

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

DEPT: Public Works *[Signature]*

BOARD AGENDA # *C-2

Urgent Routine

AGENDA DATE December 17, 2013

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt the Addendum to the Initial Study/Mitigated Negative Declaration for the Las Palmas Avenue Intersection Improvements Project located at the Intersections of Las Palmas Avenue at Sycamore Avenue, and Las Palmas Avenue at Elm Avenue for Proposed Minor Project Modification to Remove Additional Trees

STAFF RECOMMENDATIONS:

1. Adopt the Addendum to the Initial Study/Mitigated Negative Declaration (IS/MND) for the Las Palmas Intersection Improvements Project pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15164(b).
2. Direct the Public Works Department to proceed with the removal of eight existing trees within the County right of way (ROW).
3. Direct the Public Works Department to file a Notice of Determination for the removal of the additional trees.

FISCAL IMPACT:

The Public Works Department proposes to remove eight existing trees within the County ROW near the intersection of Las Palmas Avenue and Elm Avenue. Removal of the existing trees, including clean up, chip brushing, hauling, and removal of stumps is estimated to cost \$2,500 and will be funded by the Regional Transportation Impact Fee program. Funding is available in the current year's Road Projects budget.

BOARD ACTION AS FOLLOWS:

No. 2013-646

On motion of Supervisor Monteith, Seconded by Supervisor O'Brien

and approved by the following vote,

Ayes: Supervisors: O'Brien, Withrow, Monteith, De Martini and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Approval to Adopt the Addendum to the Initial Study/Mitigated Negative Declaration for the Las Palmas Avenue Intersection Improvements Project located at the Intersections of Las Palmas Avenue at Sycamore Avenue, and Las Palmas Avenue at Elm Avenue for Proposed Minor Project Modification to Remove Additional Trees

DISCUSSION:

In July 2008, the Board of Supervisors adopted the Initial Study/Mitigated Negative Declaration (2008 IS/MND) for the Las Palmas Intersection Improvements Project located east of Patterson in Stanislaus County. Construction of the project was completed in February 2013.

In March 2013, Public Works staff identified and investigated potential safety issues due to limited visibility of the warning and control devices near the Las Palmas Avenue intersections at Elm Avenue and Sycamore Avenue. Based on the field investigation, the removal of eight trees is needed to improve traffic safety on Las Palmas Avenue near the Elm Avenue and Sycamore Avenue intersections. The trees to be removed are described as one large-sized palm tree, one medium-sized palm tree, four small shrub-like palm trees, one eucalyptus tree, and one black walnut tree.

Pursuant to CEQA Guidelines Section 15164(b), an addendum to an adopted negative declaration (in this case, the 2008 IS/MND) may be prepared if only minor technical changes or additions are necessary. The proposed tree removal is a minor change to the Las Palmas Intersection Improvements Project, and the change will not cause any new environmental impacts or any increase in the project impacts described in the 2008 IS/MND. The Addendum to the IS/MND, prepared by Stanislaus County, includes modifications to the project description, a discussion of the need for changes to the 2008 IS/MND's environmental impact analysis, and findings that only minor technical changes or additions are necessary to assure that the 2008 IS/MND is adequate for processing of the modified project under CEQA (Attachment 1). Removal of the trees shall occur between November 1, 2013, and January 31, 2014, to avoid any potential conflict with protected species, consistent with the IS/MND mitigation measures.

POLICY ISSUES:

The recommended actions are consistent with the Board's priorities of providing a Safe Community, a Healthy Community, and a Well-Planned Infrastructure System by improving traffic safety in this area of Stanislaus County.

STAFFING IMPACT:

There is no staffing impact associated with this item.

CONTACT PERSON:

Matt Machado, Public Works Director. Telephone: (209) 525-4130.

ADDENDUM

to

INITIAL STUDY/MITIGATED DECLARATION LAS PALMAS INTERSECTION IMPROVEMENTS STANISLAUS COUNTY DEPARTMENT OF PUBLIC WORKS (Adopted July 1, 2008)

PROPOSED MINOR PROJECT MODIFICATION REMOVAL OF ADDITIONAL TREES TO IMPROVE SIGHT DISTANCE

In 2008, the Stanislaus County Department of Public Works proposed and then completed a project including the signalization, widening and related improvements to existing intersections of Las Palmas Avenue/Sycamore Avenue and Las Palmas Avenue/Elm Avenue east of Patterson. The improvements included additional paved width on the approaches to both intersections to accommodate left turn lanes and shoulders, additional pavement expansion to accommodate right turn movements and pavement overlay on all approaches to the intersections. The project also included the removal of seven palm trees along Las Palmas Avenue in order to accommodate the planned improvements.

Prior to approval of the project, Stanislaus County prepared and adopted an Initial Study/Negative Declaration (the "2008 IS/MND"); the project was approved, and a Notice of Determination was filed on August 1, 2008). The Notice of Determination and a summary of the potential environmental effects of the project and a plan for implementing mitigation measures for those effects, as described in the 2008 IS/MND, is included in Attachments 1 and 2.

Stanislaus County has determined that a minor modification to the approved project – the removal of an additional eight trees - is needed to improve traffic safety on Las Palmas Avenue at the Elm Avenue and Sycamore Avenue intersections. The trees to be removed include 1) one large-sized palm tree; 2) one medium-sized palm tree; 3) four small shrub-like palm trees; 5) one eucalyptus tree and 6) one black walnut tree. The subject trees, described in Attachment 3, are located within the County's Las Palmas Avenue right-of-way. Tree removal is required, because the trees impair visibility of traffic signs and signals.

Proposed tree removal involves a minor change to the original project and would not involve any new or more severe significant or potentially significant environmental effects in comparison to the original project. In this instance, and as discussed below, the County may adopt an Addendum to the 2008 IS/MND.

ADDENDUM CRITERIA

CEQA encourages reductions in paperwork, including the use of previously-prepared documents to address the environmental effects of proposed projects (CEQA Guidelines § 15006). Where an EIR or a Negative Declaration (in this case, the "2008 IS/MND") has already analyzed a project's impacts, CEQA provides options for streamlining environmental review of later project modifications. The applicability of these options is

dependent on whether and to what degree the project modification involves new, or more severe, significant environmental effects than the original project. These options and the criteria for deciding among the options are provided in the CEQA Guidelines § 15162-15164 (Attachment 4) and summarized below.

- Are substantial changes proposed in the project that would require major revisions in the EIR or Negative Declaration due to the involvement of new significant effects or an increase in the severity of effects?
- Have substantial changes occurred with respect to the circumstances under which the project was undertaken that would require major revisions in the EIR or Negative Declaration due to the involvement of new significant effects or an increase in the severity of effects?
- Is there substantial new information that would result in the identification of new significant effects or an increase in the severity of effects, or that would dictate additional consideration of mitigation measures (or, in the case of an EIR, alternatives)?

If a project meets any of the above conditions, preparation of a supplemental or subsequent EIR or Negative Declaration may be required. However, when none of these conditions apply, the lead agency may prepare an Addendum to the EIR or Negative Declaration, in this case the 2008 IS/MND. An Addendum may be used to make "minor technical changes or additions" that are necessary to assure that the original EIR or Negative Declaration adequately addresses the environmental effects of the modified project.

An Addendum must include a brief explanation of its findings and must be supported by substantial evidence. The Addendum need not be circulated for public review. The decision-making body, in this case the Stanislaus County Board of Supervisors, must consider the addendum together with the previously-adopted Negative Declaration prior to making its decision on the project.

FINDINGS REGARDING SIGNIFICANT EFFECTS OF THE MODIFIED PROJECT

Based on the County's analysis of the modified project with respect to the addendum criteria, below, an addendum is the appropriate CEQA document for the proposed tree removal project. None of the conditions that would require preparation of a subsequent or supplemental EIR or Negative Declaration are present, and only minor technical changes or additions are necessary to assure that the 2008 IS/MND is adequate for processing of the modified project under CEQA.

The modified project was reviewed, in conjunction with the 2008 IS/MND, in order to identify any potential that the modified project might have to generate new significant environmental effects or to increase the severity of significant effects identified in the 2008 IS/MND. The results of this review are summarized below.

Aesthetics

The 2008 IS/MND considered the removal of seven palm trees that would be required to construct the project. The 2008 IS/MND found that, in light of the

number of existing palm trees along Las Palmas Avenue, the number of existing gaps, and the low level of maintenance of these trees, the potential aesthetic impact of removing seven trees would not be significant. The 2008 IS/MND concluded that the project would not result in a significant aesthetic impact.

The proposed removal of eight additional trees will not result in a new significant aesthetic effect or substantially increase the severity of the previously-identified effect. Of the eight trees, only one is a large palm tree, and one is a medium-sized palm; the removal of these trees would not substantially affect aesthetics along Las Palmas Avenue. The remaining six trees consist of four young shrub-like palm trees and two non-native trees; none of these trees substantially contribute to aesthetics in the project area. The conditions described in the 2008 IS/MND have not been subject to any substantial change, and the removal of eight trees would not substantially affect the existing views along the tree-lined corridor.

Agriculture

The removal of an additional eight trees would have no effect on agriculture. The trees are located within the County road right-of-way. No agricultural use occurs in this area.

Air Quality

The removal of an additional eight trees would have no substantial effect on air quality. Ground disturbance associated with the project would be incidental. Air quality mitigation measures included in the 2008 IS/MND would be sufficient to prevent significant air quality effects. The project would not substantially affect traffic flow or related emissions.

Biological Resources

The 2008 IS/MND evaluated the biological significance of the palm trees along Las Palmas Avenue. The 2008 IS/MND found that, from a biological perspective, the trees are not biologically important, except as to their potential function as raptor nesting sites. This would also be true of the eight trees to be removed by this project, although the four young shrub-like palm trees would provide very limited nesting potential. The IS/MND included biological mitigation measures that would avoid impacts on nesting in palm trees and other trees affected by the project. These same mitigation measures would be applicable to proposed tree removal and would therefore avoid any new significant biological effects.

Cultural Resources

The issue of the potential cultural resource importance of the rows of palm trees along Las Palmas Avenue was discussed in detail in the Public Review Draft and Final versions of the 2008 IS/MND. Other tree species in the project area had no identified cultural resource value. The Final 2008 IS/MND provided conclusive evidence that, based on a detailed evaluation of the site, the palm trees are not eligible for inclusion on the National Register. The State Historic Preservation Officer (SHPO) concurred in this determination. The Final 2008 IS/MND

concluded that the palm trees did not constitute a significant cultural resource or a unique archaeological resource under CEQA.

Proposed removal of the large- and medium-sized trees would have no significant effect on cultural resources as determined in the 2008 IS/MND. Removal of the four shrub-like and two non-native trees have no identified cultural resource value, and their removal would involve no cultural resource effect. As a result, the removal of the additional eight trees would not involve a significant cultural resource effect.

Geology and Soils

The project would have no substantial effect on geology and soils. Ground disturbance associated with the project would be incidental, would not impact agricultural soils and would not result in any substantial potential for soil erosion.

Climate Change

The project would not involve any substantial conceivable effect on climate change.

Hazards

The 2008 IS/MND did not identify any substantial environmental contamination hazards in the project area to which tree removal personnel would be exposed. Tree removal would not result in any new releases of toxic materials or creation of environmental contamination hazards.

Hydrology and Water Quality

The project would have no substantial effect on surface or groundwater hydrology or water quality. Project disturbance would be minimal. Runoff from right-of-way areas is captured in roadside drainage facilities and percolated to the soil.

Land Use

The project would involve no change in land use or any conflict with applicable land use plans and zoning.

Minerals

There are no designated mineral resource conservation areas in the project vicinity.

Population and Housing

The project would have no effect on population or housing.

Public Services

The project would have no effect on public services.

Transportation

The project would involve a net positive effect on transportation safety by increasing sight distance and reducing potential for driver conflicts.

Utilities

The project would have no effect on utilities other than potential for damage to overhead utilities during tree removal. County standard practices and coordination with the utility agencies would avoid this potential.

FINDINGS REGARDING CONSISTENCY WITH ADDENDUM CRITERIA

The County used the above environmental effects analysis to evaluate the consistency of the modified project with the CEQA addendum criteria:

Are substantial changes proposed in the project that would require major revisions in the EIR or Negative Declaration due to the involvement of new significant effects or an increase in the severity of effects?

No. The proposed removal of eight trees will not require any major revisions to the 2008 IS/MND. Proposed tree removal is a minor addition to the approved project and would not involve any substantial change in the scope of improvements addressed in the 2008 IS/MND.

Proposed tree removal would not involve any new significant effects or an increase in the severity of effects identified in the 2008 IS/MND.

Have substantial changes occurred with respect to the circumstances under which the project is undertaken that would require major revisions in the EIR or Negative Declaration due to the involvement of new significant effects or an increase in the severity of effects?

No. There have been no substantial changes in circumstances since the adoption of the 2008 IS/MND other than construction of the intersection improvements contemplated in that document. The project would not involve any new significant environmental effects or cause an increase in the severity of environmental effects identified in the 2008 IS/MND.

Is there substantial new information that would result in the identification of new significant effects or an increase in the severity of effects, or that would dictate additional consideration of mitigation measures or alternatives.

No. The County has reconsidered the potential environmental effects associated with the project in the 2008 IS/MND. The County has also considered the modified project's potential environmental effects in one issue area that was not treated in the 2008 IS/MND. There is no substantial new information that would result in the identification of new significant environmental effects or an increase in the severity of environmental effects associated with the original project.

Stanislaus County has therefore determined that the 2008 IS/MND, in combination with, and as updated by, this Addendum is sufficient for use in conjunction with the consideration of the proposed removal of eight trees. As prescribed in CEQA Guidelines Section 15164(d), this Addendum shall be considered in conjunction with the 2008 IS/MND prior to the County's decision on the proposed project.

The 2008 IS/MND is hereby incorporated by reference. The 2008 IS/MND is available for review at the Stanislaus County Public Works Department, 1716 Morgan Road, Modesto, CA 95358.

All of the significant and potentially significant environmental effects of the project are described in the 2008 IS/MND as updated by this Addendum. The proposed project does not involve any new or more severe environmental effects, and no additional mitigation measures are required. Therefore, the project does not require any changes to the mitigation monitoring/reporting plan adopted at the time the original project was approved. The approval of the current project should acknowledge the existence and applicability of the adopted mitigation monitoring/reporting plan to the current project.

Attachments:

- 1 Notice of Determination
- 2 Final IS/MND Summary
- 3 Las Palmas Avenue Tree Removal Memo
- 4 CEQA Guidelines 15162-15164

ADDENDUM

to

INITIAL STUDY/MITIGATED DECLARATION
LAS PALMAS INTERSECTION IMPROVEMENTS
STANISLAUS COUNTY DEPARTMENT OF PUBLIC WORKS
(Adopted July 1, 2008)

PROPOSED MINOR PROJECT MODIFICATION
REMOVAL OF ADDITIONAL TREES TO IMPROVE SIGHT DISTANCE

ATTACHMENT 1

FILED

NOTICE OF DETERMINATION

08 AUG 20 AM 9: 31

STANISLAUS CO. CLERK-RECORDER
Kalpana Surti

MEMO TO: Stanislaus County Clerk/Recorder BY _____

FROM: Stanislaus County Department of Public Works CLERK

SUBJECT: **FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTION 21108 OR 21152 OF THE PUBLIC RESOURCES CODE**

PROJECT TITLE: Stanislaus County Intersection Improvements at Las Palmas Avenue and Elm Avenue and Las Palmas and Sycamore Avenue

CONTACT PERSON: Peter Song
Assistant Engineer

LOCATION OF PROJECT: Intersection of Las Palmas Avenue and Elm Avenue and Las Palmas Avenue and Sycamore Avenue

DESCRIPTION OF PROJECT

The Stanislaus County Intersection Improvements at Las Palmas Avenue – Elm Avenue and Sycamore Avenue consists of traffic signal installation, additional paved width to accommodate left and right turning traffic, asphalt concrete overlay of the intersections, and pavement striping.

This is to advise that on July 1, 2008, the Stanislaus County Board of Supervisors approved the above-described project and has made the following determinations:


1. The proposed project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration was prepared for this project pursuant to the provisions of the California Environmental Quality Act (CEQA).

The Mitigated Negative Declaration and record of project approval may be examined at:

Stanislaus County Public Works Department
1716 Morgan Road
Modesto, California 95358

3. Mitigation measures were made a condition of approval of the project.
4. A Statement of Overriding Considerations was not adopted for this project.

Date received for Filing: _____

 3-1-08

Public Works Director

Date removed from posting 9-19-08

ADDENDUM

to

INITIAL STUDY/MITIGATED DECLARATION
LAS PALMAS INTERSECTION IMPROVEMENTS
STANISLAUS COUNTY DEPARTMENT OF PUBLIC WORKS
(Adopted July 1, 2008)

PROPOSED MINOR PROJECT MODIFICATION
REMOVAL OF ADDITIONAL TREES TO IMPROVE SIGHT DISTANCE

ATTACHMENT 2

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

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

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

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

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

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

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

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

ADDENDUM

to

INITIAL STUDY/MITIGATED DECLARATION
LAS PALMAS INTERSECTION IMPROVEMENTS
STANISLAUS COUNTY DEPARTMENT OF PUBLIC WORKS
(Adopted July 1, 2008)

PROPOSED MINOR PROJECT MODIFICATION
REMOVAL OF ADDITIONAL TREES TO IMPROVE SIGHT DISTANCE

ATTACHMENT 3



DEPARTMENT OF PUBLIC WORKS

Matt Machado, PE
Director

Laurie Barton, PE
Deputy Director, Engineering/Operations

Diane Haugh
Assistant Director, Business/Finance

1716 Morgan Road, Modesto, CA 95358
Phone: 209.525.6550 /email: publicworks@stancounty.com

Date: March 15, 2013
To: Matt Machado
From: Aja Verburg
Subject: Las Palmas Avenue Tree Removal

On February 22, 2013, staff from the Design and Traffic Engineering Divisions of Public Works went out into the field to investigate a potential safety issue at two locations, the intersections at Las Palmas Avenue and Elm Avenue and Las Palmas Avenue and Sycamore Avenue. Both intersections were recently improved to signalized intersections. The intersection at Sycamore had all-way stop controls and the intersection at Elm was a 2-way stop with controls on Elm Avenue. Based on field observations, the removal of 7 trees within the County right of way would improve visibility of warning and control devices at the Elm intersection.

Las Palmas Avenue/Elm Avenue Intersection

It is recommended that the trees at the following locations be removed:

- One (1) tree on the south side of Las Palmas Avenue, approximately 460 feet east of Elm Avenue, just west of the 'Signal Ahead' traffic sign. The tree's fronds are extending into the roadway from ground level to approximately 12 feet above the ground. On-going tree trimming maintenance is impractical for County staff. The tree's trunk is close to impeding visibility and will soon reach that point.
- One (1) tree on the north side of Las Palmas Avenue, approximately 660 feet east of Elm Avenue adjacent to the flashing beacon and 'Signal Ahead' warning sign.
- Three (3) trees on the north side of Las Palmas Avenue, approximately 500 to 550 feet west of Elm Avenue, adjacent to the irrigation canal on one side, and a "Do Not Pass" regulatory sign on the other side.
- One (1) short palm tree approximately 390 feet east of Elm Avenue.
- One (1) Palm tree approximately 295 feet east of Elm Avenue, adjacent to the "Elm Avenue" guide sign.

Matt Machado
March 15, 2013
Page 2

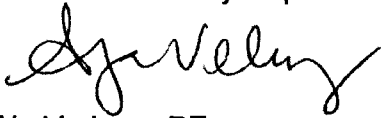
Las Palmas Avenue/Sycamore Avenue Intersection

- No removal required

Refer to the attached sketch and photos for additional information. The trees have been marked in the field on the paved shoulders with white arrows.

An Addendum to the 2008 Initial Study/Mitigated Negative Declaration on the Las Palmas Signalization Project Initial Study/Mitigated Declaration, adopted by the Stanislaus County Board of Supervisors on July 1, 2008, and filed with the Stanislaus Clerk Recorder on August 20, 2008, is being prepared for the proposed tree removal, as the work is considered to be a necessary but unanticipated portion of the previous project.

Sincerely,
Stanislaus County Dept. of Public Works



Aja Verburg, PE
Associate Civil Engineer

AV/sn

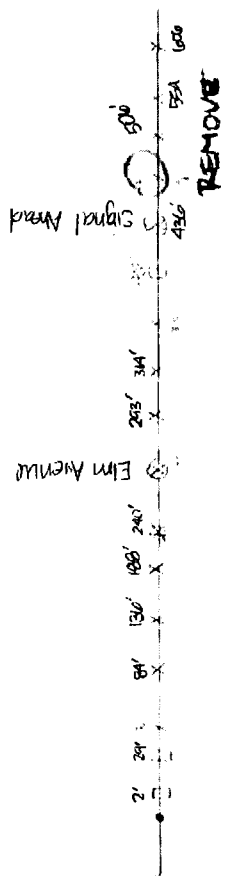
Attachment(s)

CC: Andrew Malizia, Traffic Engineering Division

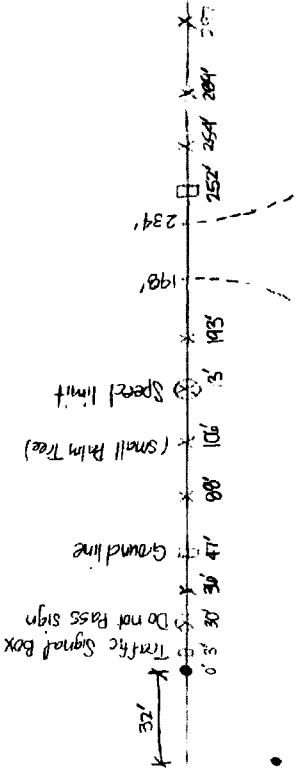
- Traffic Signal
- X Palm Tree
- * Other Tree
- ⊗ Sign
- Utility box

LAS PALMAS AVE

REMOVE I



See
← Sheet 1



ELM AVE.

- utility sign
- X Palm tree
- * Other tree
- D sign
- utility box

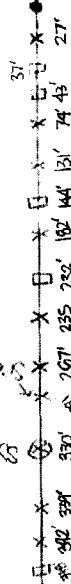
LAS PALMAS AVE

SYCAMORE (sight visibility issue)

scrubbing (small tree)

← Traffic direction

Traffic direction →

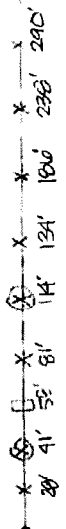


SYCAMORE AVE

SYCAMORE

DO NOT PASS (sight visibility issue)

45 MPH speed limit





To see all the details that are visible on the screen, use the "Print" link next to the map.





INTERSECTION OF LAS PALMAS AVE. & ELM AVE.



Northeast Corner facing Southwest of Intersection



Northeast facing Southwest of the Intersection



Small Palm Trees (Seedling)



Las Palmas looking in the towards the intersection
(Note behind trees nearest irrigation canal there is a Do Not pass)



Visibility Issue of the Signage (Do Not Pass Sign)



Visibility issue with the flashing signal ahead sign



Northwest facing East toward Intersection



Utility box near some Palm Tree (Example)



Southwest corner facing Northeast of the Intersection



Southwest corner facing West



**Slight visibility issue on the with the signal ahead sign
(Trees may only need to be trimmed for better visibility)**

ADDENDUM

to

INITIAL STUDY/MITIGATED DECLARATION
LAS PALMAS INTERSECTION IMPROVEMENTS
STANISLAUS COUNTY DEPARTMENT OF PUBLIC WORKS
(Adopted July 1, 2008)

PROPOSED MINOR PROJECT MODIFICATION
REMOVAL OF ADDITIONAL TREES TO IMPROVE SIGHT DISTANCE

ATTACHMENT 4

sufficient, the city or county lead agency shall include that determination in its findings for the water-demand project.

Note: Authority Cited: Section 21083, Public Resources Code. Reference: Section 21151.9, Public Resources Code, Sections 10910–10915 of the Water Code.

Article 11. Types of EIRs

SECTIONS 15160 TO 15170

15160. GENERAL

This article describes a number of examples of variations in EIRs as the documents are tailored to different situations and intended uses. These variations are not exclusive. Lead Agencies may use other variations consistent with the Guidelines to meet the needs of other circumstances. All EIRs must meet the content requirements discussed in Article 9 beginning with Section 15120.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21061, 21100, and 21151, Public Resources Code.

15161. PROJECT EIR

The most common type of EIR examines the environmental impacts of a specific development project. This type of EIR should focus primarily on the changes in the environment that would result from the development project. The EIR shall examine all phases of the project including planning, construction, and operation.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21061, 21100, and 21151, Public Resources Code.

15162. SUBSEQUENT EIRS AND NEGATIVE DECLARATIONS

- (a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless 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 EIR or negative declaration 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 EIR or Negative Declaration 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 was certified as complete or the Negative Declaration was adopted, 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;
 - (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 would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
- (b) If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under subdivision (a). Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, an addendum, or no further documentation.
- (c) Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in subdivision (a) occurs, a subsequent EIR or negative declaration shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent EIR has been certified or subsequent negative declaration adopted.
- (d) A subsequent EIR or subsequent negative declaration shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent EIR or negative declaration shall state where the previous document is available and can be reviewed.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21166, Public Resources Code; *Bowman v. City of Petaluma* (1986) 185 Cal.App.3d 1065; *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 1467; and *Fort Mojave Indian Tribe v. California Department of Health Services et al.* (1995) 38 Cal.App.4th 1574.

15163. SUPPLEMENT TO AN EIR

- (a) The Lead or Responsible Agency may choose to prepare a supplement to an EIR rather than a subsequent EIR if:
 - (1) Any of the conditions described in Section 15162 would require the preparation of a subsequent EIR, and
 - (2) Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.
- (b) The supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project as revised.
- (c) A supplement to an EIR shall be given the same kind of notice and public review as is given to a draft EIR under Section 15087.
- (d) A supplement to an EIR may be circulated by itself without recirculating the previous draft or final EIR.
- (e) When the agency decides whether to approve the project, the decision-making body shall consider the previous EIR as revised by the supplemental EIR. A finding under Section 15091 shall be made for each significant effect shown in the previous EIR as revised.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21166, Public Resources Code.

15164. ADDENDUM TO AN EIR OR NEGATIVE DECLARATION

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.
- (d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Section 21166, Public Resources Code; *Bowman v. City of Petaluma* (1986) 185 Cal.App.3d 1065; and *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 1467.

15165. MULTIPLE AND PHASED PROJECTS

Where individual projects are, or a phased project is, to be undertaken and where the total undertaking comprises a project with significant environmental effect, the Lead Agency shall prepare a single program EIR for the ultimate project as described in Section 15168. Where an individual project is a necessary precedent for action on a larger project, or commits the Lead Agency to a larger project, with significant environmental effect, an EIR must address itself to the scope of the larger project. Where one project is one of several similar projects of a public agency, but is not deemed a part of a larger undertaking or a larger project, the agency may prepare one EIR for all projects, or one for each project, but shall in either case comment upon the cumulative effect.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21061, 21100, and 21151, Public Resources Code; *Whitman v. Board of Supervisors*, (1979) 88 Cal. App. 3d 397.

15166. EIR AS PART OF A GENERAL PLAN

- (a) The requirements for preparing an EIR on a local general plan, element, or amendment thereof will be satisfied by using the general plan, or element document, as the EIR and no separate EIR will be required, if:
 - (1) The general plan addresses all the points required to be in an EIR by Article 9 of these Guidelines, and
 - (2) The document contains a special section or a cover sheet identifying where the general plan document addresses each of the points required.
- (b) Where an EIR rather than a Negative Declaration has been prepared for a general plan, element, or amendment thereto, the EIR shall be forwarded to the State Clearinghouse for review. The requirement shall apply regardless of whether the EIR is prepared as a separate document or as a part of the general plan or element document.

Note: Authority cited: Section 21083, Public Resources Code; Reference: Sections 21003, 21061, 21083, 21100, 21104, 21151, and 21152, Public Resources Code.

15167. STAGED EIR

- (a) Where a large capital project will require a number of discretionary approvals from government agencies and one of the approvals will occur more than two years before construction will begin, a staged EIR may be prepared covering the entire project in a general form. The staged EIR shall evaluate the proposal in light of current and contemplated plans and produce an informed estimate of the environmental consequences of the entire project. The aspect of the project before the public agency for approval shall be discussed with a greater degree of specificity.