

# **I. INTRODUCTION**

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## **A. PURPOSE OF THE EIR**

This Environmental Impact Report (EIR) has been prepared by the City of Modesto as Lead Agency, pursuant to the California Environmental Quality Act (California Public Resources Code Sections 21000 *et seq.*, “CEQA”) and the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, “CEQA Guidelines”). The EIR has been prepared to address the potential impacts of a proposed Tivoli Specific Plan project located on 454 acres<sup>1</sup> within the City of Modesto’s proposed Roselle-Claribel Comprehensive Planning District. The Tivoli Specific Plan would include about 286 acres of residential land use designation, totaling 3,241 residential dwelling units, 14 acres of neighborhood-serving commercial, 6 acres of general commercial, 67 acres of regional-serving commercial, 2 acres of professional office space, a 14-acre elementary school site, about 30 acres of parks and open space, 4 acres of public infrastructure, and about 31 acres of interior collector roadways within the Specific Plan area.<sup>2</sup> The project also includes provisions to improve existing traffic and circulation conditions, with construction of new arterial and collector streets for better vehicular circulation and linkages to the existing circulation system and transit services. The project is proposed to be implemented in phases, with anticipated commencement in 2007 and buildout by approximately 2017. The approvals required for the project, listed in Chapter III, Project Description, address the entire project and all of its phases.

The City has prepared this program-level EIR to provide the City Council, the public, and Responsible and Trustee Agencies under CEQA, with information about the project's potential effects on the environment. The City Council and various agencies with regulatory authority over the project will use this MEIR for the decision-making process. This EIR was prepared in compliance with CEQA and the State CEQA Guidelines (in California Code of Regulations, Title 14).

## **B. CEQA PROCESS**

The City of Modesto is the Lead Agency for the preparation of this EIR, and has the principal responsibility for carrying out or approving the proposed project. An Initial Study and Notice of

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<sup>1</sup> The Tivoli Specific Plan area contains a total of 480 gross acres. This includes about 26 acres located within the future perimeter arterial streets rights-of-way, measured to the centerline of the streets. For the purposes of discussion in the Draft EIR, the net acreage total of 454 acres is used, except in the analyses found in Chapters IV.I, Hydrology and Water Quality; IV.L, Utilities and Services Systems (Wastewater); and IV.M, Water Supply.

<sup>2</sup> Approximate acreage totals for the specific development area designations have been rounded off to the nearest whole number.

Preparation of a Draft EIR were published by Modesto on July 21, 2005 and circulated for public information and review through local public libraries, the State Clearinghouse in Sacramento, at the City of Modesto Community and Economic Development Department, and direct mail to public agencies and interested individuals. A formal public scoping meeting was held at Chambers at the City of Modesto and Stanislaus County Administrative Building on August 8, 2005 to receive public input on the information that should be included in the Draft EIR. Written comments on the scope of the Draft EIR were also received from public agencies and interested individuals.

The Draft EIR was published on October 12, 2006 and circulated for public review and comment for a period of 45 days, through November 27, 2006.

After the close of the comment period, a Final EIR will be prepared that contains the comments and/or summaries of comments received, responses to those comments that raise environmental issues, and any revisions to the Draft EIR made in response to comments. The Modesto City Council will use the information in the Final EIR in its deliberations on the project and consider its conclusions in conjunction with other economic, social, community and other considerations as to whether the project should be approved as proposed, approved but modified, or rejected.

The Final EIR, comprised of the Draft EIR, comments received, and responses to those comments, will be reviewed by the Modesto City Council for certification. The Council will certify the Final EIR when it believes the document to be accurate and complete. If the project is approved by the decision-makers, written findings will be prepared by the City of Modesto, as Lead Agency, for each significant impact identified in the EIR. These findings will identify each significant impact; determine whether the project has been changed to reduce significant impacts to less-than-significant levels; find that changes that would reduce significant impacts are within the jurisdiction of another public agency; or find that mitigation measures or alternatives that would reduce significant impacts are infeasible for identified legal, social, economic, technological or other reasons, as provided in Section 15091 of the CEQA Guidelines. If significant unavoidable impacts remain after all feasible mitigation measures are imposed on the project, in order to approve the project decision-makers must adopt a written statement of overriding considerations explaining how they have balanced these significant unavoidable adverse environmental impacts against the benefits of the proposed project, based on all substantial evidence in the administrative record.

All mitigation measures included in the project either by the Tivoli Specific Plan project sponsor, and all mitigation measures imposed as conditions of approval by decision-makers, will be listed in a Mitigation Monitoring and Reporting Plan (MMRP). Feasible mitigation measures that would reduce but not eliminate significant impacts are also identified. The MMRP will identify

who will be responsible for implementing each measure and include an implementation and reporting schedule.

Following action by the City of Modesto, the EIR will be used by other Responsible Agencies (as defined in CEQA Section 21069) having jurisdiction over some aspect of the project, including the Stanislaus County Local Agency Formation Commission (“LAFCO”), in their approval processes for the proposed project.

