

LETTER Z

Paul Liu

From: JIMBORUNS@aol.com
Sent: Friday, November 24, 2006 5:24 PM
To: Paul Liu
Cc: dromano@ranplc.com
Subject: Tivoli Specific Plan

Dear Paul -

I note that the time for comments to be presented is nearing an end. I have a few principal concerns that I feel should be presented to the City of Modesto. David Romano suggested that we residents of the Lydia Lane neighborhood contact you directly.

At the neighborhood information meeting last Tuesday evening, a map of the Tivoli Specific Plan was provided. I also have a CD of the Specific Plan. There are a few concerns I have that I feel should be reflected in what finally comes out as the approved development plan from the City of Modesto. I live at 3524 Lydia Lane at the north end of the street, the east parcel at the end of the culdesac. I have lived here since 1976. Remember that our neighborhood, still outside the Modesto City limits, was here before any of the nearby commercial development north of Sylvan along Oakdale Road took place.

Directly north of my home is now planned for commercial - GC 1. Before the Tivoli area sought development, at no time was I ever aware that this area would become anything other than residential. It was a walnut orchard in 1976. The commercial area, NC-3, on the NE corner of Oakdale and Sylvan was subsequently developed without any input from our neighborhood that I am aware of. (As a side issue, water for this commercial area was tapped from our residential pipeline, creating pressure problems for the residences, especially those at the end of the street. The City of Modesto took over the Del Este system and now provides water service to this area, but I am not aware that the shopping center has changed the method of obtaining the water. Perhaps you can clarify this for me.) Although I believe the existing city plan was for the entire area to be residential, I could support developing as commercial the area north of that same center fronting along Oakdale road, with the same depth as the existing center NC-3. I would like to see the residential designation moved west to align with the west boundary of our alley - the east boundary of the existing shopping center. I strongly protest any commercial development directly north of our neighborhood. Z.1
Z.2
Z.1 (cont'd)

Directly east of this proposed GC-1 parcel is proposed MDR-4. In reading the Specific Plan, I note that MDR-4 shows an allowable 30' to 40' high buildings. I would point out that our neighborhood has a deed restriction of single story single family homes. I find it highly objectionable that the allowable elevated structures would permit residents to now look down into my backyard and my pool and other family activities, regardless of my property fencing. I think a single story height restriction should be in their deeds as well. At least if the residential use is moved west (as I am requesting) then that restriction should be in the deeds of the area directly north of the Lydia Lane neighborhood. I would request that this be considered carefully. Z.3

I note that the area directly east of our neighborhood is designated LDR-11. I note that building is permitted up to 30' to 38' height, depending on stories. The same problem exists with that sort of permissible height and story allowance as regards privacy intrusion that I have cited above. I would request that the same deed type restriction for height and stories as exist in our neighborhood be applied to this area as well.

Since our home sewers all drain to our septic in our back yards, we opposed any sewer line and hookup being moved to the front of our properties. I understand that this has been changed to bringing the sewer line down the alley to permit hookup with the existing home drainage scheme. You might affirm this as being the plan. Z.4

I note that there are several roundabouts proposed on Sylvan. Sylvan is also proposed to be at least two lanes each direction. If these roundabouts are similar to the one in front of Enochs High School, I would protest them as presently designed. Without a physical barrier between lanes going into and through and exiting the roundabout, the traffic circulation in the roundabout does not prevent vehicles from 'straightening out' the roundabout. The current minimal posts are simply not adequate to prevent lane changing. Drive it several times Z.5

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a week, and you will readily see what happens. As presently built, I believe it is an accident waiting to happen. Before any roundabouts are designed and built on Sylan at the south end of the proposed Tivoli development, I would propose that some revised design be implemented.

Z.5
(cont'd.)

I have other concerns with the present and future traffic circulation around the Hudson Post Office. The Tivoli development will only increase the traffic and current congestion problems connected with the current multiple entrances and exits pattern at the Post Office and corner convenience store and associated building uses. As this is inside the city, and not directly connected with the Tivoli Specific Plan, I only briefly bring them to your attention, because I believe they will be impacted by the Tivoli development.

Z.6

Having observed how a nice plan of Village I turned into the thing it is, I am still concerned that the nice plan of Tivoli will suffer the same fate. Having observed the Naraghi Lake mudhole for many years, I wonder how much we citizens can depend on the City of Modesto to carry out even the current proposal - even if it is not changed as I have requested. And if it is changed, what assurances do we in our neighborhood have that it will in fact be adhered to. I am sure our future annexation to the City of Modesto is inevitable, but my hope is that it would improve our current neighborhood situation, not cause the quality of it to deteriorate.

Z.7

Thank you for allowing me to comment on the Tivoli Specific Plan. Feel free to ask me for clarification on anything I have not made clear in this letter.

Very truly yours,
James E. Hurst

**RESPONSES TO LETTER Z:
James E. Hurst**

Response to Comment Z.1

The comment expresses concern with the proposed commercial and residential land use designations in the vicinity of Lydia Lane, and suggests changes to Figure III.2: Land Use Diagram. As a comment on the proposed land use designations identified on Figure III.2: Land Use Diagram and proposed development, a response to this comment is found in the Response to Comments on the Specific Plan. As explained in Draft EIR Section IV.A, Land Use and Planning, on p. IV.A.5, the existing Village Residential land use designation would allow single- and multi-family residential, commercial, school, and park uses.

Response to Comment Z.2

The comment requests clarification regarding the water supply and water pressure. A small portion of the project site is currently served by the City of Modesto Municipal Water System. The homes along Lydia Lane and Jeffrey Drive and the commercial area NC-3 was served by Del Este Water system. When the City of Modesto took over the Del Este Water system the southwest portion of the project site became part of the City water system. Upon annexation, the City of Modesto would provide water service to the rest of the project site. The Specific Plan states on p. 34 that prior to the development of the Specific Plan area, developers would have to install, repair, replace or upgrade all public infrastructure so that it substantially complies with current City standards. This would provide the infrastructure to rectify any water-pressure-related issue resulting from the commercial establishment tapping into the water line that serves the Lydia Lane neighborhood. The development of the Tivoli Specific Plan would require the addition of two wells and new water lines (see Impact M.2 and Mitigation Measure M.2 on pp. IV.M.14-IV.M.16). These infrastructure improvements are expected to improve water pressure on Lydia Avenue.

Response to Comment Z.3

The comment expresses concern that multistory buildings in the proposed MDR and LDR areas near his home would overlook his yard, compromising residents' privacy. The comment notes that the Lydia Lane neighborhood has a deed restriction limiting the height of homes to one story and requests that a similar restriction be placed on the areas immediately to the north and to the east of the neighborhood. As a comment on the Specific Plan, a response to this comment is found in the Response to Comments on the Specific Plan. A response to the issue regarding the location of proposed land uses within the Specific Plan area may also be found in the Response to Comments on the Specific Plan.

Response to Comment Z.4

The comment asks if the Specific Plan calls for sewer lines to be installed along the alley behind the Lydia Lane properties for hook-up rather than at the front of the properties. New public sewer lines are expected to be provided in the existing alleys for Lydia Lane and Jeffery Drive unless there is a better alternative.

Response to Comment Z.5

The comment raises the issue of the safety of the roundabouts proposed for Sylvan Avenue based on experience with the roundabout located in front of the James C. Enochs High School, immediately east of the project site. Roundabouts are safer than conventional intersections and are proven acceptable traffic controls. According to the Insurance Institute for Highway Safety, roundabouts reduce fatality collisions by 80 percent, reduce collisions and injuries by 60 percent, and reduce property damage by 40 percent. The proposed design is consistent with current Federal and State standards.

Response to Comment Z.6

The comment is concerned with the potential traffic circulation problems along Sylvan Avenue near its intersection with Oakdale Road and with Bobs Way, west of Wood Sorrel Drive. As described in the Project Description on p. II.5, “commercial and office buildings and a post office are also located to the south across Sylvan Avenue.” Existing travel patterns were documented through collection of traffic data. This data was collected in May 2005 at over 50 intersections in the project vicinity. The traffic impact assessment analyzes project-related impacts at three different points in time (Year 2012, Year 2017, and Year 2025) at over 50 intersections including the intersection of Sylvan Avenue and Oakdale Road, Sylvan Avenue and Lydia Lane, and Sylvan Avenue and Wood Sorrel Drive. See Section IV.D, Transportation and Circulation, Figure IV.D.1 and Table IV.D.1, on pp. IV.D.5-IV.D.6 for a map and list of the traffic analysis locations. See, respectively, Table IV.D.9, on pp. IV.D.23–IV.D.24; Table IV.D.11, on pp. IV.D.40–IV.D.41; and Table IV.D.13, on pp. IV.D.55–IV.D.56) for project-related impacts on level of service at each of the intersections studied as part of this environmental analysis. See Table IV.D.10, on pp. IV.D.26–IV.D.27; Table IV.D.12, on pp. IV.D.43–IV.D.44; and Table IV.D.14, on pp. IV.D.58–IV.D.59) for project-related impacts on level of service along different roadway segments studied as part of this environmental analysis.

In 2012, the project would result in LOS E at the intersection of Sylvan Avenue and Oakdale Road during the p.m. peak hour and LOS E or F on east- and west-bound segments of Sylvan Avenue between Oakdale Road and Wood Sorrel Drive. Implementation of Mitigation Measure D.1n (add a second eastbound left lane on Sylvan Avenue and third southbound through lane on

Oakdale Road) and Mitigation Measure D.2b (add a second westbound lane on Sylvan Avenue) would reduce these impacts to less-than-significant levels (see p. IV.D.36 and p. IV.D.38, respectively).

In 2017, the project would result in LOS F at the intersection of Sylvan Avenue and Oakdale Road during the p.m. peak hour. There are no project-related impacts on the roadway segment levels of service along Sylvan Avenue, based on improvements included in the project and planned to be implemented by 2017. Implementation of Mitigation Measure D.3p (add a third northbound through lane on Oakdale Road and improve signal timing on the eastbound approach) would reduce the impacts to a less-than significant level (see p. IV.D.51).

In 2025, the project would result in LOS F at the intersection of Sylvan Avenue and Oakdale Road during the a.m. and p.m. peak hours. There are no project-related impacts on the roadway segment levels of service along Sylvan Avenue. Implementation of Mitigation Measure D.5p (add third eastbound and westbound through lanes on Sylvan Avenue, add a separate right-turn lane on Oakdale Road at northbound and southbound approaches, and add fourth northbound and southbound through lanes on Oakdale Road) would reduce the impacts to a less-than-significant level (see p. IV.D.67). This mitigation is not feasible and this impact would remain significant and unavoidable.

In sum, the comment is correct in that traffic conditions are predicted to deteriorate over the long term with development of the Specific Plan and growth elsewhere in and around northeastern Modesto.

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 decisionmakers 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 Z.7

The comment expresses concern with the implementation process and potential impacts on the quality of life. The City would like to underscore that new development must be consistent with the adopted Tivoli Specific Plan, as well as with all aspects of the Specific Plan including the Land Use Diagram, Circulation Plan, Development Standards, and Design Guidelines. Major

amendments to the Specific Plan may be proposed, but they would require consideration and approval by the Planning Commission and City Council. Note that Naraghi Lake is private property and is neither owned nor maintained by the City.