

LETTER CC

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CITY PLANNING

CC-1

There are several problems with the proposed Tivoli project. The original plan, which was proposed to the voters of Modesto, was for primarily Village Residential with less than 4% of the project to be used for commercial development. The original plan is a better fit for this area. The City of Modesto and the developers they do business with should learn from the mistakes of Village Debacle One. The voters approved the original plan, but the developers and city planners have drastically changed the plan behind the backs of the people of Modesto. A regional commercial development in this area will drastically affect the quality of life for the residence in the area. The EIR report did not evaluate the effect the regional commercial development will have on the neighborhood to the west of Tivoli (Beyer Neighborhood), a neighborhood that has existed for 30 years. This development appears to benefit the developers (\$\$\$), the City (tax\$\$) and the homeowners in Village Debacle One (they don't have any commercial) at the expense of the Beyer Neighborhood (we shop on McHenry).

Problems with the EIR:

1. Prior to development of Tivoli, the Claratina expressway must be completed to Roselle. If not, the corner of Sylvan and Oakdale will become so bad the commuters from Village Debacle One will prefer to fight the signal-lights-on-every-corner on Sylvan. Most of the residents in the shopping area of Tivoli will come from homes East of Tivoli (Village Debacle One). Roselle must provide some relieve to Oakdale Road from commuters using the expressway.
2. Changing Claratina from an expressway to a major arterial and placing two additional signal lights on Claratina between Roselle and Oakdale Road will encourage future traffic off Claratina and onto minor connector roads. Claratina should remain traffic signal light free except at major intersections.
3. The EIR did not investigate the domino effect on the future development along Claratina when changing Claratina. Will this cause the vacant land between McHenry and Tully to be converted into commercial development and the end of the expressway there too? What about Claratina between McHenry and Coffee Road. This is a very slippery slope the City is putting itself on and there has never been any evidence the City can say no to a developer with deep pockets.
4. Keep Sylvan Avenue as originally planned, a six lane principal arterial. Village Debacle One is underserved now with adequate access. If Sylvan is changed and Claratina is changed, access will be further compromised. Once again, our brilliant planning department has made this debacle even worse than it is already.
5. The choice for a regional commercial development on Oakdale Road is a poor location because the Sylvan-Coffee Road intersection is developed and cannot be improved upon. Yet the geniuses in the planning department seem to think by bringing more people to this corner is a good thing. A true regional commercial development would be better planned on the undeveloped Claus Road. By keeping Claratina an expressway all the way to Claus Road and developing Claus for the purpose of a regional commercial development would better serve the City. Access to the regional shopping center would be better served by access from the Claratina expressway, Claus Road and Briggsmore.
6. Twelve intersections will operate at LOS E or F due to this project. This is unacceptable. The people planning this must have planned the Briggsmore

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Overpass and the Palaendale Shopping Center. When will Modestans ever be proud of their planning department?

7. The EIR did not investigate the problems this development will cause to Mable Avenue. Mable Avenue is a short road connecting Coffee Rd (LOS F) to Oakdale Rd (LOS F). Mable Rd has a year-round school (closed for 2 weeks in June and 2 weeks in December), two churches, a park, a fire station and a large mobile home park. Houses face Mable with driveways entries off of Mable. Side streets off of Mable do not meet to form four corners making placing of stop signs on Mable impossible. Yet the EIR tends to think Mable will not be impacted. With all the new signal lights on Oakdale and all the lights on Sylvan (in front of Beyer) the commuters will go where there is least resistance. They will take Mable!
8. There should be no left hand turn off of Northbound Oakdale onto Mable. The residents of the Beyer Neighborhood do not turn left there now. We know slower but safer ways into our neighborhood.
9. The fire station on Mable should be closed and services transferred to the new station in Tivoli. Speed bumps should then be placed on Mable to discourage non-Beyer neighborhood residents from using Mable as an expressway around the signal-lights-on-every-corner atmosphere our planning department likes to create.

CC.7
(cont'd.)

CC.8

KEEP TIVOLI AS A VILLAGE RESIDENTIAL DEVELOPMENT WITH LESS THAN 4% COMMERCIAL. THE CITY OF MODESTO NEEDS TO STOP THE LIES AND DECEPTION OF THE PAST.

CC.9

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**RESPONSES TO LETTER CC:
Thomas K. O'Brien**

Response to Comment CC.1

As a comment on urban expansion and the planning process, a response to this comment is found in the Response to Comments on Specific Plan.

Response to Comment CC.2

The comment requests that Claratina Avenue be extended to Roselle Avenue as an expressway prior to development of the project. The comment is acknowledged and, in fact, with full development of the project, Claratina Avenue is proposed to be extended to Roselle Avenue by 2017 (see p. IV.D.28 and IV.D.39) as analyzed in the Draft EIR, although the Specific Plan calls for extending Claratina Avenue to Roselle Avenue prior to or concurrent with development. The study addresses the re-classification of Claratina Avenue as a six-lane principal arterial as opposed to a four-lane expressway and finds that the capacities of these configurations are comparable. However, concurrence between development of the project and the road extension is necessary to fund the road's construction. The impacts of the interim (2012) condition with Claratina Avenue extended only across the developed frontage (from Oakdale Road to Tivoli Road A) are fully analyzed in the Draft EIR, and mitigation measures are identified for this scenario wherever impacts are identified along Oakdale Road and Roselle Avenue. Furthermore, the impacts of the 2017 condition with Claratina Avenue extended to Roselle Avenue are also fully analyzed, and mitigation measures are identified for this scenario wherever impacts are identified along Oakdale Road and Roselle Avenue. Pending the cooperation of agencies with direct jurisdiction over some of these locations, impacts at each of these locations could be mitigated to less-than-significant levels for the scenario in which Claratina Avenue is only partway extended to Roselle Avenue.

The Specific Plan calls for project frontage improvements to all perimeter arterial streets including the other side of the road across from the project site to occur prior to or concurrent with development. The phasing of the improvements would be determined by the Facilities Master Plan (FMP) and the Infrastructure Financing Plan (IFP) approved for the project. Extending Claratina Avenue to Roselle Avenue would be considered with the FMP and IFP with initial development.

Response to Comment CC.3

The comment expresses concern over the conversion of the future extension of Claratina Avenue from an expressway to a signalized arterial. The impacts of constructing Claratina Avenue as a signalized arterial rather than as an expressway are fully evaluated and can be considered along with other comparisons between the proposed project and the Existing General Plan alternative evaluated in the Draft EIR in Chapter VI, Alternatives. The additional lane in each direction added with the proposed classification adequately offsets the reduction in per lane capacity resulting from the change. Furthermore, it is clear that by allowing direct Collector Street access onto Claratina Avenue from the proposed development the project reduces potentially circuitous travel patterns and, in fact, would reduce the reliance on adjacent arterial roadways to access areas developed under the Specific Plan. See also Response to Comment Y.6.

Response to Comment CC.4

The comment contends that the Draft EIR did not investigate the “domino effect” on future development along Claratina Avenue and questions whether this could induce commercial development of land along Claratina Avenue between Tully Road and Coffee Road. Commercial development along Claratina Avenue between Tully Road and McHenry Avenue is currently anticipated and called for under the existing Regional Commercial (RC), Business Park (BP), Mixed Use (MU) land use designations of the area under the *Urban Area General Plan*. The Draft EIR describes the potential growth-inducing effects of the project on pp. V.1-V.6: “The increased desirability of the vicinity for urban development and the resulting increase in land values would increase inducements for agricultural property owners to sell. Development of the project would also increase roadway capacity and improve other infrastructure, and justify the area as a rational location to receive additional development.” The impacts of growth in the area included in the Modesto *Urban Area General Plan* are accounted for in the analyses of cumulative traffic impacts for the year 2025 and the related air quality and traffic-generated noise impacts in Chapter IV in the Draft EIR. These analyses assume roadway improvements and extension of Claratina Avenue, and include development along the Claratina Avenue corridor pursuant to the land use designations in the *Urban Area General Plan*. However, future development along Claratina Avenue will be contingent on numerous factors, such as the economic circumstances of each property owner, market conditions in the future, or potential future amendments to the *Urban Area General Plan* or development regulations. Specific analysis of the particular growth inducing impact of the proposed project on future development sites along Claratina Avenue would be speculative.

Response to Comment CC.5

The comment expresses the desire to retain a future designation of Sylvan Avenue as a six-lane signalized arterial. The effect of reducing the number of travel lanes is partly offset by the increased per lane capacity of the unsignalized lanes with traffic control provided by roundabouts. The transportation analysis in the Draft EIR (supported by the Transportation Study in Draft EIR Appendix D) identifies no impacts due to the downgrade of Sylvan Avenue from six to four lanes, as none of the intersections along the affected segment are found to experience significant impacts.

Response to Comment CC.6

The comment expresses concern about the effect the regional commercial development, proposed on Oakdale Road, would have on the Coffee Road/Sylvan Avenue intersection. There is no basis provided to indicate why this intersection would be disproportionately affected by only the commercial portion of the proposed project, and not by the neighborhood commercial and residential portions of the Specific Plan. The Draft EIR identifies mitigation measures capable of reducing impacts at this intersection to less-than-significant levels, and acknowledges that these measures are not feasible given the current development adjacent to the intersection. It should also be noted that development of regional serving commercial at a future intersection of Claratina Avenue and Claus Road, suggested in the comment, would be premature "leap frog" development, as this area is not contiguous to the incorporated boundaries of the City of Modesto and has not received a Measure M advisory vote for sewer extension. Annexation and development of this area at this time would not be consistent with the orderly and compact growth called for under City, County and LAFCO growth policies. The current General Plan does not have Claratina Avenue connect with Claus Road although the maintenance update of the General Plan currently under review may include consideration to connect the two streets. Also, Claratina Avenue is not an expressway east of Roselle Avenue. Please see Response to Comment I.1, Response to Comment Y.3, and the Response to Comments on Specific Plan on p. C&R.III.2 for a response to the rationale for locating the regional commercial development at the proposed location.

Response to Comment CC.7

The comment is concerned with the fact that 12 intersections would operate at LOS E or F under buildout conditions if development occurs pursuant to the Specific Plan. Many impacts are identified as significant and unavoidable in the Draft EIR; however, with appropriate coordination among other public agencies, several locations outside the jurisdiction of the City of Modesto could be improved to acceptable levels of service.

As described on p. I.2 of the Draft EIR, the Modesto City Council will certify the Final EIR, comprised of the Draft EIR and this Comments and Responses document, when it believes the document to be accurate and complete. If the project is approved, written findings will be prepared by the City of Modesto, as Lead Agency, for each significant impact identified in the Final EIR. If significant and 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 and other significant and unavoidable adverse environmental impacts against the benefits of the proposed project, based on all substantial evidence in the administrative record.

Response to Comment CC.8

The comment is concerned with the project-related traffic impacts on Mable Avenue west of Oakdale Road. According the General Plan forecasting model, Mable Avenue west of Oakdale Road can be expected to carry 5,637 vehicles per day with the project under build-out conditions versus 5,585 vehicles per day under General Plan conditions without the project. Thus, the project would add about 50 vehicles to predicted future volumes. The peak daily volume to capacity ratio would be 0.53 versus 0.52 (LOS A in both cases). This is an indication that Mable Avenue is not a superior route connecting Oakdale Road to Coffee Road. The only impact attributable to the project is at the intersection of Oakdale Road at Mable Avenue, as shown in Table IV.D.9 for 2012, on p. IV.D.23. Mitigation Measures D.11 (add a lane to Oakdale Road), on p. IV.D.35, would address this impact.

Under build-out conditions the extension of Claratina Avenue to Oakdale Road as a Class-B expressway and to Roselle Avenue as a six-lane arterial would provide motorists with an alternative to Mable Avenue that does not exist now. Currently, traffic (including traffic during morning drop-off and afternoon pick-up times) has no alternative to using Mable Avenue, but, in the future, the expressway would be the preferred route, providing relief to Mable Avenue west of Oakdale Road. The expressway would provide superior access to the regional serving commercial development from the surrounding area compared to Mable Avenue (as is reflected in the traffic forecasts used in the Draft EIR). Also, Oakdale Road is the dividing line between the enrollment area for Beyer High School and Enochs High School. High school traffic generated by the proposed development would travel away from the segment of Mable Avenue discussed in the comment.

Should future traffic conditions along Mable Avenue constitute an unacceptable intrusion on the quality of life of the existing neighborhood for any reason, the City and the neighbors have the option of implementing traffic calming strategies that are applicable on residential collector streets. The proposed Specific Plan does not depend on access through this segment of Mable

Avenue and would not be affected by future constraints on use of Mable Avenue west of Oakdale Road. The analysis results in the Draft EIR and in this response do not show any need to relocate the existing fire station.

Response to Comment CC.9

The Draft EIR analyzes alternatives to the proposed project. The Existing General Plan alternative maintains the Village Residential land use designation, and the impacts associated with development under this scenario are discussed on pp. VI.3-VI.16 of the Draft EIR.

