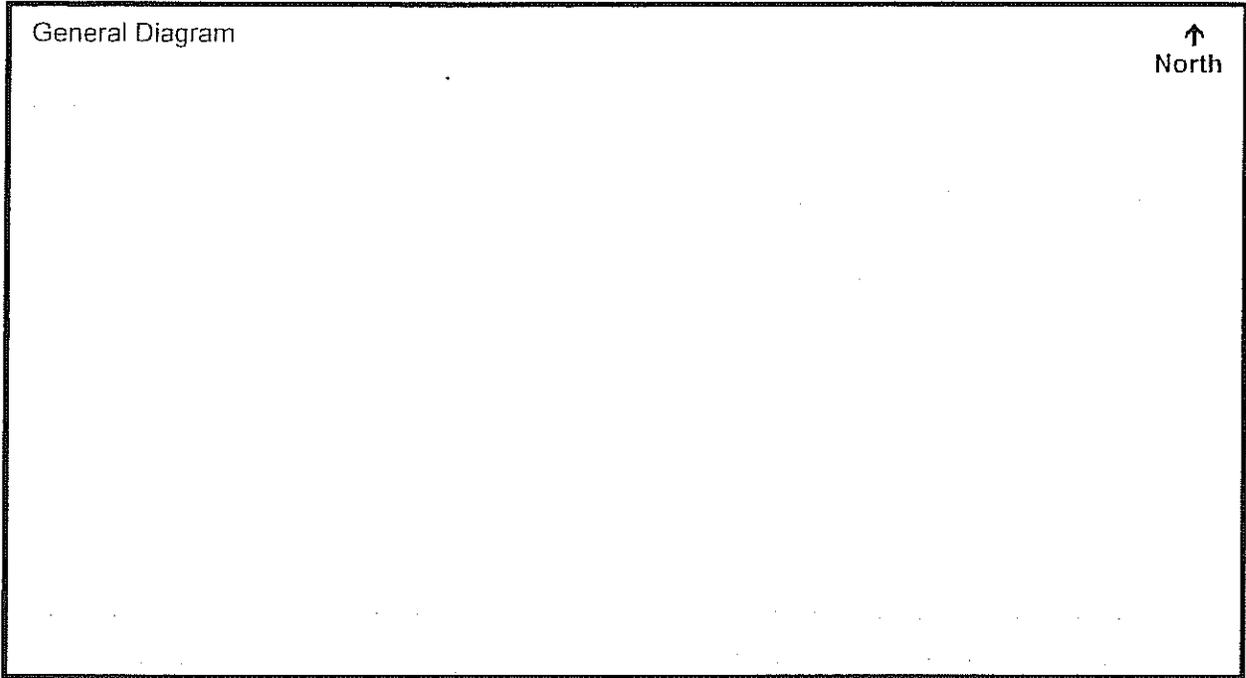
If signed by representative: \_\_\_\_\_

Print Representative's Name \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

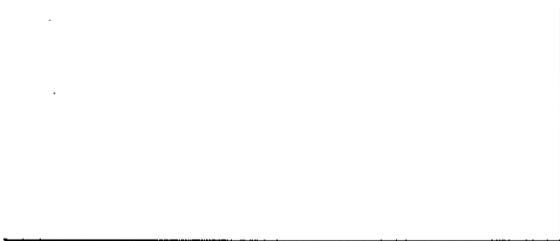
Relationship to Claimant \_\_\_\_\_

DIAGRAMS

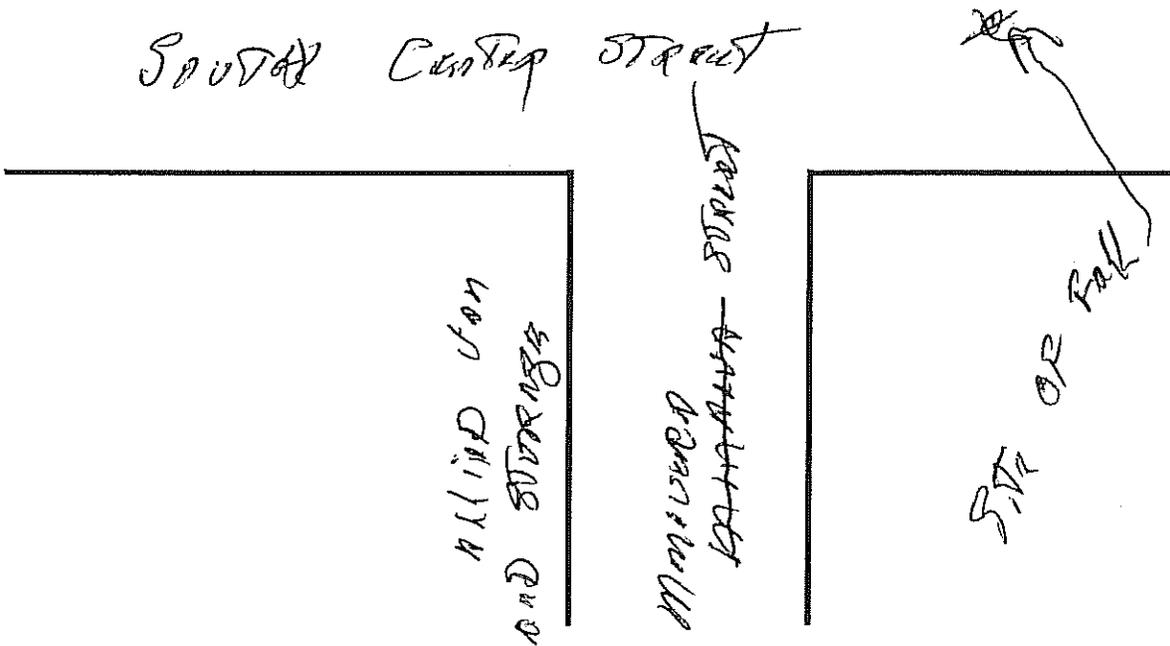


Street Incidents

↑  
North



Pops Brazoria road  
468 South Center





50

# CLAIM FORM

Please type or print and return via personal delivery or U.S. Mail.  
Electronic copies (fax or e-mail) will not be accepted.

JUL 29 2014

156 S. BROADWAY, SUITE 230 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5540 | FAX 209-668-5668

CLAIM AGAINST: CITY OF Turlock,  
(Name of Entity)

Claimant's name: DONNELL Eugene Bob

SS#: [REDACTED] DOB: 3/25/48 Gender: Male  Female

Claimant's address: 1507 EAST Ave #45 Turlock CA 95388

Claimant's Telephone Number(s): 209-667-1420

Address where notices about claim are to be sent, if different from above: P.O. Box 2357  
SRR's CA 95307

Date of incident/accident: April 12, 2014

Date injuries, damages, or losses were discovered: April 12, 2014

Location of incident/accident: MINNET and MARSHALL, RAIL STATION #1

What did entity or employee do to cause this loss, damage, or injury? S.D. WALK AMONG  
COMMAND PASSED UP 3-7 METERS ACROSS S.D. WALK  
(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? \_\_\_\_\_

What specific injuries, damages, or losses did claimant receive? RIGHT FOOT, LEFT ANKLE  
LEFT leg, ARMS, HANDS, FACE,  
(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

If the amount of your claim does not exceed \$10,000, state the total amount claimed: N/A

If the amount of your claim exceeds \$10,000, indicate whether your claim would be a "limited civil case" (if the amount claimed does not exceed \$25,000 it is treated as a limited civil case) please check one box:  
 DOES NOT EXCEED \$25,000  EXCEEDS \$25,000 [see Government Code 910(f)]

How was this amount calculated (please itemize)? \_\_\_\_\_  
(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

Date Signed: July 29, 2014 Signature: Donnell E Bob

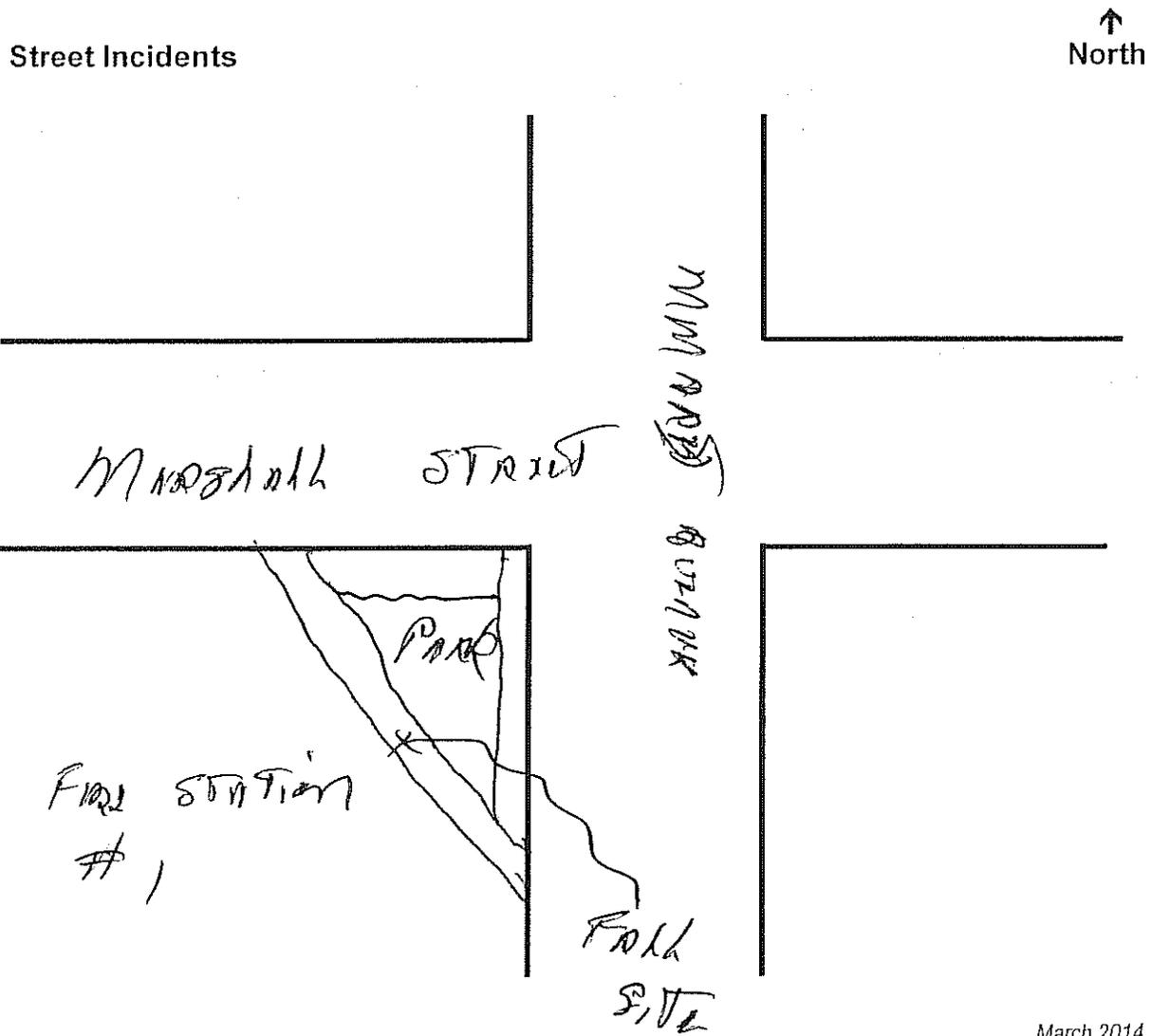
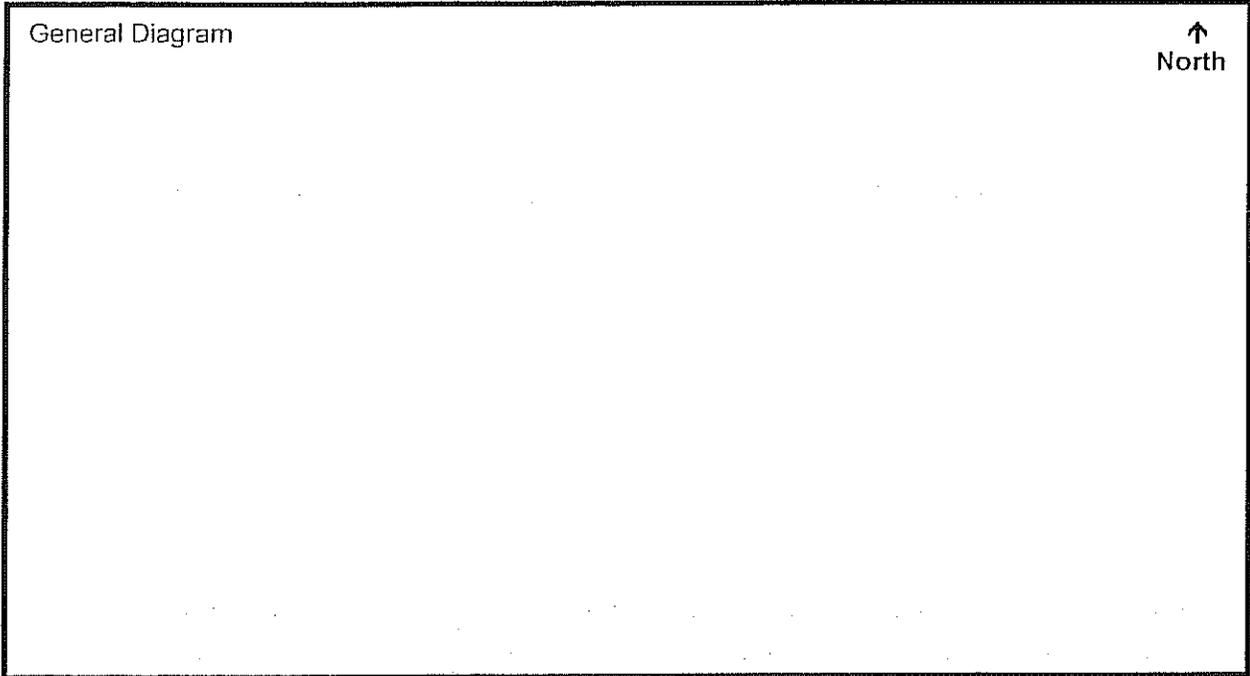
If signed by representative:  
Print Representative's Name \_\_\_\_\_ Telephone \_\_\_\_\_  
Address \_\_\_\_\_  
Relationship to Claimant \_\_\_\_\_

X1 I was crossing center  
street near its intersection  
with — street when  
I tripped on a defect in  
the sidewalk/street. This  
caused me to fall and suffer  
injury

X2

I suffered ~~the~~ ~~the~~ ~~the~~  
~~following~~ injuries: Lt knee;  
head; hands; elbows; and,  
lt foot. The full  
extent of my injuries are  
unknown at this time

DIAGRAMS





5P  
RECEIVED

CLAIM FORM

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AUG 6 2014

City of Turlock  
Administration Services

156 S. BROADWAY, SUITE 230 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5540 | FAX 209-668-5668

CLAIM AGAINST: City of turlock  
(Name of Entity)

Claimant's name: Natalie Ubalu

SS#: \_\_\_\_\_ DOB: 11-3-93 Gender: Male \_\_\_\_\_ Female

Claimant's address: 758 Park St

Claimant's Telephone Number(s): 209-735-9756

Address where notices about claim are to be sent, if different from above: Same

Date of incident/accident: 8-2-14

Date injuries, damages, or losses were discovered: 8-2-14

Location of incident/accident: Crane Park

What did entity or employee do to cause this loss, damage, or injury? tree branch fell. Police Report # 0114005909  
(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)?  
City of turlock

What specific injuries, damages, or losses did claimant receive? CAR damage

(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

If the amount of your claim does not exceed \$10,000, state the total amount claimed: 3,077.86

If the amount of your claim exceeds \$10,000, indicate whether your claim would be a "limited civil case" (if the amount claimed does not exceed \$25,000 it is treated as a limited civil case) please check one box:

DOES NOT EXCEED \$25,000  EXCEEDS \$25,000 [see Government Code 910(f)]

How was this amount calculated (please itemize)? estimate from FINS.

(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

Date Signed: 8-6-14 Signature: Natalie Ubalu

If signed by representative:

Print Representative's Name \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

Relationship to Claimant \_\_\_\_\_





CLAIM FORM

Please type or print and return via personal delivery or U.S. Mail. Electronic copies (fax or e-mail) will not be accepted.

AUG 5 2014

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City of Turlock Administrative Services

156 S. BROADWAY, SUITE 230 | TURLOCK, CALIFORNIA 95380 | PHONE 209-668-5540 | FAX 209-668-5668

CLAIM AGAINST: City of Turlock (Name of Entity)

Claimant's name: FONTANA WHOLESALE LUMBER

SS#: DOB: Gender: Male Female

Claimant's address: PO Box 1805 Turlock CA 95381

Claimant's Telephone Number(s): OFFICE 209-632-9931 mobile 209-581-5554

Address where notices about claim are to be sent, if different from above:

Date of incident/accident: 8.2.14

Date injuries, damages, or losses were discovered: 8.2.14

Location of incident/accident: YOSEMITE AVE approximately 100' North of Colorado Av

What did entity or employee do to cause this loss, damage, or injury? TREE Limb (DEAD) FELL ON CAR CAUSING DAMAGE TO WINDSHIELD, ROOF, DOORFRAME HOOD (Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

What are the names of the entity's employees who caused this injury, damage, or loss (if known)? UNKNOWN

What specific injuries, damages, or losses did claimant receive? SEE ABOVE, SEE JESTER AUTO REPAIR EST SEE TURLOCK POLICE REPORT NUMBER 0114005909 OFFICER KHAMO (Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

If the amount of your claim does not exceed \$10,000, state the total amount claimed: \$ 4488.31

If the amount of your claim exceeds \$10,000, indicate whether your claim would be a "limited civil case" (if the amount claimed does not exceed \$25,000 it is treated as a limited civil case) please check one box: [X] DOES NOT EXCEED \$25,000 [ ] EXCEEDS \$25,000 [see Government Code 910(f)]

How was this amount calculated (please itemize)? Auto Repair shop estimate

(Please use back of this form or separate sheet, if necessary, to answer this question in detail.)

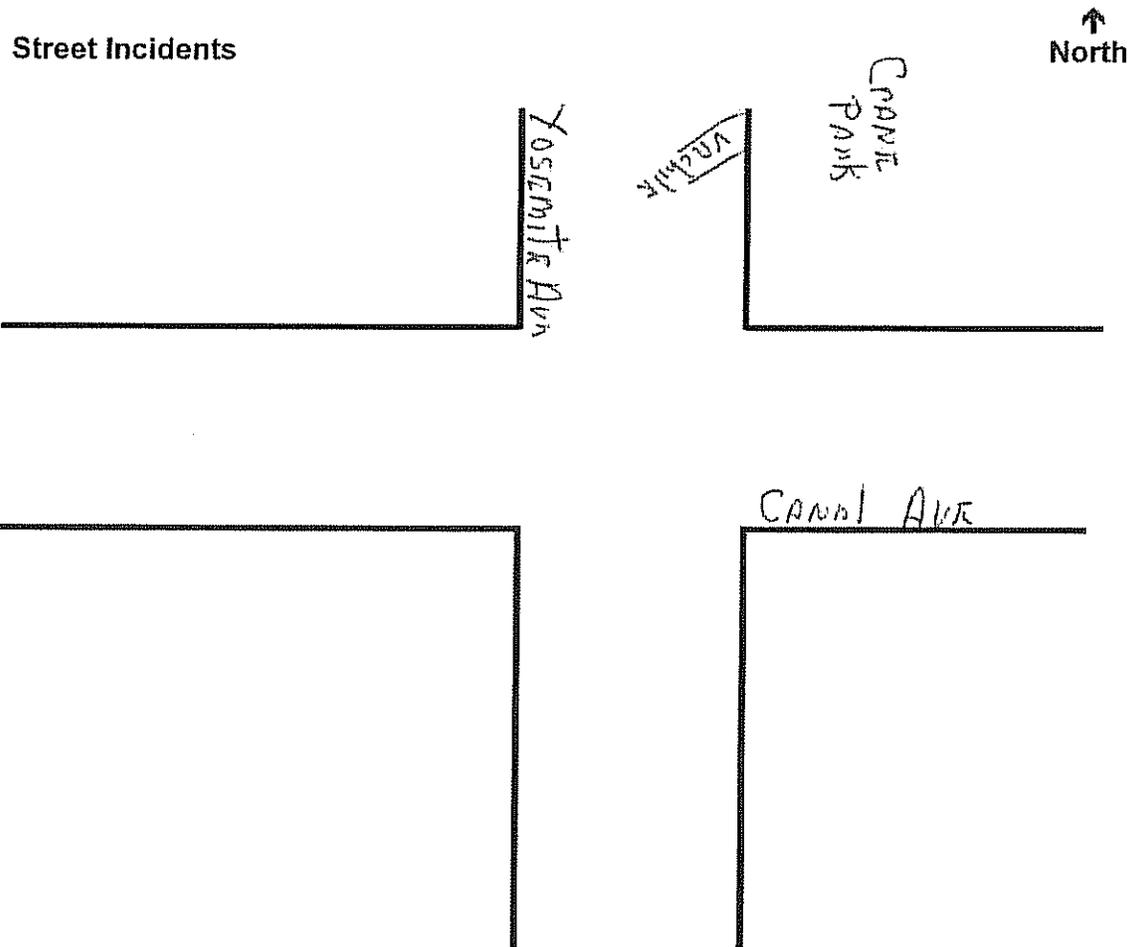
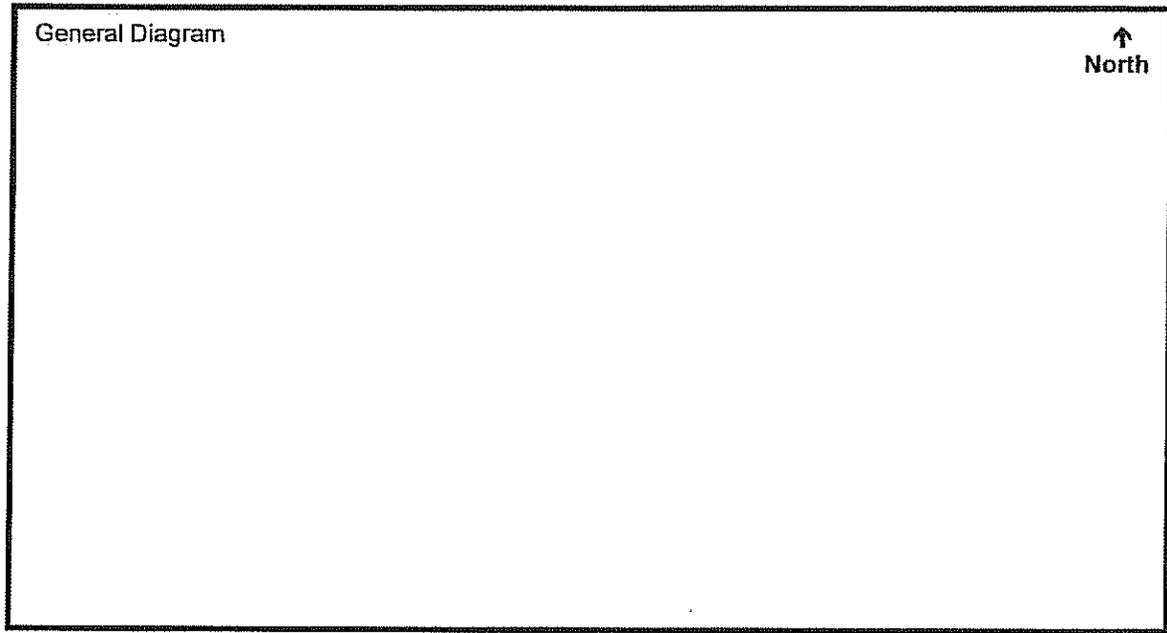
Date Signed: 8.5.14 Signature: Bob Schmidt

If signed by representative: Print Representative's Name: Bob Schmidt Telephone: SAME

Address: SAME

Relationship to Claimant: EMPLOYEE

DIAGRAMS





8.2.14

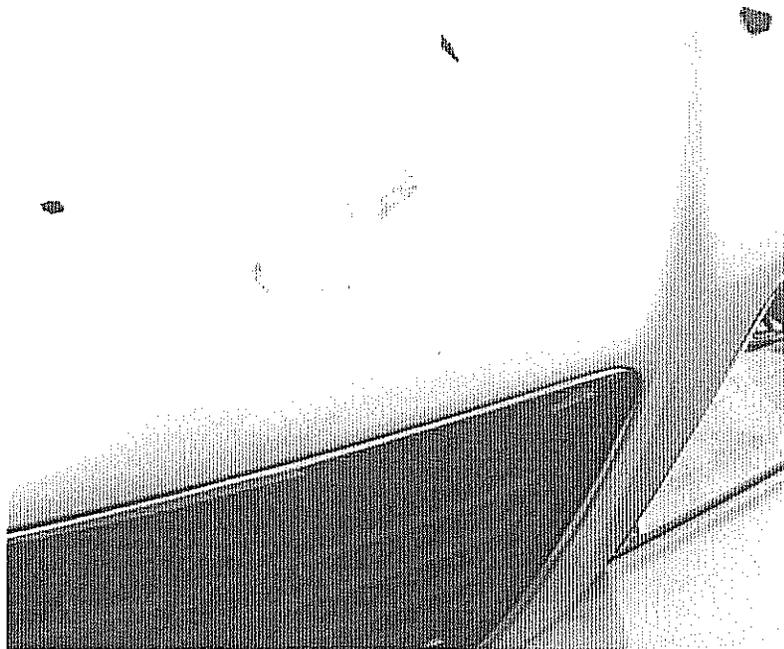
Limb that  
fell on car

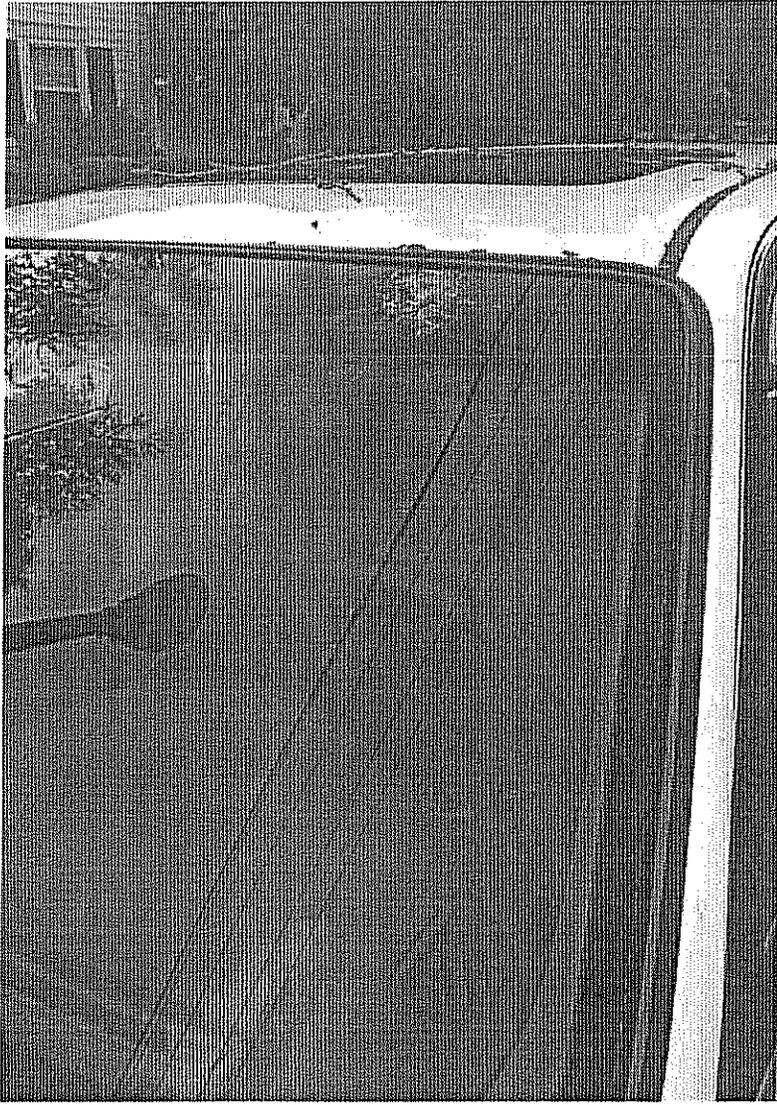


8.2.14  
DRIVER DOOR  
LIGHT FIXTURE

8.2.14

Hood





8.2.14

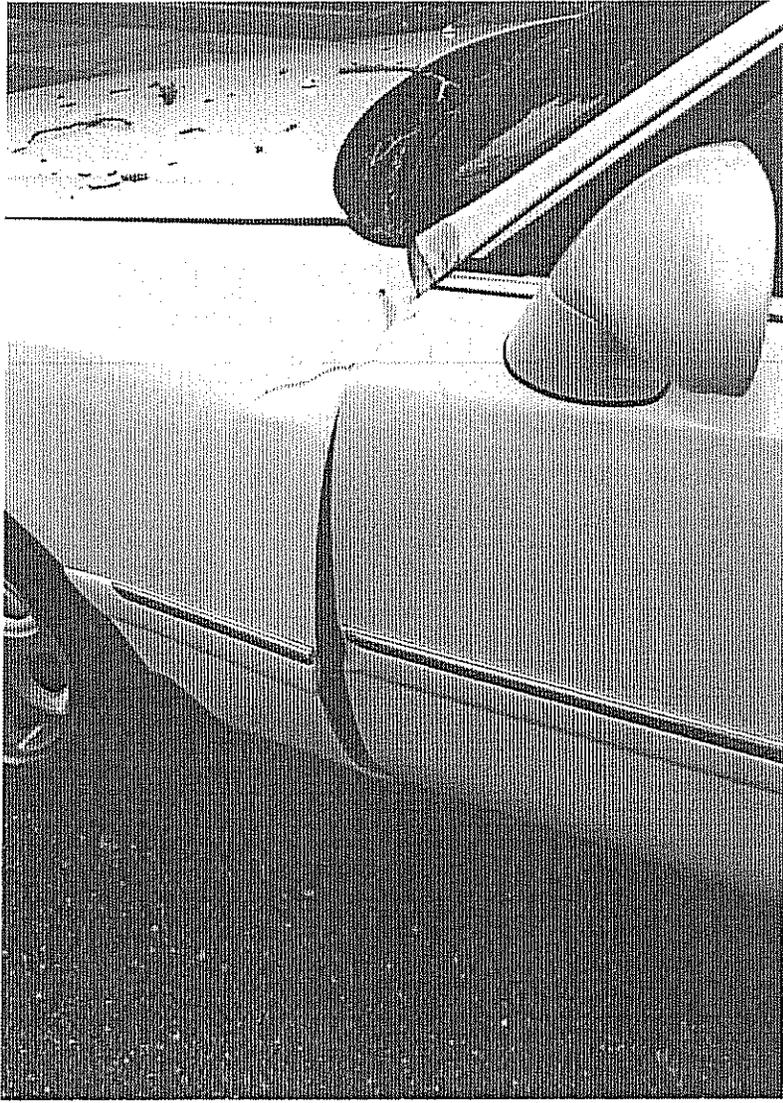


8.2.14

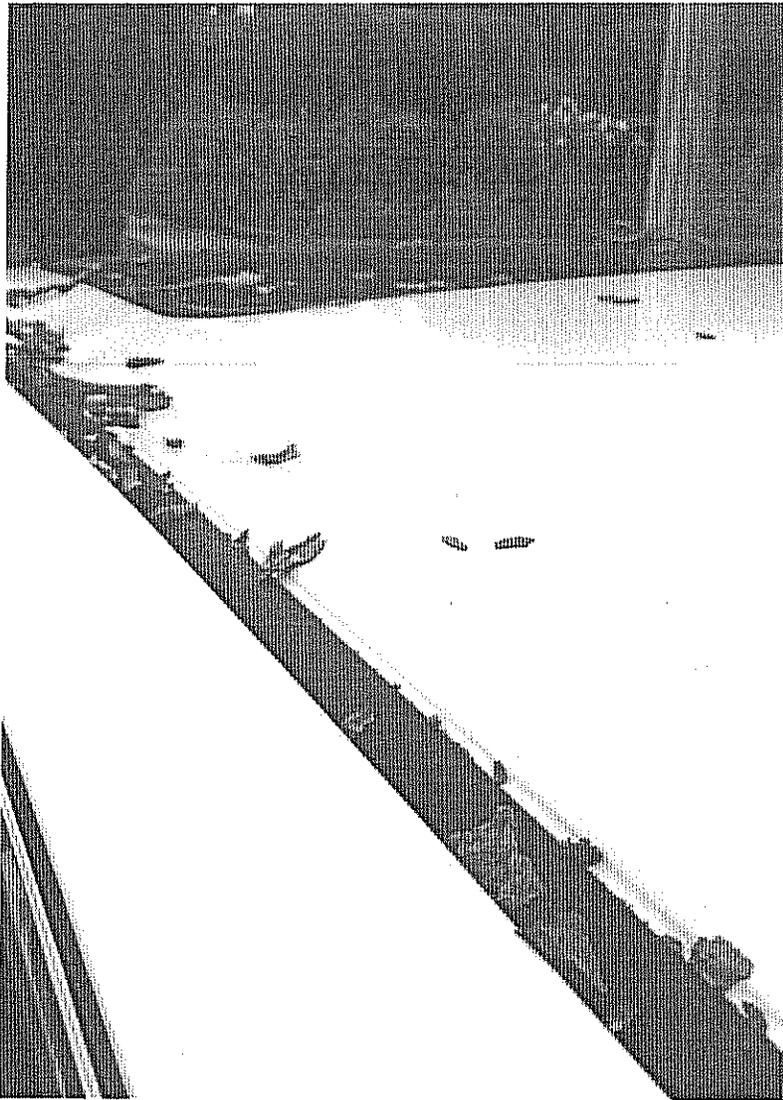
Left Front

FRONTAL

Roof support



8.2.14  
Dmukns 3107



8.2.14  
Roof  
Looking toward  
front of vehicle  
Drivers side

**JESTER AUTO WORKS**

Workfile ID:

c9ca70b5

545 S CENTER ST, TURLOCK, CA 95380

Phone: (209) 634-8581

FAX: (209) 634-4818

**Preliminary Estimate**

**Customer:** fontana wholesale lumber, fontana wholesale lumber

**Job Number:**

Written By: nenif haidar

**Insured:** fontana wholesale lumber,  
fontana wholesale lumber

**Policy #:**

**Claim #:**

**Type of Loss:**

**Date of Loss:**

**Days to Repair:** 0

**Point of Impact:**

**Owner:**

fontana wholesale lumber, fontana  
wholesale lumber

**Inspection Location:**

JESTER AUTO WORKS

**Insurance Company:**

545 S CENTER ST  
TURLOCK, CA 95380  
Repair Facility  
(209) 634-8581 Day

**VEHICLE**

Year: 2000	Body Style: 4D SED	VIN: JH4KA9654YC011072	Mileage In: 89055
Make: ACUR	Engine: 6-3.5L-FI	License: 4PHS443	Mileage Out:
Model: RL 3.5L	Production Date:	State: CA	Vehicle Out:
Color: pearl white Int: tan	Condition: Excellent	Job #:	

**TRANSMISSION**

Automatic Transmission  
Overdrive

**POWER**

Power Steering  
Power Brakes  
Power Windows  
Power Locks  
Power Mirrors  
Heated Mirrors  
Power Driver Seat  
Power Passenger Seat

**DECOR**

Dual Mirrors

Console/Storage

Overhead Console

**CONVENIENCE**

Air Conditioning  
Intermittent Wipers  
Tilt Wheel  
Cruise Control  
Rear Defogger  
Keyless Entry  
Alarm  
Steering Wheel Touch Controls  
Telescopic Wheel  
Climate Control  
Home Link

**RADIO**

AM Radio  
FM Radio  
Stereo  
Search/Seek  
Cassette  
Premium Radio  
CD Changer/Stacker  
**SAFETY**  
Drivers Side Air Bag  
Passenger Air Bag  
Anti-Lock Brakes (4)  
4 Wheel Disc Brakes  
Front Side Impact Air Bags

**ROOF**

Electric Glass Sunroof

**SEATS**

Bucket Seats  
Leather Seats  
Heated Seats

**WHEELS**

Aluminum/Alloy Wheels

**PAINT**

Three Stage Paint

**OTHER**

Fog Lamps  
Traction Control  
Stability Control

**Preliminary Estimate**

**Customer: fontana wholesale lumber, fontana wholesale lumber**

**Job Number:**

Vehicle: 2000 ACUR RL 3.5L 4D SED 6-3.5L-FI pearl white

Line	Oper	Description	Part Number	Qty	Extended Price \$	Labor	Paint
1		<b>ROOF</b>					
2	*	Rpr Roof panel to 1C003065		0	0.00	11.0	3.0
3		Add for Three Stage		0	0.00	0.0	2.1
4		Repl LT Roof molding	743165Z3013	1	48.20	0.3	0.0
5		R&I Glass assy		0	0.00	4.0	0.0
6		R&I Headliner to 1C003115 beige		0	0.00	1.5	0.0
7		R&I LT Drip molding		0	0.00	0.5	0.0
8		R&I RT Drip molding		0	0.00	0.5	0.0
9		<b>WINDSHIELD</b>					
10	**	Subl <u>A/M Windshield plus kit</u>		1	160.00 T	0.0	0.0
11	*	Subl Windshield Labor		1	92.00 X	0.0	0.0
12		R&I RT Nozzle white pearl		0	0.00	0.2	0.0
13		R&I LT Nozzle white pearl		0	0.00	0.2	0.0
14		<b>FRONT BUMPER</b>					
15		O/H front bumper		0	0.00	2.0	0.0
16		R&I R&I bumper cover		0	0.00	Incl.	0.0
17	*	Rpr Bumper cover		0	0.00	1.0	1.5
18		Add for Three Stage		0	0.00	0.0	1.1
19		R&I License mount		0	0.00	0.3	0.0
20	*	R&I RT Molding		0	0.00	Incl.	0.0
21		R&I Spoiler		0	0.00	Incl.	0.0
22		<b>FRONT DOOR</b>					
23	*	Rpr LT Outer panel		0	0.00	2.0	1.5
24		Overlap Major Adj. Panel		0	0.00	0.0	-0.4
25		Add for Three Stage		0	0.00	0.0	0.4
26		R&I LT Body side mldg white		0	0.00	0.3	0.0
27		R&I LT Mirror assy w/heated white		0	0.00	0.4	0.0
28		R&I LT Handle, outside white		0	0.00	0.3	0.0
29		R&I LT R&I trim panel		0	0.00	0.4	0.0
30		R&I LT Belt w/strip		0	0.00	0.3	0.0
31		<b>HOOD &amp; GRILLE</b>					
32	*	Rpr Hood		0	0.00	1.0	2.0
33		Overlap Major Adj. Panel		0	0.00	0.0	-0.4
34		Add for Three Stage		0	0.00	0.0	0.6
35		R&I R&I grille assy		0	0.00	0.3	0.0
36		R&I Insulator		0	0.00	0.3	0.0
37		<b>PILLARS, ROCKER &amp; FLOOR</b>					
38		R&I LT Rocker molding all		0	0.00	0.4	0.0
39		<b>FENDER</b>					
40	*	Repl LKQ LT fender assy +25%	602615Z3010ZZ	1	356.25	1.5	2.0
41		Overlap Major Adj. Panel		0	0.00	0.0	-0.4

**Preliminary Estimate**

**Customer: fontana wholesale lumber, fontana wholesale lumber**

**Job Number:**

Vehicle: 2000 ACUR RL 3.5L 4D SED 6-3.5L-FI pearl white

42		Add for Three Stage	0	0.00	0.0	0.6
43	R&I	LT Body side midg white	0	0.00	0.2	0.0
44	R&I	LT Fender liner	0	0.00	0.4	0.0
45	<b>FRONT LAMPS</b>					
46	R&I	LT R&I headlamp assy	0	0.00	0.3	0.0
47	Repl	Aim headlamps	1	0.00	0.5	0.0
48	<b>TRUNK LID</b>					
49	*	Rpr Trunk lid-buff scratches	0	0.00	0.5	0.0
50	<b>BACK GLASS</b>					
51	R&I	Back glass Acura	0	0.00	2.0	0.0
52	#	Subl Hazardous waste removal	1	5.00	0.0	0.0
53	#	Repl Cover car	1	5.00	0.3	0.0
54	#	Repl Flex additive	1	10.00	0.0	0.0
<b>SUBTOTALS</b>				<b>676.45</b>	<b>32.9</b>	<b>13.6</b>

**ESTIMATE TOTALS**

Category	Basis	Rate	Cost \$
Parts			584.45
Body Labor	32.9 hrs @	\$ 70.00 /hr	2,303.00
Paint Labor	13.6 hrs @	\$ 70.00 /hr	952.00
Paint Supplies	13.6 hrs @	\$ 35.00 /hr	476.00
Miscellaneous			92.00
Subtotal			4,407.45
Sales Tax	s 1,060.45 @	7.6250 %	80.86
<b>Grand Total</b>			<b>4,488.31</b>
Deductible			0.00
<b>CUSTOMER PAY</b>			<b>0.00</b>
<b>INSURANCE PAY</b>			<b>4,488.31</b>

WE REPAIR THEM ALL FOREIGN & DOMESTIC. A SATISFIED CUSTOMER IS A HAPPY CUSTOMER

**Preliminary Estimate**

**Customer: fontana wholesale lumber, fontana wholesale  
lumber**

**Job Number:**

Vehicle: 2000 ACUR RL 3.5L 4D SED 6-3.5L-FI pearl white

FOR YOUR PROTECTION CALIFORNIA LAW REQUIRES THE FOLLOWING TO APPEAR ON THIS FORM: ANY PERSON WHO KNOWINGLY PRESENTS FALSE OR FRAUDULENT CLAIM FOR THE PAYMENT OF A LOSS IS GUILTY OF A CRIME AND MAY BE SUBJECT TO FINES AND CONFINEMENT IN STATE PRISON.

THE FOLLOWING IS A LIST OF ABBREVIATIONS OR SYMBOLS THAT MAY BE USED TO DESCRIBE WORK TO BE DONE OR PARTS TO BE REPAIRED OR REPLACED:

MOTOR ABBREVIATIONS/SYMBOLS: D=DISCONTINUED PART, A=APPROXIMATE PRICE. LABOR TYPES: B=BODY LABOR, D=DIAGNOSTIC, E=ELECTRICAL, F=FRAME, G=GLASS, M=MECHANICAL, P=PAINT LABOR, S=STRUCTURAL, T=TAXED MISCELLANEOUS, X=NON TAXED MISCELLANEOUS. PATHWAYS: ADJ=ADJACENT, ALGN=ALIGN, A/M=AFTERMARKET, BLND=BLEND, CAPA=CERTIFIED AUTOMOTIVE PARTS ASSOCIATION, D&R=DISCONNECT AND RECONNECT, EST=ESTIMATE, EXT. PRICE=UNIT PRICE MULTIPLIED BY THE QUANTITY, INCL=INCLUDED, MISC=MISCELLANEOUS, NAGS=NATIONAL AUTO GLASS SPECIFICATIONS, NON-ADJ=NON ADJACENT, O/H=OVERHAUL, OP=OPERATION, NO=LINE NUMBER, QTY=QUANTITY, RECOND=RECONDITION, REFN=REFINISH, REPL=REPLACE, R&I=REMOVE AND INSTALL, R&R=REMOVE AND REPLACE, RPR=REPAIR, RT=RIGHT, SECT=SECTION, SUBL=SUBLET, LT=LEFT, W/O=WITHOUT, W/\_=WITH/\_ SYMBOLS: #=MANUAL LINE ENTRY, \*=OTHER [IE..MOTORS DATABASE INFORMATION WAS CHANGED], \*\*=DATABASE LINE WITH AFTERMARKET, N=NOTES ATTACHED TO LINE. OPT OEM=ORIGINAL EQUIPMENT MANUFACTURER PARTS EITHER OPTIONALLY SOURCED OR OTHERWISE PROVIDED WITH SOME UNIQUE PRICING OR DISCOUNT.

THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF CRASH PARTS SUPPLIED BY A SOURCE OTHER THAN THE MANUFACTURER OF YOUR MOTOR VEHICLE. ANY WARRANTIES APPLICABLE TO THESE REPLACEMENT PARTS ARE PROVIDED BY THE MANUFACTURER OR DISTRIBUTOR OF THE PARTS, RATHER THAN BY THE ORIGINAL MANUFACTURER OF YOUR VEHICLE.

## Preliminary Estimate

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**Customer:** fontana wholesale lumber, fontana wholesale  
lumber

**Job Number:**

Vehicle: 2000 ACUR RL 3.5L 4D SED 6-3.5L-FI pearl white

Estimate based on MOTOR CRASH ESTIMATING GUIDE. Unless otherwise noted all items are derived from the Guide AET4808, CCC Data Date 7/17/2014, and the parts selected are OEM-parts manufactured by the vehicles Original Equipment Manufacturer. OEM parts are available at OE/Vehicle dealerships. OPT OEM (Optional OEM) or ALT OEM (Alternative OEM) parts are OEM parts that may be provided by or through alternate sources other than the OEM vehicle dealerships. OPT OEM or ALT OEM parts may reflect some specific, special, or unique pricing or discount. OPT OEM or ALT OEM parts may include "Blemished" parts provided by OEM's through OEM vehicle dealerships. Asterisk (\*) or Double Asterisk (\*\*\*) indicates that the parts and/or labor information provided by MOTOR may have been modified or may have come from an alternate data source. Tilde sign (~) items indicate MOTOR Not-Included Labor operations. The symbol (<>) indicates the refinish operation WILL NOT be performed as a separate procedure from the other panels in the estimate. Non-Original Equipment Manufacturer aftermarket parts are described as Non OEM or A/M. Used parts are described as LKQ, RCY, or USED. Reconditioned parts are described as Recond. Recored parts are described as Recore. NAGS Part Numbers and Benchmark Prices are provided by National Auto Glass Specifications. Labor operation times listed on the line with the NAGS information are MOTOR suggested labor operation times. NAGS labor operation times are not included. Pound sign (#) items indicate manual entries.

Some 2015 vehicles contain minor changes from the previous year. For those vehicles, prior to receiving updated data from the vehicle manufacturer, labor and parts data from the previous year may be used. The CCC ONE estimator has a complete list of applicable vehicles. Parts numbers and prices should be confirmed with the local dealership.

The following is a list of additional abbreviations or symbols that may be used to describe work to be done or parts to be repaired or replaced:

**SYMBOLS FOLLOWING PART PRICE:**

m=MOTOR Mechanical component. s=MOTOR Structural component. T=Miscellaneous Taxed charge category. X=Miscellaneous Non-Taxed charge category.

**SYMBOLS FOLLOWING LABOR:**

D=Diagnostic labor category. E=Electrical labor category. F=Frame labor category. G=Glass labor category. M=Mechanical labor category. S=Structural labor category. (numbers) 1 through 4=User Defined Labor Categories.

**OTHER SYMBOLS AND ABBREVIATIONS:**

Adj.=Adjacent. Algn.=Align. ALU=Aluminum. A/M=Aftermarket part. Blnd=Blend. BOR=Boron steel. CAPA=Certified Automotive Parts Association. DB&R=Disconnect and Reconnect. HSS=High Strength Steel. HYD=Hydroformed Steel. Incl.=Included. LKQ=Like Kind and Quality. LT=Left. MAG=Magnesium. Non-Adj.=Non Adjacent. NSF=NSF International Certified Part. O/H=Overhaul. Qty=Quantity. Refn=Refinish. Repl=Replace. R&I=Remove and Install. R&R=Remove and Replace. Rpr=Repair. RT=Right. SAS=Sandwiched Steel. Sect=Section. Subl=Sublet. UHS=Ultra High Strength Steel. N=Note(s) associated with the estimate line.

CCC ONE Estimating - A product of CCC Information Services Inc.

The following is a list of abbreviations that may be used in CCC ONE Estimating that are not part of the MOTOR CRASH ESTIMATING GUIDE:

BAR=Bureau of Automotive Repair. EPA=Environmental Protection Agency. NHTSA= National Highway Transportation and Safety Administration. PDR=Paintless Dent Repair. VIN=Vehicle Identification Number.



## Council Synopsis

August 26, 2014

From: Michael G. Pitcock, P.E.  
Director of Development Services / City Engineer

Prepared by: Wayne York, Capital Improvement Coordinator

Agendized by: Roy W. Wasden, City Manager

### 1. ACTION RECOMMENDED:

Resolution: Establishing a Residential Permit Parking Zone along Garden Lane and Garden Court, to include portions of Pedras Road adjacent to 901 Pedras Road and 2001 Garden Lane on the north side of the street, every day between the hours of 9:00 p.m. and 7:00 a.m.

### 2. DISCUSSION OF ISSUE:

Residential Permit Parking Zones (RPPZ) are areas where parking is prohibited, during specified dates and times, to all drivers who are not residents or guests of residents within a residential area. Each RPPZ is established by resolution of the City Council for the purpose of reducing the parking impact within residential neighborhoods where residents experience an excessive impact from commuter or non-resident traffic.

Recently the City received a petition requesting the establishment of a RPPZ along Garden Ln. and Garden Ct. The petition expressed problems with non-resident parking, much of which was attributed to students of California State University, Stanislaus (CSUS) that live in the Parkside Apartments complex on the south side of the street at the intersection of Pedras Rd. and Garden Ln. The petition identifies excessive parking impacts during non-school hours. Further discussions with the applicant also identified issues related to littering, noise, and even neighbor confrontations that have involved the response of law enforcement officers.

The City Clerk verified that the petition contained at least the minimum number of signatures (67%) and the City Manager directed the necessary parking studies to take place to determine whether the establishment of an RPPZ is appropriate at this location. Staff conducted a parking survey of the area at several, random time periods on an average week and found that at any given time 20-23% of the available parking spaces were occupied with a majority of those vehicles not registered to persons living at an address within the RPPZ area. However, this sample was conducted during the CSUS summer break and staff believes the parking impact would be much higher if sampling was conducted during the

regular school year. However, due to time lines specified in the TMC staff was unable to wait for the start of the CSUS school year to conduct these samples.

Staff is recommending the establishment of a RPPZ, in accordance with TMC 4-6-1, along the entire portions of Garden Ln. and Garden Ct., as well as portions of Pedras Rd. adjacent to 901 Pedras Rd. and 2001 Garden Ln. on the north side of the street. Staff further recommends that given the unique impact to this neighborhood that this parking prohibition be established on all days of the week between the hours of 9:00 p.m. and 7:00 a.m., which differs from the default prohibition hours of 6:00 a.m. – 6:00 p.m. on weekdays, excluding holidays.

**3. BASIS FOR RECOMMENDATION:**

- A. The applicant requesting the RPPZ filed a petition containing the signatures of 67% of the property owners in the proposed RPPZ area, in accordance with TMC 4-6-1.
- B. A RPPZ may only be established by resolution of the City Council, in accordance with TMC 4-6-102
- C. A RPPZ can be an effective tool to address problems that arise from excessive non-resident parking within a neighborhood

**Strategic Plan Initiative: G. SOCIAL INFRASTRUCTURE**

- Goal(s):**
- a. Maintain quality of life through
  - ii) Other enforcement mechanisms

**4. FISCAL IMPACT / BUDGET AMENDMENT:**

**Fiscal Impact**

If approved the City shall bear the costs for the installation of signs at regular intervals throughout the new RPPZ at an estimated cost of \$1,000, to be paid from existing traffic sign funding sources. Residents who want to park on the street shall be required to pay for the cost of a resident parking permit, which is currently set at \$15 each. The costs associated with enforcement are unknown at this time and dependent on the number of violations that occur upon implementation of the RPPZ.

**5. CITY MANAGER'S COMMENTS:**

Recommend approval.

**6. ENVIRONMENTAL DETERMINATION:**

N/A

**7. ALTERNATIVES:**

- A). Not approve the creation of this Residential Permit Parking Zone. Staff does not recommend this approach because this action would not address the parking-related concerns raised by the neighborhood and no other suitable, readily-available options exist to address these concerns.

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF ESTABLISHING A }  
RESIDENTIAL PERMIT PARKING ZONE }  
ALONG GARDEN LANE AND GARDEN }  
COURT, TO INCLUDE PORTIONS OF }  
PEDRAS ROAD ADJACENT TO 901 }  
PEDRAS ROAD AND 2001 GARDEN LANE }  
ON THE NORTH SIDE OF THE STREET, }  
EVERY DAY BETWEEN THE HOURS OF }  
9:00 P.M. AND 7:00 A.M. }  
\_\_\_\_\_ }

RESOLUTION NO. 2014-

**WHEREAS**, some residential neighborhoods are subject to adverse effects from excessive parking from non-residents, such as commuters or students, clients, and guests of nearby high attraction areas; and

**WHEREAS**, the Turlock Municipal Code Title 4, Chapter 6, Article 1 allows for the creation of a Residential Permit Parking Zone that would restrict parking for specified days and hours to residents and their guests only, thereby reducing the impact of non-resident parking; and

**WHEREAS**, an applicant has submitted a verified petition for the establishment of a Residential Permit Parking Zone; and

**WHEREAS**, engineering studies have concluded that existing parking impacts are largely generated from non-residents and that this impact will likely increase upon the start of the regular school year of California State University, Stanislaus; and

**WHEREAS**, the establishment of a Residential Permit Parking Zone would be completed through the posting of signs given notice thereof and also require that residents obtain, through the City and at their own expense, the appropriate number of resident parking permits or visitor parking permits.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Turlock does hereby establish a Residential Permit Parking Zone along Garden Ln. and Garden Ct., to include portions of Pedras Rd. adjacent to 901 Pedras Rd. and 2001 Garden Ln. on the north side of the street, every day between the hours of 9:00 p.m. and 7:00 a.m.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Turlock this 26<sup>th</sup> day of August, 2014, by the following vote:

AYES:  
NOES:  
NOT PARTICIPATING:  
ABSENT:

ATTEST:

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Kellie E. Weaver, City Clerk,  
City of Turlock, County of Stanislaus,  
State of California



## Council Synopsis

August 26, 2014

7B

From: Mike Pitcock, Director of Development Services

Prepared by: Katie Quintero, Associate Planner

Agendized by: Roy W. Wasden, City Manager

### 1. ACTION RECOMMENDED:

Motion: Denying the appeal and affirming the Planning Commission Decision approving Minor Discretionary Permit 2014-01

Motion: Adopting a Mitigated Negative Declaration of Environmental Effect, incorporating the mitigation measures found in the Initial Study and Mitigation Monitoring Program prepared for this project, having made the findings contained in the attached Draft City Council Resolution

Resolution: Approving Minor Discretionary Permit 2014-01 (Taco Bell)

### 2. DISCUSSION OF ISSUE:

A Minor Discretionary permit application was received by the Planning Department on January 3, 2014 for the development of a 2,601 square foot drive-thru restaurant with associated on-site parking, landscaping and paving on an approximately 1.27 acre site located at 3606 North Golden State Boulevard. The site is located in the Northwest Triangle Specific Plan area. The sign program was also included in this application. The sign program included a double sided, internally illuminated 13' tall by 5' wide monument sign as well as 103 square feet of wall signs.

The property is zoned Heavy Commercial. Fast food restaurants are permitted with a Minor Discretionary Permit in this zoning district. Minor Discretionary Permits are reviewed and issued at the staff level and do not require a public hearing, unless one is requested.

Public notices were sent to adjacent property owners in accordance with the Minor Discretionary Permit noticing requirements, and two letters and one phone call were received expressing concerns about the potential traffic, noise, parking, and compatibility with the adjacent residential uses. The two comment letters are Attachment #2 to the Planning Commission staff report. The Planning Commission staff report is Attachment A, to this report. Turlock Municipal Code Section 9-5-311(c) requires a Minor Discretionary Permit be forwarded to the Planning Commission for a public hearing if responses are received in opposition to the project. In response to the letters received, the Minor Discretionary Permit

was referred to the Planning Commission and was heard at their June 5, 2014 meeting.

## **PLANNING COMMISSION MEETING**

On June 4<sup>th</sup> a petition was received requesting the site plan to be amended to remove any ingress or egress onto Roberts Road. The petition was presented to the Planning Commission, and is provided as Attachment B to this report.

Three members of the public spoke at the Planning Commission meeting with concerns about the proposed project. The draft minutes from the June 5, 2014 meeting are included in Attachment C. Concerns were expressed that a fast food restaurant across the street from their residential properties would decrease property values for the area. They were also concerned headlights from vehicles exiting the restaurant from the driveway on Mountain View Road would shine into the windows of the homes across Mountain View Road. They asked for a block wall to be constructed along the Mountain View Road property line to separate the residences from the commercial use. Concerns were also raised about the restaurant being open 24 hours a day, people hanging out in the parking lot, trash, traffic and noise generated by the business.

The Planning Commission discussed the proposed project and added three conditions of approval to address the public's concerns. The first condition added was to require the drive-thru exit to be reconfigured to encourage exiting onto Roberts Road. The revised site plan is Attachment D to this report. The original layout of the drive-thru exit made the turn out of the drive-thru to the driveway on Roberts Road difficult. The reconfiguration of the drive-thru exit will make it easier for cars to exit onto Roberts Road instead of Mountain View Road and will help address the concerns of the public about the number of cars exiting onto Mountain View Road.

The second condition added to the resolution prohibited illumination of the tower element and slat wall with up lighting because of concerns about the glare it could cause for the nearby residences.

The third condition added to the project was to require a three foot tall decorative wall be installed in the landscaped bed in the southeastern corner of the site, along Mountain View Road to help screen the residences along Mountain View Road from the headlights of the cars exiting the drive-thru. The project was already conditioned to provide a continuous 36 inch high screen comprised of earth berms, low walls or fences, plant materials or a combination thereof to shield headlights from the adjacent roadways. The condition was added to specify a decorative wall must be used in this area.

The Planning Commission unanimously approved the Minor Discretionary Permit with the added conditions.

**APPEAL**

On June 10th an appeal of the Planning Commissions' approval of the project was filed by Ray and Pam Franco. The appeal application is attachment E to this report. A summary of each of the reasons listed in the appeal application for why the applicant believes the Planning Commission Decision was wrong are summarized below along with how the applicant feels the City Council should address these items. An explanation of Municipal Code policies related to each item is also included.

**NOISE:**

A noise assessment was prepared by J.C. Brennan & Associates evaluating the potential of noise levels to exceed City standards as defined in the City's Noise Ordinance (TMC 9-2-300ART) and the City of Turlock General Plan. The noise study found that projected noise levels would not exceed the ambient noise levels measured at the nearest sensitive receptors and the projected nighttime noise levels would not exceed the General Plan and Zoning Ordinance standards. Therefore no potential noise impacts were identified in the noise assessment so no noise mitigation measures were required. The noise assessment is Exhibit #1 attached to the Initial Study.

Concerns were raised at the public hearing about the noise from trash being thrown into the trash enclosure late at night. The project applicant indicated that company policy prohibits employees from taking trash out past 10:00 p.m. This was not added as a condition of approval in the Planning Commission resolution but the applicant has agreed to have this condition prohibiting the removal of trash from the building after 10:00 p.m. added to this resolution. The new condition is Condition #7 to this resolution.

**BLOCK WALL ALONG MOUNTAIN VIEW**

The appeal application is requesting a block wall be required along the Mountain View property line. The Municipal Code requires commercial properties adjacent to residential properties to construct a block wall between them. If the project is not immediately adjacent to a residential property, block walls are only permitted when a noise assessment shows a block wall is needed for noise attenuation. This project is not adjacent to residential property because of the road between them and the noise study did not identify any noise impacts that would require mitigation and therefore this Municipal Code requirement does not apply to this project.

**TRAFFIC:**

The applicant has multiple traffic concerns and recommended actions, they are each addressed below.

***Traffic Study***

The first concern is that the traffic study conducted by K.D Anderson and Associates did not take into account the additional trips generated by the

business and the cumulative traffic impacts over time. The original traffic study looked at multiple scenarios, it is Exhibit #2 attached to the Initial Study. It first looked at current peak hour traffic conditions. Then it looked at the existing conditions plus the impact on existing conditions from any undeveloped projects in the area that have been approved by the City of Turlock. The study then looked at the existing traffic levels plus approved projects plus the Taco Bell project to understand the traffic impacts. The impact was a less than significant impact. Lastly, the traffic study looked at long-term cumulative traffic conditions based on forecasts associated with the build out of the General Plan using the year 2030 as a planning horizon. Therefore, the traffic study was adequate and did analyze the short term and long term impacts of the project.

The numbers for the square footage of the building were accidentally transposed and instead of a 2,601 square foot building as was depicted in the site plan, 2,106 square feet was listed in the application and was used in the traffic study. The traffic study was updated to reflect the additional 495 square feet. This update is Figure A attached to the Addendum to the Mitigated Negative Declaration, Attachment F to this report. The updated study found the project still did not have a significant impact on traffic.

#### ***Driveway on Mountain View Road***

The petition submitted to the Planning Department requested the removal of the driveway on Mountain View Road. The appeal application is asking for the driveway on Mountain View Road to be an entrance only due to concerns about headlights from cars exiting the driveway shining into the homes across the street. Eliminating this driveway would create longer trip lengths for residences going to the subdivisions to the east of the project site. The driveway on Roberts Road is a right turn only so residences leaving the project site would have to turn out onto Golden State and then make their way back. The driveway improves circulation patterns for the neighborhood.

#### ***Pedestrian Safety***

The appeal application cited concerns about pedestrian safety on the west side of Mountain View Road because there is no sidewalk. The project will make frontage improvements on all three of its frontages. When the properties along Mountain View Road develop they will also be required to improve their frontages up to City standards, including the installation of sidewalks.

#### ***Golden State Boulevard and Roberts Road Intersection***

The appeal application has requested to have a stop light installed at the Golden State Boulevard and Roberts Road intersection. Golden State Boulevard is designated as an expressway in the General Plan. The General Plan policy states, "Collectors may intersect an expressway at ¼ mile spacing, but with right-in/right-out access only". Therefore, creating a left turn out of Roberts Road onto Golden State Boulevard would not be in conformance with the General Plan. Right-turn only intersections do not need a stoplight for traffic control.

The appeal application expressed concerns with the safety and flooding of the Golden State Boulevard and Roberts Road intersection. This project will be required to make all of the frontage improvements to their property which will bring the area up to City standards. Any flooding that is occurring in the area adjacent to the project site will be solved with the improvements being put in as part of this project.

As part of the capital project that installed the median at Golden State Boulevard and Roberts Road additional work was done in the southeastern portion of this intersection that should alleviate the flooding issues in this area. When the property adjacent to this area develops full frontage improvements will be required, which would widen the turn off of Golden State Boulevard onto Roberts Road in accordance with City standards.

***Residential Parking Permit***

The traffic study recommended parking be prohibited along the west side of Mountain View Road for 100' to the north and south of the driveway to maintain clear lines of sight. The appellant is asking for a residential parking permit district to be established for the east side of Mountain View Road. Parking permit districts are only created when there is an existing problem. An application can be filed with the Engineering Department along with an application fee. The area is studied and if a parking problem is observed a parking permit district can be created. The project is providing more on-site parking than is required in the Municipal Code so a parking problem for the area is not anticipated. If there is a parking issue in the neighborhood there is a process for residences to request a parking permit district.

***Stop Bar Alignment on Mountain View Road***

Currently the stop bar and stop sign on Mountain View Road is set back from the Roberts Road intersection. When the property develops it will be required to make frontage improvements in accordance with City of Turlock standards and this stop bar will be moved up to align with the intersection. The development of this property will address the appellants concerns about this intersection.

**HOURS OF OPERATION:**

The appeal application is asking the Council to require the restaurant to close at midnight. The applicant is currently proposing to be open 24 hours a day. Limiting the hours of operation was discussed at the Planning Commission meeting. The Planning Commission decided it was best to let the restaurant operate 24 hours a day so there was always a staff person on-site who could monitor the property. The resolution does not currently include any restriction on the hours of operation.

**ON-SITE SECURITY:**

The appellant is requesting private security to be required on-site during all hours of operation. The City of Turlock only requires on-site security be provided at businesses who are serving alcohol or for large events such as live entertainment that will bring large numbers of people to one place at the same time. The project applicant owns 50 Taco Bells and only one of the restaurants has a need for on-site security. This restaurant is located in an urban area where pan-handling and loitering is an issue for the whole area. Loitering has not been an issue at any of the other restaurants and therefore on-site security has not been part of the business practice.

The appellant is also requesting on-site security to help monitor Pitman High School students who may ditch class to frequent the Taco Bell. This project was routed to the school district for comment and no comments were received. Monitoring the activities of the students during school hours is left to the school and is not typically something a development project is expected to mitigate.

**PUBLIC NOTICING:**

The appeal application states residents in the neighborhood did not know about the Planning Commission meeting. Public notices were sent out in accordance with the City of Turlock and State Law requirements. As part of these requirements the applicant was required to post a sign on the property with the time and date of the Planning Commission meeting and a description of the project to inform people in the area who were not in the noticing boundary. Public notices were sent out for the July 22<sup>nd</sup> City Council meeting and another notice was sent out notifying all property owners within a 500 foot radius of the project site as well as to everyone who signed the petition that the item was rescheduled to the August 26, 2014 City Council meeting.

**PROPERTY VALUES:**

The appellant feels the project will cause property values in the area to fall. The following five findings must be made to approve a Minor Discretionary Permit.

1. The proposal is consistent with the Turlock General Plan, the Zoning Ordinance and all other adopted plans for the site.
2. The proposal is in harmony with the existing or proposed development in the general area or neighborhood and will be compatible with adjacent structures and uses, including those on adjoining property.
3. The proposal is consistent with the development plan, terms, conditions, and / or intent of any planned development or conditional use permit currently in effect on the property.
4. Any structural elements contained within the proposal is of high quality design consistent with the intent of the City Design Element of the Turlock General Plan and the exterior design, appearance, materials, and colors will not cause the nature of the neighborhood to materially depreciate.
5. The proposal will not otherwise constitute a nuisance or be detrimental to the public safety, health and welfare of the neighborhood and community.

The impact to property values is not a factor in reviewing a Minor Discretionary Permit.

The property has been zoned Heavy Commercial and it has had this designation since 1995 when the property was annexed into the City of Turlock as part of the Northwest Triangle Specific Plan. Fast-food restaurants are a permitted use in this zoning district along with many other commercial uses. There has always been an expectation of commercial development on this property.

**CEQA:**

A mitigated negative declaration of environmental effect found the project did not create any significant impacts. An addendum to this mitigated negative declaration was prepared to analyze any impacts the additional 495 square feet of the building space could create. This addendum found the impact analysis in the previous mitigated negative declaration to be adequate and no change in mitigation measures was required.

**3. BASIS FOR RECOMMENDATION:**

- A. The proposed project complies with the General Plan land use designation and the Heavy Commercial zoning of the site. It is listed as a permitted use and complies with all of the Heavy Commercial zoning district development standards.
- B. On June 5, 2014, the Planning Commission unanimously approved the proposed project.

**Strategic Plan Initiative: INTELLIGENT, PLANNED, MANAGED GROWTH**

- Goal:** c. Ensure that all new growth pays for itself (Assessment Districts, CFF/PAF, CFD)

**Strategic Plan Initiative: POLICY INITIATIVE – ECONOMIC DEVELOPMENT:**

- Goal:** b. Generate job creation and retention

**4. FISCAL IMPACT / BUDGET AMENDMENT:**

**Fiscal Impact:** Neutral

The cost of reviewing this request was paid for by the applicant. Further, the property will pay into the CFF to mitigate the project's impacts on public facilities.

**5. CITY MANAGER'S COMMENTS:**

Recommend approval.

**6. ENVIRONMENTAL DETERMINATION:**

**Mitigated Negative Declaration:** The environmental impacts associated with Minor Discretionary Permit 2014-01(MDP 2014-01) [Taco Bell] have been reviewed by the City pursuant to the Turlock Municipal Code and the California Environmental Quality Act (CEQA). Based upon analysis, information, and mitigation measures contained in the Initial Study and the Addendum to the Mitigated Negative Declaration prepared for the proposed project, it has been determined that no significant environmental impacts are associated with the proposed project. Pursuant to Public Resources Code 21080(c)(2) and 21157.5 of CEQA, the proposed project was analyzed to establish its potential impacts beyond those described in the General Plan Environmental Impact Report. Feasible mitigation measures have been added to the project, in accordance with Public Resources Code 21080(c)(2) and 21157.5 of CEQA, to mitigate identified environmental impacts to a level of insignificance.

On May 2, 2014, a Mitigated Negative Declaration was prepared and posted with the Stanislaus County Clerk, stating that the proposed development would not have a significant effect upon the environment because mitigation measures identified in the General Plan EIR, initial study, and mitigation monitoring program have been added to the project.

**7. ALTERNATIVES:**

- A). The Council may deny the project.
- B). The Council may amend the conditions of approval.



**PLANNING COMMISSION ITEM SYNOPSIS**  
**Meeting Date: June 5, 2014**  
**Development Services Department**  
**Planning Division: Development Review**  
**Report By: Katie Quintero, Associate Planner**

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**1. PROJECT NAME AND SUMMARY**

**MINOR DISCRETIONARY PERMIT NO. 2014-01 (3606 North Golden State Boulevard-Taco Bell)** –To develop a 2,106 square foot drive-thru restaurant on an approximately 1.27 acre site. The site is located in the Northwest Triangle Specific Plan area. Forty-four on-site parking spaces are proposed along with landscaping, lighting and paving on the site. The drive-thru will allow for the stacking of up to ten cars. The restaurant will operate 24 hours a day. The sign program is also included in this application. A double sided, internally illuminated 13' tall, 5' wide monument sign is proposed as well as 103 square feet of exterior wall signs. The project is located at 3606 North Golden State Boulevard, more accurately described as Stanislaus County APN 087-030-008.

**2. STAFF RECOMMENDATION**

Approval

**3. CITY ATTORNEY COMMENTS**

None

**4. ENVIRONMENTAL DETERMINATION AND RECOMMENDATION**

Mitigated Negative Declaration

**5. COMMISSION ACTION REQUIRED**

**Environmental Determination**

I move that the Planning Commission adopt a Mitigated Negative Declaration of Environmental Effect, incorporating the mitigation measures found in the Initial Study and Mitigation Monitoring Program prepared for this project, and having made the findings contained in Draft Planning Commission Resolution 2014-08.

**Motion to approve MINOR DISCRETIONARY PERMIT NO. 2014-01 (3606 North Golden State Boulevard-Taco Bell)**

I move that the Planning Commission approve MINOR DISCRETIONARY PERMIT NO. 2014-01 (3606 North Golden State Boulevard-Taco Bell), having determined that the appropriate findings can be made, subject to the conditions contained in Draft Planning Commission Resolution No. 2014-08.



**AGENDA REPORT 6/5/2014  
MINOR DISCRETIONARY PERMIT NO. 2014-01  
(3606 North Golden State Boulevard-Taco Bell)**

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**TO:** Planning Commission  
**FROM:** Katie Quintero, Associate Planner  
**SUBJECT:** MINOR DISCRETIONARY PERMIT NO. 2014-01 (3606 North Golden State Boulevard- Taco Bell)

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**APPLICATION SUMMARY**

**DATE FILED:** January 3, 2014

**APPLICANT:** OCAT Inc. –Dave Olson  
801 10<sup>th</sup> Street, 5<sup>th</sup> Floor #2  
Modesto, CA 95354

**OWNER:** Ramson Piro  
3811 Crowell Road  
Turlock, CA 95382

**ADDRESS:** 3606 North Golden State Boulevard

**APN:** 087-030-008

**EXISTING ZONING:** Heavy– Commercial (C-H)

**GENERAL PLAN:** Heavy Commercial

**PREVIOUS ACTIONS:** Pre-zone 95-02

**REQUEST:** Approval of a Minor Discretionary Permit to allow development of an approximately 2,106 square foot drive-thru restaurant.

**CEQA RECOMMENDATION:** Mitigated Negative Declaration

**STAFF RECOMMENDATION:** Approval

**ENVIRONMENTAL REVIEW**

The City pursuant to the Turlock Municipal Code and the California Environmental Quality Act (CEQA) has reviewed the environmental impacts associated with Minor Discretionary Permit 2014-01 (3606 North Golden State Boulevard-Taco Bell). Based upon analysis and information contained in the Initial Study prepared for the proposed project, it has been determined that no significant environmental impacts are associated with the proposed project.

Pursuant to CEQA Guidelines Section 15162, the proposed project was analyzed to establish its potential impacts beyond those described in the General Plan Environmental Impact Report.

Feasible mitigation measures have been added to the project, in accordance with CEQA Guidelines, to mitigate identified environmental impacts to a level of insignificance. On May 2, 2014, a Notice of Intent to adopt a Mitigated Negative Declaration was prepared and posted with the Stanislaus County Clerk, stating that the proposed development would not have a significant effect upon the environment.

**PROJECT DESCRIPTION**

The applicant is proposing to construct a 2,106 square foot drive-thru restaurant on an approximately 1.27 acre site. Forty-four on-site parking spaces are proposed along with landscaping, lighting and paving. The drive-thru will allow for the stacking of up to ten cars. The restaurant will operate 24 hours a day. The sign program is also included in this application with a double sided, internally illuminated 13' tall, 5' wide monument sign proposed as well as 103 square feet of wall signs. The proposed site plan, elevations and signs are attachment #1 to this staff report.

**BACKGROUND**

In January 2014 the application was received for a Minor Discretionary Permit to authorize the construction of the drive-thru restaurant on the proposed site. The property is zoned Heavy Commercial and fast food restaurants are permitted with a Minor Discretionary Permit in this zoning district. Minor Discretionary Permits are typically reviewed and issued at the staff level and do not require a public hearing.

Public notices were sent to adjacent property owners in accordance with the Minor Discretionary Permit noticing requirements, and two letters and one phone call were received expressing concerns about the potential traffic, noise, parking, and compatibility with the adjacent residential uses. The two comment letters are attached (Attachment #2).

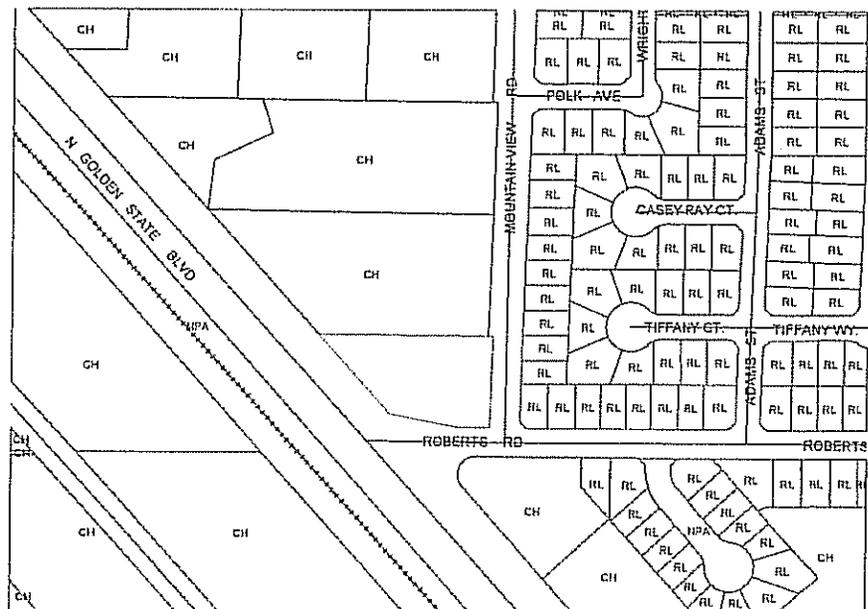
Turlock Municipal Code Section 9-5-311(c) "Minor discretionary permit: Notice" states,

*"If a hearing is requested by the applicant or other affected person or agency, or if any responses are received in opposition to the request, the Community Development Director shall forward the application to the Planning Commission for formal public hearing and consideration".*

In accordance with this section of the Municipal Code, this Minor Discretionary Permit has been forwarded to the Planning Commission for consideration. Public notices were sent out to property owners within a 500 foot radius of the project site and the applicant posted a sign on the property informing the public of the Planning Commission hearing on this project.

**PROJECT SETTING**

This project is located on an approximately 1.27 acre



property located on the north eastern corner of Golden State Boulevard and Roberts Road. The property to the north of the site is zoned Heavy Commercial and is partially developed with a parking lot approved as part of a proposed church and multi-purpose building that have not been developed. The properties to the east of the site, across Mountain View Road, are zoned Low Density Residential and are developed with single family homes. To the south of the property, across Roberts Road is a vacant parcel, zoned Heavy Commercial. To the west of the property, across Golden State Boulevard is the Union Pacific Railroad line. Adjacent to the railroad are undeveloped properties zoned Heavy Commercial.

## PROJECT EVALUATION

To approve the Minor Discretionary Permit the following findings must be made.

1. The proposal is consistent with the Turlock General Plan, the Zoning Ordinance and all other adopted plans for the site.
2. The proposal is in harmony with the existing or proposed development in the general area or neighborhood and will be compatible with adjacent structures and uses, including those on adjoining property.
3. The proposal is consistent with the development plan, terms, conditions, and / or intent of any planned development or conditional use permit currently in effect on the property.
4. Any structural elements contained within the proposal is of high quality design consistent with the intent of the City Design Element of the Turlock General Plan and the exterior design, appearance, materials, and colors will not cause the nature of the neighborhood to materially depreciate.
5. The proposal will not otherwise constitute a nuisance or be detrimental to the public safety, health and welfare of the neighborhood and community.

### **FINDING #1 & #3: CONSISTENCY WITH THE GENERAL PLAN, ZONING ORDINANCE, NORTHWEST TRIANGLE SPECIFIC PLAN AND ANY OTHER DEVELOPMENT PLANS IN EFFECT ON THE PROPERTY**

The first and third finding required for approval of a Minor Discretionary Permit application is being able to find the project consistent with the General Plan, the Zoning Ordinance, any Master Plan or Specific Plans and any other development plans, such as Planned Developments or Conditional Use Permits that are in effect on the property. The property is located in the Northwest Triangle Specific Plan Master Plan area and there are no other active development plans in effect for the site.

The General Plan and Zoning designation for the property is Heavy Commercial. This property has been designated Heavy Commercial since 1995 with the adoption of the Northwest Triangle Specific Plan. The General Plan describes the Heavy Commercial area as a "buffer transitioning between industrial activities or major transportation corridors, (such as Golden State Boulevard), and residential uses".

General Plan policy 2.6-b states we should:

*"Facilitate the development of neighborhood and community commercial areas, which will: (a) conveniently serve current and future residential needs, (b) provide employment opportunities, (c) contribute to the attractiveness of the community, and (d) contribute to the City's tax base. Mixed use commercial areas are encouraged"*

and General Plan policy 2.6-d states we should:

*"Emphasize compact form and pedestrian orientation in new community and neighborhood commercial areas, in locations that many residents can reach on foot, by bicycle or by short drives".*

This commercial use near residential uses provides an opportunity for this use to serve the residents in the area. Sidewalks and bike racks will be installed with this project to help encourage walking and biking to the site.

Turlock Municipal Code Section 9-3-301(4) describes the Heavy Commercial Zoning District as an area,

*"to provide the full range of retail, wholesale and service businesses not generally suitable in other commercial districts because they attract heavy automobile and truck traffic".*

The Heavy Commercial zoning district allows for a range of commercial activities. Drive-in, sit down and fast-food restaurants are all listed as permitted uses in the Heavy Commercial zoning district. Other permitted uses in this zoning district range from retail and office to automobile sales, repair, and service stations, to warehousing and light industrial uses. The use chart showing the permitted uses in the Heavy Commercial zoning district is included in this report (Attachment 3).

The proposed project meets all of the development standards for the Heavy Commercial zoning district and the Northwest Triangle Specific Plan including setbacks, parking and landscaping requirements.

The proposed use and the proposed site plan are consistent with the General Plan, the Zoning Ordinance and the Northwest Triangle Specific Plan and there are no other development plans in effect on the property.

**FINDING #2 & #5: THE PROPOSAL IS IN HARMONY WITH THE EXISTING OR PROPOSED DEVELOPMENT IN THE NEIGHBORHOOD AND WILL BE COMPATIBLE WITH ADJACENT STRUCTURES AND USES AND WILL NOT OTHERWISE CONSTITUTE A NUISANCE OR BE DETRIMENTAL TO THE PUBLIC SAFETY, HEALTH AND WELFARE OF THE NEIGHBORHOOD AND COMMUNITY**

In order to approve the applicant's request, the Planning Commission must also make two findings related to the suitability of the site for the proposed project and the compatibility of the project with the adjacent structures and uses and with the safety, health and welfare of the neighborhood and the community. To address environmental concerns, an Initial Study and a Mitigated Negative Declaration have been prepared, circulated and posted outlining the potential environmental effects of the project. Staff has received several comments on this document. Staff believes that the mitigation measures identified in the Initial Study and Mitigated Negative Declaration are sufficient to avoid substantial environmental damages associated with the project and to mitigate potential impacts to the neighborhood.

**TRAFFIC**

A traffic study was conducted by KD Anderson and Associates for the proposed project and it is included as exhibit #2 in the initial study (Attachment #4). The Christoffersen Parkway/Mountain View Road, Mountain View Road/Roberts Road and the North Golden State Boulevard/Roberts Road intersections were studied. The development is projected to generate 96 a.m. and 69 p.m. peak hour trips, 49% of the a.m. trips and 50% of the p.m. trips are projected to be "pass-by trips" and therefore the project is expected to generate 49 new a.m. and 35 new p.m. peak hour trips. The study found there should be no changes to the existing levels of service in the area as a result of this project and therefore the project will not create a significant impact to traffic in the area.

The traffic study also evaluated the site access. For safe circulation, the traffic study recommended that parking should be prohibited along the west side of Mountain View Road for a distance of 100' to the north and south of the driveway to maintain clear lines of sight. The study also recommended the driveway on Roberts Road be removed or a raised median be installed along Roberts Road. These items have been incorporated into the project through mitigation measures in the initial study and they have been added as conditions of approval in the resolution.

Furthermore, mitigation measures have been identified to ensure that off-site improvements are constructed to address projected traffic levels. In addition, the City has adopted a Capital Facility Fee program with traffic improvements planned for build out of the General Plan. A condition of each new development is payment of a Capital Facility Fee, a portion of which is used to fund the circulation improvements required for cumulative impacts as a result of development. Installation of public rights-of way improvements along North Golden State Boulevard, Roberts Road and Mountain View Road, are also required as a condition of approval for this project.

## **PARKING**

The Turlock Municipal Code requires restaurants to provide 1 parking space for every 3 seats if the fixed number of seats is known, or one parking space for every 100 square feet of gross floor area. Fifty-four fixed seats are proposed for the restaurant which would require 18 parking spaces. At 2,106 square feet the restaurant would be required to provide 21 parking spaces. The applicant is proposing 44 parking spaces, exceeding the number of parking spaces required by the Municipal Code; therefore, the site has adequate on-site parking.

## **NOISE**

An Environmental Noise Assessment was prepared by J.C. Brennan & Associates and is provided as exhibit# 1 in the initial study,. The study evaluated the potential of noise levels from the site to exceed City standards as defined in the City's Noise Ordinance (TMC 9-2-300ART) and the City of Turlock General Plan. The noise study found that projected noise levels would not exceed the ambient noise levels measured at the nearest sensitive receptors and the projected nighttime noise levels would not exceed the General Plan and Zoning Ordinance standards. The project is located in the noise contour of Golden State Boulevard.

The noise study also looked at the potential for increased traffic noise and found that the traffic predicted by the study, conducted by KD Andersons & Associates Inc, would not be enough of an increase in traffic to cause an increase in traffic noise or to cause a significant change to the existing or future noise contour shown in the Figure 9-2 and 9-3 of the City of Turlock General Plan.

The noise study also found that construction noise and vibration would not exceed the existing noise/vibration levels in the area due to traffic and railroad uses in the area.

A single drive-thru speaker is proposed for the drive-thru. The noise study analyzed the noise from the speaker as well as the noise of the cars idling in the drive-thru. The study found that the day and nighttime noise levels from the drive-thru speaker and the idling would comply with the Noise Ordinance and would be less than the existing ambient noise levels.

Parking lot noise was also analyzed and the predicted parking lot noise levels will comply with General Plan and Noise Ordinance noise level standards. Therefore, based on the information contained in the noise study, the project will not have a significant impact on noise levels in the area.

#### **FINDING #4 BUILDING DESIGN**

In order to approve this Minor Discretionary Permit, the Planning Commission must find that any structural elements contained within the proposal is of high quality design consistent with the intent of the City Design Element of the Turlock General Plan and the exterior design, appearance, materials, and colors will not cause the nature of the neighborhood to materially depreciate.

#### **Elevations**

The proposed elevations for the building are included this staff report (Attachment 1). Awnings, color variation, a tower element, and a slated wall are proposed to create architectural interest and to break up the façade. The Design Guidelines state that the, "rear and side elevations should incorporate some of the architectural features on the main façade". To meet this requirement a condition of approval has been added to the resolution requiring the stone material used in the tower element to be carried around to all four sides of the building by adding it as a base trim.

#### **Signs**

The sign program for the site is also included as part of this Minor Discretionary Permit. A double sided, internally illuminated 13' tall, 5' wide monument sign is proposed as well as 103 square feet of exterior wall signs. The Design Guidelines recommend monument signs be limited to four feet in overall height and the Heavy Commercial zoning district allows monument signs to be up to 20' in height. Although the 13 foot tall monument sign is taller than typically allowed for monument signs staff feels the height of the sign is appropriate for this project because of the speed of the traffic on Golden State Boulevard and the size of the roadway.

The applicant is also requesting 103 square feet of exterior wall signs for a total of 203 square feet of sign area for the site. Based on the lineal frontage of the building 198 square feet of sign area would be allowed. Therefore, staff believes that the proposed signs are substantially compliant with the Zoning Ordinance. Any additional sign area proposed or requested would require a Conditional Use Permit.

#### **CONCLUSION**

In evaluating the findings that must be made to approve the Minor Discretionary Permit findings #2 and #5 require the most consideration due to concerns raised by the residents about the impact the project would have on the neighborhood. Through the CEQA process the traffic, noise and parking impacts have been evaluated and have been found to not have a significant impact. Furthermore, the General Plan encourages mixed use development which would provide an opportunity fo commercial uses to serve nearby residential uses. The property has been zoned Heavy Commercial since 1995, which allows for a large range of commercial uses including drive-thru restaurants. Staff feels that the findings can be made and recommends approval of this project.

#### **MOTIONS**

##### **Environmental Determination**

I move that the Planning Commission adopt a Mitigated Negative Declaration of Environmental Effect, incorporating the mitigation measures found in the Initial Study and Mitigation Monitoring Program prepared for this project, and having made the findings contained in Draft Planning Commission Resolution 2014-08.

##### **Motion to approve Minor Discretionary Permit 2014-01 (3606 North Golden State Boulevard- Taco Bell)**

I move that the Planning Commission approve Minor Discretionary Permit 2014-01 (3606 North Golden State Boulevard-Taco Bell), having determined that the appropriate findings can be made,

subject to the conditions contained in Draft Planning Commission Resolution No. 2014-08.

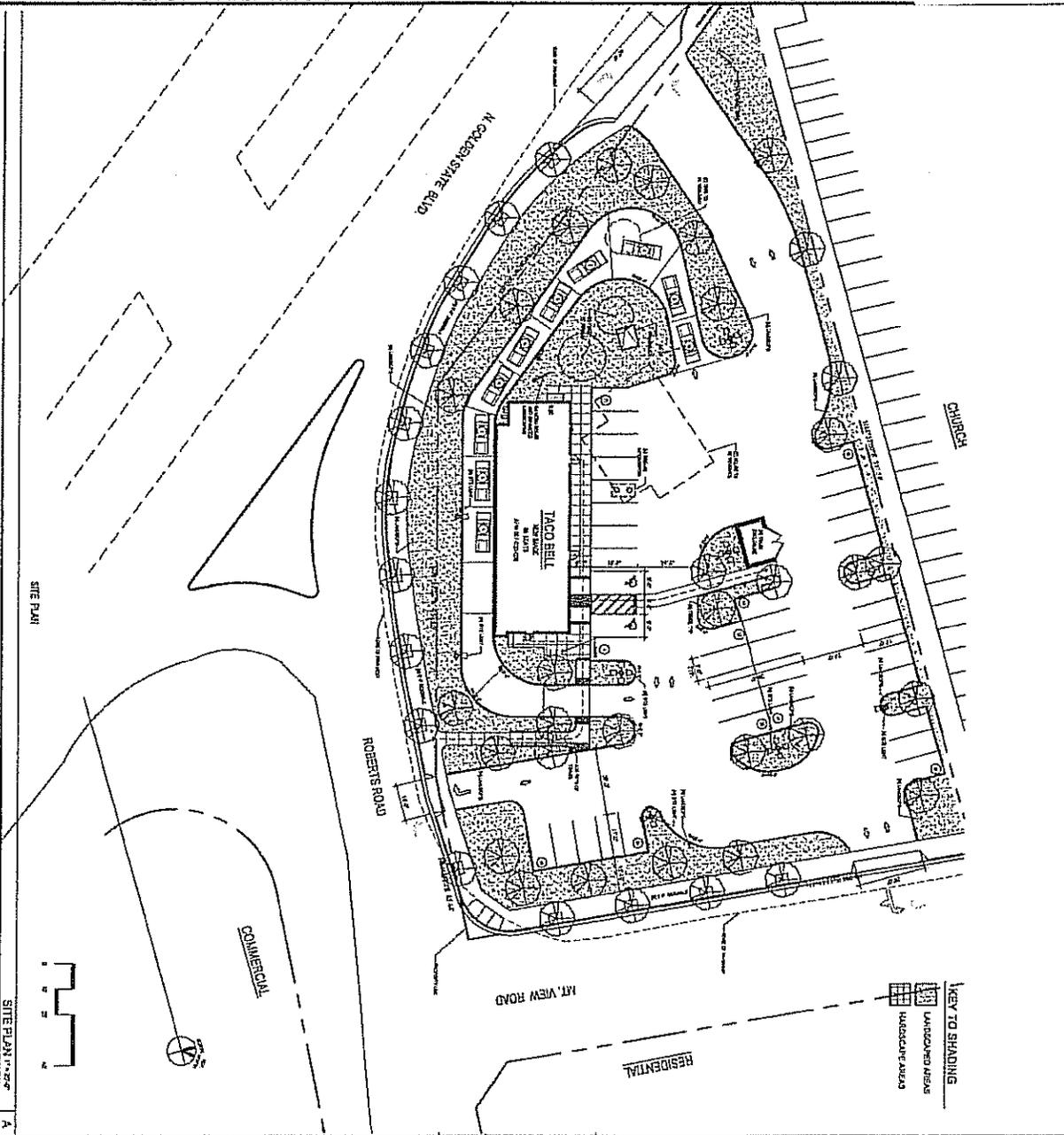
**ATTACHMENTS**

1. Site Plan, Building Elevations, Proposed signs
2. Letters from Residents
3. Commercial Use Chart
4. Initial Study
5. Mitigation Monitoring Checklist

**EXHIBITS**

- A. Draft Planning Commission Resolution 2014-08

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**APPLICANT/DEVELOPER**  
 OCAT, INC.  
 DAVE OLSON  
 801 16TH STREET 5TH FLOOR #2  
 MODESTO, CA 95354  
 PHONE: (209) 521-0016

**PROPERTY OWNER**  
 OCAT, INC.  
 DAVE OLSON  
 801 16TH STREET 5TH FLOOR #2  
 MODESTO, CA 95354  
 PHONE: (209) 521-0016

**ARCHITECT**  
 VMI ARCHITECTURE  
 1001 10TH STREET, SUITE 1000, ARCHITECT  
 807 5th AVENUE  
 SAN RAFAEL, CA 94901  
 PHONE: (415) 451-2500 X 14  
 FAX: (415) 451-2515  
 EMAIL: [prince@vmi.com](mailto:prince@vmi.com)

**UTILITIES**  
 WATER: SANITARY SEWER  
 CITY OF TURLOCK  
 STORM DRAINAGE  
 CITY OF TURLOCK  
 PUBLIC  
 GAS: PG&E  
 ELECTRIC: PG&E  
 TELEPHONE: AT&T  
 SCHOOL DISTRICT: TURLOCK UNITED SCHOOL DISTRICT

**PARKING DATA**  
 REQUIRED: 1 STALL PER 3 SEATS = 547 = 16 STALLS  
 PROVIDED: 41 SPACES  
 STANDARD = 2 SPACES  
 DISABLED = 0 SPACES  
 COMPACT = 0 SPACES  
 BICYCLE EFFICIENT VEHICLE = 1 SPACE  
 TOTAL PARKING PROVIDED: 44 SPACES  
 DRIVE THRU STAGING: 10 SPACES

**BUILDING DATA**  
 BLDG. AREA: 2,166 SF.  
 COVERAGE: 4%  
 BUILDING TYPE: TYPE V-B, WOOD FRAME STRUCTO

**LOT DATA**  
 A.P. N.: 087200-006  
 ZONING: CH  
 USE: COMMERCIAL RESURV  
 AREA: 40,630 SF (1.14 ACRES)  
 LARGESIDE: 11,694 SF (25%)

**LIST OF DRAWINGS**  
 DD-1.0 SITE PLAN/PROJECT DATA/ANNUITY MAP  
 DD-2.0 FLOOR PLAN / ROOF PLAN - SECTION  
 DD-3.0 EXTERIOR ELEVATIONS  
 DD-4.0 EXTERIOR ELEVATIONS

**KEY TO SHADING**  
 UNDEVELOPED AREAS  
 LANDSCAPED AREAS  
 HATCHED AREAS

**RECORD DATES**  
 PREPARED: 3/14/14  
 DATE PLOTTED: 3/14/14  
 DRAWN BY: [Name]

**CLIENT**  
 OCAT, INC.  
 801 16TH STREET 5TH FLOOR #2  
 MODESTO, CA 95354

**PROJECT**  
 TACO BELL  
 200 N. CONSTITUTION BLVD  
 TURLOCK, CA 95354

**SCALE**  
 1" = 40' - LARGE 86

**SITE PLAN, VICINITY MAP & PROJECT DATA**  
**DD1.0**

VMI Architecture  
 1001 10th Street, Suite 1000  
 San Rafael, CA 94901  
 Phone: (415) 451-2500  
 Fax: (415) 451-2515  
 Email: [prince@vmi.com](mailto:prince@vmi.com)

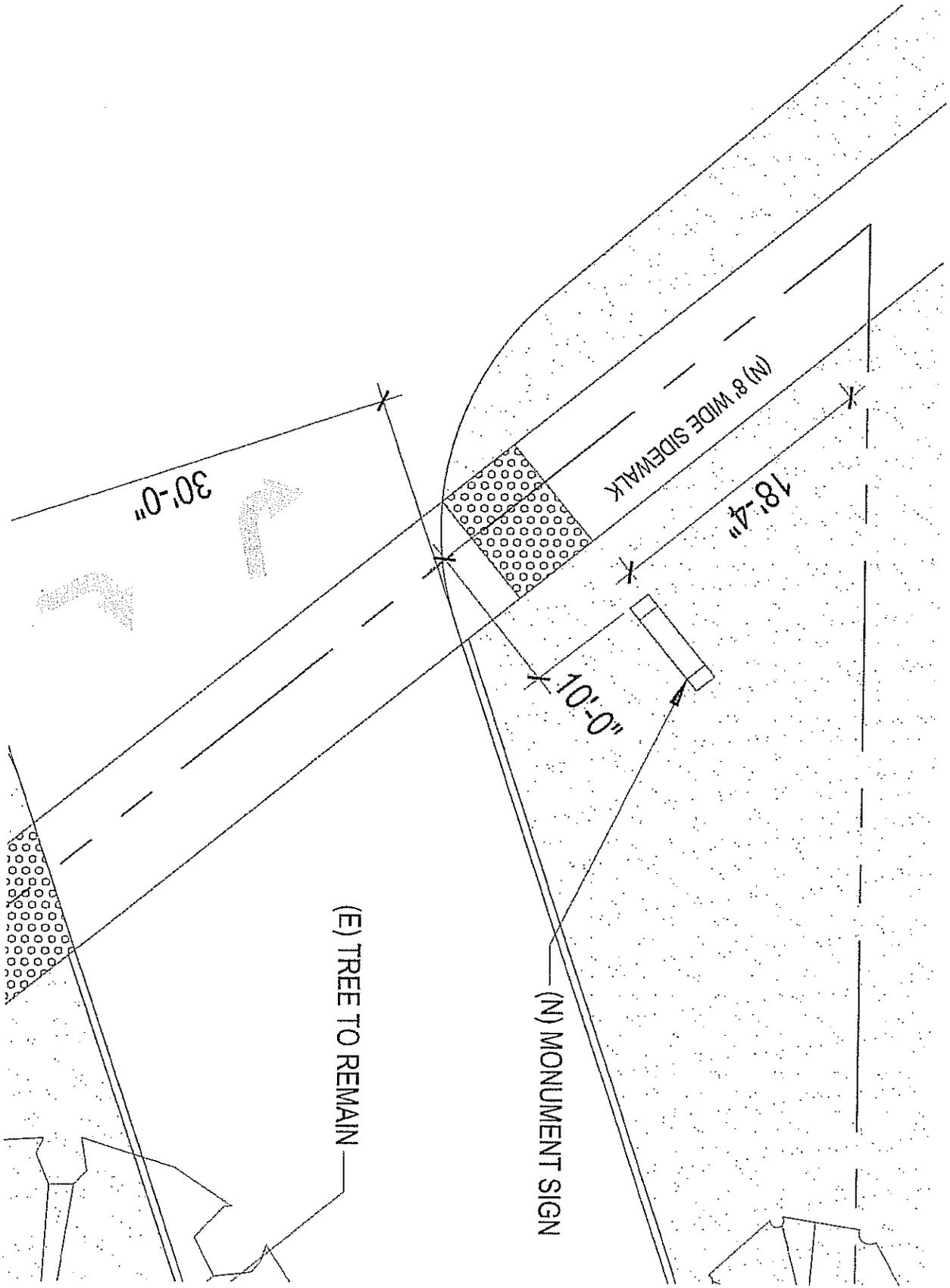
VIA JOB NUMBER  
**1359**











## Ray and Pam Franco

January 24, 2014

Sent Via Fax to 209-668-6107 and First Class Mail

To: City of Turlock  
Attention Katie Quintero, Associate Planner

RE: Minor Discretionary Permit #2014-01  
Taco Bell Restaurant - 3606 N. Golden State Blvd., APN 087-030-008

This letter is in response to the Public Notice dated January 10, 2014. We are very much opposed to the above noted project in this location. We own 8 single family homes rented to families directly across Mountain View Road from this proposed project. We are concerned for several reasons and question the logic of placing this business on this corner.

### Concerns and questions:

1. Question - where is the traffic study and how have the traffic concerns been addressed in the Environmental Impact Report? You state that due to the nature of the project being "In-fill", that the developer is not subject to an EIR. That is not in the best interest of the Citizens of the City of Turlock. This is a complicated intersection, with three roads that converge in the very place that one of the main drive entrances is designed. Drivers turning from Golden State Blvd. onto Roberts Road are making a very sharp turn that has been designated as 10 MPH, but in reality, most drivers take the turn much, much faster. This will be a huge traffic hazard to have traffic coming onto a residential street, then turning into this commercial parking lot. Also, Mountain View Road, which is a residential street, is proposed to have an outlet for vehicle traffic. This street is already impacted from Pitman High School and will be further impacted with the new Health Care facility going in on Golden State Blvd and Christofferson Pkwy. Further subjecting residents to a large influx of new traffic entering and exiting the parking lot is not wise.

2. Concern - As previously stated, we own 8 homes directly across the street from this proposed Taco Bell. There is no plan that shows a block wall, only sidewalk. In most cities, there is a requirement for a block wall to separate this type of commercial project from residential because of noise and traffic. Noise from this type of restaurant will be practically 24 hours a day. They come in early to cook, open at 10 am and drive through is open many times until 2 am. This is not conducive to peaceful living, which these homes have enjoyed for the past 10 years.

3. Concern - Home values on our properties will be reduced due to this busy, low-end commercial development. Will the developer be required to reimburse us for the loss of value and loss of salability of our properties? I am a Real Estate Broker and know how commercial development effects the value of residential properties. Because we own 8 properties directly across from this development, our monetary impact will be huge. I do not wish to have my properties diminish in value due to this project.

4. Concern - Foot traffic and sidewalks. Will the developer be required to put in full sidewalks from Christofferson Parkway all the way through to Roberts Road on the West side of Mountain View? If not, this presents a dangerous situation as the west side of Mountain View has at least 3 parcels that have not been developed and have no curb, gutter or sidewalk. Foot traffic will be pushed over to the east side of Mountain View then have to cross at the intersection of Mountain View & Roberts, or Jay-Walk to cross Mountain View at the driveway on Mountain View. Neither situation will be safe for pedestrians or drivers.

© Page 2

January 24, 2014

5. Concern. Parking is stated to be 44 spaces. This hardly seems like enough and will impact Roberts Road and Mountain View Roads for Parking. If there are 10 or more employees during peak hours, they will take up 1/4 of the parking spaces. The Geer Road Taco Bell is extremely busy and the parking lot is usually full, even though they share it with In Shape. If there is no additional parking, my tenants will be bothered by people parking on Mountain View Road and taking up their parking spaces.

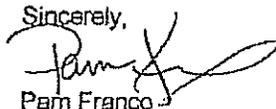
6. Concern. Your letter is dated January 10, 2014, but the postmark is January 13, 2014. We received the letter January 15, 2014 and today, January 24, 2014 is the deadline for comment. This seems like too little notification to homeowners who will be affected. There is no time for us to do any research, seek legal advice or do anything more than write this letter. I am concerned that there will not be enough time due to the late postmarking of this letter for public comments that oppose this project. Was this done on purpose so as to limit the public's right to voice their disapproval of this project?

7. Concern. Students from Pitman High School and Turlock Junior High School will leave their "closed campus" and walk/drive/bike to this facility. This will mean additional security guards at the schools to keep kids on campus and additional traffic/safety concerns for students rushing to and from the restaurant so as not to be noticed and get back to class on time. Even one child hurt would be too much, and with this much traffic, it is an accident waiting to happen.

8. Concern. Golden State Blvd. is a 4 lane split highway. Cars are traveling at 55 mph or greater when they pass by this property. Creating another road hazard of a turn lane so quickly after the Roberts Road turn lane will create another safety concern. If you notice the traffic pattern, when people are going northbound on Golden State Blvd after turning from Monte Vista, they make very sudden moves to get into the eastbound lane in order to turn onto Roberts Road. This will create double the problems, as people will now be trying to change lanes to turn on Roberts Road AND turn into the driveway of Taco Bell on Golden State Blvd.

I realize that the City of Turlock is looking for expansion of the Commercial base to provide much needed sales tax revenue, but this project is just plain wrong for this site. There is no need for another fast food restaurant, and certainly not in a residential area. This restaurant would be more appropriately situated in the Monte Vista Crossings Shopping Center. For the above noted reasons, we adamantly protest this project. Please inform us of the next step we need to take in order to oppose the future of this project.

Sincerely,



Pam Franco

>>> Don Chesney  
Dear Ms. Quintero;

2/19/2014 9:06 AM >>>

I am writing to request information regarding the proposed Taco Bell Drive-thru QSR to be constructed at the northeast corner of Golden State Hwy. and Roberts Road. I live a and I'm extremely concerned about the traffic through residential areas east of the project that will be generated by this development.  
I'm sure a traffic study has been completed for this project. Is this available to the public? Will the QSR be just a drive-thru, or will there be seating and therefore parking? Does Pitman High School have a closed campus during lunch?

Thank you for your attention to this matter.

Sincerely,  
Don Chesney, PE  
Civil Engineer

about:blank

2/20/2014

**Article 3. Commercial Districts (C-O, C-C, C-T, C-H)****9-3-301 Specific purposes.**

In addition to the general purposes listed in Chapter 1 of Title 9 of this Code (Chapter 9-1: General Provisions), the specific purposes of the Commercial District regulations are to:

- (a) Provide appropriately located areas consistent with the General Plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the City and region;
- (b) Strengthen the City's economic base, and provide employment opportunities close to home for residents of the City and surrounding communities;
- (c) Create suitable environments for various types of commercial uses, and protect them from the adverse effects of incompatible uses;
- (d) Minimize the impact of commercial development on adjacent residential districts;
- (e) Ensure that the appearance and effects of commercial buildings and uses are harmonious with the character of the area in which they are located;
- (f) Provide opportunities for residential development on the site of commercial development or on separate sites in certain commercial districts;
- (g) Ensure the provision of adequate off-street parking and loading facilities; and
- (h) Provide sites for public and semipublic uses complementary to commercial development or compatible with a commercial environment.
- (i) The additional purposes of each C District are as follows:

(1) **CO Commercial Office District.** To provide a transitional zone between commercial and residential uses with areas for business and professional offices.

(2) **CC Community Commercial District.** To provide a wide range of retail stores, restaurants, hotels and motels, commercial recreation, personal services, business services and financial services and for limited office and residential uses.

(3) **CT Commercial Thoroughfare District.** To provide areas for uses required by the traveling public such as hotels and motels, service stations and restaurants, with immediate access to Highway 99.

 (4) **CH Heavy Commercial/Light Industrial District.** To provide for the full range of retail, wholesale and service businesses not generally suitable in other commercial districts because they attract heavy automobile and truck traffic or have certain adverse impacts; and to provide opportunities for certain limited manufacturing uses that have impacts comparable to those of retail and service.

(Ord. 1154-CS, Amended, 08/25/11; Ord. 914-CS, Amended, 02/14/1997)

**9-3-302 Use classifications.**

In the following schedule, the letter "P" designates use classifications permitted in C Districts, the letters "NP" designate use classifications not permitted, the letters "MAA" designate use classifications allowed on approval of a minor administrative approval, the letters "MDP" designate use classifications allowed on approval of a minor discretionary permit, and the letters "CUP" designate use classifications allowed on approval of a conditional use permit.

All new or expanded uses of a site or structure shall obtain the necessary permits as indicated in the following schedule.

All new or expanded uses of a site or structure, involving an expansion of floor area of one thousand (1,000) square feet or twenty-five (25%) percent of the existing building floor area, whichever is less, are subject to design review in accordance with Article 10 of Chapter 9-5 TMC. New or expanded uses subject to design review shall obtain an MDP design review permit. Design review shall take place concurrently with the processing of any other required permit. Compliance with the adopted design guidelines of the City of Turlock is mandatory for all commercial developments subject to design review.

Any change in use or business within an existing structure that is permitted or, in the opinion of the Community Development Director, is suitable to the site and structures in which it is located and does not increase the intensity or impact of its prior use, shall obtain a zoning certificate in accordance with Article 1 of Chapter 9-5 TMC, Permit Applications, Hearings, Amendments, and Appeals. The zoning certificate shall be obtained prior to the issuance of a building permit or prior to commencement of a use where no building permit is required.

Uses not contained in the following schedule may be permitted subject to a conditional use permit. Such conditional uses must be of a similar nature and intensity as other uses in the district as determined by the Community Development Director or designee.

<b>C-O, C-C, C-T and C-H DISTRICTS (Commercial)</b>					
<b>USE CLASSIFICATIONS</b>					
P Permitted					
NP Not Permitted					
MDP Minor Discretionary Permit					
MAA Minor Administrative Approval					
CUP Conditional Use Permit					
	C-O	C-C	C-H	C-T	Additional Use Regulations
Residential Uses					
Family day care					
Large	MAA	NP	NP	NP	(1)
Small	P	NP	NP	NP	(1)
Group quarters					



Large	MDP	NP	NP	NP	(2)
Small	P	NP	NP	NP	(2)
Emergency shelter	CUP	CUP	CUP	NP	(2)
Caretaker unit	CUP	NP	NP	NP	(18)
<b>Public and Semipublic Uses</b>					
Clubs and lodges	MDP	MDP	CUP	NP	
Convalescent hospitals	MDP	NP	NP	NP	
Cultural institutions	P	P	P	P	
Day care centers	MDP	MAA	MAA	NP	
Government offices	P	P	P	NP	
Hospitals	CUP	CUP	CUP	NP	
Parking lots	MDP	MDP	MDP	MDP	
Public buildings and facilities	MDP	MDP	MDP	MDP	
Public utility service yards	NP	NP	MDP	NP	
Religious assembly	MDP	MDP	MDP	MDP	
Schools					
Trade	MDP	MDP	MDP	NP	
Public/private	MDP	MDP	MDP	NP	
Utilities					
Major	NP	NP	CUP	NP	
Minor	MDP	MDP	MDP	MDP	(3)
<b>Commercial Uses</b>					
Adult entertainment facilities	NP	NP	NP	NP	(4)
<b>Animal services</b>					
Animal boarding	CUP	MDP	MDP	NP	
Animal grooming	MDP	P	P	P	
Animal hospitals	CUP	MDP	MDP	MDP	
Animal retail sales	NP	P	P	P	(23)
Antique shops	NP	P	P	P	
Artists' studios	MDP	P	P	P	(19)
Automobile repair					
Major	NP	MDP	MAA	MAA	(6)(7)
Minor	NP	MAA	P	P	(6)(7)



Automobile sales and service	NP	MAA	MAA	MAA	(6)(7)
Automobile service stations	NP	MAA	MAA	MAA	(6)(7)
Automobile storage	NP	NP	MAA	NP	(6)(7)
Automobile washing	NP	MDP	MAA	MAA	(6)(7)
Bakeries					
Retail	MDP	P	P	P	
Wholesale	NP	NP	MDP	NP	
Bar	NP	CUP	CUP	CUP	
Building materials and services	NP	MDP	MAA	MDP	(8)(13)
Catering services	NP	P	P	NP	
Clinics	MDP	MDP	P	MDP	
Commercial filming	NP	MDP	P	NP	
Commercial recreation and entertainment	NP	CUP	CUP	CUP	(5)
Convenience gas mart	NP	MDP	MDP	MDP	
Dance hall/Nightclub	NP	CUP	CUP	CUP	
Discount club	NP	CUP	CUP	CUP	(21)(22)
Discount store	NP	MDP	MDP	CUP	(21)(22)
Discount superstore	NP	NP	NP	NP	(21)(22)
Entertainment, live (excluding adult entertainment)	NP	MDP	MDP	MDP	
Equipment sales, service and rentals	NP	NP	MAA	NP	(13)
Financial services	CUP	MDP	MAA	NP	(13)
Food and beverage sales					
Neighborhood store <2,500 sf	CUP	MAA	MAA	NP	
Between 2,500 and 10,000 sf	NP	MDP	MDP	NP	
Larger than 10,000 sf	NP	MDP	MDP	CUP	(21)(22)
Fortune telling	NP	CUP	NP	NP	(9)
Funeral and internment services	MDP	MAA	MAA	NP	
Health/recreation center	NP	MAA	MAA	MAA	
Hotels and motels	NP	MAA	MAA	MAA	(16)
Laboratories	MAA	MAA	MAA	NP	
Laundries					



Limited	MAA	P	P	NP	
Unlimited	NP	NP	P	NP	
Maintenance and repair services					
Major	NP	NP	MDP	NP	(13)
Minor	NP	MAA	MAA	NP	(13)
Nurseries	NP	MAA	MAA	NP	
Nursing homes	MDP	MDP	NP	NP	
Offices					
Business and professional	P	P	MAA	NP	
Medical and dental	P	P	MAA	NP	
Outdoor storage	NP	MDP	MDP	MDP	(13)
Personal services	MAA	P	P	NP	
Printing and publishing					
Limited	MDP	MAA	P	NP	
Unlimited	NP	NP	MDP	NP	
Recycling facility					(17)
Collection facility, large	NP	NP	MDP	NP	
Collection facility, small	NP	P	P	NP	
Processing facility	NP	NP	NP	NP	
Rental storage facility	NP	NP	MDP	NP	(20)
Research and development services	MDP	MDP	MDP	NP	
Restaurant	CUP	MAA	MAA	MAA	
Restaurant, drive-in	NP	MDP	MDP	MDP	
Restaurant, fast food	NP	MDP	MDP	MDP	
Retail sales	CUP	P	P	P	(10)(21)(22)
Salvage and wrecking operations					
Motor vehicle	NP	NP	CUP	NP	(15)
Non-vehicular	NP	NP	CUP	NP	(15)
Second hand stores	NP	MDP	MDP	NP	
Shopping centers	NP	MDP	MDP	CUP	
Travel trailer park	NP	NP	MDP	MDP	(16)
Truck terminal	NP	NP	MDP	CUP	



Warehousing	NP	NP	MDP	NP	
Industrial uses					
Commissary	NP	NP	MDP	NP	
Industry, limited	NP	NP	MDP	MDP	
Accessory Structures and Uses	P	P	P	P	(11)(13)
Temporary Uses	P	P	P	P	(12)
Nonconforming Uses	See Article 4 of Chapter <u>9-2</u> TMC, Nonconforming Structures and Uses.				

- (1) See TMC 9-2-110, Family day care home.
- (2) Small residential care facilities and interim housing serving six (6) or fewer people are considered accessory to a residence. Such facilities shall be designed to accommodate a group living environment.
- (3) Minor utilities shall not interfere with the use, enjoyment or aesthetics of adjacent uses.
- (4) See TMC 9-2-102, Adult entertainment facilities. Adult bookstores shall be subject to the same supplemental regulations applicable to adult entertainment facilities.
- (5) Commercial recreation and entertainment uses less than two thousand (2,000) square feet in floor area are allowed with a zoning certificate issued in accordance with Article 2 of Chapter 9-5 TMC, Zoning Certificates and Home Occupation Permits.
- (6) See TMC 9-2-112, Outdoor storage. In the CC District automobile servicing shall be conducted wholly within an enclosed building.
- (7) See TMC 9-2-104, Automobile service stations, repair and washing.
- (8) Building materials and service uses shall not abut an R District unless accessory to a retail use.
- (9) No fortune telling use shall be located any closer than within seven hundred fifty (750') feet of another fortune telling use.
- (10) Retail sales in the CO District shall be limited to eating and drinking establishments and pharmacies as accessory uses designed primarily but not exclusively to serve patrons and occupants of uses within the CO District.
- (11) See TMC 9-2-101, Accessory buildings and uses.
- (12) See Article 5 of Chapter 9-5 TMC, Temporary Uses of Land. Construction trailers may be located on the project site after required planning permits and approvals have been obtained. The trailer(s) must be removed upon completion of the applicable construction project.
- (13) See TMC 9-2-112, Outdoor storage, and Article 5 of Chapter 9-5 TMC, Temporary Uses of Land.
- (14) Live entertainment, excluding adult entertainment, may be allowed in the CT District as an accessory use. A conditional use permit issued in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances, shall be obtained if the live entertainment is located within three hundred (300') feet of a residential use or an R District.

- (15) See TMC 9-2-117, Salvage and wrecking operations.
- (16) A conditional use permit issued in accordance with Article 6 of Chapter 9-5 TMC, Conditional Use Permits and Variances, shall be required if a hotel, motel or travel trailer park abuts an R District.
- (17) See TMC 9-2-116, Recycling facilities.
- (18) A caretaker unit may be permitted within a rental storage facility. All such residences shall be constructed to R-M District standards.
- (19) Artists' studios in the downtown area may also be a place of residence for the artist as a secondary use. Artists' studios must be compatible with adjacent uses and shall not be a nuisance regarding noise and dust.
- (20) See TMC 9-2-123, Rental storage facility.
- (21) See TMC 9-1-202 for the definitions of "Discount store," "Discount superstore," and "Discount club."
- (22) Except for a "Discount store" as defined by TMC 9-1-202, which shall require a conditional use permit issued in accordance with Article 6 of Chapter 9-5 TMC.
- (23) Retail sale of dogs and cats is prohibited in accordance with TMC 6-1-703.  
(Ord. 1154-CS, Amended, 08/25/11; 1130-CS, Amended, 11/12/09; 1083-CS, Amended, 05/10/2007; Ord. 1015-CS, Amended, 02/12/2004; Ord. 983-CS, Amended, 07/11/2002; Ord. 979-CS, Amended, 05/23/2002; Ord. 963-CS, Amended, 03/29/2001; Ord. 939-CS, Amended, 10/22/1998; Ord. 938-CS, Amended, 09/24/1998; Ord. 914-CS, Repealed & Replaced, 02/14/1997)

Filing Requested By :  
 City of Turlock  
 Planning Division  
 156 S. Broadway, Suite 120  
 Turlock, CA 95380-5454

When Filed Mail To:  
 Same as above

SPACE ABOVE THIS LINE RESERVED FOR CLERK'S USE ONLY

**CITY OF TURLOCK**  
 **Proposed Mitigated Negative Declaration**  
 **Draft Environmental Impact Report**

May 2, 2014

City of Turlock  
 156 S. Broadway, Suite 120  
 Turlock, CA 95380-5454  
 Telephone: (209) 668-5640  
 Project located in Stanislaus County.  
 Time period provided for review: 30 days.

**NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**

**PROJECT TITLE: MINOR DISCRETIONARY PERMIT 2014-01 – TACO BELL**  
**SCH#: 2014032034**

**PROJECT APPLICANT: OCAT INC – DAVE OLSON (209) 521-0615**

**PROJECT DESCRIPTION:** The applicant is proposing a 2,106 square foot drive-thru restaurant on an approximately 1.27 acre site. The site is located in the Northwest Triangle Specific Plan area. Forty-four on-site parking spaces are proposed along with landscaping, lighting and paving on the site. The drive-thru will allow for the stacking of up to ten cars. The restaurant will operate 24 hours a day. The sign program is also included in this application. A double sided, internally illuminated 13' tall 5' wide monument sign is proposed as well as 103 square feet of wall signs.

**PROJECT LOCATION:** The proposed project is located at 3606 N. Golden State Blvd, Turlock, CA (APN: 087-030-008)

**RESPONSE PERIOD STARTS:** Tuesday, May 6, 2014

**RESPONSE PERIOD ENDS:** Thursday, June 5, 2014 @ 5:00 PM

**PUBLIC HEARING:** City of Turlock Planning Commission  
 June 5, 2014, 6:00 P.M.  
 Yosemite Community Room,  
 Turlock City Hall, 156 South Broadway, Turlock, CA

**RECOMMENDED FINDINGS:**

Pursuant to Public Resources Code Section 21080(c)(2) and CEQA Guidelines Section 15168(c)(1), the City of Turlock, as lead agency for the proposed project, has prepared an initial study to make the following findings:

1. Pursuant to CEQA Guidelines Section 15162, the proposed activity is adequately described and is within the scope of the General Plan EIR.
2. All feasible mitigation measures developed in the General Plan EIR have been incorporated into the project.
3. Pursuant to Public Resources Code Sections 21080(c)(2) and 21157.5, the initial study prepared for the proposed project has identified potential new or significant effects that were not adequately analyzed in the General Plan EIR, but feasible mitigation measures have been incorporated to revise the proposed subsequent project to avoid or mitigate the identified effects to a point where clearly no significant effects would occur.
4. There is no substantial evidence before the lead agency that the subsequent project, as revised, may have a significant effect on the environment.
5. The analyses of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment contained in the General Plan EIR are adequate for this subsequent project.
6. Pursuant to CEQA Guidelines Section 15093, a Statement of Overriding Considerations was adopted for the General Plan EIR by Turlock City Council Resolution 2012-156. As identified in the Turlock General Plan EIR, development in the project area would result in significant, and unavoidable, impacts in the areas of transportation, noise, regional air quality, and the eventual loss of agricultural land and soil resources. The magnitude of these impacts can be reduced, but not eliminated by the mitigation measures referenced in the initial study prepared for this project and General Plan EIR. Therefore, mitigation measures identified in the General Plan EIR, and its respective Statements of Overriding Considerations (contained in Turlock City Council Resolution No. 2012-0156), are adequate to mitigate the impacts from the proposed project where feasible, and are hereby incorporated by reference.
7. Pursuant to Public Resources Code Section 21157.6(a), having reviewed the General Plan EIR, the City of Turlock finds and determines that:
  - a. no substantial changes have occurred with respect to the circumstances under which the General Plan EIR was certified, and
  - b. that there is no new available information which was not and could not have been known at the time the General Plan EIR was certified.

Documents used in preparation of this Proposed Mitigated Negative Declaration, are available for public review at:

City of Turlock, City Hall  
Planning Division  
156 South Broadway, Suite 120  
Turlock, CA 95380  
Telephone: (209) 668-5640

You can view the Initial Study Checklist, Environmental Noise Assessment and Traffic Study for this project on our website at:  
<http://ci.turlock.ca.us/citydepartments/developmentsservices/planning/projectenvironmentaldocuments/>

BY: Katy Quintana

DEBRA A. WHITMORE  
PLANNING DIVISION MANAGER  
ENVIRONMENTAL REVIEW

Enclosure: Initial Study  
Site Plan



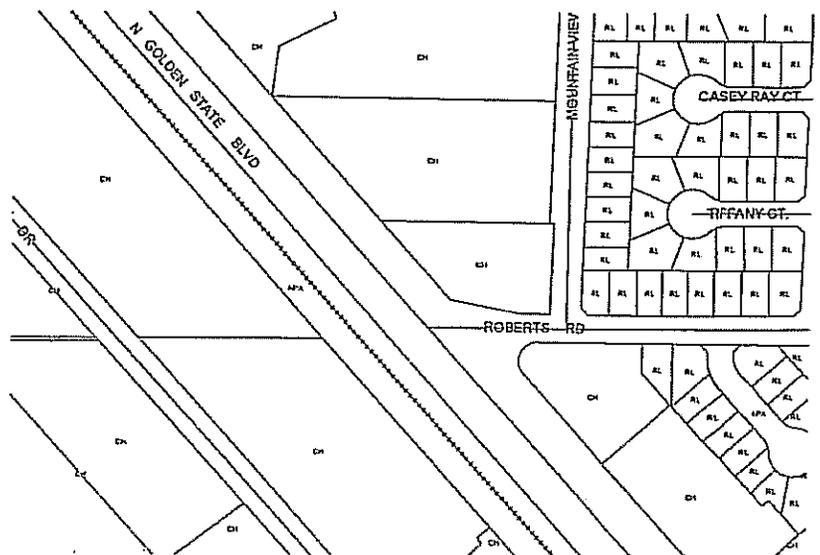
# CITY OF TURLOCK INITIAL STUDY CHECKLIST

- Project Title:** Minor Discretionary Permit 2014-01 (Taco Bell)
- 1) **Lead Agency Name and Address:** City of Turlock  
156 South Broadway, Ste. 120  
Turlock, CA 95380
  - 2) **Contact Person and Phone Number:** Katie Quintero, Associate Planner  
(209) 668-5640
  - 3) **Project Location:** 3606 N. Golden State Boulevard  
  
APN 087-030-008
  - 4) **Project Sponsor's Name and Address:** OCAT Inc. -Dave Olson  
801 10<sup>th</sup> Street, 5<sup>th</sup> Floor #2  
Modesto, CA 95354
  - 5) **General Plan Designation:** Heavy Commercial
  - 6) **Zoning:** Heavy Commercial
  - 7) **Description of the Project:**

The applicant is proposing a 2,106 square foot drive-thru restaurant on an approximately 1.27 acre site. The site is located in the Northwest Triangle Specific Plan area. Forty-four on-site parking spaces are proposed along with landscaping, lighting and paving on the site. The drive-thru will allow for the stacking of up to ten cars. The restaurant will operate 24 hours a day. The sign program is also included in this application. A double sided, internally illuminated 13' tall 5' wide monument sign is proposed as well as 103 square feet of wall signs.

**8) Surrounding Land Uses and Setting: (Briefly describe the project's surroundings)**

The site is located on the north eastern corner of Golden State Boulevard and Roberts Road. The property to the north of the site is zoned Heavy Commercial and is partially developed with a parking lot approved as part of a church and multi-purpose building that have not been developed. The properties to the east of the site, across Mountain View Road, are zoned Low Density Residential and are developed with single family homes. To the south of the property, across Roberts Road is a vacant parcel, zoned Heavy Commercial. To the west of the property, across Golden State Boulevard is the Union Pacific Railroad line. Adjacent to the railroad are undeveloped properties zoned Heavy Commercial.





## CITY OF TURLOCK INITIAL STUDY CHECKLIST

- 9) Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement).

San Joaquin Valley Air Pollution Control District  
Regional Water Quality Control Board

### 10) EARLIER ENVIRONMENTAL ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. [Section 15183]

- a) **Earlier analyses used.** (Available for review @ the City of Turlock – Community Development Services, 156 S. Broadway, Suite 120, Turlock, CA).

*City of Turlock General Plan, 2012 (City Council Resolution No. 2012-173)*

*Turlock General Plan – EIR, 2012 (Turlock City Council Resolution No. 2012-156)*

*City of Turlock, Housing Element, Certified in 2003*

*City of Turlock, Water Master Plan Update, 2003 (updated 2009)*

*Turlock Parks Master Plan, 1995 (Reviewed in 2003)*

*City of Turlock, Waste Water Master Plan, 1991 (Draft Update 2014)*

*City of Turlock, Storm Water Master Plan, 2013*

*City of Turlock, Urban Water Management Plan, 2010 (Adopted 2011)*

*City of Turlock, Sewer System Master Plan, 2013*

*Turlock Municipal Code*

*City of Turlock Capital Facilities Fee Nexus Study (Turlock City Council Resolution No. 2013-202)*

*Northwest Triangle Specific Plan – 1995*

*Northwest Triangle Specific Plan MEIR – 1995 (SCH# 94032049)*

*(Turlock City Council Resolution No. 95-108)*

*Northwest Triangle Specific Plan Area Fee Nexus Study, Economic & Planning Systems, Inc., December 1998*

*Taco Bell Environmental Noise Assessment (j.c. brennan & associates, April 1, 2014)*

*Taco Bell, Traffic Impact Study (KD Anderson & Associates, March 18, 2014)*

- b) **Impacts adequately addressed.** (Effects from the checklist below, were within the scope of, and adequately analyzed during an earlier document pursuant to applicable legal standards, and such effects were addressed by mitigation measures based on the earlier analysis).

*As identified in the Turlock General Plan EIR, development in the project area would result in significant, and unavoidable, impacts in the areas of transportation, noise, regional air quality, and the eventual loss of agricultural land and soil resources. The magnitude of these impacts can be reduced, but not eliminated by the mitigation measures referenced in this initial study. The intensity of the proposed development will result in project level impacts that are equal to, or of lesser severity, than those anticipated in the General Plan EIR, and they would not be different from cumulative effects anticipated by the Turlock General Plan EIR. Potential secondary environmental impacts from the project will be of equal or lesser severity than those identified in the General Plan EIR. Therefore, mitigation measures identified in the General Plan EIR, and their respective Statements of Overriding Considerations (contained in Turlock City Council Resolution No. 2012-156), are adequate to mitigate the impacts from the proposed project where feasible, and are hereby incorporated by reference.*

- c) **Mitigation Measures.** (For effects that are "Less than Significant with Mitigation Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

*Project level impacts will be mitigated by application of mitigation measures identified in this initial study, and by appropriate conditions of approval. All cumulative environmental effects related to the ultimate development of the project area will be mitigated through compliance with the policies, standards, and mitigation measures of the Turlock General Plan and General Plan EIR, as well as the standards of the Turlock Municipal Code, and are herein incorporated by reference where not specifically identified.*

The project is not located on a site which is included in one or more Hazardous Waste and Substance Site List, compiled pursuant to California Government Code Section 65962.5.

### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below ( X ) could be potentially affected by this project. However, these impacts would result in a less than significant on the environment by incorporating appropriate mitigation measures.

X	Aesthetics	X	Hazards & Hazardous Materials	X	Public Services
	Agricultural Resources	X	Hydrology/Water Quality	X	Recreation
X	Air Quality		Land Use/Planning	X	Transportation/Traffic
X	Biological Resources		Mineral Resources	X	Utilities/Service Systems
X	Cultural Resources	X	Noise	X	Mandatory Findings of Significance
X	Geology/Soils		Population/Housing		

### RECOMMENDED FINDINGS:

Pursuant to Public Resources Code Section 21080(c)(2) and CEQA Guidelines Section 15168(c)(1), the City of Turlock, as lead agency for the proposed project, has prepared an initial study to make the following findings:

1. Pursuant to CEQA Guidelines Section 15162, the proposed activity is adequately described and is within the scope of the General Plan EIR.
2. All feasible mitigation measures developed in the General Plan EIR have been incorporated into the project.
3. Pursuant to Public Resources Code Sections 21080(c)(2) and 21157.5, the initial study prepared for the proposed project has identified potential new or significant effects that were not adequately analyzed in the General Plan EIR, but feasible mitigation measures have been incorporated to revise the proposed subsequent project to avoid or mitigate the identified effects to a point where clearly no significant effects would occur.
4. There is no substantial evidence before the lead agency that the subsequent project, as revised, may have a significant effect on the environment.
5. The analyses of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment contained in the General Plan EIR are adequate for this subsequent project.



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

6. Pursuant to CEQA Guidelines Section 15093, a Statement of Overriding Considerations was adopted for the General Plan EIR by Turlock City Council Resolution 2012-156. As identified in the Turlock General Plan EIR, development in the project area would result in significant, and unavoidable, impacts in the areas of transportation, noise, regional air quality, and the eventual loss of agricultural land and soil resources. The magnitude of these impacts can be reduced, but not eliminated by the mitigation measures referenced in the initial study prepared for this project and General Plan EIR. Therefore, mitigation measures identified in the General Plan EIR, and its respective Statements of Overriding Considerations (contained in Turlock City Council Resolution No. 2012-0156), are adequate to mitigate the impacts from the proposed project where feasible, and are hereby incorporated by reference.
7. Pursuant to Public Resources Code Section 21157.6(a), having reviewed the General Plan EIR, the City of Turlock finds and determines that:
- a. no substantial changes have occurred with respect to the circumstances under which the General Plan EIR was certified, and
  - b. that there is no new available information which was not and could not have been known at the time the General Plan EIR was certified.

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation:

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

*Katie Quintero*  
Katie Quintero, Associate Planner

5/2/14

Date



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

### EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).
- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
  - (a) Earlier Analysis Used. Identify and state where they are available for review.
  - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
  - (c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>1. Aesthetics – Would the project:</b>				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character of quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?		X		
<b>Response:</b>				
a) The project would have no effects on aesthetics by obstructing any scenic views or creating offensive public views.				
b) No scenic resources currently exist on the site.				
c) The project would convert vacant, underutilized property to urban uses, thereby changing the existing visual character and quality of the site. Pursuant to CEQA §15162 and 15177(b)(2), the proposed project will not create any adverse aesthetic impacts that warrant additional environmental documentation over and above the impacts addressed in the Turlock Area General Plan EIR.				
d) The development of the proposed project area will produce additional light and glare from on-site lighting. However, the site is in an area that is currently being developed with a variety of urban uses, all including the use of street lighting and security lighting. All lighting proposed in conjunction with this development is subject to compliance with the City's regulations pertaining to lighting. Pursuant to CEQA §15162, the project will not create any impacts that warrant additional environmental documentation over and above the impacts addressed in the Turlock Area General Plan EIR.				
<b>Sources:</b> [City of Turlock, General Plan 2012, City Design Elements, 2012; City of Turlock, Standard Specifications, Section 18; City of Turlock Beautification Master Plan, 2003].				
<b>Mitigation:</b>				
1. All lighting shall be designed to confine light spread within the site boundaries. Lighting shall not become a source of glare for adjoining residential properties.				
2. Lighting shall be oriented to minimize impacts upon nearby residences.				
3. Sources of high illumination shall be separated from light-sensitive receptors.				

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

**2. Agriculture Resources** - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

a) Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use of a Williamson Act contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				X

**Response:**

- a) The development of this proposed project would not result in a loss of prime farmland. The project site is located on property designated as "Urban and Built-Up Uses" on the 2000 Stanislaus County Important Farmland Map as compiled by the California Department of Conservation, Farmland Mapping and Monitoring Program. The property is currently developed with a vacant house which will be demolished, currently there is no agricultural use on the property.
- b) The site is zoned for urbanized uses and will not conflict with any agricultural zoning districts or land held in Williamson Act Contract.
- c) The site is located in a highly urbanized portion of the City with no adjacent agricultural uses. The General Plan EIR has identified that the build out of the General Plan will have significant and unavoidable impacts to agriculture resources and has adopted a Statement of Overriding Considerations. This project does not convert farmland as the land is currently developed with an urban use and is not used as farmland. The mitigation measures identified in the General Plan to mitigate impacts to agricultural resources do not apply to this project.

**Sources:** [CA Dept. of Conservation Farmland Mapping and Monitoring Program, City of Turlock, General Plan Conservation and Land Use Element, 2012 & Housing Element, 2003; City of Turlock, General Plan EIR, 2012; Turlock City Council Resolution 2012-156, Statement of Overriding Considerations (Turlock City Council Resolution 2012-156)].

**Mitigation:**  
None required.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>3. Air Quality</b> - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

a) Conflict with or obstruct implementation of the applicable air quality plan?		X		
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X		
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?		X		
d) Expose sensitive receptors to substantial pollutant concentrations?			X	
e) Create objectionable odors affecting a substantial number of people?			X	
f) Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?		X		
g) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs?		X		

**Response:**

- a) According to the letter received from the San Joaquin Valley Air Pollution Control District on March 20, 2014, the project will neither conflict nor obstruct implementation of the 2007 PM10 Maintenance Plan, the 2007 Ozone Plan, or the 2008 PM2.5 Plan or related subsequent Progress Reports of these plans. The Air District has found that the project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM 10.

Furthermore, the district concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review) and may be subject to Regulation VII, Rule 4102, Rule 4601, Rule 4002 and compliance with these rules will mitigate any potential air quality impacts.

Additionally funds will be collected through the Capital Facility Fee Program that will go to fund projects that will help to reduce impacts on air quality.

The mitigation measures contained in Turlock Area General Plan Environmental Assessment and Turlock City Council Resolution of Overriding Consideration (Council Resolution 2012-156) are adequate to mitigate the air quality impacts from the proposed project. The General Plan EIR has identified that the build out of the General Plan will have significant and unavoidable impacts to air quality and has adopted a Statement of Overriding Considerations. Pursuant to CEQA §15162, the project will not create any impacts which warrant additional environmental documentation over and above the impacts addressed in the Turlock Area General Plan EIR.



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

b), c), and d) See Section a) above.

Also, scientific study has concluded that global climate change is occurring, in large part due to greenhouse gas emissions. In response, a new focus has been placed on the California Environmental Quality Act (CEQA) as a means to analyze a project's greenhouse gas (GHG) emissions.

While the project will result in a net increase in Green House Gas emissions as it is developing a currently vacant site with a new commercial use, the implementation of the mitigation measures identified in the Turlock Area General Plan Environmental Assessment and Turlock City Council Resolution of Overriding Consideration (Council Resolution 2012-156) are adequate to mitigate the air quality impacts from the proposed project. The City of Turlock General Plan has met the Green House Gas emission standards until 2015 and therefore no additional mitigation other than that identified in the General Plan is required.

e) The project may produce odors during the construction phase of development of the site; however, these impacts are short-term in nature and are anticipated to be of a less-than-significant impact. Pursuant to CEQA §15162 and 15177(b)(2), the proposed project will not create any impacts that warrant additional environmental documentation over and above the impacts addressed in the Turlock Area General Plan EIR.

f & g) See a & b

**Sources:** *San Joaquin Valley Unified Air Pollution Control District 2007 PM-10 Maintenance Plan, September 2007; 2007 Ozone Plan, April 30, 2007; 2008 PM-2.5 Plan; SJVAPCD's Guide For Assessing and Mitigating Air Quality Impacts (revised January 10, 2002); Turlock General Plan EIR, 2012, Turlock General Plan, Air Quality and Greenhouse Gas Element Section, 2012; Statement of Overriding Considerations (Turlock City Council Resolution 2012-156) SJVUAPCD (June 2005) Air Quality Guidelines for General Plans.*

**Mitigation:**

1. The applicant shall comply with all applicable San Joaquin Valley Air Pollution Control District rules and regulations.
2. The builder and/or developer shall comply with the SJVAPCD Compliance Assistance Bulletin for Fugitive Dust Control at construction sites.
3. The applicant shall pay all Capital Facility Fees prior to issuance of the building permit.
4. During construction to minimize dust and air emission impacts site watering or the application of dust suppressants shall be used, stockpiles shall be covered and grading activities shall be suspended during high wind periods (winds greater than 25 miles per hour).
5. Bike parking shall be provided.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
4. Biological Resources - Would the project:				



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?		X		
b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U. S. Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?				X

**Response:**

a) The proposed project would not have any direct effects on species, riparian habitat, wetlands, nor would it interfere with the movement of any resident or migratory fish, conflict with policies protecting biological resources or the provisions of an adopted Habitat Conservation Plan. Virtually all of the land within the urban boundaries of Turlock, as well as unincorporated land within the City's Sphere of Influence, has been modified from its native state, primarily converted into urban or agricultural production. There are no riparian areas or vernal pools in the area.

The California Natural Diversity Database has identified two special-status species within the General Plan Study area, the Swainson Hawk and the Hoary bat. While the study area does not contain land that is typical for the hawk's breeding and nesting, it is presumed to be present and mitigations measures have been incorporated to address any potential impacts. The Hoary bat is not listed as a Species of Special Concern by the California Department of Fish and Wildlife but it is monitored in the CNDDDB. The subject site is out of the area in which the Hoary bat is presumed to be present.

The General Plan has identified mitigation measures to address this and they have been incorporated into the project. Pursuant to CEQA §15162, the project will not create any impacts that warrant additional environmental documentation over and above the impacts addressed in the Turlock Area General Plan EIR.



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

b), c), d), e), and f)  
See Section a) above.

**Sources:** [California Dept. of Fish & Game: Natural Diversity Data Base; California Native Plant Protection Act; U.S. Dept. of Agriculture: Land Capability Classification Maps; California Dept. of Conservation: Important Farmlands Maps & Monitoring Plan; Stanislaus County Williamson Act Contract Maps; Turlock General Plan, Conservation Element, 2012; US Fish and Wildlife Service – Recovery Plan for Upland Species of the San Joaquin Valley, 1998]

**Mitigation:**

1. If ground disturbing activities, such as grading, occurs during the typical nesting season, February through mid-September the developer is required to have a qualified biologist conduct a survey of the site no more than 10 days prior to the start of disturbance activities. If nests are found, no-disturbance buffers around active nests shall be established as follows until the breeding season has ended or until a qualified biologist determines that the birds have fledged and are no longer on the nest for survival: 250 feet for non-listed bird species; 500 feet for migratory bird species; and one-half mile for listed species and fully protected species.
2. If nests are found they should be continuously surveyed for the first 24 hours prior to any construction related activities to establish a behavioral baseline. Once work commences the nest shall be continuously monitored to detect any behavioral changes as a result of the project. If behavioral changes are observed, the work causing the change should cease and the Department consulted for additional avoidance and minimization measures.
3. If Swainson's Hawks are found foraging on the site prior to or during construction, the applicant shall consult a qualified biologist for recommended proper action, and incorporate appropriate mitigation measures. Mitigation may include, but are not limited to: establishing a one-half mile buffer around the nest until the breeding season has ended or until a qualified biologist determines that the birds have fledged and are no longer dependent on the nest for survival. Mitigating habitat loss within a 10 mile radius Mitigating habitat loss within a 10 mile radius of known nest sites as follows: providing a minimum of one acre of habitat management land or each acre of development for projects within one mile of an active nest tree. Provide a minimum of .75 acres of habitat management land for each acre of development for projects within between one and five miles of an active nest tree. Provide a minimum of .5 acres of habitat management land for each acre of development for projects within between five and 10 miles of an active nest tree.
4. The applicant shall comply with all applicable federal, State, and local laws and regulations related to the protection and preservation of endangered and/or threatened species through consultations with appropriate agencies.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>5. Cultural Resources - Would the project:</b>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?		X		
b) Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5?				X
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		X		



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

d) Disturb any human remains, including those interred outside of formal cemeteries?		X		
<b>Response:</b>				
a) The project would not alter or destroy any historic archaeological site, building, structure, or object, nor would it not alter or affect unique ethnic cultural values or restrict religious or sacred uses. The City has conducted a Cultural Survey as part of the Turlock General Plan. As a result of many years of extensive agricultural production virtually all of the land in the Plan area has been previously altered from its native or riparian state. There are no known sites of unique prehistoric or ethnic cultural value. Pursuant to CEQA §15162, the project will not create any impacts which warrant additional environmental documentation over and above the impacts addressed in the Turlock Area General Plan EIR.				
b), c) See Section a) above.				
<b>Sources:</b> [Turlock General Plan, Conservation Element, 2012; City of Turlock, Cultural Resources Survey, 2008]				
<b>Mitigation:</b>				
<ol style="list-style-type: none"> <li>1. In accordance with State Law, if any historical resources are found during construction, work is to stop, and the City of Turlock and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If it is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resources shall be formulated and implemented.</li> <li>2. If previously unrecorded archaeological resources, as defined by State Law are discovered, construction activities shall be suspended and a qualified archaeologist shall be called to evaluate the find and to recommend proper action.</li> <li>3. If human remains are discovered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the coroner determines that no investigation of the cause of death is required and if the remains are of Native American origin, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods.</li> </ol>				

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>6. Geology and Soils - Would the project:</b>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				X
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				X



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

ii) Strong seismic ground shaking?				X
iii) Seismic-related ground failure, including liquefaction?				X
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?		X		
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-a-B of the Uniform Building Code (1994), creating substantial risks to life or property?		X		
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?			X	

**Response:**

a) The proposed project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving any of the following: the rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides. The project will not result in substantial soil erosion or the loss of topsoil, be located on a geologic unit or soil that is unstable, be located on expansive soil, or have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems. There will be no unstable earth conditions, major changes in topography or ground surface relief features, no destruction or modification of any unique geologic/physical feature by the proposed project. There will be no exposure to any geologic hazards in the project area. Turlock is located in Seismic Zone 3 according to the State of California and the Alquist-Priolo Special Study Zones Act. All building permits are reviewed to ensure compliance with the California Building Code (CBC). In addition, the City enforces the provisions of the Alquist-Priolo Special Study Zones Act that limits development in areas identified as having special seismic hazards. Pursuant to CEQA §15162, the project will not create any impacts that warrant additional environmental documentation over and above the impacts addressed in the Turlock Area General Plan MEA/EIR and the Northwest Triangle Specific Plan MEIR.

b), c), & d)  
See Section a) above.

e) As a condition of approval, the development will be required to connect with the City of Turlock's waste water system and will not utilize any type of septic system.

**Sources:** [California Uniform Building Code, 2013; City of Turlock, Standard Specifications, Grading Practices; City of Turlock, Municipal Code, Title 8, (Building Regulations); City of Turlock, General Plan, Safety Element, 2012]



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

**Mitigation:**

1. The project shall comply with the current California Building Code (CBC) requirements for Seismic Zone 3, which stipulates building structural material and reinforcement.
2. The project shall comply with California Health and Safety Code Section 19100 et seq. (Earthquake Protection Law), which requires that buildings be designed to resist stresses produced by natural forces caused earthquakes and wind.
4. The project shall comply with the California Building Code (CBC), Chapter 70, regulating grading activities including drainage and erosion control.
5. The project shall comply with all erosion control measures listed in the Air Quality, and Hydrology and Water quality sections of this document, a grading and erosion control plan shall be prepared for the project.
6. The project shall comply with the California Building Code (CBC) requirements for specific site development and construction standards for specified soils types.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>7. Hazards and Hazardous Materials - Would the project:</b>				
a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?		X		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?				X
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area				X
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

g) Impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?		X		
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X

**Response:**

a) There is no anticipated risk of explosion or release of hazardous substances from the proposed project. No industrial uses are associated with the proposed project. The applicant shall work with the Air District and obtain Air District approval prior to the demolition of the existing home to ensure compliance with all Air District Standards and proper handling of asbestos, if asbestos is present. Pursuant to CEQA §15162, the project will not create any impacts that warrant additional environmental documentation over and above the impacts addressed in the Turlock Area General Plan EIR.

b), c) See Section a. above.

d) The project is not located on a site which is included in one or more Hazardous Waste and Substance Site List, compiled pursuant to California Government Code Section 65962.5.

e) The project is not located within the planning area of the Stanislaus County Airport Land Use Plan.

f) The project is not located within the vicinity of a private airstrip.

g) The project will require the installation of on-site fire hydrants and other improvements to be consistent with the City's Emergency Response Plan.

h) There are no wild land fire areas located within or adjoining the project site. Pursuant to CEQA §15162 and 15177(b)(2), the project will not create any impacts that warrant additional environmental documentation over and above the impacts addressed in the Turlock Area General Plan EIR.

**Sources:** [City of Turlock, Emergency Response Plan, 2004; Stanislaus County Airport Land Use Commission Plan, 1978, amended May 20, 2004, Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan, 2010; City of Turlock, General Plan, Safety Element, 2012; City of Turlock, Municipal Code, Title 8, (Building Regulations)]

**Mitigation:**

1. The applicant shall comply with all Air District requirements and obtain the necessary approvals prior to the demolition of the existing structures.
2. The project shall meet the fire protection standards established by the City. Typical standards include, but are not limited to:
  - On-site hydrants;
  - Adequate emergency access to buildings;
  - Hazardous materials plan

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
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## CITY OF TURLOCK INITIAL STUDY CHECKLIST

8. Hydrology and Water Quality – Would the project:				
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially degrade groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?		X		
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?		X		
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site.		X		
e) Create or contribute runoff which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?			X	
f) Otherwise substantially degrade water quality?		X		
g) Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?				X
i) Expose people or structures to a significant risk of loss, injury or death involving				X
j) Flooding, including flooding as a result of the failure of a levee or dam?				X
ii) Inundation by seiche, tsunami, or mudflow?				X



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

a) Development of the project area would not result in water quality or discharge violations. Development of the project area would result in changes in absorption rates, drainage patterns and the rate and amount of surface water runoff equal to the area of impervious surface created by building and paving. Upon development, the project will be required to connect to City utility systems, including water. Adequate open space areas around the project site will allow for some groundwater recharge while other runoff will be captured in the City storm water system. The project is exempt from General Plan Policy 4.3-1 requiring on-site storm water retention because it is smaller than the 2 acre threshold. There will be no significant net decrease in the underground aquifer volume. The mitigation measures identified in the Turlock Area General Plan Environmental Assessment and the Statement of Overriding Considerations contained in City Council Resolution 2012-156 are adequate to mitigate the hydrology and water quality impacts associated with the project.

b), See above

c), Development of the project area would result in changes in absorption rates, drainage patterns and the rate and amount of surface water runoff equal to the area of impervious surface created by building and paving. The project area is located within the boundaries of the current Storm Drain Master Plan area. Storm drain lines will be extended as development occurs in the area. The project site is not located near surface, fresh or marine water bodies. Negligible or no effect is anticipated for surface, fresh, marine or ground waters from the project. There is negligible or no effect from the proposed project anticipated on water available for public water supplies. Any development that occurs as a secondary effect of this project is not permitted to occur within areas that are subject to inundation by 100-year flood events. The mitigation measures identified in the Turlock Area General Plan Environmental Assessment and the Statement of Overriding Considerations contained in City Council Resolution 2012-156 are adequate to mitigate the hydrology and water quality impacts associated with the project.

d), e), f) See a) above.

g) The project will not result in the placement of housing within the 100-year floodplain. The project site is not located in a flood area, nor will development occur within areas that are subject to inundation by 100-year flood events.

h & i) See g) above

ii) See g) above. As the project site is not located near surface, fresh or marine water bodies there is no anticipated inundation.

**Sources:** [Federal Emergency Management Agency Flood Insurance Rate Map (FIRM) for the City of Turlock dated September 26, 2008; City of Turlock, Storm Water Master Plan, 2013; City of Turlock, Waste Water Master Plan, 1991; City of Turlock, Water Master Plan Update, 2009; City of Turlock Urban Water Management Plan, 2010, City of Turlock Sewer System Master Plan, 2013, City of Turlock, Municipal Code, Title 9, Chapter 2, Water Conservation Landscape Ordinance; Turlock City Council Resolution 2012-156, Statement of Overriding Considerations]



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

**Mitigation:**

1. The project shall connect to the City's Master Storm Drainage System.
2. The project shall comply with the Regional Water Control Board's regulations and standards to maintain and improve groundwater and surface water quality.
3. Site grading shall be designed to create positive drainage throughout the site and to collect the storm water for the storm water drainage system.
4. The discharge of oil, gasoline, diesel fuel, or any other petroleum derivative, or any toxic chemical or hazardous waste is prohibited.
5. Materials and equipment shall be stored so as to ensure that spills or leaks cannot enter storm drains, or the drainage ditches or detention basins.
6. A spill prevention and cleanup plan shall be implemented.
7. The builder and/or developer shall utilize cost-effective urban runoff controls, including Best Management Practices (BMP's), to limit urban pollutants from entering the drainage ditches.
8. A General Construction permit shall be obtained from the State Water Resources Control Board, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented as part of this permit.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>9. Land Use Planning – Would the project:</b>				
a) Physically divide an established community?				X
b) Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?				X

**Response:**

- a) The proposed project will not physically divide an established community. Pursuant to CEQA §15162, the project will not create any impacts that warrant additional environmental documentation over and above the impacts addressed in the Turlock Area General Plan EIR.
- b). The project consists of the development of an approximately 2,106 square foot drive-thru restaurant. This is a permitted use in the Heavy Commercial zoning district. The project meets all of the development standards for the Heavy Commercial zoning district. Therefore it will not conflict with the Northwest Triangle Specific Plan, the General Plan, or the Zoning Ordinance. Pursuant to CEQA §15162 and 15177(b)(2), the proposed project will not create any impacts that warrant additional environmental documentation over and above the impacts addressed in the Turlock Area General Plan EIR.



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

c) The proposed project would not conflict with any applicable habitat conservation plan or natural communities' conservation plan. Virtually all of the land within the urban boundaries of Turlock, as well as unincorporated land within the City's Sphere of Influence, has been modified from its native state, primarily converted into urban or agricultural production. As a result, there is no recorded evidence of the presence of rare or endangered animal species in the Turlock Planning Area. According to the U.S. Fish and Wildlife Service publication "Recovery Plan for Upland Species of the San Joaquin Valley, California" there are no habitat conservation plans or natural communities' conservation plans for the subject area. Pursuant to CEQA §15162 and 15177(b)(2), the proposed project will not create any impacts that warrant additional environmental documentation over and above the impacts addressed in the Turlock Area General Plan EIR.

Sources: [Turlock General Plan, Conservation Element 2012 & Housing Element, 2003; City of Turlock General Plan EIR, 2012; Turlock Municipal Code, Title 9, Chapter 3; US Fish and Wildlife Service – Recovery Plan for Upland Species of the San Joaquin Valley, 1998]

Mitigation:

None

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>10. Mineral Resources – Would the project:</b>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X

Response:

a) Any development that may ultimately occur in the City does result in the utilization of natural resources (water, natural gas, construction materials, etc.); however, these resources will not be depleted by this project. No known mineral resources are on the project site. No development can be approved without adequate provisions for these resources. No minerals are known to exist on the project site, according to the Turlock General Plan EIR inventory. Pursuant to CEQA §15162, the project will not create any impacts that warrant additional environmental documentation over and above the impacts addressed in the Turlock Area General Plan EIR.

b) See a) above.

Sources: [City of Turlock, General Plan, Conservation Element, 2012,]

Mitigation:

None required.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

		Mitigation		
<b>11. Noise – Would the project result in:</b>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?			X	
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?			X	
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?			X	
<b>Response:</b>				
<p>a) An Environmental Noise Assessment (Exhibit# 1), prepared by J.C. Brennan &amp; Associates, evaluates the potential of noise levels that would exceed City standards as defined in the City's Noise Ordinance (TMC 9-2-300ART) and the City of Turlock General Plan. The noise study found that projected noise levels would not exceed the ambient noise levels measured at the nearest sensitive receptors and the projected nighttime noise levels would not exceed the General Plan and Zoning Ordinance standards. The project is located in the noise contour of Golden State Boulevard.</p> <p>The study looked at the potential for increased traffic noise and found that the traffic predicted by the traffic study, conducted KD Andersons &amp; Associates Inc (Exhibit #2), would not be enough of an increase in traffic to cause an increase in traffic noise or to cause a significant change to the existing or future noise contour shown in the Figure 9-2 and 9-3 of the City of Turlock General Plan.</p> <p>The noise study also finds that construction noise and vibration will not exceed the existing noise/vibration levels in the area due to traffic and railroad uses in the area.</p> <p>A single drive-thru speaker will be used for the drive-thru. The noise study analyzed the noise from the speech from the speaker as well as the noise of the car idling. The study found that the day and nighttime noise levels from the drive-thru speaker and the idling would comply with the Noise Ordinance and would be less than the existing ambient noise levels. The study establishes that when standing 30 feet away directly in front of the drive-thru speaker the maximum noise level is 61 dB, the average is 55 dB and the median level is 54 dB.</p> <p>Parking lot noise was also analyzed and the predicted parking lot noise levels will comply with General Plan and Noise Ordinance noise level standards.</p> <p>The mitigation measures identified in the Turlock Area General Plan Environmental Assessment and the Statement of Overriding Considerations contained in City Council Resolution 2012-156 are adequate to mitigate the noise impacts associated with the project.</p>				



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

b) There is no anticipated exposure to or generation of excessive groundborne vibration. The standards of Turlock's Noise Regulations would be applicable to the development during construction and occupancy. Noise impacts will be insignificant from this development. The mitigation measures identified in the Turlock Area General Plan Environmental Assessment and the Statement of Overriding Considerations contained in City Council Resolution 2012-156 are adequate to mitigate the noise impacts associated with the project. Pursuant to CEQA §15162 and 15177(b)(2), the proposed project will not create any impacts that warrant additional environmental documentation over and above the impacts addressed in the Turlock Area General Plan EIR.

c), d) See Section a) above.

e) The project is not located within the planning area boundary of the Stanislaus County Airport Land Use Plan.

f) See e) above.

**Sources:** [City of Turlock, General Plan, Noise Element, 2013; City of Turlock, Municipal Code, Title 9, Chapter 2, Noise Regulations; Stanislaus County Airport Land Use Commission Plan, as Amended May 20, 2004; Merced County Airport Land Use Compatibility Plan, June 12, 2012; Turlock General Plan, Circulation Element, 2013]

**Mitigation:**

1. In accordance with the noise study, when standing 30 feet away directly in front of the drive-thru speaker the noise level shall not exceed 61 dB, the average should be 55 dB and the median level should be 54 dB.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>12. Population and Housing – Would the project:</b>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?			X	
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X
<b>Response:</b>				
a) The proposed project would not induce population growth in the area. Pursuant to CEQA §15162, the project will not create any impacts that warrant additional environmental documentation over and above the impacts addressed in the Turlock Area General Plan EIR.				



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

b) The proposed project will result in the demolition of one vacant home on the subject property. This is not considered a significant impact.

c) See b) above.

Sources: [City of Turlock, General Plan, Land Use Element, 2012, & Housing Element, 2003; City of Turlock, General Plan EIR, 2012]

Mitigation:

None required.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>13. Public Services –</b> Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire Protection?		X		
b) Police Protection?		X		
c) Schools?		X		
d) Parks?		X		
e) Other public facilities?		X		

Response:

a) Development of the project area will require additional fire and police services. The developer will be required to pay Capital Facilities Fees upon development, a portion of which is used to fund Fire and Police service capital improvements. The mitigation measures identified in the Turlock Area General Plan Environmental Assessment and the Statement of Overriding Considerations contained in City Council Resolution 2012-156 are adequate to mitigate the public service impacts associated with the project.

b) See Section a) above.

c) Under the Leroy F. Greene School Facilities Act of 1998, the satisfaction by the developer of his statutory fee under California Government Code Section 65995 is deemed "full and complete mitigation" of school impacts. Therefore, mitigation of impacts upon school facilities shall be accomplished by the payment of the fees set forth established by the Turlock Unified School District.



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

<p>d) The developer shall fully mitigate impacts on parks and recreational facilities necessary to serve this development pursuant to Turlock Municipal Code § 11-13-01 <i>et seq.</i> Any formal mitigation measures, either in land dedication, improvements, and / or in lieu fees will be collected at the time of approval of a building permit or approval of a final map. The amount of any fee, dedication, or improvements shall be based upon the fair and appropriate mechanism established by the TMC; this shall include any amendment to the present fee that may result from including the costs of installing off-site improvements around proposed parks. The mitigation measures identified in the Turlock Area General Plan Environmental Assessment and the Statement of Overriding Considerations contained in City Council Resolution 2012-156 are adequate to mitigate the public service impacts associated with the project.</p>
<p>e) Development of the project area will impact the maintenance of public facilities and could generate impacts to other governmental services. The City has prepared and adopted a Capital Facility Program that identifies the public service needs of roads, police, fire, and general government that will be required through build-out of the General Plan area. This program includes the collection of Capital Facility Fees from all new development. Development fees are also collected from all new development for recreational lands and facilities. Conditions of development will require payment of these fees and charges, where appropriate and allowed by law. The mitigation measures identified in the Turlock Area General Plan Environmental Assessment and the Statement of Overriding Considerations contained in City Council Resolution 2012-156 are adequate to mitigate the public service impacts associated with the project.</p>
<p><b>Sources:</b> [Stanislaus County, <i>Public Facilities Plan Update Final Report, 2003</i>; City of Turlock, <i>Capital Facility Fees Program, 2004</i>, City of Turlock, <i>Capital Improvement Program (CIP), 2012/2012-2015/2016</i>, Turlock Unified School District, <i>School Facilities Needs Analysis, 2014</i>; City of Turlock, <i>General Plan, Parks and Recreational Open Space and Safety Elements, 2012</i>].</p>
<p><b>Mitigation:</b></p> <p>1. Prior to the issuance of a building permit, the developer shall pay all applicable citywide and specific plan development impact fees.</p>

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>14. Recreation</b>				
a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?		X		
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

**Response:**

a) There will be limited adverse impacts on the quality or quantity of existing recreational opportunities as a result of this industrial project. The City has adopted Parkland Acquisition and Development Impact fees that are applicable to all new development built in the City. Furthermore, there will be limited adverse impacts on the quality or quantity of existing recreational opportunities as a result of the project. In addition, the developer or successor in interest shall be subject to payment of the Capital Facility fees and Northwest Triangle Specific Fees to fund necessary public improvements, including water, sewer, storm drainage, transportation, etc. infrastructure. The mitigation measures identified in the Turlock Area General Plan Environmental Assessment and the Statement of Overriding Considerations contained in City Council Resolution 2012-156 are adequate to mitigate the public service impacts associated with the project.

b) See a) above.

**Sources:** [City of Turlock, General Plan, Parks and Recreational Open Space and Safety Elements, 2012; City of Turlock, Municipal Code, Title 11, Subdivision & Recreation Impact Requirements, City of Turlock, Capital Improvement Program (CIP), 2012/2012-2015/2016]

**Mitigation:**

1. Prior to the issuance of a building permit, the developer shall pay all applicable citywide and specific plan development impact fees.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>15. Transportation/Traffic – Would the project:</b>				
a) Cause an increase in the traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?		X		
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?			X	
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g. farm equipment)?			X	
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?			X	



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

g) Conflict with adopted policies or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?			X	
<b>Response:</b>				
<p>a) The proposed development could potentially impact the existing transportation system, increase traffic hazards, and create a demand for new parking.</p> <p>A traffic study was conducted by KD Anderson and Associates for the proposed project (Exhibit #2). The Christoffersen Parkway/Mountain View Road, Mountain View Road/Roberts Road and the North Golden State Boulevard/Roberts Road intersections were studied. The development is projected to generate 96 a.m. and 69 p.m. peak hour trips. 49% of the a.m. trips and 50% of the p.m. trips are projected to be "pass-by trips" and therefore it is expected to generate 49 new a.m. and 35 new p.m. peak hour trips. The study found there should be no changes to the existing levels of service in the area.</p> <p>In the site access evaluation the traffic study identifies mitigation that should be incorporated into the project to ensure the safety of the sight. These measures will be incorporated into the conditions of approval for the project.</p> <p>The General Plan section 5.2-w establishes criteria that must be met to allow private properties access onto an expressway. This project meets these criteria because the driveway on Roberts Road will have restricted access due to the right in right out only restriction. Furthermore, as identified in the traffic study this access will help alleviate some of the traffic impacts to the residential areas adjacent to Roberts Road and Mountain View Road.</p> <p>Mitigation measures have been identified to ensure that off-site improvements are constructed to address projected traffic levels. In addition, the City has adopted a Capital Facility Fee program with traffic improvements planned for build out of the General Plan. A condition of each new development is payment of a Capital Facility Fee, a portion of which is used to fund these circulation improvements required for cumulative impacts added by the development. The mitigation measures identified in the Turlock Area General Plan Environmental Assessment and the Statement of Overriding Considerations contained in City Council Resolution 2012-156 are adequate to mitigate the transportation and traffic impacts associated with the project.</p>				
b) See a) above.				
c) The project site is not located with the flight path of any private or public airstrips.				
<p>d) Installation of public rights-of way improvements along all street frontages will be required as a condition of approval for this project if any additional improvements are needed. Points of entry to the site shall be adequately spaced from the intersection to maximize public safety. The development will not result in a substantial increase in hazards to a design feature or incompatible uses as urban uses about the project area on four sides and the developer shall install all right-of-way improvements to City of Turlock standards. There is no anticipated increase in vehicular or pedestrian hazards as a result of the proposed project.</p>				
<p>e) The Turlock Fire Department reviews all development proposals for adequate emergency access. The project will either meet or exceed the Fire Department needs for emergency vehicle access throughout the project site.</p> <p>See a) above.</p>				



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

f) The proposed site plan indicates that 44 parking spaces, this is more than the required on-site parking spaces (1 per 100 square feet of building area, 21 spaces, or 1 per every three seats, 18 parking spaces), will be provided.
g) The proposed development will not conflict with adopted policies or programs supporting alternative transportation. In addition, a condition of each new development is payment of a Capital Facility Fee, a portion of which is used to fund alternative transportation improvements.
<b>Sources:</b> [City of Turlock, Capital Improvement Program (CIP), 2012/2012-2015/2016; City of Turlock, General Plan, Circulation Element, 2012; City of Turlock, Airport Master Plan, 1991; StanCOG, Regional Transportation Plan, 2011; Stanislaus Assn. Of Governments, Regional Expressway Plan, 2010; Stanislaus Assn. Of Governments, Congestion Mgmt. Plan, 1992; City of Turlock, Municipal Code, Title 9, Chapter 2, Parking Requirements; Merced County Airport Land Use Compatibility Plan, June 12, 2012]
<b>Mitigation:</b>
1. Prior to the issuance of a building permit, the developer shall pay all applicable City of Turlock city wide and specific plan development impact fees.
2. Parking shall be prohibited along the west side of Mountain View Road for 100' to the north and south of the driveway to maintain clear lines of sight.
3. The driveway Roberts Road shall be removed or a raised median shall be installed along Roberts Road.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<b>16. Utilities and Service Systems – Would the project:</b>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X	
b) Require or result in construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X		
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		X		
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?		X		
e) Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?		X		
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

g) Comply with federal, state, and local statutes and regulations related to solid waste?			X	
<b>Response:</b>				
a) The proposed project will not exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board. Sewer, or wastewater, systems are currently available to the site. The type of wastewater anticipated by the project is may be readily handled by the current waste water system. Pursuant to CEQA §15162 and 15177(b)(2), the proposed project will not create any impacts that warrant additional environmental documentation over and above the impacts addressed in the Turlock Area General Plan EIR.				
b) The proposed project will not result in the need to construct a new water or wastewater treatment facility. The existing water and wastewater facilities which serve the City of Turlock are sufficient to serve this use.				
c) The proposed project will not result in the need to construct new storm water drainage facilities or expansion of existing facilities. The project area is located within the boundaries of the City's Storm Drain Master Plan. As a condition of development, the applicant will be required to connect to this system. The storm drain system has sufficient capacity to handle the proposed development.				
d) Water is currently available on site. The site utilizes all the usual utility systems. The anticipated amount of water necessary to service the site is well within the anticipated norms for the City of Turlock water system.				
e) See a) and b) above.				
f) The site will be a customer of the City's designated waste hauler, Turlock Scavenger. Sufficient capacity remains for the additional solid waste needs to support this project. The proposed project will comply with federal, state, and local statutes and regulations related to solid waste.				
g) See f) above.				
<b>Sources:</b> [City of Turlock, Capital Improvement Program (CIP), 2011/2012-2015/2016; City of Turlock, General Plan, City Design, Safety and Conservation Elements, 2012 & Housing Element, 2003; City of Turlock, Water Master Plan Update, 2009; City of Turlock, Waste Water Master Plan, 1991; City of Turlock, Storm Water Master Plan, 2013].				
<b>Mitigation:</b>				
1. Prior to the issuance of a building permit, the developer shall pay all applicable City of Turlock city wide and specific plan development impact fees.				
2. The developer and/or property owner shall provide written consent, as provided in Section 54715 of the California Government Code, to the levy of an assessment to finance the operation and maintenance of drainage, flood control, street maintenance, and street lighting service which benefits the area to be developed.				
3. The developer and/or property owner shall provide written consent, as provided in Section 22500 of the Streets and Highways Code, to the formation of an assessment district to finance the maintenance of landscaping.				

	Potentially Significant Impact	Less Than Significant Impact With	Less Than Significant Impact	No Impact
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## CITY OF TURLOCK INITIAL STUDY CHECKLIST

		Mitigation		
<b>17. Mandatory Findings of Significance</b>				
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?			X
b)	Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?	X		
c)	Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X	

Pursuant to Public Resources Code Section 21080(c)(2) and CEQA Guidelines Section 15168(c)(1), the City of Turlock, as lead agency for the proposed project, has prepared an initial study to make the following findings:

1. Pursuant to CEQA Guidelines Section 15162, the proposed activity is adequately described and is within the scope of the General Plan EIR.
2. All feasible mitigation measures developed in the General Plan EIR have been incorporated into the project.
3. Pursuant to Public Resources Code Sections 21080(c)(2) and 21157.5, the initial study prepared for the proposed project has identified potential new or significant effects that were not adequately analyzed in the General Plan EIR, but feasible mitigation measures have been incorporated to revise the proposed subsequent project to avoid or mitigate the identified effects to a point where clearly no significant effects would occur.
4. There is no substantial evidence before the lead agency that that the subsequent project, as revised, may have a significant effect on the environment.
5. The analyses of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment contained in the General Plan EIR are adequate for this subsequent project.
6. Pursuant to CEQA Guidelines Section 15093, a Statement of Overriding Considerations was adopted for the General Plan EIR by Turlock City Council Resolution 2012-156. As identified in the Turlock General Plan EIR, development in the project area would result in significant, and unavoidable, impacts in the areas of noise, regional air quality, and the eventual loss of agricultural land. The magnitude of these impacts can be reduced, but not eliminated by the mitigation measures referenced in the initial study prepared for this project and General Plan EIR. Therefore, mitigation measures identified in the General Plan, and its respective Statements of Overriding Considerations (contained in Turlock City Council Resolution No. 2012-156), are



## CITY OF TURLOCK INITIAL STUDY CHECKLIST

adequate to mitigate the impacts from the proposed project where feasible, and are hereby incorporated by reference.

7. Pursuant to Public Resources Code Section 21157.6(a), having reviewed the General Plan EIR, the City of Turlock finds and determines that:
  - a. no substantial changes have occurred with respect to the circumstances under which the General Plan EIR was certified, and
  - b. that there is no new available information which was not and could not have been known at the time the General Plan EIR was certified.

# Environmental Noise Assessment

## 3606 N. Golden St. Blvd – Taco Bell

City of Turlock, California

Job # 2014-121

Prepared For:

**OCAAT, Inc.**

801 10th Street, 5th Floor, Suite 2  
Modesto, California 95435

Attn: Dave Olson

Prepared By:

**j.c. brennan & associates, Inc.**



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Luke Saxelby, INCE Bd. Cert.  
Senior Consultant

April 1, 2014



j.c. brennan & associates  
consultants in acoustics

## INTRODUCTION

This report describes the existing noise environment in the area of the proposed Taco Bell project in the City of Turlock, California and the potential of the Proposed Project to generate noise levels exceeding the applicable City of Turlock exterior noise level standards at existing sensitive receptor locations.

The proposed project will develop a 1.14 acre site located at 3606 N. Golden State Boulevard with the construction of a 2,106 square-foot Taco Bell restaurant.

The project site is located at the southeast corner of N. Golden State Boulevard and Roberts Road, west of Mountain View Road. The 1.14 acre site consists of one single commercial highway zoned parcel identified as APN 087-030-008.

Parking lot and drive-through lane operations on the project site may generate noise levels exceeding the City of Turlock exterior noise level standards for non-transportation noise sources. Therefore, this analysis will assess the potential noise generation from non-transportation fixed noise sources on the project site. Predicted noise levels will be compared to the noise level standards of the City of Turlock General Plan Noise Element and noise ordinance. If necessary, noise control measures will be recommended for the proposed project.

Figure 1 shows the project site plan.

## ENVIRONMENTAL SETTING

### BACKGROUND INFORMATION ON NOISE

#### *Fundamentals of Acoustics*

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), then they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second or Hertz (Hz).

Noise is a subjective reaction to different types of sounds. Noise is typically defined as (airborne) sound that is loud, unpleasant, unexpected or undesired, and may therefore be classified as a more specific group of sounds. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals), as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.



The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by A-weighted sound levels. There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.

The decibel scale is logarithmic, not linear. In other words, two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70 dBA sound is half as loud as an 80 dBA sound, and twice as loud as a 60 dBA sound.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given environment. A common statistical tool is the average, or equivalent, sound level ( $L_{eq}$ ), which corresponds to a steady-state A weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). The  $L_{eq}$  is the foundation of the composite noise descriptor,  $L_{dn}$ , and shows very good correlation with community response to noise.

The day/night average level ( $L_{dn}$ ) is based upon the average noise level over a 24-hour day, with a +10 decibel weighing applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because  $L_{dn}$  represents a 24-hour average, it tends to disguise short-term variations in the noise environment.

Table 1 lists several examples of the noise levels associated with common situations. Appendix A provides a summary of acoustical terms used in this report.

**TABLE 1  
TYPICAL NOISE LEVELS**

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	--110--	Rock Band
Jet Fly-over at 300 m (1,000 ft)	--100--	
Gas Lawn Mower at 1 m (3 ft)	--90--	
Diesel Truck at 15 m (50 ft), at 80 km/hr (50 mph)	--80--	Food Blender at 1 m (3 ft) Garbage Disposal at 1 m (3 ft)
Noisy Urban Area, Daytime Gas Lawn Mower, 30 m (100 ft)	--70--	Vacuum Cleaner at 3 m (10 ft)
Commercial Area Heavy Traffic at 90 m (300 ft)	--60--	Normal Speech at 1 m (3 ft)
Quiet Urban Daytime	--50--	Large Business Office Dishwasher in Next Room
Quiet Urban Nighttime	--40--	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	--30--	Library
Quiet Rural Nighttime	--20--	Bedroom at Night, Concert Hall (Background)
	--10--	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	--0--	Lowest Threshold of Human Hearing
Source: Caltrans, Technical Noise Supplement, Traffic Noise Analysis Protocol. November 2009		

## Effects of Noise on People

The effects of noise on people can be placed in three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction
- Interference with activities such as speech, sleep, and learning
- Physiological effects such as hearing loss or sudden startling

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise.

Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so-called ambient noise level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it.

With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived;
- Outside of the laboratory, a 3 dBA change is considered a just-perceivable difference;
- A change in level of at least 5 dBA is required before any noticeable change in human response would be expected; and
- A 10 dBA change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response.

Stationary point sources of noise – including stationary mobile sources such as idling vehicles – attenuate (lessen) at a rate of approximately 6 dB per doubling of distance from the source, depending on environmental conditions (i.e. atmospheric conditions and either vegetative or manufactured noise barriers, etc.). Widely distributed noises, such as a large industrial facility spread over many acres, or a street with moving vehicles, would typically attenuate at a lower rate.

## Existing Conditions

The existing noise environment in the project area is defined primarily by traffic on the local roadway network, including N. Golden Boulevard, Mountain View Road and Union Pacific Railroad activity parallel to N. Golden State Boulevard.

### EXISTING NOISE RECEPTORS

Some land uses are considered more sensitive to noise than others. Land uses often associated with sensitive receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Sensitive noise receptors may also include threatened or endangered noise sensitive biological species, although many jurisdictions have not adopted noise standards for wildlife areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise.

Sensitivity is a function of noise exposure (in terms of both exposure duration and insulation from noise) and the types of activities involved. In the vicinity of the project site, sensitive land uses include single-family residential uses east of Mountain View Road. These land uses could potentially experience noise impacts associated with project operations.

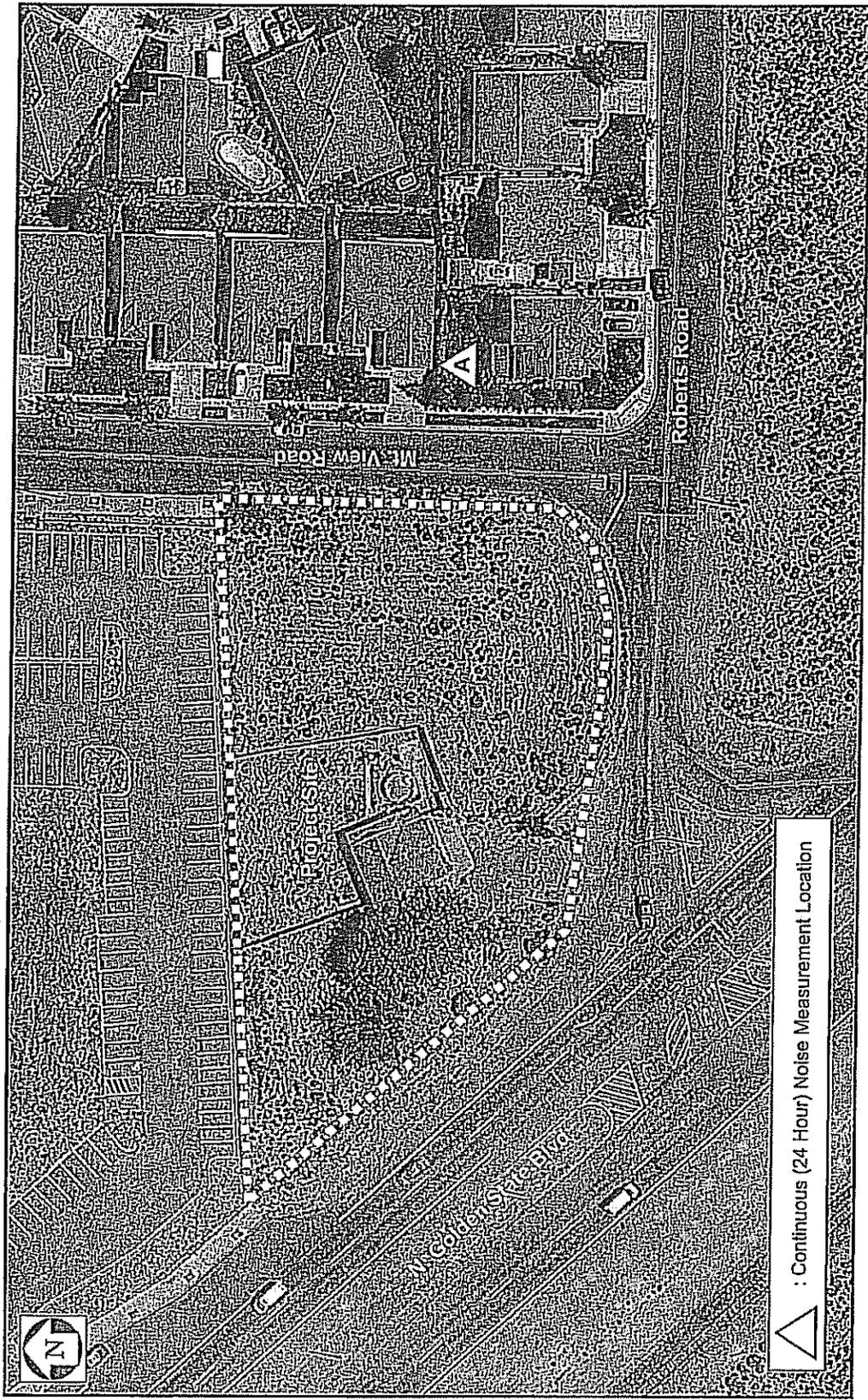
### EXISTING AMBIENT NOISE LEVELS

To quantify the existing ambient noise environment in the project vicinity, a continuous (24-hour) noise level measurement was conducted on Wednesday, March 5, 2014. The noise measurement location is shown on Figure 2. The noise level measurement survey results are provided in Table 2. See Appendix B for the complete 24-hour noise measurement results.

The sound level meter was programmed to record the maximum, median, and average noise levels at each site during the survey. The maximum value, denoted  $L_{max}$ , represents the highest noise level measured. The average value, denoted  $L_{eq}$ , represents the energy average of all of the noise received by the sound level meter microphone during the monitoring period. The median value, denoted  $L_{50}$ , represents the sound level exceeded 50 percent of the time during the monitoring period.

A Larson Davis Laboratories (LDL) Model 820 precision integrating sound level meter was used for the ambient noise level measurement survey. The meter was calibrated before and after use with an LDL Model CAL200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

Figure 2  
Taco Bell – City of Turlock, California  
Aerial Photo and Noise Measurement Location



**Table 2  
Summary of Existing Background Noise Measurement Data**

Site	Date	L <sub>dn</sub>	Average <sup>1</sup> Measured Hourly Noise Levels, dB					
			Daytime (7am-10pm)			Nighttime (10pm-7am)		
			L <sub>eq</sub>	L <sub>50</sub>	L <sub>max</sub>	L <sub>eq</sub>	L <sub>50</sub>	L <sub>max</sub>
<b>Continuous 24 hour noise level measurements</b>								
A	3/5/2014	63.0	56-62	49-57	72-84	43-60	42-53	58-87
1. Average values reported are the average of the hourly measured values over the daytime or nighttime period. Continuous measurements were conducted for 1-hour intervals over the 24-hr measurement period Source: j.c. brennan & associates, Inc., 2014								

## REGULATORY CONTEXT

### FEDERAL

There are no federal regulations related to noise that apply to the Proposed Project.

### STATE

There are no state regulations related to noise that apply to the Proposed Project.

### LOCAL

#### *City of Turlock General Plan Noise Element*

The following City of Turlock General Plan Noise Element Policies would apply to the proposed project:

**9.4-a Land Use Compatibility.** Ensure that new development is compatible with the noise environment, by continuing to use potential noise exposure as a criterion in land use planning.

**9.4-b Prevent Degradation of Noise Environment.** Protect public health and welfare by eliminating existing noise problems where feasible, maintaining an acceptable indoor and outdoor acoustic environment, and preventing significant degradation of the acoustic environment.

*Decreasing noise magnitude at the source and limiting the times certain types and volumes of noise can occur are two of the approaches to noise attenuation taken in the City's Noise Control Ordinance.*

**9.4-c Protect Residential Areas and Sensitive Uses.** Minimize excessive noise exposure in residential areas and in the vicinity of such uses as schools, hospitals, and senior care facilities.

**9.4-h Non-Transportation Noise Sources—Required Mitigation.** Require mitigation of noise created by new proposed non-transportation noise sources so that it does not exceed the noise

level standards of Table 9-3 as measured immediately within the property line of lands designated for noise-sensitive uses. Appropriate mitigation measures include:

- Dampen or actively cancel noise sources;
- Increase setbacks for noise sources from adjacent dwellings;
- Use soundproofing materials and double-glazed windows;
- Screen and control noise sources, such as parking and loading facilities, outdoor activities, and mechanical equipment;
- Use open space, building orientation and design, landscaping and running water to mask sounds; and
- Control hours of operation, including deliveries and trash pickup.

*This policy does not apply to noise sources associated with agricultural operations on lands zoned for agricultural uses.*

**Table 3  
Noise Level Performance Standards for Residential Areas Affected by Non-Transportation Noise (General Plan Table 9-3)**

Noise Level Descriptor	Exterior Noise Level Standards, dBA	
	Daytime (7:00 a.m.-10:00 p.m.)	Nighttime (10:00 p.m.-7:00 a.m.)
Hourly $L_{eq}$ , dB	55	45
Maximum Level, dB	75	65
Each of the noise level standards specified above shall be lowered by 5 dBA for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.		
Source: City of Turlock, General Plan, Update Adopted, September 2012.		

**CITY OF TURLOCK ZONING CODE**

Chapter 9-2 of the City of Turlock Municipal Code establishes the following noise control limits which are applicable to the proposed project.

**9-2-307 Noise Limits.**

*The provisions of this section address noise intrusions over and above the noise normally associated with a given location (intrusions over the ambient level). The ambient noise varies throughout the community, depending upon proximity to highways, population density, and land use. Difference standards are set for various segments of the community which reflect the existing day and nighttime ambient noise levels.*

*The ambient noise level is defined in terms of statistical parameters which describe the total noise occurring over any hourly time period.*

*A noise intrusion is judged by comparing such noise statistics with the noise source on versus such statistics with the noise source off (the ambient). Violations of the provisions of this chapter may be cited in terms of particular levels exceeded or in terms of the length of time the intrusive noise exceeded such standards. Compliance with the noise emission standards as set forth in this section shall constitute the elimination of a noise disturbance.*

(a) Exterior noise standards.

Exterior Noise Limits (Levels Not To Be Exceeded More Than 30 Minutes in Any Hour)				
Receiving Land Use Category	Time Period	Noise Level (dBA) Noise Zone Classification		
		Rural/Suburban	Suburban	Urban
Residential	10:00 p.m. - 7:00	40	45	50
One & Two-Family	a.m.	50	55	60
Multiple Dwelling	7:00 a.m. - 10:00	45	50	55
Public Space	p.m.	50	55	60
Limited	10:00 p.m. - 7:00	50	55	60
Commercial	a.m.		55	
Multiple Dwellings	7:00 a.m. - 10:00		60	
Commercial	p.m.		60	
Light Industrial	7:00 a.m. - 10:00		65	
Heavy Industrial	p.m.		70	
	10:00 p.m. - 7:00		75	
	a.m.			
	7:00 a.m. - 10:00			
	p.m.			
	10:00 p.m. - 7:00			
	a.m.			
	7:00 a.m. - 10:00			
	p.m.			
	Any Time			
	Any Time			

The classification of different areas of the community in terms of environmental noise zones shall be determined by the Noise Control Officer, based upon the assessment of the community noise survey data and noise contours established by the Noise Element of the General Plan. Additional area classifications should be used as appropriate to reflect both lower and higher existing ambient levels than those shown. Industrial noise limits are intended primarily for use at the boundaries of industrial zones rather than for noise reduction within the zone.

**9-2-308 Maximum permissible sound levels by receiving land uses.**

The maximum sound levels shall be determined as follows:

(a) The noise standards for the various categories of land use identified by the Noise Control Officer as set forth in Section 9-2-307 of this article, unless otherwise specifically indicated, shall apply to all such property within a designated zone.

(b) No person shall operate, or cause to be operated, any source of sound at any location within the incorporated City, or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level, when measured on any other property, either incorporated or unincorporated, to exceed:

(1) The noise standard for that land use as specified in Section 9-2-307 of this article for a cumulative period of more than thirty (30) minutes in any hour; or

(2) The noise standard plus five (5) dB for a cumulative period of more than fifteen (15) minutes in any hour; or

(3) The noise standard plus ten (10) dB for a cumulative period of more than five (5) minutes on any hour; or

(4) The noise standard plus fifteen (15) dB for a cumulative period of more than one minute in any hour; or

(5) The noise standard plus twenty (20) dB or the maximum measured ambient level for any period of time.

(c) If the measured ambient level differs from that permissible within any of the first four (4) noise limit categories set forth in subsection (b) of this section, the allowable noise exposure standard shall be adjusted in five (5) dB increments in each category as appropriate to encompass or reflect such ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under such category shall be increased to reflect the maximum ambient noise level.

(d) If the measurement location is on a boundary between two (2) different zones, the noise level limit applicable to the lower noise zone, plus five (5) dB, shall apply.

(e) If possible, the ambient noise shall be measured at the same location along the property line utilized in subsection (b) of this section, with the alleged offending noise source inoperative. If for any reason the alleged offending noise source cannot be shut down, the ambient noise shall be estimated by performing a measurement in the same general area of the source but at a sufficient distance such that the noise from the source is at least ten (10) dB below the ambient in order that only the ambient level is measured. If the difference between the ambient and the noise source is five (5) to ten (10) dB, then the level of the ambient itself can be reasonably determined by subtracting a one decibel correction to account for the contribution of the source.

(f) In noise sensitive zones the maximum permissible sound level shall be exceeded by:

(1) Creating or causing the creation of any sound within any noise sensitive zone so as to exceed the specified land use noise standards set forth in Section 9-2-305 of this article provided conspicuous signs are displayed indicating the presence of the zone; or

(2) Creating or causing the creation of any sound within or adjacent to any noise sensitive zone containing a hospital, nursing home, school, court, or other designated area so as to interfere with the functions of such activity or annoy the occupancy in the activity provided conspicuous signs are displayed indicating the presence of the zone.

(Ord. 914-CSA, Repealed and Replaced, 02/14/1997)

#### **9-2-309 Prohibited acts.**

The following acts are hereby prohibited:

(f) Loading and unloading. Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, or similar objects between the hours of 10:00 p.m. and 7:00 a.m. in such a manner as to cause a noise disturbance across a residential real property line;

## *Review of Exterior Noise Level Standards*

### **General Plan:**

The City of Turlock General Plan Noise Element establishes acceptable daytime (7:00 a.m. – 10:00 p.m.) hourly noise level standards of 55 dB  $L_{eq}$  and 75 dB  $L_{max}$  and nighttime (10:00 p.m. – 7 a.m.) hourly noise level standards of 45 dB  $L_{eq}$  and 65 dB  $L_{max}$  with a 5 dB penalty applied to tonal noise sources or noise consisting primarily of speech or music. These standards are applied regardless of the duration of the noise event.

The General Plan Noise Element does not indicate whether the noise level standards should be adjusted to account for existing ambient noise levels which may already exceed the General Plan Noise Element standards.

### **Noise Ordinance:**

For one or two family dwellings in a suburban setting, the City's Noise Ordinance establishes daytime (7:00 a.m. – 10:00 p.m.) noise level standards of 55 dB  $L_{eq}$  and 75 dB  $L_{max}$  and nighttime (10:00 p.m. – 7 a.m.) noise level standards of 45 dB  $L_{eq}$  and 65 dB  $L_{max}$  for noise sources which occur for 30 minutes or longer per hour. Higher limits are established for noise sources which operate for less than 30 minutes per hour. Unlike the General Plan, the Noise Ordinance does not establish a 5 dB penalty for tonal noise sources.

The Noise Ordinance allows for the exterior noise limits to be increased in 5 dB increments where the existing ambient noise environment has been found to exceed the Noise Ordinance limits. Additionally, where different land uses adjoin, the Noise Ordinance limits are adjusted to +5 dB over the lower noise zone limits. Therefore, where commercial property adjoins residential property, the standard would increase from 55 dB  $L_{50}$  to 60 dB  $L_{50}$  and from 75 dB  $L_{max}$  to 80 dB  $L_{max}$ .

For this project, the more restrictive General Plan daytime (7:00 a.m. – 10:00 p.m.) hourly noise level standards of 55 dB  $L_{eq}$  and 75 dB  $L_{max}$  and nighttime (10:00 p.m. – 7:00 a.m.) hourly noise level standards of 45 dB  $L_{eq}$  and 65 dB  $L_{max}$ , will be applied to the project. Additionally, because maximum ( $L_{max}$ ) noise levels for drive-thru lanes often include speech, the City's 5 dB penalty will be applied.

### **Items Not Addressed Further in This Report**

#### *Increased Traffic Noise*

The proposed project is predicted to generate less than 100 trips in the am or pm peak hour of operations. Approximately 21 of these trips would occur on Mountain View Road. As discussed earlier in this report, existing ambient noise levels in the project vicinity are dominated primarily by existing traffic on N. Golden State Boulevard and railroad activity on the Union Pacific Railroad. A doubling in traffic is required before a 3 dB (just-perceivable) increase in traffic noise would occur. The project's contribution to traffic on any of the project area roadways would be substantially less than this and would therefore not cause a substantial increase.

#### *Changes to Noise Contours*

The proposed project is located in high-noise corridor which is dominated by traffic noise from vehicles on N. Golden State Boulevard and railroad noise from the Union Pacific Railroad. The project's contribution to existing or future transportation noise will not be substantial. Therefore, the noise contours shown in the City's General Plan Update (Figure 9-2 and Figure 9-3) would not change with implementation of the proposed project.

Construction Noise / Vibration

The proposed project is not predicted to generate substantial construction noise or vibration levels. The project is located in a high noise corridor and construction noise/vibration levels are unlikely to exceed existing levels of noise/vibration due to traffic and railroad uses in the project vicinity. Therefore, this item is not addressed further in this study.

**ANALYSIS**

**DRIVE-THRU LANE**

A single drive-thru speaker would be used with the proposed Taco Bell drive-thru lane use. To quantify the noise emissions from the proposed drive-thru lane, data from a Sacramento area drive-thru restaurant was used. The data was collected by conducting noise level measurements at a distance of 30 feet from the drive-thru lane and speaker box. The drive-thru speaker apparatus used at the test site is typical of most fast food type drive-thru speakers. The sound level meter was located on a tripod at a height of 5 feet above ground and fitted with a windscreen. The results of the noise level measurements are shown in Table 4.

**TABLE 4  
DRIVE-THRU SPEAKER NOISE LEVELS**

# of Lanes	Distance (ft)	Orientation	Maximum, $L_{max}$	Average, $L_{eq}$	Median, $L_{50}$
1	30	Directly in Front	61 dB	55 dB	54 dB

Source: j.c. brennan & associates, Inc., 2014

It should be noted that maximum noise levels were observed to include periods of speech from the drive-thru speaker, as well as vehicle idling noise. Average ( $L_{eq}$ ) and median ( $L_{50}$ ) noise levels consisted primarily of vehicles idling.

The nearest residential property line is located approximately 260 feet to the east of the proposed drive-thru lane speaker. At this distance, drive-thru noise levels are predicted to be 36 dB  $L_{eq}$  and 42 dB  $L_{max}$ . These noise levels comply with the City of Turlock 45 dB  $L_{eq}$  and 60 dB  $L_{max}$  (65 dB  $L_{max}$  - 5 dB penalty = 60 dB  $L_{max}$ ) exterior noise level standards. Additionally, based upon the average measured nighttime noise level of 49  $L_{50}$ , noise levels from the proposed Taco Bell drive-thru would be less than existing ambient noise levels.

## PARKING LOT NOISE GENERATION

As a means of determining the noise levels due to parking lot activities, j.c. brennan & associates, Inc., utilized noise level data collected for previous parking lot studies, and project trip generations supplied by KD Anderson Transportation Engineers

A typical SEL due to automobile arrivals/departures, including car doors slamming and people conversing is approximately 71 dB, at a distance of 50 feet and 63 dB  $L_{max}$  at 50 feet. Based upon the project traffic study provided by KD Anderson & Associates, Inc., the AM Peak Hour trip generation for the project is 96. Parking lot noise levels were determined using the following formula.

$$\text{Peak Hour } L_{eq} = \text{SEL} + 10\log(N) - 35.6, \text{ where:}$$

The SEL is the mean sound exposure level (SEL) for an automobile arrival or departure, N is the number of parking related operations in a peak hour (N is 96), 35.6 is 10 times the logarithm of the number of seconds in the peak hour.

The property line of the nearest sensitive receiver is approximately 190 feet from the center of the proposed parking lot. Using the equation above and the operations data described, the proposed parking lot would result in a peak hour noise level of 55 dB  $L_{eq}$  at a distance of 50 feet. At a distance of 190 feet, parking lot noise levels would be 44 dB  $L_{eq}$  and 51 dB  $L_{max}$ . Therefore predicted parking lot noise generations would comply with the City of Turlock General Plan Noise Element hourly nighttime 45 dB  $L_{eq}$  and 65 dB  $L_{max}$  noise level standards.

It should be noted that this analysis is based on the distance to the center of the parking lot because this is considered the acoustic center of the noise source. For the calculation of acoustic propagation (6 dB per doubling of distance) it is necessary to use the distance from the acoustic center of the noise source to the receiver, not the distance from the closest portion of the noise source to the receiver.

## CONCLUSIONS

The project-related noise levels are predicted to comply with the City of Turlock nighttime exterior noise level standards. Additionally, predicted project noise levels are less than existing ambient noise levels measured at the nearest sensitive receivers. Therefore, no additional noise control measures are recommended at this time.

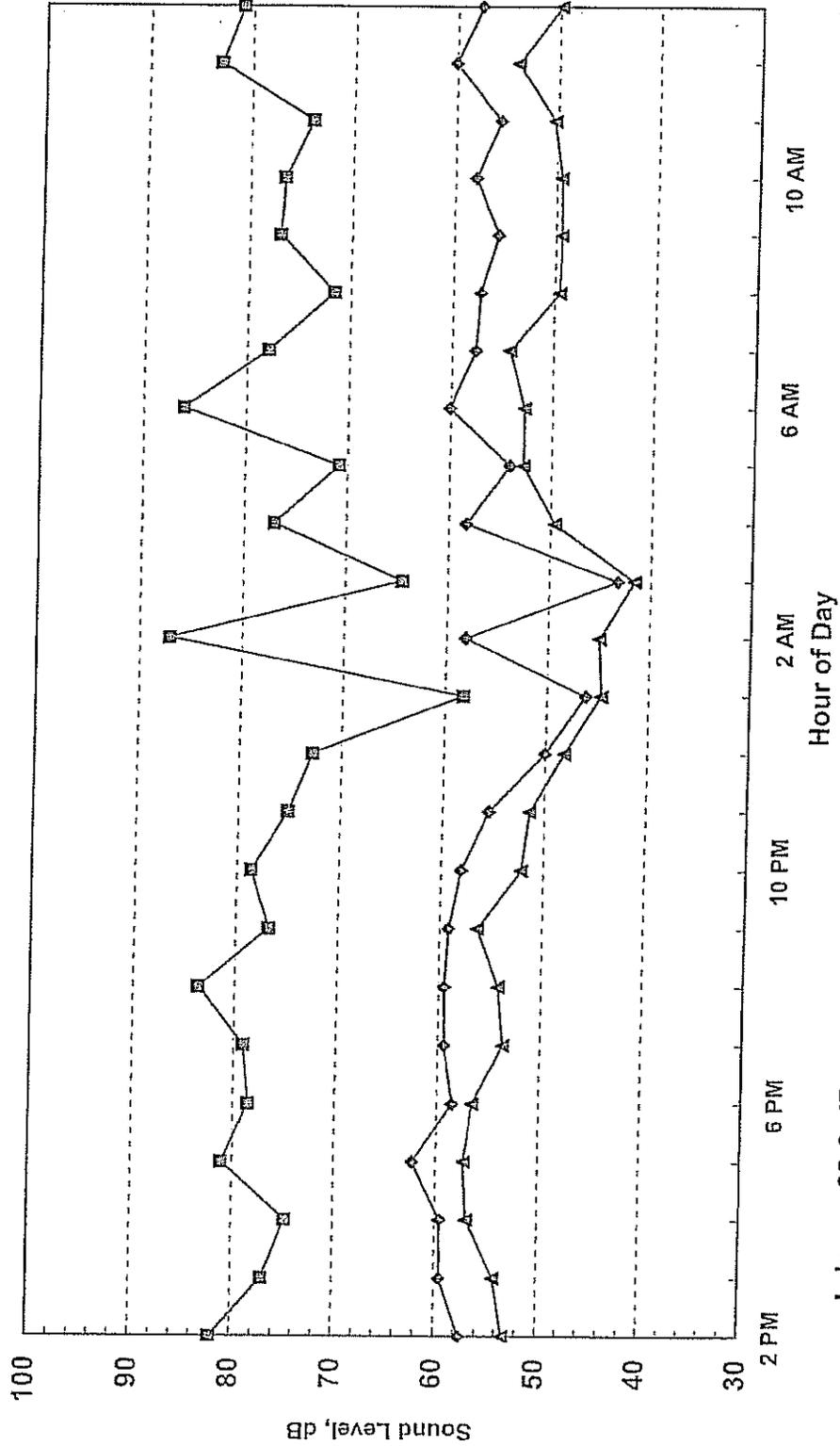
Appendix B  
 2014-121 Taco Bell 3606 N. Golden State Blvd  
 24hr Continuous Noise Monitoring - Site A  
 Wednesday, March 05, 2014

Hour	Leq	Lmax	L50	L90
14:00	57	82	53	49
15:00	59	77	54	50
16:00	60	75	57	53
17:00	62	81	57	55
18:00	58	79	57	54
19:00	59	79	54	51
20:00	59	84	54	51
21:00	59	77	56	54
22:00	58	79	52	48
23:00	55	75	51	48
0:00	50	73	48	44
1:00	46	58	45	40
2:00	58	87	45	40
3:00	43	64	42	39
4:00	58	77	50	46
5:00	54	71	53	50
6:00	60	86	53	50
7:00	58	78	54	50
8:00	57	72	49	45
9:00	56	77	49	46
10:00	58	77	49	46
11:00	56	74	50	46
12:00	60	83	54	47
13:00	58	81	50	44

	Statistical Summary					
	Daytime (7 a.m. - 10 p.m.)			Nighttime (10 p.m. - 7 a.m.)		
	High	Low	Average	High	Low	Average
Leq (Average)	62.3	55.6	58.8	60.1	43.2	56.2
Lmax (Maximum)	83.5	71.5	78.2	87.0	58.2	74.4
L50 (Median)	57.2	49.4	53.2	52.8	41.6	48.6
L90 (Background)	54.8	44.4	49.4	50.4	38.8	45.2

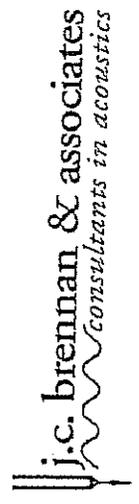
Computed Ldn, dB	63.0
% Daytime Energy	75%
% Nighttime Energy	25%

Appendix B  
 2014-121 Taco Bell 3606 N. Golden State Blvd  
 24hr Continuous Noise Monitoring - Site A  
 Wednesday, March 05, 2014



Ldn = 63.0 dB

Legend:  
 ◆ Leq  
 ■ Lmax  
 ▲ L50



## Appendix A

### Acoustical Terminology

<b>Acoustics</b>	The science of sound.
<b>Ambient Noise</b>	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
<b>Attenuation</b>	The reduction of an acoustic signal.
<b>A-Weighting</b>	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
<b>Decibel or dB</b>	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
<b>CNEL</b>	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by a factor of three and nighttime hours weighted by a factor of 10 prior to averaging.
<b>Frequency</b>	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz (Hz).
<b><math>L_{dn}</math></b>	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
<b><math>L_{eq}</math></b>	Equivalent or energy-averaged sound level.
<b><math>L_{max}</math></b>	The highest root-mean-square (RMS) sound level measured over a given period of time.
<b><math>L_{(n)}</math></b>	The sound level exceeded a described percentile over a measurement period. For instance, an hourly $L_{50}$ is the sound level exceeded 50% of the time during the one hour period.
<b>Loudness</b>	A subjective term for the sensation of the magnitude of sound.
<b>Noise</b>	Unwanted sound.
<b>NRC</b>	Noise Reduction Coefficient. NRC is a single-number rating of the sound-absorption of a material equal to the arithmetic mean of the sound-absorption coefficients in the 250, 500, 1000, and 2,000 Hz octave frequency bands rounded to the nearest multiple of 0.05. It is a representation of the amount of sound energy absorbed upon striking a particular surface. An NRC of 0 indicates perfect reflection; an NRC of 1 indicates perfect absorption.
<b>Peak Noise</b>	The level corresponding to the highest (not RMS) sound pressure measured over a given period of time. This term is often confused with the "Maximum" level, which is the highest RMS level.
<b><math>RT_{60}</math></b>	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
<b>Sabin</b>	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 Sabin.
<b>SEL</b>	Sound Exposure Level. SEL is a rating, in decibels, of a discrete event, such as an aircraft flyover or train passby, that compresses the total sound energy into a one-second event.
<b>STC</b>	Sound Transmission Class. STC is an integer rating of how well a building partition attenuates airborne sound. It is widely used to rate interior partitions, ceilings/floors, doors, windows and exterior wall configurations.
<b>Threshold of Hearing</b>	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
<b>Threshold of Pain</b>	Approximately 120 dB above the threshold of hearing.
<b>Impulsive</b>	Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
<b>Simple Tone</b>	Any sound which can be judged as audible as a single pitch or set of single pitches.

**TRAFFIC IMPACT STUDY**  
**FOR**  
**TACO BELL PROJECT AT 3606 N. GOLDEN STATE BLVD**  
Turlock, CA

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5016-01  
*Taco Bell Turlock*

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*KD Anderson & Associates, Inc.*

Transportation Engineers

**TRAFFIC IMPACT ANALYSIS FOR  
TACO BELL PROJECT AT 3606 N. GOLDEN STATE BLVD**

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**TRAFFIC IMPACT ANALYSIS  
TACO BELL PROJECT AT 3606 N. GOLDEN STATE BLVD**

**INTRODUCTION**

**Study Purpose and Project Description**

This traffic impact study presents an analysis of the traffic related impacts associated with development of the Taco Bell Restaurant project proposed for a 1 acre site at the northeast corner of N. Golden State Blvd and Roberts Road in the City of Turlock. The site fronts N Golden State Blvd, Roberts Road and Mountain View Road. Figure 1 displays the regional location of the project site in northwest Turlock. The proposed project consists of a 2,106 sf Taco Bell restaurant with drive-thru. Access to the site is proposed via one driveway to each of the three fronting streets. Figure 2 displays the proposed site plan.

**Overall Analysis Approach**

This traffic impact study presents an analysis of a.m. and p.m. peak hour traffic operations under the following scenarios:

- Existing Peak Hour Conditions,
- Existing Plus Approved Projects (EPAP) Conditions
- Existing Plus Approved Projects plus Taco Bell Project
- Long Term Cumulative Traffic Conditions
- Long Term Cumulative with Taco Bell Project

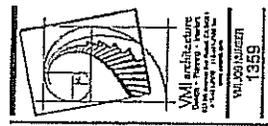
The Existing Plus Approved Projects (EPAP) condition is a near-term background condition which includes existing traffic volume levels plus any new traffic associated with approved and pending land use development projects in this area of Turlock.

Cumulative traffic conditions are a long-term background condition which includes future year forecasts associated with build out of the City of Turlock General Plan considering a year 2030 planning horizon.

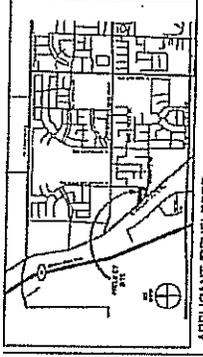
**Study Area Intersections.** The quality of traffic flow is typically governed by the operation of intersections along arterial and collector street systems. To quantitatively evaluate traffic conditions and to provide a basis for comparison of operating conditions with and without traffic generated by the proposed project, traffic operations at the following three (3) study area intersections were evaluated:

- Christoffersen Pkw / Mountain View Road,
- Mountain View Road / Roberts Road,
- N. Golden State Blvd / Roberts Road





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 13559  
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**ARCHITECT**  
 VILARDO ASSOCIATES INC.  
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 EMAIL: vmi@villarado.com

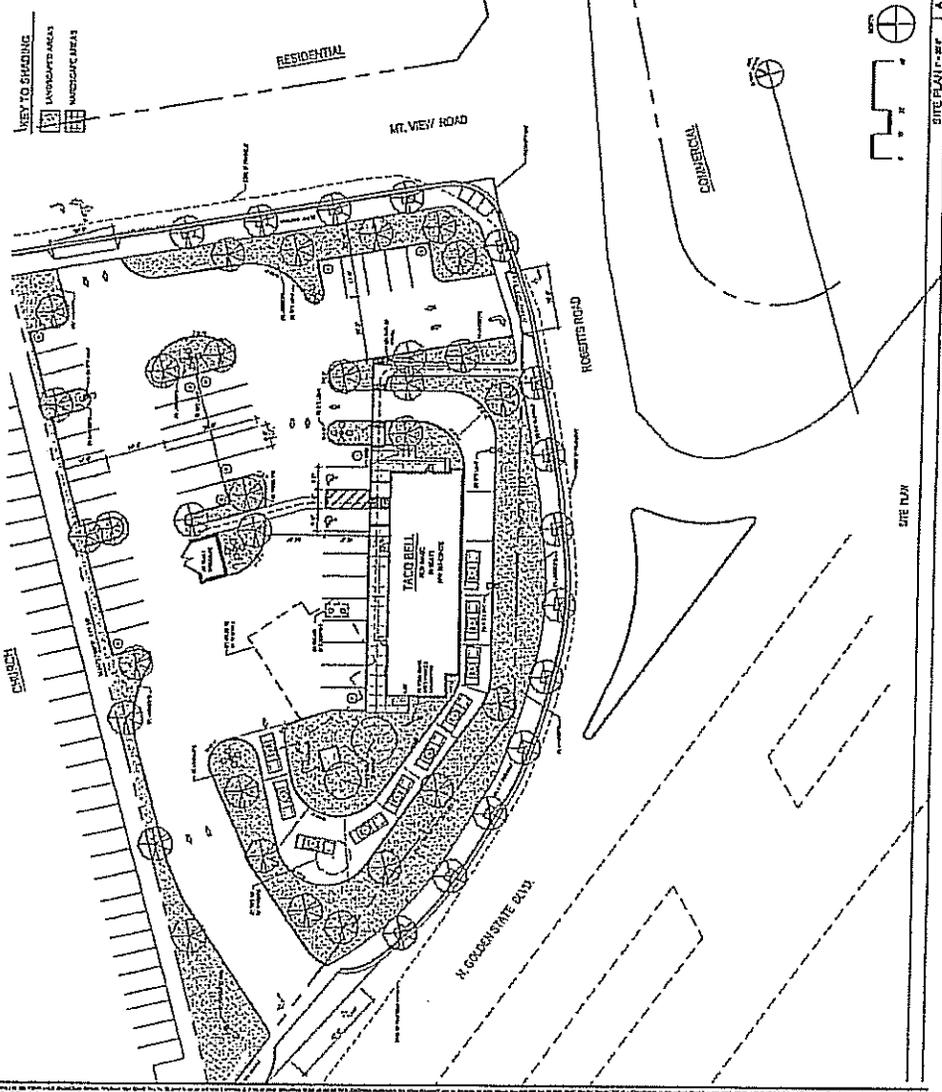
**UTILITIES**  
 WATER: CITY OF TURLOCK  
 SEWER: CITY OF TURLOCK  
 GAS: CITY OF TURLOCK  
 POWER: CITY OF TURLOCK  
 TELEPHONE: AT&T  
 CABLE: TURLOCK UNIFIED SCHOOL DISTRICT

**PARKING DATA**  
 REQUIRED: 1 STALL PER 3 SEATS - 240 = 18 STALLS  
 PROVIDED: 41 SPACES  
 STAIRWAY: 3 SPACES  
 BIKE: 9 SPACES  
 TRICYCLE: 1 SPACE  
 TOTAL BICYCLE SPACES: 10 SPACES

**BUILDING DATA**  
 BLDG. AREA: 2,100 S.F.  
 BLDG. TYPE: TYPE V-B, WOOD FRAME, STUCCO  
 LOT DATA:  
 ALPH: CH (330003)  
 ZONING: CH  
 CORNER: CORNER BORNAY  
 USE: RESIDENTIAL (R-1)  
 W/SCAPE: (1/2) CH (R-1)

**LIST OF DRAWINGS**  
 DD-1.0 SITE PLAN/PROJECT DATA/VISIBILITY MAP  
 DD-1.1 VISIBILITY MAP  
 DD-4.0 EXTERIOR ELEVATIONS  
 DD-4.1 EXTERIOR ELEVATIONS

NI - LARGE 66  
 STEP PLAN/VISIBILITY MAP  
 & PROJECT DATA  
 DD1.0



**SITE PLAN**

KD Anderson & Associates, Inc.  
 Transportation Engineers  
 5016-01.LT.usd 3/14/2014

figure 2

## EXISTING SETTING

### Study Area

The following is a description of area roadways that provide circulation to the project site. These roadways are shown in Figure 3.

- Christoffersen Pkwy is an east-west 4-lane facility and is classified as an expressway. The roadway extends through north Turlock and terminates at N. Golden State Blvd north of the project site. The roadway provides a raised landscaped median and full access intersections are limited to signalized locations. The roadway currently carries approximately 10,000 daily vehicles within the study area. The posted speed limit on Christoffersen Pkwy within the study area is 40 mph. The Christoffersen Pkwy / Mountain View Road intersection is controlled by an 8-phase traffic signal with protected / permissive left turn phasing.
- Mountain View Road is a 2-lane north-south collector street that extends from Roberts Road in the south to just north of John Pitman High School and provides access to the high school north of Christoffersen Pkwy. South of the Pkwy, the east side of the roadway is improved and has residential frontage with on-street parking. Fourteen (14) existing driveways front the east side of the roadway within this slightly less than 1/4 mile segment between Roberts Road and Christoffersen Pkwy. The west side of the roadway is unimproved adjacent to the project site and at a mid-block location that extends for approximately 250'. The finished roadway width provides a 40' street section. The posted speed limit on Mountain View Road is 25 mph.

It is estimated that Mountain View Road currently carries about 2,000 daily vehicles based upon peak hour intersection counts conducted by the consultant. However, volumes are highly directional, with the majority of traffic oriented in the northbound direction. This is due to the skewed alignment of Golden State Blvd and left turn restrictions at the Golden State Blvd / Roberts Road intersection. With the skewed alignment of Golden State Blvd, Roberts Road to Mountain View Road provides somewhat of a more direct northbound travel route from Golden State Blvd to destinations to the north, such as the high school.

- Roberts Road is an east-west residential collector street that extends from Golden State Blvd in the west to Four Seasons Park in the east, a distance of about 1/2 mile. The posted speed limit is 30 mph. The majority of the street is improved and developed with residential frontage on both sides of the street and provides a 40' street section with on-street parking. The west end of the street is unimproved on the south side from Golden State Blvd to about 550' to the east and currently provides 30'-32' of pavement.
- Golden State Blvd is a divided facility adjacent to the project site and is classified as an expressway. Currently, three lanes are provided in the southbound direction and two

lanes in the northbound direction adjacent to the site. The roadway extends through Turlock and parallels the Union Pacific Railroad. Golden State Blvd currently carries approximately 12,000 daily vehicles adjacent to the project site. The posted speed limit is 55 mph. The Turlock General Plan Circulation Element identifies the ultimate facility as a 6-lane expressway.

Access to minor streets such as Roberts Road and to individual properties along the expressway is limited to right turn access. Full access signalized intersections are located at Christoffersen Pkwy and at Monte Vista Avenue, approximately 1,500' to the north and to the south of the project site, respectively.

### Bicycle and Pedestrian Facilities

Sidewalks currently exist along the majority of Roberts Road and Mountain View Road. Sidewalks are continuous along the north side of Roberts Road immediately east of the project site and on the east side of Mountain View Road to the north of the project site. The west side of Mountain View Road has an approximately 250' long segment which is unimproved and no sidewalks are in place. There are no sidewalks on Golden State Blvd to the south of Roberts Road. To the north, the east side of Golden State Blvd is improved from the north border of the project site for a distance of approximately 400' and this segment provides sidewalk facilities. This is followed by an unimproved segment with no sidewalk for a distance of approximately 450' after which sidewalk improvements continue and extend to Christoffersen Pkwy. Sidewalk facilities are provided along the length of the Christoffersen Pkwy.

There are no delineated bike lane facilities along study area streets. The Turlock General Plan, Figure 5-3: Existing and Proposed Bikeways, indicates Class II bike lanes are proposed for both the Golden State Blvd and Christoffersen Pkwy expressways.

### Transit Service

The Bus Line Service of Turlock (BLAST) provides transit service through the study area. Blast operates four separate routes Monday through Saturday. Route C traverses Christoffersen Pkwy and Golden State Blvd in the study area. Currently, the closest bus stop to the project site is located on Christoffersen Pkwy just west of Mountain View Road, approximately 1,000' to the north.

### Evaluation Methodology

The following is a description of the methods used in this impact study to analyze intersection operations.

**Level of Service Analysis Procedures.** Level of service (LOS) analysis provides a basis for describing existing traffic conditions and for evaluating the significance of project-related traffic impacts. Level of service measures the quality of traffic flow and is represented by letter designations from A to F, with a grade of A referring to the best conditions, and F representing the

worst conditions. The characteristics associated with the various LOS for intersections are presented in Table 1 and further discussed below.

The signalized study intersection has been analyzed using methods presented in the *Highway Capacity Manual (HCM)*. The "Synchro" traffic simulation software has been used to calculate the levels of service at study intersections using the HCM procedures.

Un-signalized study intersections and proposed driveways with side street stop sign control have also been evaluated using *Highway Capacity Manual* procedures. At side street stop-sign-controlled intersections, the LOS is presented for turning movements which must yield the right of way to uncontrolled through traffic.

**TABLE 1  
LEVEL OF SERVICE DEFINITIONS**

Level of Service	Signalized Intersections	Unsignalized Intersection
"A"	Uncongested operations, all queues clear in a single-signal cycle. Delay ≤ 10.0 sec	Little or no delay. Delay ≤ 10 sec/veh
"B"	Uncongested operations, all queues clear in a single cycle. Delay > 10.0 sec and ≤ 20.0 sec	Short traffic delays. Delay > 10 sec/veh and ≤ 15 sec/veh
"C"	Light congestion, occasional backups on critical approaches. Delay > 20.0 sec and ≤ 35.0 sec	Average traffic delays. Delay > 15 sec/veh and ≤ 25 sec/veh
"D"	Congestion of critical approaches but intersection functional. Cars required to wait through more than one cycle during short peaks. No long queues formed. Delay > 35.0 sec and ≤ 55.0 sec	Long traffic delays. Delay > 25 sec/veh and ≤ 35 sec/veh
"E"	Congestion with some long standing queues on critical approaches. Blockage of intersection may occur if traffic signal does not provide for protected turning movements. Traffic queue may block nearby intersection(s) upstream of critical approach(es). Delay > 55.0 sec and ≤ 80.0 sec	Very long traffic delays, extreme congestion. Delay > 35 sec/veh and ≤ 50 sec/veh
"F"	Delay > 80.0 sec	Delay > 50 sec/veh

**Standards of Significance / Level of Service Thresholds.** In this traffic impact study, the significance of the proposed projects impact on traffic operating conditions is based on a determination of whether project generated traffic results in roadway or intersection operating conditions below acceptable standards as defined by the governing agency. A project's impact on traffic conditions is considered significant if implementation of the project would result in LOS changing from levels considered acceptable to levels considered unacceptable, or if the project would significantly worsen an already unacceptable LOS without the project. Relevant policies for the study area consist of the following.

City of Turlock General Plan

The General Plan indicates "LOS will still be evaluated and used as a basis for triggering improvements of the General Plan roadways at the project level. However, the ultimate buildout of the circulation network shall match the design specified in this plan; in other words, roads shall not be continually widened to achieve a certain LOS."

Level of service "D" is the identified operating threshold trigger for project level analysis and has been used for this study.

Existing Traffic Conditions and Levels of Service

The following is a description of existing traffic operating conditions in the study area.

**Existing Traffic Volumes.** Traffic volume data was collected for this traffic impact study at the three study intersections during February 2014. Data was collected in 15-minute increments from 7:00 – 9:00 a.m. and 4:00 - 6:00 p.m. The contiguous one hour periods with the highest volumes within the two-hour data collection period were used in this traffic impact study as the a.m. and p.m. peak hour. Figure 3 presents the existing lane configurations and existing peak hour traffic volumes at the three study intersections.

**Existing Intersection Levels of Service.** Table 2 presents a summary of existing peak hour LOS at the three (3) study intersections. Level of service calculations are provided in the Appendix. Calculated peak hour factors based upon observed traffic conditions have been used in calculating peak hour LOS. As shown in Table 2, all study intersections currently operate satisfactorily within established operating LOS standards. Level of Service "C" or better delays are currently experienced at each of the study intersections during the a.m. and p.m. peak hours.

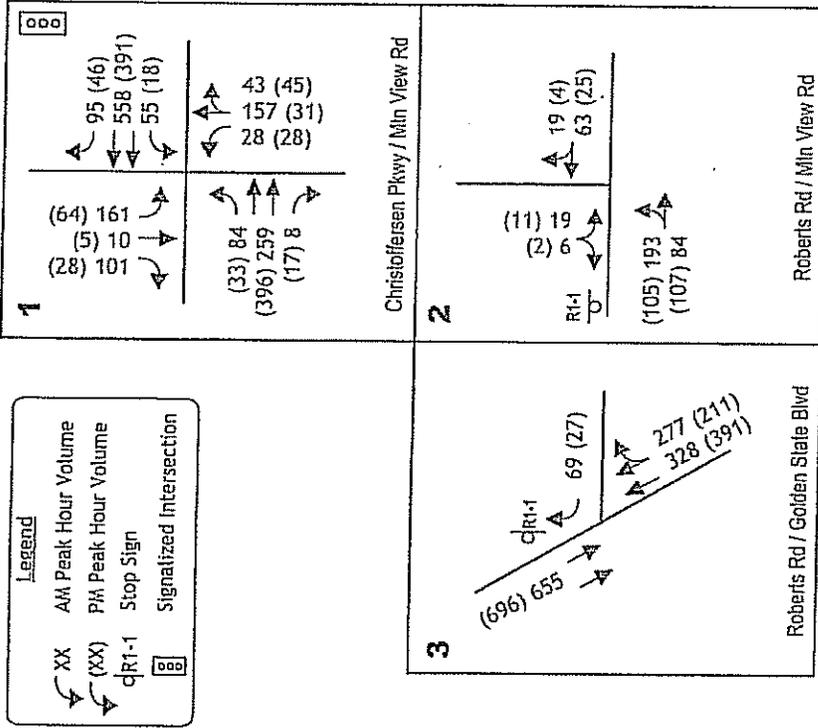
Calculated operating conditions are also generally consistent with field observations. Vehicle queues at the signalized Christoffersen Pkwy / Mountain View Road intersection were observed to clear during individual signal cycles. Morning peak hour operations are influenced by the start of the high school for about a 20 minute period in the morning. During this time, the northbound Mountain View Road approach experiences several cycles where a 10 - 12 car queue develops, however, these queues were observed to be served during each of the signal cycles.

This peak morning school period also results in platoons of about 10 - 12 vehicles turning right onto Roberts Road from Golden State Blvd and then traveling up Mountain View Road. These platoons of vehicles are the result of signal operations to the south at the Golden State Blvd / Monte Vista Avenue intersection.

**TABLE 2  
EXISTING CONDITIONS  
INTERSECTION LEVELS OF SERVICE**

Intersection	Control	Existing			
		AM Peak Hour		PM Peak Hour	
		LOS	Delay	LOS	Delay
1. Christoffersen Pkwy / Mtn View Rd	Signal	C	28.2	B	17.4
2. Mountain View Rd / Roberts Rd	SB Stop				
SB Approach		C	17.0	B	11.8
EB Left Turn		A	6.3	A	4.1
3. Golden State Blvd / Roberts Rd	WB Yield				
WB Right Turn		B	12.2	B	10.6

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## EXISTING TRAFFIC VOLUMES AND LANE CONFIGURATIONS

## EXISTING PLUS APPROVED PROJECTS CONDITIONS

This section of this traffic study describes operating conditions under a near-term background scenario. The Existing Plus Approved Project (EPAP) background condition is composed of existing traffic conditions and projected changes in traffic conditions associated with development of previously approved or pending projects in the vicinity of the study area. Trips generated by the proposed restaurant project were then added to the EPAP background condition to identify the incremental impacts of the proposed project.

**Background Traffic Volume Forecasts.** Development of approved and pending projects would generate new vehicle trips and potentially affect traffic operations at the study intersections. Traffic volumes for the base EPAP condition were calculated by adding trips associated with approved and pending projects to existing a.m. and p.m. peak hour traffic volumes. Applicable projects were identified through consultation with City of Turlock staff.

Identified projects include the following:

- Sutter Gould Medical building, a 38,000 sf medical building located at the southeast corner of Christoffersen Pkwy and Golden State Blvd
- A 109 single family unit subdivision located within the North West Triangle SP at the northeast corner of Countryside Drive and Tuolumne Road
- Monte Vista Crossings South, an approximately 155,000 sf commercial/retail project at the northwest corner of Countryside Drive and Tuolumne Road.

The quantity of additional traffic on a particular section of the street network associated with the approved projects is dependent upon two factors:

- Trip Generation - the number of new trips generated by each project, and
- Trip Distribution and Assignment - the specific routes that the new traffic will likely take.

**Trip Generation.** The number of vehicle trips that are expected to be generated by development of approved projects has been estimated using typical trip generation rates that have been developed based on the nature and size of project land uses. Data compiled by the Institute of Transportation Engineers (ITE) and presented in the publication *Trip Generation, 9th Edition* is the source of trip generation rates used in this analysis.

In total, the identified projects are projected to generate 330 new a.m. peak hour and 625 new p.m. peak hour trips onto the area street system in northwest Turlock. The medical building development will add the most significant quantity of traffic to study area streets given the close proximity of the project to the study area.

**Trip Distribution.** The geographic distribution of vehicle trips associated with approved and pending projects is based on existing traffic patterns in the area, access to the individual sites and estimated origins and destinations of residents, employees or retail patrons.

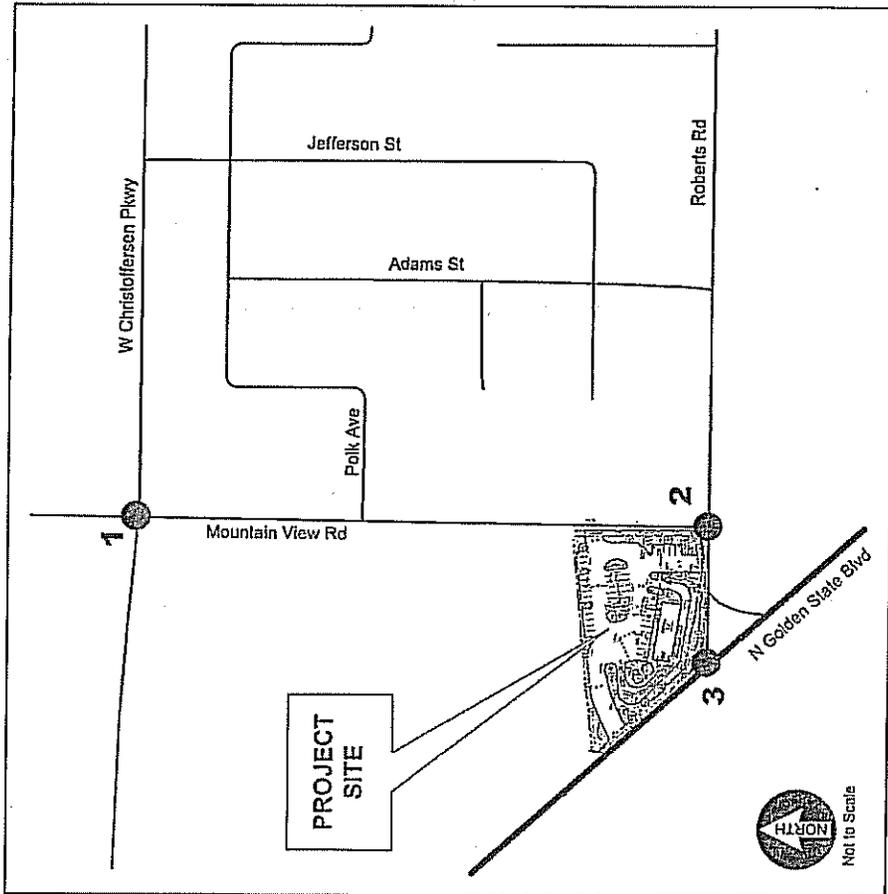
**Traffic Volumes.** The addition of traffic associated with approved and pending projects to existing traffic volumes results in the EPAP base condition traffic volume base as presented in Figure 4.

**Background Roadway Improvements.** The analysis of EPAP conditions assumes no additional roadway network improvements within the study area will be provided by approved and pending projects.

**EPAP No Project - Intersection Levels of Service.** Table 3 displays the a.m. and p.m. peak hour LOS at each study intersection under EPAP No Project conditions. As shown, although traffic volumes under EPAP No Project conditions would incrementally increase over current conditions, all study intersections would continue to operate at acceptable LOS C or better under EPAP No Project conditions.

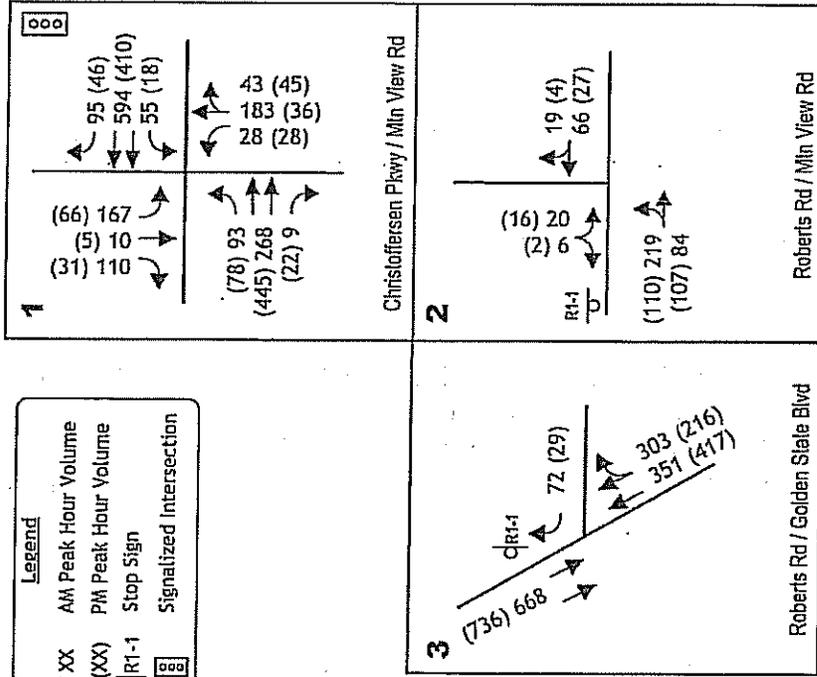
**TABLE 3  
EPAP - NO PROJECT CONDITIONS  
INTERSECTION LEVELS OF SERVICE**

Intersection	Control	EPAP - No Project				
		AM Peak Hour		PM Peak Hour		
		LOS	Delay	LOS	Delay	
1. Christoffersen Pkwy / Mtn View Rd	Signal	C	32.9	B	17.1	
2. Mountain View Rd / Roberts Rd	SB Stop	SB Approach	C	19.3	B	12.2
		EB Left Turn	A	6.6	A	4.2
3. Golden State Blvd / Roberts Rd	WB Yield	WB Right Turn	B	12.7	B	10.8



**Legend**

- XX AM Peak Hour Volume
- (XX) PM Peak Hour Volume
- c/R1-1 Stop Sign
- Signalized Intersection



EPAP BASE TRAFFIC VOLUMES AND LANE CONFIGURATIONS

## PROJECT CHARACTERISTICS

Development of the proposed project would attract additional traffic to the project site. This section of the traffic impact study describes the characteristics of project-related traffic

### Trip Generation

The number of vehicle trips that are expected to be generated by development of the proposed project has been estimated using published trip generation data. The Institute of Transportation Engineers (ITE) publication *Trip Generation Manual, 9th Edition*, has been used.

ITE Trip Generation Manual estimates for the land use category 934, "Fast-food Restaurant with Drive-thru", have been applied to the proposed project. The trip generation rates and the resulting trip generation estimates are presented in Tables 4 and 5, respectively. As shown, the proposed project is projected to generate a total of 96 a.m. and 69 p.m. peak hour trips.

The extent to which a portion of the trips attracted to the fast-food restaurant may be drawn from the stream of traffic already passing the site (i.e., "pass-by trips") on the adjacent streets has been estimated based on data contained in the ITE *Trip Generation Handbook* publication. This publication suggests that 49% of a.m. and 50% of p.m. peak hour traffic would be expected to consist of pass-by or diverted trips. Applying this information, the proposed project would be expected to generate 49 new a.m. peak hour trips and 35 new p.m. peak hour trips.

TABLE 4  
TRIP GENERATION RATES

Land Use	ITE Code	AM Peak Hour		PM Peak Hour		Pass-by %	
		Rate	In / Out	Rate	In / Out	AM	PM
Fast-food with Drive-thru	934	45.4	51% / 49%	32.7	52% / 48%	49%	50%

Source: Trip Generation Manual, 9<sup>th</sup> Edition. Trip rates per 1,000gsf.

TABLE 5  
PROJECT TRIP GENERATION

Land Use	Quantity	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Fast-food Restaurant	2,106 s.f.	49	47	96	36	33	69
Pass-by Trips		(24)	(23)	(47)	(18)	(16)	(34)
Net New Trips		25	24	49	18	17	35

### Trip Distribution

The geographic distribution of vehicle trips associated with the proposed development has been estimated based on existing traffic patterns in the area and estimated origins and destinations of patrons to the site considering surrounding development in this area of northwest Turlock. Table 6 presents the geographic trip distribution percentages for new trips for the proposed project used for the traffic analysis. Pass-by trips have been assigned in proportion to existing a.m. and p.m. peak hour directional volumes on the adjacent street system.

**TABLE 6  
TRIP DISTRIBUTION ESTIMATES (NEW TRIPS)**

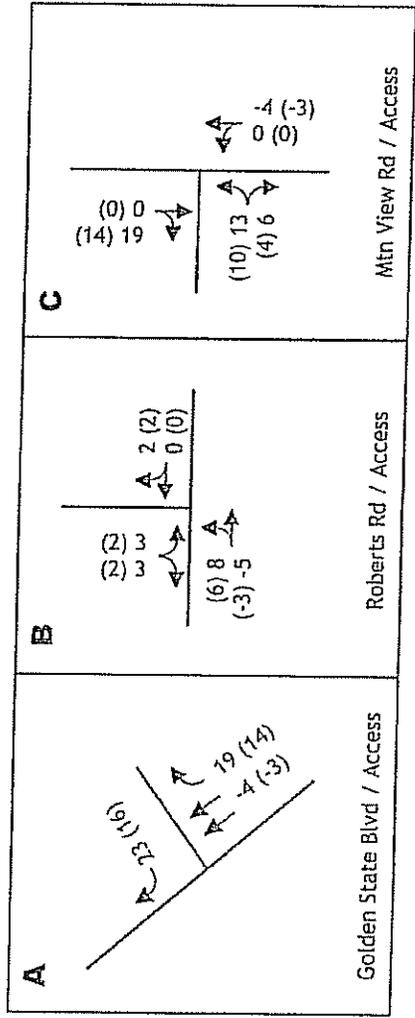
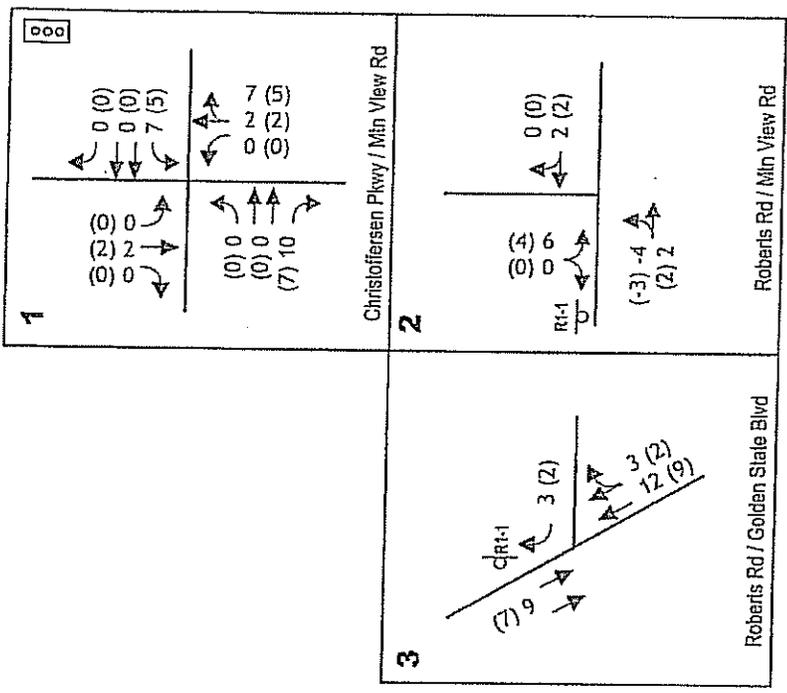
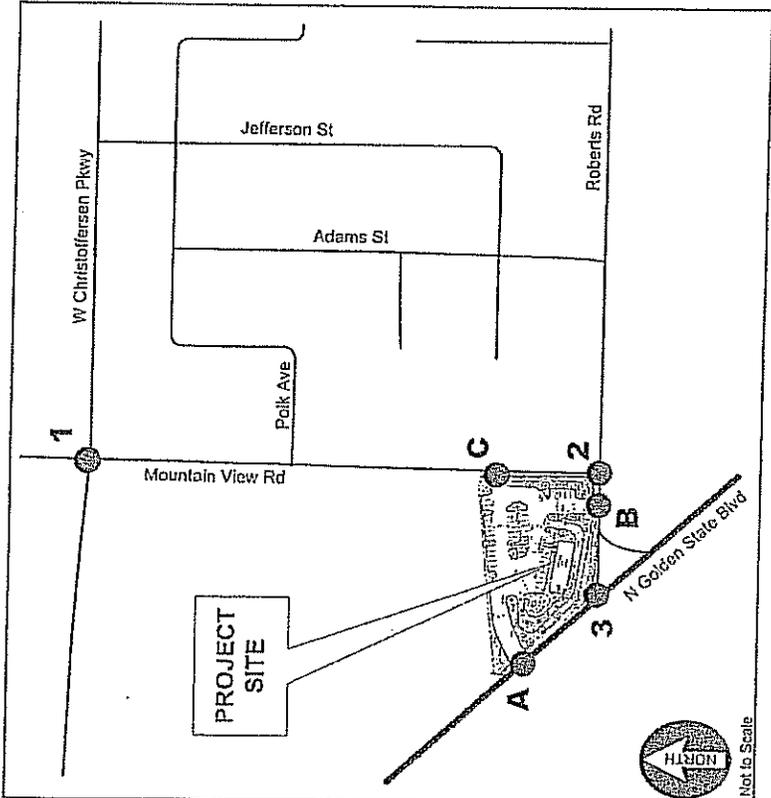
<b>Direction</b>	<b>Percent Distribution</b>
North on Golden State Blvd	15%
North on Mtn View Rd n/o Christoffersen	10%
East on Christoffersen Pkwy	30%
East on Roberts Rd	10%
South on Golden State Blvd and local streets	35%
<b>Total</b>	<b>100%</b>

### Trip Assignment

Trips that would be generated by the proposed Taco Bell restaurant have been assigned to the study area street system based on the location of access driveways, the existence of any turn restrictions at area intersections and the distribution estimates discussed above. Figure 5 displays the project related traffic volumes for each study intersection and at the proposed driveways during the a.m. and p.m. peak hours.

### EPAP Plus Project Traffic Conditions

The trips accompanying development of the Taco Bell restaurant project were superimposed onto the background EPAP condition as previously identified. Resulting "EPAP plus Project" volumes are presented in Figure 6. Table 7 displays the peak hour LOS at each study intersection under the EPAP plus Project condition. As shown, the addition of project generated traffic is projected to result in relatively minor increases in delay at each of the study intersections, generally in the range of one (1) second or less. No changes to existing levels of service are projected. Level of service "C" or better operations are projected to continue at all study intersections. Level of Service "B" or better driveway operations are forecast. These impacts are considered less than significant based upon identified operating standards.



**Legend**

- XX AM Peak Hour Volume
- (XX) PM Peak Hour Volume
- qRt-1 Stop Sign
- Signalized Intersection

### PROJECT TRAFFIC VOLUMES AND LANE CONFIGURATIONS

figure 5

**TABLE 7  
EPAP PLUS PROJECT  
INTERSECTION LEVELS OF SERVICE**

Intersection	Control	EPAP Base – No Project				EPAP Plus Project			
		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
		LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
Christoffersen Pkwy / Mountain View Rd	Signal	C	32.9	B	17.1	C	33.9	B	17.2
Mountain View Rd / Roberts Rd	SB Stop	C	19.3	B	12.2	C	20.5	B	12.3
- SB Approach		A	6.6	A	4.2	A	6.6	A	4.2
- EB Left Turn									
Golden State Blvd / Roberts Rd	WB Yield	B	12.7	B	10.8	B	12.9	B	10.9
Project access / Golden State Blvd	WB Stop	NA	-	NA	-	B	10.2	A	9.8
- WB Right Turn									
Project access / Roberts Rd	SB Stop	NA	-	NA	-	B	10.5	A	9.5
- SB Approach		A	0.3	A	0.2				
- EB Left Turn									
Project Access / Mountain View Rd	EB Stop	NA	-	NA	-	B	10.2	A	9.3
- EB Approach		A	0.1	A	0.1				
- NB Left Turn									

**Local Street Traffic.** Development of the proposed project is projected to add about 27 new a.m. peak hour and 20 new p.m. peak hour vehicles to Mountain View Road. This represents an 11% increase in a.m. peak hour traffic and a 16% increase in p.m. peak hour traffic adjacent to the site when compared to existing traffic levels. Current volumes consist of 237 a.m. and 122 p.m. peak hour vehicles on Mountain View Road adjacent to the project site. Resulting volumes will be well within acceptable roadway operating levels, however, the increase in traffic may be noticeable to adjacent residents fronting the street. This quantity of additional traffic is not, however, estimated to significantly impact the ability of adjacent residents to enter and exit their driveways when compared to current conditions.

**Impacts to Alternative Transportation Modes**

**Pedestrian Facilities.** As part of its frontage improvements, the project will construct sidewalk along the N Golden State Blvd, Roberts Road and Mountain View Road frontages. This will provide sidewalk connections to existing facilities to the north on N Golden State Blvd and on Mountain View Road. With planned improvements, the project does not result in any unsafe condition for pedestrians and does not conflict with planned pedestrian facilities identified in adopted plans. Thus, the project's impact on pedestrian circulation is not considered significant.

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**Bicycle Facilities.** The project may also attract bicyclists from the area. As previously indicated, there are no designated bicycle lanes on study area streets. Bicycle travel is accommodated via shared travel with motorists within the existing street widths. Project frontage improvements will provide a full street width section on Mountain View Road at Roberts Road and will facilitate bicycle traffic at the intersection. No negative impacts to bicycle circulation are projected with development of the proposed project.

### Site Access Evaluation

**Mountain View Road Access.** This driveway is proposed approximately 160' north of Roberts Road at the north border of the site and is 26' in width. A residential driveway currently exists at this location on the east side of the street. This proposed driveway is expected to be utilized by the majority of traffic accessing the site from the north via Mountain View Road. Little or no left turn traffic into the site from the south is projected at this driveway location. As such, driveway operations are not projected to result in any delays to northbound through traffic on Mountain View Road. Satisfactory level of service "A" to "B" delays are projected at the driveway. There are no sight distance restrictions to Roberts Road to the south or to the north on Mountain View Drive. It is recommended that parking be prohibited on the west side of Mountain View Road for 100' to the north and south of the driveway to maintain clear lines of sight from the driveway exit lane.

- Recommendation - Prohibit parking on the west side of Mountain View Road for 100' to the north and south of the driveway to maintain clear lines of sight.

**Roberts Road Access.** This driveway is also 26' in width and is proposed to be located approximately 40' west of the westerly curb line of Mountain View Road. This driveway is projected to have the least use, as vehicles accessing the site from Mountain View Road are expected to use the Mountain View Road access, and the majority of traffic oriented to Golden State Blvd is expected to use the Golden State Blvd driveway. Some traffic is expected to turn right off of northbound Golden State Blvd to Roberts Road and enter the site via this driveway. However, given the proposed location of the drive-thru entry and the orientation of the front of the restaurant, the majority of traffic entering the site from northbound Golden State Blvd is expected to use the Golden State Blvd driveway.

Although traffic volumes using this driveway are expected to be minor and southbound right turn traffic from Mountain View Road to Roberts Road is also minor, the close spacing of this driveway to the Mountain View Road intersection creates a concern. Left turn traffic into the site and right turn traffic from Mountain View Road will have limited opportunity to see conflicting vehicles.

Similarly, with the limited site frontage along Roberts Road, the driveway would be located approximately 70' to the east of the right turn lane transition from northbound Golden State Blvd to Roberts Road. This right turn movement experiences relatively high existing volumes and

introducing additional turning movements in this area between Golden State Blvd and Mountain View Road (a total distance of approximately 140') is a potential safety concern. A center left turn lane could help to mitigate this condition, however, the very limited available distance does not likely permit installation of a functional left turn lane. Also, even with a left turn lane, it is possible that project traffic could stop in front of motorists intending to turn left onto Mountain View Road. As such, it is recommended that either eliminating this driveway or installing a median in Roberts Road be considered. With either option, it is expected that the majority of traffic projected to use this driveway would then access the site via the Golden State Blvd driveway and additional traffic diverted to Mountain View Road would not be significant.

- Recommendation - Site design should consider removal of the Roberts Road driveway, or installation of a raised median on Roberts Road due to limited intersection spacing.

**Golden State Blvd Access.** A 40' wide driveway is proposed at this location to facilitate access from the higher speed Golden State Blvd. Access will be limited to right turns into and out of the driveway. The driveway will be located near the north border of the site approximately 200' from the centerline of Roberts Road. There are two existing driveways to the north on Golden State Blvd located 225' and 440' from the proposed driveway location. Satisfactory LOS "A" to "B" driveway operations are projected. Available spacing to the Roberts Road intersection is not projected to result in any operational problems. As driveway volumes will be relatively low and right turn volumes from Roberts Road to northbound Golden State Blvd are also relatively low, merge operations between the intersections are projected to function satisfactorily.

Construction of Golden State Blvd frontage improvements placed consistent with existing improvements immediately to the north of the site will provide a 26' wide paved shoulder as currently exists immediately to the north of the site. This will facilitate deceleration and access into the site from the existing 2-lane northbound expressway facility. With future implementation of three northbound lanes and a Class II bike lane, an additional 8' of shoulder area would be provided. This assumes a 3rd northbound lane 12' in width and a 6' wide bike lane. This shoulder area will facilitate ingress into the driveway from the expressway.

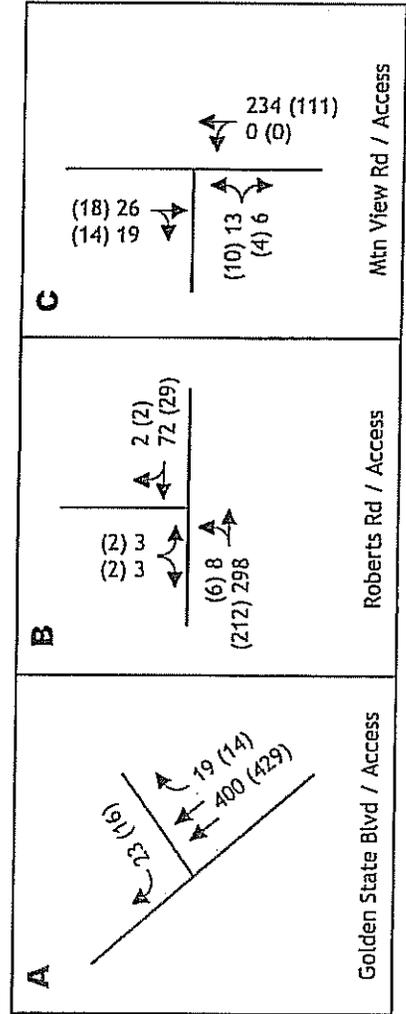
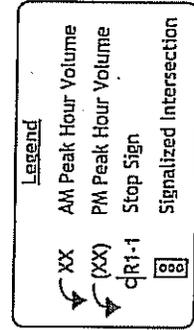
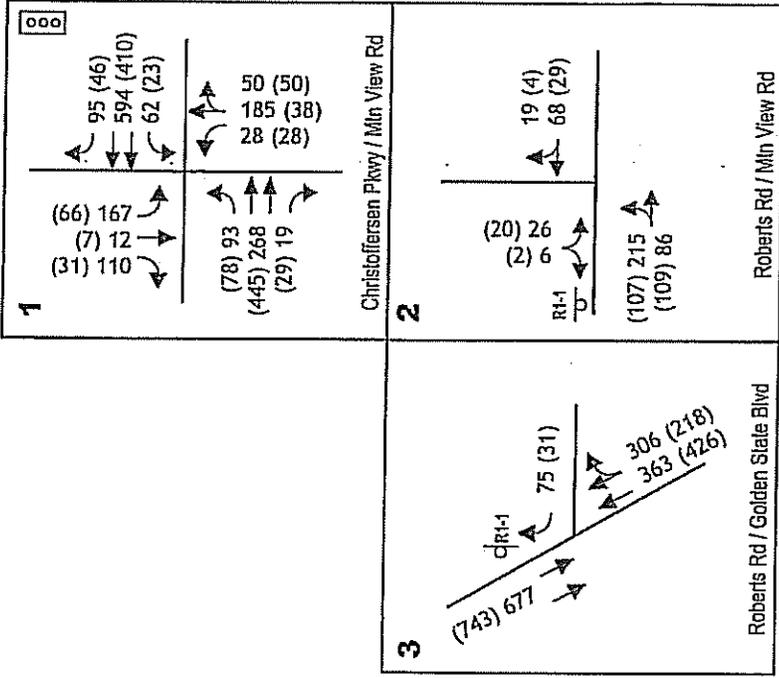
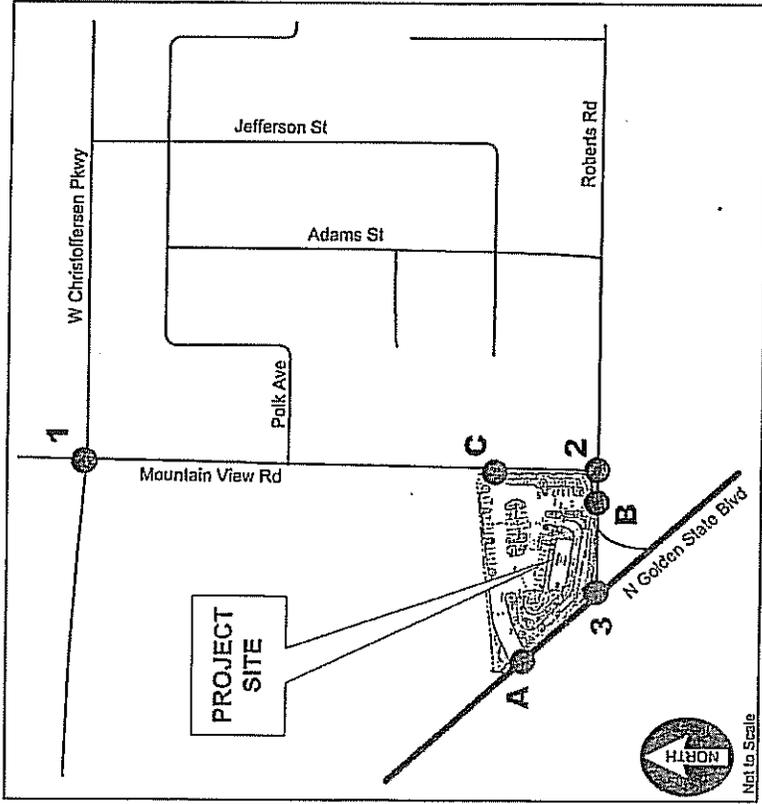
The Turlock General Plan provides policies regarding access to expressway facilities. Policy 5.2-w indicates the following:

*Policy 5.2-w Expressway access from private property. In general, access from individual private properties onto expressways is not permitted. An exception may be granted by the City Engineer if it is determined that the conditions listed below are met. In these cases, one access point may be provided onto future expressways to a parcel in existence at the date of adoption of the General Plan. The City may allow access from a private parcel onto an expressway if:*

- *The applicant has satisfactorily demonstrated to the City that there are either no or highly restrictive alternative access solutions available to that particular parcel;*
- *The applicant agrees to take full financial responsibility for constructing the access point, including any reconstruction of the expressway that may be necessary; and*

- *A properly designed access solution is approved by the City Engineer.*

With regards to the subject property, providing one access to Golden State Blvd will reduce project traffic on Roberts Road and Mountain View Road. As these facilities have residential frontage, the benefit of a Golden State Blvd driveway will include less traffic in front of adjacent residences with development of the site.



EPAP PLUS PROJECT  
TRAFFIC VOLUMES AND LANE CONFIGURATIONS

figure 6

## LONG TERM CUMULATIVE CONDITIONS

This section of this traffic study describes operating conditions under a long-term background scenario that is representative of Year 2030 conditions. The long term cumulative condition reflects future development of land uses and implementation of transportation improvement projects in the City of Turlock as presented in the Turlock General Plan and as forecast by the travel demand forecasting model developed for the General Plan Circulation Element. The Cumulative No Project scenario establishes a baseline condition for identifying any long-term project-related traffic impacts.

Year 2030 daily traffic model forecasts were compared to existing daily traffic volumes on N Golden State Blvd and on Christoffersen Pkwy and local growth rates were calculated for individual roadway segments. Year 2030 daily volume projections consist of 27,300 ADT on Christoffersen Pkwy through the study area and 32,250 ADT on N. Golden State Blvd, or more than double current traffic volume levels. Resulting growth rates were then applied to the existing intersection counts at each study intersection. This methodology is considered appropriate for identifying the increase in peak hour through traffic volume levels at intersections on each of these expressway facilities, but may not be applicable in identifying associated increases on intersecting minor street facilities such as Roberts Road and Mountain View Road. For these local streets, the quantity of developed and undeveloped land tributary to each of these facilities was reviewed to better define the level of traffic growth which might occur on these facilities and to refine resulting intersection turning movement projections at the study area intersections. Vacant lands and associated land use designations as identified on the City of Turlock's Undeveloped Land Use Map have been used for these local streets. Generalized trip generation rates and assumptions for likely access points to the local undeveloped parcels tributary to these streets were used to refine turning movement projections at study area intersections. Figure 7 identifies resulting long term forecasts for the No Project condition.

As with EPAP conditions, project generated traffic was then added to the long term cumulative base to develop Cumulative plus Project traffic projections. Figure 8 identifies the resulting long term traffic volume projections for the "Plus Project" condition.

The long term traffic model network includes widening of N. Golden State Blvd to six lanes through the study area. No other improvements are assumed within the study area at the three study intersections.

### Cumulative Levels of Service

**Cumulative No Project Intersection Levels of Service.** Table 8 displays a.m. and p.m. peak hour LOS at each study intersection under Cumulative No Project conditions. As shown, although volumes on N Golden State Blvd and on Christoffersen Pkwy are projected to increase significantly, adequate available capacity is projected for the study area street system. Satisfactory LOS "C" or better operations are projected at the study intersections under future conditions.

**Cumulative Plus Project Intersection Levels of Service.** As also shown in Table 8, the addition of projected generated traffic to the study intersections is projected to result in relatively minor increases in delay at each of the intersections, generally in the range of one second or less. Level of service "C" or better operations are projected to continue at all study intersections. These impacts are considered less than significant based upon identified operating standards.

**TABLE 8  
CUMULATIVE PLUS PROJECT  
INTERSECTION LEVELS OF SERVICE**

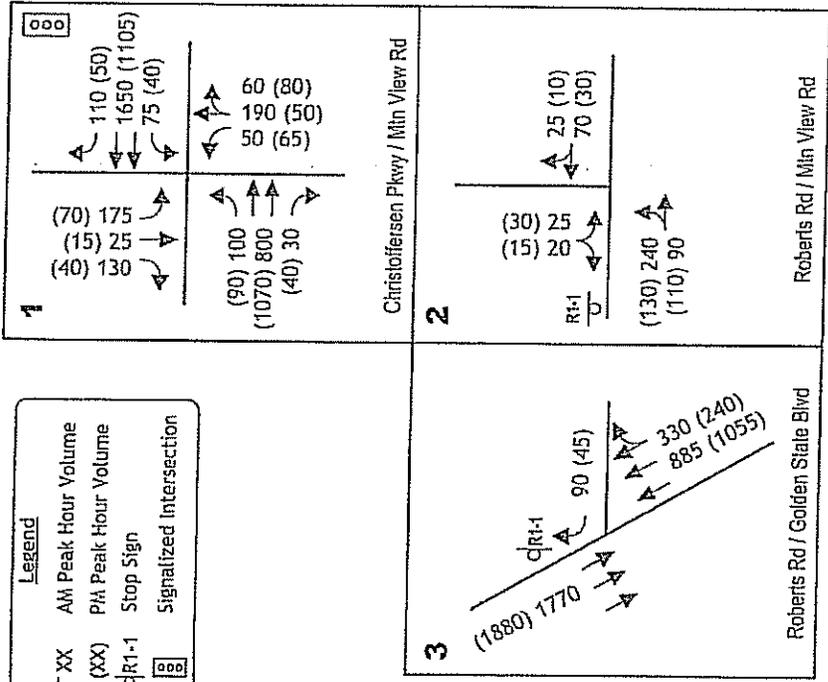
Intersection	Control	Cumulative Base – No Project				Cumulative Plus Project			
		AM Peak Hour		PM Peak Hour		AM Peak Hour		PM Peak Hour	
		LOS	Delay	LOS	Delay	LOS	Delay	LOS	Delay
Christoffersen Pkwy / Mountain View Rd	Signal	C	29.9	B	19.5	C	30.3	C	20.7
Mountain View Rd / Roberts Rd	SB Stop	C	19.6	B	12.4	C	21.4	B	13.6
- SB Approach - EB Left Turn		A	6.8	A	4.6	A	6.8	A	4.9
Golden State Blvd / Roberts Rd	WB Yield	C	16.6	B	12.9	C	17.0	B	13.0
- WB Right Turn									
Project access / Golden State Blvd	WB Stop	NA	-	NA	-	B	11.9	B	11.2
- WB Right Turn									
Project access / Roberts Rd	SB Stop	NA	-	NA	-	B	10.8	A	9.8
- SB Approach - EB Left Turn						A	0.3	A	0.2
Project Access / Mountain View Rd	EB Stop	NA	-	NA	-	B	10.6	A	9.7
- EB Approach						A	0.1	A	0.1
- NB Left Turn									

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**Legend**

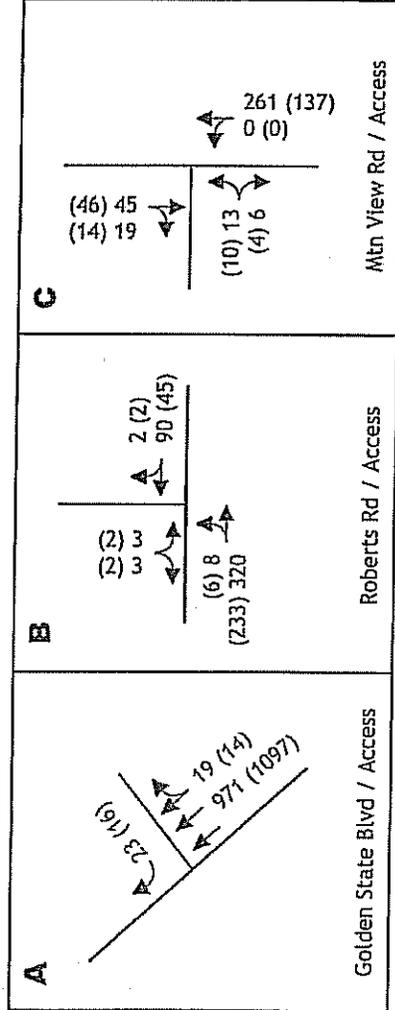
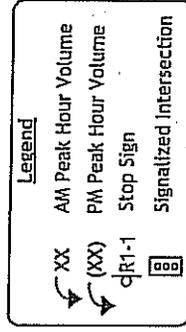
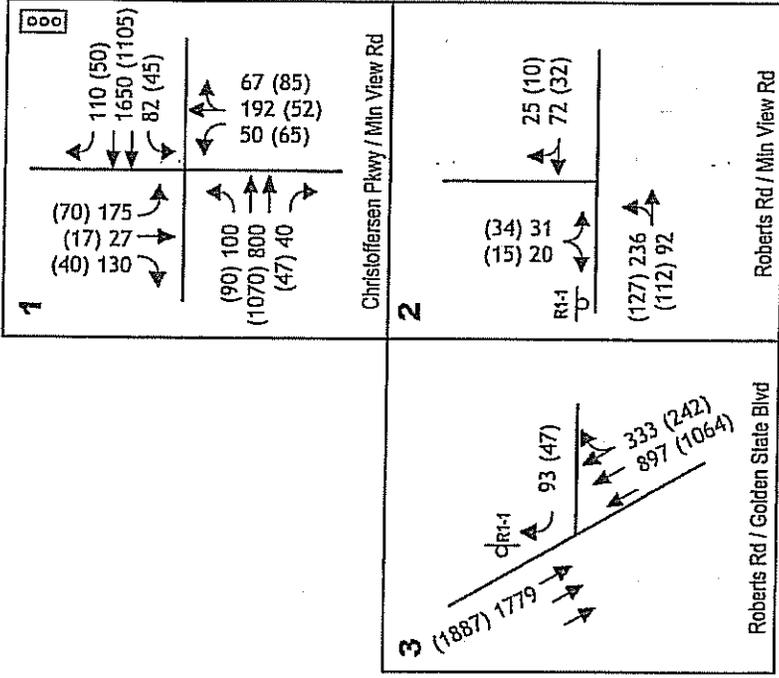
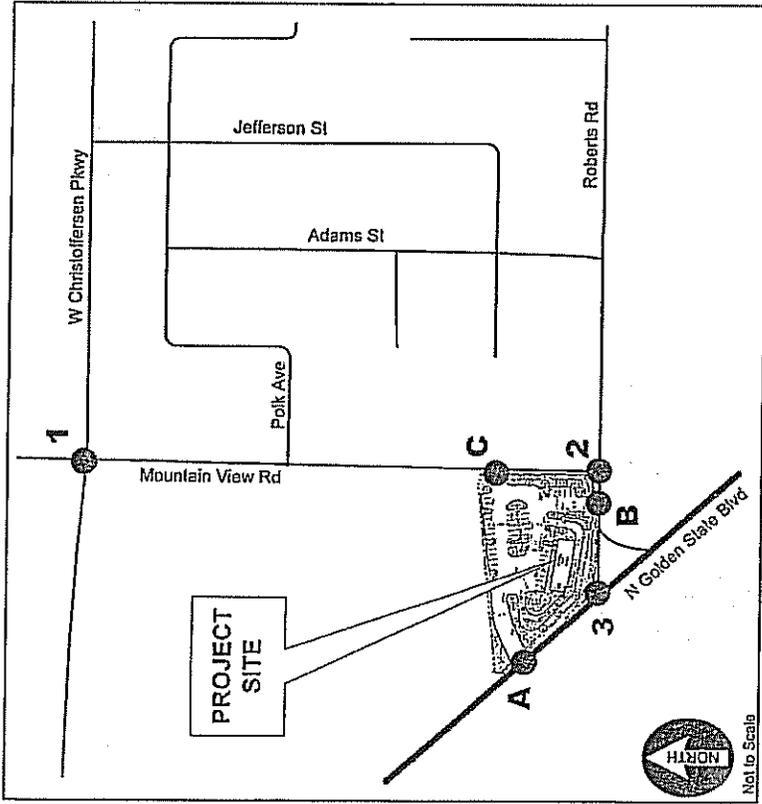
- XX AM Peak Hour Volume
- (XX) PM Peak Hour Volume
- q/R1-1 Stop Sign
- Signalized Intersection



CUMULATIVE BASE NO PROJECT  
TRAFFIC VOLUMES AND LANE CONFIGURATIONS

KD Anderson & Associates, Inc.  
Transportation Engineers  
5016-01 LT 3/14/2014

figure 7



## CUMULATIVE PLUS PROJECT TRAFFIC VOLUMES AND LANE CONFIGURATIONS

KD Anderson & Associates, Inc.  
Transportation Engineers

5015-01 LT 3/14/2014

figure 8

## SUMMARY AND CONCLUSIONS

This traffic impact study presents an analysis of the traffic related impacts associated with development of the Taco Bell Restaurant project proposed for a 1 acre site at the northeast corner of N. Golden State Blvd and Roberts Road in the City of Turlock. The site fronts N. Golden State Blvd, Roberts Road and Mountain View Road. The proposed project consists of a 2,106 sf Taco Bell restaurant with drive-thru. Access to the site is proposed via one driveway to each of the three fronting streets.

The proposed project is projected to generate a total of 96 a.m. and 69 p.m. peak hour trips. The extent to which a portion of the trips attracted to the fast-food restaurant use may be drawn from the stream of traffic already passing the site (i.e., "pass-by trips") has been estimated based on data contained in the *ITE Trip Generation Handbook* publication. This publication suggests that 49% to 50% of a.m. and p.m. peak hour traffic would be expected to consist of pass-by trips. Applying this information, the proposed project would be expected to generate 49 new a.m. peak hour trips and 35 new p.m. peak hour trips.

To quantitatively evaluate traffic conditions and to provide a basis for comparison of operating conditions with and without traffic generated by the proposed project, traffic operations at the following three (3) study area intersections were evaluated:

- Christoffersen Pkw / Mountain View Road,
- Mountain View Road / Roberts Road,
- N. Golden State Blvd / Roberts Road

The traffic impact study presents an analysis of a.m. and p.m. peak hour traffic operations under the following scenarios:

- Existing Peak Hour Conditions,
- Existing Plus Approved Projects (EPAP) Conditions
- Existing Plus Approved Projects plus Taco Bell Project
- Long Term Cumulative Conditions
- Long Term Cumulative with Taco Bell Project

The Existing Plus Approved Projects (EPAP) condition is a near-term background condition which includes existing traffic volume levels plus new traffic associated with approved and pending land use development projects in this area of Turlock.

Cumulative conditions are a long-term background condition which includes future year forecasts of traffic volumes based on information developed for the Turlock General Plan for the year 2030.

**Existing Levels of Service.** Satisfactory level of service "C" or better intersection operations are currently experienced within the study area.

**EPAP plus Project Levels of Service.** All study intersections would continue to operate at acceptable LOS "C" or better under EPAP plus Project conditions.

**Cumulative plus Project Levels of Service.** Although volumes on N. Golden State Blvd and on Christoffersen Pkwy are projected to increase significantly under year 2030 conditions, adequate available capacity is projected for the study area street system. Satisfactory LOS "C" or better operations are projected at the study intersections under future base conditions. The addition of projected generated traffic to the study intersections is projected to result in relatively minor increases in delay at each of the intersections, generally in the range of one second or less. Level of service "C" or better operations are projected to continue at all study intersections with development of the project.

**Site Access.** The analysis identifies the following recommendations regarding site access. Three access driveways are proposed, with one driveway accessing each of the three frontage streets.

Mountain View Road Access. This driveway is proposed approximately 160' north of Roberts Road at the north border of the site and is 26' in width. This driveway is expected to be utilized by the majority of traffic accessing the site from the north via Mountain View Road. Little or no left turn traffic into the site from the south is projected at this driveway location. As such, driveway operations are not projected to result in any delays to northbound through traffic on Mountain View Road. Satisfactory level of service "A" to "B" delays are projected at the driveway. There are no sight distance restrictions to Roberts Road to the south or to the north on Mountain View Drive. It is recommended that parking be prohibited on the west side of Mountain View Road for 100' to the north and south of the driveway to maintain clear lines of sight from the driveway exit lane.

- Recommendation - Prohibit parking on the west side of Mountain View Road for 100' to the north and south of the driveway to maintain clear lines of sight.

Roberts Road Access. This driveway is also 26' in width and is proposed to be located approximately 40' west of the westerly curb line of Mountain View Road. This driveway is projected to have the least use, as vehicles accessing the site from Mountain View Road are expected to use the Mountain View Road access, and the majority of traffic oriented to Golden State Blvd is expected to use the Golden State Blvd driveway. Some traffic is expected to turn right off of northbound Golden State Blvd to Roberts Road and enter the site via this driveway. However, given the proposed location of the drive-thru entry and the orientation of the front of the restaurant, the majority of traffic entering the site from northbound Golden State Blvd is expected to use the Golden State Blvd driveway.

The close spacing of this driveway to the Mountain View Road intersection creates a concern. Left turn traffic into the site and right turn traffic from Mountain View Road will have limited opportunity to see conflicting vehicles. Similarly, with the limited site frontage along Roberts Road, the driveway would be located approximately 70' to the east of the right turn lane

transition from northbound Golden State Blvd to Roberts Road. This right turn movement experiences relatively high existing volumes and introducing additional turning movements in this area between Golden State Blvd and Mountain View Road (a total distance of approximately 140') is a potential safety concern. A center left turn lane could help to mitigate this condition, however, the very limited available distance does not likely permit installation of a functional left turn lane. Also, even with a left turn lane, it is possible that project traffic could stop in front of motorists intending to turn left onto Mountain View Road. As such, it is recommended that either eliminating this driveway or installing a median in Roberts Road be considered. With either option, it is expected that the majority of traffic projected to use this driveway would then access the site via the Golden State Blvd driveway and additional traffic diverted to Mountain View Road would not be significant.

- Recommendation - Site design should consider removal of the Roberts Road driveway, or installation of a raised median on Roberts Road due to limited intersection spacing.

Golden State Blvd Access. A 40' wide driveway is proposed at this location to facilitate access from the higher speed Golden State Blvd. Access will be limited to right turns into and out of the driveway. The driveway will be located near the north border of the site approximately 200' from the centerline of Roberts Road. There are two existing driveways to the north on Golden State Blvd located 225' and 440' from the proposed driveway location. Satisfactory LOS "A" to "B" driveway operations are projected. Available spacing to the Roberts Road intersection is not projected to result in any operational problems. As driveway volumes will be relatively low and right turn volumes from Roberts Road to northbound Golden State Blvd are also relatively low, merge operations between the intersections are projected to function satisfactorily.

Construction of Golden State Blvd frontage improvements placed consistent with existing improvements immediately to the north of the site will provide a 26' wide paved shoulder as currently exists immediately to the north of the site. This will facilitate deceleration and access into the site from the existing 2-lane northbound expressway facility. With future implementation of three northbound lanes and a Class II bike lane, an additional 8' of shoulder area would be provided. This assumes a 3rd northbound lane 12' in width and a 6' wide bike lane. This shoulder area will facilitate ingress into the driveway from the expressway.

The Turlock General Plan provides policies regarding access to expressway facilities. Policy 5.2-w indicates the following:

*Policy 5.2-w Expressway access from private property. In general, access from individual private properties onto expressways is not permitted. An exception may be granted by the City Engineer if it is determined that the conditions listed below are met. In these cases, one access point may be provided onto future expressways to a parcel in existence at the date of adoption of the General Plan. The City may allow access from a private parcel onto an expressway if:*

- *The applicant has satisfactorily demonstrated to the City that there are either no or highly restrictive alternative access solutions available to that particular parcel;*

- *The applicant agrees to take full financial responsibility for constructing the access point, including any reconstruction of the expressway that may be necessary; and*
- *A properly designed access solution is approved by the City Engineer.*

With regards to the subject property, providing one access to Golden State Blvd will reduce project traffic on Roberts Road and Mountain View Road. As these facilities have residential frontage, the benefit of a Golden State Blvd driveway will include less traffic in front of adjacent residences with development of the site.

## APPENDICES

Level of Service Calculations

Traffic Counts

HCM Signalized Intersection Capacity Analysis  
 3: Christoffersen Pkwy & Mountain View Rd

Existing  
 AM peak

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Lane Configurations													
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00	
Frbp, ped/bikes	1.00	1.00	0.96	1.00	1.00	0.96	1.00	1.00	1.00	1.00	1.00	0.98	
Flpb, ped/bikes	1.00	1.00	1.00	0.99	1.00	1.00	0.99	1.00	1.00	1.00	1.00	1.00	
Frt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	0.97	1.00	1.00	1.00	0.85	
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	
Satd. Flow (prot)	1769	3539	1522	1760	3539	1522	1758	1800	1800	1768	1863	1549	
Flt Permitted	0.17	1.00	1.00	0.52	1.00	1.00	0.74	1.00	1.00	0.22	1.00	1.00	
Satd. Flow (perm)	318	3539	1522	964	3539	1522	1367	1800	1800	408	1863	1549	
Volume (vph)	84	259	8	55	558	95	28	157	43	161	10	101	
Peak-hour factor, PHF	0.51	0.72	0.50	0.55	0.71	0.42	0.70	0.51	0.57	0.46	0.36	0.48	
Adj. Flow (vph)	165	360	16	100	786	226	40	308	75	350	28	210	
RTOR Reduction (vph)	0	0	11	0	0	166	0	11	0	0	0	120	
Lane Group Flow (vph)	165	360	5	100	786	60	40	372	0	350	28	90	
Confl. Peds. (#/hr)	10		10	10		10	10		10	10		10	
Turn Type	pm+pt		Perm	pm+pt		Perm	pm+pt			pm+pt		Perm	
Protected Phases	7	4		3	8		5	2		1	6		
Permitted Phases	4		4	8		8	2			6		6	
Actuated Green, G (s)	28.9	22.9	22.9	24.9	20.9	20.9	24.8	22.4		40.6	34.2	34.2	
Effective Green, g (s)	29.4	23.4	23.4	25.4	21.4	21.4	24.8	22.4		40.6	34.2	34.2	
Actuated g/C Ratio	0.37	0.29	0.29	0.32	0.27	0.27	0.31	0.28		0.51	0.43	0.43	
Clearance Time (s)	4.0	4.5	4.5	4.0	4.5	4.5	4.0	4.0		4.0	4.0	4.0	
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0	
Lane Grp Cap (vph)	226	1035	445	346	947	407	436	504		448	796	662	
v/s Ratio Prot	c0.05	0.10		0.01	c0.22		0.00	0.21		c0.14	0.02		
v/s Ratio Perm	0.21		0.00	0.08		0.04	0.03			c0.26		0.06	
v/c Ratio	0.73	0.35	0.01	0.29	0.83	0.15	0.09	0.74		0.78	0.04	0.14	
Uniform Delay, d1	19.5	22.3	20.1	19.8	27.6	22.4	19.5	26.1		14.4	13.3	13.9	
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00	
Incremental Delay, d2	11.5	0.9	0.0	0.5	8.4	0.8	0.1	9.3		8.6	0.1	0.4	
Delay (s)	30.9	23.2	20.1	20.2	36.0	23.1	19.6	35.5		23.0	13.4	14.3	
Level of Service	C	C	C	C	D	C	B	D		C	B	B	
Approach Delay (s)		25.5			31.9			34.0			19.5		
Approach LOS		C			C			C			B		
<b>Intersection Summary</b>													
HCM Average Control Delay	28.2		HCM Level of Service					C					
HCM Volume to Capacity ratio	0.83		Sum of lost time (s)					16.0					
Actuated Cycle Length (s)	80.0		ICU Level of Service					C					
Intersection Capacity Utilization	65.2%												
Analysis Period (min)	15												
c Critical Lane Group													

HCM Unsignalized Intersection Capacity Analysis  
 5: Roberts Rd & Mountain View Rd

Existing  
 AM peak

						
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	193	84	63	19	19	6
Peak Hour Factor	0.65	0.78	0.83	0.68	0.53	0.50
Hourly flow rate (vph)	297	108	76	28	36	12
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None		
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	104				791	90
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	104				791	90
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	80				87	99
cM capacity (veh/h)	1488				287	968
<b>Direction, Lane #</b>	<b>EB 1</b>	<b>WB 1</b>	<b>SB 1</b>			
Volume Total	405	104	48			
Volume Left	297	0	36			
Volume Right	0	28	12			
cSH	1488	1700	348			
Volume to Capacity	0.20	0.06	0.14			
Queue Length 95th (ft)	19	0	12			
Control Delay (s)	6.3	0.0	17.0			
Lane LOS	A		C			
Approach Delay (s)	6.3	0.0	17.0			
Approach LOS			C			
<b>Intersection Summary</b>						
Average Delay			6.1			
Intersection Capacity Utilization		31.8%		ICU Level of Service		A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
6: Roberts Rd & Golden State Blvd

Existing  
AM peak

	↙	↖	↑	↗	↘	↓
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations		↖	↑↑			↑↑
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	0	69	328	277	0	655
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74
Hourly flow rate (vph)	0	93	443	374	0	885
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	Raised					
Median storage (veh)	0					
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1073	409		443		
vC1, stage 1 conf vol	630					
vC2, stage 2 conf vol	443					
vCu, unblocked vol	1073	409		443		
tC, single (s)	6.8	6.9		4.1		
tC, 2 stage (s)	5.8					
tF (s)	3.5	3.3		2.2		
p0 queue free %	100	84		100		
cM capacity (veh/h)	258	592		1113		
Direction, Lane #	WB 1	NB 1	NB 2	SB 1	SB 2	
Volume Total	93	295	522	443	443	
Volume Left	0	0	0	0	0	
Volume Right	93	0	374	0	0	
cSH	592	1700	1700	1700	1700	
Volume to Capacity	0.16	0.17	0.31	0.26	0.26	
Queue Length 95th (ft)	14	0	0	0	0	
Control Delay (s)	12.2	0.0	0.0	0.0	0.0	
Lane LOS	B					
Approach Delay (s)	12.2	0.0		0.0		
Approach LOS	B					
<b>Intersection Summary</b>						
Average Delay			0.6			
Intersection Capacity Utilization		28.9%		ICU Level of Service	A	
Analysis Period (min)		15				

HCM Signalized Intersection Capacity Analysis  
 3: Christoffersen Pkwy & Mountain View Rd

Existing  
 PM peak

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↙	↕	↘	↙	↕	↘	↙	↕	↘	↙	↕	↘
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00		1.00	1.00	1.00
Frbp, ped/bikes	1.00	1.00	0.96	1.00	1.00	0.96	1.00	0.99		1.00	1.00	0.98
Flpb, ped/bikes	1.00	1.00	1.00	1.00	1.00	1.00	0.99	1.00		1.00	1.00	1.00
Frt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	0.91		1.00	1.00	0.85
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)	1763	3539	1522	1762	3539	1522	1757	1676		1761	1863	1549
Flt Permitted	0.42	1.00	1.00	0.46	1.00	1.00	0.75	1.00		0.61	1.00	1.00
Satd. Flow (perm)	778	3539	1522	859	3539	1522	1394	1676		1123	1863	1549
Volume (vph)	33	396	17	18	391	46	28	31	45	64	5	28
Peak-hour factor, PHF	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Adj. Flow (vph)	38	450	19	20	444	52	32	35	51	73	6	32
RTOR Reduction (vph)	0	0	11	0	0	32	0	36	0	0	0	21
Lane Group Flow (vph)	38	450	8	20	444	20	32	50	0	73	6	11
Confl. Peds. (#/hr)	10		10	10		10	10		10	10		10
Turn Type	pm+pt		Perm	pm+pt		Perm	pm+pt			pm+pt		Perm
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases	4		4	8		8	2			6		6
Actuated Green, G (s)	35.6	31.5	31.5	32.6	30.0	30.0	25.8	22.9		33.0	26.5	26.5
Effective Green, g (s)	36.1	32.0	32.0	33.1	30.5	30.5	25.8	22.9		33.0	26.5	26.5
Actuated g/C Ratio	0.45	0.40	0.40	0.41	0.38	0.38	0.32	0.29		0.41	0.33	0.33
Clearance Time (s)	4.0	4.5	4.5	4.0	4.5	4.5	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	402	1416	609	385	1349	580	463	480		515	617	513
v/s Ratio Prot	c0.00	c0.13		0.00	0.13		0.00	0.03		c0.01	0.00	
v/s Ratio Perm	0.04		0.00	0.02		0.01	0.02			c0.05		0.01
v/c Ratio	0.09	0.32	0.01	0.05	0.33	0.03	0.07	0.10		0.14	0.01	0.02
Uniform Delay, d1	12.5	16.5	14.5	13.9	17.5	15.5	18.7	21.0		14.5	17.9	18.0
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	0.1	0.6	0.0	0.1	0.7	0.1	0.1	0.4		0.1	0.0	0.1
Delay (s)	12.6	17.1	14.5	14.0	18.2	15.6	18.8	21.4		14.6	18.0	18.1
Level of Service	B	B	B	B	B	B	B	C		B	B	B
Approach Delay (s)		16.7			17.7			20.7			15.8	
Approach LOS		B			B			C			B	
<b>Intersection Summary</b>												
HCM Average Control Delay			17.4									B
HCM Volume to Capacity ratio			0.22									
Actuated Cycle Length (s)			80.0									
Intersection Capacity Utilization			51.7%						12.0			
Analysis Period (min)			15						A			
c Critical Lane Group												

HCM Unsignalized Intersection Capacity Analysis  
 5: Roberts Rd & Mountain View Rd

Existing  
 PM peak

						
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	105	107	25	4	11	2
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74
Hourly flow rate (vph)	142	145	34	5	15	3
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	39				465	36
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	39				465	36
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	91				97	100
cM capacity (veh/h)	1571				506	1036
Direction, Lane #	EB 1	WB 1	SB 1			
Volume Total	286	39	18			
Volume Left	142	0	15			
Volume Right	0	5	3			
cSH	1571	1700	549			
Volume to Capacity	0.09	0.02	0.03			
Queue Length 95th (ft)	7	0	2			
Control Delay (s)	4.1	0.0	11.8			
Lane LOS	A		B			
Approach Delay (s)	4.1	0.0	11.8			
Approach LOS			B			
<b>Intersection Summary</b>						
Average Delay			4.0			
Intersection Capacity Utilization			28.1%		ICU Level of Service	A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
 6: Roberts Rd & Golden State Blvd

Existing  
 PM peak

	↙	↖	↑	↗	↘	↓
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations		↖	↑↑			↑↑
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	0	27	391	211	0	696
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	0	29	425	229	0	757
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	Raised					
Median storage (veh)	0					
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	918	327			425	
vC1, stage 1 conf vol	540					
vC2, stage 2 conf vol	378					
vCu, unblocked vol	918	327			425	
IC, single (s)	6.8	6.9			4.1	
IC, 2 stage (s)	5.8					
tF (s)	3.5	3.3			2.2	
p0 queue free %	100	96			100	
cM capacity (veh/h)	295	669			1131	
Direction, Lane #	WB 1	NB 1	NB 2	SB 1	SB 2	
Volume Total	29	283	371	378	378	
Volume Left	0	0	0	0	0	
Volume Right	29	0	229	0	0	
cSH	669	1700	1700	1700	1700	
Volume to Capacity	0.04	0.17	0.22	0.22	0.22	
Queue Length 95th (ft)	3	0	0	0	0	
Control Delay (s)	10.6	0.0	0.0	0.0	0.0	
Lane LOS	B					
Approach Delay (s)	10.6	0.0		0.0		
Approach LOS	B					
<b>Intersection Summary</b>						
Average Delay			0.2			
Intersection Capacity Utilization		27.6%		ICU Level of Service		A
Analysis Period (min)		15				

HCM Signalized Intersection Capacity Analysis  
 3: Christoffersen Pkwy & Mountain View Rd

EPAP base  
 AM peak

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↖↖	↖	↖	↖↖	↖	↖	↖	↖	↖	↖	↖
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frbp, ped/bikes	1.00	1.00	0.96	1.00	1.00	0.96	1.00	1.00	1.00	1.00	1.00	0.98
Flpb, ped/bikes	1.00	1.00	1.00	0.99	1.00	1.00	0.99	1.00	1.00	1.00	1.00	1.00
Frt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	0.97	1.00	1.00	1.00	0.85
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (prot)	1769	3539	1522	1760	3539	1522	1758	1808	1808	1769	1863	1549
Flt Permitted	0.17	1.00	1.00	0.51	1.00	1.00	0.74	1.00	1.00	0.16	1.00	1.00
Satd. Flow (perm)	318	3539	1522	941	3539	1522	1367	1808	1808	302	1863	1549
Volume (vph)	93	268	9	55	594	95	28	183	43	167	10	110
Peak-hour factor, PHF	0.51	0.72	0.50	0.55	0.71	0.42	0.70	0.51	0.57	0.46	0.36	0.48
Adj. Flow (vph)	182	372	18	100	837	226	40	359	75	363	28	229
RTOR Reduction (vph)	0	0	13	0	0	166	0	9	0	0	0	131
Lane Group Flow (vph)	182	372	5	100	837	60	40	425	0	363	28	98
Confl. Peds. (#/hr)	10		10	10		10	10		10	10		10
Turn Type	pm+pt		Perm	pm+pt		Perm	pm+pt			pm+pt		Perm
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases	4		4	8		8	2			6		6
Actuated Green, G (s)	28.9	22.9	22.9	24.9	20.9	20.9	25.1	22.7		40.6	34.2	34.2
Effective Green, g (s)	29.4	23.4	23.4	25.4	21.4	21.4	25.1	22.7		40.6	34.2	34.2
Actuated g/C Ratio	0.37	0.29	0.29	0.32	0.27	0.27	0.31	0.28		0.51	0.43	0.43
Clearance Time (s)	4.0	4.5	4.5	4.0	4.5	4.5	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	226	1035	445	340	947	407	441	513		408	796	662
v/s Ratio Prot	c0.06	0.11		0.01	c0.24		0.00	0.23		c0.15	0.02	
v/s Ratio Perm	0.24		0.00	0.08		0.04	0.03			c0.30		0.06
v/c Ratio	0.81	0.36	0.01	0.29	0.88	0.15	0.09	0.83		0.89	0.04	0.15
Uniform Delay, d1	20.0	22.4	20.1	19.8	28.1	22.4	19.3	26.8		18.3	13.3	14.0
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	18.5	1.0	0.0	0.5	11.8	0.8	0.1	14.3		20.4	0.1	0.5
Delay (s)	38.5	23.3	20.1	20.2	39.9	23.1	19.4	41.1		38.7	13.4	14.5
Level of Service	D	C	C	C	D	C	B	D		D	B	B
Approach Delay (s)		28.1			35.0			39.2			28.6	
Approach LOS		C			C			D			C	
Intersection Summary												
HCM Average Control Delay			32.9									
HCM Volume to Capacity ratio			0.92									
Actuated Cycle Length (s)			80.0						16.0			
Intersection Capacity Utilization			66.1%									
Analysis Period (min)			15									
c Critical Lane Group												

HCM Signalized Intersection Capacity Analysis  
 3/13/2014

HCM Unsignalized Intersection Capacity Analysis  
 5: Roberts Rd & Mountain View Rd

EPAP base  
 AM peak

						
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	219	84	66	19	20	6
Peak Hour Factor	0.65	0.78	0.83	0.68	0.53	0.50
Hourly flow rate (vph)	337	108	80	28	38	12
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	107				875	93
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	107				875	93
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
pD queue free %	77				85	99
cM capacity (veh/h)	1483				247	964
Direction, Lane #	EB 1	WB 1	SB 1			
Volume Total	445	107	50			
Volume Left	337	0	38			
Volume Right	0	28	12			
cSH	1483	1700	301			
Volume to Capacity	0.23	0.06	0.17			
Queue Length 95th (ft)	22	0	15			
Control Delay (s)	6.6	0.0	19.3			
Lane LOS	A		C			
Approach Delay (s)	6.6	0.0	19.3			
Approach LOS			C			
<b>Intersection Summary</b>						
Average Delay			6.5			
Intersection Capacity Utilization		33.2%		ICU Level of Service		A
Analysis Period (min)		15				

HCM Unsignalized Intersection Capacity Analysis  
 6: Roberts Rd & Golden State Blvd

EPAP base  
 AM peak

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations		↗	↕			↕
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	0	72	351	303	0	668
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74
Hourly flow rate (vph)	0	97	474	409	0	903
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	Raised					
Median storage veh	0					
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1130	442			474	
vC1, stage 1 conf vol	679					
vC2, stage 2 conf vol	451					
vCu, unblocked vol	1130	442			474	
tC, single (s)	6.8	6.9			4.1	
tC, 2 stage (s)	5.8					
tF (s)	3.5	3.3			2.2	
p0 queue free %	100	83			100	
cM capacity (veh/h)	244	563			1084	
Direction, Lane #	WB 1	NB 1	NB 2	SB 1	SB 2	
Volume Total	97	316	568	451	451	
Volume Left	0	0	0	0	0	
Volume Right	97	0	409	0	0	
cSH	563	1700	1700	1700	1700	
Volume to Capacity	0.17	0.19	0.33	0.27	0.27	
Queue Length 95th (ft)	15	0	0	0	0	
Control Delay (s)	12.7	0.0	0.0	0.0	0.0	
Lane LOS	B					
Approach Delay (s)	12.7	0.0		0.0		
Approach LOS	B					
<b>Intersection Summary</b>						
Average Delay			0.7			
Intersection Capacity Utilization			30.6%		ICU Level of Service	A
Analysis Period (min)			15			

HCM Signalized Intersection Capacity Analysis  
3: Christoffersen Pkwy & Mountain View Rd

EPAP base  
PM peak

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00		1.00	1.00	1.00
Frpb, ped/bikes	1.00	1.00	0.96	1.00	1.00	0.96	1.00	0.99		1.00	1.00	0.98
Flpb, ped/bikes	1.00	1.00	1.00	1.00	1.00	1.00	0.99	1.00		1.00	1.00	1.00
Frt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	0.92		1.00	1.00	0.85
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)	1765	3539	1522	1762	3539	1522	1757	1688		1762	1863	1549
Flt Permitted	0.38	1.00	1.00	0.46	1.00	1.00	0.75	1.00		0.59	1.00	1.00
Satd. Flow (perm)	700	3539	1522	856	3539	1522	1394	1688		1097	1863	1549
Volume (vph)	78	445	22	18	410	46	28	36	45	66	5	31
Peak-hour factor, PHF	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Adj. Flow (vph)	89	506	25	20	466	52	32	41	51	75	6	35
RTOR Reduction (vph)	0	0	14	0	0	32	0	38	0	0	0	24
Lane Group Flow (vph)	89	506	11	20	466	20	32	54	0	75	6	11
Confl. Peds. (#/hr)	10		10	10		10	10		10	10		10
Turn Type	pm+pt		Perm	pm+pt		Perm	pm+pt			pm+pt		Perm
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases	4		4	8		8	2			6		6
Actuated Green, G (s)	39.8	33.5	33.5	32.4	29.8	29.8	23.7	20.7		31.1	24.4	24.4
Effective Green, g (s)	40.3	34.0	34.0	32.9	30.3	30.3	23.7	20.7		31.1	24.4	24.4
Actuated g/C Ratio	0.50	0.42	0.42	0.41	0.38	0.38	0.30	0.26		0.39	0.30	0.30
Clearance Time (s)	4.0	4.5	4.5	4.0	4.5	4.5	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	436	1504	647	381	1340	576	427	437		482	568	472
v/s Ratio Prot	c0.02	c0.14		0.00	0.13		0.00	0.03		c0.01	0.00	
v/s Ratio Perm	0.09		0.01	0.02		0.01	0.02			c0.05		0.01
v/c Ratio	0.20	0.34	0.02	0.05	0.35	0.03	0.07	0.12		0.16	0.01	0.02
Uniform Delay, d1	10.8	15.4	13.3	14.0	17.8	15.6	20.2	22.7		15.7	19.4	19.5
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	0.2	0.6	0.0	0.1	0.7	0.1	0.1	0.6		0.2	0.0	0.1
Delay (s)	11.0	16.0	13.4	14.1	18.5	15.8	20.3	23.3		15.9	19.4	19.5
Level of Service	B	B	B	B	B	B	C	C		B	B	B
Approach Delay (s)		15.2			18.1			22.5			17.2	
Approach LOS		B			B			C			B	
Intersection Summary												
HCM Average Control Delay		17.1			HCM Level of Service					B		
HCM Volume to Capacity ratio		0.27										
Actuated Cycle Length (s)		80.0			Sum of lost time (s)				16.0			
Intersection Capacity Utilization		52.7%			ICU Level of Service				A			
Analysis Period (min)		15										
c Critical Lane Group												

HCM Unsignalized Intersection Capacity Analysis  
 5: Roberts Rd & Mountain View Rd

EPAP base  
 PM peak

						
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	110	107	27	4	16	2
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74
Hourly flow rate (vph)	149	145	36	5	22	3
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	42				481	39
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	42				481	39
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	91				96	100
cM capacity (veh/h)	1567				492	1032
Direction, Lane #	EB 1	WB 1	SB 1			
Volume Total	293	42	24			
Volume Left	149	0	22			
Volume Right	0	5	3			
cSH	1567	1700	523			
Volume to Capacity	0.09	0.02	0.05			
Queue Length 95th (ft)	8	0	4			
Control Delay (s)	4.2	0.0	12.2			
Lane LOS	A		B			
Approach Delay (s)	4.2	0.0	12.2			
Approach LOS			B			
<b>Intersection Summary</b>						
Average Delay			4.3			
Intersection Capacity Utilization		28.4%		ICU Level of Service	A	
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
6: Roberts Rd & Golden State Blvd

EPAP base  
PM peak

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations						
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	0	29	417	216	0	736
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	0	32	453	235	0	800
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	Raised					
Median storage veh	0					
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	971	344			453	
vC1, stage 1 conf vol	571					
vC2, stage 2 conf vol	400					
vCu, unblocked vol	971	344			453	
tC, single (s)	6.8	6.9			4.1	
tC, 2 stage (s)	5.8					
tF (s)	3.5	3.3			2.2	
p0 queue free %	100	95			100	
cM capacity (veh/h)	281	652			1104	
Direction, Lane #	WB 1	NB 1	NB 2	SB 1	SB 2	
Volume Total	32	302	386	400	400	
Volume Left	0	0	0	0	0	
Volume Right	32	0	235	0	0	
cSH	652	1700	1700	1700	1700	
Volume to Capacity	0.05	0.18	0.23	0.24	0.24	
Queue Length 95th (ft)	4	0	0	0	0	
Control Delay (s)	10.8	0.0	0.0	0.0	0.0	
Lane LOS	B					
Approach Delay (s)	10.8	0.0		0.0		
Approach LOS	B					
Intersection Summary						
Average Delay			0.2			
Intersection Capacity Utilization		28.4%		ICU Level of Service	A	
Analysis Period (min)		15				

HCM Unsignalized Intersection Capacity Analysis  
3/13/2014

HCM Signalized Intersection Capacity Analysis  
3: Christoffersen Pkwy & Mountain View Rd

EPAP plus Project  
AM peak

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00		1.00	1.00	1.00
Frpb, ped/bikes	1.00	1.00	0.96	1.00	1.00	0.96	1.00	1.00		1.00	1.00	0.98
Flpb, ped/bikes	1.00	1.00	1.00	0.99	1.00	1.00	0.99	1.00		1.00	1.00	1.00
Frt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	0.97		1.00	1.00	0.85
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)	1769	3539	1522	1760	3539	1522	1758	1801		1769	1863	1549
Flt Permitted	0.17	1.00	1.00	0.51	1.00	1.00	0.74	1.00		0.15	1.00	1.00
Satd. Flow (perm)	318	3539	1522	941	3539	1522	1361	1801		279	1863	1549
Volume (vph)	93	268	19	62	594	95	28	185	50	167	12	110
Peak-hour factor, PHF	0.51	0.72	0.50	0.55	0.71	0.42	0.70	0.51	0.57	0.46	0.36	0.48
Adj. Flow (vph)	182	372	38	113	837	226	40	363	88	363	33	229
RTOR Reduction (vph)	0	0	27	0	0	166	0	11	0	0	0	131
Lane Group Flow (vph)	182	372	11	113	837	60	40	440	0	363	33	98
Confl. Peds. (#/hr)	10		10	10		10	10		10	10		10
Turn Type	pm+pt		Perm	pm+pt		Perm	pm+pt			pm+pt		Perm
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases	4		4	8		8	2			6		6
Actuated Green, G (s)	28.9	22.9	22.9	24.9	20.9	20.9	25.1	22.7		40.6	34.2	34.2
Effective Green, g (s)	29.4	23.4	23.4	25.4	21.4	21.4	25.1	22.7		40.6	34.2	34.2
Actuated g/C Ratio	0.37	0.29	0.29	0.32	0.27	0.27	0.31	0.28		0.51	0.43	0.43
Clearance Time (s)	4.0	4.5	4.5	4.0	4.5	4.5	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	226	1035	445	340	947	407	439	511		400	796	662
v/s Ratio Prot	c0.06	0.11		0.02	c0.24		0.00	0.24		c0.16	0.02	
v/s Ratio Perm	0.24		0.01	0.09		0.04	0.03			c0.30		0.06
v/c Ratio	0.81	0.36	0.02	0.33	0.86	0.15	0.09	0.86		0.91	0.04	0.15
Uniform Delay, d1	20.0	22.4	20.2	19.9	28.1	22.4	19.3	27.2		19.6	13.3	14.0
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	18.5	1.0	0.1	0.6	11.8	0.8	0.1	17.2		23.6	0.1	0.5
Delay (s)	38.5	23.3	20.3	20.5	39.9	23.1	19.4	44.3		43.2	13.4	14.5
Level of Service	D	C	C	C	D	C	B	D		D	B	B
Approach Delay (s)		27.8			34.8			42.3			31.1	
Approach LOS		C			C			D			C	
Intersection Summary												
HCM Average Control Delay			33.9				HCM Level of Service			C		
HCM Volume to Capacity ratio			0.93									
Actuated Cycle Length (s)			80.0						16.0			
Intersection Capacity Utilization			66.1%							C		
Analysis Period (min)			15									
c Critical Lane Group												

HCM Unsignalized Intersection Capacity Analysis  
 5: Roberts Rd & Mountain View Rd

EPAP plus Project  
 AM peak

						
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	215	86	68	19	26	6
Peak Hour Factor	0.65	0.78	0.83	0.68	0.53	0.50
Hourly flow rate (vph)	331	110	82	28	49	12
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	110				868	96
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	110				868	96
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	78				80	99
cM capacity (veh/h)	1480				251	961
<b>Direction, Lane #</b>	<b>EB 1</b>	<b>WB 1</b>	<b>SB 1</b>			
Volume Total	441	110	61			
Volume Left	331	0	49			
Volume Right	0	28	12			
cSH	1480	1700	293			
Volume to Capacity	0.22	0.06	0.21			
Queue Length 95th (ft)	21	0	19			
Control Delay (s)	6.6	0.0	20.5			
Lane LOS	A		C			
Approach Delay (s)	6.6	0.0	20.5			
Approach LOS			C			
<b>Intersection Summary</b>						
Average Delay			6.8			
Intersection Capacity Utilization		33.1%		ICU Level of Service		A
Analysis Period (min)		15				

HCM Unsignalized Intersection Capacity Analysis  
 6: Roberts Rd & Golden State Blvd

EPAP plus Project  
 AM peak

	↙	↖	↑	↗	↘	↓
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations		↗	↑↑			↑↑
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	0	75	363	306	0	677
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74
Hourly flow rate (vph)	0	101	491	414	0	915
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	Raised					
Median storage (veh)	0					
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	1155	452			491	
vC1, stage 1 conf vol	697					
vC2, stage 2 conf vol	457					
vCu, unblocked vol	1155	452			491	
tC, single (s)	6.8	6.9			4.1	
tC, 2 stage (s)	5.8					
tF (s)	3.5	3.3			2.2	
p0 queue free %	100	82			100	
cM capacity (veh/h)	239	555			1069	
Direction, Lane #	WB 1	NB 1	NB 2	SB 1	SB 2	
Volume Total	101	327	577	457	457	
Volume Left	0	0	0	0	0	
Volume Right	101	0	414	0	0	
cSH	555	1700	1700	1700	1700	
Volume to Capacity	0.18	0.19	0.34	0.27	0.27	
Queue Length 95th (ft)	17	0	0	0	0	
Control Delay (s)	12.9	0.0	0.0	0.0	0.0	
Lane LOS	B					
Approach Delay (s)	12.9	0.0		0.0		
Approach LOS	B					
Intersection Summary						
Average Delay			0.7			
Intersection Capacity Utilization			31.2%		ICU Level of Service	A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
 10: Access A & Golden State Blvd

EPAP plus Project  
 AM peak

						
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations		↗	↑↑	↗		
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	0	23	400	19	0	0
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74
Hourly flow rate (vph)	0	31	541	26	0	0
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	Raised					
Median storage veh	0					
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	541	270			566	
vC1, stage 1 conf vol	541					
vC2, stage 2 conf vol	0					
vCu, unblocked vol	541	270			566	
tC, single (s)	6.8	6.9			4.1	
tC, 2 stage (s)	5.8					
tF (s)	3.5	3.3			2.2	
p0 queue free %	100	96			100	
cM capacity (veh/h)	366	728			1002	
Direction, Lane #	WB 1	NB 1	NB 2	NB 3		
Volume Total	31	270	270	26		
Volume Left	0	0	0	0		
Volume Right	31	0	0	26		
cSH	728	1700	1700	1700		
Volume to Capacity	0.04	0.16	0.16	0.02		
Queue Length 95th (ft)	3	0	0	0		
Control Delay (s)	10.2	0.0	0.0	0.0		
Lane LOS	B					
Approach Delay (s)	10.2	0.0				
Approach LOS	B					
<b>Intersection Summary</b>						
Average Delay			0.5			
Intersection Capacity Utilization		21.1%		ICU Level of Service		A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
 12: Roberts Rd & Access B

EPAP plus Project  
 AM peak

	↗	→	←	↖	↘	↙
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↖	↗		↘	
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	8	298	72	2	3	3
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74
Hourly flow rate (vph)	11	403	97	3	4	4
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	100				523	99
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	100				523	99
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	99				99	100
cM capacity (veh/h)	1493				511	957
Direction, Lane #	EB 1	WB 1	SB 1			
Volume Total	414	100	8			
Volume Left	11	0	4			
Volume Right	0	3	4			
cSH	1493	1700	666			
Volume to Capacity	0.01	0.06	0.01			
Queue Length 95th (ft)	1	0	1			
Control Delay (s)	0.3	0.0	10.5			
Lane LOS	A		B			
Approach Delay (s)	0.3	0.0	10.5			
Approach LOS			B			
<b>Intersection Summary</b>						
Average Delay			0.4			
Intersection Capacity Utilization			32.1%	ICU Level of Service		A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
 14: Access C & Mountain View Rd

EPAP plus Project  
 AM peak

Movement						
	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	W			←	→	
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Volume (veh/h)	13	6	0	234	26	19
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74
Hourly flow rate (vph)	18	8	0	316	35	26
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	364	48	61			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	364	48	61			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	97	99	100			
cM capacity (veh/h)	635	1021	1543			
Direction, Lane #	EB 1	NB 1	SB 1			
Volume Total	26	316	61			
Volume Left	18	0	0			
Volume Right	8	0	26			
cSH	721	1543	1700			
Volume to Capacity	0.04	0.00	0.04			
Queue Length 95th (ft)	3	0	0			
Control Delay (s)	10.2	0.0	0.0			
Lane LOS	B					
Approach Delay (s)	10.2	0.0	0.0			
Approach LOS	B					
Intersection Summary						
Average Delay			0.6			
Intersection Capacity Utilization		22.3%		ICU Level of Service		A
Analysis Period (min)		15				

HCM Signalized Intersection Capacity Analysis  
3: Christoffersen Pkwy & Mountain View Rd

EPAP plus project  
PM peak

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00		1.00	1.00	1.00
Frpb, ped/bikes	1.00	1.00	0.96	1.00	1.00	0.96	1.00	0.99		1.00	1.00	0.98
Flpb, ped/bikes	1.00	1.00	1.00	1.00	1.00	1.00	0.99	1.00		1.00	1.00	1.00
Frft	1.00	1.00	0.85	1.00	1.00	0.85	1.00	0.91		1.00	1.00	0.85
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)	1765	3539	1522	1762	3539	1522	1757	1683		1762	1863	1549
Flt Permitted	0.38	1.00	1.00	0.46	1.00	1.00	0.75	1.00		0.59	1.00	1.00
Satd. Flow (perm)	702	3539	1522	853	3539	1522	1392	1683		1089	1863	1549
Volume (vph)	78	445	29	23	410	46	28	38	50	66	7	31
Peak-hour factor, PHF	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88	0.88
Adj. Flow (vph)	89	506	33	26	466	52	32	43	57	75	8	35
RTOR Reduction (vph)	0	0	19	0	0	32	0	42	0	0	0	24
Lane Group Flow (vph)	89	506	14	26	466	20	32	58	0	75	8	11
Confl. Peds. (#/hr)	10		10	10		10	10		10	10		10
Turn Type	pm+pt		Perm	pm+pt		Perm	pm+pt			pm+pt		Perm
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases	4		4	8		8	2			6		6
Actuated Green, G (s)	39.7	33.4	33.4	32.5	29.8	29.8	23.7	20.7		31.1	24.4	24.4
Effective Green, g (s)	40.2	33.9	33.9	33.0	30.3	30.3	23.7	20.7		31.1	24.4	24.4
Actuated g/C Ratio	0.50	0.42	0.42	0.41	0.38	0.38	0.30	0.26		0.39	0.30	0.30
Clearance Time (s)	4.0	4.5	4.5	4.0	4.5	4.5	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	436	1500	645	383	1340	576	426	435		480	568	472
v/s Ratio Prot	c0.02	c0.14		0.00	0.13		0.00	0.03		c0.01	0.00	
v/s Ratio Perm	0.09		0.01	0.03		0.01	0.02			c0.05		0.01
v/c Ratio	0.20	0.34	0.02	0.07	0.35	0.03	0.08	0.13		0.16	0.01	0.02
Uniform Delay, d1	10.8	15.5	13.4	14.0	17.8	15.6	20.2	22.8		15.7	19.4	19.5
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	0.2	0.6	0.1	0.1	0.7	0.1	0.1	0.6		0.2	0.0	0.1
Delay (s)	11.0	16.1	13.5	14.1	18.5	15.8	20.3	23.4		15.9	19.4	19.5
Level of Service	B	B	B	B	B	B	C	C		B	B	B
Approach Delay (s)		15.3			18.0			22.6			17.2	
Approach LOS		B			B			C			B	
<b>Intersection Summary</b>												
HCM Average Control Delay			17.2									
HCM Volume to Capacity ratio			0.27									
Actuated Cycle Length (s)			80.0									
Intersection Capacity Utilization			52.7%							16.0		
Analysis Period (min)			15									
c Critical Lane Group												

HCM Unsignalized Intersection Capacity Analysis  
 5: Roberts Rd & Mountain View Rd

EPAP plus project  
 PM peak

						
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	107	109	29	4	20	2
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74
Hourly flow rate (vph)	145	147	39	5	27	3
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None		
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	45				478	42
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	45				478	42
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	91				95	100
cM capacity (veh/h)	1564				495	1029
Direction, Lane #	EB 1	WB 1	SB 1			
Volume Total	292	45	30			
Volume Left	145	0	27			
Volume Right	0	5	3			
cSH	1564	1700	520			
Volume to Capacity	0.09	0.03	0.06			
Queue Length 95th (ft)	8	0	5			
Control Delay (s)	4.1	0.0	12.3			
Lane LOS	A		B			
Approach Delay (s)	4.1	0.0	12.3			
Approach LOS			B			
<b>Intersection Summary</b>						
Average Delay			4.3			
Intersection Capacity Utilization		28.3%		ICU Level of Service	A	
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
6: Roberts Rd & Golden State Blvd

EPAP plus project  
PM peak

	↙	↖	↑	↗	↘	↓
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations		↗	↑↑			↑↑
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	0	31	426	218	0	743
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	0	34	463	237	0	808
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	Raised					
Median storage veh	0					
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	985	350			463	
vC1, stage 1 conf vol	582					
vC2, stage 2 conf vol	404					
vCu, unblocked vol	985	350			463	
tC, single (s)	6.8	6.9			4.1	
tC, 2 stage (s)	5.8					
tF (s)	3.5	3.3			2.2	
p0 queue free %	100	95			100	
cM capacity (veh/h)	278	646			1095	
Direction, Lane #	WB 1	NB 1	NB 2	SB 1	SB 2	
Volume Total	34	309	391	404	404	
Volume Left	0	0	0	0	0	
Volume Right	34	0	237	0	0	
cSH	646	1700	1700	1700	1700	
Volume to Capacity	0.05	0.18	0.23	0.24	0.24	
Queue Length 95th (ft)	4	0	0	0	0	
Control Delay (s)	10.9	0.0	0.0	0.0	0.0	
Lane LOS	B					
Approach Delay (s)	10.9	0.0		0.0		
Approach LOS	B					
<b>Intersection Summary</b>						
Average Delay			0.2			
Intersection Capacity Utilization		28.8%		ICU Level of Service		A
Analysis Period (min)		15				

HCM Unsignalized Intersection Capacity Analysis  
3/14/2014

HCM Unsignalized Intersection Capacity Analysis  
 10: Access A & Golden State Blvd

EPAP plus project  
 PM peak

	↙	↖	↑	↗	↘	↓
Movement	WBL	WBR	NBT	NBR	SBL	SBT
Lane Configurations		↗	↑↑	↗		
Sign Control	Stop		Free			Free
Grade	0%		0%			0%
Volume (veh/h)	0	16	429	14	0	0
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	0	17	466	15	0	0
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	Raised					
Median storage (veh)	0					
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	466	233			482	
vC1, stage 1 conf vol	466					
vC2, stage 2 conf vol	0					
vCu, unblocked vol	466	233			482	
tC, single (s)	6.8	6.9			4.1	
tC, 2 stage (s)	5.8					
tF (s)	3.5	3.3			2.2	
p0 queue free %	100	98			100	
cM capacity (veh/h)	400	769			1077	
<b>Direction, Lane #</b>	<b>WB 1</b>	<b>NB 1</b>	<b>NB 2</b>	<b>NB 3</b>		
Volume Total	17	233	233	15		
Volume Left	0	0	0	0		
Volume Right	17	0	0	15		
cSH	769	1700	1700	1700		
Volume to Capacity	0.02	0.14	0.14	0.01		
Queue Length 95th (ft)	2	0	0	0		
Control Delay (s)	9.8	0.0	0.0	0.0		
Lane LOS	A					
Approach Delay (s)	9.8	0.0				
Approach LOS	A					
<b>Intersection Summary</b>						
Average Delay			0.3			
Intersection Capacity Utilization		21.9%		ICU Level of Service		A
Analysis Period (min)		15				

HCM Unsignalized Intersection Capacity Analysis  
 12: Roberts Rd & Access B

EPAP plus project  
 PM peak

						
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	6	212	29	2	2	2
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74
Hourly flow rate (vph)	8	286	39	3	3	3
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	42				343	41
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	42				343	41
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	99				100	100
cM capacity (veh/h)	1567				650	1031
Direction, Lane #	EB 1	WB 1	SB 1			
Volume Total	295	42	5			
Volume Left	8	0	3			
Volume Right	0	3	3			
cSH	1567	1700	797			
Volume to Capacity	0.01	0.02	0.01			
Queue Length 95th (ft)	0	0	1			
Control Delay (s)	0.2	0.0	9.5			
Lane LOS	A		A			
Approach Delay (s)	0.2	0.0	9.5			
Approach LOS			A			
<b>Intersection Summary</b>						
Average Delay			0.4			
Intersection Capacity Utilization		26.0%		ICU Level of Service		A
Analysis Period (min)		15				

HCM Unsignalized Intersection Capacity Analysis  
 14: Access C & Mountain View Rd

EPAP plus project  
 PM peak

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	Y			←	↓	
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Volume (veh/h)	10	4	0	111	18	14
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74
Hourly flow rate (vph)	14	5	0	150	24	19
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	184	34	43			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	184	34	43			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	98	99	100			
cM capacity (veh/h)	806	1039	1565			
Direction, Lane #	EB 1	NB 1	SB 1			
Volume Total	19	150	43			
Volume Left	14	0	0			
Volume Right	5	0	19			
cSH	861	1565	1700			
Volume to Capacity	0.02	0.00	0.03			
Queue Length 95th (ft)	2	0	0			
Control Delay (s)	9.3	0.0	0.0			
Lane LOS	A					
Approach Delay (s)	9.3	0.0	0.0			
Approach LOS	A					
<b>Intersection Summary</b>						
Average Delay			0.8			
Intersection Capacity Utilization		15.8%		ICU Level of Service	A	
Analysis Period (min)			15			

HCM Signalized Intersection Capacity Analysis  
3: Christoffersen Pkwy & Mountain View Rd

Cum base  
AM peak

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00		1.00	1.00	1.00
Frpb, ped/bikes	1.00	1.00	0.96	1.00	1.00	0.96	1.00	0.99		1.00	1.00	0.98
Flpb, ped/bikes	1.00	1.00	1.00	1.00	1.00	1.00	0.99	1.00		1.00	1.00	1.00
Frt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	0.96		1.00	1.00	0.85
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)	1770	3539	1515	1768	3539	1515	1755	1786		1768	1863	1546
Flt Permitted	0.07	1.00	1.00	0.26	1.00	1.00	0.74	1.00		0.19	1.00	1.00
Satd. Flow (perm)	137	3539	1515	477	3539	1515	1366	1786		358	1863	1546
Volume (vph)	100	800	30	75	1650	110	50	190	60	175	25	130
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	109	870	33	82	1793	120	54	207	65	190	27	141
RTOR Reduction (vph)	0	0	15	0	0	42	0	11	0	0	0	99
Lane Group Flow (vph)	109	870	18	82	1793	78	54	261	0	190	27	42
Confl. Peds. (#/hr)	10		10	10		10	10		10	10		10
Turn Type	pm+pt		Perm	pm+pt		Perm	pm+pt			pm+pt		Perm
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases	4		4	8		8	2			6		6
Actuated Green, G (s)	57.7	53.7	53.7	57.7	53.7	53.7	20.0	16.8		29.8	22.6	22.6
Effective Green, g (s)	58.2	54.2	54.2	58.2	54.2	54.2	20.0	16.8		29.8	22.6	22.6
Actuated g/C Ratio	0.58	0.54	0.54	0.58	0.54	0.54	0.20	0.17		0.30	0.23	0.23
Clearance Time (s)	4.0	4.5	4.5	4.0	4.5	4.5	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	145	1918	821	329	1918	821	286	300		234	421	349
v/s Ratio Prot	c0.03	0.25		0.01	c0.51		0.01	0.15		c0.07	0.01	
v/s Ratio Perm	0.41		0.01	0.14		0.05	0.03			c0.17		0.03
v/c Ratio	0.75	0.45	0.02	0.25	0.93	0.09	0.19	0.87		0.81	0.06	0.12
Uniform Delay, d1	21.5	13.9	10.6	9.9	21.3	11.1	33.0	40.5		28.9	30.4	30.8
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	19.5	0.8	0.0	0.4	10.0	0.2	0.3	27.4		18.9	0.3	0.7
Delay (s)	41.0	14.7	10.7	10.3	31.3	11.3	33.3	68.0		47.8	30.7	31.5
Level of Service	D	B	B	B	C	B	C	E		D	C	C
Approach Delay (s)		17.4			29.2			62.2			40.1	
Approach LOS		B			C			E			D	

Intersection Summary

HCM Average Control Delay	29.9	HCM Level of Service	C
HCM Volume to Capacity ratio	0.87		
Actuated Cycle Length (s)	100.0	Sum of lost time (s)	12.0
Intersection Capacity Utilization	95.0%	ICU Level of Service	F
Analysis Period (min)	15		
c Critical Lane Group			

HCM Unsignalized Intersection Capacity Analysis  
 5: Roberts Rd & Mountain View Rd

Cum base  
 AM peak

						
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	240	90	70	25	25	20
Peak Hour Factor	0.65	0.78	0.83	0.68	0.53	0.50
Hourly flow rate (vph)	369	115	84	37	47	40
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	121				957	103
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	121				957	103
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	75				78	96
cM capacity (veh/h)	1466				214	952
Direction, Lane #	EB 1	WB 1	SB 1			
Volume Total	485	121	87			
Volume Left	369	0	47			
Volume Right	0	37	40			
cSH	1466	1700	332			
Volume to Capacity	0.25	0.07	0.26			
Queue Length 95th (ft)	25	0	26			
Control Delay (s)	6.8	0.0	19.6			
Lane LOS	A		C			
Approach Delay (s)	6.8	0.0	19.6			
Approach LOS			C			
<b>Intersection Summary</b>						
Average Delay			7.3			
Intersection Capacity Utilization		34.7%		ICU Level of Service		A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
 6: Roberts Rd & Golden State Blvd

Cum base  
 AM peak

	↙	↖	↑	↗	↘	↓	
Movement	WBL	WBR	NBT	NBR	SBL	SBT	
Lane Configurations		↗	↑↑↑			↑↑↑	
Sign Control	Stop		Free			Free	
Grade	0%		0%			0%	
Volume (veh/h)	0	90	885	330	0	1880	
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74	
Hourly flow rate (vph)	0	122	1196	446	0	2541	
Pedestrians							
Lane Width (ft)							
Walking Speed (ft/s)							
Percent Blockage							
Right turn flare (veh)							
Median type	Raised						
Median storage (veh)	0						
Upstream signal (ft)							
pX, platoon unblocked							
vC, conflicting volume	2266	622			1196		
vC1, stage 1 conf vol	1419						
vC2, stage 2 conf vol	847						
vCu, unblocked vol	2266	622			1196		
IC, single (s)	6.8	6.9			4.1		
IC, 2 stage (s)	5.8						
IF (s)	3.5	3.3			2.2		
pD queue free %	100	72			100		
cM capacity (veh/h)	96	430			579		
Direction, Lane #	WB 1	NB 1	NB 2	NB 3	SB 1	SB 2	SB 3
Volume Total	122	478	478	685	847	847	847
Volume Left	0	0	0	0	0	0	0
Volume Right	122	0	0	446	0	0	0
cSH	430	1700	1700	1700	1700	1700	1700
Volume to Capacity	0.28	0.28	0.28	0.40	0.50	0.50	0.50
Queue Length 95th (ft)	29	0	0	0	0	0	0
Control Delay (s)	16.6	0.0	0.0	0.0	0.0	0.0	0.0
Lane LOS	C						
Approach Delay (s)	16.6	0.0			0.0		
Approach LOS	C						
<b>Intersection Summary</b>							
Average Delay			0.5				
Intersection Capacity Utilization			39.7%		ICU Level of Service		A
Analysis Period (min)			15				

HCM Signalized Intersection Capacity Analysis  
 3: Christoffersen Pkwy & Mountain View Rd

Cum base  
 PM peak

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00		1.00	1.00	1.00
Frbp, ped/bikes	1.00	1.00	0.96	1.00	1.00	0.96	1.00	0.99		1.00	1.00	0.98
Flpb, ped/bikes	1.00	1.00	1.00	1.00	1.00	1.00	0.99	1.00		1.00	1.00	1.00
Frt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	0.91		1.00	1.00	0.85
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)	1770	3539	1515	1769	3539	1515	1754	1666		1761	1863	1546
Flt Permitted	0.13	1.00	1.00	0.16	1.00	1.00	0.75	1.00		0.55	1.00	1.00
Satd. Flow (perm)	239	3539	1515	302	3539	1515	1380	1666		1022	1863	1546
Volume (vph)	90	1070	40	40	1105	50	65	50	80	70	15	40
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	98	1163	43	43	1201	54	71	54	87	76	16	43
RTOR Reduction (vph)	0	0	14	0	0	25	0	56	0	0	0	35
Lane Group Flow (vph)	98	1163	29	43	1201	29	71	85	0	76	16	8
Confl. Peds. (#/hr)	10		10	10		10	10		10	10		10
Turn Type	pm+pt		Perm	pm+pt		Perm	pm+pt			pm+pt		Perm
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases	4		4	8		8	2			6		6
Actuated Green, G (s)	60.1	53.6	53.6	55.3	51.2	51.2	25.3	19.0		26.3	19.5	19.5
Effective Green, g (s)	60.6	54.1	54.1	55.8	51.7	51.7	25.3	19.0		26.3	19.5	19.5
Actuated g/C Ratio	0.61	0.54	0.54	0.56	0.52	0.52	0.25	0.19		0.26	0.20	0.20
Clearance Time (s)	4.0	4.5	4.5	4.0	4.5	4.5	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	244	1915	820	229	1830	783	373	317		319	363	301
v/s Ratio Prot	c0.03	0.33		0.01	c0.34		0.01	c0.05		c0.02	0.01	
v/s Ratio Perm	0.22		0.02	0.10		0.02	0.04			0.05		0.01
v/c Ratio	0.40	0.61	0.04	0.19	0.66	0.04	0.19	0.27		0.24	0.04	0.03
Uniform Delay, d1	12.1	15.7	10.7	11.7	17.7	11.9	29.1	34.6		28.4	32.7	32.6
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	1.1	1.4	0.1	0.4	1.9	0.1	0.2	2.1		0.4	0.2	0.2
Delay (s)	13.2	17.1	10.8	12.1	19.5	12.0	29.3	36.6		28.8	32.9	32.7
Level of Service	B	B	B	B	B	B	C	D		C	C	C
Approach Delay (s)		16.6			19.0			34.2			30.6	
Approach LOS		B			B			C			C	
Intersection Summary												
HCM Average Control Delay		19.5										
HCM Volume to Capacity ratio		0.54										
Actuated Cycle Length (s)		100.0										
Intersection Capacity Utilization		73.6%							20.0			
Analysis Period (min)		15										
c Critical Lane Group												

HCM Unsignalized Intersection Capacity Analysis  
 5: Roberts Rd & Mountain View Rd

Cum base  
 PM peak

						
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↕	↕		↕	
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	130	110	30	10	30	15
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74
Hourly flow rate (vph)	176	149	41	14	41	20
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	54				547	47
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	54				547	47
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	89				91	98
cM capacity (veh/h)	1551				441	1022
Direction, Lane #	EB 1	WB 1	SB 1			
Volume Total	324	54	61			
Volume Left	176	0	41			
Volume Right	0	14	20			
cSH	1551	1700	545			
Volume to Capacity	0.11	0.03	0.11			
Queue Length 95th (ft)	10	0	9			
Control Delay (s)	4.6	0.0	12.4			
Lane LOS	A		B			
Approach Delay (s)	4.6	0.0	12.4			
Approach LOS			B			
<b>Intersection Summary</b>						
Average Delay			5.1			
Intersection Capacity Utilization		29.6%		ICU Level of Service		A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
6: Roberts Rd & Golden State Blvd

Cum base  
PM peak

							
Movement	WBL	WBR	NBT	NBR	SBL	SBT	
Lane Configurations		T	TTT			TTT	
Sign Control	Stop		Free			Free	
Grade	0%		0%			0%	
Volume (veh/h)	0	45	1055	240	0	1880	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	
Hourly flow rate (vph)	0	49	1147	261	0	2043	
Pedestrians							
Lane Width (ft)							
Walking Speed (ft/s)							
Percent Blockage							
Right turn flare (veh)							
Median type	Raised						
Median storage (veh)	0						
Upstream signal (ft)							
pX, platoon unblocked							
vC, conflicting volume	1958	513			1147		
vC1, stage 1 conf vol	1277						
vC2, stage 2 conf vol	681						
vCu, unblocked vol	1958	513			1147		
tC, single (s)	6.8	6.9			4.1		
tC, 2 stage (s)	5.8						
tF (s)	3.5	3.3			2.2		
p0 queue free %	100	90			100		
cM capacity (veh/h)	119	506			605		
Direction, Lane #	WB 1	NB 1	NB 2	NB 3	SB 1	SB 2	SB 3
Volume Total	49	459	459	490	681	681	681
Volume Left	0	0	0	0	0	0	0
Volume Right	49	0	0	261	0	0	0
cSH	506	1700	1700	1700	1700	1700	1700
Volume to Capacity	0.10	0.27	0.27	0.29	0.40	0.40	0.40
Queue Length 95th (ft)	8	0	0	0	0	0	0
Control Delay (s)	12.9	0.0	0.0	0.0	0.0	0.0	0.0
Lane LOS	B						
Approach Delay (s)	12.9	0.0			0.0		
Approach LOS	B						
Intersection Summary							
Average Delay			0.2				
Intersection Capacity Utilization		39.7%			ICU Level of Service		A
Analysis Period (min)			15				

HCM Signalized Intersection Capacity Analysis  
 3: Christoffersen Pkwy & Mountain View Rd

Cum plus project  
 AM peak

												
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Ideal Flow (vphp)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00		1.00	1.00	1.00
Frbp, ped/bikes	1.00	1.00	0.96	1.00	1.00	0.96	1.00	0.99		1.00	1.00	0.98
Flpb, ped/bikes	1.00	1.00	1.00	1.00	1.00	1.00	0.99	1.00		1.00	1.00	1.00
Frt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	0.96		1.00	1.00	0.85
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)	1770	3539	1515	1768	3539	1515	1755	1779		1768	1863	1546
Flt Permitted	0.07	1.00	1.00	0.26	1.00	1.00	0.74	1.00		0.19	1.00	1.00
Satd. Flow (perm)	137	3539	1515	477	3539	1515	1364	1779		358	1863	1546
Volume (vph)	100	800	40	82	1650	110	50	192	67	175	27	130
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	109	870	43	89	1793	120	54	209	73	190	29	141
RTOR Reduction (vph)	0	0	20	0	0	42	0	12	0	0	0	99
Lane Group Flow (vph)	109	870	23	89	1793	78	54	270	0	190	29	42
Confl. Peds. (#/hr)	10		10	10		10	10		10	10		10
Turn Type	pm+pt		Perm	pm+pt		Perm	pm+pt			pm+pt		Perm
Protected Phases	7	4		3	8		5	2		1	6	
Permitted Phases	4		4	8		8	2			6		6
Actuated Green, G (s)	57.7	53.7	53.7	57.7	53.7	53.7	20.0	16.8		29.8	22.6	22.6
Effective Green, g (s)	58.2	54.2	54.2	58.2	54.2	54.2	20.0	16.8		29.8	22.6	22.6
Actuated g/C Ratio	0.58	0.54	0.54	0.58	0.54	0.54	0.20	0.17		0.30	0.23	0.23
Clearance Time (s)	4.0	4.5	4.5	4.0	4.5	4.5	4.0	4.0		4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	145	1918	821	329	1918	821	285	299		234	421	349
v/s Ratio Prot	c0.03	0.25		0.01	c0.51		0.01	0.15		c0.07	0.02	
v/s Ratio Perm	0.41		0.02	0.15		0.05	0.03			c0.17		0.03
v/c Ratio	0.75	0.45	0.03	0.27	0.93	0.09	0.19	0.90		0.81	0.07	0.12
Uniform Delay, d1	21.5	13.9	10.7	10.0	21.3	11.1	33.0	40.8		29.0	30.4	30.8
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	19.5	0.8	0.1	0.4	10.0	0.2	0.3	32.0		18.9	0.3	0.7
Delay (s)	41.0	14.7	10.7	10.4	31.3	11.3	33.3	72.8		47.9	30.7	31.5
Level of Service	D	B	B	B	C	B	C	E		D	C	C
Approach Delay (s)		17.3			29.2			66.4			40.1	
Approach LOS		B			C			E			D	
<b>Intersection Summary</b>												
HCM Average Control Delay			30.3									
HCM Volume to Capacity ratio			0.87									
Actuated Cycle Length (s)			100.0						12.0			
Intersection Capacity Utilization			95.0%									
Analysis Period (min)			15									
c Critical Lane Group												

HCM Unsignalized Intersection Capacity Analysis  
 5: Roberts Rd & Mountain View Rd

Cum plus project  
 AM peak

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations		↖	↗		↘	↙
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	236	92	72	25	31	20
Peak Hour Factor	0.65	0.78	0.83	0.68	0.53	0.50
Hourly flow rate (vph)	363	118	87	37	58	40
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None		
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	124				949	105
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	124				949	105
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	75				73	96
cM capacity (veh/h)	1463				217	949
Direction, Lane #	EB 1	WB 1	SB 1			
Volume Total	481	124	98			
Volume Left	363	0	58			
Volume Right	0	37	40			
cSH	1463	1700	316			
Volume to Capacity	0.25	0.07	0.31			
Queue Length 95th (ft)	25	0	32			
Control Delay (s)	6.8	0.0	21.4			
Lane LOS	A		C			
Approach Delay (s)	6.8	0.0	21.4			
Approach LOS			C			
Intersection Summary						
Average Delay			7.6			
Intersection Capacity Utilization		34.6%		ICU Level of Service		A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
6: Roberts Rd & Golden State Blvd

Cum plus project  
AM peak

							
Movement	WBL	WBR	NBT	NBR	SBL	SBT	
Lane Configurations		7	↑↑↑			↑↑↑	
Sign Control	Stop		Free			Free	
Grade	0%		0%			0%	
Volume (veh/h)	0	93	897	333	0	1779	
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74	
Hourly flow rate (vph)	0	126	1212	450	0	2404	
Pedestrians							
Lane Width (ft)							
Walking Speed (ft/s)							
Percent Blockage							
Right turn flare (veh)							
Median type	Raised						
Median storage veh	0						
Upstream signal (ft)							
pX, platoon unblocked							
vC, conflicting volume	2239	629			1212		
vC1, stage 1 conf vol	1437						
vC2, stage 2 conf vol	801						
vCu, unblocked vol	2239	629			1212		
tC, single (s)	6.8	6.9			4.1		
tC, 2 stage (s)	5.8						
tF (s)	3.5	3.3			2.2		
p0 queue free %	100	70			100		
cM capacity (veh/h)	96	425			571		
Direction, Lane #	WB 1	NB 1	NB 2	NB 3	SB 1	SB 2	SB 3
Volume Total	126	485	485	692	801	801	801
Volume Left	0	0	0	0	0	0	0
Volume Right	126	0	0	450	0	0	0
cSH	425	1700	1700	1700	1700	1700	1700
Volume to Capacity	0.30	0.29	0.29	0.41	0.47	0.47	0.47
Queue Length 95th (ft)	30	0	0	0	0	0	0
Control Delay (s)	17.0	0.0	0.0	0.0	0.0	0.0	0.0
Lane LOS	C						
Approach Delay (s)	17.0	0.0			0.0		
Approach LOS	C						
<b>Intersection Summary</b>							
Average Delay			0.5				
Intersection Capacity Utilization			37.7%		ICU Level of Service		A
Analysis Period (min)			15				

HCM Unsignalized Intersection Capacity Analysis  
 10: Access A & Golden State Blvd

Cum plus project  
 AM peak

							
Movement	WBL	WBR	NBT	NBR	SBL	SBT	
Lane Configurations		T	↑↑↑				↑↑↑
Sign Control	Stop		Free				Free
Grade	0%		0%				0%
Volume (veh/h)	0	23	971	19	0	0	0
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74	0.74
Hourly flow rate (vph)	0	31	1312	26	0	0	0
Pedestrians							
Lane Width (ft)							
Walking Speed (ft/s)							
Percent Blockage							
Right turn flare (veh)							
Median type	Raised						
Median storage veh	0						
Upstream signal (ft)							
pX, platoon unblocked							
vC, conflicting volume	1325	450			1312		
vC1, stage 1 conf vol	1325						
vC2, stage 2 conf vol	0						
vCu, unblocked vol	1325	450			1312		
tC, single (s)	6.8	6.9			4.1		
tC, 2 stage (s)	5.8						
tF (s)	3.5	3.3			2.2		
p0 queue free %	100	94			100		
cM capacity (veh/h)	141	556			523		
Direction, Lane #	WB 1	NB 1	NB 2	NB 3	SB 1	SB 2	SB 3
Volume Total	31	525	525	288	0	0	0
Volume Left	0	0	0	0	0	0	0
Volume Right	31	0	0	26	0	0	0
cSH	556	1700	1700	1700	1700	1700	1700
Volume to Capacity	0.06	0.31	0.31	0.17	0.00	0.00	0.00
Queue Length 95th (ft)	4	0	0	0	0	0	0
Control Delay (s)	11.9	0.0	0.0	0.0	0.0	0.0	0.0
Lane LOS	B						
Approach Delay (s)	11.9	0.0			0.0		
Approach LOS	B						
<b>Intersection Summary</b>							
Average Delay			0.3				
Intersection Capacity Utilization		29.2%			ICU Level of Service		A
Analysis Period (min)			15				

HCM Unsignalized Intersection Capacity Analysis  
 12: Roberts Rd & Access B

Cum plus project  
 AM peak

						
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	8	320	90	2	3	3
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74
Hourly flow rate (vph)	11	432	122	3	4	4
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	124				577	123
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	124				577	123
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	99				99	100
cM capacity (veh/h)	1462				475	928
Direction, Lane #	EB 1	WB 1	SB 1			
Volume Total	443	124	8			
Volume Left	11	0	4			
Volume Right	0	3	4			
cSH	1462	1700	628			
Volume to Capacity	0.01	0.07	0.01			
Queue Length 95th (ft)	1	0	1			
Control Delay (s)	0.3	0.0	10.8			
Lane LOS	A		B			
Approach Delay (s)	0.3	0.0	10.8			
Approach LOS			B			
<b>Intersection Summary</b>						
Average Delay			0.3			
Intersection Capacity Utilization		33.3%		ICU Level of Service	A	
Analysis Period (min)		15				

HCM Unsignalized Intersection Capacity Analysis  
 14: Access C & Mountain View Rd

Cum plus project  
 AM peak

						
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Volume (veh/h)	13	6	0	261	45	19
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74
Hourly flow rate (vph)	18	8	0	353	61	26
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	426	74	86			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	426	74	86			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
pD queue free %	97	99	100			
cM capacity (veh/h)	585	988	1510			
Direction, Lane #	EB 1	NB 1	SB 1			
Volume Total	26	353	86			
Volume Left	18	0	0			
Volume Right	8	0	26			
cSH	671	1510	1700			
Volume to Capacity	0.04	0.00	0.05			
Queue Length 95th (ft)	3	0	0			
Control Delay (s)	10.6	0.0	0.0			
Lane LOS	B					
Approach Delay (s)	10.6	0.0	0.0			
Approach LOS	B					
<b>Intersection Summary</b>						
Average Delay			0.6			
Intersection Capacity Utilization		23.7%		ICU Level of Service	A	
Analysis Period (min)			15			

HCM Signalized Intersection Capacity Analysis  
3: Christoffersen Pkwy & Mountain View Rd

Cum plus project  
PM peak

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR	
Lane Configurations													
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0		4.0	4.0	4.0	
Lane Util. Factor	1.00	0.95	1.00	1.00	0.95	1.00	1.00	1.00		1.00	1.00	1.00	
Frb, ped/bikes	1.00	1.00	0.96	1.00	1.00	0.96	1.00	0.99		1.00	1.00	0.98	
Fipb, ped/bikes	1.00	1.00	1.00	1.00	1.00	1.00	0.99	1.00		1.00	1.00	1.00	
Frt	1.00	1.00	0.85	1.00	1.00	0.85	1.00	0.91		1.00	1.00	0.85	
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00		0.95	1.00	1.00	
Satd. Flow (prot)	1770	3539	1515	1769	3539	1515	1754	1665		1761	1863	1546	
Flt Permitted	0.13	1.00	1.00	0.15	1.00	1.00	0.75	1.00		0.54	1.00	1.00	
Satd. Flow (perm)	237	3539	1515	276	3539	1515	1377	1665		1000	1863	1546	
Volume (vph)	90	1070	47	45	1105	50	65	52	85	70	17	40	
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	
Adj. Flow (vph)	98	1163	51	49	1201	54	71	57	92	76	18	43	
RTOR Reduction (vph)	0	0	17	0	0	25	0	56	0	0	0	34	
Lane Group Flow (vph)	98	1163	34	49	1201	29	71	93	0	76	18	9	
Confl. Peds. (#/hr)	10		10	10		10	10		10	10		10	
Turn Type	pm+pt		Perm	pm+pt		Perm	pm+pt			pm+pt		Perm	
Protected Phases	7	4		3	8		5	2		1	6		
Permitted Phases	4		4	8		8	2			6		6	
Actuated Green, G (s)	57.7	51.2	51.2	55.7	50.2	50.2	26.2	20.0		27.4	20.6	20.6	
Effective Green, g (s)	58.2	51.7	51.7	56.2	50.7	50.7	26.2	20.0		27.4	20.6	20.6	
Actuated g/C Ratio	0.58	0.52	0.52	0.56	0.51	0.51	0.26	0.20		0.27	0.21	0.21	
Clearance Time (s)	4.0	4.5	4.5	4.0	4.5	4.5	4.0	4.0		4.0	4.0	4.0	
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0		3.0	3.0	3.0	
Lane Grp Cap (vph)	238	1830	783	237	1794	768	384	333		326	384	318	
v/s Ratio Prot	c0.03	0.33		0.01	c0.34		0.01	c0.06		c0.02	0.01		
v/s Ratio Perm	0.21		0.02	0.10		0.02	0.04			0.05		0.01	
v/c Ratio	0.41	0.64	0.04	0.21	0.67	0.04	0.18	0.28		0.23	0.05	0.03	
Uniform Delay, d1	12.9	17.4	11.9	12.1	18.4	12.4	28.4	33.9		27.6	31.8	31.7	
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00		1.00	1.00	1.00	
Incremental Delay, d2	1.2	1.7	0.1	0.4	2.0	0.1	0.2	2.1		0.4	0.2	0.2	
Delay (s)	14.0	19.1	12.0	12.5	20.4	12.5	28.6	36.0		28.0	32.1	31.9	
Level of Service	B	B	B	B	C	B	C	D		C	C	C	
Approach Delay (s)		18.4			19.8			33.6			29.7		
Approach LOS		B			B			C			C		
<b>Intersection Summary</b>													
HCM Average Control Delay	20.7		HCM Level of Service					C					
HCM Volume to Capacity ratio	0.52												
Actuated Cycle Length (s)	100.0		Sum of lost time (s)					16.0					
Intersection Capacity Utilization	73.6%		ICU Level of Service					D					
Analysis Period (min)	15												
c Critical Lane Group													

HCM Unsignalized Intersection Capacity Analysis  
 5: Roberts Rd & Mountain View Rd

Cum plus project  
 PM peak

						
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	127	112	32	10	34	15
Peak Hour Factor	0.65	0.78	0.83	0.68	0.53	0.50
Hourly flow rate (vph)	195	144	39	15	64	30
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type				None		
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	53				580	46
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	53				580	46
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	87				85	97
cM capacity (veh/h)	1552				416	1024
Direction, Lane #	EB 1	WB 1	SB 1			
Volume Total	339	53	94			
Volume Left	195	0	64			
Volume Right	0	15	30			
cSH	1552	1700	513			
Volume to Capacity	0.13	0.03	0.18			
Queue Length 95th (ft)	11	0	17			
Control Delay (s)	4.9	0.0	13.6			
Lane LOS	A		B			
Approach Delay (s)	4.9	0.0	13.6			
Approach LOS			B			
Intersection Summary						
Average Delay			6.0			
Intersection Capacity Utilization		29.6%		ICU Level of Service		A
Analysis Period (min)			15			

HCM Unsignalized Intersection Capacity Analysis  
 6: Roberts Rd & Golden State Blvd

Cum plus project  
 PM peak

							
Movement	WBL	WBR	NBT	NBR	SBL	SBT	
Lane Configurations			  			  	
Sign Control	Stop		Free			Free	
Grade	0%		0%			0%	
Volume (veh/h)	0	47	1064	242	0	1887	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	
Hourly flow rate (vph)	0	51	1157	263	0	2051	
Pedestrians							
Lane Width (ft)							
Walking Speed (ft/s)							
Percent Blockage							
Right turn flare (veh)							
Median type	Raised						
Median storage (veh)	0						
Upstream signal (ft)							
pX, platoon unblocked							
vC, conflicting volume	1972	517			1157		
vC1, stage 1 conf vol	1288						
vC2, stage 2 conf vol	684						
vCu, unblocked vol	1972	517			1157		
tC, single (s)	6.8	6.9			4.1		
tC, 2 stage (s)	5.8						
tF (s)	3.5	3.3			2.2		
p0 queue free %	100	90			100		
cM capacity (veh/h)	118	503			600		
Direction, Lane #	WB 1	NB 1	NB 2	NB 3	SB 1	SB 2	SB 3
Volume Total	51	463	463	494	684	684	684
Volume Left	0	0	0	0	0	0	0
Volume Right	51	0	0	263	0	0	0
cSH	503	1700	1700	1700	1700	1700	1700
Volume to Capacity	0.10	0.27	0.27	0.29	0.40	0.40	0.40
Queue Length 95th (ft)	8	0	0	0	0	0	0
Control Delay (s)	13.0	0.0	0.0	0.0	0.0	0.0	0.0
Lane LOS	B						
Approach Delay (s)	13.0	0.0			0.0		
Approach LOS	B						
<b>Intersection Summary</b>							
Average Delay			0.2				
Intersection Capacity Utilization		39.8%			ICU Level of Service		A
Analysis Period (min)		15					

HCM Unsignalized Intersection Capacity Analysis  
 10: Access A & Golden State Blvd

Cum plus project  
 PM peak

							
Movement	WBL	WBR	NBT	NBR	SBL	SBT	
Lane Configurations		T	↑↑↑			↑↑↑	
Sign Control	Stop		Free			Free	
Grade	0%		0%			0%	
Volume (veh/h)	0	16	1097	14	0	0	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	
Hourly flow rate (vph)	0	17	1192	15	0	0	
Pedestrians							
Lane Width (ft)							
Walking Speed (ft/s)							
Percent Blockage							
Right turn flare (veh)							
Median type	Raised						
Median storage veh	0						
Upstream signal (ft)							
pX, platoon unblocked							
vC, conflicting volume	1200	405			1192		
vC1, stage 1 conf vol	1200						
vC2, stage 2 conf vol	0						
vCu, unblocked vol	1200	405			1192		
tC, single (s)	6.8	6.9			4.1		
tC, 2 stage (s)	5.8						
tF (s)	3.5	3.3			2.2		
p0 queue free %	100	97			100		
cM capacity (veh/h)	165	595			581		
Direction, Lane #	WB 1	NB 1	NB 2	NB 3	SB 1	SB 2	SB 3
Volume Total	17	477	477	254	0	0	0
Volume Left	0	0	0	0	0	0	0
Volume Right	17	0	0	15	0	0	0
cSH	595	1700	1700	1700	1700	1700	1700
Volume to Capacity	0.03	0.28	0.28	0.15	0.00	0.00	0.00
Queue Length 95th (ft)	2	0	0	0	0	0	0
Control Delay (s)	11.2	0.0	0.0	0.0	0.0	0.0	0.0
Lane LOS	B						
Approach Delay (s)	11.2	0.0			0.0		
Approach LOS	B						
Intersection Summary							
Average Delay			0.2				
Intersection Capacity Utilization			31.5%		ICU Level of Service		A
Analysis Period (min)			15				

HCM Unsignalized Intersection Capacity Analysis  
 12: Roberts Rd & Access B

Cum plus project  
 PM peak

						
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Sign Control		Free	Free		Stop	
Grade		0%	0%		0%	
Volume (veh/h)	6	233	45	2	2	2
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74
Hourly flow rate (vph)	8	315	61	3	3	3
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type					None	
Median storage veh						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	64				393	62
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	64				393	62
tC, single (s)	4.1				6.4	6.2
tC, 2 stage (s)						
tF (s)	2.2				3.5	3.3
p0 queue free %	99				100	100
cM capacity (veh/h)	1539				608	1003
Direction, Lane #	EB 1	WB 1	SB 1			
Volume Total	323	64	5			
Volume Left	8	0	3			
Volume Right	0	3	3			
cSH	1539	1700	757			
Volume to Capacity	0.01	0.04	0.01			
Queue Length 95th (ft)	0	0	1			
Control Delay (s)	0.2	0.0	9.8			
Lane LOS	A		A			
Approach Delay (s)	0.2	0.0	9.8			
Approach LOS			A			
<b>Intersection Summary</b>						
Average Delay			0.3			
Intersection Capacity Utilization		27.1%		ICU Level of Service	A	
Analysis Period (min)		15				

HCM Unsignalized Intersection Capacity Analysis  
 14: Access C & Mountain View Rd

Cum plus project  
 PM peak

						
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Sign Control	Stop			Free	Free	
Grade	0%			0%	0%	
Volume (veh/h)	10	4	0	137	46	14
Peak Hour Factor	0.74	0.74	0.74	0.74	0.74	0.74
Hourly flow rate (vph)	14	5	0	185	62	19
Pedestrians						
Lane Width (ft)						
Walking Speed (ft/s)						
Percent Blockage						
Right turn flare (veh)						
Median type	None					
Median storage (veh)						
Upstream signal (ft)						
pX, platoon unblocked						
vC, conflicting volume	257	72	81			
vC1, stage 1 conf vol						
vC2, stage 2 conf vol						
vCu, unblocked vol	257	72	81			
tC, single (s)	6.4	6.2	4.1			
tC, 2 stage (s)						
tF (s)	3.5	3.3	2.2			
p0 queue free %	98	99	100			
cM capacity (veh/h)	732	991	1517			
Direction, Lane #	EB 1	NB 1	SB 1			
Volume Total	19	185	81			
Volume Left	14	0	0			
Volume Right	5	0	19			
cSH	791	1517	1700			
Volume to Capacity	0.02	0.00	0.05			
Queue Length 95th (ft)	2	0	0			
Control Delay (s)	9.7	0.0	0.0			
Lane LOS	A					
Approach Delay (s)	9.7	0.0	0.0			
Approach LOS	A					
<b>Intersection Summary</b>						
Average Delay			0.6			
Intersection Capacity Utilization		17.2%		ICU Level of Service		A
Analysis Period (min)			15			

# ALL TRAFFIC DATA

(916) 771-8700  
 orders@alltraffic.com

File Name : 14-7112-003 Mountain View Road-Christoffersen Parkway.t  
 Date : 2/26/2014

City of Turlock  
 All Vehicles on Unshifted  
 Nothing on Bank 1  
 Nothing on Bank 2

START TIME	Mountain View Road Southbound						Christoffersen Parkway Westbound						Mountain View Road Northbound						Christoffersen Parkway Eastbound						Total	Uem Total
	LEFT		THRU		RIGHT		LEFT		THRU		RIGHT		LEFT		THRU		RIGHT		LEFT		THRU		RIGHT			
	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL		
07:00	14	0	11	0	25	3	8	103	4	15	3	0	22	5	20	3	0	29	179	8						
07:15	11	0	11	0	22	2	118	4	17	7	0	30	10	51	4	0	65	235	4							
07:30	41	0	30	0	73	2	156	18	8	184	10	53	19	0	29	91	3	0	123	462	8					
07:45	88	7	53	0	148	5	156	57	28	286	5	78	9	0	92	40	74	1	116	642	29					
Total	154	9	105	0	268	12	538	93	48	691	25	163	38	0	226	65	236	11	333	1518	49					
08:00	21	1	4	0	29	2	105	9	4	120	7	9	8	0	24	2	43	0	47	220	6					
08:15	9	0	4	0	13	4	80	5	0	95	5	7	9	0	21	3	33	1	0	37	166	0				
08:30	10	1	6	0	17	3	80	8	1	92	7	4	3	0	14	1	81	2	0	84	207	1				
08:45	12	0	8	0	20	0	53	6	3	62	4	8	3	0	15	2	82	0	1	85	182	4				
Total	52	2	25	0	79	9	324	28	8	369	23	28	23	0	74	8	239	3	3	253	775	11				
16:00	24	0	5	0	29	1	79	6	3	89	4	8	11	0	23	3	80	4	4	91	232	7				
16:15	23	1	17	0	41	1	84	16	0	101	6	14	11	0	31	2	106	5	4	117	290	4				
16:30	19	1	11	0	31	2	55	13	3	113	12	5	9	0	26	3	84	2	2	91	261	5				
16:45	13	1	4	0	18	2	102	13	2	119	1	8	14	0	23	3	95	5	4	107	267	6				
Total	79	3	37	0	119	6	360	48	8	422	23	35	45	0	103	11	365	16	14	406	1050	22				
17:00	10	3	10	0	23	1	94	7	3	105	4	5	8	0	17	8	102	3	4	117	262	7				
17:15	22	0	3	0	25	3	100	13	2	118	11	13	14	0	38	6	115	7	3	131	312	5				
17:30	9	0	4	0	13	0	78	8	0	86	13	7	6	0	26	5	119	3	5	133	258	5				
17:45	7	0	11	0	18	2	52	12	1	67	5	7	10	0	22	0	97	4	6	107	214	7				
Total	48	3	28	0	79	6	324	40	6	376	33	32	38	0	103	20	433	17	18	488	1046	24				
Grand Total	333	17	195	0	545	33	1546	209	70	1859	104	258	144	0	505	124	1273	47	36	1480	4389	106				
Approach %	61.1%	3.1%	35.8%	0.0%	12.4%	0.8%	83.2%	11.2%	3.8%	20.6%	51.0%	28.5%	0.0%	0.0%	11.5%	2.8%	23.0%	1.1%	0.8%	33.7%	100.0%					
Total %	7.6%	0.4%	4.4%	0.0%	12.4%	0.8%	35.2%	4.8%	1.6%	42.9%	2.4%	5.5%	3.3%	0.0%	11.5%	2.8%	23.0%	1.1%	0.8%	33.7%	100.0%					

AM PEAK HOUR	Mountain View Road Southbound						Christoffersen Parkway Westbound						Mountain View Road Northbound						Christoffersen Parkway Eastbound						Total
	LEFT		THRU		RIGHT		LEFT		THRU		RIGHT		LEFT		THRU		RIGHT		LEFT		THRU		RIGHT		
	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	
07:15	11	0	11	0	22	2	101	11	4	118	6	17	7	0	30	10	51	4	0	65	235				
07:30	41	2	30	0	73	2	156	18	0	164	10	53	19	0	82	29	91	3	0	123	462				
07:45	68	7	53	0	148	5	156	57	28	286	5	78	9	0	92	40	74	1	1	116	642				
08:00	21	1	7	0	29	2	105	9	4	120	7	9	8	0	24	2	43	0	2	47	220				
Total Volume	161	10	101	0	272	11	558	95	44	708	20	157	43	0	228	81	289	8	3	351	1559				
% App Total	59.2%	3.7%	37.1%	0.0%	12.4%	1.8%	78.8%	13.4%	6.2%	42.3%	12.3%	68.9%	18.9%	0.0%	23.1%	23.1%	73.8%	2.3%	0.9%	33.7%	100.0%				
PHF	.457	.387	.476	.000	.459	.550	.712	.417	.393	.519	.700	.503	.566	.000	.620	.506	.712	.500	.375	.713	.507				

PM PEAK HOUR	Mountain View Road Southbound						Christoffersen Parkway Westbound						Mountain View Road Northbound						Christoffersen Parkway Eastbound						Total
	LEFT		THRU		RIGHT		LEFT		THRU		RIGHT		LEFT		THRU		RIGHT		LEFT		THRU		RIGHT		
	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	APP	TOTAL	
16:30	19	1	11	0	31	2	95	13	3	113	12	5	9	0	26	3	84	2	2	91	261				
16:45	13	1	4	0	18	2	102	13	2	119	1	8	14	0	23	3	95	5	4	107	267				
17:00	10	3	10	0	23	1	84	7	3	105	4	5	8	0	17	8	102	3	4	117	262				
17:15	22	0	2	0	25	3	100	13	2	118	11	13	14	0	38	6	115	7	3	131	312				
Total Volume	64	5	28	0	97	8	391	46	10	455	28	31	45	0	104	20	306	17	13	446	1102				
% App Total	55.0%	5.2%	28.9%	0.0%	12.4%	1.8%	85.9%	10.1%	2.2%	42.3%	25.9%	29.8%	43.3%	0.0%	23.1%	4.5%	88.0%	3.8%	2.9%	33.7%	100.0%				
PHF	.727	.417	.536	.000	.782	.607	.558	.885	.833	.956	.583	.598	.804	.000	.564	.625	.851	.607	.813	.851	.883				







# MITIGATION MONITORING CHECKLIST

**PROJECT NAME:** Minor Discretionary Permit 2014-01  
(Taco Bell)

**PROJECT LOCATION:** The property address is 3606 N. Golden State Boulevard, Turlock;  
More particularly described as Stanislaus County Assessor's Parcel  
Number 087-030-008.

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## MITIGATION MEASURES AND MONITORING PROGRAM

### I. Aesthetics

The development of this project will produce additional light and glare from new parking lot and building lighting. In order to reduce lighting impacts to surrounding properties, this project shall include the following mitigation:

1. All lighting shall be designed to confine light spread within the site boundaries. Lighting shall not become a source of glare for adjoining residential properties.
2. Lighting shall be oriented to minimize impacts upon nearby residences.
3. Sources of high illumination shall be separated from light-sensitive receptors.

<i>Responsible Agency or Organization:</i>	Applicants, or successor in interest
<i>Implementation Schedule:</i>	Prior to issuance of building permit
<i>Verified By:</i>	Turlock Planning, Engineering and Building Divisions

### II. Air Quality

In order to mitigate PM10 and PM2.5 emissions during construction, the following Regulation VIII measures shall be implemented:

1. The applicant shall comply with all applicable San Joaquin Valley Air Pollution Control District rules and regulations.
2. The builder and/or developer shall comply with the SJVAPCD Compliance Assistance Bulletin for Fugitive Dust Control at construction sites.
3. The applicant shall pay all Capital Facility Fees prior to the issuance of the building permit.
4. During construction to minimize dust and air emission impacts site watering or the application of dust suppressants shall be used, stockpiles shall be covered and grading activities shall be suspended during high wind periods (winds greater than 25 miles per hour).
5. Bike parking shall be provided.

<i>Responsible Agency or Organization:</i>	Applicants, or successor in interest
<i>Implementation Schedule:</i>	During construction
<i>Verified By:</i>	Turlock Engineering, Planning and Building Divisions, San Joaquin Valley Air Pollution Control District

### **III. Biological Resources**

In order to mitigate any impacts to biological resources the following mitigation shall be implemented:

1. If ground disturbing activities, such as grading, occurs during the typical nesting season, February through mid-September the developer is required to have a qualified biologist conduct a survey of the site no more than 10 days prior to the start of disturbance activities. If nests are found, no-disturbance buffers around active nests shall be established as follows until the breeding season has ended or until a qualified biologist determines that the birds have fledged and are no longer on the nest for survival: 250 feet for non-listed bird species; 500 feet for migratory bird species; and one-half mile for listed species and fully protected species.
2. If nests are found they should be continuously surveyed for the first 24 hours prior to any construction related activities to establish a behavioral baseline. Once work commences the nest shall be continuously monitored to detect any behavioral changes as a result of the project. If behavioral changes are observed, the work causing the change should cease and the Department consulted for additional avoidance and minimization measures.
3. If Swainson's Hawks are found foraging on the site prior to or during construction, the applicant shall consult a qualified biologist for recommended proper action, and incorporate appropriate mitigation measures. Mitigation may include, but are not limited to: establishing a one-half mile buffer around the nest until the breeding season has ended or until a qualified biologist determines that the birds have fledged and are no longer dependent on the nest for survival. Mitigating habitat loss within a 10 mile radius Mitigating habitat loss within a 10 mile radius of known nest sites as follows: providing a minimum of one acre of habitat management land or each acre of development for projects within one mile of an active nest tree. Provide a minimum of .75 acres of habitat management land for each acre of development for projects within between one and five miles of an active nest tree. Provide a minimum of .5 acres of habitat management land for each acre of development for projects within between five and 10 miles of an active nest tree.
4. The applicant shall comply with all applicable federal, State, and local laws and regulations related to the protection and preservation of endangered and/or threatened species through consultations with appropriate agencies.

*Responsible Agency or Organization:*

Applicants, or successor in interest

*Implementation Schedule:*

During construction

*Verified By:*

Turlock Engineering, Planning and Building Divisions

### **IV. Cultural Resources**

If, during construction, historical resources or human remains are discovered, the following mitigation shall be implemented:

1. In accordance with State Law, if any historical resources are found during construction, work is to stop, and the City of Turlock and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If it is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resources shall be formulated and implemented.
2. If previously unrecorded archaeological resources, as defined by State Law are discovered, construction activities shall be suspended and a qualified archaeologist shall be called to evaluate the find and to recommend proper action.
3. If human remains are discovered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the coroner determines that no investigation of the cause of death is required and if the remains are of Native American origin, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely

descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods.

*Responsible Agency or Organization:* Applicants, or successor in interest  
*Implementation Schedule:* During construction  
*Verified By:* Turlock Engineering, Planning and Building Divisions

## **V. Geology and Soils**

To ensure the safety of the structure from the rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction, or landslides.

1. The project shall comply with the current California Building Code (CBC) requirements for Seismic Zone 3, which stipulates building structural material and reinforcement.
2. The project shall comply with California Health and Safety Code Section 19100 et seq. (Earthquake Protection Law), which requires that buildings be designed to resist stresses produced by natural forces caused earthquakes and wind.
3. The project shall comply with the California Building Code (CBC), Chapter 70, regulating grading activities including drainage and erosion control.
4. The project shall comply with all erosion control measures listed in the Air Quality, and Hydrology and Water quality sections of this document, a grading and erosion control plan shall be prepared for the project.
5. The project shall comply with the California Building Code (CBC) requirements for specific site development and construction standards for specified soils types.

*Responsible Agency or Organization:* Applicants, or successor in interest  
*Implementation Schedule:* Prior to issuance of the building permit and during construction  
*Verified By:* Turlock Engineering, Planning and Building Divisions

## **VI. Hazards and Hazardous Materials**

To ensure there are no significant safety impacts due to hazards and hazardous materials the following mitigation measures have been added to the project:

1. The applicant shall comply with all Air District requirements and obtain the necessary approvals prior to the demolition of the existing structures.
2. The applicant shall meet the fire protection standards established by the City. Typical standards include, but are not limited to:
  - On-site hydrants;
  - Adequate emergency access to buildings;
  - Hazardous materials plans

*Responsible Agency or Organization:* Applicants, or successor in interest  
*Implementation Schedule:* During construction  
*Verified By:* Turlock Engineering, Fire and Building Divisions, and San Joaquin Valley Air Pollution Control District

## **VII. Hydrology and Water Quality**

In order to ensure the project does not have an impact on water quality, or impact the City's storm drain system the following mitigation measures have been added to the project:

1. The project shall connect to the City's Master Storm Drainage System.
2. The project shall comply with the Regional Water Control Board's regulations and standards to maintain and improve groundwater and surface water quality.
3. Site grading shall be designed to create positive drainage throughout the site and to collect the storm water for the storm water drainage system.
4. The discharge of oil, gasoline, diesel fuel, or any other petroleum derivative, or any toxic chemical or hazardous waste is prohibited.
5. Materials and equipment shall be stored so as to ensure that spills or leaks cannot enter storm drains, or the drainage ditches or detention basins.
6. A spill prevention and cleanup plan shall be implemented.
7. The builder and/or developer shall utilize cost-effective urban runoff controls, including Best Management Practices (BMP's), to limit urban pollutants from entering the drainage ditches.
8. A General Construction permit shall be obtained from the State Water Resources Control Board, a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared and implemented as part of this permit.

<i>Responsible Agency or Organization:</i>	Applicants, or successor in interest
<i>Implementation Schedule:</i>	Prior to issuance of a grading permit and during construction
<i>Verified By:</i>	Turlock Engineering, Municipal Services, Planning and Building Divisions

**VIII. Noise**

In order to ensure the project does not have an impact on noise levels around the project the following mitigation measures have been added to the project:

1. In accordance with the noise study, when standing 30 feet away directly in front of the drive-thru speaker the noise level shall not exceed 61 dB, the average should be 55 dB and the median level should be 54 dB.

<i>Responsible Agency or Organization:</i>	Applicants, or successor in interest
<i>Implementation Schedule:</i>	Ongoing
<i>Verified By:</i>	Turlock Planning and Neighborhood Services Divisions

**IX. Public Services**

In order to ensure the project does not have an impact on public services the following mitigation measures have been added to the project:

1. Prior to the issuance of a building permit, the developer shall pay all applicable citywide and specific plan development impact fees.

<i>Responsible Agency or Organization:</i>	Applicants, or successor in interest
<i>Implementation Schedule:</i>	Prior to issuance of a building permit
<i>Verified By:</i>	Turlock Planning, Building, and Engineering Divisions

**X. Recreation**

In order to ensure the project does not have an impact on recreational facilities the following mitigation measures have been added to the project.

1. Prior to the issuance of a building permit, the developer shall pay all applicable citywide and specific

plan development impact fees.

*Responsible Agency or Organization:* Applicants, or successor in interest  
*Implementation Schedule:* Prior to issuance of a building permit  
*Verified By:* Turlock Engineering, Planning and Building Divisions

**XI. Transportation/Traffic**

In order to ensure the project does not have an impact on transportation and traffic the following mitigation measures have been added to the project:

1. Prior to the issuance of a building permit, the developer shall pay all applicable City of Turlock city wide and specific plan development impact fees.
2. Parking shall be prohibited along the west side of Mountain View Road for 100' to the north and south of the driveway to maintain clear lines of sight.
3. The driveway Roberts Road shall be removed or a raised median shall be installed along Roberts Road.

*Responsible Agency or Organization:* Applicants, or successor in interest  
*Implementation Schedule:* Prior to issuance of a building permit  
*Verified By:* Turlock Engineering, Planning and Building Divisions

**XII. Utilities and Service Systems**

In order to ensure the project does not have an impact on the utilities and service systems the following mitigation measures have been added to the project:

1. Prior to the issuance of a building permit, the developer shall pay all applicable City of Turlock city wide and specific plan development impact fees.
2. The developer and/or property owner shall provide written consent, as provided in Section 54715 of the California Government Code, to the levy of an assessment to finance the operation and maintenance of drainage, flood control, street maintenance, and street lighting service which benefits the area to be developed.
3. The developer and/or property owner shall provide written consent, as provided in Section 22500 of the Streets and Highways Code, to the formation of an assessment district to finance the maintenance of landscaping.

*Responsible Agency or Organization:* Applicants, or successor in interest  
*Implementation Schedule:* Prior to issuance of a building permit  
*Verified By:* Turlock Engineering, Planning, Municipal Services and Building Divisions

I have read and agree to comply with the Mitigation Measures and Monitoring Program listed above.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Date

RECORDING REQUESTED BY:  
CITY OF TURLOCK

When Recorded Mail to:

City of Turlock  
Community Development Services - Planning Division  
156 S. Broadway, Suite 120  
Turlock, CA 95380

This space reserved for Recorder's Office

**DRAFT  
RESOLUTION NO. 2014-08**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF TURLOCK APPROVING MINOR DISCRETIONARY PERMIT NO. 2014-01  
(3606 North Golden State Boulevard)**

PROPERTY OWNER: Ramson Piro  
3811 Crowell Road  
Turlock, CA 95382

APPLICANT: OCAT, Inc.  
Attn: David Olson  
801 10<sup>th</sup> Street, 5<sup>th</sup> Floor #2  
Modesto, CA 95354

SITE ADDRESS: 3606 N. Golden State Boulevard

APN: 087-030-008

**WHEREAS**, Taco Bell is requesting the development of an approximately 2,106 square foot drive-thru restaurant on the 1.27 acre lot at 3606 North Golden State Boulevard, Stanislaus County Assessor's Parcel Number (APN) 087-030-008); and

**WHEREAS** on-site parking landscaping and other improvements will be included in the proposal in conformance with the development standards and design guidelines established for the Heavy Commercial zoning district; and

**WHEREAS**, any future amendments to this Minor Discretionary Permit shall be done in accordance with TMC Chapter 9-5 Article 3.

**NOW THEREFORE, BE IT RESOLVED**, after a public hearing held on June 5, 2014, the Planning Commission found and determined as follows:

Section 1. The Planning Commission adopts a Mitigated Negative Declaration of Environmental Effect and a Mitigation Monitoring Program, having determined that the City of Turlock, as lead agency for the proposed project, has prepared an initial study to make the following findings:

1. Pursuant to CEQA Guidelines Section 15162, the proposed activity is adequately described and is within the scope of the General Plan EIR and the Northwest Triangle Specific Plan EIR.
2. All feasible mitigation measures developed in the General Plan EIR have been incorporated into the project.
3. Pursuant to Public Resources Code Sections 21080(c)(2) and 21157.5, the initial study prepared for the proposed project has identified potential new or significant effects that were not adequately analyzed in the General Plan EIR, but feasible mitigation measures have been incorporated to revise the proposed subsequent project to avoid or mitigate the identified effects to a point where clearly no significant effects would occur.
4. There is no substantial evidence before the lead agency that that the subsequent project, as revised, may have a significant effect on the environment.
5. The analyses of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment contained in the General Plan EIR are adequate for this subsequent project.
6. Pursuant to CEQA Guidelines Section 15093, a Statement of Overriding Considerations was adopted for the General Plan EIR by Turlock City Council Resolution 2012-156. As identified in the Turlock General Plan EIR, development in the project area would result in significant, and unavoidable, impacts in the areas of noise, regional air quality, and the eventual loss of agricultural land. The magnitude of these impacts can be reduced, but not eliminated by the mitigation measures referenced in the initial study prepared for this project and General Plan EIR. Therefore, mitigation measures identified in the General Plan EIR, and its respective Statements of Overriding Considerations (contained in Turlock City Council Resolution No. 2012-156), are adequate to mitigate the impacts from the proposed project where feasible, and are hereby incorporated by reference.
7. Pursuant to Public Resources Code Section 21157.6(a), having reviewed the General Plan EIR, the City of Turlock finds and determines that:
  - a. no substantial changes have occurred with respect to the circumstances under which the General Plan EIR was certified, and
  - b. that there is no new available information which was not and could not have been known at the time the General Plan EIR was certified.

Section 2. The Planning Commission hereby determines that all of the following findings can be made for Minor Discretionary Permit 2014-01 (3606 North Golden State Boulevard, Taco Bell):

1. The proposal is consistent with the Turlock General Plan, the Zoning Ordinance and all other adopted plans for the site.
2. The proposal is in harmony with the existing or proposed development in the general area or neighborhood and will be compatible with adjacent structures and uses, including those on adjoining property.
3. The proposal is consistent with the development plan, terms, conditions, and / or intent of any planned development or conditional use permit currently in effect on the property.
4. Any structural elements contained within the proposal is of high quality design consistent with the intent of the City Design Element of the Turlock General Plan and the exterior design, appearance, materials, and colors will not cause the nature of the neighborhood to materially depreciate.
5. The proposal will not otherwise constitute a nuisance or be detrimental to the public

- safety, health and welfare of the neighborhood and community.
6. The proposed signs will not affect the purposes of the sign ordinance as defined in Turlock Municipal Code Section 9-2-501.
  7. The proposed signs conform to the greatest extent feasible with the provisions of Turlock Municipal Code Section 9-2-500 and the adopted sign design guidelines.

Section 3. That the Planning Commission of the City of Turlock approves this Minor Discretionary Permit, subject to compliance with all applicable codes and ordinances and subject to the terms and conditions set forth below: All conditions listed below shall be complied with prior to issuance of Certificate of Occupancy, or equivalent, unless otherwise stipulated.

**PLANNING (668-5640)**

1. This project shall be constructed in accordance with the attached site plan and building elevations (Attachment #1).
2. Minor amendments to the site layout and other conditions contained within this approval may be authorized by the Community Development Director on a case-by-case basis, provided that such amendments are consistent with the overall intent and purpose of the conditions contained herein.
3. All "Standard Conditions of Approval" contained in Turlock Planning Commission Resolution 91-54 are conditions of approval for this project.
4. Pursuant to Turlock Municipal Code (TMC) §9-5-314.1 this approval shall expire one (1) year from the date of issuance, if construction has not begun or the use commenced. If requested prior to the date of expiration, the minor discretionary permit may be extended upon a finding of good cause when the applicant presents proof of unusual conditions not of his own making.
5. In the event the city determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the city, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the city should otherwise agree with applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails on every issue in the enforcement proceeding.
6. The project shall be developed consistent with the standards and uses established for the Community Commercial (CC) zoning district in TMC §9-3-300ART: Commercial Districts and the adopted Design Guidelines.
7. All mitigation measures identified in the California Environmental Quality Act (CEQA) Initial Study circulated on May 2, 2014, shall be incorporated into the project as conditions of approval.
8. The stone material used in the tower element shall be carried through all four sides of the building by adding a base trim or similar architectural feature to the façade.
9. In accordance with TMC §9-2-115(c)(1) the trash and recycling enclosures shall comply with the City of Turlock Standards and Specifications for construction and materials. Each trash and recycling enclosure shall be designed to allow walk-in access without having to open the main enclosure gate. The property owner shall supply and maintain adequate bins and containers for recycling and waste disposal. Approval must be given by Turlock Scavenger for the trash enclosure to be covered.

10. A minimum two (2) foot perimeter at the base of each enclosure wall shall be irrigated and planted with landscaping, including the use of evergreen vines.
11. All electrical, gas, telephone, cable television, and similar distribution lines, including existing distribution lines, providing immediate service to the site shall be installed underground within the site.
12. All above-ground utilities, such as backflow protection devices, fire department connections and transformers shall be located on the site in such a manner as to minimize the visual impact from the public right of way and adjacent properties and shall be adequately screened from public view through a combination of the use of colors and landscaping to create a continuous screen of a height comparable to the height of the equipment. Whenever possible, utilities and cabinets shall be placed to minimize exposure of the equipment to public view. A minimum three (3) foot wide path shall be provided for pedestrian clearance consisting of crushed gravel or similar material shall be provided to allow easy access to the equipment and, if applicable, the concrete base for the equipment.
13. Bicycle racks, accommodating a minimum of two bicycles shall be installed on-site.
14. A landscape plan for the proposed new parking lot shall be submitted to the Engineering Division as part of the improvement plan submittal process. All parking areas shall comply with TMC 9-2-109. In particular, one (1) shade tree shall be provided for every five (5) parking spaces.
15. All HVAC units, trash/recycle/refuse compactors and other mechanical equipment shall be screened from public view and adjacent properties, including adjoining rights-of-way, in accordance with TMC § 9-2-118. The method of screening such equipment shall be architecturally integrated into the main structure in terms of design, materials, colors, shape and size. Prior to issuance of the building permit, this requirement shall be verified through review of construction plans.
16. The drive-thru lanes shall be screened with a decorative masonry wall landscaped with vines, landscaped berm, or a landscaped hedge, or any combination thereof, at least three (3') feet in height to minimize visibility to the public right-of-way.
17. Fully detailed landscape and irrigation plans shall be submitted to the Engineering Division for review and approval prior to the installation of any landscaping material or irrigation system and prior to the issuance of any building permits. All landscaping and irrigation systems shall be installed in accordance with the standards of TMC §9-2-109.
18. All landscaping and irrigation shall comply with the State Model Water Efficient Landscape Ordinance.
19. In accordance with TMC §9-2-109, all landscape planter beds shall be a minimum of five (5) feet in depth and width.
20. All planting areas shall be protected with raised concrete curbs.
21. Landscaping along street frontages shall provide a continuous 36 inch high screen comprised of earth berms, low walls or fences, plant materials or a combination thereof, if the parking adjacent to any public street is oriented in such a way that the parked cars headlights will shine onto the public street.
22. The minimum landscape setback along Golden State Boulevard is 20 feet.
23. Deciduous non-fruiting trees shall be incorporated into the planting plan within the parking lot and around the building to provide shade relief from the summer sun.

24. A variety of plant types and species shall be incorporated into the planting scheme to provide interest and color. No one (1) species of plant shall exceed 20 percent (20%) of the plant material. Turf shall be limited to 25 percent (25%) of the total landscaped area.
25. All planting areas shall include a three (3) inch top dressing of an organic mulch or equivalent material. Mulches shall be reapplied as part of a regular maintenance program to reduce evaporation, soil compaction, and weeds.
26. All parking spaces shall comply with dimensional standards for the City of Turlock. Standard parking spaces measure 9 feet x 19 feet and compact spaces measure 7½ feet x 15 feet. No more than 30 percent, or 4 spaces, of the required parking spaces may be compact spaces.
27. Wheel stops and striping are required.
28. Parking lot shade trees shall be installed along all parking areas in accordance with TMC §9-2-109: one shade tree per five (5) parking spaces. Parking lot shade trees shall be planted in landscape islands within the parking lot. Tree spacing shall be such that every tree trunk is within 30 feet of the trunk of a tree.
29. Limit intensity, shield and/or situate all on-site lighting such that light does not spill over to adjacent properties.
30. All lighting fixtures must be shielded to confine light spread within the site boundaries.
31. Security lighting fixtures shall not project above the fascia or roofline of the building and are to be shielded.
32. Lights shall be placed to direct and control glare.
33. Lighting sources shall be thoughtfully located and shall have cut-off lenses to avoid light spillage and glare on adjacent properties.
34. Provide directional shielding for street and parking lot lighting.
35. All lighting shall be designed to confine light spread within the site boundaries. Lighting shall not become a source of glare for adjoining residential properties.
36. Lighting shall be oriented to minimize impacts upon nearby residences.
37. Sources of high illumination shall be separated from light-sensitive receptors.
38. A 13' tall 5' wide monument sign to be located 10' from the property line along Golden State Boulevard has been approved. The sign face shall have an opaque background so only the lettering and logo will illuminate at night. One hundred and three square feet of exterior wall signs are permitted as part of this Minor Discretionary Permit. Any additional signs above the total 203 square feet of sign area approved will require approval through a Conditional Use Permit.
39. All signage shall comply with the provisions established in the Turlock Municipal Code (TMC 9-2-500 ART), the General Sign Guidelines contained in the City of Turlock's adopted Design Guidelines and shall obtain the appropriate permits.
40. Pole signs and cabinet signs are prohibited.
41. Freestanding signs shall incorporate the design, materials, textures and colors utilized on the permanent structure located on the site. All building signage shall be composed of individual pan channel letters or equivalent. Exposed raceways and changeable copy are prohibited.

42. Temporary promotional signs, e.g. banners, may be permitted subject to first obtaining a sign permit from the Planning Division. No more than one temporary promotional sign shall be displayed.
43. Temporary promotional signs shall be displayed for no more than 14 days in a row and not to exceed a total of 60 days in one calendar year.
44. If any fencing is used on the site, with the exception of construction fencing, it must be decorative fencing, chain link is not permitted.
45. If human remains are discovered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the coroner determines that no investigation of the cause of death is required and if the remains are of Native American origin, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods.
46. In accordance with State Law, if any historical resources are found during construction, work is to stop, and the City of Turlock and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If it is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resources shall be formulated and implemented.
47. If previously unrecorded archaeological resources, as defined by State Law are discovered, construction activities shall be suspended and a qualified archaeologist shall be called to evaluate the find and to recommend proper action.
48. If subsurface features are found, such as septic tanks, construction shall cease and the features will be removed or decommissioned in accordance with all applicable regulations.
49. Staging areas and construction material areas shall be located as far away as possible from residences or noise-sensitive land uses.
50. The development shall comply with the City of Turlock's noise ordinance during construction and operation.
51. If ground disturbing activities, such as grading, occurs during the typical nesting season, February through mid-September the developer is required to have a qualified biologist conduct a survey of the site no more than 10 days prior to the start of disturbance activities. If nests are found, no-disturbance buffers around active nests shall be established as follows until the breeding season has ended or until a qualified biologist determines that the birds have fledged and are no longer on the nest for survival: 250 feet for non-listed bird species; 500 feet for migratory bird species; and one-half mile for listed species and fully protected species.
52. If nests are found they should be continuously surveyed for the first 24 hours prior to any construction related activities to establish a behavioral baseline. Once work commences the nest shall be continuously monitored to detect any behavioral changes as a result of the project. If behavioral changes are observed, the work causing the change should cease and the Department consulted for additional avoidance and minimization measures.
53. If Swainson's Hawks are found foraging on the site prior to or during construction, the applicant shall consult a qualified biologist for recommended proper action, and

incorporate appropriate mitigation measures. Mitigation may include, but are not limited to: establishing a one-half mile buffer around the nest until the breeding season has ended or until a qualified biologist determines that the birds have fledged and are no longer dependent on the nest for survival. Mitigating habitat loss within a 10 mile radius of known nest sites as follows: providing a minimum of one acre of habitat management land for each acre of development for projects within one mile of an active nest tree. Provide a minimum of .75 acres of habitat management land for each acre of development for projects within between one and five miles of an active nest tree. Provide a minimum of .5 acres of habitat management land for each acre of development for projects within between five and 10 miles of an active nest tree.

54. The applicant shall comply with all applicable federal, State, and local laws and regulations related to the protection and preservation of endangered and/or threatened species through consultations with appropriate agencies.
55. In accordance with the noise study, when standing 30 feet away directly in front of the drive-thru speaker the noise level shall not exceed 61 dB, the average should be 55 dB and the median level should be 54 dB.

#### **ENGINEERING SERVICES (668-5520)**

56. The developer shall pay all City of Turlock city wide development impact fees prior to issuance of the building permit. Fee credits from previous structure shall be provided toward new development.
57. The developer shall provide written consent, as provided in Section 54715 of the California Government Code, to the levy of an assessment to finance the operation and maintenance of drainage, flood control, street maintenance, and street lighting service which benefits the area to be developed.
58. Provide written consent, as provided in Section 22500 of the Streets and Highways Code, to the formation of an assessment district to finance the maintenance of landscaping.
59. Developer shall procure a grading permit from the City of Turlock for all on-site (Non-Structural) work. Please submit a cost estimate for all on-site work, as well as six (6) sets of civil improvement plans including an erosion control plan and landscaping plans. Landscape plans shall meet the requirements of the Water Efficiency Landscape Ordinance. Soils report required for first submittal.
60. Developer shall procure an encroachment permit from the City of Turlock for all work done within existing City of Turlock right of way. Please submit a cost estimate for all off-site work, liability insurance listing the City of Turlock as additional insured, as well as six (6) sets of improvement plans for review and approval.
61. Developer shall install city owned and maintained facilities in accordance with the City of Turlock Standard Specifications and Drawings and shall make all necessary roadway dedications.
62. Developer shall remove and replace any existing curb, gutter, sidewalk, driveway approaches, streetlights and roadway improvements along the N. Golden State Blvd., Mountain View Rd. and Roberts Rd. frontages in accordance with City of Turlock Standard Specifications and Drawings if, in the City Engineers opinion, the existing improvements do not meet current City standards, accessibility standards or are in

poor/damaged condition. Asphalt oil shall be PG 70-10.

63. The City Engineer reserves the right to require full roadway reconstruction or a 2" asphalt overlay from curb to curb on the N. Golden State Blvd., Mountain View Rd. and Roberts Rd. frontages, if in the City Engineer's opinion, the integrity of the roadway has been compromised by utility cuts or construction practices. Asphalt oil shall be PG 70-10.
64. Side yard fences, signs and trees shall be back of the 30 feet from street corners and 15 feet from driveways per City Code requirements.
65. Trash enclosure shall be constructed per the current City Standards. Contact Turlock Scavenger at 209-668-7274 for site location and other requirements.
66. Accessible signage and striping for accessible parking shall meet the requirements of the current California Building Code.
67. Developer shall install full frontage improvements along N. Golden State Blvd., Mountain View Rd. and Roberts Rd. per the City Standard Specifications and Drawings: 10' wide commercial sidewalk, curb ramps, a commercial driveway approaches per detail C-6 or C-7 and street trees spaced 30'-35' apart.
68. Developer shall provide a 10' roadway dedication along the Mountain View Rd. frontage and provide all frontage improvements for a 60' wide roadway.
69. Any existing or new domestic, landscape or fire water services shall be fitted with backflow prevention devices.
70. All trenching in existing public pavement must be repaved per city standard T-1 unless approved by the City Engineer.
71. Driveway on Roberts Rd. shall be right entrance and right exiting only and shall be constructed to prevent left turn movements in or out..
72. Driveway on N. Golden State Blvd. shall be right entrance and right exiting only, with acceleration and deceleration lanes.
73. Developer shall install a lane for westbound traffic on Roberts road to merge onto N. Golden State Blvd.
74. Developer shall modify the traffic island at the intersection of N. Golden State Blvd. and Roberts Rd. to provide for three (3) northbound travel lanes (12' wide) in N. Golden State Blvd.
75. Developer shall provide a traffic study involving the analysis of traffic on Mountain View Road and Roberts Road, with a particular emphasis on the volume of traffic, intersection level of service, and driveway spacing for traffic movements between Christoffersen Parkway and Golden State Blvd. The Traffic study will include updated traffic counts for the affected area and traffic projections for existing plus project and cumulative conditions. Developer will work with City staff to identify potential mitigation measures to address level of service as well as operational and safety issues in the affected area.
76. Parking shall be prohibited along the west side of Mountain View Road for 100' to the north and south of the driveway to maintain clear lines of sight.
77. The driveway Roberts Road shall be removed or a raised median shall be installed along Roberts Road.

## **FIRE SERVICES (668-5580)**

78. The project shall be required to meet the California Fire Code, National Fire Code (NFPA), California Mechanical Code, and the City of Turlock Municipal Code in effect at the time of building permit application. THIS IS NOT A PLAN REVIEW. Additional requirements may be applicable upon Fire Dept. review of building plans.
79. Before vertical construction begins: 1) Onsite fire hydrant shall be in service; 2) Blue hydrant markers shall be in street; 3) Asphalt or concrete fire access roadway shall be installed; 4) Temporary address signage shall be clearly visible from the primary roadway.
80. Buildings or structures shall have an approved asphalt or concrete fire access road installed and accepted prior to final inspection.
81. Address numerals shall be a *minimum* of 6" tall, contrast with background, be clearly visible from the primary roadway and be illuminated either internally or externally between dusk and dawn daily.
82. Permanent all weather signage shall be installed: (minimum 3" letters/numbers)
  - a. MAIN ELECTRICAL DISCONNECT
  - b. MAIN GAS SHUT OFF
  - c. FIRE CONTROL ROOM
  - d. FDC (address numerals)
  - e. ELECTRICAL ROOM
  - f. HVAC units shall be numbered (coordinating with breakers and fire alarm systems)
83. A Knox box key safe may be installed to the right of the main entrance door. Safe shall be securely mounted between 4' and 8' above finished grade. Boxes may be ordered online at [www.knoxbox.com](http://www.knoxbox.com) or by visiting our office.
84. Two locking FDC plugs (2-21/2") shall be installed. Plugs may be ordered online at [www.knoxbox.com](http://www.knoxbox.com) or by visiting our office, please allow for 10 days for delivery.
85. Fire sprinklers shall be required. Four sets of fire sprinkler plans, architectural plans and calculations shall be submitted by a licensed C16 fire sprinkler contractor to the Fire Department in accordance with NFPA 13 and City of Turlock Municipal Code.
86. On-site fire hydrant required. Location and number to be determined at civil plan review. Fire hydrant shall be within 75 feet of the FDC.
87. Four (4) sets of fire alarm system plans shall be submitted to fire department by a licensed C-10 fire alarm professional. System shall be U.L certified and monitored by a U.L. central station for the life of the building. U.L. certificate required at final.
88. Fire extinguishers with a minimum rating of 2-A:10-B:C shall be provided such that no point in the building is further than 75-foot travel distance to an extinguisher. Extinguishers shall be mounted on the wall or in cabinets, such that the top of the extinguisher is no more than four (4') feet above floor level.
89. Electrical disconnect shall be accessible from the exterior of the building or in a secure electrical room that opens directly to the outside. Disconnect or electrical room will be identified with an approved all weather sign.
90. Fire lane requirements shall be met. Fire lanes shall be painted throughout project, and shall read, "No Parking, Fire Lane."

#### **PARKS AND RECREATION (668-5590)**

91. Street trees shall be installed in the sidewalk in accordance with City of Turlock standards (TMC §7-7-500 and §9-2-109(8)(ii)). The variety of street tree to be installed is Sycamore Blood Good London Plane variety. Any variation from the above listed street tree requirement must first be approved by the City of Turlock Municipal Services. The property owner or developer shall contact the City of Turlock Municipal Services at 668-5590 for review of tree layout and inspection prior to installation of street trees.

#### **MUNICIPAL SERVICES (668-5590)**

92. The property owner shall be responsible for providing water/sewer/G.I. for all tenants. If the property owner will not be the responsible party for these services, the property owner/developer shall contact City of Turlock Municipal Services at 668-5590 to establish an acceptable agreement/organization to be responsible for providing such services.
93. Prior to issuance of a building permit, water and sewer utilities shall be reviewed and approved by Municipal Services (668-5590).
94. Prior to issuance of a building permit, the property owner/developer shall contact City of Turlock Municipal Services at 668-5590 to determine whether a grease interceptor shall be required. If required, the grease interceptor shall be incorporated into the building plans, prior to the issuance of a building permit.
95. Prior to issuance of a building permit, storm water facilities shall be reviewed and approved by Municipal Services (668-5590)

#### **BUILDING DIVISION (668-5560)**

96. A building permit shall be obtained, and the project shall be designed by a California licensed architect or engineer.

#### **SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT (DAVID MC DONOUGH 559-230-5920)**

97. The applicant shall comply with all applicable San Joaquin Valley Air Pollution Control District rules and regulations and is subject to compliance with Rule 9510.
98. The builder and/or developer shall comply with the SJVAPCD Compliance Assistance Bulletin for Fugitive Dust Control at construction sites.
99. During construction to minimize dust and air emission impacts site watering or the application of dust suppressants shall be used, stockpiles shall be covered and grading activities shall be suspended during high wind periods (winds greater than 25 miles per hour).

#### **TURLOCK IRRIGATION DISTRICT**

100. District's electrical utility maps show existing overhead facilities along the west side of Mountain View Road fronting this project. If any of these facilities need relocation, the owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at developer's expense.
101. A 10-foot public utility easement shall be dedicated along all street frontages.

**TURLOCK SCAVENGER**

102. The trash enclosure shall be re-angled so Turlock Scavenger will have a direct approach, please contact Turlock Scavenger for approval of trash enclosure angle.
103. Applicant shall submit three sets for the proposed food facility to the Department of Environmental Resources for review and approval for compliance with the California Retail Food Code Section 114280. The submitted food facility construction plans are to be completed, easily readable and drawn to scale and specification.

**I HEREBY CERTIFY** that the foregoing Resolution was duly and regularly adopted by the Planning Commission of the City of Turlock at a regular meeting of said Planning Commission held on the 5th day of June, 2014 by the following vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**NON-VOTING:**

**NOT PARTICIPATING:**

ATTEST: \_\_\_\_\_

DEBRA A. WHITMORE  
DEPUTY DIRECTOR OF DEVELOPMENT SERVICES (PLANNING) &  
SECRETARY OF THE TURLOCK PLANNING COMMISSION

## Stanislaus County Public Facilities Fee Calculator

Location: City of Turlock  
 Fee Schedule: Incorp 2

Total Fee: \$ 3,090

Use 1:	Use 2:	Use 3:	Use 4:	Use 5:	Use 6:
COM: Retail (<50k sq.ft.)	100%	100%	INDUST < 20,000	100%	100%
	3,953		3,953		

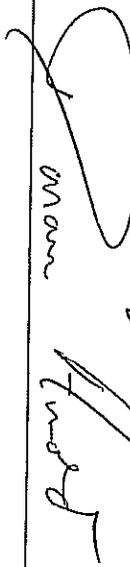
Total

Land Use Type:  
 Percent Charged:  
 Building Quantity (Units or Square Feet):  
 Miscellaneous Units (Lane, Pump, Room, Acre):

Impact Fee Categories:	GROSS						NET
	Use 1:	Use 2:	Use 3:	Use 4:	Use 5:	Use 6:	
Animal Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Behavioral Health	\$ 134.40	\$ -	\$ -	\$ (35.58)	\$ -	\$ -	\$ 98.83
Criminal Justice	\$ 114.64	\$ -	\$ -	\$ (31.62)	\$ -	\$ -	\$ 83.01
Detention	\$ 865.71	\$ -	\$ -	\$ (229.27)	\$ -	\$ -	\$ 636.43
Emergency Services	\$ 19.77	\$ -	\$ -	\$ (3.95)	\$ -	\$ -	\$ 15.81
Health	\$ 275.71	\$ -	\$ -	\$ (75.11)	\$ -	\$ -	\$ 201.60
Library	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Other County Facilities	\$ 782.69	\$ -	\$ -	\$ (205.56)	\$ -	\$ -	\$ 577.14
Regional Parks	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Neighborhood Parks	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Sheriff	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
County-wide IT	\$ 39.53	\$ -	\$ -	\$ (11.86)	\$ -	\$ -	\$ 27.67
RTIF	\$ 7,186.55	\$ -	\$ -	\$ (5,767.43)	\$ -	\$ -	\$ 1,419.13
Administrative Charge	\$ 94.00	\$ -	\$ -	\$ (64.00)	\$ -	\$ -	\$ 30.00
<b>Total</b>	\$ <b>9,514.00</b>	\$ -	\$ -	\$ <b>(6,424.38)</b>	\$ -	\$ -	\$ <b>3,089.62</b>

**RECEIVED**  
 JUN - 4 2014

As members of the Roberts Road neighborhood, we respectfully request that the City of Tualuma Planning Commission amend the site plan for the proposed Taco Bell to remove any ingress or egress onto Roberts Road, which will create a dangerous "right turn only" egress on Roberts Road will be used to make left turns on to Roberts Road, which will create a dangerous conflict with vehicles exiting Golden State Blvd. onto Roberts Road. We believe that adding another conflict point so close to Mountain View Road will create a safety hazard as vehicles often travel down Roberts Road at high rates of speed.

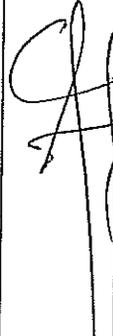
NAME	ADDRESS	SIGNATURE
Ryan Davis	3601 Heirloom ct	
<del>Matthew Delia</del>	3631 Heirloom Ct	
Donavan Arnold	3661 Heirloom Ct.	
Abe Mas	3672 Heirloom Ct.	
RAY FRANCO	3662 Heirloom Ct	
Pam Frances	3662 Heirloom Ct	
Joseph Barrelli	3641 Heirloom Ct	
David Atkins	2500 Roberts Rd	
Babalishka Reant	2541 Roberts Rd	

RECEIVED

JUN - 4 2014

CITY OF TURLOCK

As members of the Roberts Road neighborhood, we respectfully request that the City Planning Commission amend the site plan for the proposed Taco Bell to remove any ingress or egress onto Roberts Road. We believe that the "right turn only" egress on Roberts Road will be used to make left turns on to Roberts Road, which will create a dangerous conflict with vehicles exiting Golden State Blvd. onto Roberts Road. We believe that adding another conflict point so close to Mountain View Road will create a safety hazard as vehicles often travel down Roberts Road at high rates of speed.

NAME	ADDRESS	SIGNATURE
Carla Surtado	2560 Roberts Rd	
Elena Hernandez	2560 Roberts Rd	
JOSE GARRIN	2540 ROBERTS RD	
Christina Hovens	2550 Roberts Rd.	
Franzescu Soto	2540 ROBERTS RD	
Juan Lopez	2530 Roberts	
MARIA L MORA	2520 ROBERTS	

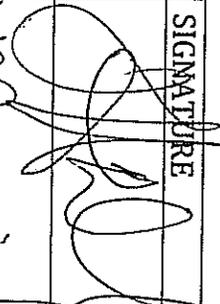
Gerardo Mora 2520 Roberts Rd. 

RECEIVED

JUN - 4 2014

CITY OF TURLOCK

As members of the Roberts Road neighborhood, we respectfully request that the City of Turlock Planning Commission amend the site plan for the proposed Taco Bell to remove any ingress or egress onto Roberts Road. We believe that the "right turn only" egress on Roberts Road will be used to make left turns on to Roberts Road, which will create a dangerous conflict with vehicles exiting Golden State Blvd. onto Roberts Road. We believe that adding another conflict point so close to Mountain View Road will create a safety hazard as vehicles often travel down Roberts Road at high rates of speed.

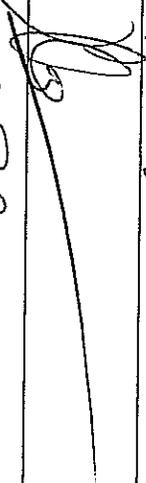
NAME	ADDRESS	SIGNATURE
JOHN MACHADO	2561 ROBERTS RD	
Maggie Machado	2551 Roberts Rd	Maggie Machado
JOHNNY MACHADO	2551 ROBERTS RD.	
James Royel	2581 Roberts Rd	
Joseph Royel	2581 Roberts Rd.	
George Royel	2581 Roberts Rd	
John Royel	2581 Roberts Rd	

RECEIVED

JUN - 4 2014

CITY OF TURLOCK

As members of the Roberts Road neighborhood, we respectfully request that the City of Turlock Planning Commission amend the site plan for the proposed Taco Bell to remove any ingress or egress onto Roberts Road. We believe that the "right turn only" egress on Roberts Road will be used to make left turns on to Roberts Road, which will create a dangerous conflict with vehicles exiting Golden State Blvd. onto Roberts Road. We believe that adding another conflict point so close to Mountain View Road will create a safety hazard as vehicles often travel down Roberts Road at high rates of speed.

NAME	ADDRESS	SIGNATURE
Ronald Murdz	2201 Roberts Rd Turlock 95382	
Michael Munoz	2601 Roberts Rd 95382 Turlock	
Esquina Nasciment	2571 Roberts Rd	E. Nasciment
Michele Fernandes	2651 Roberts Rd	Michele Fernandes
Jammi Kaur	3763 Jefferson St	
Rafael Branco	2661 Roberts Rd	Rafael Branco
Sumita Doenbrack	2561 Roberts Rd	Sumita S. Doenbrack

RECEIVED

JUN - 4 2014

CITY OF TURLOCK

Planning Division  
City of Turlock Planning Commission

As members of the Roberts Road neighborhood, we respectfully request that the City of Turlock amend the site plan for the proposed Taco Bell to remove any ingress or egress onto Roberts Road. We believe that the "right turn only" egress on Roberts Road will be used to make left turns on to Roberts Road, which will create a dangerous conflict with vehicles exiting Golden State Blvd. onto Roberts Road. We believe that adding another conflict point so close to Mountain View Road will create a safety hazard as vehicles often travel down Roberts Road at high rates of speed.

NAME	ADDRESS	SIGNATURE
Maria Mendez	2590 Roberts Rd.	
Dustin Curtiss	2580 Roberts Rd.	
Danielle Barona	2580 Roberts Rd.	Danielle Barona
Anthony Armas	2580 Roberts Rd.	

As members of the Roberts Road neighborhood, we respectfully request that the City of Turlock Planning Commission amend the site plan for the proposed Taco Bell to remove any ingress or egress onto Roberts Road. We believe that the "right turn only" egress on Roberts Road will be used to make left turns on to Roberts Road, which will create a dangerous conflict with vehicles exiting Golden State Blvd. onto Roberts Road. We believe that adding another conflict point so close to Mountain View Road will create a safety hazard as vehicles often travel down Roberts Road at high rates of speed.

NAME	ADDRESS	SIGNATURE
Alice Royel	2581 Robens/R	
Jason Nascimento	2571 Roberts R	
Fernando Nascimento	2571 Roberts	

## MINUTES

**TURLOCK CITY PLANNING COMMISSION  
THURSDAY, JUNE 5, 2014  
6:00 PM**

**YOSEMITE COMMUNITY ROOM  
TURLOCK CITY HALL, 156 SOUTH BROADWAY**

**COMMISSIONERS PRESENT:** Bean, Brem, Dias, Fregosi, Hackler, Hillberg and Pedroza

**ALTERNATE COMMISSIONERS PRESENT:** Badal

**COMMISSIONERS ABSENT:** Pollard, Pedroza

**STAFF PRESENT:** Mike Pitcock, Director of Development Services; Katie Quintero, Associate Planner; Adrienne Werner, Assistant Planner; Rose Stillo, Senior Planner, Dorinda Soiseth, Staff Services Technician

- A. CALL TO ORDER** The meeting was called to order at 6:01 p.m.
- B. APPROVAL OF MINUTES**  
Chairwoman Fregosi asked for corrections or a motion to approve the minutes of the May 1, 2014 meeting. Motion and second (Hillberg/Bean) to approve the minutes as submitted. Motion carried with Commissioners Pedroza and Pollard absent and Commissioner Dias abstaining.
- C. ANNOUNCEMENTS** *(Mike Pitcock)*
1. Staff Recognition – Katie Quintero has received a Masters of Public Administration degree.
  2. No Planning Commission meetings are scheduled for July.
- D. DECLARATION OF CONFLICTS OF INTEREST AND DISQUALIFICATIONS**  
There were none.
- E. PUBLIC PARTICIPATION**  
None.
- F. CONSENT CALENDAR**  
None.
- G. PUBLIC HEARINGS**

**CONSENT ITEMS\*:**

\* None.

**NONCONSENT ITEMS:**

1. **VESTING TENTATIVE SUBDIVISION MAP 2014-01 (Traditions 6)** To subdivide a 2.2 acre parcel, located in the North Turlock Master Plan area, into 15 single family residential lots. The project will be developed in accordance with the RL (Low Density Residential) zoning district standards allowing a minimum lot size of 5,000 square feet and a residential density ranging between three (3) and seven

(7) dwelling units per acre. The property is located at 2920 Sandstone Street, more particularly described as Stanislaus County APN 087-026-003. Adrienne Werner presented the staff report and said there will be 15 residential lots along Sandstone Street. She said the property had been rezoned from CO/HDR to LDR, and the elevations will complement the existing residential development and meet the design guidelines. Staff is recommending approval.

Commissioner Brem commented about the property to the east of this project and the current width of Sandstone Street. Mike Pitcock advised that curb, gutter and sidewalk will be installed as part of this project, and that Sandstone will be a standard 56' wide street when built out.

Dennis Fitzpatrick, of Fitzpatrick Homes, offered to answer questions.

**Public Hearing:**

Chairwoman Fregosi opened the public hearing.

Greg Adams, an area resident, commented that Sandstone Street is very narrow and he is concerned with the traffic flow and speed. He asked for traffic calming measures on Sandstone due to the existing and future amount of traffic.

Mike Pitcock advised that it is not the City's policy to construct speed control at this time, but he will ask the Police Department to enforce the area for speeding.

Nicole Adams said that she has contacted the Police Department due to the heavy morning school traffic and said there is no posted speed limit sign in the area. She asked if the neighbors could get together and install some sort of speed control.

Commissioner Brem noted that the existing traffic problem is not a part of this project.

Mike Pitcock advised that it is not City policy to install speed limit signs in residential neighborhoods.

Hearing no additional comment, Chairwoman Fregosi closed the public hearing.

**MOTION:** Commissioner Brem moved, Commissioner Hackler seconded, that the Planning Commission adopt a Mitigated Negative Declaration of environmental effect, having made the seven findings in draft Planning Commission Resolution 2014-07. Motion carried unanimously with Commissioners Pedroza and Pollard absent.

**MOTION:** Commissioner Brem moved, Commissioner Hackler seconded, that the Planning Commission approve Vesting Tentative Subdivision Map No. 2014-01, having determined that the appropriate findings have been made, subject to the conditions of approval listed in draft Planning Commission Resolution 2014-07. Motion carried unanimously with Commissioners Pedroza and Pollard absent.

2. **MINOR DISCRETIONARY PERMIT 2014-01 (Taco Bell)** To construct a 2,601 square foot drive-thru restaurant on an approximately 1.27 acre site. A double sided, internally illuminated 13' tall 5' wide monument sign is proposed as well as 103 square feet of wall signs. The project is located at 3606

N. Golden State Blvd, more particularly described as Stanislaus County Assessor's Parcel No. 087-030-008.

Katie Quintero presented the staff report and noted the green sheet correcting the drive-thru restaurant square footage in Resolution 2014-08, to 2,601 square feet. She noted that a sign program is included in this project approval. Katie said that this property was annexed in 1995 as part of Northwest Triangle Specific Plan, and advised that in the Heavy Commercial zoning district fast food restaurants are permitted with a staff level Minor Discretionary Permit. The Turlock Municipal Code (TMC) 9-5-311(c) requires "...if any responses are received in opposition to the request, the Community Development Director shall forward the application to the Planning Commission for formal public hearing and consideration". Katie noted that two letters were received in response to the adjacent property notices expressing concerns with traffic, noise, and parking. Katie said that a traffic study has been completed determining it will not create a significant impact to traffic in the area.

There was discussion about what would constitute a significant impact and the level of service analysis done in the area of Roberts Road, Golden State Blvd, Mountain View, and Christoffersen.

Katie said that a petition had been signed by residents of the neighborhood asking that the site plan be amended to remove any ingress or egress onto Roberts Road. A copy of the petition was provided to the Commission.

Mike Pitcock said that from the City' perspective all three driveways could be installed as designed because they meet current standards, but all three are not necessary.

Katie reported that the project meets the TMC parking requirements, and that a noise study was conducted that found the projected noise levels would not exceed the ambient noise levels. The sign program includes an internally illuminated, 13' tall, 5' wide monument sign that is double sided, and 103 square feet of wall signs. Katie advised that any additional signage would require a Conditional Use Permit. She said that staff recommends approval and offered to answer questions.

There was discussion about the improvements that will be made to the Roberts Road and Golden State Blvd intersection; the width of the right turn on Roberts Road; access to the site if traveling south on Golden State Blvd; and the possibility of limiting access from Mountain View Road.

Phillip Moss, the architect representing the project, said there will be sidewalks on all of the property frontages, and a large landscape buffer on Mountain View. He said they prefer not to do any work in the public right-of-way, and commented on the request for an entrance/exit on Roberts Road, and also explained why the project was designed with a driveway on Mountain View.

Commissioner Brem stated he was concerned with the impact the project would have on the neighborhood.

Phillip Moss commented there will be an impact to the neighbors, but the site is zoned commercial and designated as such in the General Plan.

There was discussion about the entrance on Mountain View; the sharp right turns from the driveway on to Roberts Road, and the proposed up-lighting on the tower.

Commissioner Dias asked where the drive-thru order board would be placed. Phillip Ross replied that it would be on the Golden State Blvd side of the property, and that the speaker would face away from the residences and that the proposed up-lighting on the tower could be eliminated.

There was discussion on the raised median that was proposed for Roberts Road.

Phillip Moss also commented that the light standards have been moved away from the neighbors and have cut off shields.

**Public Hearing:**

Chairwoman Fregosi opened the public hearing.

Ray Franco, a property owner in the area, said he was concerned that the property values of the houses on Mountain View would decline as a result of a fast food restaurant being located across the street. He said he was also concerned that the lights from vehicles exiting the restaurant from the driveway on Mountain View would shine in the windows of the adjacent homes, and commented that sound walls have been required on other projects approved in Turlock.

Katie Quintero reviewed the TMC requirements for a separation wall between commercial and residential development, and said that because a street (Mountain View Road) separates the project and the homes, a wall is not required.

Jeff Doernbrack expressed concerns about the restaurant being open 24-hours per day; public hanging out in the parking lot after school and late at night; traffic; and trash from the business. He suggested that Roberts Road should be closed at Mountain View Road.

Pam Franco spoke against the project and said she owns eight rental houses in the area that will be impacted by the project. She commented about existing traffic problems in the area and the condition of the Golden State Blvd and Roberts Road intersection. She expressed concern that headlights from vehicles exiting the restaurant from the driveway on Mountain View would shine in the windows of the adjacent homes; noise from trash bins being opened and closed at night; and the width of Mountain View Road.

Phillip Moss advised that Taco Bell does not take out trash after 10:00PM, and that the bins will be surrounded by a masonry wall. He said the site is designed to mitigate light and noise impacts to the neighborhood, and the turning radius designed to make traffic work. He said they would be willing to close the restaurant at midnight if necessary, but would prefer to be open 24 hours.

There was discussion about the existing commercial zoning of the property; adding a condition to remove the up-lighting on the tower; adding a condition to close at midnight; removing the Mountain View Road driveway; landscaping may mitigate the glare from the vehicle headlights; and redesigning the parking lot to remove the island to help the traffic flow from the drive-thru.

Mike Pitcock made a suggestion to redesign the drive-thru aisle to encourage exiting onto Roberts Road.

Chairwoman Fregosi commented that she sympathizes with the residents who spoke, but as a

Planning Commission they are charged with enforcing the TMC regulations, and the project will include mitigation measures that will reduce the impact to the neighborhood.

The Commission discussed the 24 hour operation request and the consensus was to allow it.

Phillip Moss said they agreed with the re-design suggestion for the drive-thru aisle to exit on to the Roberts Road side, and will also install a partial wall 3' tall that would block the headlights at that corner. Mike Pitcock commented that the wall needs to be out of the clear vision triangle.

**MOTION:** Commissioner Brem moved, Commissioner Hillberg seconded, that the Planning Commission adopt a Mitigated Negative Declaration of environmental effect, incorporating the mitigation measures found in the Initial Study and Mitigation Monitoring Program prepared for this project, and having made the findings contained in Draft Planning Commission Resolution 2014-08. Motion carried unanimously with Commissioners Pedroza and Pollard absent.

**MOTION:** Commissioner Brem moved, Commissioner Hillberg seconded, that the Planning Commission approve Minor Discretionary Permit No. 2014-01 (3606 N. Golden State Blvd – Taco Bell), having determined that the appropriate findings can be made, subject to the conditions contained in amended Draft Planning Commission Resolution 2014-08 adding the following conditions:

1. The drive-thru exit shall be reconfigured to encourage exiting onto Roberts Road.
2. The tower element and slat wall shall not be illuminated with up-lighting.
3. A three foot tall decorative wall shall be installed in the landscaped bed in the southeast corner of the site, along Mountain View to screen the headlights of the cars exiting the drive-thru.

Motion carried unanimously with Commissioners Pedroza and Pollard absent.

**G. OTHER MATTERS**

None

**I. COMMISSIONER'S CONSIDERATION**

None.

**J. STANISLAUS COUNTY PLANNING REFERRAL ITEMS**

None.

**K. COMMISSIONER'S COMMENTS**

Commissioner Brem commented about the recent overlay done on Monte Vista Avenue.

Chairwoman Fregosi wished Mike Brem luck with the upcoming mayoral race, and said she appreciates mayoral candidate Gary Soiseth's positive comments.

Chairwoman Fregosi and Commissioner Brem commented on the annual Planning Commissioners workshop.

**L. STAFF UPDATES** (*Mike Pitcock*)

1. **CROSSWALK AT MONTE VISTA AND BROOKSTONE.** City maintenance staff will be painting this crosswalk.

2. **MONTE VISTA PARKING ALONG SOUTH SIDE FROM COLORADO TO BERKELEY.** During construction of the intersection, work equipment and vehicles will be parked in this area. Staff will be meeting again with the Police Department on this issue.

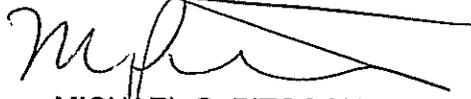
Mike Pitcock also provided information about the signalization of the Monte Vista and Colorado Ave intersection and upcoming overlay projects.

**M. ADJOURNMENT:** Chairwoman Fregosi (motion/second) adjourned the meeting at 7:58 p.m.

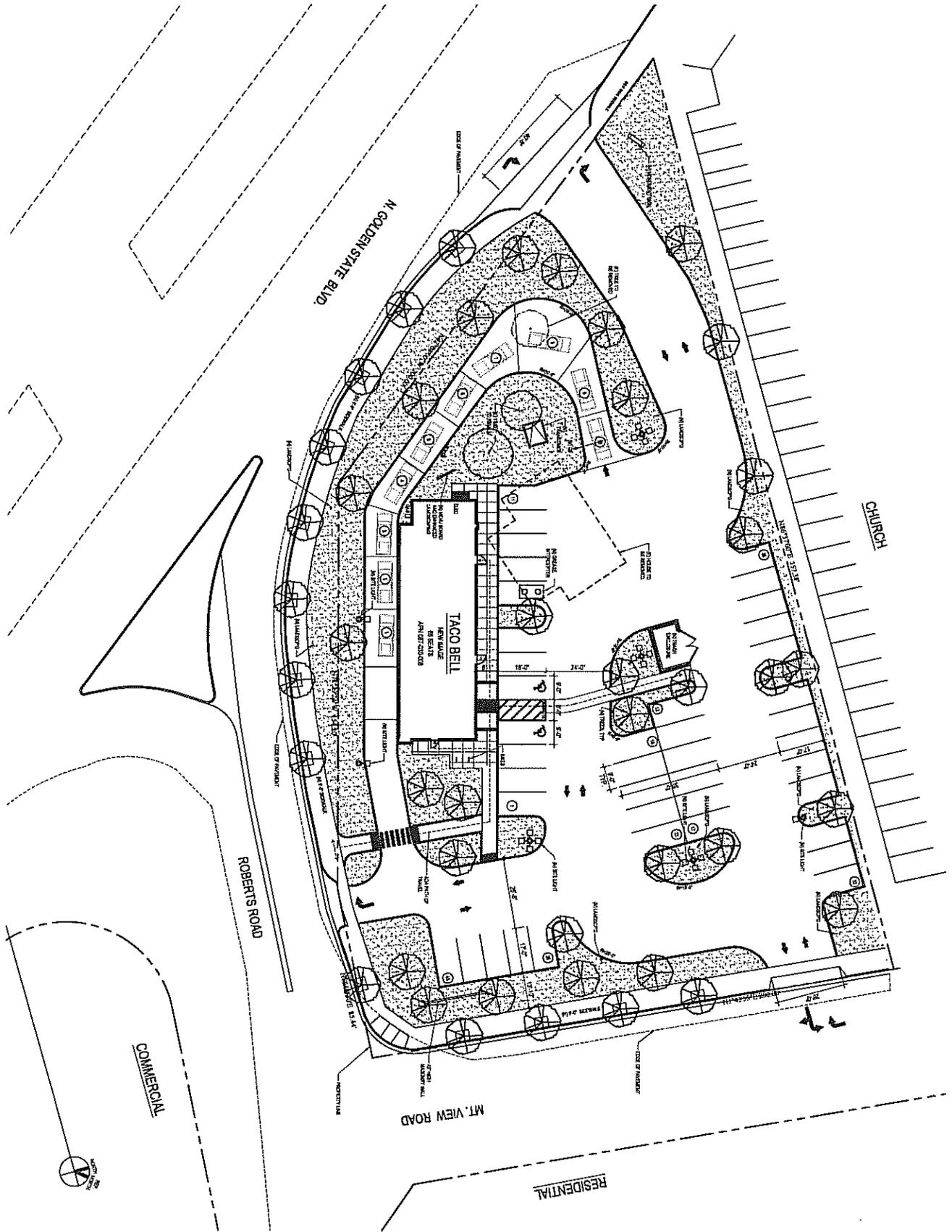
Respectfully Submitted,



SORAYA FREGOSI  
Chair



MICHAEL G. PITCOCK  
Director of Development Services,  
Secretary of the Turlock Planning Commission

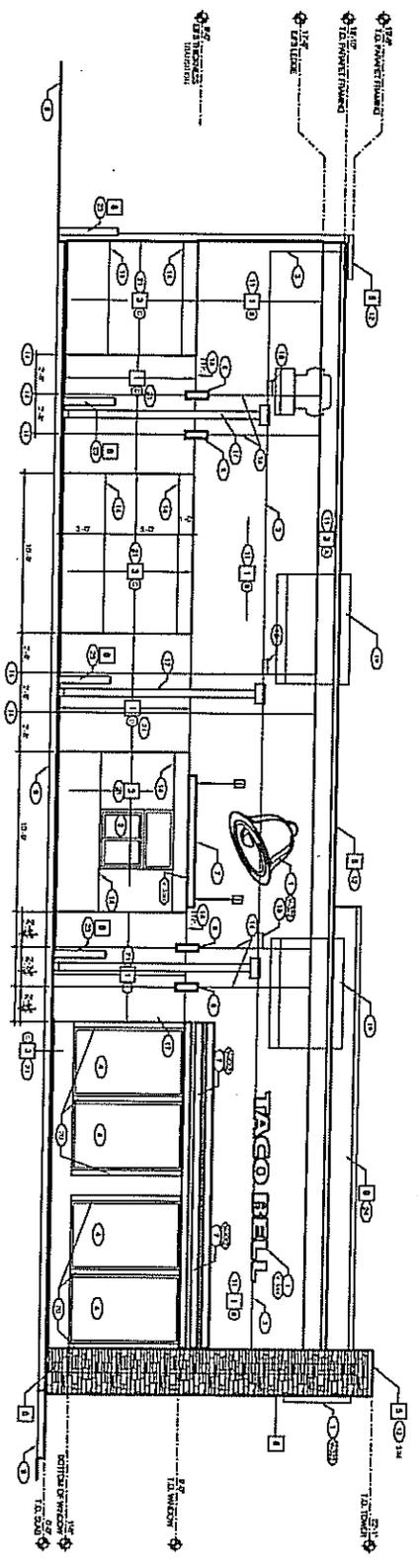




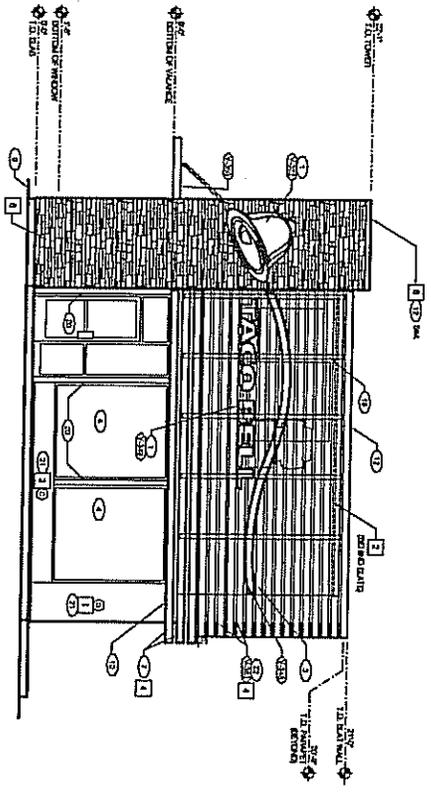
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CITY OF TUPLOCK  
Planning Division

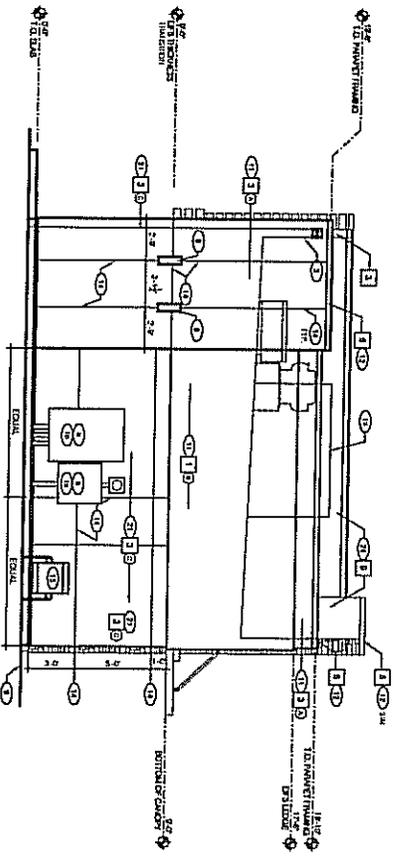
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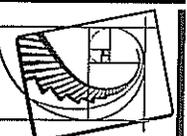
SOUTH ELEVATION 11'-11" 0 A



EAST ELEVATION 11'-10" 0 C



WEST ELEVATION 11'-11" 0 B



MJI Architecture  
1441 12th Street  
Tuplock, CA 95288  
TEL: 530-283-1359  
WWW.MJIARCHITECTURE.COM  
MJI JOB NUMBER  
1359

RECORD DATES  
DATE: 11/11/13  
BY: [Signature]  
CHECKED BY: [Signature]  
REVISIONS

CLIENT  
DCAT INC  
1441 12th Street  
Tuplock, CA 95288  
530-283-1359

PROJECT  
TACO BELL  
300 N. MEDSA RD  
TUPLOCK, CA 95288  
APR 08/09/08

EXTERIOR  
ELEVATIONS  
DD4.1



FEE: \$125.00



# CITY OF TURLOCK APPEAL APPLICATION

RECEIVED

JUN 10 2014

- ADMINISTRATIVE DECISION
- PLANNING COMMISSION DECISION
- OTHER (Describe) \_\_\_\_\_

PFRANCO@CHARTER.NET

NAME OF APPLICANT: Pam Franco or Ray Franco

STREET ADDRESS: 3602 Heirloom Ct.

CITY: Turlock STATE: CA ZIP: 95382

DAY-TIME PHONE NUMBER: 209-345-0505 PAM 209-765-5110 Ray

DESCRIBE THE NATURE OF THE APPEAL: Appealing planning commission decision to approve Taco Bell Permit #2014-01

**EXPLAIN THE REASON(S) YOU BELIEVE THE DECISION OR ACTION WAS WRONG:**

1.) Not enough mitigation to avoid interruption of Public-residents across street are harmed substantially in Noise, traffic, smells, lights, etc. 2.) Traffic study was only taking current traffic & not future w/ added trips as restaurant is established and if neighboring properties also become restaurants. (OVER)

DATE OF DECISION: 06-05-14

WHAT ACTION ARE YOU ASKING THE CITY COUNCIL TO TAKE? City Council should deny permit or mandate stricter mitigation of Permit:

- 1.) Traffic (put in Stop Light at Roberts Road & Golden St Blvd.)
- 2.) Traffic - no exit from driveway onto Mountain View Rd.
- 3.) Mandate hours of operation only until Midnight
- 4.) Private security must be provided during all hours of operation
- 5.) Mandate comprehensive traffic study of how the whole neighborhood will be impacted, not just current traffic counts

Pam Franco  
Signature of Applicant

06/09/14  
Date

Attach

Decision Wrong because:

3.) President is set w/ Jack-in-the-Box on Main & Golden State Blvd. That ingress-egress occurs only on Goldenstate Blvd, not Main. This Taco Bell is the only other fast food on Golden State (except KFC which is a unique corner).

4.) Nothing was addressed about safety for Pedestrians on West side of Mountain View where there is no sidewalk. This will place all foot traffic in the middle of street or cause Jay-walking which are safety hazards.

5.) No mandated mitigation for the Roberts Road/Golden State Blvd. Intersection. It is a mess - winter special Trucks park in front of 10mph exit from GSBld. to Rd. Acceleration lane from Roberts is a Yield going/merging in 55mph traffic - now there will be acceleration lane & deceleration into Gld. St. Blvd entrance - traffic hazards on many fronts.

6.) No mandate for security guard. 24 hour restaurant near Hwy & town of Keyes. Police will spend time controlling what should be Taco Bell's expense to control.

7.) Noise abatement was stated by developer for speaker system, but nothing was mandated about hours for trash dumping. Developer stated no trash dumped after 10pm, but this was not made to be a written condition.

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7.) Noise abatement was stated by developer for speaker system, but nothing was mandated about hours for trash dumping. Developer stated no trash dumped after 10pm, but this was not made to be a written condition.

8.) Developer offered & Planning Commission accepted as a condition to build a 34' block wall by drive-in to block headlights from Residential Homes. This falls short. The headlights from cars pulling onto Mountain View Rd. will shine into the front windows of 34 homes, 24 hours per day, up to 70+ times per night. We proposed no exiting traffic onto Mountain View Rd. & Commission did not discuss benefit of this Proposal.

9.) Property values will fall. We own 8 homes on the other side of Mountain View Rd. We built them 10 years ago, for 10 years we & our tenants have had quiet enjoyment - this will interrupt that.

10.) The Planning Commission adopted "No Parking" on the West side of Mountain View along the Taco Bell parcel to aid in visual of oncoming traffic. This only serves to have overflow park on East side of Mountain View in front of the residents homes. If this is mandated, then there should be "residents only permit parking" permits issued so residents are able to park in front of their homes.

11.) Residents of Neighborhoods had no idea about the meeting. We have people coming to us, asking "what are we doing here?" They didn't

11.) (cont.)

receive notice & signage / Newspaper advertising did not reach them.

12.) Pitman students will ditch class, leave campus or gather afterschool at the restaurant, causing police and traffic issues. Again, there was no discussion of this and no proposed private security to address problems. The citizens of Turlock should not have to foot the bill for problems associated ~~with~~ from Taco Bell.

13.) Planning Commission did not mandate mitigation of non-alignment of Roberts Road at Mountain View. It is already impossible to see Eastbound traffic on Roberts (while stopped at Mountain View stop sign) because Roberts does not line-up straight. You have to creep into the traffic lane to see down the street. More traffic = more accidents.

## Action to be taken

- 5.) (cont.) future traffic counts and "what if" another restaurant goes in just north on the adjacent parcel.
- 6.) Mandate "resident permit" parking on East side of Mountain View.
- 7.) Notify all neighborhoods that will be affected of this meeting so residents can attend.
- 8.) Address students from Pitman/Turlock Jr. High  
Limit number of students in restaurant during school hours.
- 9.) Mitigate Roberts Road & Mountain View non-alignment issue
- 10.) Mitigate flooding at Roberts Rd./Golden State Blvd wet-drain.
- 11.) Mitigate dangerous situation w/ 10 mph exit from Golden State Blvd to Roberts Rd.
- 12.) Mandate full block wall at Property line on Mountain View to limit commercial exposure  
on Mountain View Rd

PAYMENT DATE  
06/25/2014  
COLLECTION STATION  
Cash register #2  
RECEIVED FROM  
FRANCO, PAM-2014-01  
DESCRIPTION  
FRANCO, PAM-2014-01

CITY OF TURLOCK  
156 S BROADWAY SUITE 114  
TURLOCK CA 95380

BATCH NO.  
2014-00008774  
RECEIPT NO.  
2014-00237916  
CASHIER  
JT

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT																																													
MISC013	Copy, Faxes and Misc (GF) FRANCO, PAM-2014-01	\$125.00																																													
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CITY OF TURLOCK  
Finance Office

MISCELLANEOUS RECEIPT

Date: 6/10/2014

Received From: Pam Franco

<u>Account Number</u>			<u>Description</u>	<u>Amount</u>
<u>Fund</u>	<u>Dept</u>	<u>Obj Sub</u>		
110-10-000	37010.000		Planning Decision Appeal of 6/5/14	\$125.00
			payment code: MISC 013	
			Taco Bell Permit #2014-01	
			<b>Total</b>	<b>\$125.00</b>

Please send  
receipted copy to:

*Kellie E. Weaver - Admin*

**NOTE: Receipt mailed upon request only.**

PUBLIC NOTICE

NOTICE OF PUBLIC HEARING BY THE CITY COUNCIL  
OF THE CITY OF TURLOCK

Public hearing will be held on **TUESDAY, JULY 22, 2014, AT 6:00 P.M.**, in the **Yosemite Community Room of the Turlock City Hall, 156 S. Broadway, Turlock, CA, to consider MINOR DISCRETIONARY PERMIT 2014-01, (TACO BELL)** To consider an appeal of the Planning Commission's decision to approve a 2,601 square foot drive-thru restaurant on an approximately 1.27 acre site. The project is proposed at 3606 North Golden State Boulevard, Stanislaus County APN 087-030-008. The site is located in the Northwest Triangle Specific Plan area. Forty-four on-site parking spaces are proposed along with landscaping, lighting and paving on the site. The drive-thru will allow for the stacking of up to ten cars. The restaurant will operate 24 hours a day. The sign program is also included in this application. A double sided, internally illuminated 13'tall, 5' wide monument sign is proposed as well as 103 square feet of wall signs. A **"Mitigated Negative Declaration"** has been prepared and posted for review with the Stanislaus County Clerk and was adopted by the Planning Commission at their June 5, 2014 meeting. The **"Mitigated Negative Declaration"** states that the project will not have a significant effect upon the environment because of mitigation measures applied to the project. The previous environmental document is available for review on the City's website at:

<http://ci.turlock.ca.us/citydepartments/developmentservices/planning/projectenvironmentaldocuments/>. The City is planning to prepare an addenda to the previously certified "Mitigated Negative Declaration."

**Challenges in court to any of the items identified in this public notice may be limited to only those issues raised at the public hearing described in this notice, or in written correspondence delivered to the Turlock City Council at, or prior to, the public hearing.**

Pursuant to California Constitution Article III, Section 6, establishing English as the official language for the State of California, notice is hereby given that all proceedings before the Turlock City Council shall be in English and anyone wishing to address the Council is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language.



/s/ Kellie E. Weaver,  
City Clerk, City of Turlock

**Addendum to the Mitigated Negative Declaration for Minor  
Discretionary Permit 2014-01 (3606 North Golden State  
Boulevard)**

**1. INTRODUCTION**

A Mitigated Negative Declaration for the above referenced project was certified by the City of Turlock on June 5, 2014. The project was originally described as a 2,106 square foot drive-thru restaurant on an approximately 1.27 acre site with 44 on-site parking spaces landscaping, lighting and paving on the site. The drive-thru will allow for the stacking of up to 10 cars. The restaurant will operate 24 hours a day. The sign program is also included in this application. A double sided, internally illuminated 13-foot tall 5-foot wide monument sign is proposed as well as 103 square feet of wall signs. In the project application the square footage of the building was transposed and should have read 2,601 square feet instead of 2,106 square feet.

The site plan accurately showed the 2,601 square foot building footprint, but the 2,106 square foot description shown on the application was used in the initial study. The traffic study has been updated to analyze the increased square footage.

**2. BACKGROUND**

The State CEQA Guidelines provide guidance on the appropriate document for revisions to a previously certified EIR or NEGATIVE DECLARATION. Section 15162 requires the preparation of a Subsequent EIR or NEGATIVE DECLARATION if the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR OR NEGATIVE DECLARATION was certified as complete, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR OR NEGATIVE DECLARATION;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR OR NEGATIVE DECLARATION;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR OR NEGATIVE DECLARATION would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Additionally, CEQA Guidelines, Section 15164 requires the lead agency to prepare an addendum to a previously certified EIR OR NEGATIVE DECLARATION if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR OR NEGATIVE DECLARATION have occurred. An Addendum need not be circulated for public review but can be included in or attached to the final EIR OR NEGATIVE DECLARATION.

### **3. FINDINGS**

None of the conditions described above under Section 15162 of the State CEQA Guidelines requiring a subsequent or supplemental negative declaration have occurred. New significant environmental effects or a substantial increase in the severity of previously identified significant effects are not expected. In addition, no substantial changes have occurred with respect to the circumstances under which the project will be undertaken. These findings are supported by the following environmental assessment of the project. The minor changes and additions to the project as listed below are consistent with Section 15164 of the State CEQA Guidelines, and an Addendum to the previously certified Mitigated Negative Declaration is the appropriate CEQA documentation.

### **4. IMPACT ASSESSMENT OF THE REVISIONS TO THE CERTIFIED MITIGATED NEGATIVE DECLARATION FOR MINOR DISCRETIONARY PERMIT 2011-02 (1300 W. MAIN STREET)**

This section provides an assessment of the effects of the project revisions identified in Section 4 on the impact analysis presented in the certified Mitigated Negative Declaration.

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### AESTHETICS AND VISUAL RESOURCES

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The additional square footage of the building would not result in any additional change to the aesthetic and visual resources on site. Therefore, the impact analysis presented in the adopted Mitigated Negative Declaration remains adequate for the project.

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### AGRICULTURAL RESOURCES

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The adopted Mitigated Negative Declaration stated that the project site is located entirely within the boundaries of the City of Turlock and surrounded by urbanized land uses. The change in square footage of the building would not result in any conversion of farmland to urban uses. A Statement of Overriding Considerations for the Turlock General Plan (Turlock City Council Resolution No. 2012-156), stating the social and economic benefits of converting farmland outweighed the adverse environmental effects (CEQA Guidelines Section 15093). Therefore, the impact analysis presented in the adopted Mitigated Negative Declaration remains adequate for the project.

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### AIR QUALITY

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The adopted Mitigated Negative Declaration stated that the project will not violate any air quality standards, result in a cumulatively considerable net increase of any criteria pollutant, or expose sensitive receptors to substantial pollutant concentrations. The additional square footage will not result in any additional change to air quality impacts that are not addressed in the mitigation measures already identified. All other regulatory conditions remain unchanged for the project. Therefore, the impact analysis presented in the adopted Mitigated Negative Declaration remains adequate for the project.

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### BIOLOGICAL RESOURCES

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The adopted Mitigated Negative Declaration stated that the project would not have any direct effects on animal life by changing the diversity of species, number of species, reduce any rare or endangered species, introduce any new species, or deteriorate existing fish or wildlife habitat. The change in the square footage of the building would not result in a change to the impacts on natural resources. No federal wetlands, established native or migratory wildlife, or biological resources were identified within the project area. Therefore, the impact analysis presented in the adopted Mitigated Negative Declaration remains adequate for the project.

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### CULTURAL RESOURCES

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The adopted Mitigated Negative Declaration stated that the proposed project would not alter or destroy any historic archaeological site, building, structure, or object, nor would it

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alter or affect unique ethnic cultural values or restrict religious or sacred uses. No cultural resources were identified in the Plan Area boundary. The change in square footage of the building would not result in a change to the impacts on cultural resources. Therefore, the impact analysis presented in the adopted Mitigated Negative Declaration remains adequate for the project.

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### GEOLOGY, SOILS, AND SEISMIC

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The adopted Mitigated Negative Declaration stated that the proposed project will not expose people or structures to the risk of loss, injury, or death involving any of the following: the rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction or landslides. No significant issues were identified in the Plan Area boundary. The change to the square footage of the building would not result in a change to the effects on the geology and soils within the project area. Therefore, the impact analysis presented in the adopted Mitigated Negative Declaration remains adequate for the project.

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### HAZARDOUS MATERIALS

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The project is not anticipated to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. No significant issues were identified in the Plan Area boundary. The change to the square footage of the building would not result in a change to impacts relating to hazardous materials. Therefore, the impact analysis presented in the adopted Mitigated Negative Declaration remains adequate for the project.

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### HYDROLOGY AND WATER QUALITY

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The proposed changes to the square footage of the building would not result in violations to any water quality discharge requirements. No changes regarding hydrology and water quality would result from the increased square footage of the building. Therefore, the impact analysis presented in the adopted Mitigated Negative Declaration remains adequate for the project.

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### LAND USE AND PLANNING

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The adopted Mitigated Negative Declaration stated that the project would not physically divide an established community or conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project or with any applicable habitat conservation plan or natural communities' conservation plan. The proposed changes to the square footage of the building would not impact land use in the project area.

Therefore, the impact analysis presented in the adopted Mitigated Negative Declaration remains adequate for the project.

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#### NOISE

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No change in noise levels would result from the increased square footage of the building. The site plan used for the environmental noise assessment prepared by J.C. Brennan & Associates accurately showed the location and size of the building. Therefore, the impact analysis presented in the adopted Mitigated Negative Declaration remains adequate for the project.

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#### POPULATION AND HOUSING

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The adopted Mitigated Negative Declaration states that the project would not induce population growth in the area or displace substantial numbers of existing housing or people. The proposed changes to the square footage of the building will not impact population and housing. Therefore, the impact analysis presented in the certified Mitigated Negative Declaration remains adequate for the project with the revisions.

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#### PUBLIC FACILITIES AND SERVICES

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The adopted Mitigated Negative Declaration states that the impacts on fire services, police services, schools, parks and other public facilities will be less-than-significant. Impacts to public facilities and services would not be impacted by the increased square footage of the building. Therefore, the impact analysis presented in the adopted Mitigated Negative Declaration remains adequate for the project.

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#### RECREATION

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The adopted Mitigated Negative Declaration states that the project will have limited adverse impacts on the quality or quantity of existing recreational opportunities. The City has adopted Parkland Acquisition and Development Impact fees that are applicable to all new development in the City. The project is subject to paying these fees to mitigate any impacts it may have on recreation. There will be no change to the impacts on recreation due to the proposed changes in square footage of the building. Therefore, the impact analysis presented in the adopted Mitigated Negative Declaration remains adequate for the project.

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#### TRAFFIC AND CIRCULATION

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The traffic study conducted by KD Anderson and Associates was updated to analyze any potential impacts of the additional 495 square feet of building area and it is attached as Figure A to this addendum. Based on the Institute of Transportation Engineers (ITE) publication *Trip Generation Manual, 9<sup>th</sup> Edition*, the traffic study originally identified the restaurant would generate 49 new a.m. peak hour trips and 35 new p.m. peak hour trips. Based on this same publication, the increase to 2,601 square feet would increase the number of peak a.m. trips to 61 and the peak p.m. trips to 43. This is an increase of 12 new a.m. peak hour trips and 8 p.m. trips. This project will not have a significant impact on the level of service for the area. The Municipal Code allows restaurant parking to be based on the square footage of the building or the number of fixed seats. Both were used to analyze this project. One parking space is required for every 100 square feet of building area. Originally based on the 1 per 100 square feet of building area 21 parking spaces were required. Now based on 2,601 square feet 26 parking spaces would be required. The proposed site plan indicates that 44 parking spaces will be provided which is still more than the required on-site parking spaces (1 per 100 square feet of building area, 26 spaces, or 1 per every three seats, 18 parking spaces). Therefore, the impact analysis presented in the adopted Mitigated Negative Declaration remains adequate for the project.

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#### UTILITIES AND SERVICE SYSTEMS

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The adopted Mitigated Negative Declaration states that the project will not exceed wastewater treatment requirements of the Regional Water Quality Control Board nor will the project necessitate an expansion to the City's wastewater treatment facility. There will be no change to the impacts on utilities and service systems due to the increased square footage of the building. Therefore, the impact analysis presented in the adopted Mitigated Negative Declaration remains adequate for the project.

*KD Anderson & Associates, Inc.*

Transportation Engineers

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June 20, 2014

Mr. Mike Pitcock  
City of Turlock  
156 S. Broadway, Suite 150  
Turlock, CA 95380

**RE: TRAFFIC STUDY FOR TACO BELL PROJECT ON GOLDEN STATE BLVD,  
CITY OF TURLOCK**

Dear Mr. Pitcock:

This letter identifies the net difference in vehicular trip generation resulting from a 2,601 sq.ft. Taco Bell restaurant in comparison to a 2,106 sf facility. The traffic study prepared for the proposed Taco Bell restaurant at 3606 Golden State Blvd (*KDAnderson & Associates, March 18, 2014*) evaluated the traffic impacts of a 2,106 sf facility. Currently, a 2,601 sq.ft. restaurant is proposed and the net increase in projected trip generation is summarized below.

**Trip Generation.** The number of vehicle trips that are expected to be generated by development of the proposed project has been estimated using published trip generation data. The Institute of Transportation Engineers (ITE) publication *Trip Generation Manual, 9th Edition*, has been used. ITE Trip Generation Manual estimates for the land use category 934, "Fast-food Restaurant with Drive-thru", have been applied to the proposed project. These trip generation rates are displayed in Table 1 and the resulting trip generation quantities for the 2,106 sf facility as analyzed in the 3/18/14 traffic study are presented in Table 2.

The extent to which a portion of the trips attracted to the fast-food restaurant may be drawn from the stream of traffic already passing the site (i.e., "pass-by trips") on the adjacent streets was also estimated based on data contained in the ITE *Trip Generation Handbook* publication. This publication suggests that 49% of a.m. and 50% of p.m. peak hour traffic would be expected to consist of pass-by trips. Applying this information, the 2,106 sf project was previously projected to generate 49 new a.m. peak hour trips and 35 new p.m. peak hour trips.

Table 3 summarized projected trip generation for a 2,601 sf restaurant. As shown, this size facility is projected to generate 61 new a.m. peak hour trips and 43 p.m. peak hour trips. As summarized in Table 4, this represents an increase of 12 a.m. peak hour and 8 p.m. peak hour trips when compared to the 2,106 sf restaurant.

**Conclusion.** The additional 12 a.m. and 8 p.m. peak hour trips are not of sufficient magnitude to change the results and conclusions of the 3-18-14 Traffic Study prepared for the project.

**TABLE 1  
 TRIP GENERATION RATES**

Land Use	ITE Code	AM Peak Hour		PM Peak Hour		Pass-by %	
		Rate	In / Out	Rate	In / Out	AM	PM
Fast-food with Drive-thru	934	45.4	51% / 49%	32.7	52% / 48%	49%	50%

Source: Trip Generation Manual, 9<sup>th</sup> Edition. Trip rates per 1,000gsf.

**TABLE 2  
 PROJECT TRIP GENERATION  
 2,106 sf Restaurant per 3-18-14 Traffic Study**

Land Use	Quantity	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Fast-food Restaurant	2,106 sf	49	47	96	36	33	69
Pass-by Trips		(24)	(23)	(47)	(18)	(16)	(34)
Net New Trips		25	24	49	18	17	35

**TABLE 3  
 PROJECT TRIP GENERATION  
 2,601 sf Restaurant**

Land Use	Quantity	AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Fast-food Restaurant	2,601 sf	60	58	118	44	41	85
Pass-by Trips		(29)	(28)	(57)	(22)	(20)	(42)
Net New Trips		31	30	61	22	21	43

**TABLE 4  
 TRIP GENERATION DIFFERENCE - NET NEW TRIPS**

		AM Peak Hour			PM Peak Hour		
		In	Out	Total	In	Out	Total
Net New Trips		6	6	12	4	4	8

Please feel free to contact me if you have any questions or need additional information.

Sincerely,

KD Anderson & Associates, Inc.



Michael Becker, P.E.  
 Transportation Engineer

*KDA*

**Katie Quintero - Fwd: Taco Bell**

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**From:** Planning  
**To:** Katie Quintero  
**Date:** 6/13/2014 11:01 AM  
**Subject:** Fwd: Taco Bell

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>>> 6/10/2014 7:30 AM >>>

Dear Officers,

I'm sure you've received many emails and comments about the proposed Taco Bell on Roberts and Golden State. I appreciate you reading mine. I wanted to attend the meeting last week, but I have a class on Thursday nights. We live on Summer Garden and Roberts Road. We are not in favor of the Taco Bell because it's going to increase the noise pollution in our neighborhood. It's already bad. I've had to call the police twice because of people spinning their wheels and racing down Robert's Road in the early morning hours. Sometimes it has felt like we were living in the center of a race track.

There are better locations for a Taco Bell than that which will not disturb the residents. It doesn't matter if it meets the zoning requirements. People don't want it here and you need to look out for your people and do what's in THEIR best interests, not Taco Bell's.

Sincerely, Sharon Lundgren

BEFORE THE CITY COUNCIL OF THE CITY OF TURLOCK

IN THE MATTER OF }  
APPROVING MINOR DISCRETIONARY }  
PERMIT 2014- 01 (TACO BELL) }

RESOLUTION NO. 2014-

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**WHEREAS**, Taco Bell is requesting to develop an approximately 2,601 square foot drive-thru restaurant on the 1.27 acre lot at 3606 North Golden State Boulevard, Stanislaus County Assessor's Parcel Number (APN) 087-030-008); and

**WHEREAS**, on-site parking landscaping and other improvements will be included in the proposal in conformance with the development standards and design guidelines established for the Heavy Commercial zoning district; and

**WHEREAS**, any future amendments to this Minor Discretionary Permit shall be done in accordance with TMC Chapter 9-5 Article 3; and

**WHEREAS**, the Planning Commission unanimously approved Minor Discretionary Permit 2014-01 at their June 5, 2014 meeting; and

**WHEREAS**, an appeal of the City of Turlock Planning Commission's decision to approve Minor Discretionary Permit 2014-01 was filed with the City Clerk; and

**WHEREAS**, the appeal was heard at a City Council public hearing on July 22, 2014; and

**WHEREAS**, after a public hearing held on July 22, 2014, the City Council adopts a Mitigated Negative Declaration having made the following findings:

1. Pursuant to CEQA Guidelines Section 15162, the proposed activity is adequately described and is within the scope of the General Plan EIR.
2. All feasible mitigation measures developed in the General Plan EIR have been incorporated into the project.
3. Pursuant to Public Resources Code Sections 21080(c)(2) and 21157.5, the initial study prepared for the proposed project has identified potential new or significant effects that were not adequately analyzed in the General Plan EIR, but feasible mitigation measures have been incorporated to revise the proposed subsequent project to avoid or mitigate the identified effects to a point where clearly no significant effects would occur.
4. There is no substantial evidence before the lead agency that the subsequent project, as revised, may have a significant effect on the environment.
5. The analyses of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment contained in the General Plan EIR are adequate for this subsequent project.

6. Pursuant to CEQA Guidelines Section 15093, a Statement of Overriding Considerations was adopted for the General Plan EIR by Turlock City Council Resolution 2012-156. As identified in the Turlock General Plan EIR, development in the project area would result in significant, and unavoidable, impacts in the areas of noise, regional air quality, and the eventual loss of agricultural land. The magnitude of these impacts can be reduced, but not eliminated by the mitigation measures referenced in the initial study prepared for this project and General Plan EIR. Therefore, mitigation measures identified in the General Plan EIR, and its respective Statements of Overriding Considerations (contained in Turlock City Council Resolution No. 2012-156), are adequate to mitigate the impacts from the proposed project where feasible, and are hereby incorporated by reference.
7. Pursuant to Public Resources Code Section 21157.6(a), having reviewed the General Plan EIR, the City of Turlock finds and determines that:
  - a. no substantial changes have occurred with respect to the circumstances under which the General Plan EIR was certified, and
  - b. that there is no new available information which was not and could not have been known at the time the General Plan EIR was certified.

**WHEREAS**, after a public hearing held on July 22, 2014, the City Council found and determined that Minor Discretionary Permit 2014-01 (3606 North Golden State Boulevard– Taco Bell) would be permissible subject to the following findings:

1. The proposal is consistent with the Turlock General Plan, the Zoning Ordinance and all other adopted plans for the site.
2. The proposal is in harmony with the existing or proposed development in the general area or neighborhood and will be compatible with adjacent structures and uses, including those on adjoining property.
3. The proposal is consistent with the development plan, terms, conditions, and / or intent of any planned development or conditional use permit currently in effect on the property.
4. Any structural elements contained within the proposal are of high quality design consistent with the intent of the City Design Element of the Turlock General Plan and the exterior design, appearance, materials, and colors will not cause the nature of the neighborhood to materially depreciate.
5. The proposal will not otherwise constitute a nuisance or be detrimental to the public safety, health and welfare of the neighborhood and community.
6. The proposed signs will not affect the purposes of the sign ordinance as defined in Turlock Municipal Code Section 9-2-501.
7. The proposed signs conform to the greatest extent feasible with the provisions of Turlock Municipal Code Section 9-2-500 and the adopted sign design guidelines.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Turlock that the appeal of Minor Discretionary Permit 2014-01 (3606 North Golden State Boulevard) is hereby denied and Minor Discretionary Permit 2014-01 is approved subject to compliance with all applicable codes and ordinances, the CEQA Initial Study

and the Mitigation Monitoring Program prepared for this project, and subject to the terms and conditions set forth below. All conditions listed below shall be complied with prior to issuance of the Certificate of Occupancy, or equivalent, unless otherwise stipulated.

1. This project shall be constructed in accordance with the attached site plan and building elevations (Attachment #1).
2. Minor amendments to the site layout and other conditions contained within this approval may be authorized by the Community Development Director on a case-by-case basis, provided that such amendments are consistent with the overall intent and purpose of the conditions contained herein.
3. The drive-thru exit shall be reconfigured to encourage exiting onto Roberts Road.
4. The tower element and slat wall shall not be illuminated with up-lighting.
5. A three foot tall decorative wall shall be installed in the landscaped bed in the southeast corner of the site, along Mountain View to screen the headlights of the cars exiting the drive-thru.
6. All "Standard Conditions of Approval" contained in Turlock Planning Commission Resolution 91-54 are conditions of approval for this project.
7. Trash shall not be thrown into the trash enclosure after 10:00 p.m.
8. Pursuant to Turlock Municipal Code (TMC) §9-5-314.1 this approval shall expire one (1) year from the date of issuance, if construction has not begun or the use commenced. If requested prior to the date of expiration, the minor discretionary permit may be extended upon a finding of good cause when the applicant presents proof of unusual conditions not of his own making.
9. In the event the City determines that it is necessary to take legal action to enforce any of the provisions of these conditions, and such legal action is taken, the applicant shall be required to pay any and all costs of such legal action, including reasonable attorney's fees, incurred by the City, even if the matter is not prosecuted to a final judgment or is amicably resolved, unless the City should otherwise agree with applicant to waive said fees or any part thereof. The foregoing shall not apply if the permittee prevails on every issue in the enforcement proceeding.
10. The project shall be developed consistent with the standards and uses established for the Community Commercial (CC) zoning district in TMC §9-3-300ART: Commercial Districts and the adopted Design Guidelines.
11. All mitigation measures identified in the California Environmental Quality Act (CEQA) Initial Study circulated on May 2, 2014, shall be incorporated into the project as conditions of approval.
12. The stone material used in the tower element shall be carried through all four sides of the building by adding a base trim or similar architectural feature to the façade.

13. In accordance with TMC §9-2-115(c)(1) the trash and recycling enclosures shall comply with the City of Turlock Standards and Specifications for construction and materials. Each trash and recycling enclosure shall be designed to allow walk-in access without having to open the main enclosure gate. The property owner shall supply and maintain adequate bins and containers for recycling and waste disposal. Approval must be given by Turlock Scavenger for the trash enclosure to be covered.
14. A minimum two (2) foot perimeter at the base of each enclosure wall shall be irrigated and planted with landscaping, including the use of evergreen vines.
15. All electrical, gas, telephone, cable television, and similar distribution lines, including existing distribution lines, providing immediate service to the site shall be installed underground within the site.
16. All above-ground utilities, such as backflow protection devices, fire department connections and transformers shall be located on the site in such a manner as to minimize the visual impact from the public right of way and adjacent properties and shall be adequately screened from public view through a combination of the use of colors and landscaping to create a continuous screen of a height comparable to the height of the equipment. Whenever possible, utilities and cabinets shall be placed to minimize exposure of the equipment to public view. A minimum three (3) foot wide path shall be provided for pedestrian clearance consisting of crushed gravel or similar material shall be provided to allow easy access to the equipment and, if applicable, the concrete base for the equipment.
17. Bicycle racks, accommodating a minimum of two bicycles shall be installed on-site.
18. A landscape plan for the proposed new parking lot shall be submitted to the Engineering Division as part of the improvement plan submittal process. All parking areas shall comply with TMC 9-2-109. In particular, one (1) shade tree shall be provided for every five (5) parking spaces.
19. All HVAC units, trash/recycle/refuse compactors and other mechanical equipment shall be screened from public view and adjacent properties, including adjoining rights-of-way, in accordance with TMC § 9-2-118. The method of screening such equipment shall be architecturally integrated into the main structure in terms of design, materials, colors, shape and size. Prior to issuance of the building permit, this requirement shall be verified through review of construction plans.
20. The drive-thru lanes shall be screened with a decorative masonry wall landscaped with vines, landscaped berm, or a landscaped hedge, or any combination thereof, at least three (3') feet in height to minimize visibility to the public right-of-way.
21. Fully detailed landscape and irrigation plans shall be submitted to the Engineering Division for review and approval prior to the installation of any landscaping material or irrigation system and prior to the issuance of any building permits. All landscaping and irrigation systems shall be installed in accordance with the standards of TMC §9-2-109.

22. All landscaping and irrigation shall comply with the State Model Water Efficient Landscape Ordinance.
23. In accordance with TMC §9-2-109, all landscape planter beds shall be a minimum of five (5) feet in depth and width.
24. All planting areas shall be protected with raised concrete curbs.
25. Landscaping along street frontages shall provide a continuous 36 inch high screen comprised of earth berms, low walls or fences, plant materials or a combination thereof, if the parking adjacent to any public street is oriented in such a way that the parked cars headlights will shine onto the public street.
26. The minimum landscape setback along Golden State Boulevard is 20 feet.
27. Deciduous non-fruiting trees shall be incorporated into the planting plan within the parking lot and around the building to provide shade relief from the summer sun.
28. A variety of plant types and species shall be incorporated into the planting scheme to provide interest and color. No one (1) species of plant shall exceed 20 percent (20%) of the plant material. Turf shall be limited to 25 percent (25%) of the total landscaped area.
29. All planting areas shall include a three (3) inch top dressing of an organic mulch or equivalent material. Mulches shall be reapplied as part of a regular maintenance program to reduce evaporation, soil compaction, and weeds.
30. All parking spaces shall comply with dimensional standards for the City of Turlock. Standard parking spaces measure 9 feet x 19 feet and compact spaces measure 7½ feet x 15 feet. No more than 30 percent, or 4 spaces, of the required parking spaces may be compact spaces.
31. Wheel stops and striping are required.
32. Parking lot shade trees shall be installed along all parking areas in accordance with TMC §9-2-109: one shade tree per five (5) parking spaces. Parking lot shade trees shall be planted in landscape islands within the parking lot. Tree spacing shall be such that every parking space is within 30 feet of the trunk of a tree.
33. Limit intensity, shield and/or situate all on-site lighting such that light does not spill over to adjacent properties.
34. All lighting fixtures must be shielded to confine light spread within the site boundaries.
35. Security lighting fixtures shall not project above the fascia or roofline of the building and are to be shielded.
36. Lights shall be placed to direct and control glare.
37. Lighting sources shall be thoughtfully located and shall have cut-off lenses to avoid light spillage and glare on adjacent properties.
38. Provide directional shielding for street and parking lot lighting.

39. All lighting shall be designed to confine light spread within the site boundaries. Lighting shall not become a source of glare for adjoining residential properties.
40. Lighting shall be oriented to minimize impacts upon nearby residences.
41. Sources of high illumination shall be separated from light-sensitive receptors.
42. A 13' tall 5' wide monument sign to be located 10' from the property line along Golden State Boulevard has been approved. The sign face shall have an opaque background so only the lettering and logo will illuminate at night. One hundred and three square feet of exterior wall signs are permitted as part of this Minor Discretionary Permit. Any additional signs above the total 203 square feet of sign area approved will require approval through a Conditional Use Permit.
43. All signage shall comply with the provisions established in the Turlock Municipal Code (TMC 9-2-500 ART), the General Sign Guidelines contained in the City of Turlock's adopted Design Guidelines and shall obtain the appropriate permits.
44. Pole signs and cabinet signs are prohibited.
45. Freestanding signs shall incorporate the design, materials, textures and colors utilized on the permanent structure located on the site. All building signage shall be composed of individual pan channel letters or equivalent. Exposed raceways and changeable copy are prohibited.
46. Temporary promotional signs, e.g. banners, may be permitted subject to first obtaining a sign permit from the Planning Division. No more than one temporary promotional sign shall be displayed.
47. Temporary promotional signs shall be displayed for no more than 14 days in a row and not to exceed a total of 60 days in one calendar year.
48. If any fencing is used on the site, with the exception of construction fencing, it must be decorative fencing, chain link is not permitted.
49. If human remains are discovered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the coroner determines that no investigation of the cause of death is required and if the remains are of Native American origin, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods.
50. In accordance with State Law, if any historical resources are found during construction, work is to stop, and the City of Turlock and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find. If it is determined to be historically or culturally significant, appropriate mitigation measures to protect and preserve the resources shall be formulated and implemented.

51. If previously unrecorded archaeological resources, as defined by State Law are discovered, construction activities shall be suspended and a qualified archaeologist shall be called to evaluate the find and to recommend proper action.
52. If subsurface features are found, such as septic tanks, construction shall cease and the features will be removed or decommissioned in accordance with all applicable regulations.
53. Staging areas and construction material areas shall be located as far away as possible from residences or noise-sensitive land uses.
54. The development shall comply with the City of Turlock's noise ordinance during construction and operation.
55. If ground disturbing activities, such as grading, occurs during the typical nesting season, February through mid-September the developer is required to have a qualified biologist conduct a survey of the site no more than 10 days prior to the start of disturbance activities. If nests are found, no-disturbance buffers around active nests shall be established as follows until the breeding season has ended or until a qualified biologist determines that the birds have fledged and are no longer on the nest for survival: 250 feet for non-listed bird species; 500 feet for migratory bird species; and one-half mile for listed species and fully protected species.
56. If nests are found they should be continuously surveyed for the first 24 hours prior to any construction related activities to establish a behavioral baseline. Once work commences the nest shall be continuously monitored to detect any behavioral changes as a result of the project. If behavioral changes are observed, the work causing the change should cease and the Department of Fish and Wildlife consulted for additional avoidance and minimization measures.
57. If Swainson's Hawks are found foraging on the site prior to or during construction, the applicant shall consult a qualified biologist for recommended proper action, and incorporate appropriate mitigation measures. Mitigations may include, but are not limited to: establishing a one-half mile buffer around the nest until the breeding season has ended or until a qualified biologist determines that the birds have fledged and are no longer dependent on the nest for survival. Mitigating habitat loss within a 10 mile radius of known nest sites as follows: providing a minimum of one acre of habitat management land or each acre of development for projects within one mile of an active nest tree. Provide a minimum of .75 acres of habitat management land for each acre of development for projects within between one and five miles of an active nest tree. Provide a minimum of .5 acres of habitat management land for each acre of development for projects within between five and 10 miles of an active nest tree.
58. The applicant shall comply with all applicable federal, State, and local laws and regulations related to the protection and preservation of endangered and/or threatened species through consultations with appropriate agencies.

59. In accordance with the noise study, when standing 30 feet away directly in front of the drive-thru speaker the noise level shall not exceed 61 dB, the average should be 55 dB and the median level should be 54 dB.
60. The developer shall pay all City of Turlock city wide development impact fees prior to issuance of the building permit. Fee credits from previous structures shall be provided toward new development.
61. The developer shall provide written consent, as provided in Section 54715 of the California Government Code, to the levy of an assessment to finance the operation and maintenance of drainage, flood control, street maintenance, and street lighting service which benefits the area to be developed.
62. Provide written consent, as provided in Section 22500 of the Streets and Highways Code, to the formation of an assessment district to finance the maintenance of landscaping.
63. Developer shall procure a grading permit from the City of Turlock for all on-site (Non-Structural) work. Please submit a cost estimate for all on-site work, as well as six (6) sets of civil improvement plans including an erosion control plan and landscaping plans. Landscape plans shall meet the requirements of the Water Efficiency Landscape Ordinance. Soils report required for first submittal.
64. Developer shall procure an encroachment permit from the City of Turlock for all work done within existing City of Turlock right of way. Please submit a cost estimate for all off-site work, liability insurance listing the City of Turlock as additional insured, as well as six (6) sets of improvement plans for review and approval.
65. Developer shall install City owned and maintained facilities in accordance with the City of Turlock Standard Specifications and Drawings and shall make all necessary roadway dedications.
66. Developer shall remove and replace any existing curb, gutter, sidewalk, driveway approaches, streetlights and roadway improvements along the N. Golden State Blvd., Mountain View Rd. and Roberts Rd. frontages in accordance with City of Turlock Standard Specifications and Drawings if, in the City Engineer's opinion, the existing improvements do not meet current City standards, accessibility standards or are in poor/damaged condition. Asphalt oil shall be PG 70-10.
67. The City Engineer reserves the right to require full roadway reconstruction or a 2" asphalt overlay from curb to curb on the N. Golden State Blvd., Mountain View Rd. and Roberts Rd. frontages, if in the City Engineer's opinion, the integrity of the roadway has been compromised by utility cuts or construction practices. Asphalt oil shall be PG 70-10.
68. Side yard fences, signs and trees shall be setback 30 feet from street corners and 15 feet from driveways per City Code requirements.
69. Trash enclosure shall be constructed per the current City Standards. Contact Turlock Scavenger at 209-668-7274 for site location and other requirements.

70. Accessible signage and striping for accessible parking shall meet the requirements of the current California Building Code.
71. Developer shall install full frontage improvements along N. Golden State Blvd., Mountain View Rd. and Roberts Rd. per the City Standard Specifications and Drawings: 10' wide commercial sidewalk, curb ramps, a commercial driveway approaches per detail C-6 or C-7 and street trees spaced 30'-35' apart.
72. Developer shall provide a 10' roadway dedication along the Mountain View Rd. frontage and provide all frontage improvements for a 60' wide roadway.
73. Any existing or new domestic, landscape or fire water services shall be fitted with backflow prevention devices.
74. All trenching in existing public pavement must be repaved per City standard T-1 unless approved by the City Engineer.
75. Driveway on Roberts Rd. shall be right entrance and right exiting only and shall be constructed to prevent left turn movements in or out.
76. Driveway on N. Golden State Blvd. shall be right entrance and right exiting only, with acceleration and deceleration lanes.
77. Developer shall install a lane for westbound traffic on Roberts Road to merge onto N. Golden State Blvd.
78. Developer shall modify the traffic island at the intersection of N. Golden State Blvd. and Roberts Rd. to provide for three (3) northbound travel lanes (12' wide) in N. Golden State Blvd.
79. Developer shall provide a traffic study involving the analysis of traffic on Mountain View Road and Roberts Road, with a particular emphasis on the volume of traffic, intersection level of service, and driveway spacing for traffic movements between Christoffersen Parkway and Golden State Blvd. The Traffic study will include updated traffic counts for the affected area and traffic projections for existing plus project and cumulative conditions. Developer will work with City staff to identify potential mitigation measures to address level of service as well as operational and safety issues in the affected area.
80. Parking shall be prohibited along the west side of Mountain View Road for 100' to the north and south of the driveway to maintain clear lines of sight.
81. The driveway adjacent to Roberts Road shall be removed or a raised median shall be installed along Roberts Road.
82. The project shall be required to meet the California Fire Code, National Fire Code (NFPA), California Mechanical Code, and the City of Turlock Municipal Code in effect at the time of building permit application. THIS IS NOT A PLAN REVIEW. Additional requirements may be applicable upon Fire Dept. review of building plans.
83. Before vertical construction begins: 1) Onsite fire hydrant shall be in service; 2) Blue hydrant markers shall be in street; 3) Asphalt or concrete fire access roadway shall

- be installed; 4) Temporary address signage shall be clearly visible from the primary roadway.
84. Buildings or structures shall have an approved asphalt or concrete fire access road installed and accepted prior to final inspection.
  85. Address numerals shall be a *minimum* of 6" tall, contrast with background, be clearly visible from the primary roadway and be illuminated either internally or externally between dusk and dawn daily.
  86. Permanent all weather signage shall be installed: (minimum 3" letters/numbers)
    - a. MAIN ELECTRICAL DISCONNECT
    - b. MAIN GAS SHUT OFF
    - c. FIRE CONTROL ROOM
    - d. FDC (address numerals)
    - e. ELECTRICAL ROOM
    - f. HVAC units shall be numbered (coordinating with breakers and fire alarm systems)
  87. A knox box key safe may be installed to the right of the main entrance door. Safe shall be securely mounted between 4' and 8' above finished grade. Boxes may be ordered online at [www.knoxbox.com](http://www.knoxbox.com) or by visiting our office.
  88. Two locking FDC plugs (2-21/2") shall be installed. Plugs may be ordered online at [www.knoxbox.com](http://www.knoxbox.com) or by visiting our office. Please allow for 10 days for delivery.
  89. Fire sprinklers shall be required. Four sets of fire sprinkler plans, architectural plans and calculations shall be submitted by a licensed C16 fire sprinkler contractor to the Fire Department in accordance with NFPA 13 and City of Turlock Municipal Code.
  90. On-site fire hydrant required. Location and number to be determined at civil plan review. Fire hydrant shall be within 75 feet of the FDC.
  91. Four (4) sets of fire alarm system plans shall be submitted to fire department by a licensed C-10 fire alarm professional. System shall be U.L certified and monitored by a U.L. central station for the life of the building. U.L. certificate required at final.
  92. Fire extinguishers with a minimum rating of 2-A:10-B:C shall be provided such that no point in the building is further than 75-foot travel distance to an extinguisher. Extinguishers shall be mounted on the wall or in cabinets, such that the top of the extinguisher is no more than four (4') feet above floor level.
  93. Electrical disconnect shall be accessible from the exterior of the building or in a secure electrical room that opens directly to the outside. Disconnect or electrical room will be identified with an approved all weather sign.
  94. Fire lane requirements shall be met. Fire lanes shall be painted throughout the project, and shall read, "No Parking, Fire Lane."
  95. Street trees shall be installed in the sidewalk in accordance with City of Turlock standards (TMC §7-7-500 and §9-2-109(8)(ii)). The variety of street tree to be

installed is Sycamore Blood Good London Plane variety. Any variation from the above listed street tree requirement must first be approved by the City of Turlock Parks and Recreation Department. The property owner or developer shall contact the City of Turlock Parks and Recreation Department for review of tree layout and inspection prior to installation of street trees.

96. The property owner shall be responsible for providing water/sewer/G.I. for all tenants. If the property owner will not be the responsible party for these services, the property owner/developer shall contact City of Turlock Municipal Services at 668-5590 to establish an acceptable agreement/organization to be responsible for providing such services.
97. Prior to issuance of a building permit, water and sewer utilities shall be reviewed and approved by Municipal Services (668-5590).
98. Prior to issuance of a building permit, the property owner/developer shall contact City of Turlock Municipal Services at 668-5590 to determine whether a grease interceptor shall be required. If required, the grease interceptor shall be incorporated into the building plans, prior to the issuance of a building permit.
99. Prior to issuance of a building permit, storm water facilities shall be reviewed and approved by Municipal Services (668-5590)
100. A building permit shall be obtained, and the project shall be designed by a California licensed architect or engineer.
101. The applicant shall comply with all applicable San Joaquin Valley Air Pollution Control District rules and regulations and is subject to compliance with Rule 9510.
102. The builder and/or developer shall comply with the SJVAPCD Compliance Assistance Bulletin for Fugitive Dust Control at construction sites.
103. During construction to minimize dust and air emission impacts site watering or the application of dust suppressants shall be used, stockpiles shall be covered and grading activities shall be suspended during high wind periods (winds greater than 25 miles per hour).
104. Turlock Irrigations District's electrical utility maps show existing overhead facilities along the west side of Mountain View Road fronting this project. If any of these facilities need relocation, the owner/developer must apply for a facility change for any pole or electrical facility relocation. Facility changes are performed at developer's expense.
105. A 10-foot public utility easement shall be dedicated along all street frontages.
106. The trash enclosure shall be re-angled so Turlock Scavenger will have a direct approach, please contact Turlock Scavenger for approval of trash enclosure angle.
107. Applicant shall submit three sets for the proposed food facility to the Department of Environmental Resources for review and approval for compliance with the California Retail Food Code Section 114280. The submitted food facility construction plans are to be completed, easily readable and drawn to scale and specification.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Turlock this 22<sup>nd</sup> day of July, 2014, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
NOT PARTICIPATING:  
ABSENT:

ATTEST:

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Kellie E. Weaver, Deputy City Clerk,  
City of Turlock, County of Stanislaus,  
State of California



## Council Synopsis

August 26, 2014

From: Maryn Pitt, Assistant to the City Manager for Housing and Economic Development

Prepared by: Maryn Pitt, Assistant to the City Manager for Housing and Economic Development

Agendized by: Roy W. Wasden, City Manager

### 1. ACTION RECOMMENDED:

Motion: Approving a Memorandum of Understanding with Stanislaus County for the contract and development of a Regional Consolidated Plan for 2015-2020, a 2015 Annual Action Plan and an updated Assessment of Impediments to Fair Housing, and authorizing the City Manager to execute all related documents to this cooperative project

### 2. DISCUSSION OF ISSUE:

The Consolidated Plan is a planning document required by the U.S. Department of Housing and Urban Development (HUD) to be submitted every three to five years by all jurisdictions that receive Community Development Block Grant (CDBG) program and HOME funds. The Consolidated Plan identifies housing, homeless and community development needs, and determines strategic priorities for the use of CDBG and HOME funds over the ensuing plan period.

The City of Turlock Housing Program and the Stanislaus County Community Development Department are the lead entities responsible for overseeing the development and administration of the *2015-2020 Regional Consolidated Plan*. In using funds in our respective areas, the joint goals of both agencies is to protect and enhance our community's quality of life, sustainability and public safety through comprehensive plans, development regulations and service programs as well as to create and preserve decent affordable housing; end homelessness; and provide capital investments which improve the viability, livability, and economic stability of Stanislaus County communities, particularly low- and moderate-income communities. All of this work is accomplished in partnership with the county's housing and social service providers and in cooperation with all of our member cities.

For the first time, Stanislaus County and the City of Turlock will be submitting a combined regional plan for CDBG and HOME funding. HUD recognizes the

Stanislaus Urban County for CDBG and its member cities of Ceres, Hughson, Newman, Oakdale, Patterson and Waterford who receive CDBG Entitlement Funds directly. HOME funding through the Turlock/ Stanislaus County Home Consortium with the same membership will also be included. In addition, the City of Turlock is also a direct entitlement for CDBG funds. Further, Turlock is recognized as the Participating Jurisdiction and lead agency of the HOME Consortium and has entered into an inter-local agreement with Stanislaus County and the city member jurisdictions as a HOME Consortium, to allow HOME funds to be utilized countywide in all jurisdictions. HUD requires the needs assessment data for regional Consolidated Plans to be presented for the entire county, not segregated by jurisdiction.

Embarking on this nine-month planning process during which the contracted consultant will facilitate all jurisdictions in examining the needs and resources of unincorporated Stanislaus County as well as the cities of Ceres, Hughson, Newman, Oakdale, Patterson and Waterford. During the upcoming process, staff along with the consultants will consult with our community partners and members of the public. The planning process will bring together citizens, social service organizations, businesses, faith communities, and elected officials to review the region's current and future housing and community development needs and develop updated priorities.

The CDBG program provides funding to state and local governments for projects and activities that principally benefit low- to moderate-income people. This HUD program helps local governments develop viable urban communities by providing adequate supplies of affordable housing, a healthy living environment, and economic opportunities. CDBG funds are some of the most flexible resources available to local governments. Communities can use CDBG funds for a wide range of activities such as rehabilitating single-family homes and apartment buildings, building community centers and public facilities, constructing water and sewer lines, supporting economic development, and providing vital social services. The fundamental philosophy of CDBG is the belief that local elected officials are best positioned to identify and prioritize local needs and to effectively allocate funding to address those needs.

HOME is a HUD program that provides formula grants to build, buy, and/or rehabilitate affordable rental or owner-occupied housing, or provide direct rental assistance to low-income people. Communities can use HOME funds for new construction, rental assistance, and homeowner assistance.

Stanislaus County and the City of Turlock use county-wide data to analyze, prepare, and implement its strategic plans. The CDBG and HOME funding reductions in the past recent years called for the need to explore cost-sharing opportunities to address the challenges that have arisen as a result of such funding reductions. In 2013, the Stanislaus Urban County and City of Turlock approached HUD about conducting a regional approach to the preparation of the

Consolidated Plan. After reviewing the submitted consultant proposals for a regional approach, the end result reduced duplication as well as represented significant costs savings to both jurisdictions. Stanislaus County will be the primary contractor with the consulting firm, PMC and the attached MOU represents the agreed upon scope and delineation of responsibilities as Turlock and Stanislaus County move forward with undertaking this new approach to HUD planning. The new 2015-2020 Consolidated Plan will cover the following jurisdictions and federal funding programs.

- City of Turlock (CDBG)
- Stanislaus Urban County - includes unincorporated areas of the Stanislaus County and member Cities of Ceres, Hughson, Newman, Oakdale, Patterson, and Waterford (CDBG & ESG)
- City of Turlock/Stanislaus County HOME Consortium –includes City of Turlock and all Stanislaus Urban County member jurisdictions (HOME)

The Consolidated Plan is designed to help local jurisdictions to assess their affordable housing and community development needs and market conditions, and to make data-driven, place-based investment decisions. The consolidated planning process serves as the framework for a community-wide dialogue to identify housing and community development priorities that align and focus funding from the CPD formula block grant programs: Community Development Block Grant (CDBG) Program, HOME Investment Partnerships (HOME) Program, Emergency Solutions Grant (ESG) Program, and Housing Opportunities for Persons With AIDS (HOPWA) Program. The Consolidated Plan is carried out through Annual Action Plans, which provide a concise summary of the actions, activities, and the specific federal and non-federal resources that will be used each year to address the priority needs and specific goals identified by the Consolidated Plan. Both jurisdictions will report in the new E-Con Planning Suite of their accomplishments and progress toward Consolidated Plan goals in the Consolidated Annual Performance and Evaluation Report (CAPER).

The specific deliverables within the scope of work defined by the Memorandum of Understanding include:

- A. Five (5) Year Consolidated Plan for FY 2015-FY 2019 (July 1, 2015 – June 30, 2020)
- B. One (1) Year Action Plan for the FY 2015-2016 program year (July 1, 2015- June 30, 2016)
- C. Analysis of Impediments to Fair Housing Choice (AI) study to be completed concurrently and submitted along with the Consolidated Plan
- D. Stanislaus County Housing Element (estimated plan period December 2015 – December 2023) *County Only*

The cost sharing is detailed in Attachment A of the MOU.

**3. BASIS FOR RECOMMENDATION:**

A) The Consolidated Five year plan is required by the United States Department of Housing and Urban Development in order to receive funding and similarly to a General Plan update needs the expertise of a consultant in order to produce the Con Plan.

B) HUD has awarded the City of Turlock and HOME Consortium federal funds to carry out activities that benefit low and moderate income persons. The proposed Annual Plan provides the vehicle to obtain the federal funds for the proposed activities. Staff recommends approval of the Memorandum of Understanding with Stanislaus County.

**G. POLICY INITIATIVE –SOCIAL INFRASTRUCTURE - HOUSING RESOURCES:**

**1) GOALS:**

- b. Address housing concerns:
  - i) Older neighborhoods rehabilitation
  - ii) Homeless issues
  - iii) Year round homeless shelter and day center
  - iv) Develop transitional housing
  - v) Construction of affordable housing and mixed use developments
  - vi) Develop senior housing
  - vii) Transit oriented housing
  - viii) Seek out new grant and funding opportunities

**4. FISCAL IMPACT / BUDGET AMENDMENT:**

**Fiscal Impact:**

Sufficient funds have been appropriated and are available for the anticipated \$ 37,083 in costs associated with the development of the Consolidated Plan under "CDBG Contract Services" 255/41-485-43060\_000 and HOME Consortium 256/41-486-43060\_000

No General Fund money will be used for this project.

**5. CITY MANAGER'S COMMENTS:**

Recommend approval.

**6. ENVIRONMENTAL DETERMINATION:**

A programmatic level NEPA document will be generated once the Consolidated Plan is completed and the first year of the Annual Action Plan has been drafted.

**7. ALTERNATIVES:**

- A). Reject entering into the MOU. Staff does not recommend this alternative since the work is required by the United States Department of Housing and Urban Development in order to receive further federal funding and the funding is available.



**MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF TURLOCK  
AND  
COUNTY OF STANISLAUS COMMUNITY DEVELOPMENT FOR  
JOINT CONSOLIDATED PLANNING AND ASSESSMENT OF IMPEDIMENTS**

This MEMORANDUM OF UNDERSTANDING, entered into this 12th day of August 2014 is between **Stanislaus County**, whose address is 1010 10<sup>th</sup> Street, Suite 3400, Modesto CA 95354, and **City of Turlock** whose address is 156 South Broadway, Suite 250, Turlock, CA 95380.

**WHEREAS, Stanislaus County** and the **City of Turlock** are partners in the City of Turlock/Stanislaus Urban County HOME Consortium; and

**WHEREAS, Stanislaus County** is the “lead agency” for the Stanislaus Urban County and the City of Turlock is the “lead agency” of the City of Turlock/Stanislaus County HOME Consortium both receiving federal funding requiring the independent preparation of a Consolidated Plan, Annual Action Plan, and an Analysis of Impediments; and

**WHEREAS, Stanislaus County** and the **City of Turlock** have solicited proposals from qualified consultants for consultant services to complete: 1) a regional Consolidated Plan and a regional Analysis of Impediments for both jurisdictions, and 2) Annual Action Plans for each jurisdiction; and

**WHEREAS, on June 30, 2014 Stanislaus County** and the **City of Turlock** received two proposals for consultant services - Bay Area Economics (BAE) and Pacific Municipal Consultants (PMC); and

**WHEREAS, PMC** has been selected as the Consultant to provide the desired professional services; and

**WHEREAS, Stanislaus County** will serve as the “lead agency” for purposes of the regional Consolidated Plan submittal and the City of Turlock will serve as the “Participating Agency” for purposes of the regional Consolidated Plan; and

**WHEREAS, Stanislaus County and City of Turlock** wish to enter into this Memorandum of Understanding (MOU) to clearly identify the roles and responsibilities of each party as they relate to professional services to be provided by the selected Consultant, including payment of all costs incurred.

**NOW THEREFORE, Stanislaus County** and the **City of Turlock** agree as follows:

*OK for Agenda*  
*JAM*

**ARTICLE I**  
**PARTY RESPONSIBILITIES**

1. Stanislaus County will enter into a professional services agreement with PMC for the delivery of services as outlined in the program details, for a City and County Joint project (Package 1), in the Consultants Proposal to the County's RFP 14-42-CB.
2. Stanislaus County will provide all Consultant invoices with costs payable by the City to the City for review and approval prior to payment. The County will pay all invoices in full and the City shall reimburse the County's for their share of the costs within 30-days of invoice approval.
3. Stanislaus County will serve as the "lead agency" for purposes of the regional Consolidated Plan submittal to the United States Department of Housing and Urban Development in IDIS and the City of Turlock will serve as the "Participating Agency" for purposes of the regional Consolidated Plan.
4. Adoption of the regional Consolidated Plan, Analysis of Impediments, and Annual Action Plans resulting from this MOU shall be conducted independently through each jurisdiction's legislative decision making body.
5. Both Stanislaus County and City of Turlock shall adhere to applicable federal and state laws, regulations, and guidelines.
6. Stanislaus County and City of Turlock shall follow all relevant laws and regulations regarding documentation, reporting, use, etc. of these federal funds in accordance with OMB circulars A-122 and A-133 (for non-profits) or OMB circulars A-87 and A-133 (for State, Local, and Indian Tribal Governments) or OMB circulars A-21 (for Educational Institutions). <http://www.whitehouse.gov/omb/circulars/>
7. Stanislaus County and City of Turlock shall be responsible for all costs incurred under this MOU as reflected in Attachment "A" – Cost Sharing.

**ARTICLE II**  
**GENERAL PROVISIONS**

1. This MOU, including attachments, shall form the entire agreement and understanding between **Stanislaus County** and **City of Turlock**. Except as provided in Article VII hereof, no other written or verbal statements, shall be binding upon the parties or construed as modifying this MOU in any way.
2. The governing law of this MOU shall be the law of the State of California, excluding its choice of law provisions. The parties agree that Stanislaus County is the sole proper venue for the litigation of any and all disputes arising out of or relating to this MOU.

3. Communications to **Stanislaus County** shall be directed to:

Stanislaus County Planning & Community Development Department  
1010 10th Street, Suite 3400  
Modesto, CA 95354  
(209) 525 - 6330  
FAX : (209) 525 - 5911

Communications to **City of Turlock** shall be directed to:

City of Turlock, Housing Program Services Division  
156 South Broadway, Suite 250,  
Turlock, CA 95380

**ARTICLE III  
TERM**

The term of this MOU shall be from August 1, 2014 through July 31, 2015 or until all work to be conducted by PMC under the terms of this Agreement have been conducted and all costs incurred paid.

**ARTICLE IV  
CHARGES, INVOICING, AND PAYMENT**

1. Stanislaus County will provide all Consultant invoices, with costs payable by the City, to the City for review and approval prior to payment. The city shall have 15-days to review the invoice.
2. The County will pay all invoices in full and the City shall reimburse the County for its share of the costs within 30-days of invoice approval.

**ARTICLE V  
INDEPENDENT CONTRACTOR STATUS**

This MOU is by and between two independent contractors and is not intended to and shall not be construed to create the relationship of employer, employee, partnership, agent, servant, or joint venture with City or any persons employed by City including Subcontractors or employees thereof. The City and County shall control the manner and means of accomplishing the performance of the MOU.

**ARTICLE VI  
INSURANCE AND INDEMNIFICATION**

1. The **City and County** shall maintain throughout the period of this MOU the following insurance coverages, which shall be written on an "occurrence" basis:

- A. Worker's Compensation and Employer's Liability insurance, as required by law;
  - B. Comprehensive General, Bodily injury, and property damage insurance, with \$1,000,000 combined single limits; and
  - C. Comprehensive automobile liability for owned and rented/leased vehicles, including bodily injury and property damage coverage, with \$1,000,000 combined single limits.
2. Neither party, nor any of its officers or employees, shall be responsible for any damage or liability occurring by reason of anything done or omitted to be done by the other party under or in connection with any work delegated to that party under this MOU. The parties further agree, pursuant to Governmental code section 895.4, that each party shall fully indemnify and hold harmless the other party and its agents, officers employees and contractors from and against all claims, damages, losses, judgments, liabilities, expenses and other costs, including litigation costs and attorney fees, arising out of, resulting from, or in connection with any work delegated to or action taken or omitted to be taken by such party under this MOU.

**ARTICLE VII  
MODIFICATIONS**

Specific activities outlined in this MOU may be modified in keeping with established Program regulations and guidelines by written consent of all parties involved.

**ARTICLE VIII  
DISPUTES**

The parties may pursue their respective remedies at law or equity for any claim, controversy, or dispute relating to this MOU.

**ARTICLE IX  
NON-ASSIGNMENT**

Neither party shall assign, transfer, or further subcontract this MOU, in whole or in part, without prior written approval of the other.

**ARTICLE X  
SEVERABILITY AND SURVIVAL**

If any of the provisions herein are held for any reason to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability will not effect any other provision, and this MOU will be construed as valid, legal, and enforceable in all other respects.

**ARTICLE XI  
TERMINATION**

1. Each party retains the right to terminate this MOU without cause upon thirty (30) days advance notice to the other. Each party retains the right to terminate this MOU for cause upon twenty-one (21) days advance written notice to the other, which notice shall specify the cause.
2. After termination, the City of Turlock shall remain responsible for the payment of any outstanding cost share for work already performed by the Consultant for the benefit of the City of Turlock.

**ARTICLE XII**  
**ENTIRE DOCUMENT**

This MOU represents the entire agreement between the parties and supersedes all prior agreements and understandings.

**IN WITNESS WHEREOF**, the parties have caused this MOU to be executed by their duly authorized representatives, as follows:

**STANISLAUS COUNTY**  
Stanislaus County Planning &  
Community Development Department  
1010 10<sup>th</sup> Street, Suite 3400  
Modesto, CA 95354  
209-525-6330

**CITY OF TURLOCK**  
Housing Services Division  
156 South Broadway, Suite 250  
Turlock, CA 95380  
209) 668-5542

**SIGNATORIES**

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Angela Freitas, Director  
Stanislaus County  
Planning and Community Development  
Department

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Roy W. Wasden, City Manager  
City of Turlock

APPROVED AS TO FORM:

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Thomas E. Boze

## Attachment A - Cost Sharing

Joint Consolidated Plan, Action Plans, and Regional Analysis of Impediments	Total Cost	Stanislaus	
		County	City of Turlock
Coordination	\$ 8,540	\$ 4,270	\$ 4,270
Consolidated Plan	\$ 25,490	\$ 12,745	\$ 12,745
CP-1 Data	\$ 15,770		
CP-2 Data	\$ 9,720		
<b>Action Plan - County</b>	<b>\$ 10,160</b>	<b>\$ 10,160</b>	<b>\$ -</b>
AP-1	\$ 3,850		
AP-2	\$ 3,090		
AP-3	\$ 3,220		
<b>Action Plan - City</b>	<b>\$ 8,310</b>	<b>\$ -</b>	<b>\$ 8,310</b>
AP-1	\$ 3,115		
AP-2	\$ 2,480		
AP-3	\$ 2,715		
<b>Regional Analysis of Impediments</b>	<b>\$ 23,515</b>	<b>\$ 11,758</b>	<b>\$ 11,758</b>
Task AI-1	\$ 11,175		
Task AI-2	\$ 7,230		
Task AI - 3	\$ 5,110		
<b>CDBG Economic Development Programs and Projects</b>	<b>\$ 2,500</b>	<b>\$ 2,500</b>	<b>\$ -</b>
<b>Total Cost</b>	<b>\$ 78,515</b>	<b>\$ 41,433</b>	<b>\$ 37,083</b>
<b>% of Total Cost</b>		<b>53%</b>	<b>47%</b>



## Council Synopsis

SB

August 26, 2014

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From: Tim Lohman, Fire Chief  
Prepared by: Tim Lohman, Fire Chief  
Agenized by: Roy W. Wasden, City Manager

### 1. ACTION RECOMMENDED:

Motion: Authorizing the City Manager to sign a tentative agreement between the City of Turlock Fire Department, City of Modesto Fire Department, City of Ceres Fire Department and Stanislaus Consolidated Fire Protection District to provide automatic aid in the case of a major fire, disaster or other emergency

### 2. DISCUSSION OF ISSUE:

The boundary drop/resource sharing concept is an expanded automatic aid agreement that includes the entire response area for participating agencies. The advantage of this agreement is that it allows the participating agencies to plan and operate as a large single entity while maintaining local control of personnel and assets. Under this agreement the participating agencies agree to send the closest most appropriate resource to an emergency regardless of jurisdictional boundaries. This directly improves the level of service to citizens and improves the safety and operational abilities for our firefighters.

In Stanislaus County there are 19 city or fire districts. Some of these departments have consolidated as a way to improve efficiencies and cut expenses. Patterson City, and West Stanislaus Fire Protection District have consolidated, Stanislaus Consolidated Fire Protection District is providing management oversight to Oakdale City and Oakdale Rural Fire Departments. In Turlock the Police and Fire Departments are sharing support services staff. Many of these agreements are based on close geographical proximities to their neighbors, and are all good examples of resource sharing. One model of resource sharing that is a bit further away is Sacramento County. This model is at least fifteen (15) years into a structured agreement and by all accounts is working well for the fire service in that area.

The fire departments from Turlock, Modesto, Ceres, and Stanislaus Consolidated Fire Departments started discussions on October 4, 2011 on sharing fire resources as a way to achieve fifteen (15) firefighters on the scene of a structure fire. In Turlock we have thirteen (13) firefighters on duty at all times. We have the cooperation and interest from the respective Fire Chiefs, and labor groups as we have been in the operational development phase of these discussions. We all agreed from the beginning that there should be a simultaneous approach to

developing a basic set of operational policies, and training standards for the respective departments so that we all are operating consistently on the fireground. In May of 2014 several training sessions on fireground tactics and strategy were attended by just over two hundred and twenty five (225) firefighters from the respective agencies hosted by Modesto Fire Department in a South Modesto neighborhood. The fire chiefs from all four (4) agencies are now prepared to enter into a formal agreement to share our resources.

At this time the following agencies will be included in the automatic aid agreement; City of Turlock, City of Ceres, Stanislaus Consolidated Fire Protection District, and the City of Modesto. Participating agencies will maintain governance autonomy in regards to personnel, labor contracts, Human Resources, budgetary responsibilities, and service levels. Operationally agencies will function in an integrated manner. The closest most appropriate resource will be dispatched to the emergency regardless of their jurisdiction. Each agency will commit to and work under standardized operational policies/procedures, training programs, communication systems, (common terminology and dispatch) with the goal of moving toward a common equipment and apparatus platform. Moving to this model will result in increased levels of service to the citizens and improve the safety and operational effectiveness for the firefighters of participating agencies.

**3. BASIS FOR RECOMMENDATION:**

Enhance level of service to the community.

**4. FISCAL IMPACT / BUDGET AMENDMENT:**

None

**5. CITY MANAGER'S COMMENTS:**

Recommend approval.

**6. ENVIRONMENTAL DETERMINATION:**

None

**7. ALTERNATIVES:**

A). Council may decide to not adopt agreement.

developing a basic set of operational policies, and training standards for the respective departments so that we all are operating consistently on the fireground. In May of 2014 several training sessions on fireground tactics and strategy were attended by just over two hundred and twenty five (225) firefighters from the respective agencies hosted by Modesto Fire Department in a South Modesto neighborhood. The fire chiefs from all four (4) agencies are now prepared to enter into a formal agreement to share our resources.

At this time the following agencies will be included in the automatic aid agreement; City of Turlock, City of Ceres, Stanislaus Consolidated Fire Protection District, and the City of Modesto. Participating agencies will maintain governance autonomy in regards to personnel, labor contracts, Human Resources, budgetary responsibilities, and service levels. Operationally agencies will function in an integrated manner. The closest most appropriate resource will be dispatched to the emergency regardless of their jurisdiction. Each agency will commit to and work under standardized operational policies/procedures, training programs, communication systems, (common terminology and dispatch) with the goal of moving toward a common equipment and apparatus platform. Moving to this model will result in increased levels of service to the citizens and improve the safety and operational effectiveness for the firefighters of participating agencies.

**3. BASIS FOR RECOMMENDATION:**

Enhance level of service to the community.

**4. FISCAL IMPACT / BUDGET AMENDMENT:**

None

**5. CITY MANAGER'S COMMENTS:**

Recommend approval.

**6. ENVIRONMENTAL DETERMINATION:**

None

**7. ALTERNATIVES:**

A). Council may decide to not adopt agreement.

**Master Automatic and Mutual Aid Agreement Between  
The City of Modesto, City of Ceres, Stanislaus Consolidated Fire Protection  
District, and the City of Turlock**

**THIS MASTER AUTOMATIC AND MUTUAL AID AGREEMENT** ("Agreement") is made this 1st day of August 2014, by and between the following public agency located in the County of Stanislaus ("County"):

City of Modesto Fire Department  
City of Ceres Fire Department  
Stanislaus Consolidated Fire Protection District  
City of Turlock Fire Department

Each of the above agencies may be referred to in this Agreement as an "Agency" and collectively as the "Parties" or the "Agencies."

**RECITALS**

**WHEREAS**, each of the Agencies to the Agreement has an interest in achieving an All-Hazards response to emergency incidents and more specifically the control of fire, fire prevention, fire investigation, emergency medical services, hazardous materials control, water rescue, technical rescue, and/or other emergency support; and,

**WHEREAS**, each of the Agencies owns and maintains equipment and retains personnel who are trained to provide various levels of service in the control of fire, fire prevention, fire investigation, emergency medical services, hazardous materials control, water rescue, technical rescue, and/or other emergency support; and,

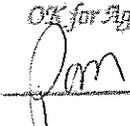
**WHEREAS**, in the event of a major fire, widespread disaster or other emergency, an Agency may need the assistance of the one or more of the other Agencies to provide supplemental fire prevention, fire investigation, emergency medical services, hazardous materials control, water rescue, technical rescue, and/or other emergency support; and,

**WHEREAS**, each Agency is recognized as having the necessary equipment and personnel available to enable it to provide such services to the other Agencies in the event of such a major fire, disaster, or other emergency; and,

**WHEREAS**, the jurisdictional boundaries of each Agency exist so as to allow each Agency to render automatic and mutual assistance to the other Agencies; and,

**WHEREAS**, each of the Agencies has determined that it is in the best interests of each Agency to set forth guidelines for providing automatic and mutual assistance in the case of a major fire, disaster or other emergency.

**NOW THEREFORE, THE PARTIES AGREED AS FOLLOWS:**

*OK for Agenda*  
  
\_\_\_\_\_

## AGREEMENT

### PURPOSE

Conditions providing for the potential for widespread, large fires, or other emergency disasters in conjunction with depleted fire protection resources can occur in the County and constitute hazards to life and property. When the fire protection and other emergency resources of any one fire protection agency are depleted or reduced, the combined resources of several fire agencies may be required to provide a needed and necessary level of fire and other emergency protection capabilities within an Agreement Agency's jurisdiction. The Agencies desire to and shall whenever possible, and when so requested as provided in this Agreement, furnish emergency assistance to one another in accordance with the provisions of this Agreement, and in conformance with the California Emergency Services Act, the Statewide California Mutual Aid Agreement, and other standards which the Agencies may agree to.

It is not the intent of the Agencies to supplement or replace response capabilities or resources to any jurisdiction that have reduced existing staffing or services levels for any reason.

### DEFINITIONS

The following definitions are included to assist in the interpretation and implementation of this Agreement:

"Automatic Aid" is defined as the dispatch of fire, emergency medical, rescue and other emergency response resources to an emergency incident based on the availability of the closest agency resource regardless of political jurisdiction or boundaries, and in concert with an approved Operational Area Plan.

"Chief Executive Oversight Committee" is a committee made up of the Fire Chiefs and or their designees. Responsibilities include setting policy direction, approving recommendations from Steering Committee, and reporting to their Agency's Board of Directors or City Council.

"Steering Committee" is the committee charged with planning, developing, and implementing operational components based on adopted policy set by the Chief Executive Oversight Committee. The Steering Committee makes recommendations to the Chief Executive Oversight Committee. The committee is comprised of each Agency's Operations Chief and or their designees as well as labor representatives.

"Operations Committee" is the committee charged with planning, scheduling, and implementing training to all Agencies. In addition, the Operations Committee will develop and review standard operating procedures and make recommendations to the Steering Committee. The Operations Committee shall be comprised of each Agency's designee for policy development and training implementation.

"Closest Resource Unit" is an emergency response unit that is staffed and available for immediate dispatch.

"Emergency" is defined as a potentially life threatening or property damaging event

including, but not limited to, structure fires, vegetation fires, vehicle fires, basic and advanced life support, rescues, hazardous material releases, aircraft emergencies and other types of incidents that the agencies respond to.

"Jurisdictional Agency" is the fire department or fire district having legal responsibility for emergency response to an incident within its jurisdictional boundary.

"Move-Up and Cover" is defined as the practice of relocating and posting response resources to cover emergencies in another agency's response area where resources have been depleted.

"Operational Area Plan" is a document which all Agencies agree is necessary to implement the provisions of this Agreement, agreed to containing standard operating guidelines for response, command and control, personnel and staffing, move-up and cover, and communications.

"Specialized Agency Resources" is defined as those Agency resources that are exclusive and not available within each jurisdiction. Examples include, but are not limited to, hazardous material units and specialized rescue equipment, including water rescue equipment.

"SR911" is the acronym that describes the Stanislaus Regional 9 1 1 Communication Center, the joint power authority that dispatches agencies to emergency incidents.

#### **AUTOMATIC AID PROVISION**

When requested by an Agency, one or more of the other Agencies shall respond with appropriate staffing and equipment to provide assistance with fires of all types and other emergencies of all types within the jurisdiction of the Agency requesting assistance ("Automatic Aid"). The Agency requesting Automatic Aid in a particular incident shall be the "Requesting Agency." Any Agency providing Automatic Aid in a particular incident shall be the "Responding Agency." All Automatic Aid shall be provided within the limits of the County and any lands that are within the jurisdictional boundaries of any of the Agencies.

#### **OPERATIONAL AREA PLAN**

All Agencies acknowledge that an Operational Area Plan ("Plan") shall be developed to implement the provisions of this Agreement. The Plan shall be developed cooperatively by all Agencies and shall be signed by the Fire Chief of each Agency. This Plan shall only be in force and operational between the Agencies signing this agreement.

The Plan shall not exceed the authority or subject matters identified in this Agreement, nor conflict with any terms of this Agreement, nor agree to any additional allocation of resources other than as provided in this Agreement. The Plan shall be reviewed on an annual basis or from time-to-time on the request of at least three-fourths (3/4ths) of the Agencies, and shall be modified as appropriate to take into consideration changing circumstances and capabilities of the Agencies. All modifications to the Plan shall be in writing and agreed to by all Agencies by their designated representative.

## **LIMITATIONS ON RESPONSE**

Each Agency's obligation hereunder shall be contingent upon its staffing and equipment availability and financial limitations, as well as existing fire conditions within the jurisdiction of that Agency, as determined in its sole and exclusive discretion. Each Agency's response under this Agreement may not interfere with the Responding Agency's responsibility or ability to respond to emergencies or other calls within the Responding Agency's jurisdiction. Each Agency shall use its best efforts to notify the other Agencies in advance when it knows that its equipment or staffing will not be available to respond within the jurisdiction of the other Agencies.

At such time response requests or assistance provided under this Agreement are utilized to address impacts of a reduction of resources or capabilities, all Agencies will meet to review the Agreement and make necessary changes to ensure the Agreement Purpose implemented.

## **COMMUNICATIONS CENTERS**

Any Agency wishing to request Automatic Aid shall communicate its request through their respective communication centers. Automatic and Mutual Aid requests shall be processed in accordance with the policies and procedures of the appropriate Communications Center having jurisdiction.

## **COMMAND RESPONSIBILITY AT EMERGENCY SCENE**

Whenever a Responding Agency provides Automatic or Mutual Aid, incident command and operational organization shall follow the National Incident Management System (N.I.M.S.) and Incident Command System (I.C.S.) standards. If the Incident Commander (as defined by N.I.M.S. and I.C.S. doctrine) specifically requests a senior officer of the Responding Agency to assume command, and then the Incident Commander shall not, by relinquishing command, be relieved of responsibility for the operation.

## **INCIDENT COMMUNICATION**

For command and control effectiveness, as well as incident safety, Automatic or Mutual Aid incident communication shall be conducted on the assigned command and/or tactical channel by the Communications Center having jurisdiction.

## **INCIDENT SAFETY**

It is the responsibility of the Incident Command (as defined by N.I.M.S. and I.C.S. Doctrine) to ensure a safety plan is developed for each incident where Automatic or Mutual Aid is provided.

## **INCIDENT PUBLIC INFORMATION**

Public information messaging and dissemination shall be in accordance with respective Agency policies.

## **LIABILITY**

Each Agency agrees to protect, save harmless, indemnify, and defend the other, its governing body, officers, agents, attorneys and employees from any and all loss, damage or liability (including injury and death), including without limitation, all reasonable legal fees, expert witness or consultant fees and expenses related to the response to, settlement of, or defense of any claims or liability, which may be suffered or incurred by an Agency, its governing body, officers, agents, attorneys and employees, caused by, arising out of, or in any way connected with the respective responsibilities and duties hereby undertaken, except that each Agency shall bear the proportionate cost of any damage attributable to the fault of that Agency, its governing body, officers, agents, attorneys, and employees. This indemnity shall survive the completion, cancellation or termination of the Agreement.

## **POST RESPONSE RESPONSIBILITY**

Upon completion of the rendering of Automatic or Mutual Aid, such assistance and help as is necessary will be given by the Agencies to locate and return any items of equipment to the Agency owning said equipment. All equipment and personnel used under the terms of this Agreement shall be returned to the Responding Agency upon being released by the Requesting Agency, or upon demand being made by the Responding Agency for return of said equipment and personnel.

## **COMPENSATION**

Each Agency agrees that it will not seek from the other Agency compensation for services rendered under this Agreement for the first 12 hours of each individual incident-requiring Automatic or Mutual Aid. If the incident goes to extended attack (more than 12 hours) any reimbursement methods sought for the responding Mutual Aid/Automatic Aid Agencies shall be in accordance to the provisions contained within the most current version of the California Fire Assistance Agreement or Forest Agency Assistance By Hire Agreement for the Agency having Jurisdiction.

## **INSURANCE**

Each Agency, at its sole cost and expense, shall carry insurance, or self-insure, for its activities in connection with this Agreement, and obtain, keep in force and maintain, insurance or equivalent programs of self-insurance, for general liability, workers compensation, property (apparatus and equipment), and business automobile liability adequate to cover its potential liabilities under this Agreement. Each Agency is responsible for its own self-insured retentions and deductibles. Each Agency agrees to provide the other Agencies thirty (30) days' advance written notice of any cancellation, termination or lapse of any of the insurance or self-insurance coverage's. Failure to maintain insurance as required in this Agreement is a material breach of the Agreement and may be grounds for termination of the Agreement.

## **COMMANDING OFFICERS**

Each Agency shall designate, an employee or officer (each a "Commanding Officer") to act as its representative for the performance of this Agreement. This designation shall be made

in a writing sent to the other Agencies and may be modified in writing from time to time. Each Commanding Officer shall have the power to act on behalf of their respective Agency for all furnishing of Automatic or Mutual Aid under this Agreement. If any Agency fails to designate a Commanding Officer or the designee is otherwise incapacitated or unavailable, that Agency's Fire Chief or his or her designee shall serve as the Commanding Officer until such time, if ever, as another employee or officer is designated.

### **PRE-INCIDENT PLANNING**

The Commanding Officers of the Agencies may, from time to time, mutually establish pre-incident plans which shall indicate the types of and locations of potential problem areas where Automatic Aid may be needed, the type of equipment that should be dispatched under such circumstances, the number of personnel that should be dispatched under such circumstances and the training to be conducted to ensure efficient operations. Such plans shall take into consideration the proper protection by the Responding Agency of its own geographic jurisdiction.

### **TRAINING STANDARDS**

Each Agency warrants that its training and operational standards are at least as restrictive as those typically and customarily employed as a baseline standard by fire departments throughout California, including, but not limited to, applicable wild land training standards. Each Agency further warrants that all equipment, including, but not limited to, vehicles, shall be operated by staff with the applicable and appropriate training and licensing. Each Agency shall indemnify and hold harmless the other Agencies for any liability related to the Agency's failure to meet and maintain these standards.

### **SPECIALIZED AGENCY RESOURCES**

Agencies agree that Specialized Agency Resources are not subject to the terms of this Agreement. Said resources may be made available pursuant to request when needed as determined by the Responding Agency or through an agreement for services between Agencies outside the terms of this Agreement.

### **TERMINATION**

Any of the Agencies may terminate from this Agreement by giving ninety (90) calendar days' notice in writing of such withdrawal to the other Agencies.

### **DEFAULT**

If any Agency defaults in the performance of any of the terms or conditions of this Agreement ("Breaching Agency"), it shall have ten (10) days after service upon it of written notice of such default in which to cure the default. In the event that the Breaching Agency fails to cure its default within such period of time, the other Agencies shall have the right to terminate this Agreement with respect to the Breaching Agency without further notice and without prejudice to any other remedy to which they may be entitled by law or in equity. A consensus decision of the participating Agencies to terminate the Agreement with respect to the Breaching Agency shall be

sufficient to involuntarily withdraw the Breaching Agency from the Agreement. The failure of any Agency to object to any default in the performance of the terms and conditions of this Agreement shall not constitute a waiver of either that term or condition or any other term or condition of this Agreement.

#### **AGREEMENT NOT EXCLUSIVE**

This Agreement does not preclude any Agency's right to enter into such additional aid agreements, as that Agency deems necessary.

#### **NO THIRD AGENCY BENEFICIARIES**

This Agreement shall not be construed as, or deemed to be an agreement for the benefit of any third party or parties, and no third party or parties shall have a right of action under the Agreement for any cause whatsoever.

#### **PRIVILEGES AND IMMUNITIES**

Any and all privileges and immunities of the Agencies provided by state or federal law shall remain in full force and effect.

#### **ENTIRE AGREEMENT**

This Agreement contains the entire Agreement of the Agencies with respect to the Agreement subject matter, and supersedes all prior negotiations, understandings or agreements, including all pre-existing Agency-specific mutual aid or automatic aid agreements. This Agreement may only be modified by a written agreement signed by all Agencies.

#### **GOVERNING LAW**

The laws of the State of California shall govern this Agreement and all matters relating to it and any action brought relating to this Agreement shall be held exclusively in the Stanislaus County Superior Court.

#### **SUCCESSORS AND ASSIGNS**

This Agreement shall be binding on the successors and assigns of the Agencies.

#### **COUNTERPARTS**

This Agreement may be executed in any number of counterparts, each of whom shall constitute an original.

#### **SEVERABILITY**

In the event that any provision or portion of this Agreement is determined by a court of competent jurisdiction to be invalid, illegal or unenforceable for any reason, such provision or portion shall be severable from this Agreement, Such invalidity, illegality or un-

enforceability shall not be construed to have any effect on the validity, legality or enforceability of the remaining provisions or portions of this Agreement.

#### **AUTHORITY TO ENTER AGREEMENT**

Each Agency warrants that the individuals who have been authorized by that Agency's governing body to execute this Agreement have signed this Agreement have the legal power, right, and authority to make this Agreement and bind each respective Agency.

#### **NOTICE**

Notices required or permitted to be given under this Agreement shall be served personally, or sent by pre-paid United States certified mail, return receipt requested, or by overnight courier, addressed as follows:

City of Modesto Fire Department  
Attn: Sean Slamon, Interim Fire Chief  
3705 Oakdale Road  
Modesto, Ca. 95357

City of Ceres Fire Department  
Attn: Bryan Nicholes, Fire Chief  
2755 Third Street  
Ceres, CA 95307

Stanislaus Consolidated Fire Protection District  
Attn: Randall Bradley, Fire Chief  
3324 Topeka Street  
Riverbank, California 95367

City of Turlock Fire Department  
Attn: Tim Lohman, Fire Chief  
900 North Palm Street  
Turlock, CA 95380

[Signature page follows]

In witness of the foregoing Agreement, the Parties' authorized representatives have signed below.

---

Sean Slamon, Interim Fire Chief  
City of Modesto Fire Department

---

Date

---

Bryan Nicholes, Fire Chief  
City of Ceres Fire Department

---

Date

---

Randall Bradley, Fire Chief  
Stanislaus Consolidated Fire Protection District

---

Date

---

Tim Lohman, Fire Chief  
City of Turlock Fire Department

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Date