

III. COMMENTS AND RESPONSES

This section presents the comment letters received on the Draft EIR for the Tivoli Specific Plan Project, followed by responses to the environmental issues raised in the comments.

As described in Chapter I, Introduction, many of the comments received on the Draft EIR relate directly to the proposed Tivoli Specific Plan rather than the Draft EIR, and do not raise environmental issues that require a response under CEQA. However, to clarify the process and planning rationale behind the proposed Tivoli Specific Plan, a Response to Comments on the Specific Plan is provided. This response begins on the following page.

RESPONSE TO COMMENTS ON THE SPECIFIC PLAN

INTRODUCTION

Many of the comments received on the Draft EIR relate directly to the proposed Tivoli Specific Plan rather than the Draft EIR, and do not raise environmental issues that require a response under CEQA. Such comments focused on the following topics: the land use plan, the circulation plan, and design issues. A response to these comments is provided here to clarify the process and planning rationale behind the proposed Specific Plan.

Background

The Tivoli Specific Plan area is part of the 1,700-acre Roselle Claribel Comprehensive Planning District (CPD). Modesto's General Plan allows for more than one Comprehensive Plan/Specific Plan to be processed within a given CPD. In November 2001, the Measure M advisory vote to extend sewer service to the Tivoli Specific Plan site was approved. No development plan was provided for consideration for the Measure M vote. The preparation of multiple Comprehensive Plans/Specific Plans within the Roselle Claribel CPD was established when the 2001 Measure M advisory vote was approved for the Tivoli Specific Plan area.

The project applicant met with and received input from property owners and developers within the project site during the planning of the Tivoli Specific Plan. City staff attended some of the meetings. The multiple property owners and developers provided input on a variety of concerns and issues. The City must balance the interests of the City, numerous residents, and developers. While the City has, and continues to, make minor adjustments to the Specific Plan to address some of the expressed concerns, not all concerns can be addressed to the complete satisfaction of all parties.

The overall objective of the Tivoli Specific Plan, as discussed on p. III.2 of the Draft EIR, is to create an attractive, walkable and integrated mixed-use community, provide a range of housing types to provide for regional housing needs, provide regional commercial development to serve the east side of the City, and to enhance the City's economic base through increased sale tax revenues.

LAND USE PLAN

Increased Residential Density

The Tivoli Specific Plan land use plan proposes a higher residential density than called for under the existing General Plan. The General Plan calls for an overall residential density of 5.1 units per gross acre. The Tivoli Specific Plan proposes a residential density range of 4.5 up to a maximum of 7.8 units per gross acre.

The higher residential density is proposed to implement the 2003-2008 Housing Element to meet the state mandate of accommodating the City's "fair share" allocation of needed housing units under the Regional Housing Needs Assessment. The City estimates its allocation to be 15,347 units (22% Very Low Income, 17% Low Income, 21% Moderate Income, and 40% Above Moderate Income).

As part of the Housing Element, the City reviewed its residential land inventory for vacant and underutilized areas to identify sites that could accommodate housing construction to meet Modesto's fair share of the regional housing need. These areas were the Roselle/Claribel CPD (in which the Tivoli Specific Plan area is located), Fairview Village CPD, Johansen/Empire North CPD, and Wachman/Luchessa CPD. To provide for adequate multi-family housing sites, the Housing Element requires that these developing CPDs designate at least 15 percent of the residentially designated land as multi-family at an average density of 22 units per acre.

The Tivoli Specific Plan project site (within the Roselle Claribel CPD) includes 279 net acres of residentially-designated land (480 gross acres minus non-residential land including roads). A minimum of 42 acres must be provided for multi-family development. At 22 units per acre, a minimum of 924 multi-family units are provided to comply with the Housing Element. The Housing Element identifies low and very low income households are planned to be served by multi-family units at an average density of 22 units per acre.

The Housing Element also includes a policy that encourages a variety of housing types (Policy 2.3). The Tivoli Specific Plan implements this policy through its four different residential density designations. The Very Low Density Residential designation allows 1 to 3 units per acre, permitting large-lot, single-family development with lots of 10,000 square feet or larger. The Low Density Residential designation allows 4 to 8 units per acre, permitting standard-lot, single-family development with lots ranging from 5,000 square feet to 12,000 square feet. The Low Density Residential designation also allows small-lot, single-family development with lot sizes ranging from 3,000 square feet to less than 5,000 square feet. The Medium Density Residential designation allows 8 to 18 units per acre, permitting small-lot, single-family development on lots less than 3,000 square feet and a range of housing types from rowhouse and townhouse

development to multi-family attached development. The Medium High Density Residential designation allows 18 to 24 units per acre and is intended for larger multi-family attached projects.

Residential development in the City of Modesto historically has been predominantly owner-occupied, single-family homes on standard and large lots. In addition to allowing for more affordable housing types, increased residential density under the Tivoli Specific Plan would provide a wider variety of housing products to provide flexibility in meeting market demands, promote visual variety, and encourage compact and walkable communities while consuming less farmland.

Increased Commercial Development

The Tivoli Specific Plan includes Regional Commercial, General Commercial, and Neighborhood Commercial Land use designations.

Regional Commercial

The proposed project would change the land use designation of 67 acres from Village Residential use to Regional Commercial. The City of Modesto has a recognized deficiency of regional commercial development on the east side of the City. Two important project objectives, cited on p. III.2 of the Draft EIR, are to provide regional commercial development to serve the east side of the City in a timely manner, and to enhance the City's economic base through increased sales tax revenue. Some of the regional commercial needs on the east side of Modesto are met by the recent development of the Crossroads Center in the City of Riverbank, one mile to the north at the northeast corner of Claribel Road and Oakdale Road. However, the market analysis prepared for the Tivoli project confirmed that another regional commercial development can be supported on the east side of Modesto. (See *Tivoli Regional Commercial Project*, Keyser Marston Associates, Inc, included as Appendix C to the Draft EIR.)

The City of Modesto Community and Economic Development Department believes that the proposed Regional Commercial sites are appropriately located along arterials. Because of its high visibility and proximity of existing and proposed residential uses, high standards for building and site design, landscaping, and screening are called for by the Specific Plan Design Guidelines and would be applied to this site.

General Commercial

The General Plan calls for 4.0 percent of land designated Village Residential to be for commercial uses. The Tivoli Specific Plan land use plan proposes more commercial development than called for under the General Plan. Of the remaining residentially-designated land (i.e., not

counting the 67 acres of Village Residential proposed for redesignation to Regional Commercial), 5.7 percent would be designated for commercial use. The proposed General Commercial land use designation under the Tivoli Specific Plan is consistent with the type of commercial uses that would have been allowable under the existing General Plan Village Residential land use designation.

The Community and Economic Development Department believes that the proposed General Commercial sites are appropriately located at the corner of an arterial street and a collector street adjacent to the proposed regional commercial site.

Neighborhood Commercial

The proposed Neighborhood Commercial land use designation under the Tivoli Specific Plan is consistent with the type of commercial uses that would have been allowable under the existing General Plan Village Residential land use designation. The proposed Neighborhood Commercial-1 site, located at the southwest corner of Claratina Avenue and Roselle Avenue, is intended to address neighborhood needs that would be oriented inwardly to the neighborhood. Access to Claratina Avenue is possible since it is proposed to be a Principal Arterial but is expected to be limited to right turns. The proposed Neighborhood Commercial-2 and Neighborhood Commercial-3 sites reflect the character of pre-existing uses at these locations that would continue under the Tivoli Specific Plan.

CIRCULATION PLAN

There are several comments concerning the circulation plan, the perimeter arterial streets, and the internal collector street system. The proposed project includes modifying two of the arterial streets, Claratina Avenue and Sylvan Avenue.

Arterial Streets

Claratina Avenue

Claratina Avenue is being reclassified from a four-lane Expressway to a six-lane Principal Arterial. This change would allow more opportunities for direct access for the proposed Regional Commercial site, while maintaining the needed traffic carrying capacity of the roadway by the addition of two travel lanes. Claratina Avenue to the west of Oakdale Road will remain as an expressway, and east of Roselle Avenue will remain designated as a Minor Arterial. The transition of Claratina Avenue from Expressway to Arterial would occur at Oakdale Road instead of Roselle Avenue with the proposed project.

Sylvan Avenue

Sylvan Avenue is proposed to be reclassified from a six-lane Principal Arterial to a four-lane Minor Arterial because the proposed roundabouts have better traffic carrying capacity allowing the reduction of two travel lanes. If conventional signalized intersections are used, Sylvan Avenue would need to remain as a six-lane Principal Arterial. The Traffic Impact Assessment (included as Appendix D.1 to the Draft EIR) confirms that Sylvan Avenue with four lanes and roundabouts would function at an acceptable level of service.

Collector Streets

The Collector street system for the project was created consistent with the Neighborhood Plan Prototype provided in the General Plan Chapter III.C.3. Collector streets should intersect Arterial streets at ¼ mile intervals with four-way intersections to facilitate Arterial street traffic control. Collector streets should not be continuous through two or more neighborhoods so that they do not function as through traffic arteries. Therefore, an offset should be provided within the neighborhood to avoid a continuous straight street.

Three Collector streets in the project site align with three existing Collector streets to the south in Village One. Another Collector aligns with Bridgewood Way to the west in the Beyer neighborhood. Mable Avenue also aligns to the west and would serve the proposed Regional Commercial development but would not provide access into the Tivoli residential areas (emergency access would be provided), because the volume of traffic from the regional commercial use at the intersection would make it difficult for Mable Avenue to serve effectively as a Collector street.

The existing dead end McReynolds Avenue north of Sylvan Avenue would become a through Collector street consistent with the General Plan. It would connect with existing McReynolds Avenue south of Sylvan Avenue with a four-way intersection and would have an offset within the project site at the proposed elementary school site.

There are some comments requesting that McReynolds Avenue remain a local street north of the first roundabout at the proposed east-west collector north of Sylvan Avenue. The Collector street could then diverge from McReynolds Avenue, curve east, and continue north to align with the Collector street on the east side of the school site. The proposed McReynolds Avenue with an offset better complies with the General Plan policy discouraging through traffic from traveling from neighborhood to neighborhood. The suggested curved street would be less efficient for development and would separate the affected properties into two Area Plans. Shifting the school site with the park site does not alter the need for McReynolds Avenue to be a Collector street.

DESIGN ISSUES

Some comments expressed concern about Medium Density Residential and new two-or three-story residential buildings next to existing single-story homes. The Specific Plan document will be modified to prohibit any three-story residential building to be located next to existing one-story homes. The current zoning ordinance requires second-story review for the privacy of an existing residential home that is older than ten years (Modesto Municipal Code Section 10-2.508). This would make it difficult for a new two- or three-story dwelling to be adjacent to the side or rear of any existing single family home.

