



**CITY OF MODESTO  
PLANNING COMMISSION AGENDA  
MONDAY, FEBRUARY 23, 2026 6:00 PM  
BASEMENT CHAMBERS  
1010 TENTH STREET – MODESTO, CA**

**I. ROLL CALL**

Public Comment will only be in-person. Members of the public who wish to address the Commission, by providing public comment, during the meeting must do so in-person in the Council Chambers. As an alternative, members of the public may also provide written public comment submitted via email as indicated in the Submitting Comments by Email instructions on this agenda. Zoom will still be available for viewing.

Members of the public will be allowed to provide public comment through Zoom if a Commissioner is participating remotely pursuant to the provisions of California Government Code section 54953.8.3.

If a technical issue arises with Zoom or the phone dial-in option, the Planning Commission meeting will continue unless the meeting is being held pursuant to the provisions of Senate Bill 707, California Government Code section 54953.8.3. Alternative viewing options are listed below, and the meeting is physically open to the public.

**Joining the Planning Commission meeting via Zoom**

The City of Modesto is offering the ability to view Planning Commission meetings via telephonic conferencing via “Zoom” video conferencing computer technology. The meeting may be accessed through the use of Zoom using the following options:

- Enter the following link into an Internet Browser <https://modestogov.zoom.us/j/86128333602?pwd=f6VK7ZrbNT3sQ1SNJ5nbbzboryYtPZ.1>
- Enter the following link into an Internet Browser <https://zoom.us/> and using the Webinar ID 861 2833 3602 Password 444640
- To use Zoom, please visit: <https://zoom.us/> and either sign-up for a free Zoom account or continue as a guest. Once you have downloaded the app onto your mobile device, joined from your web browser, or downloaded the Zoom software on your computer you will be ready for the upcoming Commission meeting.

**Submitting Comments by Email**

Written comments may be submitted via email to [planning@modestogov.com](mailto:planning@modestogov.com) (include Agenda Item Number in the subject line). All comments will be shared with the Commission and placed in the record but will not be read aloud during the meeting. Written comments must be received two hours before the meeting.

This Agenda is on file in the Planning Division, 3<sup>rd</sup> Floor, 10th Street Place, on the Posting Board at entry of 10th Street Place, and is available on the City’s Web site at [www.modestogov.com](http://www.modestogov.com).

Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Planning Division during normal business hours. Such documents are also available online, subject to staff’s ability to post the documents before the meeting, at the following website <https://modestogov.com/AgendaCenter>.

In accordance with the requirements of Title II of the Americans with Disabilities Act (“ADA”) of 1990, the Fair Employment & Housing Act (“FEHA”), the Rehabilitation Act of 1973 (as amended), Government Code section 11135 and other applicable codes, the City of Modesto (“City”) will not discriminate against individuals on the basis of disability in the City’s services, programs, or activities. For more information, please visit the City of Modesto website at <https://www.modestogov.com/865/Americans-with-Disabilities-Act-ADA>.

## II. PUBLIC COMMENT PERIOD

Three-minute time limit per speaker.

Only interested persons in the audience may present these matters. Under State law, Commissioners may respond to matters being presented under this item only as follows:

- a. Briefly respond to statements made or questions raised.
- b. Ask a question for clarification.
- c. Provide a reference to staff or other resources for factual information.
- d. Request staff to report back at a subsequent meeting.
- e. Finally, a Commissioner or the Planning Commission itself may take action to direct staff to place a matter of business on a future agenda.

## III. APPROVAL OF MINUTES

Minutes of the regular meeting of January 26, 2026.

## IV. CONFLICT OF INTEREST DECLARATION

Committee Members and staff may now declare conflicts of interest related to any item on the agenda.

## V. CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Committee Member. Unless withdrawn from consent, items are approved at one time.

- Item A     Consider recommending the 2025 General Plan Annual Progress Report and forwarding to Council for approval. (Funding Source: General Fund)  
Contact Info: Edwin Borquez, 577-5267, [eborquez@modestogov.com](mailto:eborquez@modestogov.com)

## VI. PUBLIC HEARING

*Published in the Modesto Bee February 1, 2026*

- Item B     Hearing to consider an amendment to the Land Use Element of the General Plan and two amendments to the Land Use Diagram of the Tivoli Specific Plan, together with new Tivoli Area Plans No. 1 and No. 4, Final Development Plans and Vesting Tentative Subdivision Maps for “Tivoli Mable”, “Tivoli Alves” and “Tivoli Peregian” and a proposed amendment to the land use element of the General Plan cleanup and reconciliation of the general plan RSC and LDR land use designation to allow for the proposed project in properties located east of Oakdale road and south of future Claratina Avenue.. (Funding Source: Application Fees)  
Contact Info: Kathrine Martin, 577-5267, [kamartin@modestogov.com](mailto:kamartin@modestogov.com)

VII. OTHER BUSINESS

VIII. MATTERS TOO LATE FOR THE AGENDA

These may be presented by members of the Planning Commission and staff, upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that: 1) there is a need to take immediate action, and 2) that the need for action came to the City's attention after the agenda was posted.

IX. ADJOURNMENT

Copies of the agenda are on file at the in the office of the Planning Division, Third Floor, 1010 Tenth Street, Modesto, CA., and online at <https://www.modestogov.com/AgendaCenter/Planning-Commission-11>.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Commission Secretary at 209.577.5267. Assistive listening devices are available upon request to the Planning Commission Secretary. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. In accordance with the requirements of Title II of the Americans with Disabilities Act ("ADA") of 1990, the Fair Employment & Housing Act ("FEHA"), the Rehabilitation Act of 1973 (as amended), Government Code section 11135 and other applicable codes, the City of Modesto ("City") will not discriminate against individuals on the basis of disability in the City's services, programs, or activities. For more information, please visit the City of Modesto website at <https://www.modestogov.com/865/Americans-with-Disabilities-Act-ADA>

Notice: Persons who wish to speak to the Planning Commission regarding any item on the printed agenda, including oral communications, are encouraged to please submit your comment, to the Recording Secretary at [planning@modestogov.com](mailto:planning@modestogov.com). All comments will be shared with the Commission and placed in the record. Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations.

Posted pursuant to Government Code Section 54954.2 on \_\_\_\_\_ at \_\_\_\_\_

by \_\_\_\_\_ on the bulletin board at Tenth Street Place.

**LIST OF INVOLVED PARTIES FOR THE PLANNING COMMISSION  
AGENDA OF FEBRUARY 23, 2026**

At the Commission's request, staff has compiled a list of persons having a personal/financial interest in the matters contained in the accompanying agenda report to help identify potential conflicts of interest.

**ITEM A                    Consider recommending the 2025 General Plan Annual Progress Report and forwarding to Council for approval. (Funding Source: General Fund)**

Relationship                    Name/Address

Applicant                    City of Modesto, 1010 10<sup>th</sup> Street, Modesto, CA 95354

**ITEM B                    Hearing to consider an amendment to the Land Use Element of the General Plan and two amendments to the Land Use Diagram of the Tivoli Specific Plan, together with new Tivoli Area Plans No. 1 and No. 4, Final Development Plans and Vesting Tentative Subdivision Maps for "Tivoli Mable", "Tivoli Alves" and "Tivoli Paregian" and a proposed amendment to the land use element of the General Plan cleanup and reconciliation of the general plan RSC and LDR land use designation to allow for the proposed project in properties located east of Oakdale road and south of future Claratina Avenue.. (Funding Source: Application Fees)**

Relationship                    Name/Address

Applicant /  
Owner                    Mabel Avenue Properties, Michael Zagaris, 1120 Scenic Drive, Modesto, CA 95350  
Representative                    Westwood Professional Group, Mike Persak, 1165 Scenic Drive, Modesto, CA 95350

City of Modesto Planning Commission

**Minutes**

January 26, 2026

Being the hour of 6:00 pm, the meeting was called to order by Vice Chairperson Russell.

**I. ROLL CALL**

Commissioners Arroyo, Black, Goriel, Grewal, Hauselmann, and Russell present

Commissioners Shanks absent

It was moved by Commissioner Goriel, seconded by Commissioner Grewal, and carried unanimously (6-0) that Commissioner Shanks be excused from this meeting.

**II. APPROVAL OF MINUTES**

It was moved by Commissioner Grewal, seconded by Commissioner Goriel, and carried unanimously (6-0) that the minutes of the regular meeting of January 5, 2026, be approved.

**III. PUBLIC COMMENT PERIOD**

None.

**IV. CONFLICT OF INTEREST DECLARATION**

None.

**V. CONSENT**

None.

**VI. PUBLIC HEARINGS**

**Item A** Hearing to consider an amendment of Area Plan No. 6 of the Tivoli Specific Plan and approve a Tentative Subdivision Map to divide a 21.15-acre portion of Area Plan No. 6 into 99 standard single-family residential lots. (APNs 083-004-008, 083-004-043, 083-004-044, 083-004-072) (Funding Source: Application Fees) Contact Info: Radha Hayagreev, 209-577-5267 [rhayagreev@modestogov.com](mailto:rhayagreev@modestogov.com)

**Motion/Action (Approved)**

It was moved by Commissioner Arroyo, seconded by Commissioner Grewal, and carried unanimously (Arroyo, Black, Goriel, Grewal, Hauselmann, Russell, ayes; None, noes; Shanks, absent; None, recused) that the Planning Commission adopt **Resolution No. 2026-04 RESOLUTION APPROVING THE AMENDMENT TO AREA PLAN NO. 6 OF THE TIVOLI SPECIFIC PLAN, FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF ROSELLE AVENUE AND SYLVAN AVENUE (TESORO HOMES, INC.)**

**Motion/Action (Approved)**

It was moved by Commissioner Arroyo, seconded by Commissioner Grewal, and carried unanimously (6-0) (Arroyo, Black, Goriel, Grewal, Hauselmann, Russell, ayes; None, noes; Shanks, absent; None, recused) that the Planning Commission

adopt **Resolution No. 2026-05** RESOLUTION APPROVING THE TENTATIVE SUBDIVISION MAP FOR BELCONTE AT TIVOLI (TESORO HOMES, INC.)

**VII. OTHER BUSINESS**

None.

**VIII. MATTERS TOO LATE FOR THE AGENDA**

Recording Secretary announced to the Commission City Staff will be reaching out to schedule briefings on the General Plan Update 2050.

**XI. ADJOURNMENT**

The meeting was adjourned at 6:29 pm.

Original, signed copy on file in CEDD

Michael Hren, AICP, Secretary

 <p style="text-align: center;"><b>CITY OF MODESTO</b> <b>COMMITTEE AGENDA REPORT</b></p>	<p style="text-align: center;"><b>DATE OF MEETING:</b> February 23, 2026</p>
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Date: February 18, 2026

TO: Chairperson Shanks and Members of the Planning Commission

THROUGH: Jessica Hill, Community and Economic Development Director

FROM: Michael Hren, Principal Planner [mhren@modestogov.com](mailto:mhren@modestogov.com), 209-577-5273

SUBJECT: 2025 General Plan Annual Progress Report

CONTACT: Edwin Borquez, Associate Planner [eborquez@modestogov.com](mailto:eborquez@modestogov.com), 209-571-5516

**DESCRIPTION:**

Consider recommending the 2025 General Plan Annual Progress Report and forwarding to Council for approval. (Funding Source: General Fund)

**STRATEGIC PLAN ELEMENT:**

This item supports the City of Modesto’s 2025-2026 Strategic Plan, Goal D: Provide Safe, Efficient, and Reliable Infrastructure through proactive community investment, maintenance, and sustainability efforts.

**BACKGROUND:**

California Government Code Section 65400(a)(2) requires that public agencies prepare a General Plan Annual Progress Report. The 2025 General Plan Annual Progress Report provides updates regarding the status of the Urban Area General Plan and progress toward its implementation, including the degree to which Modesto has met its share of regional housing needs allocation through production of housing. A jurisdiction is required to provide this annual report to its legislative body (City Council), the California Office of Land Use and Climate Innovation (LCI), and the Department of Housing and Community Development by April 1 of each year.

**DISCUSSION:**

The General Plan includes goals and policies against which proposed projects are analyzed, and it identifies necessary actions to be taken to achieve the overall vision for the community. The 2025 General Plan Annual Progress Report includes major implementation activities that occurred during the calendar year. The 2025 General Plan Annual Progress Report includes reporting for progress pertaining to the City’s Housing Element, which is one of nine required general plan elements. The State of California Housing and Community Development Department (HCD) requires municipalities submit information that allows HCD to track any impediments to the construction of new housing that may exist and to monitor progress toward satisfaction of statewide housing needs and

goals. New forms have been added in recent years for the reporting on other State housing goals as requirements change. The State requires that all annual reporting be submitted prior to April 1st each year.

**FISCAL IMPACT:**

Staff costs associated with the preparation of the General Plan Annual Progress Report are included in the General Fund budget. Submittal of the report to the State ensures that the City of Modesto is eligible for certain grant funding opportunities.

**CEQA/NEPA REQUIREMENTS:**

The review and comment on the 2025 General Plan Annual Progress Report is statutorily exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), the general rule that CEQA only applies to actions that have the potential to cause a significant impact on the environment.

**RECOMMENDED PLANNING COMMISSION ACTION:**

**Staff Recommendations:**

Resolution recommending the 2025 General Plan Annual Progress Report and forwarding to Council for approval.

**Attachments:**

1. Planning Commission Resolution
2. 2025 General Plan Annual Progress Report

**PLANNING COMMISSION  
RESOLUTION NO. 2026-XX**

**RESOLUTION RECOMMENDING THE 2025 GENERAL PLAN ANNUAL  
PROGRESS REPORT AND FORWARDING TO COUNCIL FOR APPROVAL**

WHEREAS, California Government Code Section 65400(a)(2) requires that local governments prepare an Annual Progress Report regarding General Plan implementation, including matters related to meeting the applicable share of regional housing needs (California Government Code Section 65584); and

WHEREAS, the 2025 General Plan Annual Progress Report provides updates regarding the status of the Urban Area General Plan and progress toward its implementation, including the degree to which Modesto has met its share of regional housing needs allocation through production of housing; and

WHEREAS, the 2025 General Plan Annual Progress Report includes major implementation activities that occurred during the calendar year; and

WHEREAS, the 2025 General Plan Annual Progress Report includes reporting for progress pertaining to the City's Housing Element, which is one of nine required general plan elements; and

WHEREAS, the State of California Housing and Community Development Department (HCD) requires municipalities submit information that allows HCD to track any impediments to the construction of new housing that may exist and to monitor progress toward satisfaction of statewide housing needs and goals; and

WHEREAS, the State has recently required that all annual reporting be submitted prior to April 1st each year.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Modesto that it hereby recommends that the City Council accept the 2025 General Plan Annual Progress Report.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the City Council authorize Staff to submit the 2025 General Plan Annual Progress Report to the State of California.

The foregoing resolution was introduced at a regular meeting of the Planning Commission of the City of Modesto held on the 23rd day of February, 2026, by Commissioner \_\_\_\_\_, who moved its adoption, which motion being duly seconded by Commissioner \_\_\_\_\_, was upon roll call carried and the resolution adopted by the following vote:

Ayes:  
Noes:  
Absent:  
Recused:

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD  
Michael Hren, AICP Secretary



# MODESTO

CALIFORNIA

2025 General Plan Annual Report General Plan Annual Report

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## **I. INTRODUCTION**

### **A. Purpose of the Annual Report**

This Annual Report on the Modesto Urban Area General Plan (Annual Progress Report) has been prepared pursuant to California Government Code Section 65400(a)(2) and covers activities for calendar year 2025. The purpose of this report is to update the Planning Commission, the City Council, the Governor's Office Land Use and Climate Innovation (LCI), formerly known as the Office of Planning and Research (OPR), and the State Department of Housing and Community Development (HCD) regarding the City's progress in implementing the General Plan, including progress toward accommodating its regional housing needs.

The Annual Report helps citizens and City officials review progress toward achieving the goals and objectives contained within the General Plan. It also provides the means to monitor the success of implementing the General Plan and to determine whether changes need to be made to the General Plan or its implementation programs.

### **B. Purpose of the General Plan**

The General Plan is a comprehensive statement of the City's goals and policies and how they will be achieved over time. Policies and programs in the General Plan provide guidance to the public, staff, and decision-makers on development issues. The General Plan provides guidance for making day-to-day decisions. The General Plan is adopted by the City Council after considering recommendations by citizens, public agencies, advisory bodies, and City staff.

## **II. OVERVIEW OF GENERAL PLAN STATUS WITH STATE GENERAL PLAN GUIDELINES**

Section 65400 of the Government Code requires jurisdictions to include the degree to which the approved General Plan complies with the State of California General Plan Guidelines (Guidelines) in the Annual Report. The Guidelines outline the general framework for preparation and revision of a General Plan, Attorney General Opinions, and the relationship of the General Plan to CEQA requirements. The Guidelines describe elements that are mandatory for all General Plans (see following paragraph). In general, however, the Guidelines are advisory rather than prescriptive, thus preserving opportunities for local jurisdictions to address contemporary planning topics in a locally appropriate manner. Planning Division staff reviewed the Guidelines and determined that the Modesto General Plan meets the requirements set forth therein.

The California Government Code requires that general plans include eight basic elements: Land Use, Circulation, Housing, Safety, Noise, Conservation, Open Space, and Environmental Justice. San Joaquin Valley cities must also include an Air Quality Element in their General Plans. Elements for other topics of local

concern may be included at the discretion of the local agency. The table below shows where in the Modesto General Plan each required element is found.

**Table II-1: Correspondence Between General Plan and State-Mandated Elements**

Element	Chapter III Community Development	Chapter IV Housing	Chapter V Transportation	Chapter VI Community Facilities and Services	Chapter VII Environmental Resources, Open Space, and Conservation
Air Quality	x		x		x
Circulation			x	x	
Conservation	x		x		x
Housing		x			
Land Use	x				
Noise					x
Open Space					x
Safety					x
Environmental Justice	x	x	x		

Modesto’s General Plan was adopted in 1995, with a 2025-time frame or “horizon year.” The most substantial general plan amendments since 1995 were reported in Modesto’s previous General Plan Annual Reports; such projects that remain in progress as of this writing are shown below. The 2010 General Plan Amendment, adopted on March 5, 2019, was a major update to the Modesto Urban Area General Plan, including substantial new and revised transportation and land use policies. The new horizon year for the general plan is 2050.

**Programmatic Environment Impact Report (PEIR)**

The Programmatic Environment Impact Report (PEIR) for the General Plan was last certified on June 10, 2025. The PEIR is a comprehensive analysis of environmental impacts related to the growth anticipated in the General Plan. The PEIR provides a substantial benefit for development projects that are described in the General Plan, facilitating streamlined environmental review.

City staff continues to implement the Programs listed in the Housing Element of the General Plan and is in the draft stage of an amendment that would update the Zoning Ordinance to implement several programs, including Programs A-12 Incentives Beyond Density Bonus State Law, A-15 SB-9 Ordinance and Processing/Incentives, and E-4 Displacement Prevention.

### III. IMPLEMENTATION OF THE GENERAL PLAN

The City of Modesto continues to actively implement policies of the General Plan including the goals, policies, and programs of the Housing Element. The following represents the progress the City has made towards implementing the General Plan and Housing Element goals and policies during 2025.

#### **Community Development Policies (General Plan Chapter III)**

**Specific Plan Process:** Staff has updated the application materials for Specific Plans, allowing for flexibility in the submittal requirements on a case-by-case basis, allowing for an applicant to move forward with a more customized process that fits the scope and character of their proposal while still giving the City the adequate tools to ensure that future planning is being performed. Staff has created new processes for smaller-scale development that does not have enough impact to justify the requirement of a Specific Plan. For projects under 10 acres, applicants can create a Pinpoint Plan that narrows the scope down to primarily the site of development in question. For projects of 10 acres and above, a Focused Plan that has a wider scope, that of the connection between the proposed project and the surrounding Comprehensive Planning District, is now an option. The City of Modesto is also funding a Specific Plan for the Tivoli North development, an area with a high degree of developer interest that could result in the annexation of significant acreage and creation of a high volume of new housing options for Modestans. First draft of EIR and we are proceeding with Specific Plan.

#### **Downtown Program Updates**

**Downtown Partnership Program:** The City is working with community groups, developers, business owners, citizens, and other stakeholders to create an improved program for the downtown area. The program coordinates downtown management and operations and addresses the full range of issues that contribute toward a successful downtown, including policing and security, transportation and parking, entertainment and nightlife, marketing, special events, and fees.

- Specific downtown improvement programs have been funded and continued to fund:
  - Technical studies for the proposed Quiet Zones (Zones) are underway, with diagnostic review team meetings with transportation agencies expected to take place in 2025 to finalize the required safety improvements necessary to qualify for quiet zone status. These Zones, proposed at downtown at-grade rail crossings, will improve the quality of life in the under-resourced downtown census

tract and support the coming ACE Rail service to the Bay Area, Sacramento and Central Valley destinations.

- A public/private partnership with Visionary Builders to develop 79 affordable housing units with 5,000 square feet of commercial at 7<sup>th</sup> and J Street will anchor a revitalization of this south downtown neighborhood. The developer secured the final portion of funding towards the end of 2024, and construction of this groundbreaking mixed use affordable housing development is expected to begin in the fall of 2025.
- The Camp2Home program is a model for breaking the cycle of homelessness with outreach, shelter, transitional and permanent housing and job training and employment.
- Several security improvements have taken place downtown, all with the goal of the area becoming a regional destination. Improvements include: the placement of additional security cameras, increased police focus on organized retail theft; and improved downtown lighting.
- On July 2025, the City of Modesto was awarded a \$508,500 grant from the Fiscal Year 2025-2026 Caltrans Sustainable Transportation Planning Grant to fund the Downtown Modesto Multimodal Transportation Network and Land Use Compatibility Action Plan (“Plan”). The Plan will create a coordinated, equity-focused framework to improve multimodal transportation connectivity and land use compatibility in Downtown Modesto, centered on the new Modesto Transportation Center and future Altamont Commuter Express (ACE) Valley Rail service. The Plan targets some of the City’s most disadvantaged communities, which face high rates of poverty, low vehicle access, and limited connectivity to jobs, healthcare, housing, and regional destinations.
  - The goal of this project is to advance transportation equity and economic opportunity by reducing automobile dependence, improving access to regional transit, and supporting transit-oriented development (TOD) that benefits existing residents while mitigating displacement. The Plan will position Downtown Modesto and surrounding neighborhoods for sustainable growth, increased transit ridership, and future infrastructure, housing and economic investment.

***Downtown Master Plan:*** The City of Modesto prepared a Downtown Master Plan to build on recent initiatives to develop downtown Modesto to its true

potential. The Master Plan aims to identify improvements to public space, street design, and infrastructure; and proposes new uses and economic development strategies. The Master Plan defines a set of design principles, identifies key opportunity sites, and establishes design guidance and implementation recommendations to guide future downtown development.

- The Tuolumne Gateway Park project will improve connection between downtown and southwest Modesto while supporting more river recreation with a new boat ramp, overlook boardwalk near the 9<sup>th</sup> Street bridge, and class 1 bike trails.
- Pedestrian and bike accessibility to downtown will be expanded with Phase 7 extension of the Virginia Corridor north to Union Avenue. The City is currently seeking proposals from qualified firms for the development of engineering designs required by this project.
- The Southwest Modesto Plan is intended to establish a vision for the future of Southwest Modesto, with a focus on enhancing opportunities for redevelopment. This plan was formally approved by City Council in 2024 and continues to serve as a guide for improvement of the Southwest Modesto community.
- The City of Modesto's Revolving Loan Fund (RLF) provides strategic financing to support local small business growth, property beautification, and economic development. Administered in partnership with Valley First Credit Union, the fund offers low-interest loans, often at rates significantly below the prime rate, for activities such as equipment purchases, building expansion, and facade improvements. As borrowers repay their loans, the capital goes back into the fund to provide new financial assistance to other entrepreneurs in the community.
- Bike to Farmer's Market

### **Housing (General Plan Chapter IV)**

See Chapter IV. Housing Element Report.

### **Transportation (General Plan Chapter V)**

**9<sup>th</sup> Street Corridor Improvement Project:** The 9<sup>th</sup> Street Corridor Improvement project is currently being constructed, the limits of the project are Carpenter Road to L Street. These improvements will provide safety for bicyclists, pedestrians and vehicular traffic along the 9<sup>th</sup> Street Corridor and will accommodate all modes of travel into Downtown Modesto. The scope of work includes the installation of sidewalks to fill gaps; installation of bike paths, landscaping,

lighting, pedestrian crossings with refuge islands, installation of bus stops, curb extensions and median islands. This project also includes the installation of roundabouts at the intersections of Carver Road, Tully Road and Needham Avenue, all work to occur within City of Modesto right-of-way.

**Signal Timing Project:** The City has secured funding through the federal Congestion Mitigation and Air Quality Improvement program to assess and synchronize traffic signals outside the Downtown. Periodically the City performs an in-depth review of traffic data and traffic signal performance and makes operational updates to signal timing. This is a system-wide update to optimize signal performance based on daily travel trends.

**ACE Station Planning:** Passenger rail service is expected to be available by 2026.

In addition, City staff continues to work to facilitate future passenger rail service being re-established in downtown Modesto by participating in regional rail meetings associated with projects intended to extend the Altamont Corridor Express (ACE) service to Modesto and eventually Merced.

## **Community Facilities and Services (General Plan Chapter VI)**

### **Water Policies**

The 2020 Joint Urban Water Management Plan (UWMP) was adopted by City Council in June 2021. The 2025 UWMP will kick off in 2025 and is due by July 1, 2026. The Modesto Water Conservation Plan and Water Shortage Contingency Plan also were updated with the 2020 UWMP and will be updated with the 2025 UWMP effort. The City submitted to the State its required Annual Water Supply and Demand Report in June 2025 and its Annual Water Loss Audit Report Validation in December 2025. These reports show that Modesto has adequate water supply to meet its expected water demands for the year and that the City is managing its water losses and working to reduce losses where practical.

City Utilities staff completed a Well Strategy Plan in Jan 2025 that updated our criteria and methodology for prioritizing wells for rehabilitation or replacement to keep our ability to pump groundwater supplies for the City's current and future needs. In addition, Utilities staff have continued the annual water system strengthen-and-replace program to replace and upsize old, leaking water pipes resulting in improved performance and efficiency of the water system. The City, as part of two Groundwater Sustainability Agencies (GSA's), also submitted revised Groundwater Sustainability Plans (GSP's) in 2024 to address comments from the State and received letters of completeness on these Plans showing that the groundwater aquifers have plans in place to manage groundwater supplies sustainably. These GSP's will initiate five-year updates by 2026 which are due January 2027 and the GSA's also submit required annual groundwater level reports every April.

The City's residential water meter installation program is 100% complete which meets the 2025 State-mandated deadline for metering requirements. The effort to develop a program to replace/update all existing water meters with Advanced Metering Infrastructure (AMI) technology is on hold pending a review of budget priorities of other large dollar projects. This project would allow the City to collect more data on water demand, notify customers sooner of potential leaks, and provide customers with more timely information on their water use. For 2026, the City expects to transition into the construction phase of a design-build project to update its Supervisory Control And Data Acquisition (SCADA) systems for water, wastewater, and stormwater operations. This will provide systems operations crews and decision-makers with a more efficient and reliable data management and communications platform in which to access and operate various utilities facilities.

## **Environmental Resources, Open Space and Conservation (General Plan Chapter VII)**

### **Noise Policies**

Noise policies continue to be implemented through conditions of approval, contracting requirements, and recommending changes to developments that may impact sensitive receptors located in noise-incompatible areas. These areas are identified by noise contours in the General Plan. Construction mitigation is applied either as a condition of approval or as a term of construction contracts with the City.

#### IV. HOUSING ELEMENT REPORT

This section of the Annual Report describes the actions taken by the City toward completion of the programs in the Housing Element, including information regarding the development of housing at various income levels.

##### **Planning Application Received in 2025**

Planning-related entitlements and development permits must be deemed consistent with the General Plan to be approved. The Planning Commission and City Council conduct public hearings to weigh the merits of development proposals as they affect the implementation and integrity of the General Plan. A summary of 2025 planning applications and efforts is provided on Table IV-1 below.

**Table IV-1: Planning Applications Received in 2025**

<b>Planning Applications</b>	<b>Received 2025</b>
COMMERCIAL	36
CURRENT PLANNING	210
INDUSTRIAL	3
INSTITUTIONAL	6
MIXED USE	5
PLANNING PROCESS	1
RESIDENTIAL	26
<b>Total</b>	<b>287</b>

In addition to the applications summarized above, planning staff reviewed business licenses, conducted plan check reviews to ensure Zoning Code compliance for proposed business, improvements, and new construction, prepared zoning verification letters and responded to customer inquiries on the phone and public counter. Additionally, during 2025, staff worked on a variety of tasks related to General Plan implementation, including:

- General Plan Update was partially paid by REAP funding.
- Drafting an Agricultural Mitigation Policy
- Pre-application meetings with many developers interested in new Specific Plan Areas in the City of Modesto
- Streamlining the development process, including conversion to a fully-digitally capable application process.
- Zoning Omnibus Update.
- Establishment of Pre-App Express to streamline development.

**Table IV-2: 2025 Residential Building Permit Activity (Issued Permits)**

Single-Family Units	81
Multi-Family Units	293
Accessory Dwelling Units	112
(Units Destroyed or Demolished)	5
Annexed Units	0
<b>Net Total</b>	<b>491</b>

**6th Cycle (2023-2031) Housing Element Implementation**

Pursuant to Government Code Section 65400, the City is required to prepare an annual report on the status and progress in implementing the City's 6<sup>th</sup> Cycle (2023-2031) Housing Element using forms and definitions adopted by the Department of Housing and Community Development (HCD). While not attached, pertinent data from these forms is shared in the tables, below. Pursuant to Government Code 65400(a)(2)(B)(i)(I), the City must provide the progress in meeting its share of regional housing need for the sixth and previous revisions of the housing element. As such, the table for the 5<sup>th</sup> Cycle Housing Element is also provided below.

**Table IV-3a: Modesto 5<sup>th</sup> Cycle Housing Element Regional Housing Needs Allocation (RHNA) Progress**

Income Level		RHNA Allocation by Income Level	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	1,546	-	-	-	-	-	103	-	14	29	146	1,400
	Non-Deed Restricted		-	-	-	-	-	-	-	-	-		
Low	Deed Restricted	991	-	50	-	5	-	-	-	1	12	277	714
	Non-Deed Restricted		-	-	-	1	5	10	193	-	-		
Moderate	Deed Restricted	1,100	-	-	-	-	-	-	-	-	-	402	698
	Non-Deed Restricted		-	56	3	87	130	27	97	-	2		
Above Moderate		2,724	18	150	137	120	159	442	109	486	246	1,867	857
<b>Total RHNA</b>		<b>6,361</b>											
<b>Total Units</b>			<b>18</b>	<b>256</b>	<b>140</b>	<b>213</b>	<b>294</b>	<b>582</b>	<b>399</b>	<b>501</b>	<b>289</b>	<b>2,692</b>	<b>3,669</b>

**Table IV-3b: Modesto 6th Cycle Housing Element RHNA Progress**

Income Level		RHNA Allocation by Income Level	Projection Period - 06/30/2023-12/30/2023	2023	2024	2025	2026	2027	2028	2029	2030	2031	Total Units to Date (all years)	Total Remaining RHNA by Income Level
Very Low	Deed Restricted	2,807	7	-	-	-	-	-	-	-	-	-	49	2,758
	Non-Deed Restricted		-	-	42	-	-	-	-	-	-	-		
Low	Deed Restricted	1,943	-	-	143	-	-	-	-	-	-	-	152	1,791
	Non-Deed Restricted		-	-	9	-	-	-	-	-	-	-		
Moderate	Deed Restricted	1,981	-	-	-	-	-	-	-	-	-	-	2	1,979
	Non-Deed Restricted		2	-	-	-	-	-	-	-	-	-		
Above Moderate		4,517	89	-	195	-	-	-	-	-	-	-	284	4,233
Total RHNA		11,248												
Total Units			98	-	389	-	-	-	-	-	-	-	487	10,761
Progress toward extremely low-income housing need, as determined pursuant to Government Code 65583(a)(1).														
		5											6	7
		Extremely low-Income Need		2023	2024	2025	2026	2027	2028	2029	2030	2031	Total Units to Date	Total Units Remaining
Income Units*		1,404		-	42	-	-	-	-	-	-	-	42	1,362

**Stanislaus County Income Categories**

The Department of Housing and Community Development (HCD) publishes annual tables of official federal and State income limits for a variety of programs. State limits are based on federal limits set and periodically revised by the U.S. Department of Housing and Urban Development (HUD). HUD’s limits are based on surveys of local area median income (AMI). These income limits are identified in Chapter IV of the General Plan, and are updated in Table IV-2 below, using the “State Income Limits for 2025” memorandum published by the State Department of Housing and Community Development on April 23, 2025.

**Table IV-4: 2025 Stanislaus County Income Categories**

Category	Definition	Income Range
Household Median Income		\$98,500
Acutely low income	Up to 15% of median	Up to \$14,775
Extremely Low Income	16% to 30% of median	\$14,776 to \$29,550
Very Low Income	31% to 50% of median	\$29,551 to \$49,250
Low Income	51% to 80% of median	\$49,251 to \$78,800
Moderate	81% to 120% of median	\$78,801 to \$118,200
Above Moderate	More than 120% of median	More than \$118,200

Source: U.S. Department of Housing and Urban Development (income ranges for family of four) and California Department of Housing and Community Development

**Table IV-5: 2025 Stanislaus County Household Income Limits**

Stanislaus County Area Median Income: \$98,500	Acutely Low	10350	11850	13300	14800	16000	17150	18350	19550
	Extremely Low	20700	23650	26650	32150	37650	43150	48650	54150
	Very Low Income	34500	39400	44350	49250	53200	57150	61100	65050
	Low Income	55200	63050	70950	78800	85150	91450	97750	104050
	<b>Median Income</b>	68950	78800	88650	<b>98500</b>	106400	114250	122150	130000
	Moderate Income	82750	94550	106400	118200	127650	137100	146550	156000

Source: California Department of Housing and Community Development, April 2025.

**AB 2580**

Government Code Section 65400 was amended by AB 2580 to require additional items in the annual General Plan Progress Report. This includes a list of all historic designations listed on the National Register of Historic Places, the California Register of Historic Places, or a local register of historic places by the City in the past year, and the status of any housing development projects proposed for the new historic designations, including all of the following:

- (i) Whether the housing development project has been entitled
- (ii) Whether a building permit has been issued for the housing development project
- (iii) The number of units in the housing development project

The City of Modesto did not have any designations to the National, California, or local registers of historic places in 2025.

The General Plan Progress Report must also specify the number of units approved and disapproved within each opportunity area. In the 2025 year, no units were approved or disapproved on opportunity sites in the City of Modesto.

The progress in meeting the City’s share of regional housing need for the sixth and previous revisions of the Housing element are shown above, in Table IV-3.

**Other Housing Element Related Implementation Activities.**

***ADU Revolving Loan Fund:***

The City has formally committed to a practical financial framework by approving \$450,000 for an ADU Revolving Loan Fund as part of the Fiscal Year 2026-2027 budget. This investment is designed to turn the theoretical benefits of Accessory Dwelling Units into a tangible reality for local homeowners.

To ensure this capital is managed effectively, the City has partnered with Valley First Credit Union (VFCU). This collaboration was a strategic choice based on several factors:

- **Local Roots:** Headquartered in Modesto since 1949, VFCU has a deep-seated understanding of the local economic landscape.
- **Proven Track Record:** They possess extensive experience in tailoring loan programs specifically for Modesto residents.
- **Mission Alignment:** VFCU's core mission focuses on providing financial products to low- and moderate-income individuals and disadvantaged communities—the very populations these ADU initiatives aim to support.

Ultimately, this partnership serves as a key implementation step for the 6th Cycle Housing Element, specifically satisfying the requirements of Program D-7 (as detailed in Table 100). By bridging the gap between housing policy and accessible financing, the City continues to move toward its long-term goals for community density and affordability.

Additionally the City of Modesto has continued in the partnership with the cities of Ceres, Modesto, Oakdale, Riverbank, Turlock, and Waterford, Stanislaus County contracted with TPH Architects to develop complete, pre-approved Accessory Dwelling Unit (ADU) building plans that are available, free of charge, for property owners living in any of the partner jurisdictions; this is to help streamline the permitting process and reduce costs for property owners to add ADUs to their properties.

***City of Modesto Housing Plan:*** The Modesto Housing Plan (Plan) is a study to determine how best to increase and diversify Modesto's housing stock. The Plan examines: existing housing choices, affordability, unmet housing needs, and trends; identifies the types of places in the city and the typical lot sizes in these areas. Additionally, housing types (appropriate to each type of place) are identified and illustrated. These housing types were tested (on representative lots) for financial feasibility, compatibility with neighborhood character and whether existing regulations would prevent or hinder their development. The plan concludes by providing zoning and policy recommendations that can inform future updates to the General Plan Land Use Map, Housing Element and Zoning Code.

Highlights of City actions this year include:

Dignity Village

- Dignity Village Modesto encompasses forty-two (42) bridge housing units for the unhoused population with an aim to transition them to permanent supportive housing. This project is currently under construction and will be complete by April 2025 was completed March 2025.

#### Jenny's Place

- The City of Modesto's Homekey funding supported the development of a 54-unit permanent supportive housing facility, including 38 units dedicated to youth and 16 units serving the general homeless population. Jenny's Place was completed in May 2025, has reached full occupancy, and served 62 individuals through December 2025.

#### El Capitan

- The El Capitan Homekey+ project consists of the acquisition and rehabilitation of the motel located at 1121 Needham Street in Modesto to create 48 fully furnished studio units and one staff unit serving individuals earning 30% of the Area Median Income (AMI). The development will provide 24 permanent supportive housing units for individuals experiencing or at risk of homelessness who have a behavioral health condition, and 24 units reserved for veterans with similar needs. The project is expected to break ground early 2026.

#### 7th Street Village

- The City of Modesto received final funding needed for 7th Street Village, a seventy-nine (79) unit mixed-use affordable housing project complete with a leasing office, community center, and a Head Start Program. The project is expected to break ground early 2026.

#### Grace Gardens

- The City, in partnership with the Modesto Gospel Mission, is funding the Grace Gardens project, which provides 12 bridge housing units. Construction was completed by July 2025, and the project has served 15 individuals through December 2025.

#### HopeWorks

- The City, in partnership with Modesto Gospel Mission and United Way launched HopeWorks in November of 2025 in response to the closure of Downtown Streets Team. This is a job-training program for individuals experiencing homelessness who will access case management support while working towards self-sufficiency. With 68 part-time employee slots, this project had the first litter abatement shift in mid-January 2026, removing 1,800 pounds of trash in the first week of operation.

#### Encampment Resolution Fund (ERF)

- With a goal of resolving homelessness for 140 individuals experiencing unsheltered homelessness within the City of Modesto, ERF has three key components, outreach, shelter, and rapid re-housing. CHAT facilitates the outreach component, engaging individuals and linking them to shelter. Salvation Army Berberian Shelter has 30 beds for CHAT referrals, and Modesto Gospel Mission Grace Gardens has 12 Bridge Housing units. The City is working to identify a service provider to complete the rapid re-housing component of this project.



**CITY OF MODESTO  
COMMITTEE AGENDA REPORT**

**DATE OF MEETING:**

February 23, 2026

Date: December 24, 2025

TO: Chairperson Shanks and Members of the Planning Commission

THROUGH: Jessica Hill, Community and Economic Development Director

FROM: Radha Hayagreev, Principal Planner

SUBJECT: Proposed entitlement review for the following for Tivoli Alves, Tivoli Mable, and Tivoli Paregian: (1) two amendments to Tivoli Specific Plan Amendments; (2) two new Area Plans; (3) three vesting tentative subdivision maps; (4) three Final Development Plans; and (5) a proposed amendment to the land use element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

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Radha Hayagreev, Principal Planner, 209-577-5267

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**DESCRIPTION:**

Hearing to consider the following for Tivoli Mable (Mable), Tivoli Alves (Alves), and Tivoli Paregian (Paregian) applications: (1) two amendments to the Land Use Diagram of the Tivoli Specific Plan; (2) new Tivoli Area Plans No. 1 and No. 4; (3) three vesting tentative subdivision maps (tentative maps); (4) three final development plans; and (4) a proposed amendment to the Land Use Element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan. (Funding Source: Application Fees)

**STRATEGIC PLAN ELEMENT:**

The recommended action supports the City's 2025-26 Strategic Plan Goal E: "Economic Vitality," with Area of Focus to retain and attract residential, commercial

Proposed entitlement review for the following for Tivoli Alves, Tivoli Mable, and Tivoli Paregian: (1) two amendments to Tivoli Specific Plan Amendments; (2) two new Area Plans; (3) three vesting tentative subdivision maps; (4) three Final Development Plans; and (5) a proposed amendment to the land use element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

and industrial development to meet the community's needs today and for the next generation.

**BACKGROUND:**

The Tivoli Specific Plan (TSP) was adopted by the City Council on February 26, 2008, by Ordinance No. 3479-C.S. The Specific Plan encompasses approximately 454 acres bounded by the future Claratina Avenue to the north, Sylvan Avenue to the south, Oakdale Road to the west and Roselle Avenue to the east. The TSP provides for uses including commercial, school, parks, and residential development of a variety of densities as outlined by the land use diagram and development standards.

Since adoption, five residential developments have been approved: Tivoli Snow, Tivoli Arcadia, Olivewood, Martin and Belconte. Two of those developments, Snow and Arcadia, are currently under construction.

On January 22, 2025, the Planning Division received applications for three new residential developments: Alves, Mable, and Paregian. All three are generally located to the north and south of the Mable Avenue, east of Oakdale Road, and south of future Claratina Avenue. Two of the applications, Tivoli Mable and Tivoli Alves, involve proposed amendments to the land use diagram of the Specific Plan to facilitate the developments, and proposed new Area Plans No. 1 and No. 4.

All three proposed Vesting Tentative Subdivision Maps combined represent 343 single-family residential lots over 71.8 gross acres (55.5 net acres after accounting for roadway and park land dedications). Final Development Plans provide for setback and other development standards within each development.

In addition to the above projects, the City is processing a General Plan Amendment to reconcile an inconsistency between the General Plan and the TSP.

**DISCUSSION:**

The overall development project consists of three separate applications within the TSP, each received by the Planning Division from separate owner/applicant groups who were all represented by the same applicant. The applications entail the following proposals:

Planning Commission, February 23, 2026  
Proposed entitlement review for the following for Tivoli Alves, Tivoli Mable, and Tivoli Paregian: (1) two amendments to Tivoli Specific Plan Amendments; (2) two new Area Plans; (3) three vesting tentative subdivision maps; (4) three Final Development Plans; and (5) a proposed amendment to the land use element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

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### Alves

- Submitted by Alves Properties LP on September 29, 2025.
- Specific Plan No. 7 to amend the Land Use Diagram, 6 gross acres of MHDR-5 to LDR-13 (Project ID: SPA-25-002).
- Amendments to Tivoli Area Plan No. 1 (Project ID: AREA-25-003).
- Vesting Tentative Subdivision Map “Tivoli Alves” to divide 26.3 gross acres into 141 residential lots (Project ID: TSM-25-003).
- Final Development Plan “Tivoli-Alves” for setback and other development standards (Project ID: FDP-25-002).

### Mable

- Submitted by Mable Avenue Properties LP on August 8, 2025.
- Specific Plan No. 8 to amend the Land Use Diagram, two gross acres of VLDR-3 to LDR-12 (Project ID: SPA-25-003).
- Amendments to Tivoli Area Plan No. 4 (Project ID: AREA-25-002).
- Vesting Tentative Subdivision Map “Tivoli Mable Parcel” to divide 22.8 gross acres into 92 residential lots (Project ID: TSM-25-002).
- Final Development Plan “Tivoli Mable” for setback and other development standards (Project ID: FDP-25-001).

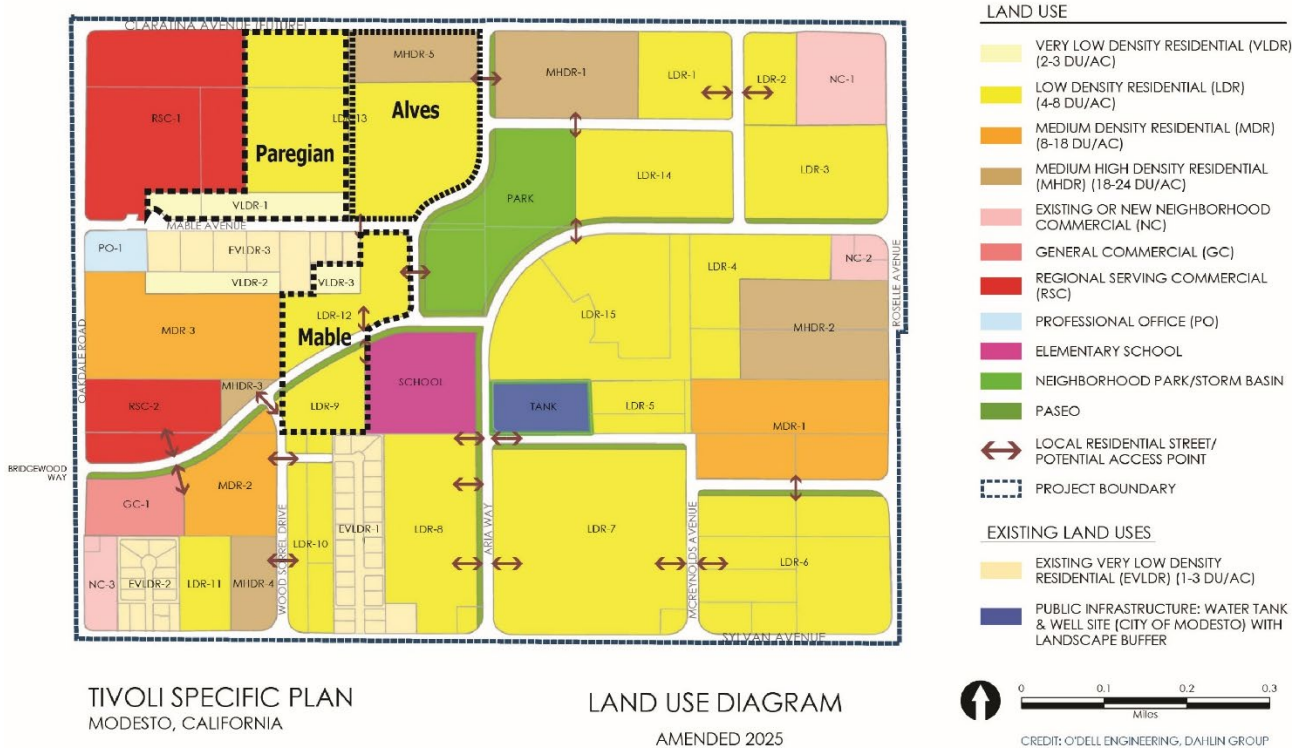
### Paregian

- Submitted by Michale Zagaris on July 17, 2025.
- Amendments to Tivoli Area Plan No. 1 (Project ID: AREA-25-003).
- Vesting Tentative Subdivision Map “Tivoli Paregian” to divide 17.4 gross acres into 99 residential lots and 5.4 gross acres into 11 very low-density residential lots (22.8 total gross acres and 110 total lots) (Project ID: TSM-25-004).
- Final Development Plan “Tivoli Paregian” for setback and other development standards (Project ID: FDP-25-003).

All three are interconnected because they share access from future Bridgewood Way, west of Aria Way, and a future connector street to extend south from future Claratina Avenue, all east of Oakdale Road. See Figures 1 and 2 below.

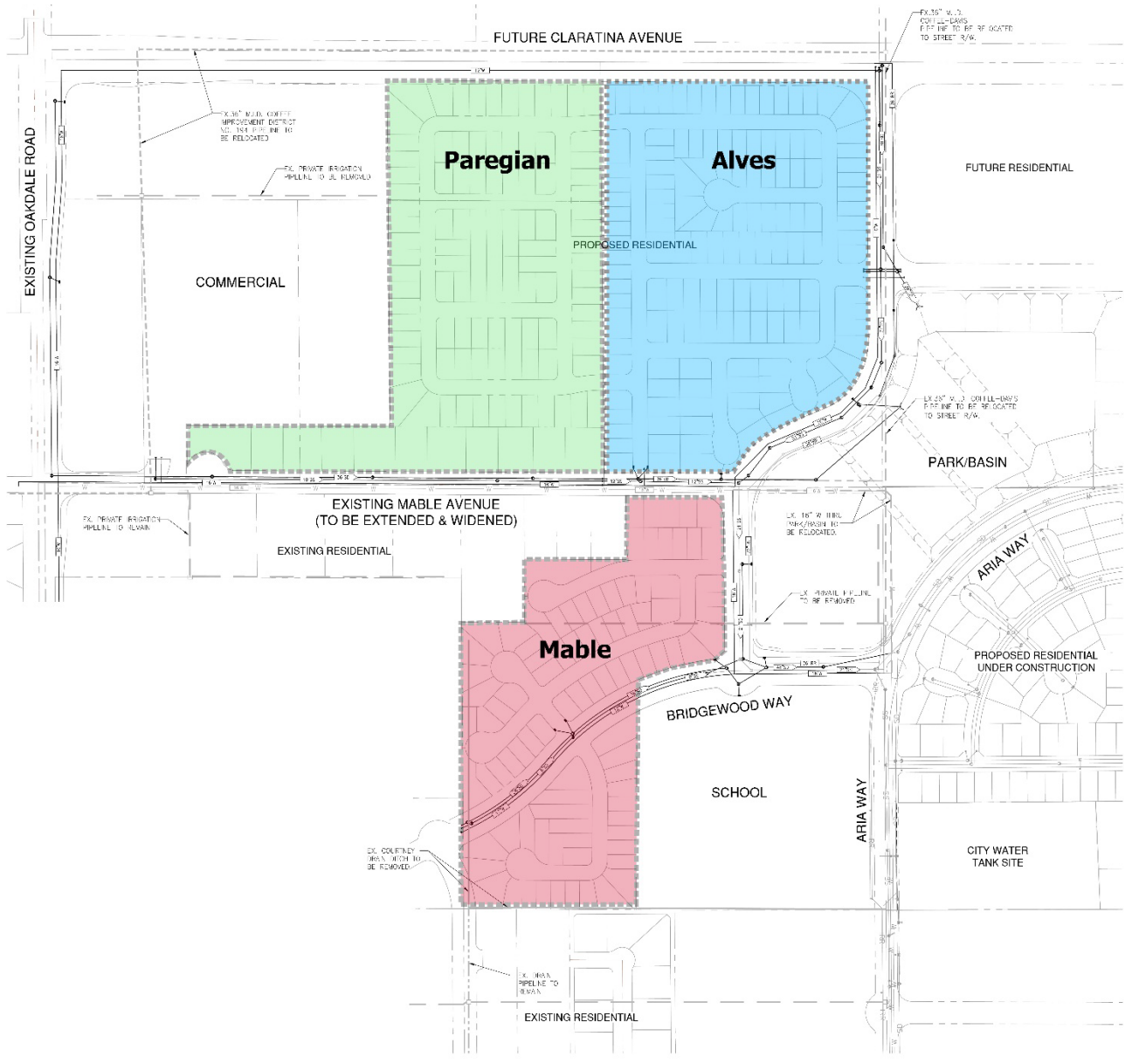
Planning Commission, February 23, 2026  
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Figure 1: Existing Tivoli Specific Plan Land Use Diagram with Project Site Detail



Planning Commission, February 23, 2026  
 Proposed entitlement review for the following for Tivoli Alves, Tivoli Mable, and Tivoli Paregian: (1) two amendments to Tivoli Specific Plan Amendments; (2) two new Area Plans; (3) three vesting tentative subdivision maps; (4) three Final Development Plans; and (5) a proposed amendment to the land use element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

Figure 2: Project Site Detail



Planning Commission, February 23, 2026  
Proposed entitlement review for the following for Tivoli Alves, Tivoli Mable, and Tivoli Paregian: (1) two amendments to Tivoli Specific Plan Amendments; (2) two new Area Plans; (3) three vesting tentative subdivision maps; (4) three Final Development Plans; and (5) a proposed amendment to the land use element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

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### Specific Plan Amendments

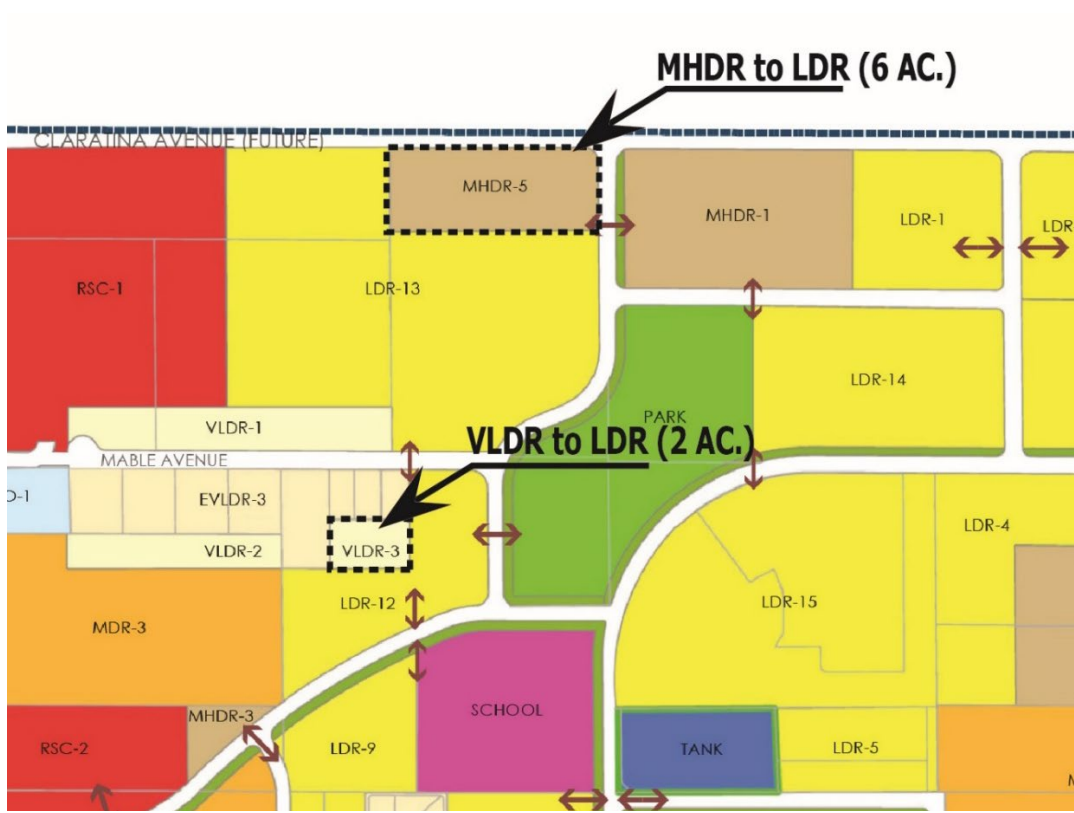
There are two proposed land use amendments. The Alves application proposes to amend six-acre (gross) acres of land designated as Medium-High Density Residential (MHDR-5, 18-24 dwelling units per acre) into Low Density Residential (LDR-13, 4-8 dwelling units per acre). The Mable application proposes to amend two gross acres of land designated as Very Low Density Residential (VLDR-3, 1-3 dwelling units per acre) into Low Density Residential (LDR-12, 4-8 dwelling units per acre).

Each application specifies a proposed dwelling unit per acre density (du/acre). The Alves application proposes 141 total dwellings in 21.4 net acres, resulting in 6.6 du/acre density. The Mable application proposes 92 dwellings in 13.6 acres, resulting in 6.8 du/acre density. The Paregian application proposes 110 total units in 20.5 new acres, resulting in 5.4 du/acre density. In total, all three developments represent 343 residential units, predominately low-density residential lots with 11 very-low density residential lots.

If developed at the minimum allowed density without the above amendments, 330 units (5 du/acre) would be permitted. As proposed, with the abovementioned amendments, a total of 343 units would be constructed at an average density of 6.6 du/acre. Refer to Figure 3 and Table 1 below for details.

Planning Commission, February 23, 2026  
Proposed entitlement review for the following for Tivoli Alves, Tivoli Mable, and Tivoli Paregian: (1) two amendments to Tivoli Specific Plan Amendments; (2) two new Area Plans; (3) three vesting tentative subdivision maps; (4) three Final Development Plans; and (5) a proposed amendment to the land use element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

Figure 3: Proposed Specific Plan Land Use Amendment Areas



Planning Commission, February 23, 2026  
 Proposed entitlement review for the following for Tivoli Alves, Tivoli Mable, and Tivoli Paregian: (1) two amendments to Tivoli Specific Plan Amendments; (2) two new Area Plans; (3) three vesting tentative subdivision maps; (4) three Final Development Plans; and (5) a proposed amendment to the land use element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

*Table 1: Existing Development Potential and Proposed Development*

Existing Development Potential					Proposed Development		
Sub-Areas	Acre	Density (DU/acre)	Min Dwelling Unit (DU)	Max DU	DU	Acre (net)	Density (net)
<b>Alves</b>							
LDR-13	23.6	8-Apr	94	189	101	15.4	6.6
MHDR-5	6	18-24	108	144	40	6	6.6
<b>Subtotal</b>	<b>29.6</b>	<b>6.8-11.2</b>	<b>202</b>	<b>333</b>	<b>141</b>	<b>21.4</b>	<b>6.6</b>
<b>Mable</b>							
VLDR-3	2	3-Feb	4	6	11	2	5.5
LDR-9	4.5	8-Apr	18	36	30	4.5	6.7
LDR-12	7.1	8-Apr	28	57	51	7.1	7.2
<b>Subtotal</b>	<b>13.6</b>	<b>3.7-7.3</b>	<b>50</b>	<b>99</b>	<b>92</b>	<b>13.6</b>	<b>6.8</b>
<b>Total</b>	<b>65.4</b>	<b>5-8.9</b>	<b>330</b>	<b>583</b>	<b>343</b>	<b>55.5</b>	<b>6.2</b>
<b>Paregian</b>							
LDR-13	17.4	8-Apr	70	139	99	16.4	6
VLDR-1	4.8	3-Feb	8	12	11	4.07	2.7
<b>Subtotal</b>	<b>22.2</b>	<b>3.5-6.8</b>	<b>78</b>	<b>151</b>	<b>110</b>	<b>20.5</b>	<b>5.4</b>

Circulation Between Three Vesting Tentative Subdivision Maps

All three of the tentative maps are interconnected by future Street K (collector street extending south from future Claratina Avenue) and future Bridgewood Way, with current access via the newly constructed Aria Way north of Sylvan Avenue (at present a part-width street serving the Snow and Arcadia developments). Due to the interconnectivity, the conditions of approval for all three tentative maps include conditions where the developments would share degrees of responsibility for the installation of new roadways, intersection and frontage improvements that would allow access to and from Oakdale Road and Sylvan Avenue via Aria Way and

Proposed entitlement review for the following for Tivoli Alves, Tivoli Mable, and Tivoli Paregian: (1) two amendments to Tivoli Specific Plan Amendments; (2) two new Area Plans; (3) three vesting tentative subdivision maps; (4) three Final Development Plans; and (5) a proposed amendment to the land use element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

Claratina Avenue. The conditions would also ensure that each development is designed to function independently, with complete and operational vehicular and pedestrian circulation, utilities and all other infrastructure requirements done in accordance with the requirements of the TSP. However, since the exact timing of each tentative map's development is unknown, the timing and construction of the respective improvements may be adjusted by the City Engineer in order to facilitate the orderly development of the area to meet accessibility and access requirements.

#### Area Plans No. 1 and No. 4

The TSP is comprised of nine individual Area Plans, each to ensure that any proposed development provides for circulation, land uses, infrastructure and design standards that implement policies of the Specific Plan. To date, Area Plans No. 2, 5, and 6 have been adopted. The applicants propose the adoption of Area Plans No. 1 (containing the Alves and Paregian tentative maps) and No. 4 (containing the Mable tentative map). Each Area Plan outlines the placement of utilities and other infrastructure, as well as landscaping/paseos, location of neighborhood entries and lot configurations.

Per the TSP, Area Plan No. 4 extends south to Sylvan Avenue. However, the Mable application proposes an Area Plan only for the northerly half of Area Plan No. 4, since the properties to the south are not part of the Mable application. Any future development on the south side of Area Plan No. 4 not covered by this document would require the provision of an amended Area Plan that includes details regarding the development of that southerly area.

#### Vesting Tentative Subdivision Maps

The three tentative maps collectively propose a total of 343 single-family residential lots of varying lot sizes. The Alves and Mable tentative maps propose a majority of "small residential lots" (less than 5,000 sf in area), as shown in the table below. The Paregian tentative map proposes lots that are 5,000 sf or larger, with eleven of the lots within the Very Low Density Residential (VLDR-1) area on the north side of Mable Avenue sized at 14,000 sf or larger to maintain consistency with the existing residential lots to the south side of Mable Avenue. As mentioned above, each tentative map accompanies a development plan exhibit to ensure development feasibility of the lots proposed. Each map is conditioned to develop

Proposed entitlement review for the following for Tivoli Alves, Tivoli Mable, and Tivoli Paregian: (1) two amendments to Tivoli Specific Plan Amendments; (2) two new Area Plans; (3) three vesting tentative subdivision maps; (4) three Final Development Plans; and (5) a proposed amendment to the land use element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

and operate independently, with flexibility allowed by the City Engineer to ensure that each provides access for vehicles and pedestrians to the surrounding streets.

*Table 2: Vesting Tentative Subdivision Map Lot Sizes*

	Lots Less than 5,000 sf	Lots 5,000-8,000 sf	Lots 8,000-10,000 sf	Lots Greater than 10,000 sf	Total Number of Lots
<b>Alves</b>	72	69	0	0	<b>141</b>
<b>Mable</b>	58	25	7	2	<b>92</b>
<b>Paregian</b>	0	95	2	13	<b>110</b>

General Plan Land Use Amendment

Separately, the City proposes a General Plan Land Use Element Amendment to be consistent with the TSP. City Council Resolution No. 2022-449, which was adopted for an earlier project, Tivoli Arcadia, created inconsistencies with an amendment of Regional-Serving Commercial (RSC) uses to Low Density Residential (LDR) uses adjacent to the Tivoli Paregian map that resulted in an excess of eight acres in the Land Use Element of the General Plan to change from Regional Commercial (RC) uses to Residential (R) uses. The City seeks to reconcile the inconsistency in the current EIR addendum EA/C&EA 2026-03.

To address the 8-acre mapping inconsistency, the City has performed an analysis of the capacity needed from the original Arcadia downzoning relative to the actual capacity provided in the two areas that replaced the original Medium Density Residential (MDR) from the Arcadia site. The following Table 3 shows three scenarios analyzed: 1) Original Arcadia Site; 2) Original Arcadia Replacement Capacity; and 3) Combined Actual Built/Proposed Capacity.

Proposed entitlement review for the following for Tivoli Alves, Tivoli Mable, and Tivoli Paregian: (1) two amendments to Tivoli Specific Plan Amendments; (2) two new Area Plans; (3) three vesting tentative subdivision maps; (4) three Final Development Plans; and (5) a proposed amendment to the land use element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

**Table 3: Capacity Analysis**

<b>SB 330 Capacity Analysis</b>										
<b>Original Arcadia Site</b>					<b>Capacity</b>			<b>Proposed</b>		
Project	Sub-Areas	Acre (gross)	Density (low)	Density (high)	Min DU	Max DU	Ave DU	DU	Acre (net)	Density (net)
Arcadia	MDR-2, MDR-3	29.3	8	18	234	527	381	0	0	0.0
<b>Original Arcadia Replacement Capacity</b>					<b>Capacity</b>			<b>Proposed</b>		
Project	Sub-Areas	Acre (gross)	Density (low)	Density (high)	Min DU	Max DU	Ave DU	DU	Acre (net)	Density (net)
Arcadia	LDR-15	29.3	4.00	8.00	117	234	176	141	21.1	6.7
Paregian	LDR-13 (Paregian)	25	4.00	8.00	100	200	150	0	0	0.0
					217	434	326			
<b>Combined Actual Built/Proposed Capacity (Arcadia/Paregian)</b>					<b>Capacity</b>			<b>Actual</b>		
Project	Sub-Areas	Acre (gross)	Density (low)	Density (high)	Min DU	Max DU	Ave DU	DU	Acre (net)	Density (net)
Arcadia	LDR-15	29.3	4.00	8.00	117	234	176	141	21.1	6.7
Paregian	LDR-13 (Paregian)	17.4	4.00	8.00	70	139	104	99	16.4	6.0
Paregian	LDR-13 (change to RSC-1)	8	4.00	8.00	32	64	48	0	0	0.0
					219	438	328	240	37.5	<b>6.4</b>

**Replacement Capacity Discussion**

**Original Arcadia Site:** The original Arcadia site had a density range of 8-18 du/acre for the original MDR-2 and MDR-3 sites. This allowed for a housing capacity of between 234-527 dwelling units as defined by the TSP.

**Original Arcadia Replacement Capacity:** The replacement of MDR-2, and MDR-3 resulted in the creation of LDR-15 and LDR-13 in the TSP. The Arcadia project constructed an "Actual" dwelling units count of 141 units within LDR-15. This left a balance needed of between 93 and 386 dwelling units to maintain the original capacity of the Arcadia site. It is noted that the replacement created a mapping inconsistency between the General Plan and TSP, wherein 25 acres of Regional Commercial (RC) was changed to Residential (R) in the General Plan and only

Proposed entitlement review for the following for Tivoli Alves, Tivoli Mable, and Tivoli Paregian: (1) two amendments to Tivoli Specific Plan Amendments; (2) two new Area Plans; (3) three vesting tentative subdivision maps; (4) three Final Development Plans; and (5) a proposed amendment to the land use element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

17.4 acres of RSC-1 was changed to LDR. This left a discrepancy of approximately 8 acres that remained RSC-1 in the TSP but was changed to R in the General Plan.

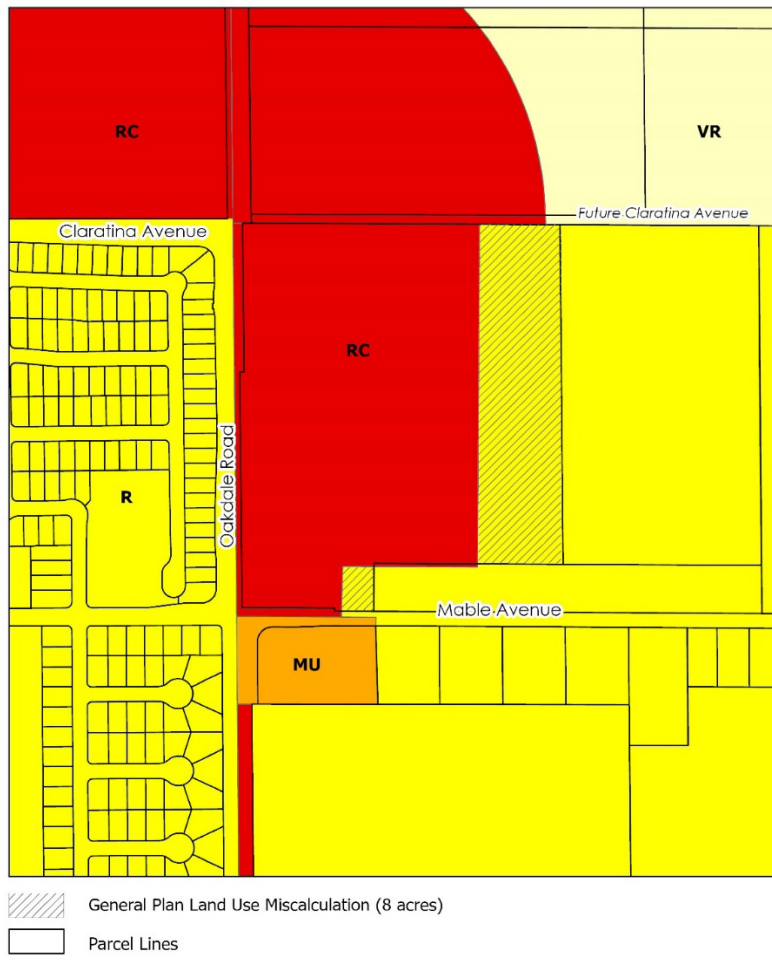
Combined Actual Built/Proposed Capacity: The 17.4 acres in Paregian redesignated as LDR-13 in the TSP is proposed to be subdivided in 99 units. Combining 141 units built in LDR-15 and the proposed 99 units in LDR-13, the combined "actual" units would be 240 units which is collectively intended to replace the capacity lost from the original Arcadia downzoning. Compared to the original capacity of MDR-2 and MDR-3 (234 to 527 units), the combined capacity of LDR-13 and LDR-15 meet the replacement need for the 8-acre discrepancy.

Conclusion: The analysis of the three scenarios above (1) Original Arcadia Site; 2) Original Arcadia Replacement Capacity; and 3) Combined Actual Built/Proposed Capacity) shows that the original capacity of the Arcadia site has been met/replaced through the actual units constructed in LDR-15 (141 units), in addition to the proposed subdivision of 17.4 acres in the Paregian application into 99 units in LDR-13. This results in 240 units, which is within the capacity originally anticipated for the MDR-2 and MDR-3 Arcadia site. The analysis shows that the 8 acres designated as R in the General Plan is unnecessary to meet the original replacement capacity needs of the Arcadia project. Therefore, the City intends to reconcile the General Plan/TSP inconsistency through a General Plan Amendment that would change the R land use in the General Plan back to RC use. The TSP land use would remain RSC-1.

Figure 4 below shows the earlier amended acreage (yellow diagonal hatch) that would be restored back to RC (red) with this amendment.

Planning Commission, February 23, 2026  
 Proposed entitlement review for the following for Tivoli Alves, Tivoli Mable, and Tivoli Paregian: (1) two amendments to Tivoli Specific Plan Amendments; (2) two new Area Plans; (3) three vesting tentative subdivision maps; (4) three Final Development Plans; and (5) a proposed amendment to the land use element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

Figure 4: General Plan Land Use Element Amendment Area



**SUBDIVISION FINDINGS**

Per Modesto Municipal Code Section 10-4.404(d) Limitations on Approval for (maps other than Parcel Maps), a vesting tentative subdivision map cannot be approved or conditionally approved by the Planning Commission if it makes any of the following findings:

Planning Commission, February 23, 2026  
Proposed entitlement review for the following for Tivoli Alves, Tivoli Mable, and Tivoli Paregian: (1) two amendments to Tivoli Specific Plan Amendments; (2) two new Area Plans; (3) three vesting tentative subdivision maps; (4) three Final Development Plans; and (5) a proposed amendment to the land use element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

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- (1) That the proposed tentative map is not consistent with applicable general and specific plans.

Staff Review: All three proposed vesting tentative subdivision maps of Alves, Mable, and Paregian are consistent with the General Plan and the TSP (as amended) as all three are within the Residential (R) land uses of the General Plan and the residential land use areas of the TSP, allowing for development of residential uses as provided by the TSP.

- (2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

Staff review: Conditions of approval for each of the tentative maps are being applied to ensure compliance with the General Plan, development standards and infrastructure requirements of the Specific Plan, and applicable City Codes and Standards.

- (3) That the site is not physically suitable for the type of development.

Staff Review: The TSP is a long-range vision planning document that was approved in 2008 by the City Council. All three projects are within the TSP's area and the site is suitable for the type of residential development proposed by the tentative maps. Although Alves and Mable depend on amendments to the Land Use Diagram of the Specific Plan, the overall pattern of development remains in line with the residential type of development envisioned by the TSP document.

- (4) That the site is not physically suitable for the proposed density of development.

Staff Review: The area of the TSP is flat and formerly utilized as orchard and pastureland. There are no physical impediments to development not previously documented by the TSP and analyzed and mitigated by the TSP Final EIR. The Mitigation measures for the proposed density of development has been anticipated and discussed in the TSP Final EIR SCH # 2005072125.

- (5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

Staff Review: The design of the tentative maps is in accordance to the TSP, and all environmental impacts have been analyzed and mitigated by the TSP Final EIR. The proposed projects are reviewed in the EIR Addendum C&EA 2026-003

Proposed entitlement review for the following for Tivoli Alves, Tivoli Mable, and Tivoli Paregian: (1) two amendments to Tivoli Specific Plan Amendments; (2) two new Area Plans; (3) three vesting tentative subdivision maps; (4) three Final Development Plans; and (5) a proposed amendment to the land use element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

and attached to the staff report. No significant impact resulted from these project proposals that warrant changes or additions to the previously certified EIR were found.

- (6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

Staff review: The design of the tentative maps is in accordance to the TSP, and all environmental impacts have been analyzed and mitigated by the TSP Final EIR. The improvements and design of the subdivision is to ensure promoting healthy communities with multi-modal transportation and easy navigation and access to nearby schools and facilities thereby allowing for better living environments for the future occupants of the homes.

- (7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of property within the proposed subdivision.

Staff Review: Conditions of approval for the three tentative maps would ensure that public utility and right of way easements would be provided. Standard conditions applied to all three tentative maps regarding utility facilities would ensure that such facilities be protected, relocated or removed as required, and easements for facilities to remain are to be reserved as required.

#### PUBLIC NOTICE AND OUTREACH

The proposed project was noticed in the local Modesto Bee Newspaper with a 20-day notice in addition to a 300 ft radius notice to all properties surrounding the subject parcels under the project consideration. At the time of this publication, staff has not received any public comment.

Neighborhood Outreach: Mable Avenue is an existing street that extends east of Oakdale Road and currently terminates approximately one-third of a mile east of Oakdale Road. There are eight existing homes on Mable Avenue in addition to an existing veterinary clinic at the southeast corner of Oakdale Road and Mable Avenue with access onto Oakdale Road. The applicant representative, David Romano, has held discussions with the residents on Mable Avenue regarding the proposed developments.

Per the TSP Street Hierarchy Diagram and policies in Chapter 3 of the TSP, Mable Avenue is to connect to a future collector street extending south from future

Planning Commission, February 23, 2026  
Proposed entitlement review for the following for Tivoli Alves, Tivoli Mable, and Tivoli Paregian: (1) two amendments to Tivoli Specific Plan Amendments; (2) two new Area Plans; (3) three vesting tentative subdivision maps; (4) three Final Development Plans; and (5) a proposed amendment to the land use element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

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Claratina Avenue and bounding the future neighborhood park to the east. Its existing connection to Oakdale Road is to be closed with only emergency vehicle access allowed, upon commercial development at the northwest corner of Oakdale Road and Mable Avenue. Until commercial development commences, the roadway would remain open to Oakdale Road.

The neighborhood has expressed concerns about construction traffic impacting the existing street. However, if any of the three tentative maps are approved, development of those tentative maps would also involve the extension of future Claratina Avenue and the extension of future Bridgewood Way east of Aria Way. Construction traffic currently accesses the area via Aria Way as part of the Snow and Arcadia developments, already underway. The project is conditioned to mitigate the construction traffic impact on the existing streets. Refer to Attachment 5, 6 and 7 for Vesting Tentative Subdivision Map conditions.

**FISCAL IMPACT:**

All application fees and environmental review fees for this item has been paid by the project applicant in accordance to the fee schedule adopted by the City Council. In addition, the projects will be subject to all applicable adopted development fees prior to building permit issuance to offset the City's fiscal impact of development.

Recommended conditions of approval included with the attached resolutions would require the owners of the properties to annex into the Community Facilities District (CFD) No. 2024-1 prior to recordation of Final Maps, to facilitate the property owners' contributions towards the TSP area improvements that would serve future development and maintenance of amenities on the development sites.

**CEQA REQUIREMENTS:**

The project was previously analyzed in the TSP Final Environmental Impact Report (State Clearinghouse No. 2005072125), certified by the City Council on February 26, 2008, by Resolution No. 2008-141.

Staff has prepared an addendum to the Final EIR, EA/C&ED 2026-03. The addendum concludes that no major revisions to the Final EIR are needed for the project, and that, pursuant to Sections 15162 and 15164 of the CEQA Guidelines, no new environmental review is required.

Proposed entitlement review for the following for Tivoli Alves, Tivoli Mable, and Tivoli Paregian: (1) two amendments to Tivoli Specific Plan Amendments; (2) two new Area Plans; (3) three vesting tentative subdivision maps; (4) three Final Development Plans; and (5) a proposed amendment to the land use element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

**RECOMMENDED PLANNING COMMISSION ACTION:**

**Staff Recommendations:**

Motion to adopt the CEQA Addendum EA/C&ED 2026-03 to Tivoli Specific Plan Final EIR (State Clearinghouse No. 2005072125); and

Motion to adopt resolutions making the following approvals listed in Attachments 1-11 and consolidated below:

1. Approval of two amendments: No. 7 and No. 8 to the Tivoli Specific Plan;
2. Approval of two new Area Plans: Tivoli Area Plans No. 1 and No. 4;
3. Approval of three Vesting Tentative Subdivision Maps for Tivoli Alves, Tivoli Mable and Tivoli Paregian;
4. Approval of three Final Development Plans for Tivoli Alves, Tivoli Mable, and Tivoli Paregian; and
5. Approval of an amendment to the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

**Attachments:**

1. Resolution No. 2026-xx recommending approval of Tivoli Specific Plan Amendment No. 7 (Alves)
2. Resolution No. 2026-xx recommending approval of Tivoli Specific Plan Amendment No. 8 (Mable)
3. Resolution No. 2026-xx recommending approval of Tivoli Area Plan No. 1
4. Resolution No. 2026-xx recommending approval of Tivoli Area Plan No. 4
5. Resolution No. 2026-xx recommending approval of Tivoli Alves Vesting Tentative Subdivision Map
6. Resolution No. 2026-xx recommending approval of Tivoli Mable Vesting Tentative Subdivision Map
7. Resolution No. 2026-xx recommending approval of Tivoli Paregian Vesting Tentative Subdivision Map
8. Resolution No. 2026-xx recommending approval of Tivoli Alves Final Development Plan
9. Resolution No. 2026-xx recommending approval of Tivoli Mable Final Development Plan
10. Resolution No. 2026-xx recommending approval of Tivoli Paregian Final Development Plan

Planning Commission, February 23, 2026  
Proposed entitlement review for the following for Tivoli Alves, Tivoli Mable, and Tivoli Paregian: (1) two amendments to Tivoli Specific Plan Amendments; (2) two new Area Plans; (3) three vesting tentative subdivision maps; (4) three Final Development Plans; and (5) a proposed amendment to the land use element of the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan.

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11. Resolution No. 2026-xx recommending adoption of an amendment to the General Plan to change land use designation from Residential to Regional Commercial to reconcile inconsistency between General Plan and Tivoli Specific Plan
12. CEQA: Addendum to Tivoli Specific Plan Final EIR, EA/C&ED 2026-03
13. Financial Interest Disclosure Form
14. Levine Act Form

**PLANNING COMMISSION  
RESOLUTION NO. 2026-XX**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF  
SPECIFIC PLAN AMENDMENT NO. 7 TO THE TIVOLI SPECIFIC PLAN TO  
AMEND THE LAND USE DIAGRAM OF SIX ACRES FROM MEDIUM-HIGH  
DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL (ALVES  
PROPERTIES LP)**

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt specific plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value; and

WHEREAS, on February 26, 2008, the City Council by by Ordinance No. 3479-C.S. adopted the Tivoli Specific Plan; and

WHEREAS, Government Code Section 65453 permits the amendment of specific plans as often as deemed necessary by the legislative body; and

WHEREAS, on September 7, 2016, by Ordinance No. 3654-C.S. the City Council approved Amendment No. 1 to the Tivoli Specific Plan to include minor land use adjustments regarding the relocation of the school site with the overall density and intensity remaining essentially the same, minor internal street alignment adjustments, removal of four roundabouts, and various clean-up and technical changes to the Specific Plan; and

WHEREAS, on March 21, 2022, the Director of Community and Economic Development administratively approved Amendment No. 2 to the Tivoli Specific Plan as allowed by Section 9.3.4.1 of the Specific Plan, to amend and update street cross section details with associated minor text changes; and

WHEREAS, on November 1, 2022, by Resolution No. 2022.450 the City Council approved Amendment No. 3 to the Tivoli Specific Plan to change the land use designation of 25 acres from Regional Serving Commercial (RSC) to Residential (R) and to change 27 acres from Medium Density Residential (MDR) to Low Density Residential (LDR); and

WHEREAS, on May 13, 2025, by Resolution No. 2025-165 the City Council approved Amendment No. 4 to the Tivoli Specific Plan to amend the Land Use Diagram to amend 19.95 acres from Medium-High Density Residential (MHDR) and Regional Serving Commercial (RSC) to Medium Density Residential (MDR) with associated text amendments, and to amend Chapter 4 Development Standards to amend certain design standards to allow reduced setbacks and lot sizes; and

WHEREAS, on May 13, 2025, the Director of Community and Economic Development administratively approved Amendment No. 5 to the Tivoli Specific Plan as allowed by Section 9.3.4.1 of the Specific Plan, to amend Section 5.7.1.2 Community Walls Along Arterial Streets, to allow for seven-foot-high walls with conditions; and

WHEREAS, on February 10, 2026 by Ordinance No. 3xxx the City Council approved first part of Amendment No. 6 to the Tivoli Specific Plan to amend the Street Hierarchy Diagram to change the designation of Oakdale Road and Claratina Avenue from six-lane roadways to four-lane roadways; and

WHEREAS, on February 10, 2026 the City Council approved second part of Amendment No. 6 to include the text amendments to Chapter 9, Administration of the Specific Plan relative to adoption of Major Amendments to the Specific Plan through

Resolution, which goes into effect on April 2, 2026 in advance of this proposed Specific Plan Amendment No. 7; and

WHEREAS, Alves Properties LP has filed an application to amend the Tivoli Specific Plan (Amendment No. 7) to change the Land Use Diagram by amending six acres designated as Medium High Density Residential (MHDR-5) uses to Low Density Residential (LDR-13) uses; and

WHEREAS, said application was made concurrently with an application for a proposed amendment to the Tivoli Specific Plan to change the Land Use Diagram by amending two acres designated as Very Low Density Residential (VLDR-3) to Low Density Residential (LDR-12) uses (File ID: SPA-25-003) to facilitate the development of the proposed Tivoli Mable Vesting Tentative Subdivision Map (File ID: TSM-25-002); and

WHEREAS, said application was also concurrent with an application for a new Area Plan No. 1 document for the Tivoli Specific Plan, filed in accordance with Section 9.4.1 of the Specific Plan (File ID: AREA-25-003), to facilitate the development of the Vesting Tentative Subdivision Map of Tivoli Paregian (File ID: TSM-25-004) to divide a total of 22.8 acres into 110 lots, and the Vesting Tentative Subdivision Map of Tivoli Alves (File ID: TSM-25-003) to divide 26.3 acres into 141 single-family residential lots, both within Area Plan No. 1; and

WHEREAS, said application was also concurrent with an application for a new Area Plan No. 4 document for the Tivoli Specific Plan, filed in accordance with Section 9.4.1 of the Specific Plan (File ID: AREA-25-002), to facilitate development of the

abovementioned Vesting Tentative Subdivision Map of Tivoli Mable, to divide 22.8 acres into 92 single-family residential lots; and

WHEREAS, said application was also concurrent with applications for Final Development Plans to provide for setback standards and development standards for the abovementioned tentative maps, filed in accordance with Section 9.4.1.2 of the Specific Plan; and

WHEREAS, a public hearing was held by the Planning Commission on February 23, 2026, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission has certifies it has received and reviewed the Addendum to the Tivoli Final Environmental Impact Report (Tivoli FEIR), EA/ C&ED 2026-03, prepared pursuant to Section 15164 of the CEQA Guidelines, which concludes that the project is within the scope of the Tivoli Specific Plan EIR (SCH No. 2005072125) and that pursuant to Sections 15162 and 15164 of the CEQA Guidelines, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The proposed amendment to the Land Use Diagram of the Tivoli Specific Plan is consistent with the General Plan Land Use Designation of Residential, because the amendment would result in Residential uses that would provide for development of new housing within the Specific Plan.
2. The change in land use designation of **six acres** from MHDR-5 (15-24 du/acre) to LDR-13 (4-8 du/acre), which in combination with the proposed amendment to change the designation of two acres from VLDR-3 (1-3 du/acre) to LDR-12

(4-8 du/acre) (File ID: SPA-25-003) to facilitate the development of the proposed Tivoli Alves and Tivoli Mable Vesting Tentative Subdivision Maps, would when also combined with the Tivoli Paregian Vesting Tentative Subdivision Map would provide for the development potential of 343 new dwelling units, exceeding the development potential of 330 dwelling units with land uses unchanged by 14 dwelling units, thereby meeting the requirements of Senate Bill 330 (“Housing Crisis Act of 2019”).

3. There are no substantial changes proposed in the Specific Plan amendment that will require major revisions of the Tivoli Specific Plan EIR (SCH No. 2005072125).
4. There are no substantial changes occurring with respect to circumstances under which the Specific Plan amendment is being undertaken which will require major revisions in the Tivoli Specific Plan EIR.
5. No new information, which was not known and could not have been known at the time the Tivoli Specific Plan Final EIR was certified as complete, has become available.
6. The Addendum to the Tivoli Specific Plan EIR, EA/C&ED 2026-03, provides the substantial evidence to support findings 2-4, noted above.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby recommends to the City Council approval of the proposed Tivoli Specific Plan Amendment No. 7 as described in **Exhibit "A," attached** hereto and incorporated herein by reference.

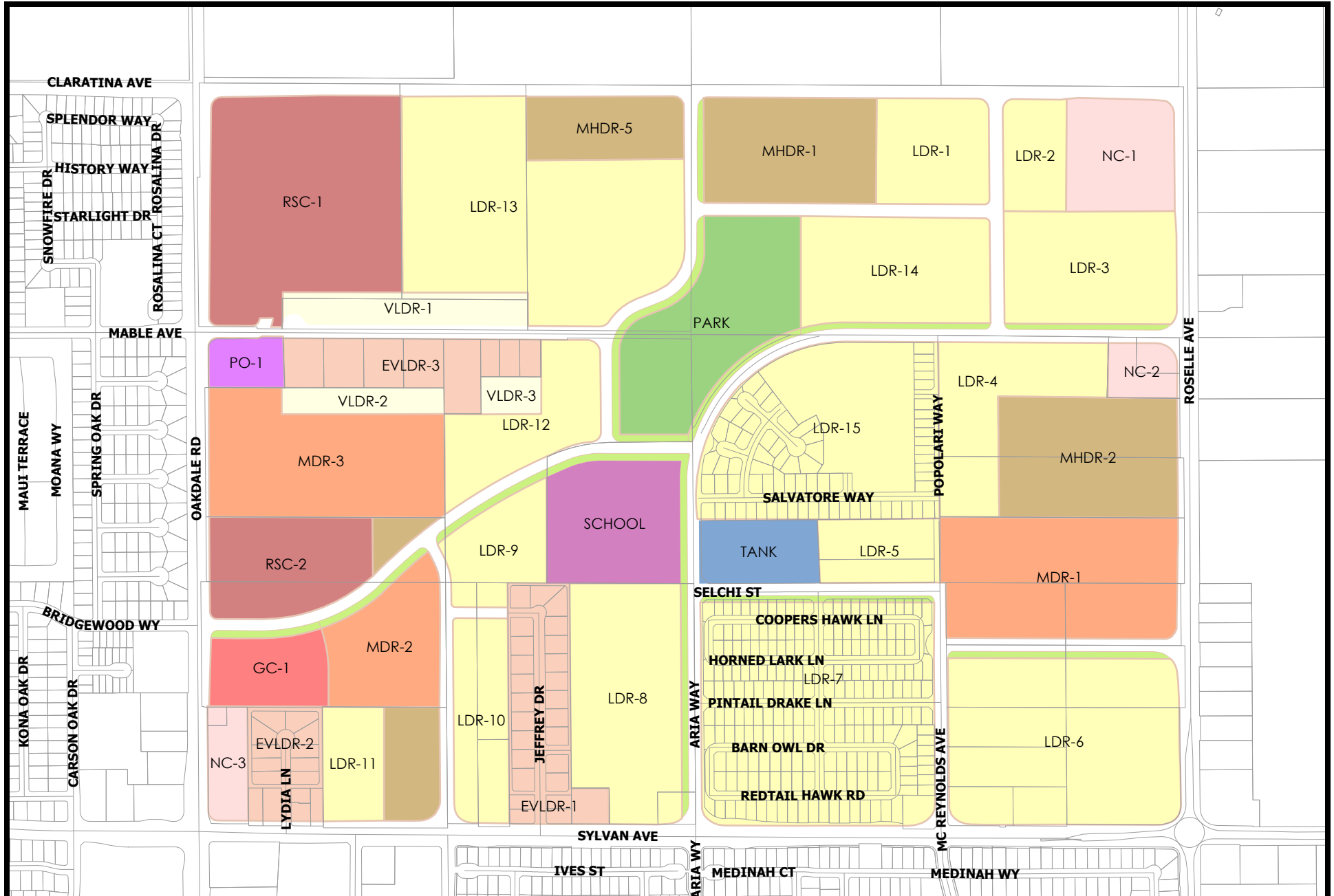
The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 23, 2026, by \_\_\_\_\_, who moved its adoption, which motion was seconded by \_\_\_\_\_, and carried by the following vote:

Ayes:  
Noes:  
Absent:  
Recused:

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in  
CEDD  
Michael Hren, AICP, Secretary

EXHIBIT A (Current Land Use Diagram)



# Tivoli Specific Plan Land Use Diagram


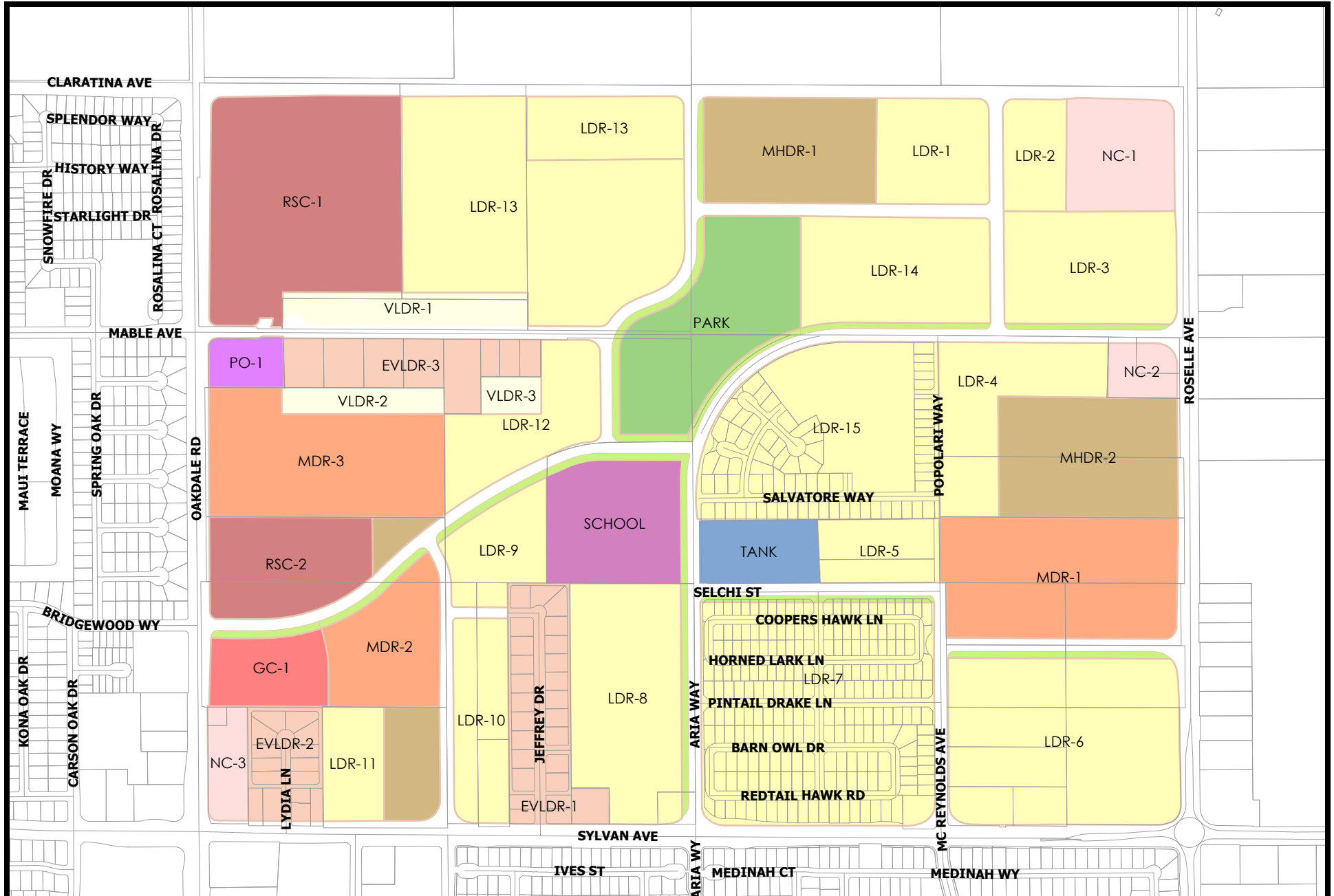
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|--|--|--|
|  EVLDR: Existing Very Low Density Residential |  PO: Professional Office          |  PARK                   |
|  VLDR: Very Low Density Residential           |  NC: Neighborhood Commercial      |  Public Water Well Site |
|  LDR: Low Density Residential                 |  GC: General Commercial           |  SCHOOL                 |
|  MDR: Medium Density Residential              |  RSC: Regional Serving Commercial |  |
|  MHDR: Med-High Density Residential           |  |  |



EXHIBIT A (Proposed Land Use Diagram)



**Tivoli Specific Plan**  
**Land Use Diagram**

EVLDR: Existing Very Low Density Residential	PO: Professional Office	PARK
VLDR: Very Low Density Residential	NC: Neighborhood Commercial	Public Water Well Site
LDR: Low Density Residential	GC: General Commercial	SCHOOL
MDR: Medium Density Residential	RSC: Regional Serving Commercial	
MHDR: Med-High Density Residential		

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**PLANNING COMMISSION  
RESOLUTION NO. 2026-XX**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF  
SPECIFIC PLAN AMENDMENT NO. 8 TO THE TIVOLI SPECIFIC PLAN TO  
AMEND THE LAND USE DIAGRAM OF TWO ACRES FROM VERY LOW  
DENSITY RESIDENTIAL (VLDR) TO LOW DENSITY RESIDENTIAL (LDR)  
(MABLE AVE PROPERTIES LP)**

WHEREAS, Government Code Section 65450 et. seq. permits cities and counties to adopt specific plans for the systematic implementation of the General Plan and to provide for a greater level of detail in planning sites or areas of special interest or value; and

WHEREAS, on February 26, 2008, the City Council by by Ordinance No. 3479-C.S. adopted the Tivoli Specific Plan; and

WHEREAS, Government Code Section 65453 permits the amendment of specific plans as often as deemed necessary by the legislative body; and

WHEREAS, on September 7, 2016, by Ordinance No. 3654-C.S. the City Council approved Amendment No. 1 to the Tivoli Specific Plan to include minor land use adjustments regarding the relocation of the school site with the overall density and intensity remaining essentially the same, minor internal street alignment adjustments, removal of four roundabouts, and various clean-up and technical changes to the Specific Plan; and

WHEREAS, on March 21, 2022, the Director of Community and Economic Development administratively approved Amendment No. 2 to the Tivoli Specific Plan as allowed by Section 9.3.4.1 of the Specific Plan, to amend and update street cross section details with associated minor text changes; and

WHEREAS, on November 1, 2022, by Resolution No. 2022-450 the City Council approved Amendment No. 3 to the Tivoli Specific Plan to change the land use designation of 25 acres from Regional Serving Commercial (RSC) to Residential (R) and to change 27 acres from Medium Density Residential (MDR) to Low Density Residential (LDR); and

WHEREAS, on May 13, 2025, by Resolution No. 2025-165 the City Council approved Amendment No. 4 to the Tivoli Specific Plan to amend the Land Use Diagram to amend 19.95 acres from Medium-High Density Residential (MHDR) and Regional Serving Commercial (RSC) to Medium Density Residential (MDR) with associated text amendments, and to amend Chapter 4 Development Standards to amend certain design standards to allow reduced setbacks and lot sizes; and

WHEREAS, on May 13, 2025, the Director of Community and Economic Development administratively approved Amendment No. 5 to the Tivoli Specific Plan as allowed by Section 9.3.4.1 of the Specific Plan, to amend Section 5.7.1.2 Community Walls Along Arterial Streets, to allow for seven-foot-high walls with conditions; and

WHEREAS, on February 10, 2026, by Ordinance No. 3xxx the City Council approved first part of Amendment No. 6 to the Tivoli Specific Plan to amend the Street Hierarchy Diagram to change the designation of Oakdale Road and Claratina Avenue from six-lane roadways to four-lane roadways; and

WHEREAS, on February 10, 2026, the City Council approved second part of Amendment No. 6 to include the text amendments to Chapter 9, Administration of the Specific Plan relative to adoption of Major Amendments to the Specific Plan through

Resolution, which goes into effect on April 2, 2026 in advance of this proposed Specific Plan Amendment No. 8; and

WHEREAS, Mable Avenue Properties LP has filed an application to amend the Tivoli Specific Plan (Amendment No. 8) to change the Land Use Diagram by amending two acres designated as Very Low Density Residential (VLDR-3) uses to Low Density Residential (LDR-12) uses; and

WHEREAS, said application was made concurrently with an application to amend the Tivoli Specific Plan to change the Land Use Diagram by amending six acres designated as Medium High Density Residential (MHDR-5) to Low Density Residential (LDR-13) uses (File ID: SPA-25-002) to facilitate development of the proposed Tivoli Alves Vesting Tentative Subdivision Map (File ID: TSM-25-003); and

WHEREAS, said application was also concurrent with an application for a new Area Plan No. 4 document for the Tivoli Specific Plan, filed in accordance with Section 9.4.1 of the Specific Plan (File ID: AREA-25-002), to facilitate development of the abovementioned Vesting Tentative Subdivision Map of Tivoli Mable, to divide 22.8 acres into 92 single-family residential lots; and

WHEREAS, said application was also concurrent with an application for a new Area Plan No. 1 document for the Tivoli Specific Plan, filed in accordance with Section 9.4.1 of the Specific Plan (File ID: AREA-25-003), to facilitate the development of the Vesting Tentative Subdivision Map of Tivoli Paregian (File ID: TSM-25-004) to divide a total of 22.8 acres into 110 lots, and the Vesting Tentative Subdivision Map of Tivoli Alves

(File ID: TSM-25-003) to divide 26.3 acres into 141 single-family residential lots, both within Area Plan No. 1; and

WHEREAS, said application was also concurrent with applications for Final Development Plans to provide for setback standards and development standards for the abovementioned tentative maps, filed in accordance with Section 9.4.1.2 of the Specific Plan; and

WHEREAS, a public hearing was held by the Planning Commission on February 23, 2026, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission certifies it has received and reviewed the Addendum to the Tivoli Final Environmental Impact Report (Tivoli FEIR), EA/C&ED 2026-03, prepared pursuant to Section 15164 of the CEQA Guidelines, which concluded that the project is within the scope of the Tivoli Specific Plan Final EIR (SCH No. 2005072125) and that pursuant to Sections 15162 and 15164 of the CEQA Guidelines, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The proposed amendment to the Land Use Diagram of the Tivoli Specific Plan is consistent with the General Plan Land Use Designation of Residential, because the amendment would result in Residential uses that would provide for development of new housing within the Specific Plan.
2. The change in land use designation of **two acres** from VLDR-3 (1-3 du/acre) to LDR-12 (4-8 du/acre), which in combination with the proposed amendment to change the designation of six acres designated as MHDR-5

(15-24 du/acre) to LDR-13 (4-8 du/acre) (File ID: SPA-25-002) to facilitate the development of the proposed Tivoli Mable and Tivoli Alves Vesting Tentative Subdivision Maps, would when also combined with the Tivoli Paregian Vesting Tentative Subdivision Map would provide for the development potential of 343 new dwelling units, exceeding the development potential of 330 dwelling units with land uses unchanged by 14 dwelling units, thereby meeting the requirements of Senate Bill 330 (“Housing Crisis Act of 2019”).

3. There are no substantial changes proposed in the Specific Plan amendment that will require major revisions of the Tivoli Specific Plan Final EIR (SCH No. 2005072125).
4. There are no substantial changes occurring with respect to circumstances under which the Specific Plan amendment is being undertaken which will require major revisions in the Tivoli Specific Plan Final EIR.
5. No new information, which was not known and could not have been known at the time the Tivoli Specific Plan Final EIR was certified as complete, has become available.
6. The Addendum to the Tivoli Specific Plan EIR, EA/C&ED 2026-03, provides the substantial evidence to support findings 2-4, noted above.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby recommends to the City Council approval of the proposed Tivoli Specific Plan Amendment No. 8 as described in **Exhibit "A,"** attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 23, 2026, by \_\_\_\_\_, who moved its adoption, which motion was seconded by \_\_\_\_\_, and carried by the following vote:

Ayes:  
Noes:  
Absent:  
Recused:

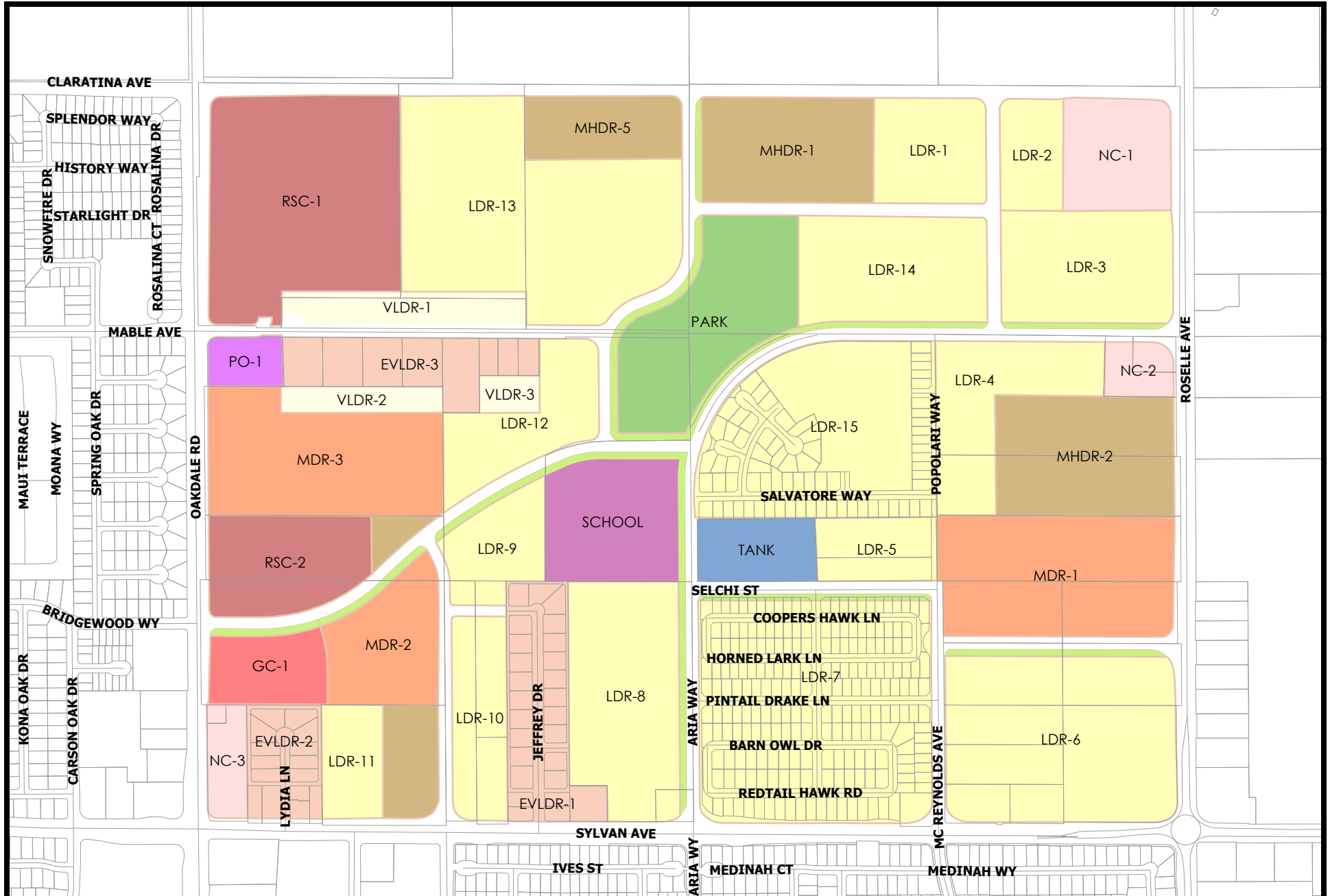
BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in  
CEDD

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Michael Hren, AICP, Secretary

EXHIBIT A (Current Land Use Diagram)

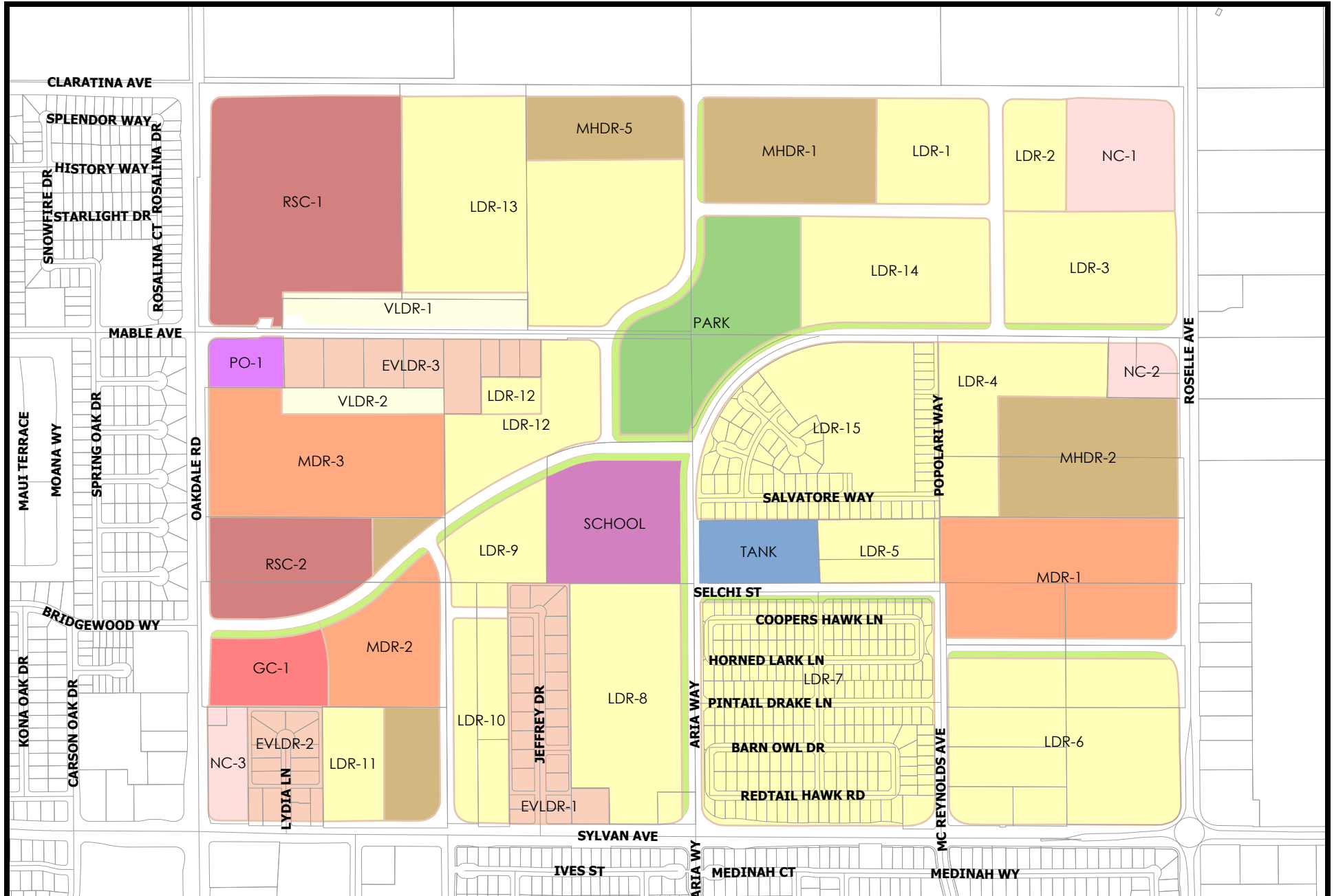


**Tivoli Specific Plan**  
**Land Use Diagram**

EVLDR: Existing Very Low Density Residential	PO: Professional Office	PARK
VLDR: Very Low Density Residential	NC: Neighborhood Commercial	Public Water Well Site
LDR: Low Density Residential	GC: General Commercial	SCHOOL
MDR: Medium Density Residential	RSC: Regional Serving Commercial	
MHDR: Med-High Density Residential		

0 0.1 Miles

EXHIBIT A (Proposed Land Use Diagram)



**Tivoli Specific Plan**  
**Land Use Diagram**

EVLDR: Existing Very Low Density Residential	PO: Professional Office	PARK
VLDR: Very Low Density Residential	NC: Neighborhood Commercial	Public Water Well Site
LDR: Low Density Residential	GC: General Commercial	SCHOOL
MDR: Medium Density Residential	RSC: Regional Serving Commercial	
MHDR: Med-High Density Residential		

0 0.1 Miles

**PLANNING COMMISSION  
RESOLUTION NO. 2026-XX**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF  
AREA PLAN NO. 1 IN THE TIVOLI SPECIFIC PLAN, PROPERTY  
LOCATED BETWEEN MABLE AVENUE AND FUTURE CLARATINA  
AVENUE, EAST OF OAKDALE ROAD (ZAGARIS)**

WHEREAS, the City Council adopted the Tivoli Specific Plan, a 454-acre area of land adjoining the northeast portion of the City of Modesto, by Ordinance No. 3479-C.S. on February 26, 2008; and

WHEREAS, the Tivoli Specific Plan is comprised of nine Area Plans subject to review and approval by the Planning Commission, each Area Plan is denoted to ensure that the circulation, infrastructure, land use, density, project design and other specific plan provisions are provided for each Area Plan as required by Section 9.4.1 of the Tivoli Specific Plan; and

WHEREAS, Section 9.4.1 of the Specific Plan requires the Planning Commission's review and approval of each Area Plan prior to development within the Area Plan; and

WHEREAS, an application for Area Plan No. 1 was filed by Michael Zagaris on January 22, 2026, in accordance with Section 9.4.1 of the Tivoli Specific Plan; and

WHEREAS, said application was submitted together with an application to amend the Tivoli Specific Plan to change the Land Use Diagram of the Specific Plan by amending six acres designated as Medium High Density Residential (MHDR-5) uses to Low Density Residential (LDR-13) uses (Project ID: SPA-25-002), together with a proposed Vesting Tentative Subdivision Map, "Tivoli Alves" to divide 26.3 acres within Area Plan No. 1 into 141 single-family residential lots (Project ID: TSM-25-003) with a Final Development Plan for setback and development standards within the Tivoli Alves Vesting Tentative

Subdivision Map (Project ID: FDP-25-002), and a proposed Vesting Tentative Subdivision Map, “Tivoli Paregian” to divide 22.8 acres within Area Plan No. 1 into 99 low-density single-family residential lots and 11 very low density single-family residential lots (Project ID: TSM-25-004) with a Final Development Plan for setback and development standards for new development by the Tivoli Paregian Vesting Tentative Subdivision Map (Project ID: FDP-25-003); and

WHEREAS, a public hearing was held by the Planning Commission on February 23, 2026, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission has considered the addendum to the Tivoli Specific Plan Final EIR documented with EA/C&ED 2026-03, prepared pursuant to Section 15164 of the CEQA Guidelines, which concluded that the project is:

- a. Within the scope of the Addendum to the Tivoli Specific Plan Final EIR EA/C&ED 2026-03,
- b. That the project is within the scope of the Tivoli Specific Plan Final EIR (SCH No. 2005072125), and
- c. That pursuant to Sections 15162 and 15164 of the CEQA Guidelines, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The proposed Area Plan is consistent with the Tivoli Specific Plan (as amended) and the General Plan because the Area Plan would allow for the development of single-family residential uses that is consistent with the Specific Plan. The General Plan land use designation of Area Plan No. 1 as Residential (R), which allows for single-family residential uses.
2. There are no substantial changes proposed in the project that will require major revisions of the Tivoli Specific Plan Final EIR (SCH No. 2005072125).

3. There are no substantial changes occurring with respect to circumstances under which the Specific Plan amendment is being undertaken which will require major revisions in the Tivoli Specific Plan Final EIR.
4. No new information, which was not known and could not have been known at the time the Tivoli Specific Plan Final EIR was certified as complete, has become available.
5. The Addendum to the Tivoli Specific Plan EIR EA/C&ED 2026-03, provides the substantial evidence to support findings 2-4, noted above.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby recommends to the City Council that the Area Plan No. 1 of the Tivoli Specific Plan, described in “**Exhibit A,**” attached hereto and incorporated herein by reference, be approved subject to the following conditions:

1. Except as amended herein, or by reference, all development shall be in accordance with Area Plan No. 1 and the associated Final Development Plan (Project ID AREA 25-003) and Vesting Tentative Subdivision Map of Tivoli Alves (Project ID FDP-25-002 and TSM-25-003), with the Final action by City Council at a future agendaized hearing.
2. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys’ fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
3. Prior to the commencement of improvements to the Right of Way at the intersection of Oakdale and Claratina Avenue, or any road modifications where they intersect with SFPUC ROW, applicant must submit to Hetch Hetchy Water and Power (HHWP), a HHWP Project Review and Land Use Application and obtain written authorization from SFPUC for any proposed crossing, use of, reclassification, rezoning or work on City and County of San Francisco (CCSF)-owned land. Contact [hhwp\\_row@sfwater.org](mailto:hhwp_row@sfwater.org).

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 23, 2026, by \_\_\_\_\_, who moved its adoption, which motion was seconded by \_\_\_\_\_ and carried by the following vote:

Ayes:  
Noes:  
Absent:  
Recused:

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in  
CEDD

---

Michael Hren, AICP, Secretary

# AREA PLAN

ALVES (TIVOLI)

---

**SUBMITTAL DATE: SEPTEMBER 29, 2025**

**Prepared by:**

Westwood Professional Services  
1165 Scenic Drive, Suite A  
Modesto, CA 95350  
209.571.1765

**Applicant:**

Alves Properties  
1120 Scenic Drive  
Modesto, CA 95350

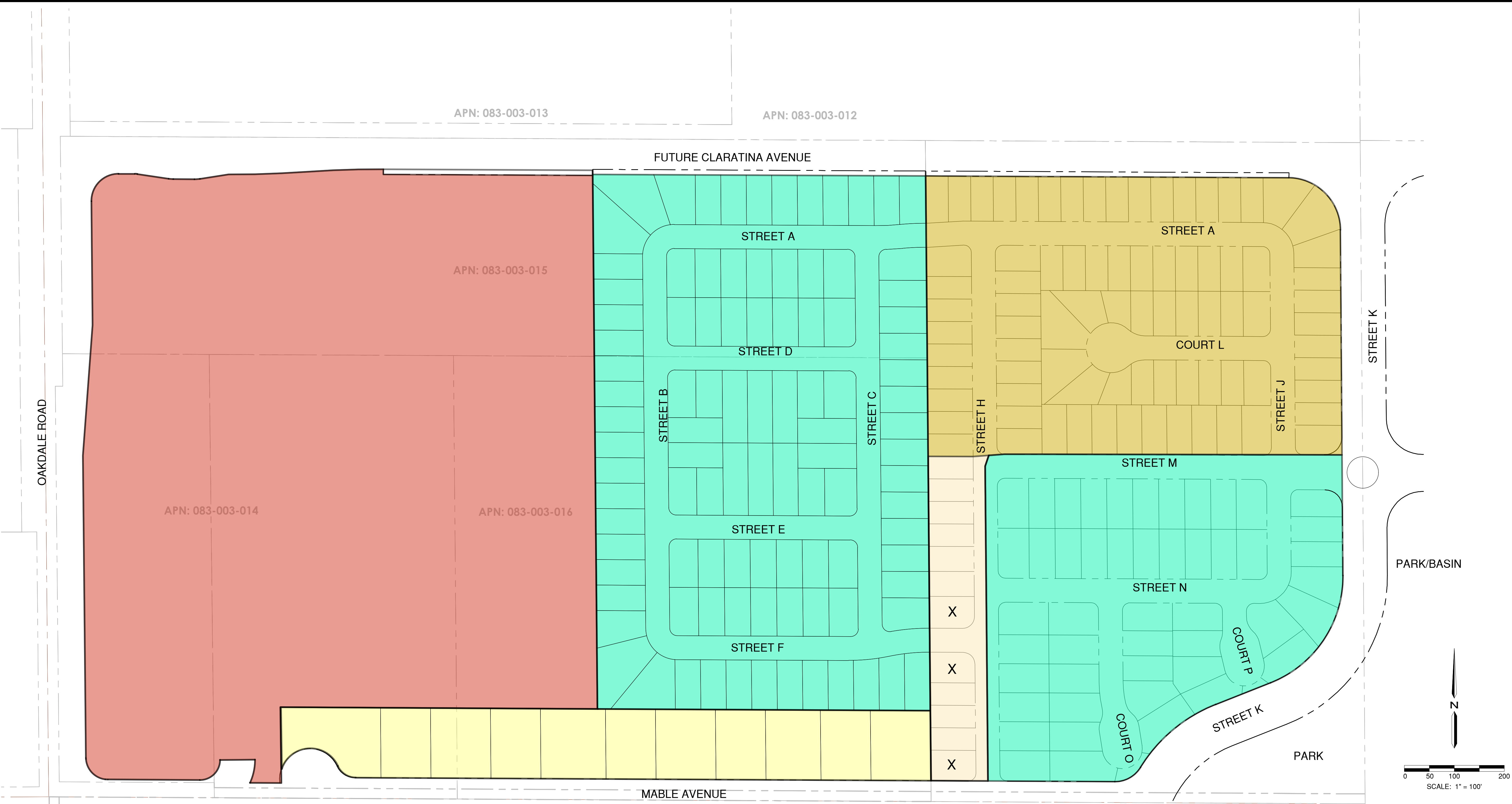
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NO.	DESCRIPTION	DATE	BY

**AREA PLAN - LAND USE**  
 AREA 1 (TIVOLI)  
 MODESTO, CALIFORNIA

DATE:	09/24/2025
DRAFTER:	EH/DF
DESIGNER:	-
CHECKED:	MP
PROJECT NO.	0056726.00 & 0057527.00

SHEET NO.	1
OF	5



**LEGEND**

LAND USE/HOUSING TYPE	NO. OF LOTS	DENSITY
REGIONAL SERVING COMMERCIAL	N/A	N/A
LOW DENSITY RESIDENTIAL 5,000-12,000 SF LOTS 50' MIN. WIDTH	147 LOTS	5.8± UNITS/AC
LOW DENSITY RESIDENTIAL 3,000-5,000 SF LOTS 30' MIN. WIDTH	12 LOTS	7.1± UNITS/AC
STANDARD LOTS (5,000-12,000 SF)		
MEDIUM DENSITY RESIDENTIAL 3,000-5,000 SF LOTS 30' MIN. WIDTH	81 LOTS	7.7± UNITS/AC
VERY LOW DENSITY RESIDENTIAL 100'X140' MIN. LOTS	11 LOTS	2.7± UNITS/AC

**NOTES**

- THERE IS CURRENTLY NO INTENTION TO SPLIT THE INDIVIDUAL TENTATIVE MAPS INTO ADDITIONAL UNITS OR PHASES.



NO.	DESCRIPTION	DATE	BY

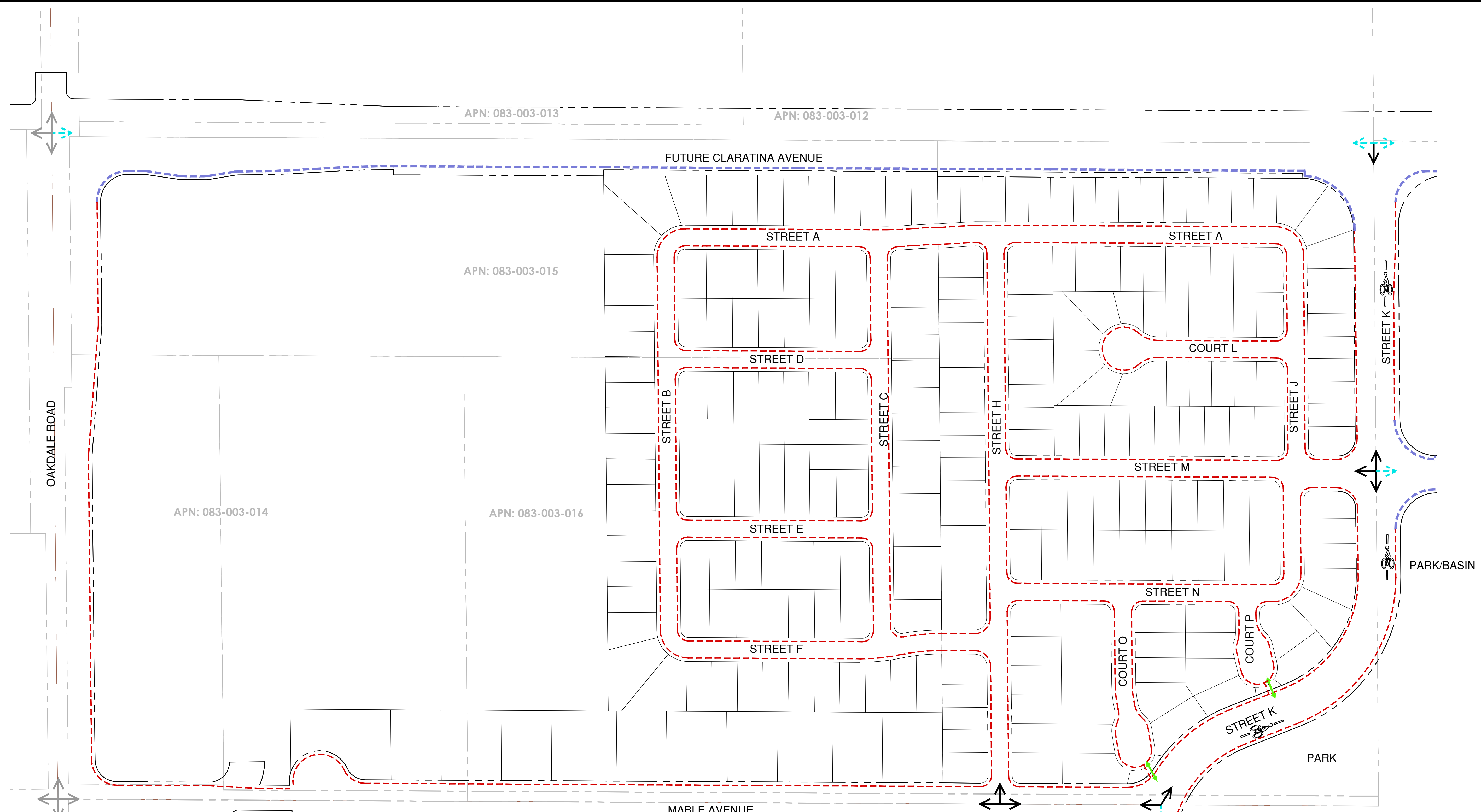
**AREA PLAN - CIRCULATION**  
 AREA 1 (TIVOLI)  
 MODESTO, CALIFORNIA

DATE:	09/24/2025
DRAFTER:	EH/DF
DESIGNER:	-
CHECKED:	MP
PROJECT NO.	0056726.00 & 0057527.00

DATE:	09/24/2025
DRAFTER:	EH/DF
DESIGNER:	-
CHECKED:	MP

PROJECT NO.  
0056726.00 & 0057527.00

SHEET NO.  
**2**  
OF  
5



**LEGEND**

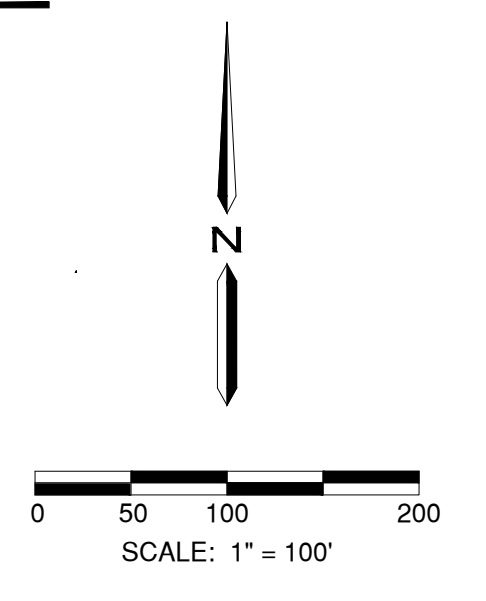
- VEHICULAR CIRCULATION DIRECTION
- FUTURE VEHICULAR CIRCULATION DIRECTION
- EXISTING VEHICULAR CIRCULATION DIRECTION
- PEDESTRIAN CIRCULATION PATHS
- FUTURE PEDESTRIAN CIRCULATION PATHS
- PEDESTRIAN CIRCULATION DIRECTION
- BIKE CIRCULATION (PASEO)

NOTE:  
 1. FUTURE VEHICULAR CONNECTIONS WILL BE AVAILABLE ONCE THE ADJACENT ROADWAYS ARE CONSTRUCTED BY THOSE PROJECTS.

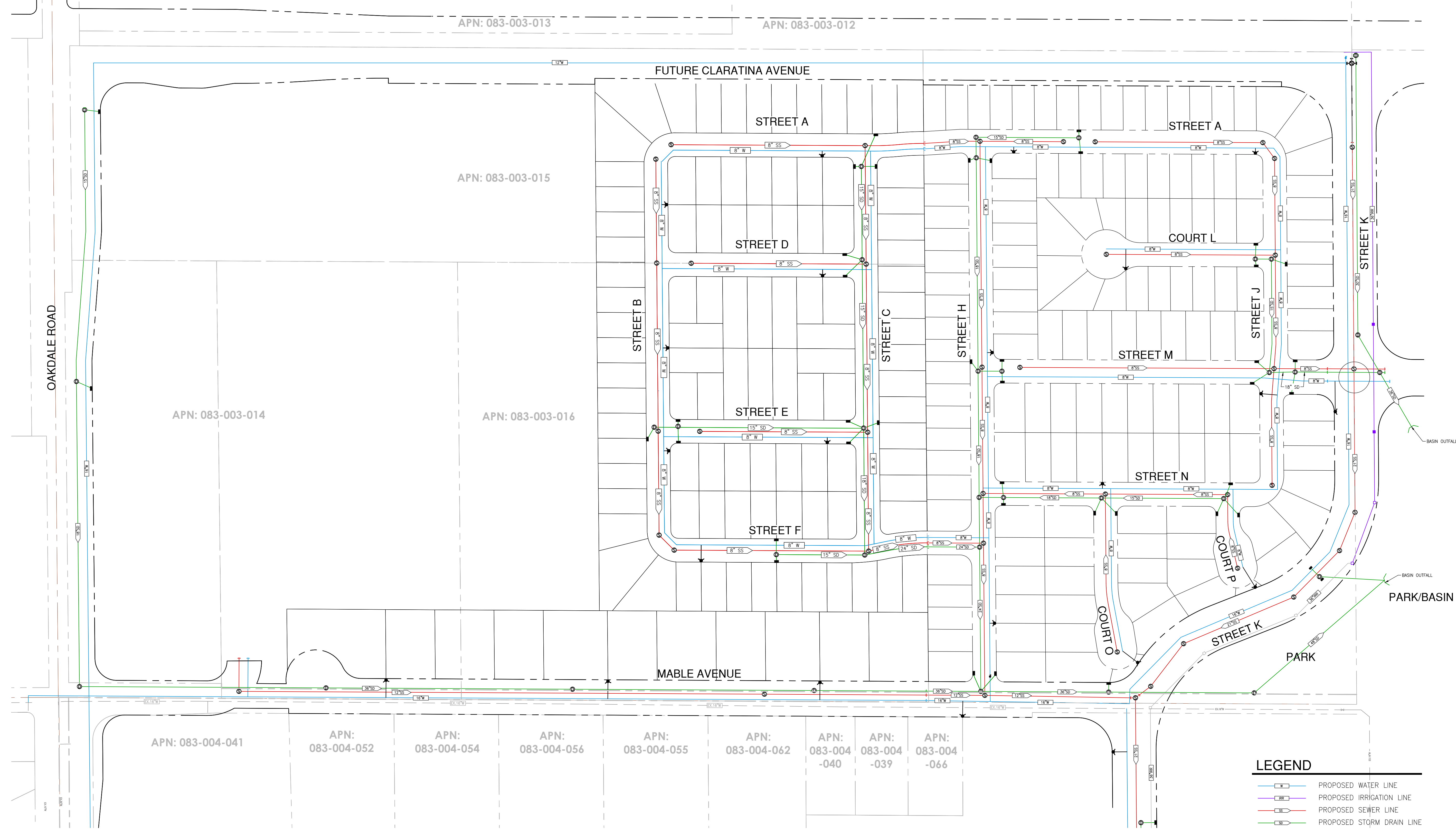
**NOTE**

ALL ROADS SHOWN, BOTH EXISTING AND PROPOSED, ARE PUBLIC ROADWAYS.

STREET CLASSIFICATION	
STREET NAME	STREET TYPE
CLARATINA AVENUE	PRINCIPAL ARTERIAL
STREET K	COLLECTOR WITH PASEO
MABLE AVE	LOCAL
ALL INTERIOR STREETS	LOCAL

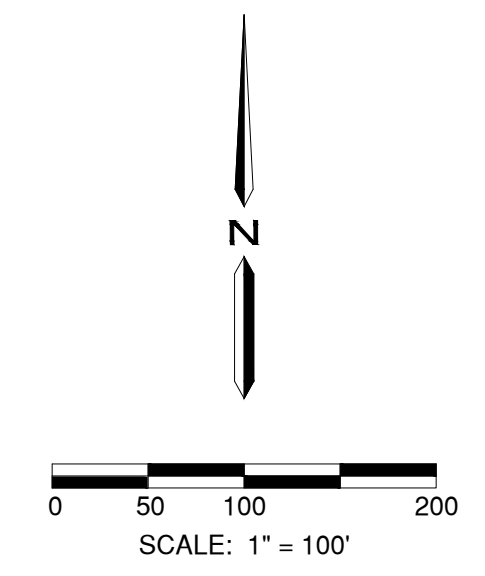


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**LEGEND**

	PROPOSED WATER LINE
	PROPOSED IRRIGATION LINE
	PROPOSED SEWER LINE
	PROPOSED STORM DRAIN LINE
	EXISTING WATER LINE
	FUTURE WATER LINE



NO.	DESCRIPTION	DATE	BY

**AREA PLAN - INFRASTRUCTURE**  
 AREA 1 (TIVOLI)  
 MODESTO, CALIFORNIA

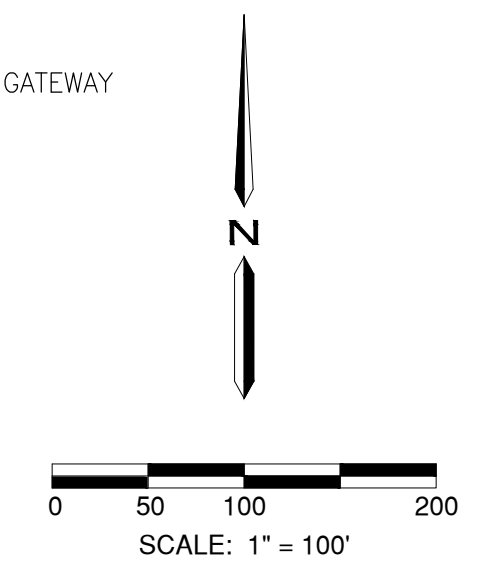
DATE:	09/24/2025
DRAFTER:	EH/DF
DESIGNER:	-
CHECKED:	MP
PROJECT NO.	0056726.00 & 0057527.00

Drawing: \\L:\ODEL\Modesto\43500\Tivoli - Paregjan Parcel\Planning\Exhibits\EXH-Tivoli Paregjan & Alvar AP-43300-43500.dwg Plot Date/Time: 9/29/2025 10:19 AM Last Saved by: EAhamed



**LEGEND**

	LANDSCAPE
	PASEO
	FUTURE PASEO
	FUTURE NEIGHBORHOOD ENTRIES
	MINOR GATEWAY
	MAJOR GATEWAY



NO.	DESCRIPTION	DATE	BY

**AREA PLAN - LANDSCAPING**  
 AREA 1 (TIVOLI)  
 MODESTO, CALIFORNIA

DATE:	09/24/2025
DRAFTER:	EH/DF
DESIGNER:	-
CHECKED:	MP
PROJECT NO.	0056726.00 & 0057527.00

SHEET NO.  
**4**  
 OF  
 5

Drawing: N:\ODE\Modesto\43500\Title - Planning\Parcel\Planning\EXHIBIT-Tivoli\Paragian & Alvar AP-43300-43500.dwg Plot Date/Time: 9/29/2025 10:19 AM Last Saved by: EAhamed

CLARATINA AVENUE

at Auto Tint

OAKDALE ROAD

APN: 083-003-014

APN: 083-003-015

APN: 083-003-013

APN: 083-003-012

APN: 083-003-016

APN: 083-003-017

AGRICULTURAL POND

MABLE AVENUE

APN: 083-004-041

APN: 083-004-052

APN: 083-004-054

APN: 083-004-056

APN: 083-004-055

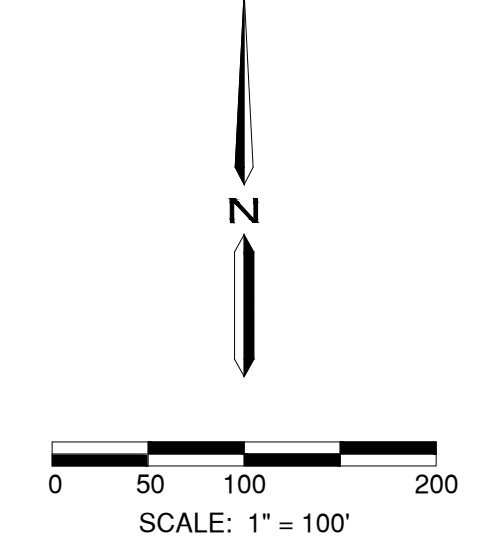
APN: 083-004-062

APN: 083-004-040

APN: 083-004-039

APN: 083-004-066

Village Oak Veterinary Hospital



Know what's below. Call before you dig.

**Westwood**  
 Westwood Professional Services, Inc.  
 1165 SCENIC DRIVE, SUITE A  
 MODESTO, CA 95335  
 T: 209.571.7165  
[www.westwoodps.com](http://www.westwoodps.com)

NO.	DESCRIPTION	DATE	BY

AREA PLAN - EXISTING CONDITIONS  
 AREA 1 (TIVOLI)  
 MODESTO, CALIFORNIA

DATE: 09/24/2025  
 DRAFTER: EH/DF  
 DESIGNER: -  
 CHECKED: MP  
 PROJECT NO.  
 0056726.00 & 0057527.00

SHEET NO.  
 5  
 OF  
 5

**PLANNING COMMISSION  
RESOLUTION NO. 2026-XX**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF  
AREA PLAN NO. 4 IN THE TIVOLI SPECIFIC PLAN, PROPERTY  
LOCATED BETWEEN ARIA WAY AND OAKDALE ROAD, SOUTH OF  
MABLE AVENUE (MABLE AVENUE PROPERTIES LP)**

WHEREAS, the City Council adopted the Tivoli Specific Plan, a 454-acre area of land adjoining the northeast portion of the City of Modesto, by Ordinance No. 3479-C.S. on February 26, 2008; and

WHEREAS, the Tivoli Specific Plan is comprised of nine Area Plans subject to review and approval by the Planning Commission, each Area Plan denoted to ensure that the circulation, infrastructure, land use, density, project design and other specific plan provisions are provided for each Area Plan as required by Section 9.4.1 of the Tivoli Specific Plan; and

WHEREAS, Section 9.4.1 of the Specific Plan requires the Planning Commission's review and approval of each Area Plan prior to development within the Area Plan; and

WHEREAS, an application for Area Plan No. 4 was filed by Mable Avenue Properties LP on January 22, 2025, in accordance with Section 9.4.1 of the Tivoli Specific Plan; and

WHEREAS, said application was submitted with an application to amend the Tivoli Specific Plan to change the Land Use Diagram of the Specific Plan by amending two acres designated as Very Low Density Residential (VLDR-3) uses to Low Density Residential (LDR-12 uses (Project ID: SPA-25-003), together with a proposed a Vesting Tentative Subdivision Map, "Tivoli Mable Parcel" to divide 22.7 acres within Area Plan No. 4 into 92 single-family residential lots (Project ID: TSM-25-002), and a proposed Final

Development Plan “Mable (Tivoli)” for setback and development standards for new development by the Mable (Tivoli) Vesting Tentative Subdivision Map (Project ID: FDP-25-001); and

WHEREAS, a public hearing was held by the Planning Commission on February 23, 2026, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission has considered the addendum to the Tivoli Specific Plan Final EIR documented with EA/C&ED 2026-03, prepared pursuant to Section 15164 of the CEQA Guidelines, which concluded that the project is:

- a. Within the scope of the Addendum to the Tivoli Specific Plan Final EIR EA/C&ED 2026-03,
- b. That the project is within the scope of the Tivoli Specific Plan Final EIR (SCH No. 2005072125), and
- c. That pursuant to Sections 15162 and 15164 of the CEQA Guidelines, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The proposed Area Plan is consistent with the Tivoli Specific Plan (as amended) and the General Plan because the Area Plan would allow for the development of single-family residential uses that is consistent with the Specific Plan. The General Plan land use designation of Area Plan No. 4 as Residential (R), which allows for single-family residential uses.
2. There are no substantial changes proposed in the project that will require major revisions of the Tivoli Specific Plan Final EIR (SCH No. 2005072125).
3. There are no substantial changes occurring with respect to circumstances under which the Specific Plan amendment is being undertaken which will require major revisions in the Tivoli Specific Plan Final EIR.

4. No new information, which was not known and could not have been known at the time the Tivoli Specific Plan Final EIR was certified as complete, has become available.
5. The Addendum to the Tivoli Specific Plan EIR, EA/C&ED 2026-03, provides the substantial evidence to support findings 2-4, noted above.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby recommends to the City Council that the Area Plan No. 4 of the Tivoli Specific Plan, described in “**Exhibit A**,” attached hereto and incorporated herein by reference, be approved subject to the following conditions:

1. Except as amended herein, or by reference, all development shall be in accordance with Area Plan No. 4 (Project ID AREA-25-002) and the associated Final Development Plan and Vesting Tentative Subdivision Map of Tivoli Mable (Project ID FDP-25-001 and TSM-25-002), with the Final action by City Council at a future agenda hearing.
2. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys’ fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.
3. Prior to the commencement of improvements to the Right of Way at the intersection of Oakdale and Claratina Avenue, or any road modifications where they intersect with SFPUC ROW, applicant must submit to Hetch Hetchy Water and Power (HHWP), a HHWP Project Review and Land Use Application and obtain written authorization from SFPUC for any proposed crossing, use of, reclassification, rezoning or work on City and County of San Francisco (CCSF) -owned land. Contact [hhwp\\_row@sfgov.org](mailto:hhwp_row@sfgov.org).

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 23, 2026, by \_\_\_\_\_, who moved its adoption, which motion was seconded by \_\_\_\_\_ and carried by the following vote:

Ayes:

Noes:  
Absent:  
Recused:

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF  
MODESTO.

Original, signed copy on file in  
CEDD

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Michael Hren, AICP, Secretary

# AREA PLAN

## AREA 4

### MABLE PARCEL (TIVOLI)

---

**SUBMITTAL DATE: SEPTEMBER 25, 2025**

**Prepared by:**

Westwood Professional Services  
1165 Scenic Drive, Suite A  
Modesto, CA 95350  
209.571.1765

**Applicant:**

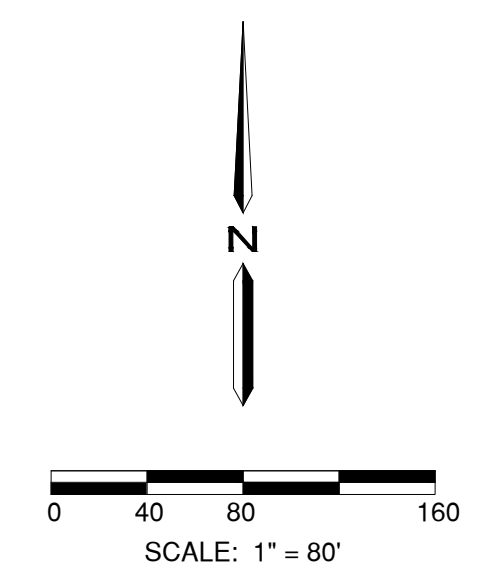
Mable Avenue Properties  
1120 Scenic Drive  
Modesto, CA 95350

Drawing: D:\\_ODE\Modesto\4380 Tivoli\Maple Parcel\Planning\Exhibit\Tivoli\Maple AP-4380.dwg Pld Date/Time: 9/30/2025 8:57 AM Last Saved by: EAHamed



**LEGEND**

	NO. OF LOTS	DENSITY
<span style="display:inline-block; width:15px; height:15px; background-color:purple;"></span> ELEMENTARY SCHOOL SITE		
<span style="display:inline-block; width:15px; height:15px; background-color:green;"></span> PARK/BASIN		
<span style="display:inline-block; width:15px; height:15px; background-color:blue;"></span> PUBLIC INFRASTRUCTURE		
<span style="display:inline-block; width:15px; height:15px; background-color:yellow;"></span> LOW DENSITY RESIDENTIAL	91 LOTS	6.5± UNITS/AC
<span style="display:inline-block; width:15px; height:15px; background-color:orange;"></span> VERY LOW DENSITY RESIDENTIAL	1 LOT	1.4± UNITS/AC
X	STANDARD LOTS (5,000-12,000 SF) NOTE: ALL OTHER LDR LOTS ARE "SMALL" LOTS, 3,000-5,000 SF.	

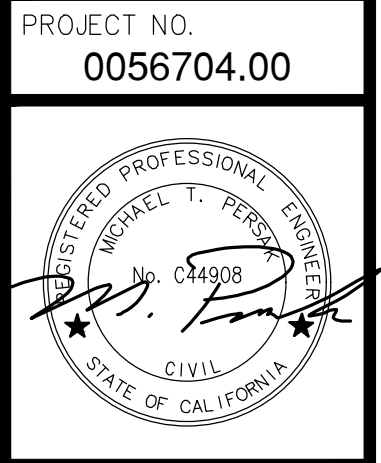


NO.	DESCRIPTION	DATE	BY

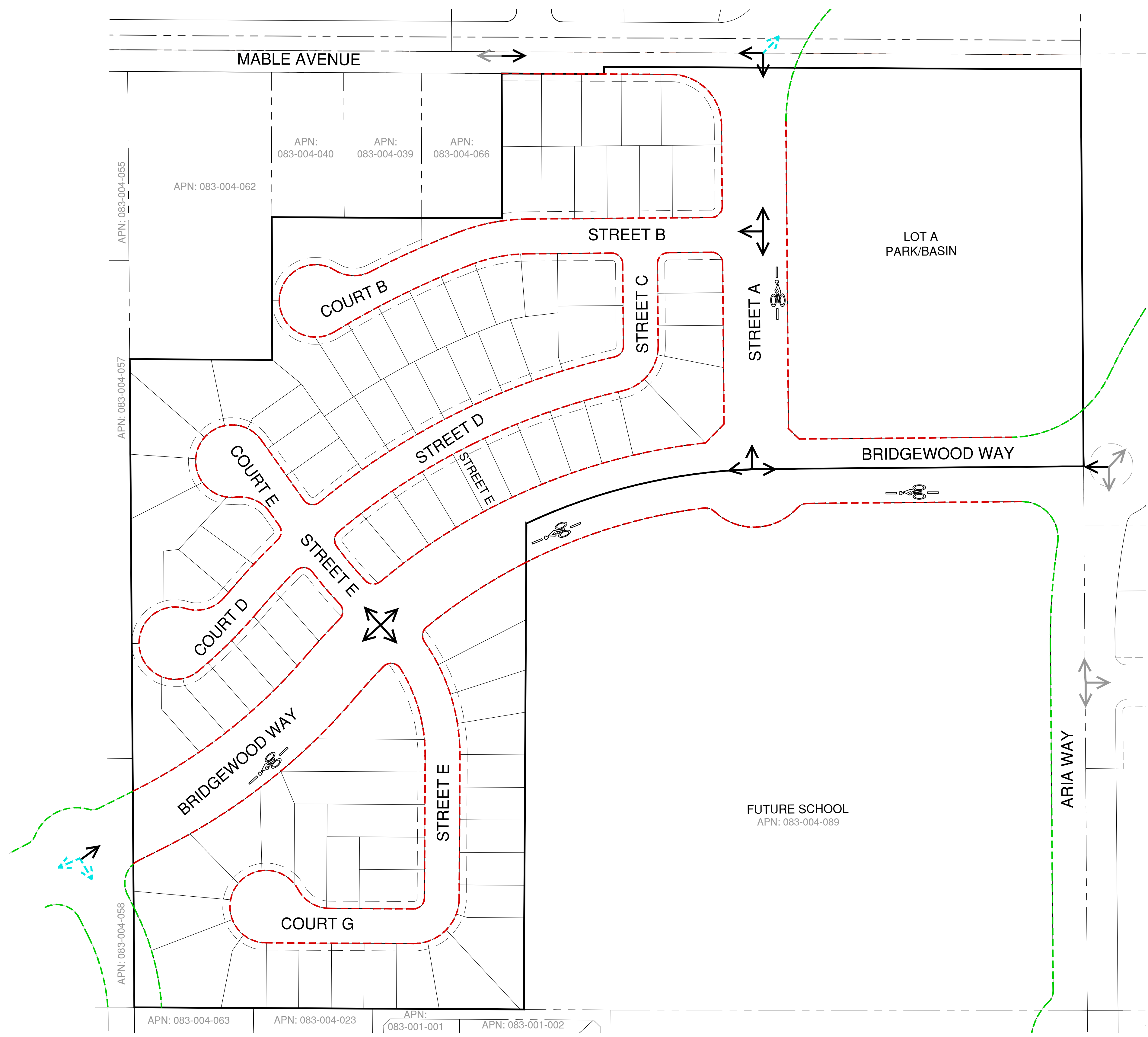
**AREA PLAN - LAND USE**  
TIVOLI MAPLE PARCEL  
MODESTO, CALIFORNIA

DATE: 09/25/2025  
DRAFTER: JJB/DF  
DESIGNER: MP  
CHECKED: MP

PROJECT NO.  
**0056704.00**



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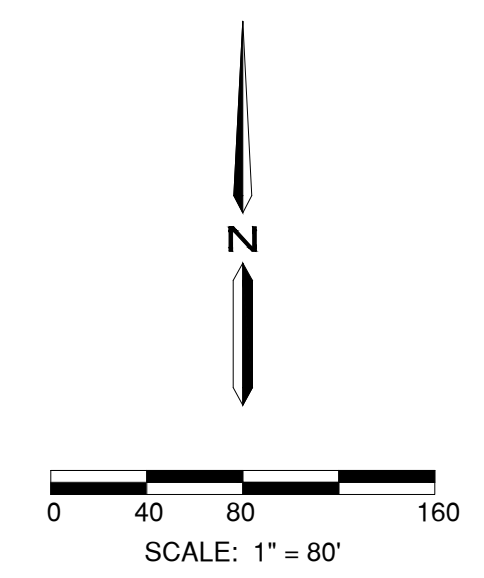


**LEGEND**

- VEHICULAR CIRCULATION DIRECTION
- FUTURE VEHICULAR CIRCULATION DIRECTION
- PEDESTRIAN CIRCULATION PATHS
- FUTURE PEDESTRIAN CIRCULATION PATHS
- BIKE CIRCULATION (PASEO)

NOTE:  
 1. FUTURE VEHICULAR CONNECTIONS WILL BE AVAILABLE ONCE THE ADJACENT ROADWAYS ARE CONSTRUCTED BY THOSE PROJECTS.

STREET CLASSIFICATION	
STREET NAME	STREET TYPE
STREET A	COLLECTOR WITH PASEO
STREET B	LOCAL
STREET C	LOCAL
STREET D	LOCAL
STREET E	LOCAL
COURT G	LOCAL
BRIDGEWOOD WAY	COLLECTOR WITH PASEO
MABLE AVE	LOCAL
ARIA WAY	COLLECTOR WITH PASEO



NO.	DESCRIPTION	DATE	BY

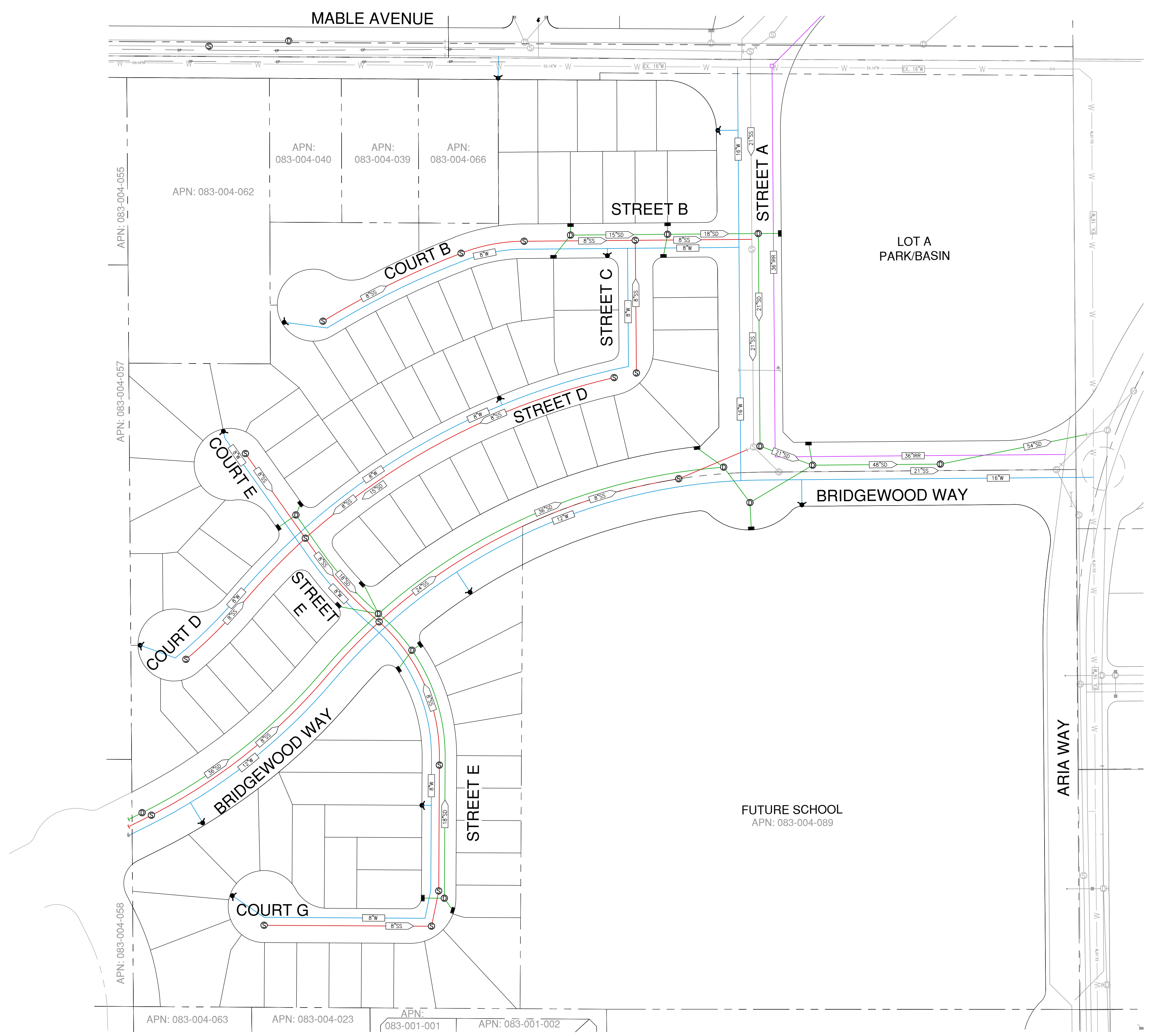
**AREA PLAN - CIRCULATION**  
 TIVOLI MAPLE PARCEL  
 MODESTO, CALIFORNIA

DATE: 09/25/2025  
 DRAFTER: JJB/DF  
 DESIGNER: MP  
 CHECKED: MP

PROJECT NO.  
**0056704.00**

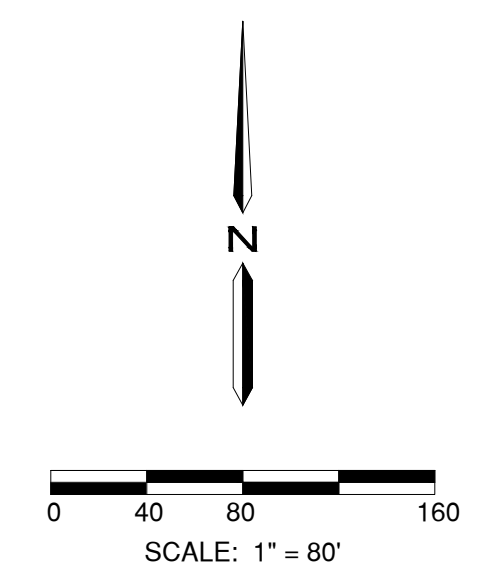


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**LEGEND**

- W — PROPOSED WATER LINE
- IRR — PROPOSED IRRIGATION LINE
- SS — PROPOSED SEWER LINE
- SD — PROPOSED STORM DRAIN LINE
- W — EXISTING WATER LINE
- IRR — EXISTING IRRIGATION LINE
- SD — EXISTING STORM DRAIN LINE
- SS — EXISTING SEWER LINE
- W — FUTURE WATER LINE
- ⊙ — PROPOSED SEWER MANHOLE
- ⊙ — PROPOSED STORM DRAIN MANHOLE
- — PROPOSED CATCH BASIN
- ⊕ — PROPOSED FIRE HYDRANT



NO.	DESCRIPTION	DATE	BY

**AREA PLAN - INFRASTRUCTURE**

TIVOLI MABLE PARCEL  
MODESTO, CALIFORNIA

DATE: 09/25/2025  
DRAFTER: JJB/DF  
DESIGNER: MP  
CHECKED: MP

PROJECT NO.  
**0056704.00**



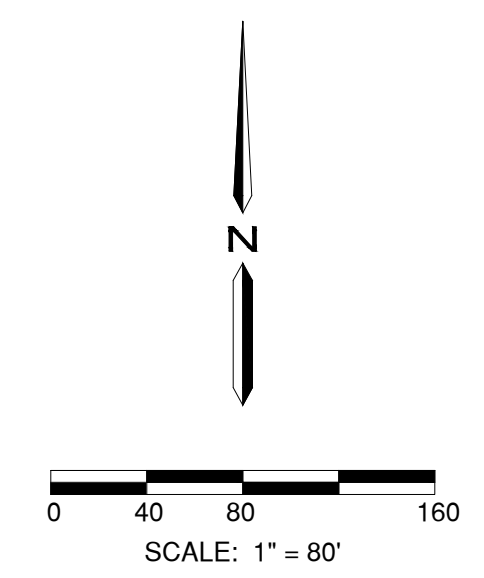
SHEET NO.  
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**LEGEND**

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<span style="display: inline-block; width: 15px; height: 10px; background-color: #E8F5E9; border: 1px solid black;"></span>	FUTURE PASEO
<span style="display: inline-block; width: 10px; height: 10px; border: 1px solid black; border-radius: 50%; text-align: center; line-height: 10px;">NE</span>	NEIGHBORHOOD ENTRIES



NO.	DESCRIPTION	DATE	BY

**AREA PLAN - LANDSCAPING**  
 TIVOLI MABLE PARCEL  
 MODESTO, CALIFORNIA

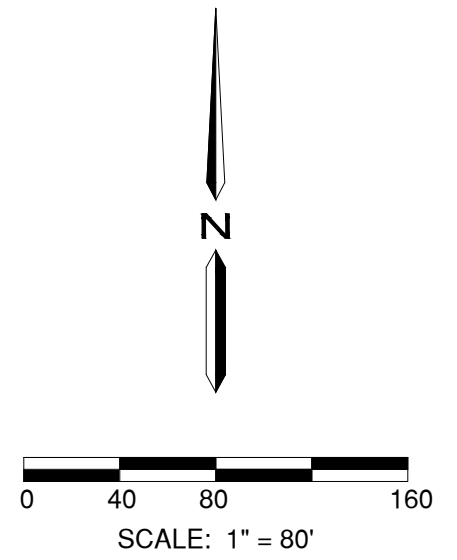
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PROJECT NO.  
**0056704.00**



SHEET NO.  
**4**  
 OF  
**5**

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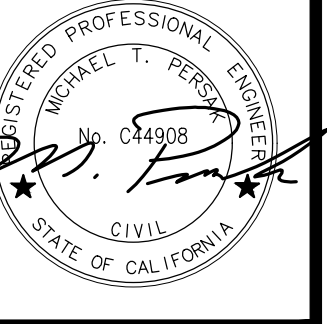
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**AREA PLAN - EXISTING CONDITIONS**

TIVOLI MABLE PARCEL  
 MODESTO, CALIFORNIA

DATE: 09/25/2025  
 DRAFTER: JJB/DF  
 DESIGNER: MP  
 CHECKED: MP

PROJECT NO.  
**0056704.00**



SHEET NO.  
**5**  
 OF  
**5**

**PLANNING COMMISSION  
RESOLUTION NO. 2026-XX**

**A RESOLUTION RECOMMENDING APPROVAL BY THE CITY COUNCIL OF THE  
VESTING TENTATIVE MAP OF TIVOLI ALVES (ALVES PROPERTIES LP)**

WHEREAS, on February 26, 2008 by Ordinance No. 3479-CS the City Council adopted the Tivoli Specific Plan; and

WHEREAS, the Tivoli Specific Plan is separated into nine Area Plans to provide for the orderly development of each area of the Specific Plan, with each Area Plan adopted by the Planning Commission in accordance to Chapter 9, Implementation, of the Specific Plan, or by City Council Resolution in certain situations; and

WHEREAS, Alves Properties LP has filed an application for a Vesting Tentative Subdivision Map, Tivoli Alves, to divide 26.3 acres into 141 single-family residential lots, as described in **Exhibit “A,”** attached hereto and incorporated herein by referenced, all within Area Plan No. 1 of the Specific Plan, property located south of future Claratina Avenue and east of Oakdale Road; and

WHEREAS, said Vesting Tentative Subdivision Map was received together with an application to amend the land use diagram of the Tivoli Specific Plan (Project ID: SPA-25-002), to amend six acres from Medium-High Density Residential (MHDR) which allows 18-24 dwelling units per acre to Low Density Residential (LDR) which allows 4-8 dwelling units per acre; and

WHEREAS, said Vesting Tentative Subdivision Map was also received together with an application for the adoption of Area Plan No. 1 of the Tivoli Specific Plan (Project ID: AREA-25-003); and

WHEREAS, said Vesting Tentative Subdivision Map was also received together with an application for the adoption of a Final Development Plan (Project ID: FDP-25-002), to provide for certain building setback and development standards as allowed by Chapter 9, Section 9.4.1.2 of the Specific Plan; and

WHEREAS, said Vesting Tentative Map was received in the office of the Secretary of the Planning Commission on January 22, 2025, and was accepted for filing and deemed complete on December 29, 2025, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code; and

WHEREAS, copies of said vesting tentative map have been sent to the Sylvan Elementary School and Modesto High School Districts, Modesto Irrigation District, the local utility companies, and the City Engineering and Transportation Department; and

WHEREAS, City services, including sewer and water facilities, are available; and

WHEREAS, the area can be served by elementary schools in the Sylvan School District and by Fire Station No. 7 at 1800 Mable Avenue, located within one mile; and

WHEREAS, a public hearing was held by the Planning Commission on February 23, 2026, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission certifies it has received and reviewed the Addendum to the Tivoli Final Environmental Impact Report (Tivoli FEIR), EA/C&ED 2026-03, prepared pursuant to Section 15164 of the CEQA Guidelines, which concluded that the project is within the scope of the Tivoli Specific Plan Final EIR (SCH No.

2005072125) and that pursuant to Sections 15162 and 15164 of the CEQA Guidelines, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The proposed vesting tentative subdivision map, together with the provisions for its design and improvements, is consistent with the General Plan of the City of Modesto, the Tivoli Specific Plan (as amended) the Subdivision Map Act of the State of California, and Title 4 of the Modesto Municipal Code regarding the subdivision of land.
2. The discharge of waste as a result of the proposed vesting tentative subdivision map into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
3. As per Sections 15162 and 15164 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Tivoli Specific Plan Final EIR and no new environmental document or findings are required by CEQA.
4. The project will have no new effects which were not examined in the Tivoli Specific Plan Final EIR and no new mitigation measures would be required.
5. There are no substantial changes proposed in the project, which will require major revisions of the Tivoli Specific Plan Final EIR.
6. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Tivoli Specific Plan Final EIR.
7. No new information, which was not known and could not have been known at the time the Tivoli Specific Plan Final EIR was certified as complete, has become available.
8. There are no specific features that are unique to the proposed project that require project-specific mitigation measures. Accordingly, the certified mitigation measures identified in the Final EIR will be sufficient for this project.

9. All feasible mitigation measures set forth in the Final EIR which are appropriate to the project shall be incorporated in the project.
10. The Addendum to the Tivoli FEIR, EA/C&ED 2026-03, provides the substantial evidence to support findings 3-9, noted above.

BE IT FURTHER RESOLVED by the Planning Commission that the Vesting Tentative Subdivision Map of Tivoli Alves, accepted for filing in the office of the Secretary of the Planning Commission on December 29, 2025, be recommended for approval by the City Council, as submitted and subject to the following conditions:

1. The Tivoli Alves Final Map cannot be recorded unless and until the City Council approves the proposed amendment to the Land Use Diagram of the Tivoli Specific Plan (SPA-25-002) to change MHDR-5 to LDR-13 to allow for the development of the 141-lot single-family residential development as proposed. Said approval shall be noted on the Final Map.
2. Prior to recordation of a Final Map, new street names for Streets A, F, H, J, M, N, and Courts L, O, and P shall be proposed and approved by both the City and the County.

Land Development Engineering:

3. Prior to recordation of a Final Map, project applicant shall produce improvement plans for required improvements prepared by a Registered Civil Engineer according to City standards and the Tivoli Specific Plan. Improvement plans shall be submitted for approval by the City Engineer or designee.
4. Project applicant shall ensure that any public improvements that are missing damaged or not to current City standards shall be designed and constructed per City standards in accordance with City Code (Article 7-1.701) and the Tivoli Specific Plan. Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and streetlights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment permit.
5. Project applicant shall ensure that all existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as require by the City Engineer or designee.
6. The project applicant shall ensure that the proposed development is designed to function independently, with complete and operational pedestrian and vehicular circulation, utility infrastructure, and all other required improvements, in

accordance with the Tivoli Specific Plan and applicable City Standards. Each tentative map or development phase must be capable of operating independently without reliance on the buildout of adjacent or future projects. Final design shall be subject to review and approval by the City Engineer.

Alves Project Specific Conditions:

7. The developer shall be responsible for the design of the proposed two roundabouts at the intersection of Street K & Street M and Claratina Avenue & Street K subject to review and approval of the City Engineer. Prior to the issuance of the first building permit, the roundabout at Street K and Street M shall be fully designed and constructed to the satisfaction of the City Engineer. The two lanes with bypass lanes roundabout at the intersection of Street K and Claratina Avenue shall be designed but not required to be constructed with this project. All roundabouts shall be designed by a California-registered civil engineer with demonstrated experience in roundabout design and Claratina and Street K roundabout must be designed by the California-registered civil engineer with demonstrated experience in two lanes with bypass lane roundabouts design and must provide evidence of the previous experience. Design and construction of these roundabouts may require the reconfiguration or removal of the 36,37,38,39,47, and 114 lots.
8. The project applicant shall design and install a CMU wall along the and Claratina Avenue frontages in accordance with the Tivoli Specific Plan.
9. The project applicant shall provide a 10-foot Public Utilities Easement (PUE) and a 10-foot Planting Easement (PE) on each side of the proposed public right-of-way, unless otherwise approved by the City Engineer.
10. The developer shall design and install a Minor Gateway feature at the southwest corner of the intersection of Claratina Avenue and Street K, as well as neighborhood entry features along the west side of the intersection of Street M and Street K, in accordance with the Tivoli Specific Plan.
11. The developer shall design and install full street improvements, including associated landscaping, along the project frontage on Street K, including curb and gutter improvements on the opposite (park) side, as determined by the City Engineer and in accordance with City standards and the Tivoli Specific Plan.
12. The developer shall design and install full frontage improvements adjacent to the project site along Claratina Avenue for the two southernmost lanes of travel, including but not limited to paseo improvements, landscaping, travel lanes, and decorative street lighting, along with any required right-of-way or easements. If full intersection control improvements as outlined in the Tivoli Specific Plan at Sylvan Avenue and Aria Way or Roselle Avenue and Aria Way are not available from the south or east of the site, the two southernmost lanes of travel up to the Oakdale Road and Claratina Avenue intersection would be required,

including any required signal modifications to the interim traffic signal, and the acquisition of any necessary right-of-way for the temporary intersection improvements. Parking lanes, curb and gutter, sidewalks, and landscaping etc. on the south side of Claratina Avenue at the frontage of commercial site will be deferred until the development of commercial site, unless pedestrian ADA access requirements are needed as determined by the City Engineer.

13. Any temporary or interim improvements installed by the developer shall not be eligible for reimbursement, as such improvements may be required to be removed to accommodate ultimate improvements.
14. The developer shall design and install pedestrian improvements to ensure adequate pedestrian connectivity from the proposed subdivision to Oakdale Road or Sylvan Avenue, as determined by the City Engineer.
15. The proposed temporary gate shall be subject to approval by the Fire Marshal and City Engineer and shall be designed and installed to provide fire apparatus turnaround capability in both directions, be equipped with Knox keys or other approved emergency access devices and be maintained in good working condition by the developer. The developer shall be responsible for the operation, maintenance, and repair of the temporary gate until it is removed or replaced with permanent improvements approved by the City. Berms or ditches shall be installed prior to commencement of construction activities to prevent vehicles from bypassing the gate and shall remain in place and maintained for the duration of construction, as approved by the City Engineer.

Land Development Engineering, Water:

16. Project applicant shall construct Water lines per the Facilities Master Plan (FMP), including 16-inch water lines and smaller parallel distribution water lines, as per the FMP and Tivoli Specific Plan. All applicable water connection fees shall be paid, and an encroachment permit obtained from the City prior to any connection being made in the City's public Right-of-Way.
17. Water main shall be installed on Street K and property frontage on Claratina Avenue to install Fire Hydrants as per City standards.

Land Development Engineering, Sewer:

18. Project applicant shall construct Sewer lines as per the Facilities Master Plan (FMP) and the Tivoli Specific Plan. Design and installation shall consider the commercial development to the west of this subdivision. Plans and calculations shall be submitted for review. All applicable sewer connection fees shall be paid, and an encroachment permit obtained from the City prior to any connection being made in the City's public Right-of-Way.

Land Development Engineering, Storm Drain:

19. The project applicant shall be required to design and construct storm drainage improvements that direct stormwater runoff to the central park basin, as

identified in the Tivoli Specific Plan. In addition, the applicant may be required to excavate and remove soil within the basin area to create adequate stormwater storage capacity, subject to review and approval by the City Engineer. To the extent feasible, basin improvements shall accommodate the ultimate basin design, as necessary to support the overall functionality of the basin.

20. Project applicant shall provide plans and calculations for storm water basin(s) and storm water management per City Standards to serve this development and provisions for buildout of the Tivoli Specific Plan. Volume and water quality requirements must be met per City Standards and the 2025 Modesto Stormwater Guidance Manual. The developer shall provide storm drainage calculations for the proposed conveyance system all the way to the proposed storm drainage basin including off-site flows that will convey through the proposed subdivision.
21. Project applicant shall provide plans and calculations to ensure that the downstream basin is sized adequately to take in the additional stormwater runoff from the project. Expansion of the basin will be required depending on the submitted calculations or as determined by the City Engineer.
22. Prior to the issuance of a Grading, Demolition, or Building Permit, Project applicant shall prepare and submit a Water Pollution Control Plan (WPCP) or Local SWPPP to Land Development Engineering, Stormwater for review. The WPCP or Local SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement.
23. Project applicant shall obtain coverage under the General Permit for Discharges of Stormwater associated with Construction Activity disturbing one (1) or more acres of soil.
24. The proposed project includes residential development of greater than 10 units and is therefore considered a Priority Project.
25. Prior to the issuance of a Grading, Demolition, or Building Permit, Project applicant shall submit improvement plans conforming to design requirements of the most current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.
26. The conditions of approval specific to utilities, pedestrian, vehicular, and emergency vehicle access were created based on the currently approved tentative maps in the Tivoli Specific plan to ensure safe and fully accessible paths of travel and utility service to meet City Standards. As such, the timing of the respective developments in Tivoli is unknown, therefore the

implementation of the timing and order of the construction of the improvements may be adjusted by the City Engineer to facilitate the orderly development of the area to meet the accessibility and access requirements.

Parks Planning and Development:

27. Applicant shall submit Landscape and Irrigation (L&I) plans for review and approval by the City's Parks Planning and Development (PPD) Division. L&I plans shall meet the current State of California Model Water Efficient Landscape Ordinance (MWELo) requirements, Modesto Municipal Code (MMC) requirements and City of Modesto Standards at the time of submittal.
28. Applicant shall install a separate water meter for public landscape areas.
29. Applicant shall install street trees every thirty-five to forty feet on center (35-foot to 40-foot, OC) along all proposed streets.
30. Applicant shall install one (1) street tree per residential lot unless on a corner lot which requires street trees every thirty-five to forty feet on center (35-foot to 40-foot, OC) of the parcel's length.
31. Applicant shall install climbing vines on all masonry walls, in a landscape planter, visible to public view to discourage tagging.
32. Applicant shall provide signage with appropriate landscaping for Clear Vision Triangles at entrances. Within the triangle, the area between three (3) and eight (8) feet in height measured from top of curb adjacent to landscape shall be clear.
33. Low Impact Development (LID) control and treatment measures shall be planted with vegetation for erosion protection and sediment entrapment to collect/treat storm water run-off before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure. Provide total square feet of the landscape area in project information.

Infrastructure Finance:

34. Requirement to provide perpetual funding for required City services and maintenance:
  - a. Prior to recordation of a Final Map for any residential project involving the subdivision of land into single family parcels or issuance of a building permit for any other project, the applicant shall provide for perpetual funding to cover the full cost of the following services provided to the proposed development:
    - i. Maintenance and lighting of parks, parkways, streets and roads;
    - ii. Open space services, and flood and storm protection services, including the operation and maintenance of storm drainage systems;
    - iii. Perpetual funding to cover the full cost of maintenance and operation of any public improvements or other tangible property owned by the City with an estimated useful life of five or more years constructed as part of the proposed development.

35. The perpetual funding can be provided in the following manner:

- a. Community Facilities District (CFD): Applicant shall annex the development into the existing City of Modesto Community Facilities District 2024-1 (Tivoli) in compliance with the requirements of the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq.) including, without limitation, affirmative votes, and the recordation of a Notice of Special Tax Lien. Applicant shall be responsible for all costs associated with the CFD proceedings.

Or:

- b. Direct Funding. Applicant shall deposit with the City an amount necessary, as reasonably determined by the City and approved by the City Council, to fund in perpetuity the full on-going cost of these obligations.

36. A One-Time Facilities Special Tax shall be collected prior to certificate of occupancy issuance for any new construction on taxable property within the CFD 2024-1 (Tivoli). The estimated One-Time Facilities Tax and Annual Maintenance Special Tax are listed below by parcel.

Per-Acre Maximum Taxes:

- Maximum One-Time Facilities Tax: \$104,000.00
- Maximum Annual Maintenance Special Tax: \$5,372.64
- Maximum Annual Facilities Special Tax: \$10,465.20

37. Per the Rate and Method of Apportionment (RMA) each fiscal year on July 1st, the escalation factor is placed on the CFD Taxes. Annual Facilities Special Tax shall escalate each year by two-percent (2%). One-Time Tax Special Tax and Annual Maintenance Special Tax shall escalate each year by the greater of the percentage increase, if any construction cost index for the San Francisco region for the prior 12 months as published in the Engineering News or comparable source, or four-percent (4%).

38. Below is a list of the fees associated with the Tivoli development, with information regarding the fee types:

- a. Public Land Equalization Fee (LEFP): the LEFP is allocated equally among the parcels based on their net acreage, and is based on the infrastructure required to provide to the community as fair share of “volunteered” contribution for the benefit and privilege of developing a piece of property within Tivoli. The LEFP shall be collected prior to Final Map recordation. The current LEFP will be \$1,343,692.68 based on the gross developable acreage for this project. This fee is subject to annual adjustments based on a three-year average of appraised fair market value.
- b. Specific Plan Reimbursement Fee: the Tivoli Specific Plan Reimbursement Fee was approved by City Council Resolution No. 2019-196 on April 23, 2019, to reimburse for the cost of preparation, adoption and administration of the Tivoli

Specific Plan. This fee will be due prior to building permit issuance and is currently \$156,938.59 for this project.

39. Capital Facilities Fees (CFF) will be due and payable at the time a building permit is issued. CFF are impact fees established to mitigate the impacts of new development as outlined in Section 66000 of the California Government Code. The CFF for the 90 residential lots is calculated at the Single-Family Rate in effect at the time of building permit issuance.

Modesto Irrigation District (MID):

40. MID holds a forty (40) foot easement for MID's Coffee-Davis Pipeline and a forty (40) foot easement for the Courtney Drain. Improvement plans and maps must be submitted to Modesto Irrigation District's Civil Engineering Department for review.
41. All existing cast-in-place (CIP) pipe/culvert, corrugated metal pipe (CMP), polyvinyl chloride pipe (PVC) pipeline, disturbed pipeline, and appurtenant facilities that lie within the project limits must be replaced with rubber gasketed reinforced concrete pipe (RGRCP) that meets AASHTO requirements for HS20-44 traffic loading conditions:
  - a. Class IV RGRCP is required under all roads and must extend a minimum of 10' each way beyond the drive path in any new development or improvement.
  - b. Type III RGRCP is required under any other location, unless otherwise required by MID representative.
  - c. The pipeline shall be installed with a minimum of 30" of cover from pipe bell to final grade. If 30" of cover cannot be achieved, Class IV RGRCP will be required with a cover no less than 24" from the pipe bell to final grade.
  - d. Ground disturbing activities at or within ten (10) feet of the existing pipeline will also require the replacement of the existing pipeline.
42. Irrigation to the landowners and neighboring landowners via the private irrigation facilities within the subject parcels must be maintained. If it is determined that the existing privately-owned infrastructure will be affected by the proposed project, MID requires consulting with downstream landowners to ensure their rights to water is maintained and discuss potential improvement plans for review and approval. MID will act as a liaison for privately-owned facilities but both MID and the landowner(s) must approve the plans.
43. All privately-owned facilities that will be improved, or have their alignment changed or relocated must be protected by an easement dedicated by separate instrument to the downstream landowner(s) that are served by the existing private infrastructure and the easement must be shown on the subdivision map.
44. There may be additional existing privately-owned infrastructure not recorded by MID. If it is determined that any of the existing infrastructure will be affected by the proposed project, the project proponent must consult with the affected

property owners and MID to discuss potential improvement plans for review and approval.

45. All abandoned-in-place irrigation facilities shall be removed within a development parcel. Abandoned pipeline facilities must be saw cut and plugged per MID irrigation standard construction detail C 55 a minimum of five (5) feet beyond the development parcel within the adjacent parcel.
46. All existing pipeline infrastructure that will no longer be used due to the project shall be removed entirely and properly disposed of off-site at the project proponent's expense. Abandoning existing pipeline infrastructure in place is not allowed.
47. MID easements for protection of overhead and underground electrical facilities are required. MID overhead secondary cable shall be protected by a minimum 20' wide easement centered on the overhead cable. Overhead primary cable shall be protected by a minimum 30' wide easement centered on the overhead cable. MID underground secondary cable shall be protected by a minimum 5 foot. wide easement centered on the underground cable. MID underground primary cable shall be protected by a minimum 10 foot. wide easement centered on the underground cable. When underground cable is not located in the Road Right of Way or within the PUE along the street frontage a MID easement is required to protect the existing underground electrical facilities and maintain necessary safety clearances.

General Conditions:

48. All fire hydrants and fire apparatus access roads meeting the requirement for "all weather" will need to be installed prior to combustible construction materials being brought into the site.
49. Developer shall install fire hydrants along all streets in the subdivision in accordance to City Standards and to the satisfaction of the Fire Marshall and City Engineer or designees.
50. Future home buyers and prospective residents of the Tivoli Specific Plan shall be provided disclosure that they are subject to noise, dust, odor and other impacts from adjacent agricultural operations. Such notice shall be placed on the Final Map at recordation.
51. Prior to Certificate of Occupancy of any structure, fences and walls shall be installed in accordance to the design standards of the Tivoli Specific Plan, Section 5.7, Community Wide Walls and Fencing Guidelines and Standards.
52. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development.
53. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are

not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.

54. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.
55. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated or removed as required by the utility companies and the City Engineer or designee. Easements for utilities, irrigation and electrical lines to remain shall be reserved as required.
56. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
57. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

The following conditions are mitigation measures from the Tivoli Final EIR and EIR Addendum that are applicable to the project:

58. Air Quality (Tivoli FEIR Mitigation Measure E.1): The construction plans for each group of building permits shall incorporate the following recommendations from the San Joaquin Valley Air Pollution Control District to minimize emissions during construction phases:
  - a. The project developers shall review Regulation VIII of the San Joaquin Valley Air Pollution Control District regulations and submit a compliance plan to the City of Modesto prior to commencing any phase of construction. The compliance plan must demonstrate that the current requirements of Regulation VIII will be implemented. Compliance plan shall be submitted to and approved by the Community and Economic Development Department prior to the issuance of a grading or building permit, whichever occurs first.
  - b. Prior to the issuance of construction contracts, the project developers shall perform a review of new technology, as it relates to heavy-duty equipment, to determine what, if any, advances in emissions reduction are available for use. It is anticipated that in the near future both NO<sub>x</sub> and PM<sub>10</sub> control equipment will be available. The San Joaquin Valley Air Pollution Control District should be consulted during this process. The Project Developers shall incorporate available new technology in construction contracts.

- c. The project developers shall limit traffic speed on unpaved roads to 15 miles per hour.
- d. The project developers shall install sandbags or other control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.
- e. The project developers shall install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site, to prevent track-out of soil to public roadways.
- f. The project developers shall install windbreaks at windward sides of construction areas, if necessary to prevent wind-blown dust. Windbreaks shall be installed by the Project Developers prior to the issuance of grading or building permit, whichever occurs first.
- g. The project developers shall suspend excavation and grading activity when winds exceed 20 miles per hour.
- h. Wind speed measuring devices shall be installed by the Project Developers prior to the issuance of grading or building permit, whichever occurs first.
- i. The project developers shall limit the area subject to excavation, grading, and other construction activity at any one time.
- j. The project developers shall ensure that the accumulation of mud or dirt is expeditiously removed from adjacent public streets at least once every 24 hours when construction activities are occurring (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions). Project Developer shall provide a daily street sweeping schedule prior to the issuance of grading or building permit, whichever occurs first.
- k. The project developers shall use alternative-fuel construction equipment, where feasible. Project Developer shall provide a list of any alternative equipment prior to the issuance of grading or building permit, whichever occurs first.
- l. The project developers shall minimize idling time (e.g., to a 10-minute maximum).
- m. The project developers shall limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use to the minimum practical.
- n. The project developers shall replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set), where feasible.
- o. The project developers shall take steps to curtail construction activity during periods of high ambient pollutant concentrations; this may include reducing construction activity during the peak hour of vehicular traffic on adjacent roadways or ceasing construction activity during days declared as Spare the Air days by the San Joaquin Valley Air Pollution Control District.

- p. The project developers shall implement activity management to reduce cumulative short-term impacts. Activity management plan shall be submitted to and approved prior to the issuance of a grading or building permit, whichever occurs first.
59. Air Quality (Tivoli FEIR Mitigation Measure E.2c): The site design shall fulfill the following requirements to reduce emissions from energy consumption:
- a. The project developers shall incorporate energy efficient building design features including automated control systems for heating and air conditioning and overall energy efficiency at least 10 percent beyond the requirements of the California Energy Code (Title 24, California Code of Regulations), using features such as increased wall and ceiling insulation beyond Energy Code requirements, light colored roof materials to reflect heat, and energy efficient lighting and lighting controls. Prior to building permit issuance of each project, construction plans shall show that all energy efficient measures are included.
  - b. The project developers shall design buildings with windows and/or skylights oriented to maximize natural cooling and heating in accordance with the California Energy Commission's 2005 Building Energy Efficiency Standards.
  - c. The project developers shall incorporate approved deciduous trees to provide shade on the south and west-facing sides of buildings. Prior to building permit issuance of each project, landscape plans shall be approved.
60. Noise (Tivoli FEIR Mitigation Measure F.2a): Design and implement new barriers for noise control at exterior locations of proposed residential development adjacent to major roadways. Prior to building permit issuance of each project, construction plans shall show all noise control features are included. The noise control features shall be installed prior to certificate of occupancy.
61. Hazards (Tivoli FEIR Mitigation Measure G.2): Conduct Phase I Environmental Site Assessments prior to issuance of grading or building permit, whichever occurs first. Remediation shall be implemented prior to issuance of grading or building permit or as determined by the Phase I ESA.
62. Biological Resources (Tivoli FEIR Mitigation Measure H.4): Applicant shall conduct pre-construction surveys to avoid nest disturbance. (See pp. IV.H.15-IV.H.16 for more detail.)
63. Biological Resources (Tivoli FEIR Mitigation Measure H.5): Compensation for loss of foraging habitat. The entire Tivoli project could result in the loss of up to 297.5 acres of foraging habitat for Swainson's Hawks. The Project Biologist will determine the actual acreage of suitable foraging habitat related to the development of the Arcadia property, and that loss shall be mitigated by providing offsite Habitat Management (HM) lands as described in the CDFG's Staff Report regarding Mitigation for Impacts to Swainson's Hawks (*Buteo Swainson*) in the Central Valley of California because the site was confirmed to be foraging habitat for Swainson's Hawks through direct observation and is

likely within ten miles of an active nest (used during one or more of the last five years).

The acreage of off-site management lands to be provided will depend on the distance between the project site and the nearest active nest site. The 1994 CDFG staff report states:

- a. Projects within one mile of an active nest tree shall provide:
  - i. One acre of HM land (at least 10% of the HM land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% of the HM lands protected by a conservation easement [acceptable to the Department] on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawk) for each acre of development authorized (1:1 ratio); or
 

One-half acre of HM land (all of the HM land requirements shall be met by fee title acquisition or a conservation easement [acceptable to the Department] which allows for the active management of the habitat for prey production on the HM lands) for each acre of development authorized (0.5:1 ratio).
  - ii. Projects within 5 miles of an active nest tree but greater than 1 mile from the nest tree shall provide 0.75 acres of HM land for each acre of urban development authorized (0.75:1 ratio). All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the department) on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawks.
  - iii. Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree shall provide 0.5 acres of HM land for each acre of urban development authorized (0.5:1 ratio). All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawks.
  - iv. Management Authorization holders/project sponsors shall provide for the long-term management of the HM lands by funding a management endowment (the interest on which shall be used for managing the HM lands) at the rate of \$400 per HM acre. Current records within the California Natural Diversity Data Base (CNDDDB) are more than five years old, so they alone cannot be used to confirm a mitigation ratio for the loss of approximately 38 acres of foraging habitat related to the Arcadia Properties Tivoli project. The CNDDDB records do, however, provide guidance. The mitigation ratio depends on whether the project site is within one of three zones: 1) less than a mile; 2) between one and five miles; or 3) between five and ten miles. Nests have been recorded within the riparian habitats along both the Stanislaus River and Tuolumne River within ten miles of the project site. Even though the existing records along these rivers are more than five years old, active unpublished nests along these rivers within the last five years are nearly certain to have occurred. Therefore, this analysis

assumes that active Swainson's Hawks nests are present within ten miles of the project site.

- v. Nest season surveys for Swainson's Hawks should be conducted to confirm whether an active nest occurs within one of the closer zones. Assuming that nests are present within ten miles, however, reduces the area requiring nest-season surveys from 314.2 square miles to 78.5 square miles; the area within 5 miles of the project site.
64. Biological Resources (Tivoli FEIR Mitigation Measure H.6a): Implementation of formal CDFW guidelines (Staff Report on Burrowing Owl Mitigation) to avoid and minimize impacts to Burrowing Owls. In conformance with federal and state regulations regarding the protection of raptors, a habitat assessment in accordance with CDFW guidelines for Burrowing Owls should be completed prior to the start of construction. Burrowing Owl habitat on the project site and within a 500-foot (150 m) buffer zone should be assessed. If the habitat assessment concludes that the site and immediate vicinity lack suitable Burrowing Owl habitat, no additional action would be warranted. However, if suitable habitat is located on, or immediately adjacent to, the site, all Burrowing Owl habitat should be mapped at an appropriate scale, and the following mitigation measures should be implemented:
- a. In conformance with federal and state regulations regarding the protection of raptors, a pre-construction survey for Burrowing Owls, in conformance with CDFW guidelines, should be completed no more than 30 days prior to the start of construction within suitable habitat. Three additional surveys should also be completed per CDFW guidelines prior to construction.
  - b. No Burrowing Owls will be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFW authorizing the eviction.
  - c. A 250-foot (76 m) buffer, within which no new activity will be permissible, will be maintained between project activities and nesting Burrowing Owls during the nesting season. This protected area will remain in effect until August 31, or at the CDFW's discretion and based upon monitoring evidence, until the young owls are foraging independently.
  - d. If accidental take (disturbance, injury, or death of owls) occurs, the CDFW will be notified immediately.
65. Biological Resources (Tivoli FEIR Mitigation Measure H.6b): Compensation for loss of Burrowing Owl habitat. If pre-construction surveys determine that Burrowing Owls occupy the site and avoiding development of occupied areas is not feasible, then habitat compensation on off-site mitigation lands should be implemented. Habitat Management (HM) lands comprising existing Burrowing Owl foraging and breeding habitat should be acquired and preserved. An area of 6.5 acres (2.6 ha) (the amount of land found to be necessary to sustain a pair or individual owl) should be secured for each pair of

owls, or individual in the case of an odd number of birds. As part of an agreement with the CDFW, the project applicant should secure the performance of its mitigation duties by providing the CDFW with security in the form of funds that would:

- a. Allow for the acquisition and/or preservation of 6.5 acres (2.6 ha) of HM lands;
- b. Provide initial protection and enhancement activities on the HM lands, potentially including, but not limited to, such measures as fencing, trash clean-up, artificial burrow creation, grazing or mowing, and any habitat restoration deemed necessary by CDFW;
- c. Establish an endowment for the long-term management of the HM lands; and
- d. Reimburse the CDFW for reasonable expenses incurred as a result of the approval and implementation of this agreement.

66. Hydrology and Water Quality (Tivoli FEIR Mitigation Measure I.1): The project proponent shall prepare a SWPPP for each development project under the Specific Plan (or one master SWPPP for all development) designed to reduce potential impacts to surface water quality through the construction period of all of the project components (whether or not the particular portion of the project disturbs more than one acre). The SWPPP shall emphasize measures designed to minimize erosion and off-site sedimentation. It is not required that the SWPPP be submitted to the RWQCB, but must be maintained on-site and made available to RWQCB staff upon request. The SWPPP shall include:

- a. Specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed, centralized storage areas that keep these materials out of the rain.
- b. An important component of the storm water quality protection effort is knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.
- c. The City staff shall review and approve project SWPPP prior to developer obtaining a Grading and Building Permit. Project SWPPP shall include and adequately address all elements in the State General Construction Permit (Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activity, State Water Resources Control Board Order Number 99-08-DWQ).
- d. BMPs designed to reduce erosion of exposed soil may include, but are not limited to, soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion

is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control; that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. Entry and egress from the excavation area shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.

67. Hydrology and Water Quality (Tivoli FEIR Mitigation Measure I.2): The City shall ensure that development under the proposed project meets all the requirements of the current Municipal NPDES Permit (NPDES Permit No. R5-2002-0132 as amended by Order No. R5-2003-0182) for operation-phase water quality treatment. The drainage plan for each proposed development under the Specific Plan shall include features and operational BMPs to reduce potential impacts to surface water quality associated with operation of the project. The final design shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development. In general, “passive,” low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred over active filtering or treatment systems. An operations and maintenance plan shall be developed and implemented to inspect and maintain BMPs in perpetuity.

The final design team for the development project shall review and incorporate as many concepts as practicable from the City’s Guidance Manual for New Development Stormwater Quality Control Measures, Start at the Source, Design Guidance Manual for Stormwater Quality Protection and the California Stormwater Quality Association’s Stormwater Best Management Practice Handbook, Development and Redevelopment. BMPs to be implemented by the developers within the plan area may include, but are not limited to, the BMPs described below for the construction and operation phases of the projects:

During the Construction Phase:

- a. Erosion control BMPs may include preservation of existing vegetation, use of hydraulic mulch, hydroseeding, soil binders, earth dikes and drainage swales, velocity dissipation devices and implementation of channel bank stabilization techniques;
- b. Temporary sediment control BMPs may include use of silt fences, sediment traps, sediment basins, check dams, fiber rolls, and drainage inlet protection;

During the Operation Phase:

- c. Permanent operation-phase BMPs may include: minimization of directly connected impervious surfaces, use of permeable pavements or unit pavers, grassy bioswales, stormwater planters, covering of refuse handling areas, stenciling drainage inlets, wet ponds, and detention basins.

At a minimum, runoff from all components of the project shall receive some level of treatment prior to discharging to the detention basins. Runoff would then be detained in the basins prior to being pumped into the Modesto Irrigation District's canal.

68. Hydrology and Water Quality (Tivoli FEIR Mitigation Measure I.3b): As a condition of approval of the final grading and drainage plans for all projects proposed within the plan area it must be demonstrated through detailed hydraulic analysis that implementation of the proposed drainage plans will:
- a. Include adequately sized detention facilities to accommodate anticipated runoff associated with the 100-year storm event. A licensed professional engineer shall prepare the final drainage plan for the project and plans must be submitted to the City of Modesto Public Works for review and approval.
  - b. Include drainage components that are designed in compliance with City of Modesto standards. The grading and drainage plans shall be reviewed for compliance with these requirements by the Department of Public Works; and
  - c. Establish a funding mechanism for maintenance and annual inspections of the detention basin, drainage ditches, and drainage inlets. Any accumulation of sediment or other debris shall be promptly removed. An annual report documenting the inspection and any remedial action conducted shall be submitted to the City of Modesto Public Works Department for review.
69. Developer shall comply with Tivoli FEIR Mitigation Measure I.4, Hydrology and Water Quality, to the satisfaction of the City Engineer or designee.
70. Hydrology and Water Quality (Tivoli FEIR Mitigation Measure I.8): Prior to approval of a grading plan for development of a particular parcel of the Specific Plan area, a well survey shall be conducted to determine the location and characteristics of each well for that particular parcel. (See pp. IV. I.18-IV.I.19 for more detail.)
71. Geology, Soils and Seismicity (Tivoli FEIR Mitigation Measure J.1): In locations underlain by expansive soils and/or non-engineered fill, the designers of foundations and improvements (including sidewalks, roads, and utilities) shall consider these conditions. (See p. IV.J.7 for more detail.)
72. Geology, Soils and Seismicity (Tivoli FEIR Mitigation Measure J.2): Prior to issuance of a grading permit, a site-specific grading plan shall be prepared by a licensed professional and submitted to the City Building Department for review and approval. The plan shall include specific recommendations for mitigating potential settlement associated with fill placement and areas of different fill thickness. (See p. IV.J.8 for more detail.)

#### SFPUC ROW Conditions

1. Prior to the commencement of improvements to the Right of Way at the intersection of Oakdale and Claratina Avenue, or any road modifications where

they intersect with SFPUC ROW, applicant must submit to Hetch Hetchy Water and Power (HHWP), a HHWP Project Review and Land Use Application and obtain written authorization from SFPUC for any proposed crossing, use of, reclassification, rezoning or work on CCSF-owned land. Contact [hhwp\\_row@sfwater.org](mailto:hhwp_row@sfwater.org)

BE IT FURTHER RESOLVED by the Planning Commission of the City of Modesto that it hereby recommends to the City Council approval of the Vesting Tentative Subdivision Map for Tivoli Alves, as described in **Exhibit “A,”** attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 23, 2026, by \_\_\_\_\_, who moved its adoption, which motion was seconded by \_\_\_\_\_, and carried by the following vote:

Ayes:  
Noes:  
Absent:  
Recused:

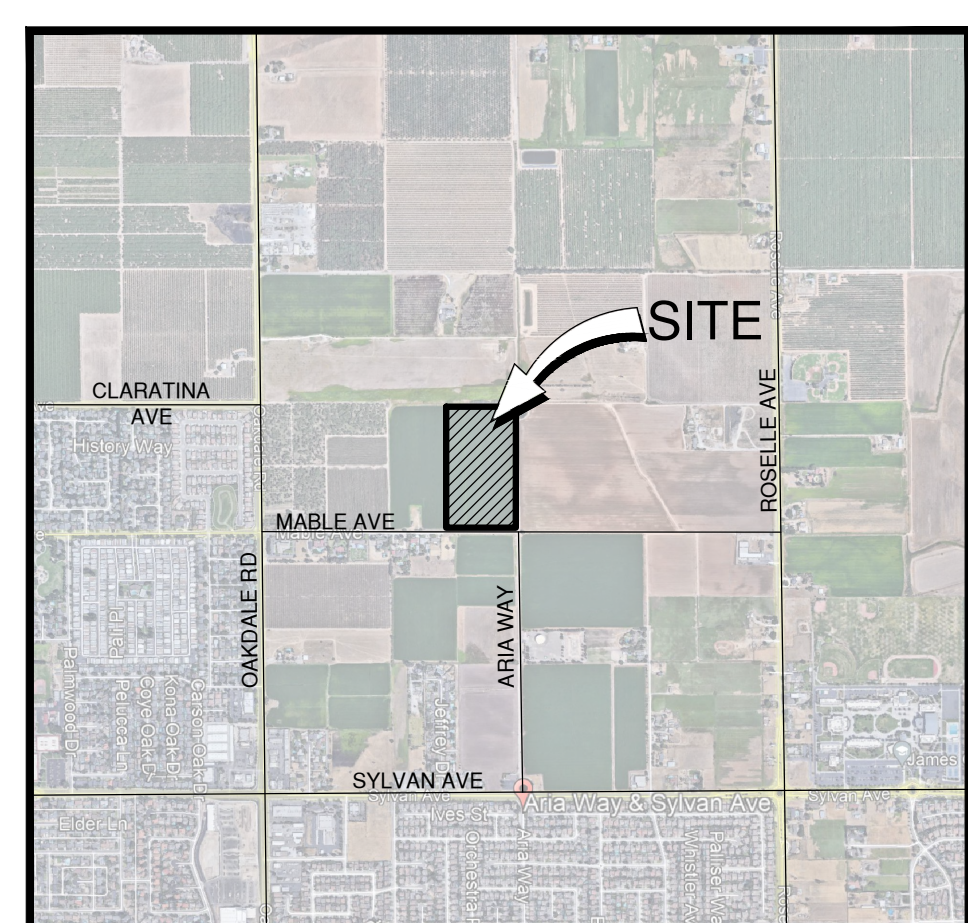
BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in  
CEDD

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Michael Hren, AICP, Secretary

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VICINITY MAP  
N.T.S.

**CONTACT INFORMATION**

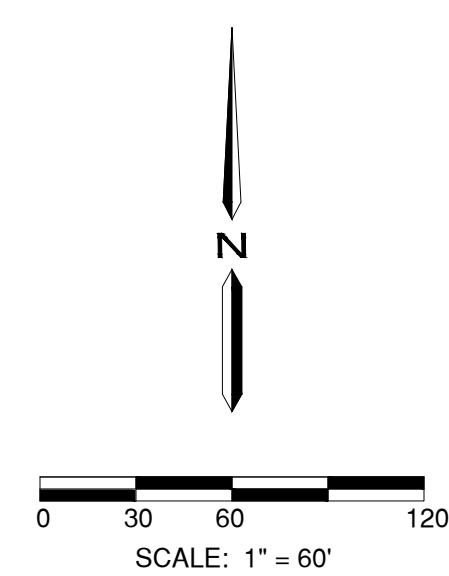
**OWNERS/APPLICANT:** ALVES PROPERTIES, A CALIFORNIA LIMITED PARTNERSHIP  
 1120 SCENIC DRIVE  
 MODESTO, CA 95350  
 CONTACT: MICHAEL ZAGARIS  
 (209) 988-2010

**CIVIL ENGINEER:** WESTWOOD PROFESSIONAL SERVICES, INC.  
 1165 SCENIC DRIVE, SUITE A  
 MODESTO, CA 95350  
 CONTACT: MIKE PERSAK  
 (209) 571-1765

**SUBDIVIDER'S STATEMENT**

- 26.3 ACRES
  - 141 RESIDENTIAL LOTS
  - 3 LANDSCAPE, EVA, P.U.E. LOTS (LOTS A, B & C)
  - PARK LOT (LOT D)
- GENERAL PLAN/ZONING/LAND USE DESIGNATION FOR PROPERTY: R (RESIDENTIAL)/SP (SPECIFIC PLAN)/LDR (LOW DENSITY RESIDENTIAL)
- EROSION CONTROL PLAN SHALL BE DONE PER CITY ORDINANCES.
- MINIMUM BUILDING SETBACK LINES SHALL COMPLY WITH TIVOLI SPECIFIC PLAN.
- DOMESTIC WATER SUPPLY SHALL BE BY CONNECTION TO CITY OF MODESTO WATER SYSTEM.
- SEWAGE DISPOSAL SHALL BE BY COLLECTION SYSTEM AND CONNECTION TO CITY OF MODESTO SANITARY SEWER SYSTEM.
- STORM DRAINAGE DISPOSAL SHALL BE BY COLLECTION SYSTEM AND CONNECTION TO CITY OF MODESTO STORM DRAINAGE SYSTEM.
- TREE PLANTING SHALL BE PERFORMED IN ACCORDANCE WITH CITY OF MODESTO ORDINANCES.
- THE APPLICANT PROPOSES TO BUILD ON LOTS, BUT RESERVES THE RIGHT TO SELL LOTS.
- THIS VESTING TENTATIVE SUBDIVISION MAP IS A SUBDIVISION OF PARCEL: 083-003-017.
- THE APPLICANT RESERVES THE RIGHT TO PHASE PROJECT PER THE SUBDIVISION MAP ACT.
- FEMA FLOOD ZONE = ZONE X

AREA	NET	GROSS
AREA CURRENTLY ZONED MHDR	4.8 AC	6.0 AC
AREA CURRENTLY ZONED LDR	11.2 AC	15.4 AC
AREA PROPOSED FOR LS/PUE	0.2 AC	



PLAN 2025-00030, OCC. NO. 04818

NO.	DESCRIPTION	DATE	BY

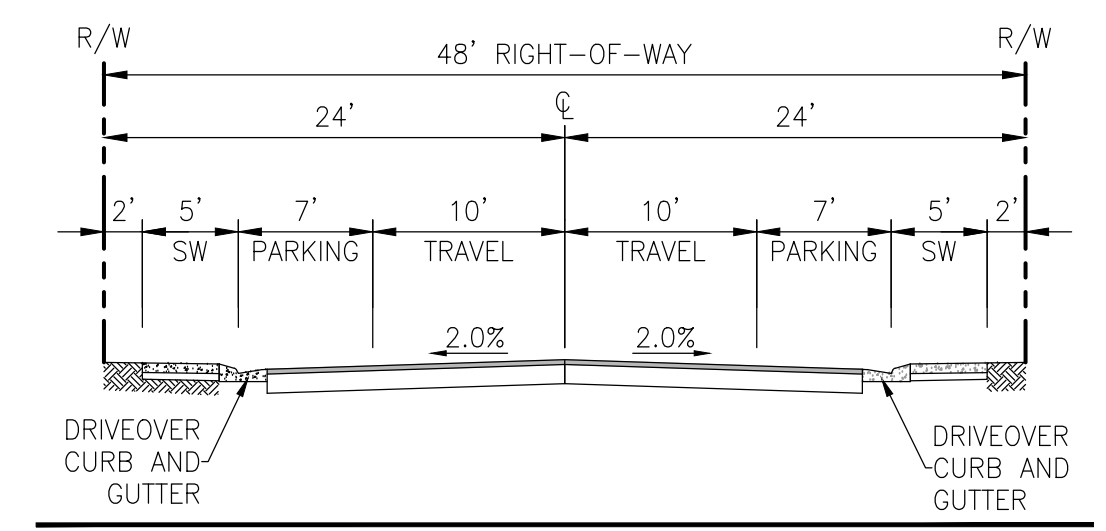
**VESTING TENTATIVE MAP**  
  
**TIVOLI - ALVES**  
**MODESTO, CALIFORNIA**

DATE:	09/29/2025
DRAFTER:	JM/DF
DESIGNER:	MP
CHECKED:	MP
PROJECT NO.	0056705.00
SHEET NO.	1 OF 4

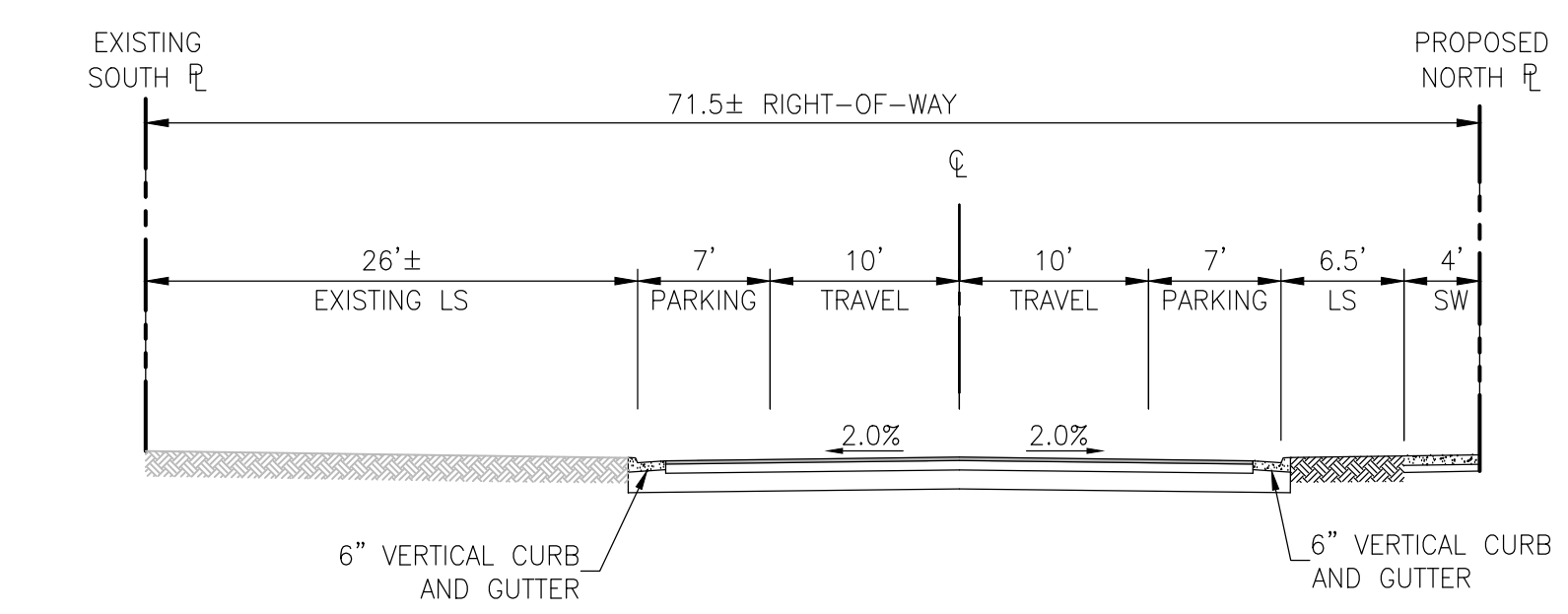


**LEGEND**

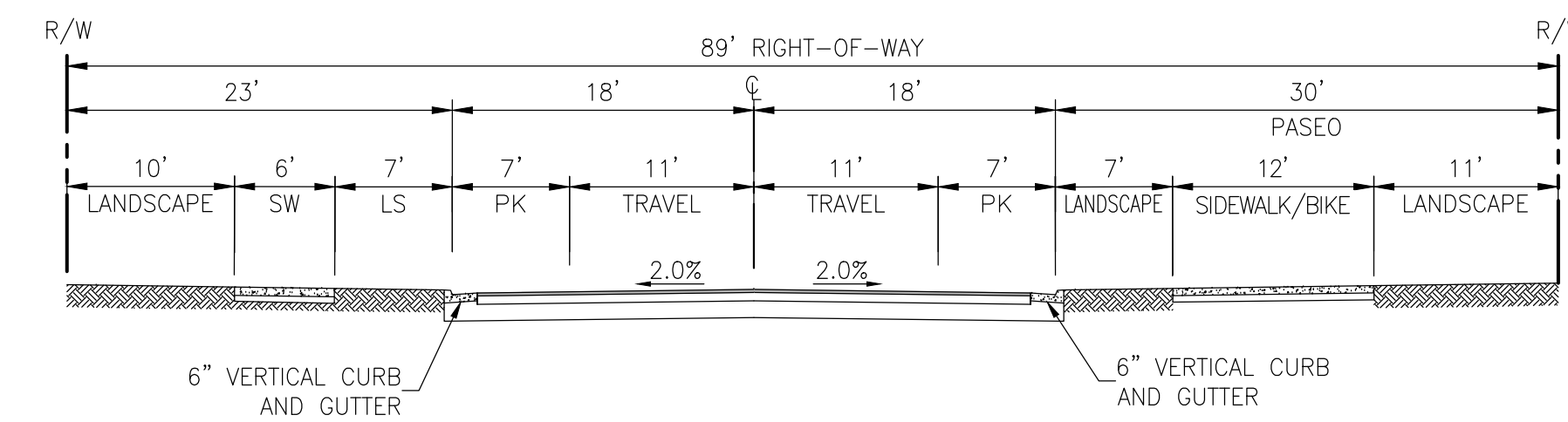
- PROJECT BOUNDARY
- - - 10' PUBLIC UTILITY EASEMENT (PUE)
- CATCH BASIN



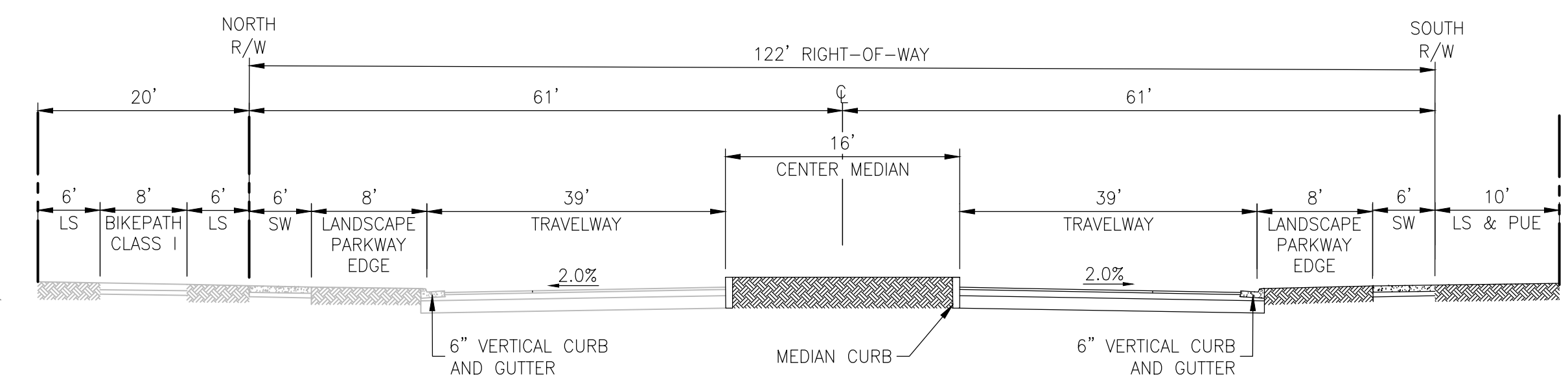
TYPICAL INTERIOR STREET SECTION  
N.T.S.



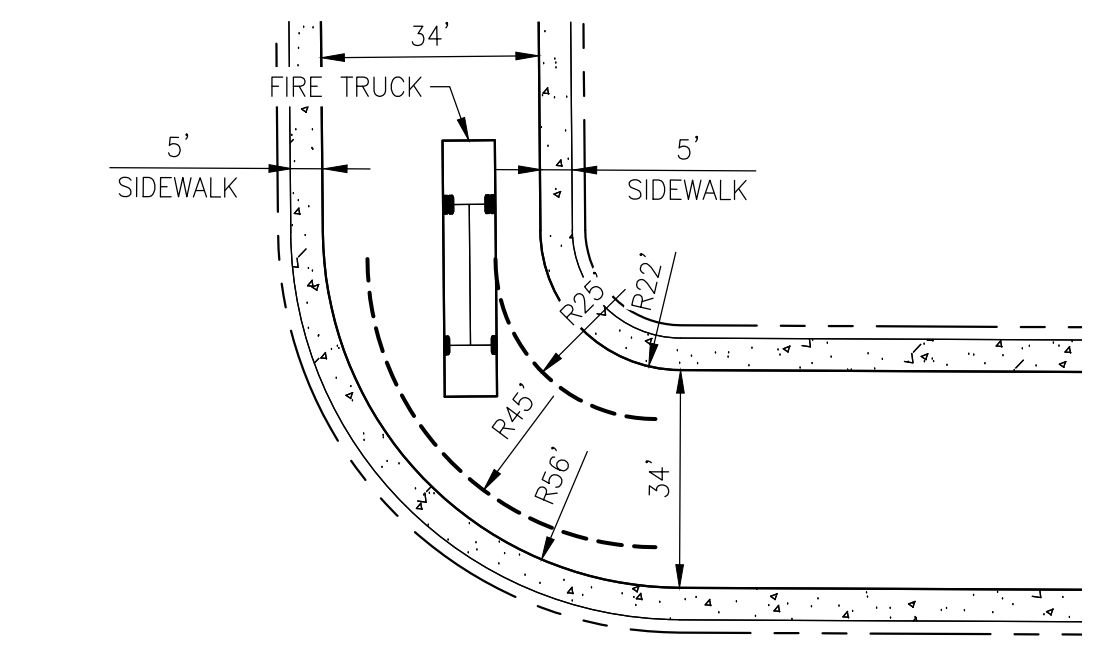
MABLE AVENUE SECTION  
N.T.S.



STREET K SECTION  
N.T.S.

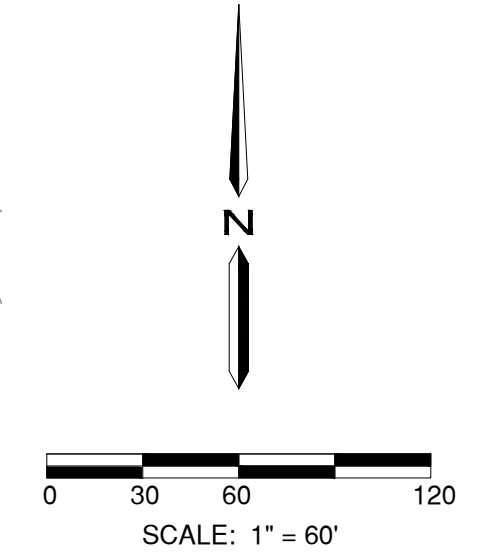


FUTURE CLARATINA AVENUE  
N.T.S.



A CORNER DETAIL WITH FIRE TRUCK AUTO-TURN TRACKS  
N.T.S.

NOTE: FIRE TRUCK AUTO TURN PER SITE PLAN REVIEW GUIDELINES OF MODESTO FIRE DEPARTMENT



NO.	DESCRIPTION	DATE	BY

**PRELIMINARY GRADING PLAN**  
TIVOLI - ALVES  
MODESTO, CALIFORNIA

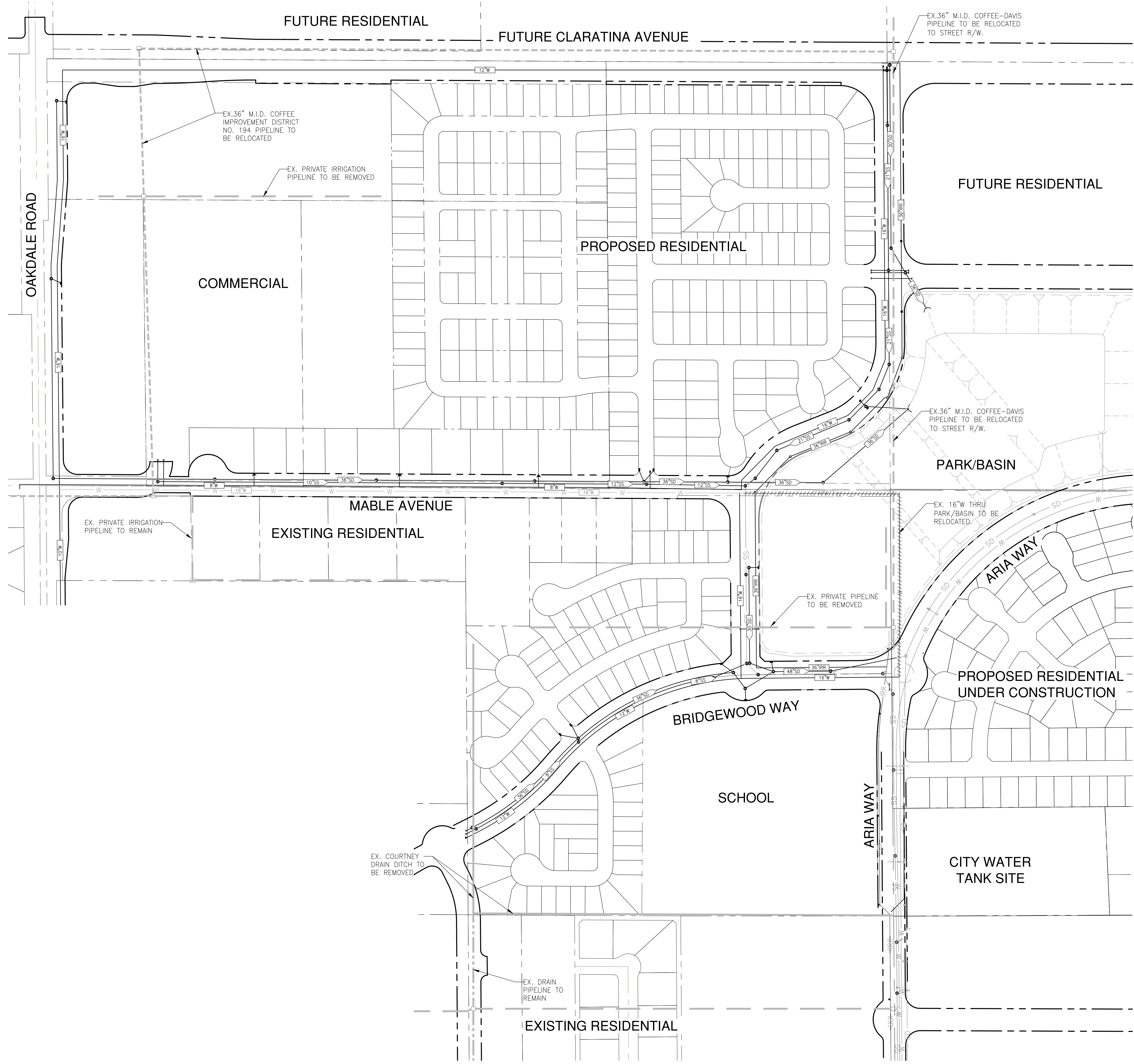
DATE:	09/29/2025
DRAFTER:	JM/DF
DESIGNER:	MP
CHECKED:	MP
PROJECT NO.	0056705.00

SHEET NO.	2
OF	4

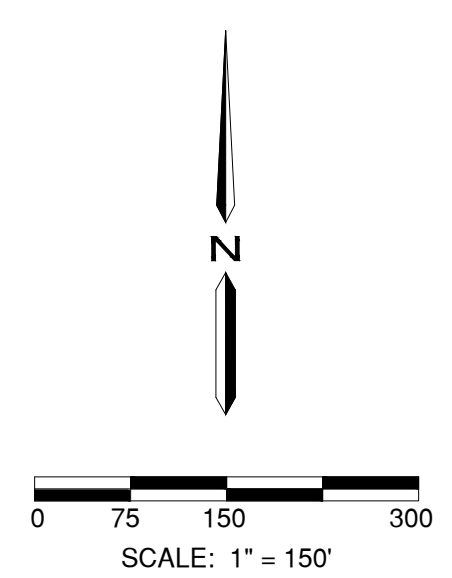
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**NOTE:**  
SEE SHEET 3 FOR THE IN-TRACT UTILITIES LAYOUT.



**Westwood**  
Westwood Professional Services, Inc.  
1165 SCENIC DRIVE, SUITE A  
MODESTO, CA 95350  
T: 209.571.1765  
F: 888.837.5150  
westwoodps.com

NO.	DESCRIPTION	DATE	BY

**OVERALL UTILITY PLAN**

TIVOLI - ALVES  
MODESTO, CALIFORNIA

DATE: 09/29/2025  
 DRAFTER: JM/DF  
 DESIGNER: MP  
 CHECKED: MP

PROJECT NO.  
**0056705.00**

SHEET NO.  
**4**  
 OF  
**4**

PLAN 2025-00030, OCC. NO. 04818

**PLANNING COMMISSION  
RESOLUTION NO. 2026-XX**

**A RESOLUTION RECOMMENDING APPROVAL BY THE CITY COUNCIL OF THE  
VESTING TENTATIVE MAP OF TIVOLI MABLE (MABLE AVENUE PROPERTIES LP)**

WHEREAS, on February 26, 2008, by Ordinance No. 3479-CS the City Council adopted the Tivoli Specific Plan; and

WHEREAS, the Tivoli Specific Plan is separated into nine Area Plans to provide for the orderly development of each area of the Specific Plan, with each Area Plan adopted by the Planning Commission in accordance to Chapter 9, Implementation, of the Specific Plan, or by City Council Resolution in certain situations; and

WHEREAS, Mable Avenue Properties LP has filed an application for a Vesting Tentative Subdivision Map, Tivoli Mable, to divide 22.8 acres into 92 single-family residential lots, as described in **Exhibit "A,"** attached hereto and incorporated herein by reference, all within Area Plan No. 4 of the Specific Plan, property located south of Mable Avenue and east of Oakdale Road; and

WHEREAS, said Vesting Tentative Subdivision Map was received together with an application to amend the land use diagram of the Tivoli Specific Plan (Project ID: SPA-25-003), to amend two acres from Very Low Density Residential (VLDR) which allows 1-3 dwelling units per acre to Low Density Residential (LDR) which allows 4-8 dwelling units per acre; and

WHEREAS, said Vesting Tentative Subdivision Map was also received together with an application for the adoption of Area Plan No. 4 of the Tivoli Specific Plan (Project ID: AREA-25-002); and

WHEREAS, said Vesting Tentative Subdivision Map was also received together with an application for the adoption of a Final Development Plan (Project ID: FDP-25-001), to provide for certain building setback and development standards as allowed by Chapter 9, Section 9.4.1.2 of the Specific Plan; and

WHEREAS, said Vesting Tentative Map was received in the office of the Secretary of the Planning Commission on January 22, 2025, and was accepted for filing and deemed complete on December 29, 2025, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code; and

WHEREAS, copies of said vesting tentative map have been sent to the Sylvan Elementary School and Modesto High School Districts, Modesto Irrigation District, the local utility companies, and the City Engineering and Transportation Department; and

WHEREAS, City services, including sewer and water facilities, are available; and

WHEREAS, the area can be served by elementary schools in the Sylvan School District and by Fire Station No. 7 at 1800 Mable Avenue, located within one mile; and

WHEREAS, a public hearing was held by the Planning Commission on February 23, 2026, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission certifies it has received and reviewed the Addendum to the Tivoli Final Environmental Impact Report (Tivoli FEIR), EA/C&ED 2026-03, prepared pursuant to Section 15164 of the CEQA Guidelines, which concluded that the project is within the scope of the Tivoli Specific Plan Final EIR (SCH No.

2005072125) and that pursuant to Sections 15162) and 15164 of the CEQA Guidelines, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The proposed vesting tentative subdivision map, together with the provisions for its design and improvements, is consistent with the General Plan of the City of Modesto, the Tivoli Specific Plan (as amended) the Subdivision Map Act of the State of California, and Title 4 of the Modesto Municipal Code regarding the subdivision of land.
2. The discharge of waste as a result of the proposed vesting tentative subdivision map into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
3. As per Sections 15162 and 15164 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Tivoli Specific Plan Final EIR and no new environmental document or findings are required by CEQA.
4. The project will have no new effects which were not examined in the Tivoli Specific Plan Final EIR and no new mitigation measures would be required.
5. There are no substantial changes proposed in the project, which will require major revisions of the Tivoli Specific Plan Final EIR.
6. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Tivoli Specific Plan Final EIR.
7. No new information, which was not known and could not have been known at the time the Tivoli Specific Plan Final EIR was certified as complete, has become available.
8. There are no specific features that are unique to the proposed project that require project-specific mitigation measures. Accordingly, the certified mitigation measures identified in the Final EIR will be sufficient for this project.

9. All feasible mitigation measures set forth in the Final EIR which are appropriate to the project shall be incorporated in the project.
10. The Addendum to the Tivoli FEIR, EA/C&ED 2026-03, provides the substantial evidence to support findings 3-9, noted above.

BE IT FURTHER RESOLVED by the Planning Commission that the Vesting Tentative Subdivision Map of Tivoli Mable, accepted for filing in the office of the Secretary of the Planning Commission on December 29, 2025, be recommended for approval by the City Council, as submitted and subject to the following conditions:

1. The Tivoli Mable Final Map cannot be recorded unless and until the City Council approves the proposed amendment to the Land Use Diagram of the Tivoli Specific Plan (SPA-25-003) to change VLDR-3 to LDR-12 to allow for the development of the 92-lot single-family residential development as proposed. Said approval shall be noted on the Final Map.
2. Prior to recordation of a Final Map, new street names for Streets A, B, C, D, E and Courts B, D, E and G shall be proposed and approved by both the City and the County.

Land Development Engineering:

3. Prior to recordation of a Final Map, project applicant shall produce improvement plans for required improvements prepared by a Registered Civil Engineer according to City standards and the Tivoli Specific Plan. Improvement plans shall be submitted for approval by the City Engineer or designee.
4. Project applicant shall ensure that any public improvements that are missing damaged or not to current City standards shall be designed and constructed per City standards in accordance with City Code (Article 7-1.701) and the Tivoli Specific Plan. Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and streetlights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment permit.
5. Project applicant shall ensure that all existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as require by the City Engineer or designee.
6. The project applicant shall ensure that the proposed development is designed to function independently, with complete and operational pedestrian and vehicular circulation, utility infrastructure, and all other required

improvements, in accordance with the Tivoli Specific Plan and applicable City Standards. Each tentative map or development phase must be capable of operating independently without reliance on the buildout of adjacent or future projects. Final design shall be subject to review and approval by the City Engineer.

Mable Project Specific Conditions:

7. The developer shall be responsible for the design of the three proposed roundabouts along Bridgewood Way within, or adjacent to, the project limits, subject to review and approval of the City Engineer. Prior to the issuance of the first building permit, the roundabout at Aria Way and Bridgewood Way shall be fully designed, constructed, and all necessary right-of-way and/or easements shall be acquired to accommodate the full roundabout improvements to the satisfaction of the City Engineer. The remaining two proposed roundabouts shall be designed but are not required to be constructed with this project. All roundabouts shall be designed by a California-registered civil engineer with demonstrated experience in roundabout design.
8. The developer shall be responsible for the design and installation of full street improvements along Bridgewood Way, except along the future school frontage, where the developer may obtain an easement or acquire right-of-way sufficient to install one travel lane, subject to approval by the City Engineer. Along the park side, only curb and gutter improvements will be required, unless pedestrian improvements are required to meet ADA requirements, as determined by the City Engineer.
9. The developer shall be responsible for full street improvements of Street A and the Mable Avenue frontage, including curb and gutter improvements on the opposite (park) side, as determined by the City Engineer.
10. The developer shall design and install the pedestrian paseo on the north side of Bridgewood along the park to provide a continuous pedestrian connection to Aria Way, if required to meet pedestrian access requirements, subject to City Engineer's approval.
11. The proposed temporary gate location shall be subject to approval by the Fire Marshal and City Engineer and shall be designed and installed to provide fire apparatus turnaround capability in both directions, be equipped with Knox keys or other approved emergency access devices, and be maintained in good working condition by the developer. The developer shall be responsible for the maintenance and repair of the temporary gate until it is removed or replaced with permanent improvements approved by the City. Berms or Ditches shall be installed prior to the commencement of any construction activities to prevent vehicles from driving around the temporary gate and shall remain in place for the duration of construction, as approved by the City Engineer.
12. Any temporary or interim improvements installed by the developer shall not be considered reimbursable as they will need to be removed to install ultimate improvements.
13. Project is required to provide 10-foot Public Utilities Easement (PUE) and 10-foot Planting Easement (PE) on each side of the proposed Right of Ways.

14. Court B between lot 30 and 31 has a PUE conflict where continuous 10' of PUE must be provided for utilities and planting easement. This may require street shifting to south.
15. The developer shall install staggered decorative lighting along Bridgewood, Street A and adjacent to the park and provide two-arm decorative lights along the paseo.

Land Development Engineering, Water:

16. A section of existing 16-inch transmission main running along the northerly and easterly property limits of the subdivision shall be relocated in Bridgewood Way and in Street 'A'.
17. Project applicant shall construct Water lines per the Facilities Master Plan (FMP), including 16-inch water lines and smaller parallel distribution water lines, as per the FMP and Tivoli Specific Plan. All applicable water connection fees shall be paid, and an encroachment permit obtained from the City prior to any connection being made in the City's public Right-of-Way.

Land Development Engineering, Sewer:

18. Sewer lines shall be constructed as per the Facilities Master Plan (FMP) and the Tivoli Specific Plan. Plans and calculations shall be submitted for review. All applicable sewer connection fees shall be paid, and an encroachment permit obtained from the City prior to any connection being made in the City's public Right-of-Way.

Land Development Engineering, Storm Drain:

19. The project applicant shall be required to design and construct storm drainage improvements that direct stormwater runoff to the central park basin, as identified in the Tivoli Specific Plan. In addition, the applicant may be required to excavate and remove soil within the basin area to create adequate stormwater storage capacity, subject to review and approval by the City Engineer. To the extent feasible, basin improvements shall accommodate the ultimate basin design, as necessary to support the overall functionality of the basin.
20. The developer shall provide plans and calculations for storm water basin(s) and storm water management per City Standards to serve this development and provisions for buildout of the Tivoli Specific Plan. Volume and water quality requirements must be met per City Standards and the 2025 Modesto Stormwater Guidance Manual. The developer shall provide storm drainage calculations for the proposed conveyance system all the way to the proposed storm drainage basin including off-site flows that will convey through the proposed subdivision.
21. Developer shall provide plans and calculations to ensure that the downstream basin is sized adequately to take in the additional stormwater runoff from the project.
22. Expansion of the basin may be required depending on the submitted calculations or as determined by the City Engineer.

23. Developer shall demonstrate that future subdivisions, including their offsite flows, are able to flow through the Mable subdivision. Future design may have to include a potential lift station if necessary.
24. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall prepare and submit a Water Pollution Control Plan (WPCP) or Local SWPPP to Land Development Engineering, Stormwater for review. The WPCP or Local SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement.
25. The proposed project disturbs one (1) or more acres of soil, and is therefore required to obtain coverage under the General Permit for Discharges of Stormwater associated with Construction Activity in accordance with Construction General Permit.
26. The proposed project includes residential development of greater than 10 units, and is therefore considered a Priority Project.
27. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit improvement plans conforming to design requirements of the most current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.
28. The conditions of approval specific to utilities, pedestrian, vehicular, and emergency vehicle access were created based on the currently approved tentative maps in the Tivoli Specific plan to ensure safe and fully accessible paths of travel and utility service to meet City Standards. As such, the timing of the respective developments in Tivoli is unknown, therefore the implementation of the timing and order of the construction of the improvements may be adjusted by the City Engineer to facilitate the orderly development of the area to meet the accessibility and access requirements.

Parks Planning and Development:

29. Applicant shall submit Landscape and Irrigation (L&I) plans for review and approval by the City's Parks Planning and Development (PPD) Division. L&I plans shall meet the current State of California Model Water Efficient Landscape Ordinance (MWELo) requirements, Modesto Municipal Code (MMC) requirements and City of Modesto Standards at the time of submittal.
30. Applicant shall install a separate water meter for public landscape areas.
31. Applicant shall install street trees every thirty-five to forty feet on center (35-foot to 40-foot, OC) along all proposed streets.
32. Applicant shall install one (1) street tree per residential lot unless on a corner lot which requires street trees every thirty-five to forty feet on center (35-foot to 40-foot, OC) of the parcel's length.
33. Applicant shall install climbing vines on all masonry walls, in a landscape planter, visible to public view to discourage tagging.

34. Applicant shall provide signage with appropriate landscaping for Clear Vision Triangles at entrances. Within the triangle, the area between three (3) and eight (8) feet in height measured from top of curb adjacent to landscape shall be clear.
35. Low Impact Development (LID) control and treatment measures shall be planted with vegetation for erosion protection and sediment entrapment to collect/treat storm water run-off before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure. Provide total square feet of the landscape area in project information.

Infrastructure Finance:

36. Requirement to provide perpetual funding for required City services and maintenance:
  - a. Prior to recordation of a Final Map for any residential project involving the subdivision of land into single family parcels or issuance of a building permit for any other project, the applicant shall provide for perpetual funding to cover the full cost of the following services provided to the proposed development:
    - i. Maintenance and lighting of parks, parkways, streets and roads;
    - ii. Open space services, and flood and storm protection services, including the operation and maintenance of storm drainage systems;
    - iii. Perpetual funding to cover the full cost of maintenance and operation of any public improvements or other tangible property owned by the City with an estimated useful life of five or more years constructed as part of the proposed development.
37. The perpetual funding can be provided in the following manner:
  - a. Community Facilities District (CFD): Applicant shall annex the development into the existing City of Modesto Community Facilities District 2024-1 (Tivoli) in compliance with the requirements of the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq.) including, without limitation, affirmative votes, and the recordation of a Notice of Special Tax Lien. Applicant shall be responsible for all costs associated with the CFD proceedings.  
Or:
  - b. Direct Funding. Applicant shall deposit with the City an amount necessary, as reasonably determined by the City and approved by the City Council, to fund in perpetuity the full on-going cost of these obligations.
38. A One-Time Facilities Special Tax shall be collected prior to certificate of occupancy issuance for any new construction on taxable property within the CFD 2024-1 (Tivoli). The estimated One-Time Facilities Tax and Annual Maintenance Special Tax are listed below by parcel.

## Per-Acre Maximum Taxes:

- Maximum One-Time Facilities Tax: \$104,000.00
  - Maximum Annual Maintenance Special Tax: \$5,372.00
  - Maximum Annual Facilities Special Tax: \$10,465.00
39. Per the Rate and Method of Apportionment (RMA) each fiscal year on July 1st, the escalation factor is placed on the CFD Taxes. Annual Facilities Special Tax shall escalate each year by two-percent (2%). One-Time Tax Special Tax and Annual Maintenance Special Tax shall escalate each year by the greater of the percentage increase, if any construction cost index for the San Francisco region for the prior 12 months as published in the Engineering News or comparable source, or four-percent (4%).
40. Below is a list of the fees associated with the Tivoli development, with information regarding the fee types:
- a. Public Land Equalization Fee (LEFP): the LEFP is allocated equally among the parcels based on their net acreage, and is based on the infrastructure required to provide to the community as fair share of “volunteered” contribution for the benefit and privilege of developing a piece of property within Tivoli. The LEFP shall be collected prior to Final Map recordation. The current LEFP will be \$1,201,917.57 based on the gross developable acreage for this project. This fee is subject to annual adjustments based on a three-year average of appraised fair market value.
  - b. Specific Plan Reimbursement Fee: the Tivoli Specific Plan Reimbursement Fee was approved by City Council Resolution No. 2019-196 on April 23, 2019, to reimburse for the cost of preparation, adoption and administration of the Tivoli Specific Plan. This fee will be due prior to building permit issuance and is currently \$113,775.04 for this project.
41. Capital Facilities Fees (CFF) will be due and payable at the time a building permit is issued. CFF are impact fees established to mitigate the impacts of new development as outlined in Section 66000 of the California Government Code. The CFF for the 90 residential lots is calculated at the Single Family Rate in effect at the time of building permit issuance.

## Modesto Irrigation District (MID):

42. Improvement plans and maps must be submitted to Modesto Irrigation District’s Civil Engineering Department for review.
43. All existing cast-in-place (CIP) pipe/culvert, corrugated metal pipe (CMP), polyvinyl chloride pipe (PVC) pipeline, disturbed pipeline, and appurtenant facilities that lie within the project limits must be replaced with rubber gasketed reinforced concrete pipe (RGRCP) that meets AASHTO requirements for HS20-44 traffic loading conditions:

- a. Class IV RGRCP is required under all roads and must extend a minimum of 10' each way beyond the drive path in any new development or improvement.
  - b. Type III RGRCP is required under any other location, unless otherwise required by MID representative.
  - c. The pipeline shall be installed with a minimum of 30" of cover from pipe bell to final grade. If 30" of cover cannot be achieved, Class IV RGRCP will be required with a cover no less than 24" from the pipe bell to final grade.
  - d. Ground disturbing activities at or within ten (10) feet of the existing pipeline will also require the replacement of the existing pipeline.
44. Irrigation to the landowners and neighboring landowners via the private irrigation facilities within the subject parcels must be maintained. If it is determined that the existing privately-owned infrastructure will be affected by the proposed project, MID requires consulting with downstream landowners to ensure their rights to water is maintained and discuss potential improvement plans for review and approval. MID will act as a liaison for privately-owned facilities but both MID and the landowner(s) must approve the plans.
  45. All privately-owned facilities that will be improved, or have their alignment changed or relocated must be protected by an easement dedicated by separate instrument to the downstream landowner(s) that are served by the existing private infrastructure and the easement must be shown on the subdivision map.
  46. There may be additional existing privately-owned infrastructure not recorded by MID. If it is determined that any of the existing infrastructure will be affected by the proposed project, the project proponent must consult with the affected property owners and MID to discuss potential improvement plans for review and approval.
  47. All abandoned-in-place irrigation facilities shall be removed within a development parcel. Abandoned pipeline facilities must be saw cut and plugged per MID irrigation standard construction detail C 55 a minimum of five (5) feet beyond the development parcel within the adjacent parcel.
  48. All existing pipeline infrastructure that will no longer be used due to the project shall be removed entirely and properly disposed of off-site at the project proponent's expense. Abandoning existing pipeline infrastructure in place is not allowed.
  49. MID easements for protection of overhead and underground electrical facilities are required. MID overhead secondary cable shall be protected by a minimum 20' wide easement centered on the overhead cable. Overhead primary cable shall be protected by a minimum 30' wide easement centered on the overhead cable. MID underground secondary cable shall be protected by a minimum 5 foot. wide easement centered on the underground cable. MID

underground primary cable shall be protected by a minimum 10 foot. wide easement centered on the underground cable. When underground cable is not located in the Road Right of Way or within the PUE along the street frontage a MID easement is required to protect the existing underground electrical facilities and maintain necessary safety clearances.General Conditions:

50. All fire hydrants and fire apparatus access roads meeting the requirement for “all weather” will need to be installed prior to combustible construction materials being brought into the site.
51. Developer shall install fire hydrants along all streets in the subdivision in accordance to City Standards and to the satisfaction of the Fire Marshall and City Engineer or designees.
52. Future home buyers and prospective residents of the Tivoli Specific Plan shall be provided disclosure that they are subject to noise, dust, odor and other impacts from adjacent agricultural operations. Such notice shall be placed on the Final Map at recordation.
53. Prior to Certificate of Occupancy of any structure, fences and walls shall be installed in accordance to the design standards of the Tivoli Specific Plan, Section 5.7, Community Wide Walls and Fencing Guidelines and Standards.
54. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development.
55. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.
56. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.
57. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated or removed as required by the utility companies and the City Engineer or designee. Easements for utilities, irrigation and electrical lines to remain shall be reserved as required.
58. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
59. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys’ fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack,

review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

The following conditions are mitigation measures from the Tivoli Final EIR and EIR Addendum that are applicable to the project:

60. Air Quality (Tivoli FEIR Mitigation Measure E.1): The construction plans for each group of building permits shall incorporate the following recommendations from the San Joaquin Valley Air Pollution Control District to minimize emissions during construction phases:
  - a. The project developers shall review Regulation VIII of the San Joaquin Valley Air Pollution Control District regulations and submit a compliance plan to the City of Modesto prior to commencing any phase of construction. The compliance plan must demonstrate that the current requirements of Regulation VIII will be implemented. Compliance plan shall be submitted to and approved by the Community and Economic Development Department prior to the issuance of a grading or building permit, whichever occurs first.
  - b. Prior to the issuance of construction contracts, the project developers shall perform a review of new technology, as it relates to heavy-duty equipment, to determine what, if any, advances in emissions reduction are available for use. It is anticipated that in the near future both NOx and PM10 control equipment will be available. The San Joaquin Valley Air Pollution Control District should be consulted during this process. The Project Developers shall incorporate available new technology in construction contracts.
  - c. The project developers shall limit traffic speed on unpaved roads to 15 miles per hour.
  - d. The project developers shall install sandbags or other control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.
  - e. The project developers shall install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site, to prevent track-out of soil to public roadways.
  - f. The project developers shall install windbreaks at windward sides of construction areas, if necessary to prevent wind-blown dust. Windbreaks shall be installed by the Project Developers prior to the issuance of grading or building permit, whichever occurs first.
  - g. The project developers shall suspend excavation and grading activity when winds exceed 20 miles per hour.
  - h. Wind speed measuring devices shall be installed by the Project Developers prior to the issuance of grading or building permit, whichever occurs first.

- i. The project developers shall limit the area subject to excavation, grading, and other construction activity at any one time.
  - j. The project developers shall ensure that the accumulation of mud or dirt is expeditiously removed from adjacent public streets at least once every 24 hours when construction activities are occurring (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions). Project Developer shall provide a daily street sweeping schedule prior to the issuance of grading or building permit, whichever occurs first.
  - k. The project developers shall use alternative-fuel construction equipment, where feasible. Project Developer shall provide a list of any alternative equipment prior to the issuance of grading or building permit, whichever occurs first.
  - l. The project developers shall minimize idling time (e.g., to a 10-minute maximum).
  - m. The project developers shall limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use to the minimum practical.
  - n. The project developers shall replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set), where feasible.
  - o. The project developers shall take steps to curtail construction activity during periods of high ambient pollutant concentrations; this may include reducing construction activity during the peak hour of vehicular traffic on adjacent roadways or ceasing construction activity during days declared as Spare the Air days by the San Joaquin Valley Air Pollution Control District.
  - p. The project developers shall implement activity management to reduce cumulative short-term impacts. Activity management plan shall be submitted to and approved prior to the issuance of a grading or building permit, whichever occurs first.
61. Air Quality (Tivoli FEIR Mitigation Measure E.2c): The site design shall fulfill the following requirements to reduce emissions from energy consumption:
- a. The project developers shall incorporate energy efficient building design features including automated control systems for heating and air conditioning and overall energy efficiency at least 10 percent beyond the requirements of the California Energy Code (Title 24, California Code of Regulations), using features such as increased wall and ceiling insulation beyond Energy Code requirements, light colored roof materials to reflect heat, and energy efficient lighting and lighting controls. Prior to building permit issuance of each project, construction plans shall show that all energy efficient measures are included.

- b. The project developers shall design buildings with windows and/or skylights oriented to maximize natural cooling and heating in accordance with the California Energy Commission's 2005 Building Energy Efficiency Standards.
  - c. The project developers shall incorporate approved deciduous trees to provide shade on the south and west-facing sides of buildings. Prior to building permit issuance of each project, landscape plans shall be approved.
62. Noise (Tivoli FEIR Mitigation Measure F.2a): Design and implement new barriers for noise control at exterior locations of proposed residential development adjacent to major roadways. Prior to building permit issuance of each project, construction plans shall show all noise control features are included. The noise control features shall be installed prior to certificate of occupancy.
  63. Hazards (Tivoli FEIR Mitigation Measure G.2): Conduct Phase I Environmental Site Assessments prior to issuance of grading or building permit, whichever occurs first. Remediation shall be implemented prior to issuance of grading or building permit or as determined by the Phase I ESA.
  64. Biological Resources (Tivoli FEIR Mitigation Measure H.4): Applicant shall conduct pre-construction surveys to avoid nest disturbance. (See pp. IV.H.15-IV.H.16 for more detail.)
  65. Biological Resources (Tivoli FEIR Mitigation Measure H.5): Compensation for loss of foraging habitat. The entire Tivoli project could result in the loss of up to 297.5 acres of foraging habitat for Swainson's Hawks. The Project Biologist will determine the actual acreage of suitable foraging habitat related to the development of the Arcadia property, and that loss shall be mitigated by providing offsite Habitat Management (HM) lands as described in the CDFG's Staff Report regarding Mitigation for Impacts to Swainson's Hawks (Buteo Swainson) in the Central Valley of California because the site was confirmed to be foraging habitat for Swainson's Hawks through direct observation and is likely within ten miles of an active nest (used during one or more of the last five years).

The acreage of off-site management lands to be provided will depend on the distance between the project site and the nearest active nest site. The 1994 CDFG staff report states:

- a. Projects within one mile of an active nest tree shall provide:
  - i. One acre of HM land (at least 10% of the HM land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% of the HM lands protected by a conservation easement [acceptable to the Department] on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawk) for each acre of development authorized (1:1 ratio); or

- One-half acre of HM land (all of the HM land requirements shall be met by fee title acquisition or a conservation easement [acceptable to the Department] which allows for the active management of the habitat for prey production on the HM lands) for each acre of development authorized (0.5:1 ratio).
- ii. Projects within 5 miles of an active nest tree but greater than 1 mile from the nest tree shall provide 0.75 acres of HM land for each acre of urban development authorized (0.75:1 ratio). All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the department) on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawks.
  - iii. Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree shall provide 0.5 acres of HM land for each acre of urban development authorized (0.5:1 ratio). All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawks.
  - iv. Management Authorization holders/project sponsors shall provide for the long-term management of the HM lands by funding a management endowment (the interest on which shall be used for managing the HM lands) at the rate of \$400 per HM acre. Current records within the California Natural Diversity Data Base (CNDDDB) are more than five years old, so they alone cannot be used to confirm a mitigation ratio for the loss of approximately 38 acres of foraging habitat related to the Arcadia Properties Tivoli project. The CNDDDB records do, however, provide guidance. The mitigation ratio depends on whether the project site is within one of three zones: 1) less than a mile; 2) between one and five miles; or 3) between five and ten miles. Nests have been recorded within the riparian habitats along both the Stanislaus River and Tuolumne River within ten miles of the project site. Even though the existing records along these rivers are more than five years old, active unpublished nests along these rivers within the last five years are nearly certain to have occurred. Therefore, this analysis assumes that active Swainson's Hawks nests are present within ten miles of the project site.
  - v. Nest season surveys for Swainson's Hawks should be conducted to confirm whether an active nest occurs within one of the closer zones. Assuming that nests are present within ten miles, however, reduces the area requiring nest-season surveys from 314.2 square miles to 78.5 square miles; the area within 5 miles of the project site.
66. Biological Resources (Tivoli FEIR Mitigation Measure H.6a): Implementation of formal CDFW guidelines (Staff Report on Burrowing Owl Mitigation) to avoid and minimize impacts to Burrowing Owls. In conformance with federal and state regulations regarding the protection of

raptors, a habitat assessment in accordance with CDFW guidelines for Burrowing Owls should be completed prior to the start of construction. Burrowing Owl habitat on the project site and within a 500-foot (150 m) buffer zone should be assessed. If the habitat assessment concludes that the site and immediate vicinity lack suitable Burrowing Owl habitat, no additional action would be warranted. However, if suitable habitat is located on, or immediately adjacent to, the site, all Burrowing Owl habitat should be mapped at an appropriate scale, and the following mitigation measures should be implemented:

- a. In conformance with federal and state regulations regarding the protection of raptors, a pre-construction survey for Burrowing Owls, in conformance with CDFW guidelines, should be completed no more than 30 days prior to the start of construction within suitable habitat. Three additional surveys should also be completed per CDFW guidelines prior to construction.
  - b. No Burrowing Owls will be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFW authorizing the eviction.
  - c. A 250-foot (76 m) buffer, within which no new activity will be permissible, will be maintained between project activities and nesting Burrowing Owls during the nesting season. This protected area will remain in effect until August 31, or at the CDFW's discretion and based upon monitoring evidence, until the young owls are foraging independently.
  - d. If accidental take (disturbance, injury, or death of owls) occurs, the CDFW will be notified immediately.
67. Biological Resources (Tivoli FEIR Mitigation Measure H.6b): Compensation for loss of Burrowing Owl habitat. If pre-construction surveys determine that Burrowing Owls occupy the site and avoiding development of occupied areas is not feasible, then habitat compensation on off-site mitigation lands should be implemented. Habitat Management (HM) lands comprising existing Burrowing Owl foraging and breeding habitat should be acquired and preserved. An area of 6.5 acres (2.6 ha) (the amount of land found to be necessary to sustain a pair or individual owl) should be secured for each pair of owls, or individual in the case of an odd number of birds. As part of an agreement with the CDFW, the project applicant should secure the performance of its mitigation duties by providing the CDFW with security in the form of funds that would:
- a. Allow for the acquisition and/or preservation of 6.5 acres (2.6 ha) of HM lands;
  - b. Provide initial protection and enhancement activities on the HM lands, potentially including, but not limited to, such measures as fencing, trash

- clean-up, artificial burrow creation, grazing or mowing, and any habitat restoration deemed necessary by CDFW;
- c. Establish an endowment for the long-term management of the HM lands; and
  - d. Reimburse the CDFW for reasonable expenses incurred as a result of the approval and implementation of this agreement.
68. Hydrology and Water Quality (Tivoli FEIR Mitigation Measure I.1): The project proponent shall prepare a SWPPP for each development project under the Specific Plan (or one master SWPPP for all development) designed to reduce potential impacts to surface water quality through the construction period of all of the project components (whether or not the particular portion of the project disturbs more than one acre). The SWPPP shall emphasize measures designed to minimize erosion and off-site sedimentation. It is not required that the SWPPP be submitted to the RWQCB, but must be maintained on-site and made available to RWQCB staff upon request. The SWPPP shall include:
- a. Specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed, centralized storage areas that keep these materials out of the rain.
  - b. An important component of the storm water quality protection effort is knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.
  - c. The City staff shall review and approve project SWPPP prior to developer obtaining a Grading and Building Permit. Project SWPPP shall include and adequately address all elements in the State General Construction Permit (Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activity, State Water Resources Control Board Order Number 99-08-DWQ).
  - d. BMPs designed to reduce erosion of exposed soil may include, but are not limited to, soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control; that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. Entry and egress from the

excavation area shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.

69. Hydrology and Water Quality (Tivoli FEIR Mitigation Measure I.2): The City shall ensure that development under the proposed project meets all the requirements of the current Municipal NPDES Permit (NPDES Permit No. R5-2002-0132 as amended by Order No. R5-2003-0182) for operation-phase water quality treatment. The drainage plan for each proposed development under the Specific Plan shall include features and operational BMPs to reduce potential impacts to surface water quality associated with operation of the project. The final design shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development. In general, “passive,” low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred over active filtering or treatment systems. An operations and maintenance plan shall be developed and implemented to inspect and maintain BMPs in perpetuity.

The final design team for the development project shall review and incorporate as many concepts as practicable from the City’s Guidance Manual for New Development Stormwater Quality Control Measures, Start at the Source, Design Guidance Manual for Stormwater Quality Protection and the California Stormwater Quality Association’s Stormwater Best Management Practice Handbook, Development and Redevelopment. BMPs to be implemented by the developers within the plan area may include, but are not limited to, the BMPs described below for the construction and operation phases of the projects:

During the Construction Phase:

- a. Erosion control BMPs may include preservation of existing vegetation, use of hydraulic mulch, hydroseeding, soil binders, earth dikes and drainage swales, velocity dissipation devices and implementation of channel bank stabilization techniques;
- b. Temporary sediment control BMPs may include use of silt fences, sediment traps, sediment basins, check dams, fiber rolls, and drainage inlet protection;

During the Operation Phase:

- c. Permanent operation-phase BMPs may include: minimization of directly connected impervious surfaces, use of permeable pavements or unit pavers, grassy bioswales, stormwater planters, covering of refuse handling areas, stenciling drainage inlets, wet ponds, and detention basins.

At a minimum, runoff from all components of the project shall receive some level of treatment prior to discharging to the detention basins. Runoff would then be detained in the basins prior to being pumped into the Modesto Irrigation District’s canal.

70. Hydrology and Water Quality (Tivoli FEIR Mitigation Measure I.3b): As a condition of approval of the final grading and drainage plans for all projects proposed within the plan area it must be demonstrated through detailed hydraulic analysis that implementation of the proposed drainage plans will:
- a. Include adequately sized detention facilities to accommodate anticipated runoff associated with the 100-year storm event. A licensed professional engineer shall prepare the final drainage plan for the project and plans must be submitted to the City of Modesto Public Works for review and approval.
  - b. Include drainage components that are designed in compliance with City of Modesto standards. The grading and drainage plans shall be reviewed for compliance with these requirements by the Department of Public Works; and
  - c. Establish a funding mechanism for maintenance and annual inspections of the detention basin, drainage ditches, and drainage inlets. Any accumulation of sediment or other debris shall be promptly removed. An annual report documenting the inspection and any remedial action conducted shall be submitted to the City of Modesto Public Works Department for review.
71. Developer shall comply with Tivoli FEIR Mitigation Measure I.4, Hydrology and Water Quality, to the satisfaction of the City Engineer or designee.
72. Hydrology and Water Quality (Tivoli FEIR Mitigation Measure I.8): Prior to approval of a grading plan for development of a particular parcel of the Specific Plan area, a well survey shall be conducted to determine the location and characteristics of each well for that particular parcel. (See pp. IV. I.18-IV.I.19 for more detail.)
73. Geology, Soils and Seismicity (Tivoli FEIR Mitigation Measure J.1): In locations underlain by expansive soils and/or non-engineered fill, the designers of foundations and improvements (including sidewalks, roads, and utilities) shall consider these conditions. (See p. IV.J.7 for more detail.)
74. Geology, Soils and Seismicity (Tivoli FEIR Mitigation Measure J.2): Prior to issuance of a grading permit, a site-specific grading plan shall be prepared by a licensed professional and submitted to the City Building Department for review and approval. The plan shall include specific recommendations for mitigating potential settlement associated with fill placement and areas of different fill thickness. (See p. IV.J.8 for more detail.)

#### SFPUC ROW Conditions

75. Prior to the commencement of improvements to the Right of Way at the intersection of Oakdale and Claratina Avenue, or any road modifications where they intersect with SFPUC ROW, applicant must submit to Hetch Hetchy Water and Power (HHWP), a HHWP Project Review and Land Use Application and obtain written authorization from SFPUC for any proposed

crossing, use of, reclassification, rezoning or work on CCSF-owned land.  
Contact [hhwp\\_row@sfgwater.org](mailto:hhwp_row@sfgwater.org)

BE IT FURTHER RESOLVED by the Planning Commission of the City of Modesto that it hereby recommends to the City Council approval of the Vesting Tentative Subdivision Map for Tivoli Mable, as described in **Exhibit “A,”** attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 23, 2026, by \_\_\_\_\_, who moved its adoption, which motion was seconded by \_\_\_\_\_, and carried by the following vote:

Ayes:

Noes:

Absent:

Recused:

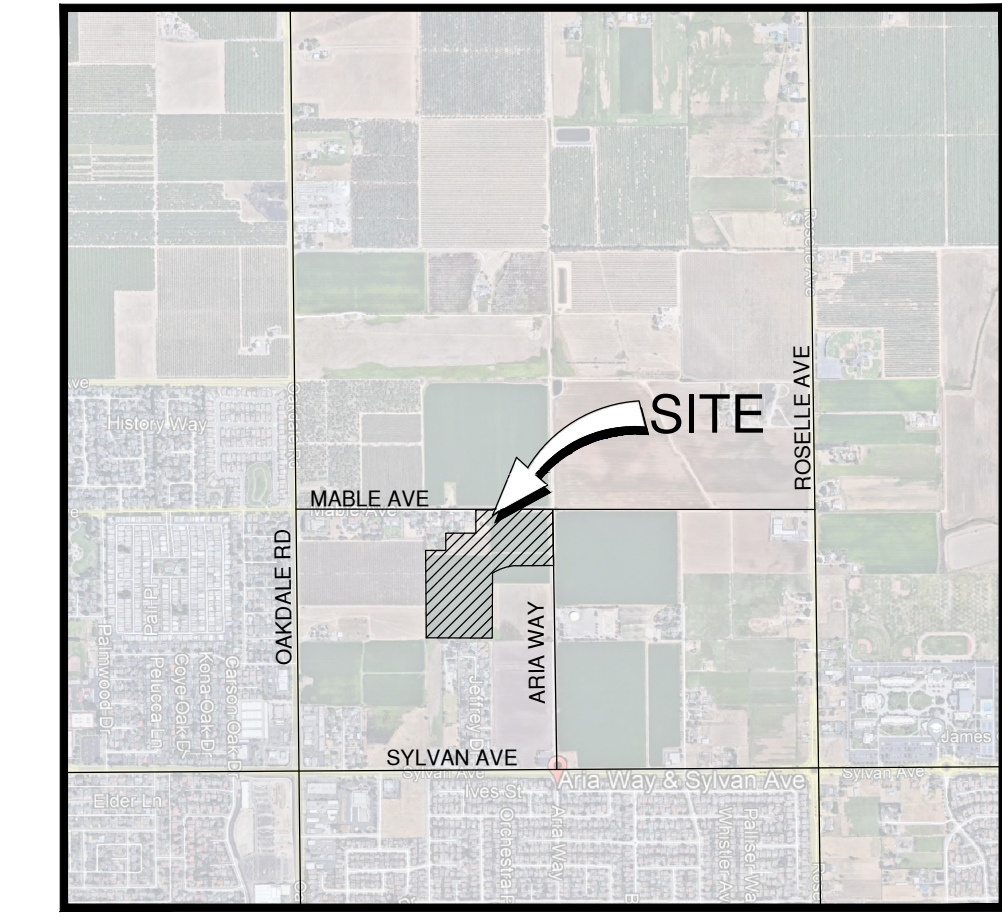
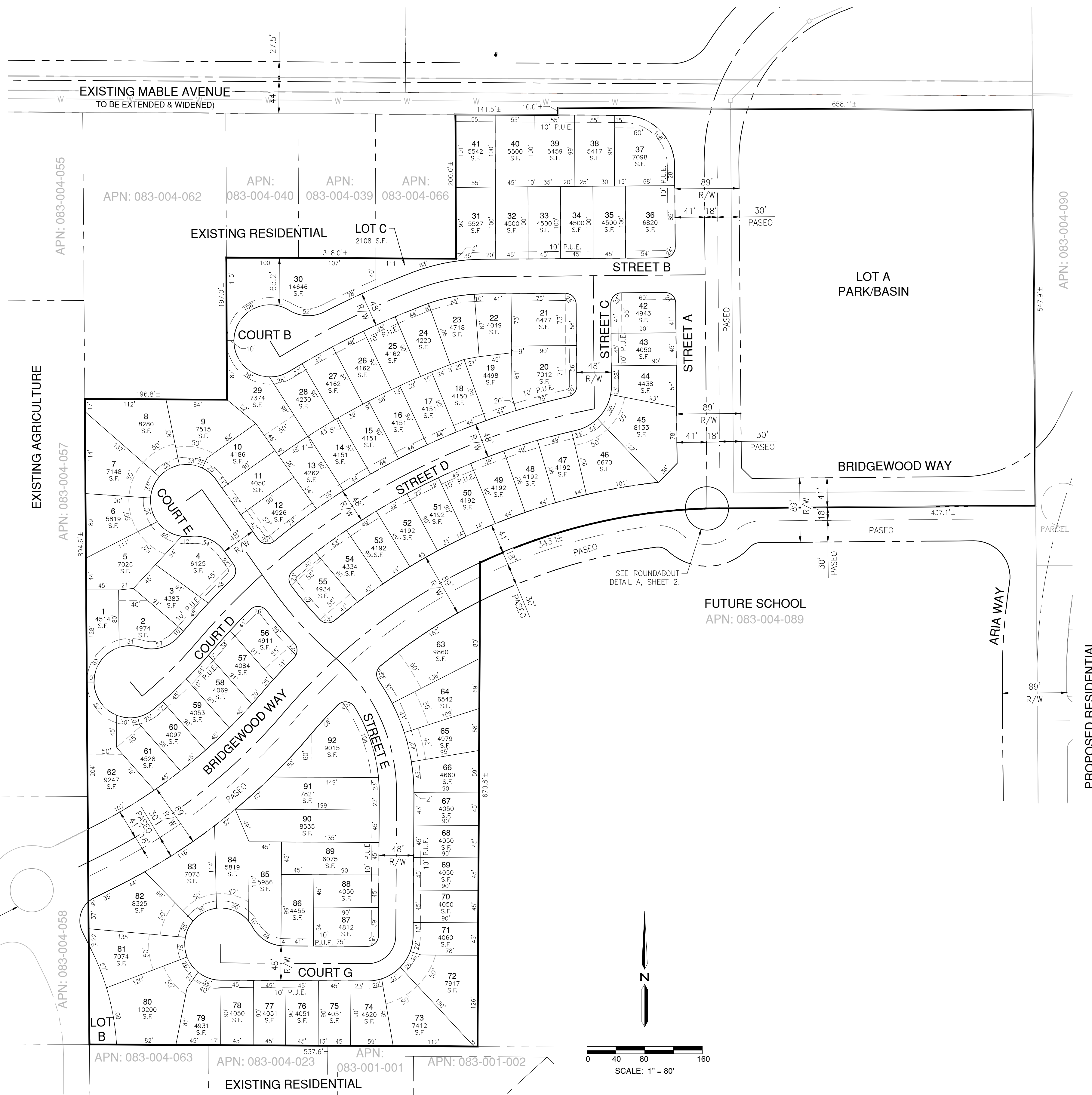
BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF  
MODESTO.

Original, signed copy on file in  
CEDD

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Michael Hren, AICP, Secretary

Drawing: DL\_0061 Modesto\43380\Titol-Mable Parcel\Planning\Exhibit\Titol-Mable\_VTM Parcels-43380.dwg Plot Date/Time: 8/26/2025 1:35 PM Last Saved by: EAhmed



VICINITY MAP  
N.T.S.

**CONTACT INFORMATION**

OWNERS/APPLICANT: MABLE AVENUE PROPERTIES, A CALIFORNIA LIMITED PARTNERSHIP  
 1120 SCENIC DRIVE  
 MODESTO, CA 95350  
 CONTACT: MICHAEL ZAGARIS  
 (209) 988-2010

CIVIL ENGINEER: WESTWOOD PROFESSIONAL SERVICES, INC.  
 1165 SCENIC DRIVE, SUITE A  
 MODESTO, CA 95350  
 CONTACT: MIKE PERSAK  
 (209) 571-1765

**SUBDIVIDER'S STATEMENT**

- 22.8± ACRES
  - 92 RESIDENTIAL LOTS
  - LANDSCAPE & P.U.E. LOTS (LOT C)
  - PARK LOT (LOT A PARK/BASIN)
  - FUTURE ROADWAY LOT (LOT B)
- GENERAL PLAN/ZONING/LAND USE DESIGNATION FOR PROPERTY: R (RESIDENTIAL)/SP (SPECIFIC PLAN)/LDR (LOW DENSITY RESIDENTIAL)
- EROSION CONTROL PLAN SHALL BE DONE PER CITY ORDINANCES.
- MINIMUM BUILDING SETBACK LINES SHALL COMPLY WITH TIVOLI SPECIFIC PLAN.
- DOMESTIC WATER SUPPLY SHALL BE BY CONNECTION TO CITY OF MODESTO WATER SYSTEM.
- SEWAGE DISPOSAL SHALL BE BY COLLECTION SYSTEM AND CONNECTION TO CITY OF MODESTO SANITARY SEWER SYSTEM.
- STORM DRAINAGE DISPOSAL SHALL BE BY COLLECTION SYSTEM AND CONNECTION TO CITY OF MODESTO STORM DRAINAGE SYSTEM.
- TREE PLANTING SHALL BE PERFORMED IN ACCORDANCE WITH CITY OF MODESTO ORDINANCES.
- THE APPLICANT PROPOSES TO BUILD ON LOTS, BUT RESERVES THE RIGHT TO SELL LOTS.
- THIS VESTING TENTATIVE SUBDIVISION MAP IS A SUBDIVISION OF PARCEL: 083-004-088.
- THE APPLICANT RESERVES THE RIGHT TO PHASE PROJECT PER THE SUBDIVISION MAP ACT.
- FEMA FLOOD ZONE = ZONE X

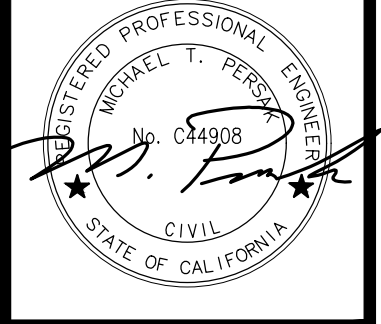
NO.	DESCRIPTION	DATE	BY

VESTING TENTATIVE SUBDIVISION MAP

TIVOLI MABLE PARCEL  
MODESTO, CALIFORNIA

DATE: 09/25/2025  
 DRAFTER: JUB/DF  
 DESIGNER: MP  
 CHECKED: MP

PROJECT NO.  
**0056704.00**



NO.	DESCRIPTION	DATE	BY

**PRELIMINARY GRADING PLAN**  
 TIVOLI MABLE PARCEL  
 MODESTO, CALIFORNIA

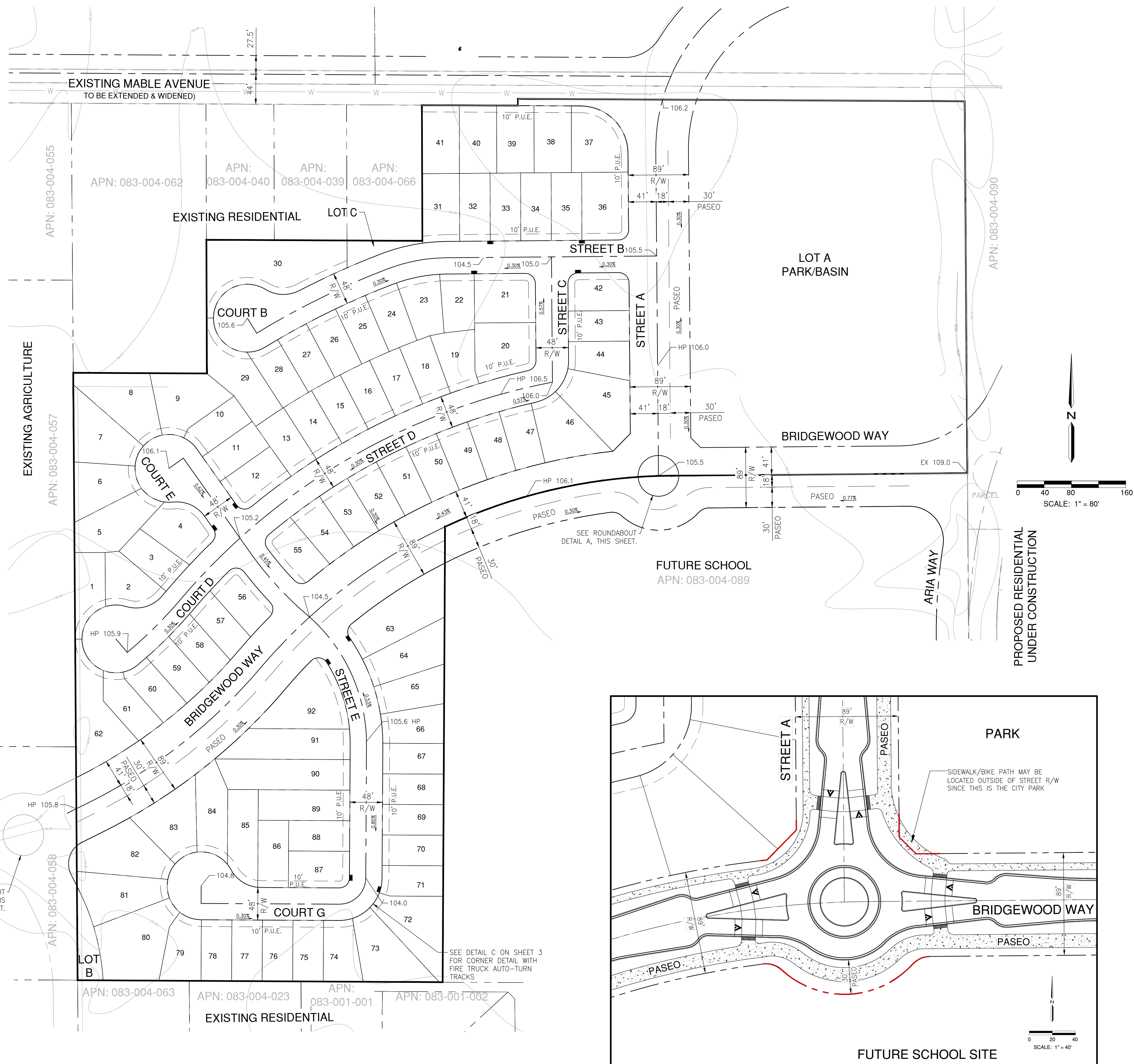
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DESIGNER:	MP
CHECKED:	MP
PROJECT NO.:	0056704.00

DATE: 09/25/2025  
 DRAFTER: JJB/DF  
 DESIGNER: MP  
 CHECKED: MP

PROJECT NO. 0056704.00

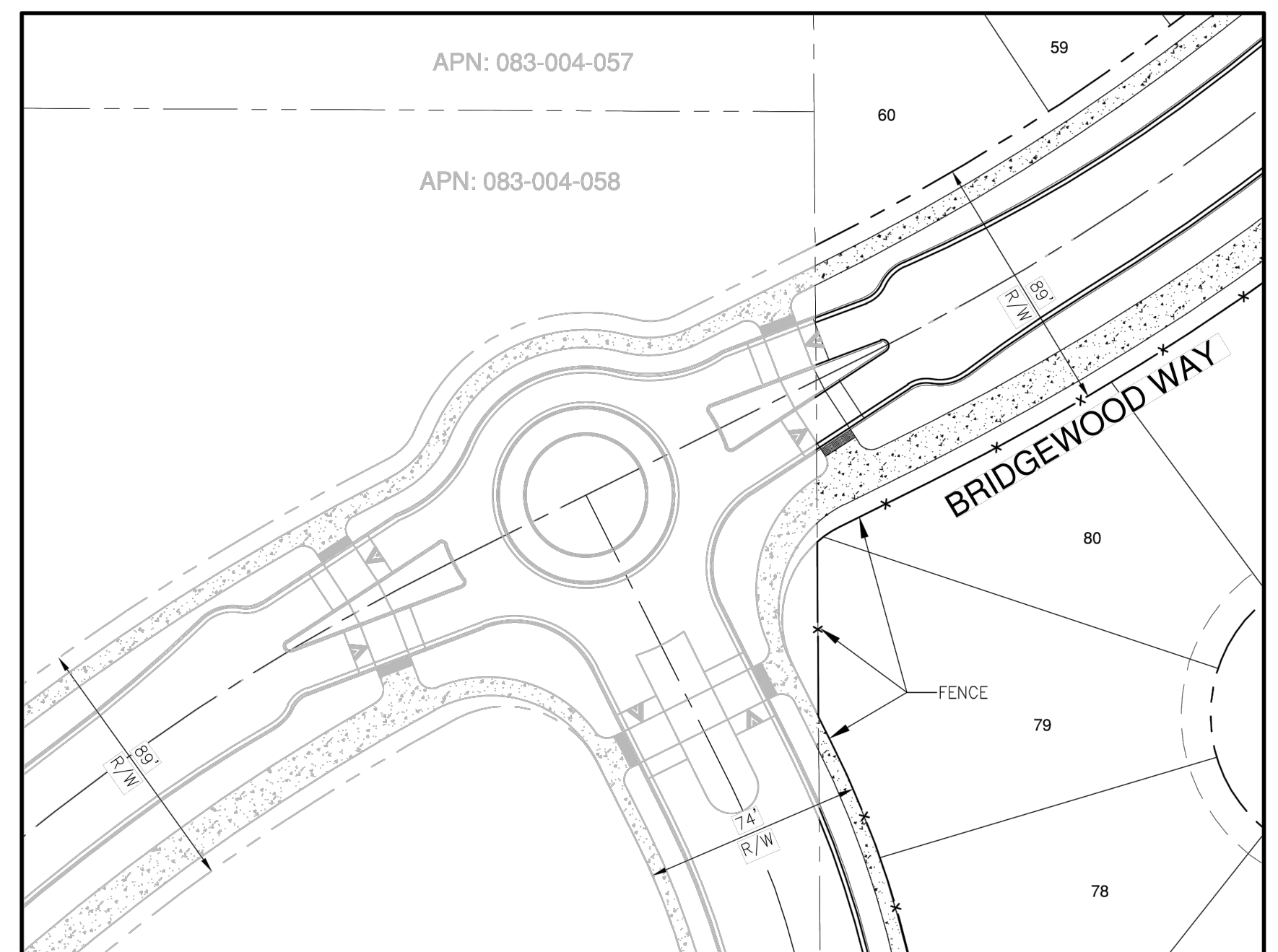
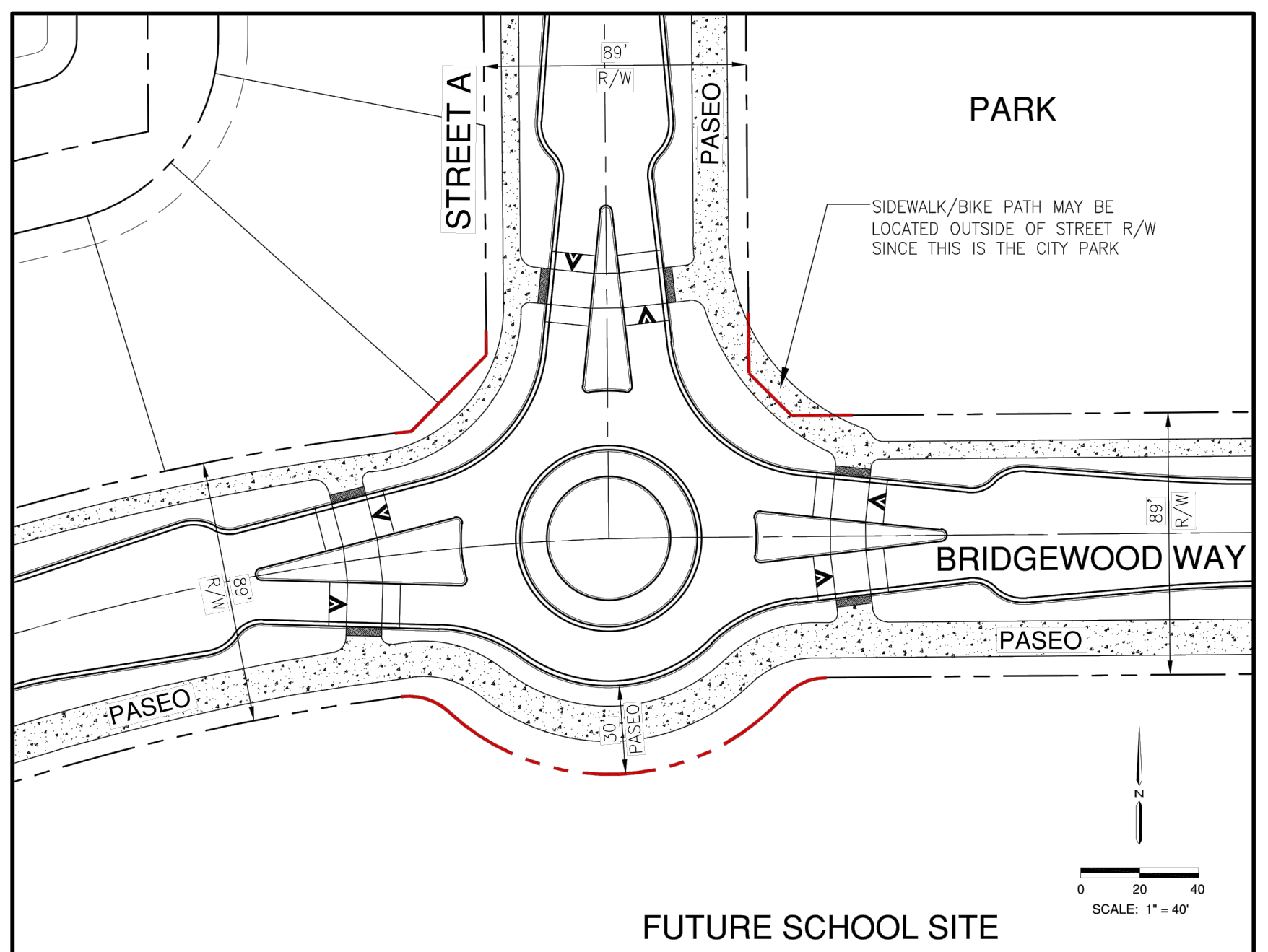
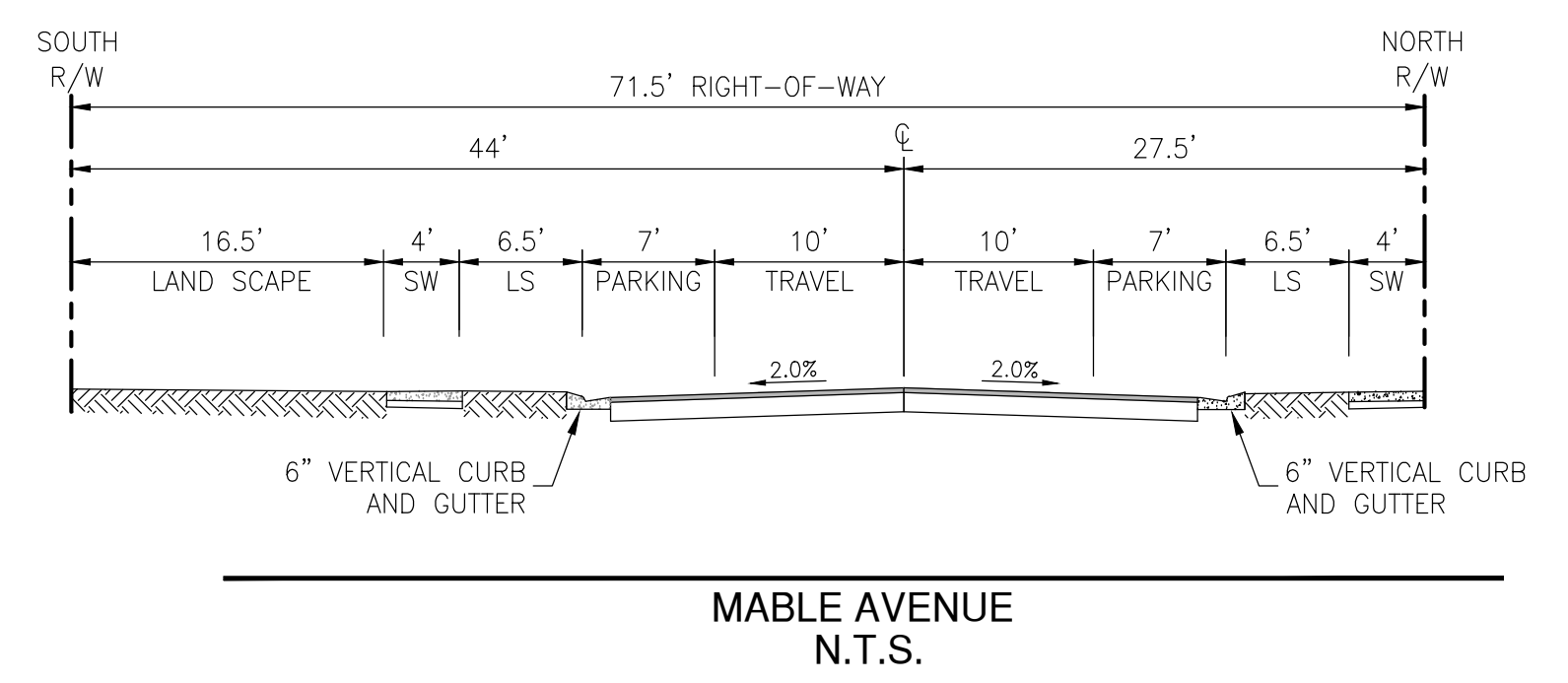
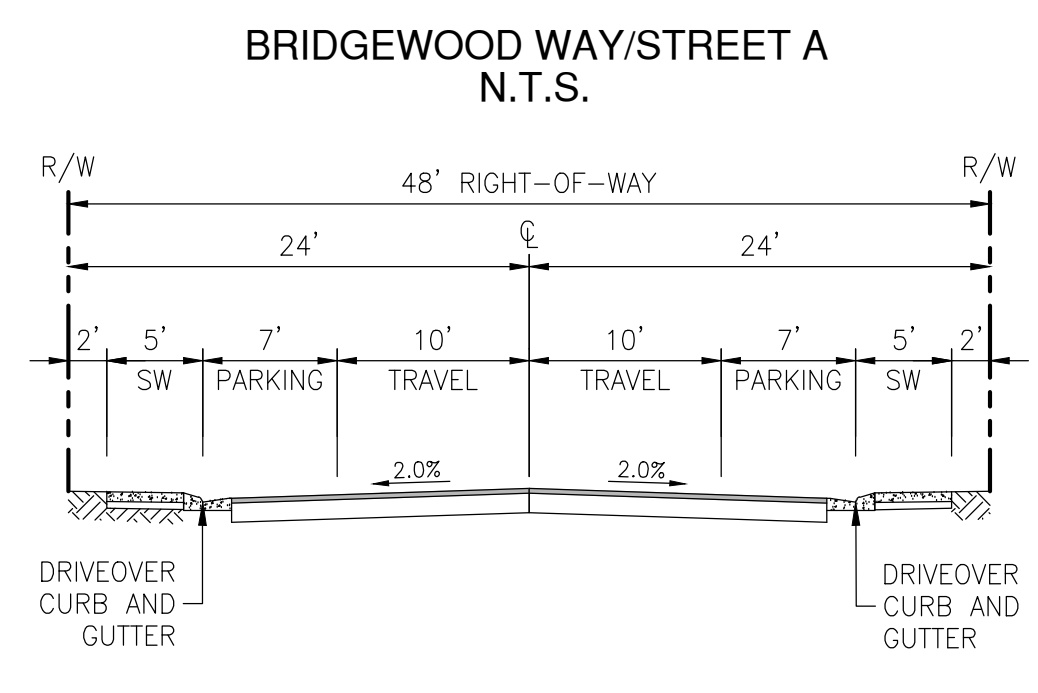
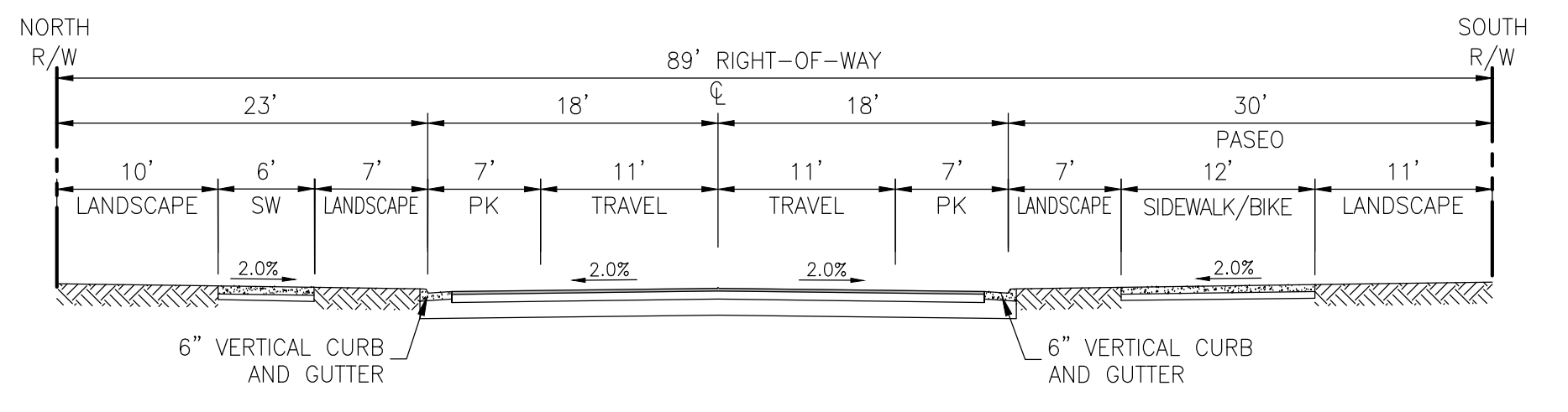


SHEET NO. 2 OF 4



**LEGEND**

- PROJECT BOUNDARY
- 10' PUBLIC UTILITY EASEMENT
- CATCH BASIN



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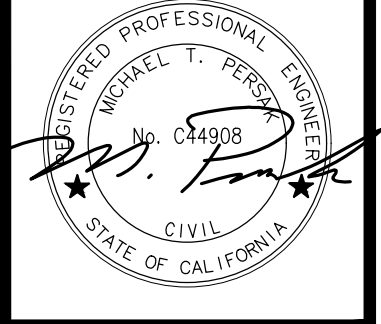
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NO.	DESCRIPTION	DATE	BY

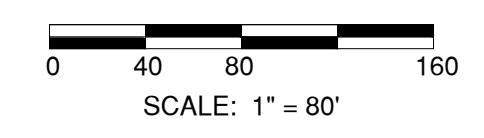
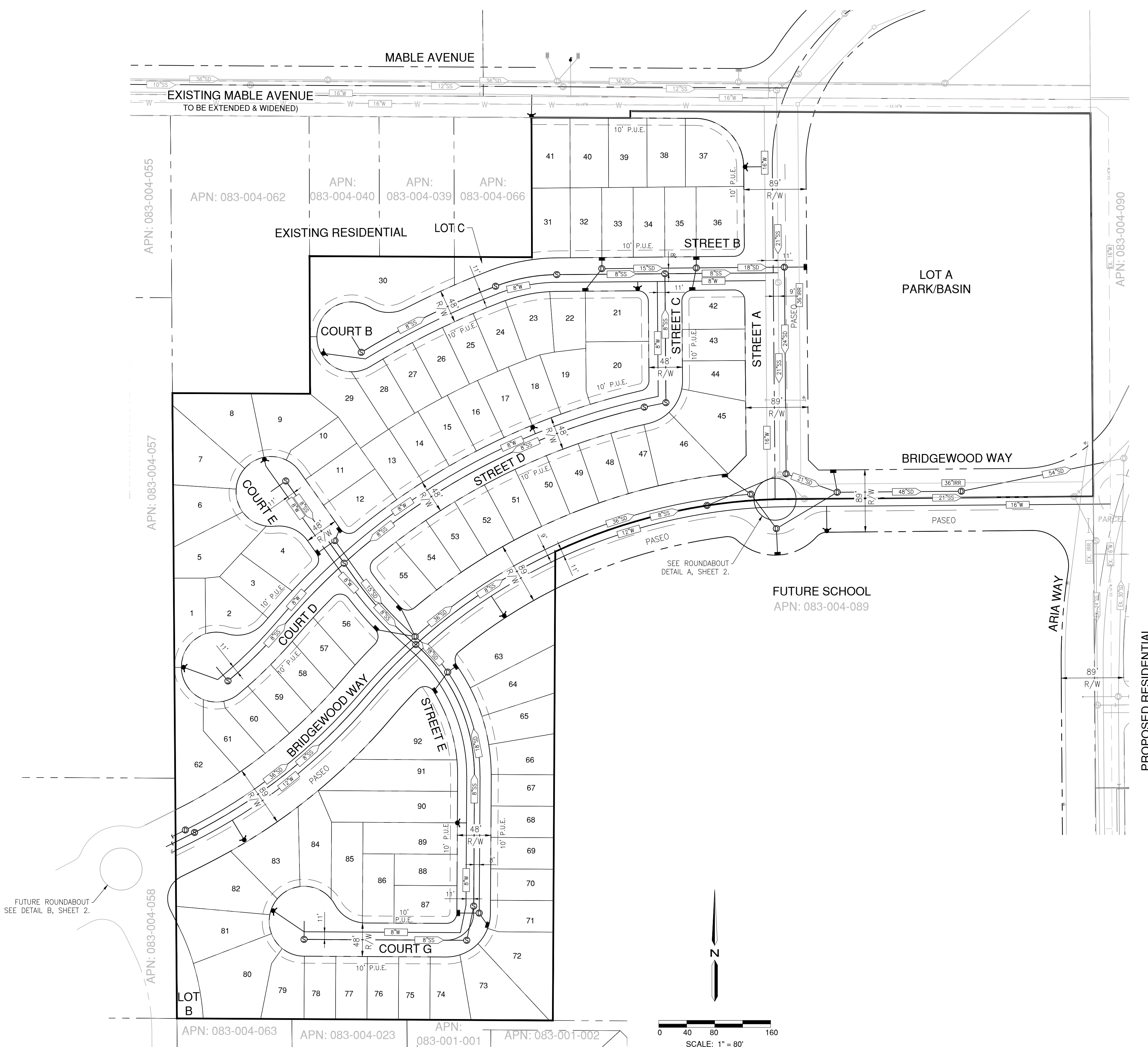
**PRELIMINARY UTILITY PLAN**  
 TIVOLI MABLE PARCEL  
 MODESTO, CALIFORNIA

DATE: 09/25/2025  
 DRAFTER: JUB/DF  
 DESIGNER: MP  
 CHECKED: MP

PROJECT NO.  
**0056704.00**

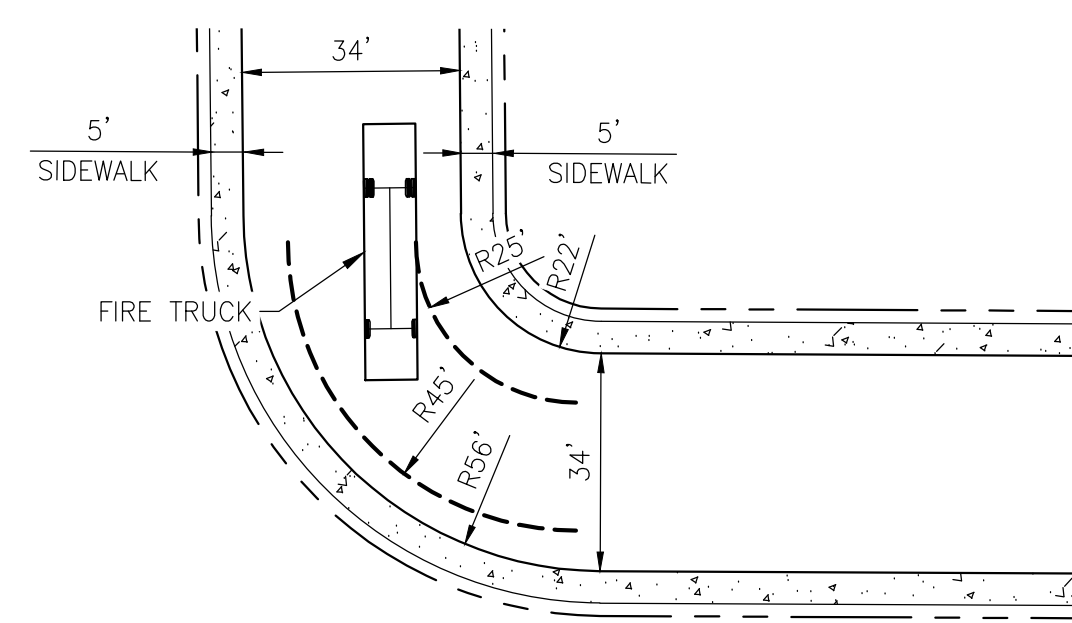


SHEET NO.  
**3**  
 OF  
 4



**LEGEND**

	PROJECT BOUNDARY
	PROPOSED WATER LINE
	PROPOSED IRRIGATION LINE
	PROPOSED SEWER LINE
	PROPOSED STORM DRAIN LINE
	EXISTING WATER LINE
	EXISTING IRRIGATION LINE
	EXISTING STORM DRAIN LINE
	EXISTING SEWER LINE
	PROPOSED SEWER MANHOLE
	PROPOSED STORM DRAIN MANHOLE
	PROPOSED CATCH BASIN
	PROPOSED FIRE HYDRANT

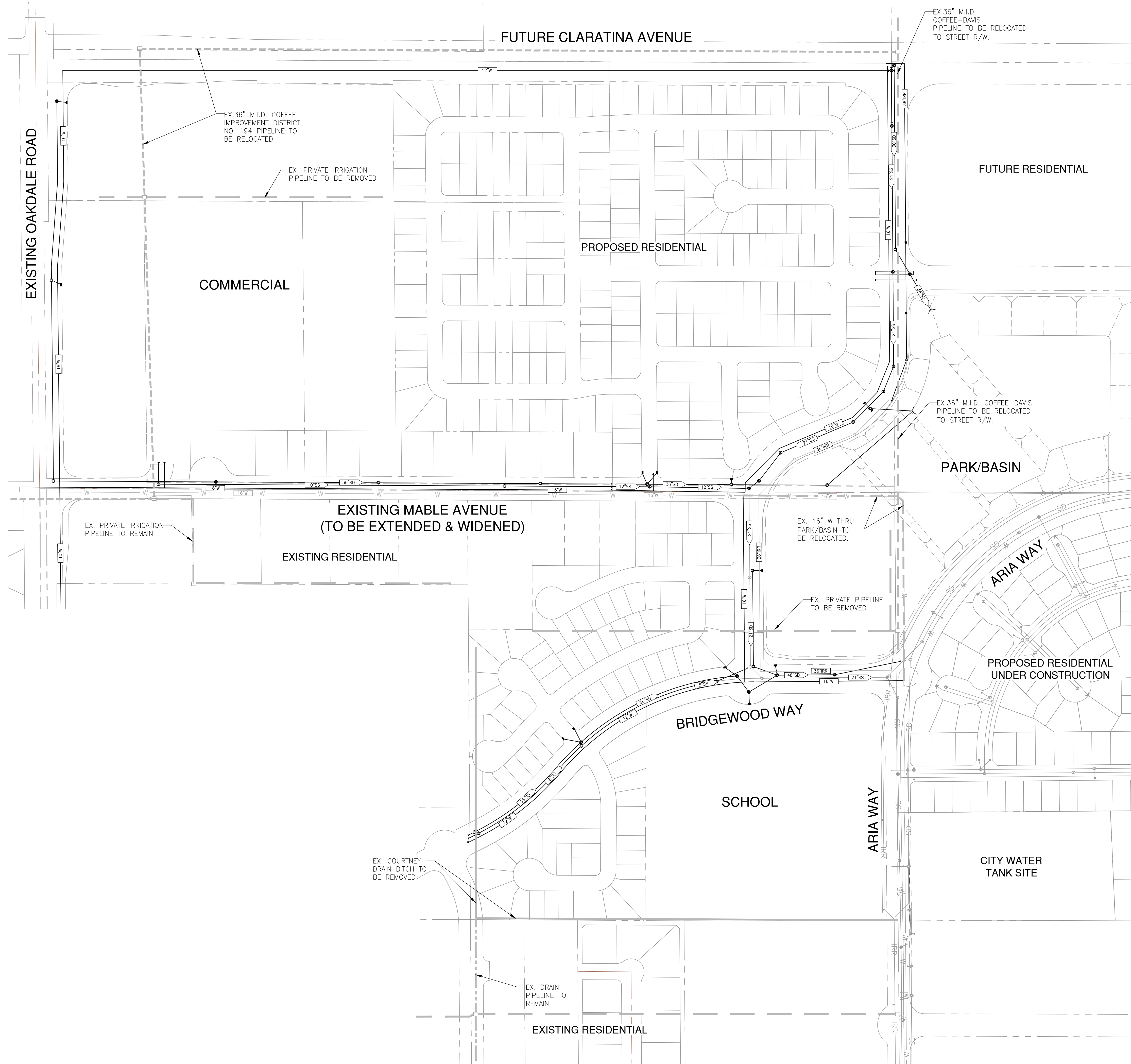


NOTE: FIRE TRUCK AUTO TURN PER SITE PLAN REVIEW GUIDELINES OF MODESTO FIRE DEPARTMENT

**C CORNER DETAIL WITH FIRE TRUCK AUTO-TURN TRACKS**

NTS

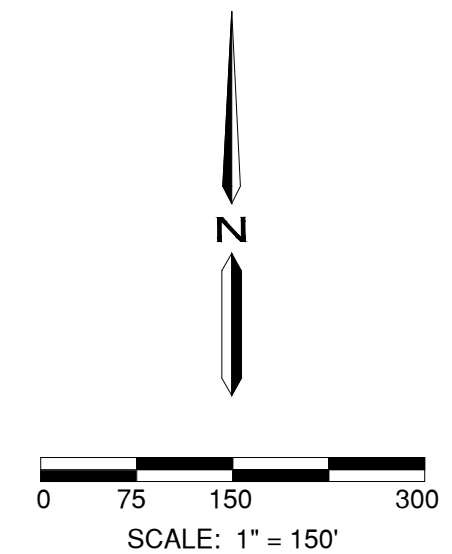
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**NOTE:**  
 1. SEE SHEET 3 FOR THE IN-TRACT UTILITIES LAYOUT.  
 2. ALL ON-SITE STORMWATER TREATMENT FACILITIES ARE CONTAINED WITHIN THE PROJECT'S SHARED PARK/BASIN.

**LEGEND**

—	PROJECT BOUNDARY
— W	PROPOSED WATER LINE
— IRR	PROPOSED IRRIGATION LINE
— 22	PROPOSED SEWER LINE
— 20	PROPOSED STORM DRAIN LINE
— W	EXISTING WATER LINE
— IRR	EXISTING IRRIGATION LINE
— SD	EXISTING STORM DRAIN LINE
— SS	EXISTING SEWER LINE
⊙	PROPOSED SEWER MANHOLE
⊙	PROPOSED STORM DRAIN MANHOLE
■	PROPOSED CATCH BASIN
■	PROPOSED FIRE HYDRANT



**Westwood**  
 Westwood Professional Services, Inc.  
 1165 SCENIC DRIVE, SUITE A  
 MODESTO, CA 95350  
 T: 209.571.7165  
 westwoodsp.com

NO.	DESCRIPTION	DATE	BY

**OVERALL UTILITY PLAN**  
 TIVOLI MABLE PARCEL  
 MODESTO, CALIFORNIA

DATE: 09/25/2025  
 DRAFTER: JJB/DF  
 DESIGNER: MP  
 CHECKED: MP

PROJECT NO.  
**0056704.00**



SHEET NO.  
**4**  
 OF  
**4**

PLN 2025-00031, OCC. NO. 04816

**PLANNING COMMISSION  
RESOLUTION NO. 2026-XX**

**A RESOLUTION RECOMMENDING APPROVAL BY THE CITY COUNCIL OF THE  
VESTING TENTATIVE MAP OF TIVOLI PAREGIAN (MICHAEL ZAGARIS)**

WHEREAS, on February 26, 2008, the City Council by Ordinance No. 3479-C.S. adopted the Tivoli Specific Plan; and

WHEREAS, the Tivoli Specific Plan is separated into nine Area Plans to provide for the orderly development of each area of the Specific Plan, with each Area Plan adopted by the Planning Commission in accordance to Chapter 9, Implementation, of the Specific Plan, or by City Council Resolution in certain situations; and

WHEREAS, Michael Zagaris has filed an application for a Vesting Tentative Subdivision Map, Tivoli Paregian, to divide 17.4 acres into 99 low density single-family residential lots (Phase 1) and 5.4 acres into 11 very low density single-family residential lots (Phase 2), as described in **Exhibit “A,”** attached hereto and incorporated herein by reference, all within Area Plan No. 1 of the Specific Plan, property located north of Mable Avenue and east of Oakdale Road; and

WHEREAS, said Vesting Tentative Subdivision Map was also received together with an application for the adoption of Area Plan No. 1 of the Tivoli Specific Plan (Project ID: AREA-25-003); and

WHEREAS, said Vesting Tentative Subdivision Map was also received together with an application for the adoption of a Final Development Plan (Project ID: FDP-25-003), to provide for certain building setback and development standards as allowed by Chapter 9, Section 9.4.1.2 of the Specific Plan; and

WHEREAS, said Vesting Tentative Map was received in the office of the Secretary of the Planning Commission on January 22, 2025, and was accepted for filing and deemed complete on December 29, 2025, in accordance with the provisions of Section 4-4.401 of the Modesto Municipal Code; and

WHEREAS, copies of said vesting tentative map have been sent to the Sylvan Elementary School and Modesto High School Districts, Modesto Irrigation District, the local utility companies, and the City Engineering and Transportation Department; and

WHEREAS, City services, including sewer and water facilities, are available; and

WHEREAS, the area can be served by elementary schools in the Sylvan School District and by Fire Station No. 7 at 1800 Mable Avenue, located within one mile; and

WHEREAS, a public hearing was held by the Planning Commission on February 23, 2026, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission certifies it has received and reviewed the Addendum to the Tivoli Final Environmental Impact Report (Tivoli FEIR), EA/C&ED 2026-03, prepared pursuant to Section 15164 of the CEQA Guidelines, which concluded that the project is within the scope of the Tivoli Specific Plan Final EIR (SCH No. 2005072125) and that pursuant to Sections 15162 and 15164 of the CEQA Guidelines, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The proposed vesting tentative subdivision map, together with the provisions for its design and improvements, is consistent with the General Plan of the City of Modesto, the Tivoli Specific Plan, the Subdivision Map Act of the State of California, and Title 4 of the Modesto Municipal Code regarding the subdivision of land.
2. The discharge of waste as a result of the proposed vesting tentative subdivision map into the existing sewer system will not result in a violation of existing requirements by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California.
3. As per Sections 15162 and 15164 of the California Environmental Quality Act ("CEQA") Guidelines, this project is within the scope of the projects covered by the Tivoli Specific Plan Final EIR and no new environmental document or findings are required by CEQA.
4. The project will have no new effects which were not examined in the Tivoli Specific Plan Final EIR and no new mitigation measures would be required.
5. There are no substantial changes proposed in the project, which will require major revisions of the Tivoli Specific Plan Final EIR.
6. There are no substantial changes occurring with respect to the circumstances under which the project is being undertaken which will require major revisions in the Tivoli Specific Plan Final EIR.
7. No new information, which was not known and could not have been known at the time the Tivoli Specific Plan Final EIR was certified as complete, has become available.
8. There are no specific features that are unique to the proposed project that require project-specific mitigation measures. Accordingly, the certified mitigation measures identified in the Final EIR will be sufficient for this project.
9. All feasible mitigation measures set forth in the Final EIR which are appropriate to the project shall be incorporated in the project.
10. The Addendum to the Tivoli FEIR, EA/C&ED 2026-03, provides the substantial evidence to support findings 3-9, noted above.

BE IT FURTHER RESOLVED by the Planning Commission that the Vesting Tentative Subdivision Map of Tivoli Paregian, accepted for filing in the office of the

Secretary of the Planning Commission on December 29, 2025, be recommended for approval by the City Council, as submitted and subject to the following conditions:

1. Prior to recordation of a Final Map, new street names for Streets A through F shall be proposed and approved by both the City and the County.

Land Development Engineering:

2. Prior to recordation of a Final Map, project applicant shall produce improvement plans for required improvements prepared by a Registered Civil Engineer according to City standards and the Tivoli Specific Plan. Improvement plans shall be submitted for approval by the City Engineer or designee.
3. Project applicant shall ensure that any public improvements that are missing damaged or not to current City standards shall be designed and constructed per City standards in accordance with City Code (Article 7-1.701) and the Tivoli Specific Plan. Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and streetlights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment permit.
4. Project applicant shall ensure that all existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as require by the City Engineer or designee.
5. The project applicant shall ensure that the proposed development is designed to function independently, with complete and operational pedestrian and vehicular circulation, utility infrastructure, and all other required improvements, in accordance with the Tivoli Specific Plan and applicable City Standards. Each tentative map or development phase must be capable of operating independently without reliance on the buildout of adjacent or future projects. Final design shall be subject to review and approval by the City Engineer.

Paregian Project Specific Conditions:

6. Both roundabouts will be designed with the Alves Tivoli Vesting Tentative Subdivision Map and Street K and M will be installed with Alves as well. In the event Paregian moves forward prior to Alves, all of the Alves conditions would be applied to Paregian.
7. If required to provide adequate circulation, the developer shall acquire all necessary right-of-way and/or easements and design and construct street, utility, and pedestrian improvements to ensure the subdivision has adequate

vehicular and pedestrian access to Oakdale Road or Sylvan Avenue, subject to review and approval by the City Engineer.

8. With the development of the Phase 2 large lots along Mable Avenue, the developer shall reconstruct Mable Avenue to include curb and gutter and drive approaches along the south side to facilitate stormwater capture, as approved by the City Engineer. The project applicant shall also provide water and sewer lateral stubs for the existing ranchette properties located on the southerly side of Mable Avenue to accommodate future service connections.
9. The project applicant shall provide a 10-foot Public Utilities Easement (PUE) and a 10-foot Planting Easement (PE) on each side of the proposed public right-of-way, unless otherwise approved by the City Engineer.
10. In the event that the adjacent subdivision to the east (Alves) has not commenced construction, the developer of this project shall be responsible for acquiring any required right-of-way and/or easements, and for the design and construction of full improvements necessary to serve both this subdivision and the adjacent subdivision, as conditioned and determined by the City Engineer.
11. The developer shall design and construct full frontage improvements adjacent to the project site along Claratina Avenue for the two southernmost lanes of travel, including, but not limited to, paseo improvements, landscaping, travel lanes, and decorative street lighting.
12. Any temporary or interim improvements installed by the developer shall not be eligible for reimbursement, as such improvements may be required to be removed to accommodate ultimate improvements.
13. The proposed temporary gate shall be subject to approval by the Fire Marshal and City Engineer and shall be designed and installed to provide fire apparatus turnaround capability in both directions, be equipped with Knox keys or other approved emergency access devices, and be maintained in good working condition by the developer. The developer shall be responsible for the operation, maintenance, and repair of the temporary gate until it is removed or replaced with permanent improvements approved by the City. Berms or ditches shall be installed prior to the commencement of construction activities to prevent vehicles from bypassing the gate and shall remain in place and maintained for the duration of construction, as approved by the City Engineer.

Land Development Engineering, Water:

14. Project applicant shall construct Water lines per the Facilities Master Plan (FMP), including 16-inch water lines and smaller parallel distribution water lines, as per the FMP and Tivoli Specific Plan. All applicable water connection fees shall be paid, and an encroachment permit obtained from the City prior to any connection being made in the City's public Right-of-Way.

15. Water main shall be installed at the property frontage of Claratina Avenue to install Fire Hydrants as per City standards.

Land Development Engineering, Sewer:

16. Project applicant shall construct Sewer lines as per the Facilities Master Plan (FMP) and the Tivoli Specific Plan. Design and installation shall consider the commercial development to the west of this subdivision. Plans and calculations shall be submitted for review. All applicable sewer connection fees shall be paid, and an encroachment permit obtained from the City prior to any connection being made in the City's public Right-of-Way.

Land Development Engineering, Storm Drain:

17. The project applicant shall be required to design and construct storm drainage improvements that direct stormwater runoff to the central park basin, as identified in the Tivoli Specific Plan. In addition, the applicant may be required to excavate and remove soil within the basin area to create adequate stormwater storage capacity, subject to review and approval by the City Engineer. To the extent feasible, basin improvements shall accommodate the ultimate basin design, as necessary to support the overall functionality of the basin.
18. Project applicant shall provide plans and calculations for storm water basin(s) and storm water management per City Standards to serve this development and provisions for buildout of the Tivoli Specific Plan. Volume and water quality requirements must be met per City Standards and the 2011 Modesto Stormwater Guidance Manual. The developer shall provide storm drainage calculations for the proposed conveyance system all the way to the proposed storm drainage basin including off-site flows that will convey through the proposed subdivision.
19. Project applicant shall provide plans and calculations to ensure that the downstream basin is sized adequately to take in the additional stormwater runoff from the project. Expansion of the basin will be required depending on the submitted calculations or as determined by the City Engineer.
20. Prior to the issuance of a Grading, Demolition, or Building Permit, Project applicant shall prepare and submit a Water Pollution Control Plan (WPCP) or Local SWPPP to Land Development Engineering, Stormwater for review. The WPCP or Local SWPPP shall include a description of all erosion, sediment, and pollution control BMPs to be used at the construction or demolition site to prevent sediment and other sources of pollution from entering the City storm drain system as well as a site plan showing their placement.
21. Project applicant shall obtain coverage under the General Permit for Discharges of Stormwater associated with Construction Activity disturbing one (1) or more acres of soil.

22. The proposed project includes residential development of greater than 10 units and is therefore considered a Priority Project.
23. Prior to the issuance of a Grading, Demolition, or Building Permit, Project applicant shall submit improvement plans conforming to design requirements of the most current edition of the City of Modesto Guidance Manual for Development, Stormwater Quality Control Measures and the City of Modesto Municipal Code.
24. The conditions of approval specific to utilities, pedestrian, vehicular, and emergency vehicle access were created based on the currently approved tentative maps in the Tivoli Specific plan to ensure safe and fully accessible paths of travel and utility service to meet City Standards. As such, the timing of the respective developments in Tivoli is unknown, therefore the implementation of the timing and order of the construction of the improvements may be adjusted by the City Engineer to facilitate the orderly development of the area to meet the accessibility and access requirements.

Parks Planning and Development:

25. Applicant shall submit Landscape and Irrigation (L&I) plans for review and approval by the City's Parks Planning and Development (PPD) Division. L&I plans shall meet the current State of California Model Water Efficient Landscape Ordinance (MWELo) requirements, Modesto Municipal Code (MMC) requirements and City of Modesto Standards at the time of submittal.
26. Applicant shall install a separate water meter for public landscape areas.
27. Applicant shall install street trees every thirty-five to forty feet on center (35-foot to 40-foot, OC) along all proposed streets.
28. Applicant shall install one (1) street tree per residential lot unless on a corner lot which requires street trees every thirty-five to forty feet on center (35-foot to 40-foot, OC) of the parcel's length.
29. Applicant shall install climbing vines on all masonry walls, in a landscape planter, visible to public view to discourage tagging.
30. Applicant shall provide signage with appropriate landscaping for Clear Vision Triangles at entrances. Within the triangle, the area between three (3) and eight (8) feet in height measured from top of curb adjacent to landscape shall be clear.
31. Low Impact Development (LID) control and treatment measures shall be planted with vegetation for erosion protection and sediment entrapment to collect/treat storm water run-off before entering the storm drain system. Storm drainage basins shall be appropriately landscaped and irrigated to address the specific type of storm water control measure. Provide total square feet of the landscape area in project information.

Infrastructure Finance:

32. Requirement to provide perpetual funding for required City services and maintenance:
  - a. Prior to recordation of a Final Map for any residential project involving the subdivision of land into single family parcels or issuance of a building permit for any other project, the applicant shall provide for perpetual funding to cover the full cost of the following services provided to the proposed development:
    - i. Maintenance and lighting of parks, parkways, streets and roads;
    - ii. Open space services, and flood and storm protection services, including the operation and maintenance of storm drainage systems;
    - iii. Perpetual funding to cover the full cost of maintenance and operation of any public improvements or other tangible property owned by the City with an estimated useful life of five or more years constructed as part of the proposed development.
33. The perpetual funding can be provided in the following manner:
  - a. Community Facilities District (CFD): Applicant shall annex the development into the existing City of Modesto Community Facilities District 2024-1 (Tivoli) in compliance with the requirements of the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq.) including, without limitation, affirmative votes, and the recordation of a Notice of Special Tax Lien. Applicant shall be responsible for all costs associated with the CFD proceedings.

Or:

  - b. Direct Funding. Applicant shall deposit with the City an amount necessary, as reasonably determined by the City and approved by the City Council, to fund in perpetuity the full on-going cost of these obligations.
34. A One-Time Facilities Special Tax shall be collected prior to certificate of occupancy issuance for any new construction on taxable property within the CFD. The estimated One-Time Facilities Tax and Annual Maintenance Special Tax are listed below by parcel.

Per-Acre Maximum Taxes:

- Maximum One-Time Facilities Tax: \$104,000.00
- Maximum Annual Maintenance Special Tax: \$5,372.64
- Maximum Annual Facilities Special Tax: \$10,465.20

Per the Rate and Method of Apportionment (RMA) each fiscal year on July 1<sup>st</sup>, the escalation factor is placed on the CFD Taxes. Annual Facilities Special Tax shall escalate each year by two-percent (2%). One-Time Tax Special Tax and Annual Maintenance Special Tax shall escalate each year by the greater of the percentage increase, if any construction cost index for the San Francisco region for the prior 12 months as

published in the Engineering News or comparable source, or four-percent (4%).

35. Below is a list of the fees associated with the Tivoli development, with information regarding the fee types:
- a. Public Land Equalization Fee (LEFP): the LEFP is allocated equally among the parcels based on their net acreage, and is based on the infrastructure required to provide to the community as fair share of “volunteered” contribution for the benefit and privilege of developing a piece of property within Tivoli. The LEFP shall be collected prior to Final Map recordation. The current LEFP will be \$897,609.01 based on the gross developable acreage for this project. This fee is subject to annual adjustments based on a three-year average of appraised fair market value.
  - b. Specific Plan Reimbursement Fee: The Tivoli Specific Plan Reimbursement Fee was approved by City Council Resolution No. 2019-196 on April 23, 2019, to reimburse for the cost of preparation, adoption and administration of the Tivoli Specific Plan. This fee will be due prior to building permit issuance and is currently \$107,413.49 for this project.
36. Capital Facilities Fees (CFF) will be due and payable at the time a building permit is issued. CFF are impact fees established to mitigate the impacts of new development as outlined in Section 66000 of the California Government Code. The CFF for the 110 residential lots is calculated at the Single-Family Rate in effect at the time of building permit issuance.

Modesto Irrigation District (MID):

37. Improvement plans and maps must be submitted to Modesto Irrigation District’s Civil Engineering Department for review.
38. All existing cast-in-place (CIP) pipe/culvert, corrugated metal pipe (CMP), polyvinyl chloride pipe (PVC) pipeline, disturbed pipeline, and appurtenant facilities that lie within the project limits must be replaced with rubber gasketed reinforced concrete pipe (RGRCP) that meets AASHTO requirements for HS20-44 traffic loading conditions:
- a. Class IV RGRCP is required under all roads and must extend a minimum of 10’ each way beyond the drive path in any new development or improvement.
  - b. Type III RGRCP is required under any other location, unless otherwise required by MID representative.
  - c. The pipeline shall be installed with a minimum of 30” of cover from pipe bell to final grade. If 30” of cover cannot be achieved, Class IV RGRCP will be required with a cover no less than 24” from the pipe bell to final grade.
  - d. Ground disturbing activities at or within ten (10) feet of the existing pipeline will also require the replacement of the existing pipeline.

39. Irrigation to the landowners and neighboring landowners via the private irrigation facilities within the subject parcels must be maintained. If it is determined that the existing privately-owned infrastructure will be affected by the proposed project, MID requires consulting with downstream landowners to ensure their rights to water is maintained and discuss potential improvement plans for review and approval. MID will act as a liaison for privately-owned facilities but both MID and the landowner(s) must approve the plans.
40. All privately-owned facilities that will be improved, or have their alignment changed or relocated must be protected by an easement dedicated by separate instrument to the downstream landowner(s) that are served by the existing private infrastructure and the easement must be shown on the subdivision map.
41. There may be additional existing privately-owned infrastructure not recorded by MID. If it is determined that any of the existing infrastructure will be affected by the proposed project, the project proponent must consult with the affected property owners and MID to discuss potential improvement plans for review and approval.
42. All abandoned-in-place irrigation facilities shall be removed within a development parcel. Abandoned pipeline facilities must be saw cut and plugged per MID irrigation standard construction detail C 55 a minimum of five (5) feet beyond the development parcel within the adjacent parcel.
43. All existing pipeline infrastructure that will no longer be used due to the project shall be removed entirely and properly disposed of off-site at the project proponent's expense. Abandoning existing pipeline infrastructure in place is not allowed.
44. MID easements for protection of overhead and underground electrical facilities are required. MID overhead secondary cable shall be protected by a minimum 20' wide easement centered on the overhead cable. Overhead primary cable shall be protected by a minimum 30' wide easement centered on the overhead cable. MID underground secondary cable shall be protected by a minimum 5 foot. wide easement centered on the underground cable. MID underground primary cable shall be protected by a minimum 10 foot. wide easement centered on the underground cable. When underground cable is not located in the Road Right of Way or within the PUE along the street frontage a MID easement is required to protect the existing underground electrical facilities and maintain necessary safety clearances.

General Conditions:

45. All fire hydrants and fire apparatus access roads meeting the requirement for "all weather" will need to be installed prior to combustible construction materials being brought into the site.

46. Developer shall install fire hydrants along all streets in the subdivision in accordance to City Standards and to the satisfaction of the Fire Marshall and City Engineer or designees.
47. Future home buyers and prospective residents of the Tivoli Specific Plan shall be provided disclosure that they are subject to noise, dust, odor and other impacts from adjacent agricultural operations. Such notice shall be placed on the Final Map at recordation.
48. Prior to Certificate of Occupancy of any structure, fences and walls shall be installed in accordance to the design standards of the Tivoli Specific Plan, Section 5.7, Community Wide Walls and Fencing Guidelines and Standards.
49. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development.
50. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.
51. All department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.
52. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated or removed as required by the utility companies and the City Engineer or designee. Easements for utilities, irrigation and electrical lines to remain shall be reserved as required.
53. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
54. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

The following conditions are mitigation measures from the Tivoli Final EIR and EIR Addendum that are applicable to the project:

55. Air Quality (Tivoli FEIR Mitigation Measure E.1): The construction plans for each group of building permits shall incorporate the following

recommendations from the San Joaquin Valley Air Pollution Control District to minimize emissions during construction phases:

- a. The project developers shall review Regulation VIII of the San Joaquin Valley Air Pollution Control District regulations and submit a compliance plan to the City of Modesto prior to commencing any phase of construction. The compliance plan must demonstrate that the current requirements of Regulation VIII will be implemented. Compliance plan shall be submitted to and approved by the Community and Economic Development Department prior to the issuance of a grading or building permit, whichever occurs first.
- b. Prior to the issuance of construction contracts, the project developers shall perform a review of new technology, as it relates to heavy-duty equipment, to determine what, if any, advances in emissions reduction are available for use. It is anticipated that in the near future both NO<sub>x</sub> and PM<sub>10</sub> control equipment will be available. The San Joaquin Valley Air Pollution Control District should be consulted during this process. The Project Developers shall incorporate available new technology in construction contracts.
- c. The project developers shall limit traffic speed on unpaved roads to 15 miles per hour.
- d. The project developers shall install sandbags or other control measures to prevent silt runoff to public roadways from sites with a slope greater than 1 percent.
- e. The project developers shall install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site, to prevent track-out of soil to public roadways.
- f. The project developers shall install windbreaks at windward sides of construction areas, if necessary to prevent wind-blown dust. Windbreaks shall be installed by the Project Developers prior to the issuance of grading or building permit, whichever occurs first.
- g. The project developers shall suspend excavation and grading activity when winds exceed 20 miles per hour.
- h. Wind speed measuring devices shall be installed by the Project Developers prior to the issuance of grading or building permit, whichever occurs first.
- i. The project developers shall limit the area subject to excavation, grading, and other construction activity at any one time.
- j. The project developers shall ensure that the accumulation of mud or dirt is expeditiously removed from adjacent public streets at least once every 24 hours when construction activities are occurring (the use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions). Project Developer

shall provide a daily street sweeping schedule prior to the issuance of grading or building permit, whichever occurs first.

- k. The project developers shall use alternative-fuel construction equipment, where feasible. Project Developer shall provide a list of any alternative equipment prior to the issuance of grading or building permit, whichever occurs first.
  - l. The project developers shall minimize idling time (e.g., to a 10-minute maximum).
  - m. The project developers shall limit the hours of operation of heavy-duty equipment and/or the amount of equipment in use to the minimum practical.
  - n. The project developers shall replace fossil-fueled equipment with electrically driven equivalents (provided they are not run via a portable generator set), where feasible.
  - o. The project developers shall take steps to curtail construction activity during periods of high ambient pollutant concentrations; this may include reducing construction activity during the peak hour of vehicular traffic on adjacent roadways or ceasing construction activity during days declared as Spare the Air days by the San Joaquin Valley Air Pollution Control District.
  - p. The project developers shall implement activity management to reduce cumulative short-term impacts. Activity management plan shall be submitted to and approved prior to the issuance of a grading or building permit, whichever occurs first.
56. Air Quality (Tivoli FEIR Mitigation Measure E.2c): The site design shall fulfill the following requirements to reduce emissions from energy consumption:
- a. The project developers shall incorporate energy efficient building design features including automated control systems for heating and air conditioning and overall energy efficiency at least 10 percent beyond the requirements of the California Energy Code (Title 24, California Code of Regulations), using features such as increased wall and ceiling insulation beyond Energy Code requirements, light colored roof materials to reflect heat, and energy efficient lighting and lighting controls. Prior to building permit issuance of each project, construction plans shall show that all energy efficient measures are included.
  - b. The project developers shall design buildings with windows and/or skylights oriented to maximize natural cooling and heating in accordance with the California Energy Commission's 2005 Building Energy Efficiency Standards.
  - c. The project developers shall incorporate approved deciduous trees to provide shade on the south and west-facing sides of buildings. Prior to

building permit issuance of each project, landscape plans shall be approved.

57. Noise (Tivoli FEIR Mitigation Measure F.2a): Design and implement new barriers for noise control at exterior locations of proposed residential development adjacent to major roadways. Prior to building permit issuance of each project, construction plans shall show all noise control features are included. The noise control features shall be installed prior to certificate of occupancy.
58. Hazards (Tivoli FEIR Mitigation Measure G.2): Conduct Phase I Environmental Site Assessments prior to issuance of grading or building permit, whichever occurs first. Remediation shall be implemented prior to issuance of grading or building permit or as determined by the Phase I ESA.
59. Biological Resources (Tivoli FEIR Mitigation Measure H.4): Applicant shall conduct pre-construction surveys to avoid nest disturbance. (See pp. IV.H.15-IV.H.16 for more detail.)
60. Biological Resources (Tivoli FEIR Mitigation Measure H.5): Compensation for loss of foraging habitat. The entire Tivoli project could result in the loss of up to 297.5 acres of foraging habitat for Swainson's Hawks. The Project Biologist will determine the actual acreage of suitable foraging habitat related to the development of the Arcadia property, and that loss shall be mitigated by providing offsite Habitat Management (HM) lands as described in the CDFG's Staff Report regarding Mitigation for Impacts to Swainson's Hawks (Buteo Swainson) in the Central Valley of California because the site was confirmed to be foraging habitat for Swainson's Hawks through direct observation and is likely within ten miles of an active nest (used during one or more of the last five years).

The acreage of off-site management lands to be provided will depend on the distance between the project site and the nearest active nest site. The 1994 CDFG staff report states:

- a. Projects within one mile of an active nest tree shall provide:
  - i. One acre of HM land (at least 10% of the HM land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% of the HM lands protected by a conservation easement [acceptable to the Department] on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawk) for each acre of development authorized (1:1 ratio); or

One-half acre of HM land (all of the HM land requirements shall be met by fee title acquisition or a conservation easement [acceptable to the Department] which allows for the active management of the habitat for prey production on the HM lands) for each acre of development authorized (0.5:1 ratio).

- ii. Projects within 5 miles of an active nest tree but greater than 1 mile from the nest tree shall provide 0.75 acres of HM land for each acre of urban development authorized (0.75:1 ratio). All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the department) on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawks.
  - iii. Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree shall provide 0.5 acres of HM land for each acre of urban development authorized (0.5:1 ratio). All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable habitats that provide foraging habitat for Swainson's Hawks.
  - iv. Management Authorization holders/project sponsors shall provide for the long-term management of the HM lands by funding a management endowment (the interest on which shall be used for managing the HM lands) at the rate of \$400 per HM acre. Current records within the California Natural Diversity Data Base (CNDDDB) are more than five years old, so they alone cannot be used to confirm a mitigation ratio for the loss of approximately 38 acres of foraging habitat related to the Arcadia Properties Tivoli project. The CNDDDB records do, however, provide guidance. The mitigation ratio depends on whether the project site is within one of three zones: 1) less than a mile; 2) between one and five miles; or 3) between five and ten miles. Nests have been recorded within the riparian habitats along both the Stanislaus River and Tuolumne River within ten miles of the project site. Even though the existing records along these rivers are more than five years old, active unpublished nests along these rivers within the last five years are nearly certain to have occurred. Therefore, this analysis assumes that active Swainson's Hawks nests are present within ten miles of the project site.
  - v. Nest season surveys for Swainson's Hawks should be conducted to confirm whether an active nest occurs within one of the closer zones. Assuming that nests are present within ten miles, however, reduces the area requiring nest-season surveys from 314.2 square miles to 78.5 square miles; the area within 5 miles of the project site.
61. Biological Resources (Tivoli FEIR Mitigation Measure H.6a): Implementation of formal CDFW guidelines (Staff Report on Burrowing Owl Mitigation) to avoid and minimize impacts to Burrowing Owls. In conformance with federal and state regulations regarding the protection of raptors, a habitat assessment in accordance with CDFW guidelines for Burrowing Owls should be completed prior to the start of construction. Burrowing Owl habitat on the project site and within a 500-foot (150 m) buffer zone should be assessed. If the habitat assessment concludes that the site and immediate vicinity lack suitable Burrowing Owl habitat, no additional action would be warranted. However, if suitable habitat is located

on, or immediately adjacent to, the site, all Burrowing Owl habitat should be mapped at an appropriate scale, and the following mitigation measures should be implemented:

- a. In conformance with federal and state regulations regarding the protection of raptors, a pre-construction survey for Burrowing Owls, in conformance with CDFW guidelines, should be completed no more than 30 days prior to the start of construction within suitable habitat. Three additional surveys should also be completed per CDFW guidelines prior to construction.
  - b. No Burrowing Owls will be evicted from burrows during the nesting season (February 1 through August 31). Eviction outside the nesting season may be permitted pending evaluation of eviction plans and receipt of formal written approval from the CDFW authorizing the eviction.
  - c. A 250-foot (76 m) buffer, within which no new activity will be permissible, will be maintained between project activities and nesting Burrowing Owls during the nesting season. This protected area will remain in effect until August 31, or at the CDFW's discretion and based upon monitoring evidence, until the young owls are foraging independently.
  - d. If accidental take (disturbance, injury, or death of owls) occurs, the CDFW will be notified immediately.
62. Biological Resources (Tivoli FEIR Mitigation Measure H.6b): Compensation for loss of Burrowing Owl habitat. If pre-construction surveys determine that Burrowing Owls occupy the site and avoiding development of occupied areas is not feasible, then habitat compensation on off-site mitigation lands should be implemented. Habitat Management (HM) lands comprising existing Burrowing Owl foraging and breeding habitat should be acquired and preserved. An area of 6.5 acres (2.6 ha) (the amount of land found to be necessary to sustain a pair or individual owl) should be secured for each pair of owls, or individual in the case of an odd number of birds. As part of an agreement with the CDFW, the project applicant should secure the performance of its mitigation duties by providing the CDFW with security in the form of funds that would:
- a. Allow for the acquisition and/or preservation of 6.5 acres (2.6 ha) of HM lands;
  - b. Provide initial protection and enhancement activities on the HM lands, potentially including, but not limited to, such measures as fencing, trash clean-up, artificial burrow creation, grazing or mowing, and any habitat restoration deemed necessary by CDFW;
  - c. Establish an endowment for the long-term management of the HM lands; and
  - d. Reimburse the CDFW for reasonable expenses incurred as a result of the approval and implementation of this agreement.

63. Hydrology and Water Quality (Tivoli FEIR Mitigation Measure I.1): The project proponent shall prepare a SWPPP for each development project under the Specific Plan (or one master SWPPP for all development) designed to reduce potential impacts to surface water quality through the construction period of all of the project components (whether or not the particular portion of the project disturbs more than one acre). The SWPPP shall emphasize measures designed to minimize erosion and off-site sedimentation. It is not required that the SWPPP be submitted to the RWQCB, but must be maintained on-site and made available to RWQCB staff upon request. The SWPPP shall include:
- a. Specific and detailed BMPs designed to mitigate construction-related pollutants. At minimum, BMPs shall include practices to minimize the contact of construction materials, equipment, and maintenance supplies (e.g., fuels, lubricants, paints, solvents, adhesives) with storm water. The SWPPP shall specify properly designed, centralized storage areas that keep these materials out of the rain.
  - b. An important component of the storm water quality protection effort is knowledge of the site supervisors and workers. To educate on-site personnel and maintain awareness of the importance of storm water quality protection, site supervisors shall conduct regular tailgate meetings to discuss pollution prevention. The frequency of the meetings and required personnel attendance list shall be specified in the SWPPP.
  - c. The City staff shall review and approve project SWPPP prior to developer obtaining a Grading and Building Permit. Project SWPPP shall include and adequately address all elements in the State General Construction Permit (Waste Discharge Requirements for Discharges of Stormwater Runoff Associated with Construction Activity, State Water Resources Control Board Order Number 99-08-DWQ).
  - d. BMPs designed to reduce erosion of exposed soil may include, but are not limited to, soil stabilization controls, watering for dust control, perimeter silt fences, placement of hay bales, and sediment basins. The potential for erosion is generally increased if grading is performed during the rainy season as disturbed soil can be exposed to rainfall and storm runoff. If grading must be conducted during the rainy season, the primary BMPs selected shall focus on erosion control; that is, keeping sediment on the site. End-of-pipe sediment control measures (e.g., basins and traps) shall be used only as secondary measures. Entry and egress from the excavation area shall be carefully controlled to minimize off-site tracking of sediment. Vehicle and equipment wash-down facilities shall be designed to be accessible and functional during both dry and wet conditions.
64. Hydrology and Water Quality (Tivoli FEIR Mitigation Measure I.2): The City shall ensure that development under the proposed project meets all the requirements of the current Municipal NPDES Permit (NPDES Permit No.

R5-2002-0132 as amended by Order No. R5-2003-0182) for operation-phase water quality treatment. The drainage plan for each proposed development under the Specific Plan shall include features and operational BMPs to reduce potential impacts to surface water quality associated with operation of the project. The final design shall include measures designed to mitigate potential water quality degradation of runoff from all portions of the completed development. In general, “passive,” low-maintenance BMPs (e.g., grassy swales, porous pavements) are preferred over active filtering or treatment systems. An operations and maintenance plan shall be developed and implemented to inspect and maintain BMPs in perpetuity.

The final design team for the development project shall review and incorporate as many concepts as practicable from the City’s Guidance Manual for New Development Stormwater Quality Control Measures, Start at the Source, Design Guidance Manual for Stormwater Quality Protection and the California Stormwater Quality Association’s Stormwater Best Management Practice Handbook, Development and Redevelopment. BMPs to be implemented by the developers within the plan area may include, but are not limited to, the BMPs described below for the construction and operation phases of the projects:

During the Construction Phase:

- a. Erosion control BMPs may include preservation of existing vegetation, use of hydraulic mulch, hydroseeding, soil binders, earth dikes and drainage swales, velocity dissipation devices and implementation of channel bank stabilization techniques;
- b. Temporary sediment control BMPs may include use of silt fences, sediment traps, sediment basins, check dams, fiber rolls, and drainage inlet protection;

During the Operation Phase:

- c. Permanent operation-phase BMPs may include: minimization of directly connected impervious surfaces, use of permeable pavements or unit pavers, grassy bioswales, stormwater planters, covering of refuse handling areas, stenciling drainage inlets, wet ponds, and detention basins.

At a minimum, runoff from all components of the project shall receive some level of treatment prior to discharging to the detention basins. Runoff would then be detained in the basins prior to being pumped into the Modesto Irrigation District’s canal.

65. Hydrology and Water Quality (Tivoli FEIR Mitigation Measure I.3b): As a condition of approval of the final grading and drainage plans for all projects proposed within the plan area it must be demonstrated through detailed hydraulic analysis that implementation of the proposed drainage plans will:
  - a. Include adequately sized detention facilities to accommodate anticipated runoff associated with the 100-year storm event. A licensed professional engineer shall prepare the final drainage plan for the project and plans

must be submitted to the City of Modesto Public Works for review and approval.

- b. Include drainage components that are designed in compliance with City of Modesto standards. The grading and drainage plans shall be reviewed for compliance with these requirements by the Department of Public Works; and
  - c. Establish a funding mechanism for maintenance and annual inspections of the detention basin, drainage ditches, and drainage inlets. Any accumulation of sediment or other debris shall be promptly removed. An annual report documenting the inspection and any remedial action conducted shall be submitted to the City of Modesto Public Works Department for review.
66. Developer shall comply with Tivoli FEIR Mitigation Measure I.4, Hydrology and Water Quality, to the satisfaction of the City Engineer or designee.
  67. Hydrology and Water Quality (Tivoli FEIR Mitigation Measure I.8): Prior to approval of a grading plan for development of a particular parcel of the Specific Plan area, a well survey shall be conducted to determine the location and characteristics of each well for that particular parcel. (See pp. IV. I.18-IV.I.19 for more detail.)
  68. Geology, Soils and Seismicity (Tivoli FEIR Mitigation Measure J.1): In locations underlain by expansive soils and/or non-engineered fill, the designers of foundations and improvements (including sidewalks, roads, and utilities) shall consider these conditions. (See p. IV.J.7 for more detail.)
  69. Geology, Soils and Seismicity (Tivoli FEIR Mitigation Measure J.2): Prior to issuance of a grading permit, a site-specific grading plan shall be prepared by a licensed professional and submitted to the City Building Department for review and approval. The plan shall include specific recommendations for mitigating potential settlement associated with fill placement and areas of different fill thickness. (See p. IV.J.8 for more detail.)

#### SFPUC Row Conditions

70. Prior to the commencement of improvements to the Right of Way at the intersection of Oakdale and Claratina Avenue, or any road modifications where they intersect with SFPUC ROW, applicant must submit to Hetch Hetchy Water and Power (HHWP), a HHWP Project Review and Land Use Application and obtain written authorization from SFPUC for any proposed crossing, use of, reclassification, rezoning or work on CCSF-owned land. Contact [hhwp\\_row@sfgwater.org](mailto:hhwp_row@sfgwater.org)

BE IT FURTHER RESOLVED by the Planning Commission of the City of Modesto that it hereby recommends to the City Council approval of the Vesting Tentative

Subdivision Map for Tivoli Paregian, as described in **Exhibit “A,”** attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 23, 2026, by \_\_\_\_\_, who moved its adoption, which motion was seconded by \_\_\_\_\_, and carried by the following vote:

Ayes:

Noes:

Absent:

Recused:

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

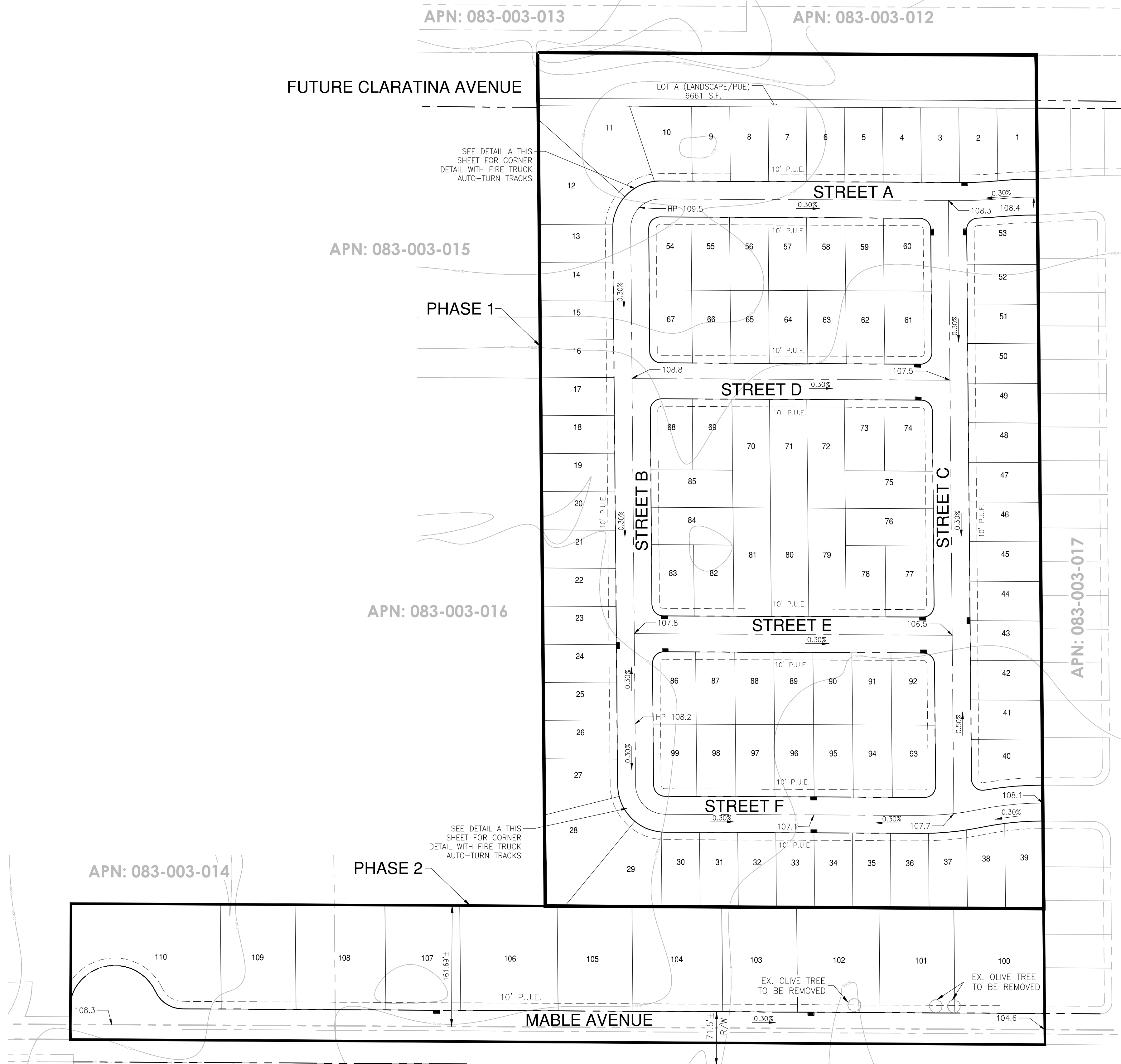
Original, signed copy on file in  
CEDD

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Michael Hren, AICP, Secretary

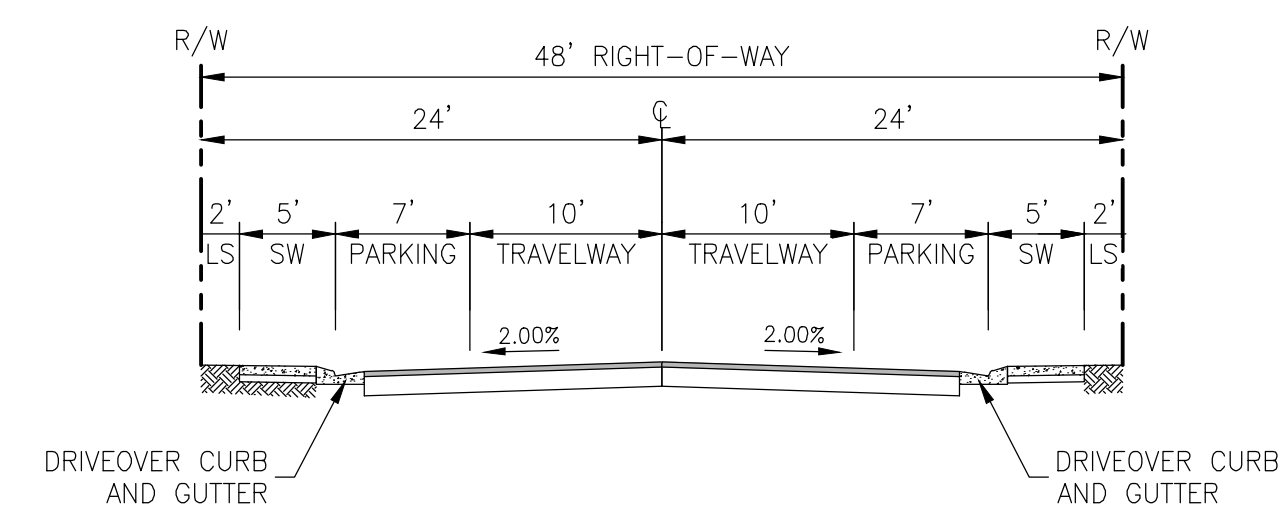


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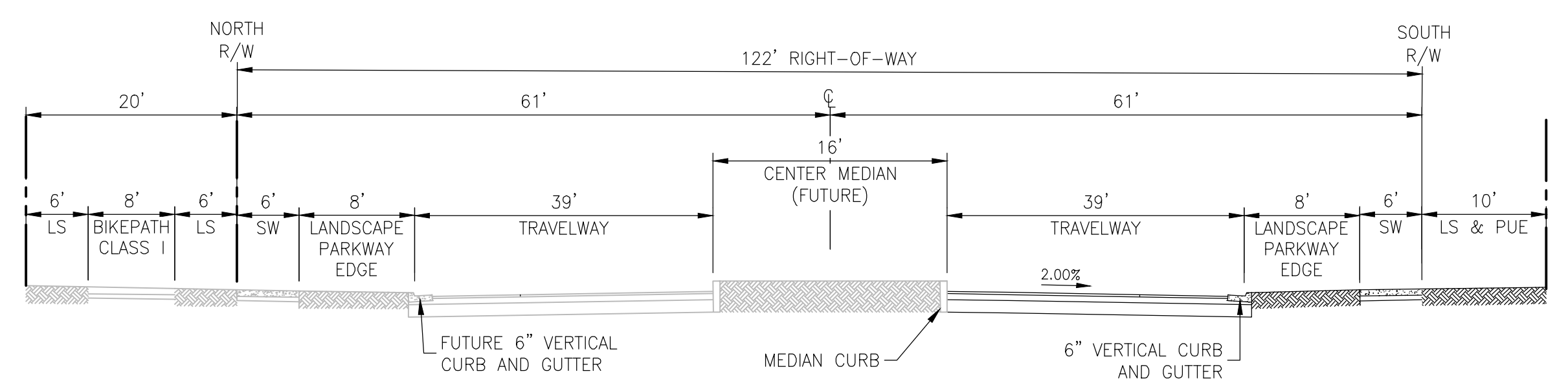


LEGEND

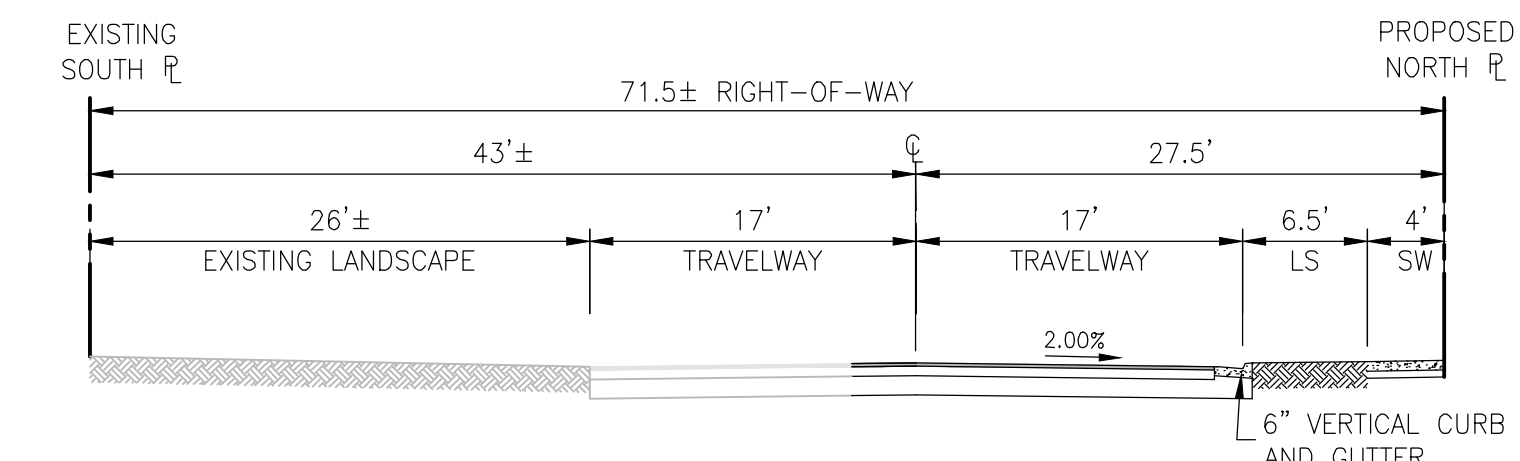
- PROJECT BOUNDARY
- 10' PUBLIC UTILITY EASEMENT (PUE)
- CATCH BASIN



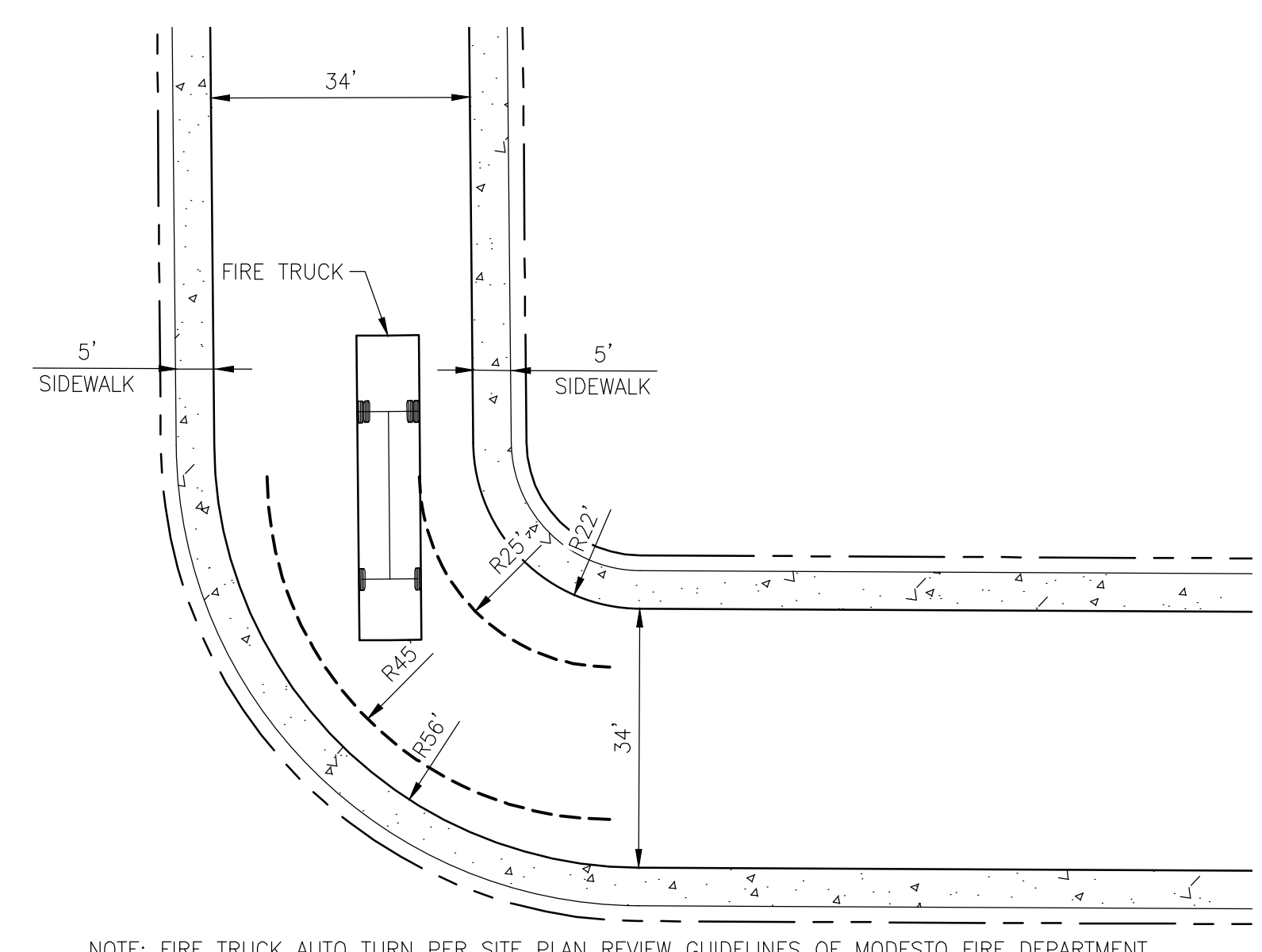
INTERIOR STREETS N.T.S.



FUTURE CLARATINA AVENUE N.T.S.



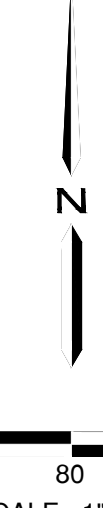
MABLE AVENUE (INTERIM) N.T.S.



NOTE: FIRE TRUCK AUTO TURN PER SITE PLAN REVIEW GUIDELINES OF MODESTO FIRE DEPARTMENT

A CORNER DETAIL WITH FIRE TRUCK AUTO-TURN TRACKS

SCALE 1"=80'



SCALE: 1" = 80'



Know what's below. Call before you dig.

PLAN 2025-00031, OCC. NO. 04816

**Westwood**  
 Westwood Professional Services, Inc.  
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 T: 209.571.1765  
 westwoodps.com

NO.	DESCRIPTION	DATE	BY

PRELIMINARY GRADING PLAN

TIVOLI - PARGIAN  
MODESTO, CALIFORNIA

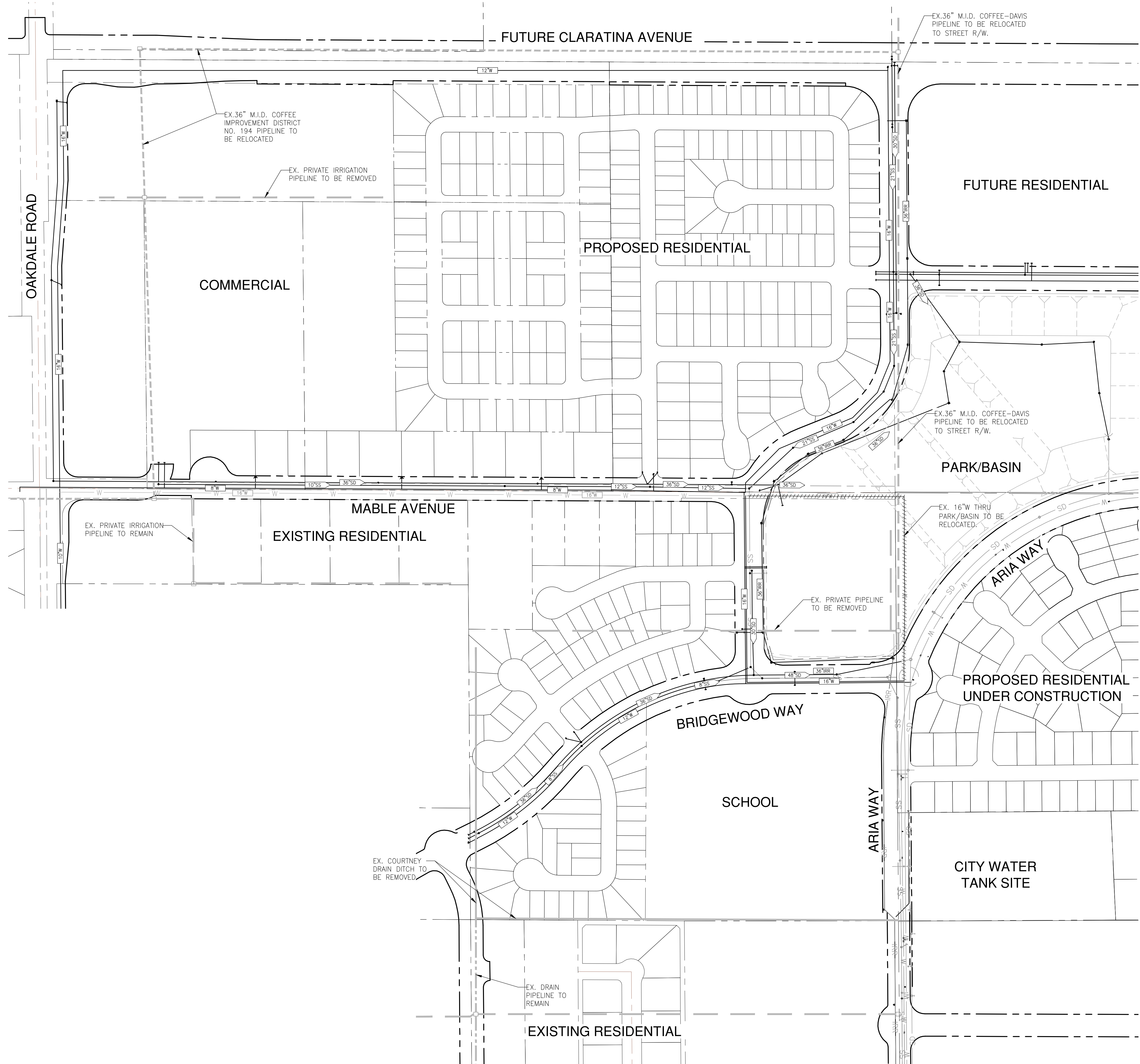
DATE:	01/15/2026
DRAFTER:	JM/DF/JJB
DESIGNER:	MP
CHECKED:	MP
PROJECT NO.	0056719.00



SHEET NO. 2 OF 4



Drawing: D:\\_ODE\Modesto\43500\Title - Peregian Parcel\Planning\EXH1-Tivoli Peregian VTM Utilities-43500.dwg Plot Date/Time: 1/15/2026 7:25 AM Last Saved by: JJBryonmeau



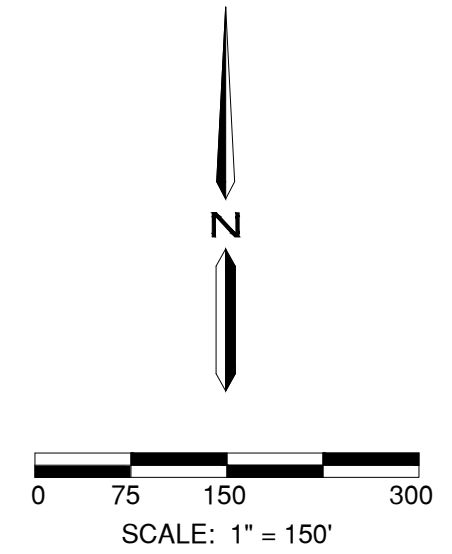
NOTE:  
SEE SHEET 3 FOR THE IN-TRACT UTILITIES LAYOUT.

**Westwood**  
 Westwood Professional Services, Inc.  
 1165 SCENIC DRIVE, SUITE A  
 MODESTO, CA 95350  
 T: 209.571.7165  
 westwoodps.com

NO.	DESCRIPTION	DATE	BY

**OVERALL UTILITY PLAN**  
 TIVOLI - PAREGIAN  
 MODESTO, CALIFORNIA

DATE: 01/15/2026  
 DRAFTER: JM/DF/JJB  
 DESIGNER: MP  
 CHECKED: MP  
 PROJECT NO.  
 0056719.00



Know what's below.  
 Call before you dig.

PLAN 2025-00031, OCC. NO. 04816



SHEET NO.  
 4  
 OF  
 4

**PLANNING COMMISSION  
RESOLUTION NO. 2026-XX**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF THE  
FINAL DEVELOPMENT PLAN FOR TIVOLI ALVES WITHIN AREA NO. 1  
OF THE TIVOLI SPECIFIC PLAN, FOR 26.3 ACRES LOCATED BETWEEN  
ARIA WAY AND FUTURE CLARATINA AVENUE, NORTH OF MABLE  
AVENUE (ALVES PROPERTIES LP)**

WHEREAS, the City Council adopted the Tivoli Specific Plan, a 454-acre area of land adjoining the northeast portion of the City of Modesto, by Ordinance No. 3479-C.S. on February 26, 2008; and

WHEREAS, the Tivoli Specific Plan is comprised of nine Area Plans subject to review and approval by the Planning Commission, each Area Plan being denoted to ensure that the circulation, infrastructure, land use, density, project design and other specific plan provisions are provided for each Area Plan as required by Section 9.4.1 of the Tivoli Specific Plan; and

WHEREAS, Section 9.4.1.2 of the Specific Plan requires the Commission's review and approval of a Final Development Plan for new residential development within the Specific Plan involving small-lot single-family residential uses with a tentative map, which may be approved by the Commission after or concurrently with the approval of an Area Plan; and

WHEREAS, an application for the Tivoli Alves Final Development Plan for 26.3 acres within Area Plan No. 1, property located east of Oakdale Road, between Mable Avenue and future Claratina Avenue, was filed by Alves Properties LP on September 29, 2025 in accordance with Section 9.4.1.2 of the Tivoli Specific Plan; and

WHEREAS, the applicant has also submitted an application to amend the Tivoli Specific Plan to change the Land Use Diagram of the Specific Plan by amending six acres designated as Medium-High Density Residential (MHDR-5) uses to Low Density Residential (LDR-13) uses (Project ID: SPA-25-002), together with a proposed new Area Plan No. 1 document for the Tivoli Specific Plan, filed in accordance with Section 9.4.1 of the Specific Plan (File ID: AREA-25-003), and a Vesting Tentative Subdivision Map, “Tivoli Alves” to divide 26.3 acres within Area Plan No. 1 into 141 single-family residential lots (Project ID: TSM-25-003); and

WHEREAS, a public hearing was held by the Planning Commission on February 23, 2026, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission has considered the addendum to the Tivoli Specific Plan Final EIR documented with, EA/C&ED 2026-03, prepared pursuant to Section 15164 of the CEQA Guidelines, which concluded that the project is within the scope of the Tivoli Specific Plan Final EIR (SCH No. 2005072125) and that pursuant to Sections 15162 and 15164 of the CEQA Guidelines, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The Final Development Plan is consistent with the General Plan and the Tivoli Specific Plan, because the Final Development Plan would provide setback and development standards to facilitate new residential development within Area Plan No. 1 in accordance to Section 9.4.2.1 of the Specific Plan.

2. There are no substantial changes proposed in the project that will require major revisions of the Tivoli Specific Plan Final EIR (SCH No. 2005072125).
3. There are no substantial changes occurring with respect to circumstances under which the Specific Plan amendment is being undertaken which will require major revisions in the Tivoli Specific Plan Final EIR.
4. No new information, which was not known and could not have been known at the time the Tivoli Specific Plan Final EIR was certified as complete, has become available.
5. The Addendum to the Tivoli Final EIR EA/C&ED 2026-03 provides the substantial evidence to support findings 2-4, noted above.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby recommends to the City Council that a Final Development Plan for the proposed Alves (Tivoli) project, described in “**Exhibit A**”, **attached** hereto and incorporated herein by reference, be approved subject to the following conditions:

1. The Tivoli Alves Final Development Plan shall not be in full effect unless and until the City Council approves the proposed amendment to the Tivoli Specific Plan land use diagram (Project ID SPA-25-002), Area Plan No. 1 (Project ID AREA-25-003) and the Vesting Tentative Subdivision Map for Tivoli Alves (Project ID TSM-25-003) as required by Section 9.4.1 of the Specific Plan.
2. All development shall be consistent with the approved Final Development Plan titled “Development Plan, Alves (Tivoli),” submitted on September 29, 2025, as described in Exhibit “A,” attached hereto and incorporated herein by reference, and approved by the City Council by Resolution No. 2026-xx on [date to be determined].
3. Except as amended herein, or by reference, all development including street and infrastructure improvements, and mitigation measures from the Tivoli Final EIR, shall be in accordance with the Tivoli Specific Plan and Area Plan No. 1 (AREA-25-003), and the Vesting Tentative Subdivision Map of Tivoli Alves (TSM-25-003), as set forth in City Council Resolutions No. 2026-xx and 2026-xx, adopted on [date to be determined].
4. Siting of residences shall be in accordance to the Development Standards for Low Density Residential uses as specified in Chapter 4 of the Specific Plan.

5. Upon development of the residential lots, developer shall provide specific site plans and elevations consistent with the Design Guidelines and Standards of the Tivoli Specific Plan, to the satisfaction of the Director of Community and Economic Development or designee, prior to the issuance of a building permit.
6. Prior to Certificate of Occupancy of any structure, fences and walls shall be installed in accordance to the design standards of the Tivoli Specific Plan, Section 5.7, Community Wide Walls and Fencing Guidelines and Standards.
7. Improvement plans for required improvements shall be prepared by a Registered Civil Engineer and submitted for approval by the Public Works Director or designee. All improvements shall be constructed in accordance with the approved plans.
8. The project shall be subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.
9. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the utility companies and the City Engineer or designee. Easements for utilities, irrigation and electrical lines to remain shall be reserved as required.
10. All landscaping, fences and walls shall be maintained and the premises shall be kept free of weeds, trash and other debris.
11. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.
12. Prior to start of vertical building construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development.
13. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 23, 2026, by \_\_\_\_\_, who moved its adoption, which motion was seconded by \_\_\_\_\_ and carried by the following vote:

Ayes:  
Noes:  
Absent:  
Recused:

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF  
MODESTO.

Original, signed copy on file in  
CEDD

Michael Hren, AICP, Secretary

# DEVELOPMENT PLAN

ALVES (TIVOLI)

---

**SUBMITTAL DATE: SEPTEMBER 29, 2025**

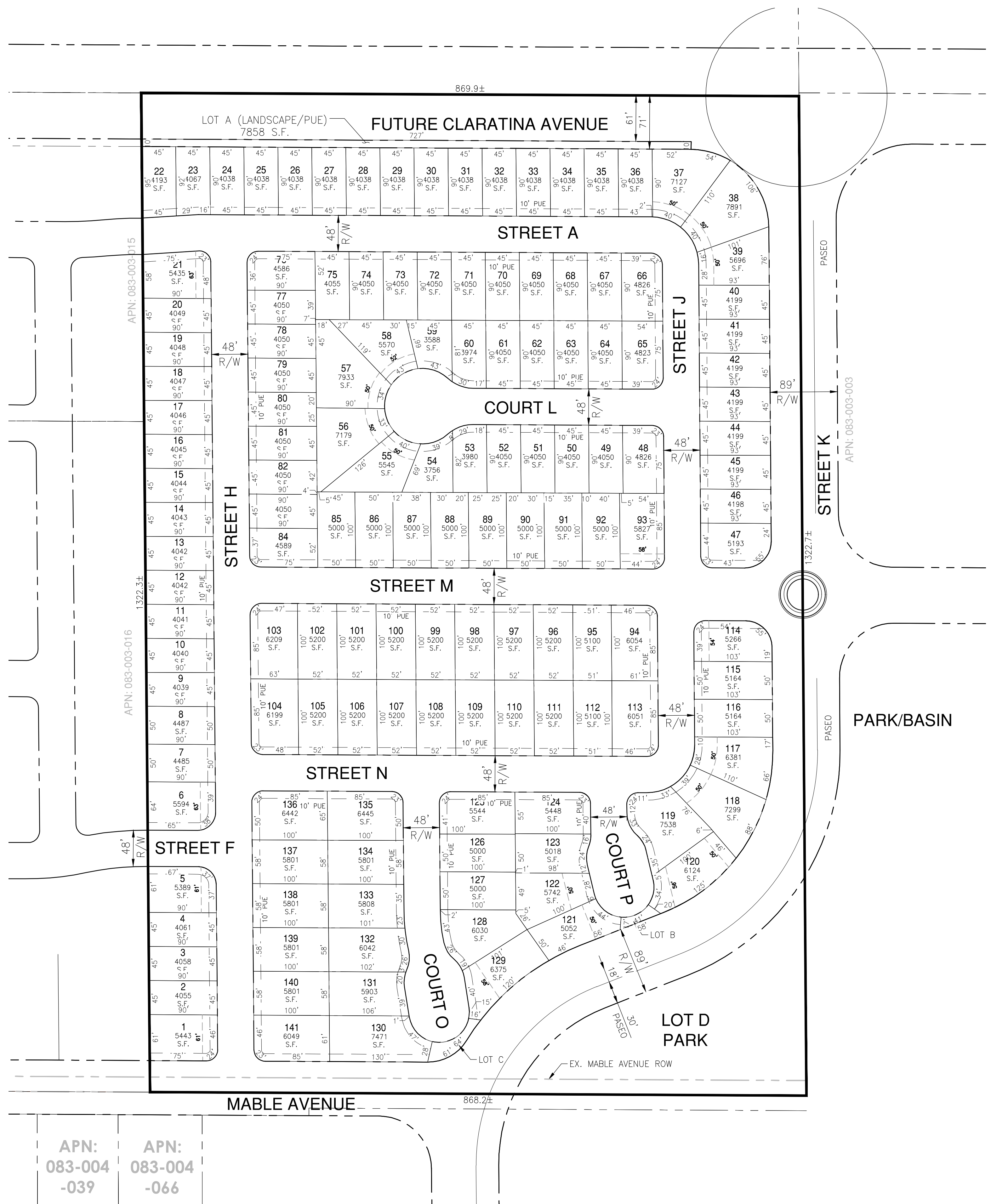
**Prepared by:**

Westwood Professional Services  
1165 Scenic Drive, Suite A  
Modesto, CA 95350  
209.571.1765

**Applicant:**

Alves Properties  
1120 Scenic Drive  
Modesto, CA 95350

Drawing: 01\_006:Modesto43380\_Thru-Aves ParcelPlanningExhibit:Title:Thru-Aves DP Parcel Dimensions:43380.dwg Plot Date/Time: 8/29/2025 1:07 PM Last Saved By: EAHamed



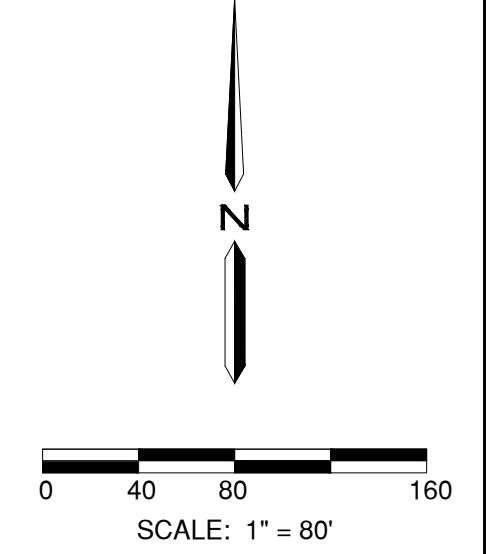
VICINITY MAP  
N.T.S.

**SUBDIVIDER'S STATEMENT**

- 26.3± ACRES
  - 141 LOW-DENSITY RESIDENTIAL LOTS
  - 3 LANDSCAPE, EVA, P.U.E. LOTS (LOTS A, B & C)
  - PARK LOT (LOT D)
- GENERAL PLAN/ZONING/LAND USE DESIGNATION FOR PROPERTY: R (RESIDENTIAL)/SP (SPECIFIC PLAN)/ LDR (LOW DENSITY RESIDENTIAL)
- MINIMUM BUILDING SETBACK LINES SHALL COMPLY WITH TIVOLI SPECIFIC PLAN.
- THE APPLICANT PROPOSES TO BUILD ON LOTS, BUT RESERVES THE RIGHT TO SELL LOTS.
- THIS DEVELOPMENT PLAN IS A SUBDIVISION OF PARCEL: 083-003-017
- THE APPLICANT RESERVES THE RIGHT TO PHASE PROJECT PER THE SUBDIVISION MAP ACT.

**LEGEND**

- APN ASSESSOR PARCEL NUMBER
- PUE PUBLIC UTILITY EASEMENT



**Westwood**  
Westwood Professional Services, Inc.  
1165 SCENIC DRIVE, SUITE A  
MODESTO, CA 95350  
T: 209.671.1765  
F: 888.937.5150  
westwoodps.com

NO.	DESCRIPTION	DATE	BY

**DEVELOPMENT PLAN  
PARCEL DIMENSIONS**

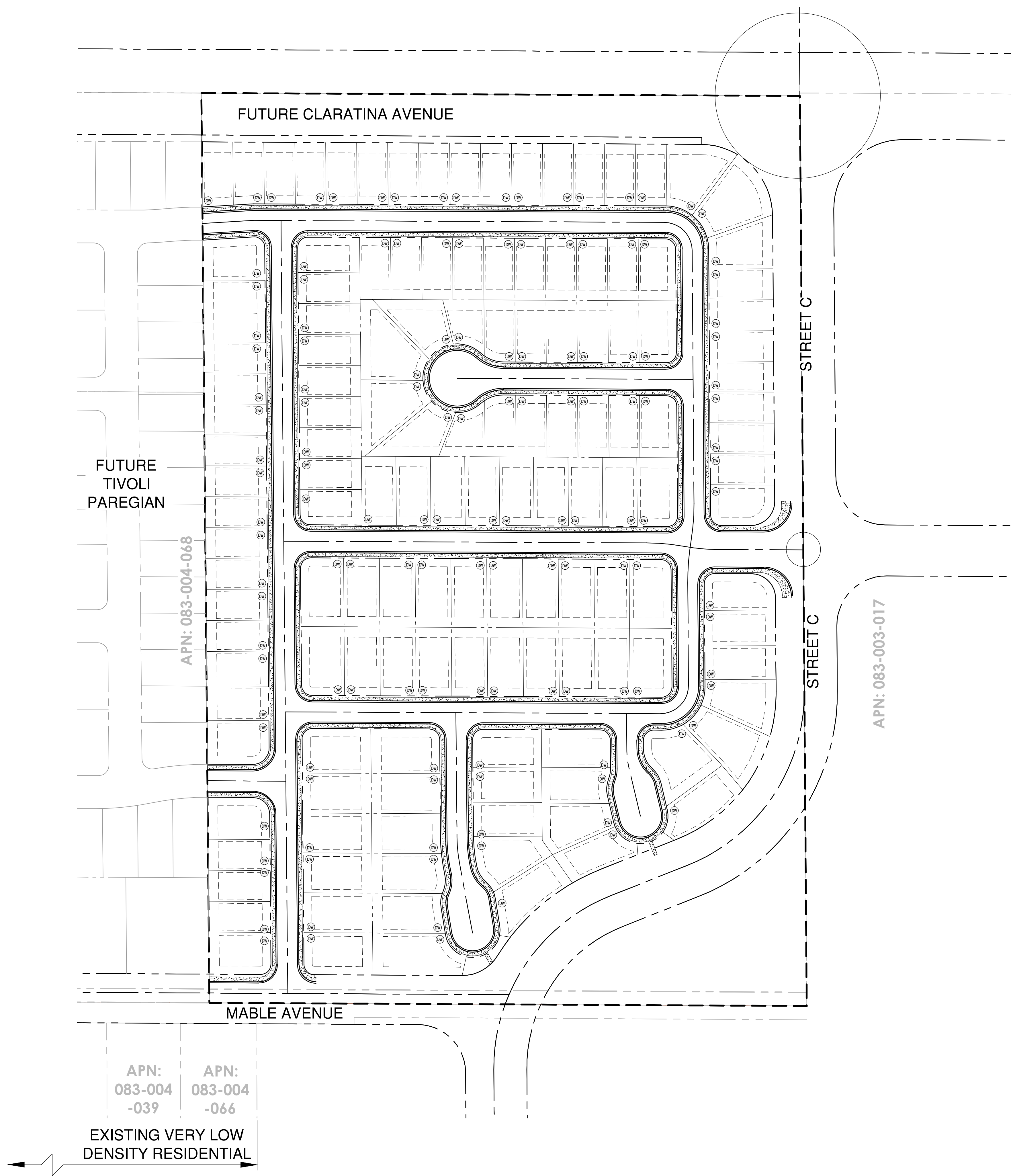
TIVOLI - ALVES  
MODESTO, CALIFORNIA

DATE: 09/29/2025  
DRAFTER: BC  
DESIGNER: MP  
CHECKED: MP

PROJECT NO.  
**0056705.00**

SHEET NO.  
**1**  
OF  
**4**

Drawing: N:\ODE\Modesto\4390 Tivoli-Alves\ParcelPlanning\Exhibits\Tivoli-Alves DP Setbacks & Driveways-4390.dwg Plot Date/Time: 9/29/2025 2:22 PM Last Saved by: EAHamed



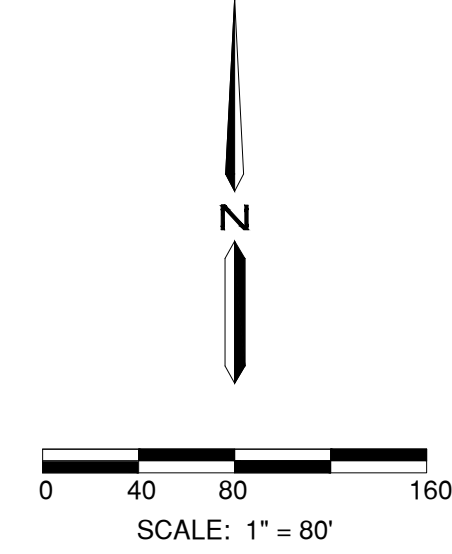
**LEGEND**

- SETBACKS
- PROPOSED SIDEWALK
- DRIVEWAY LOCATION

SETBACKS		
LOT SIZE:	LDR 5,000 TO 12,000 SF	LDR 3,000 TO < 5,000 SF
MIN. FRONT SETBACK:	12'	12'
MIN. SIDE SETBACK:	5'	3'
MIN. REAR SETBACK:	15'	15'

APN: 083-004-039    APN: 083-004-066

← EXISTING VERY LOW DENSITY RESIDENTIAL →



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1165 SCENIC DRIVE, SUITE A  
MODESTO, CA 95350  
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westwoodps.com

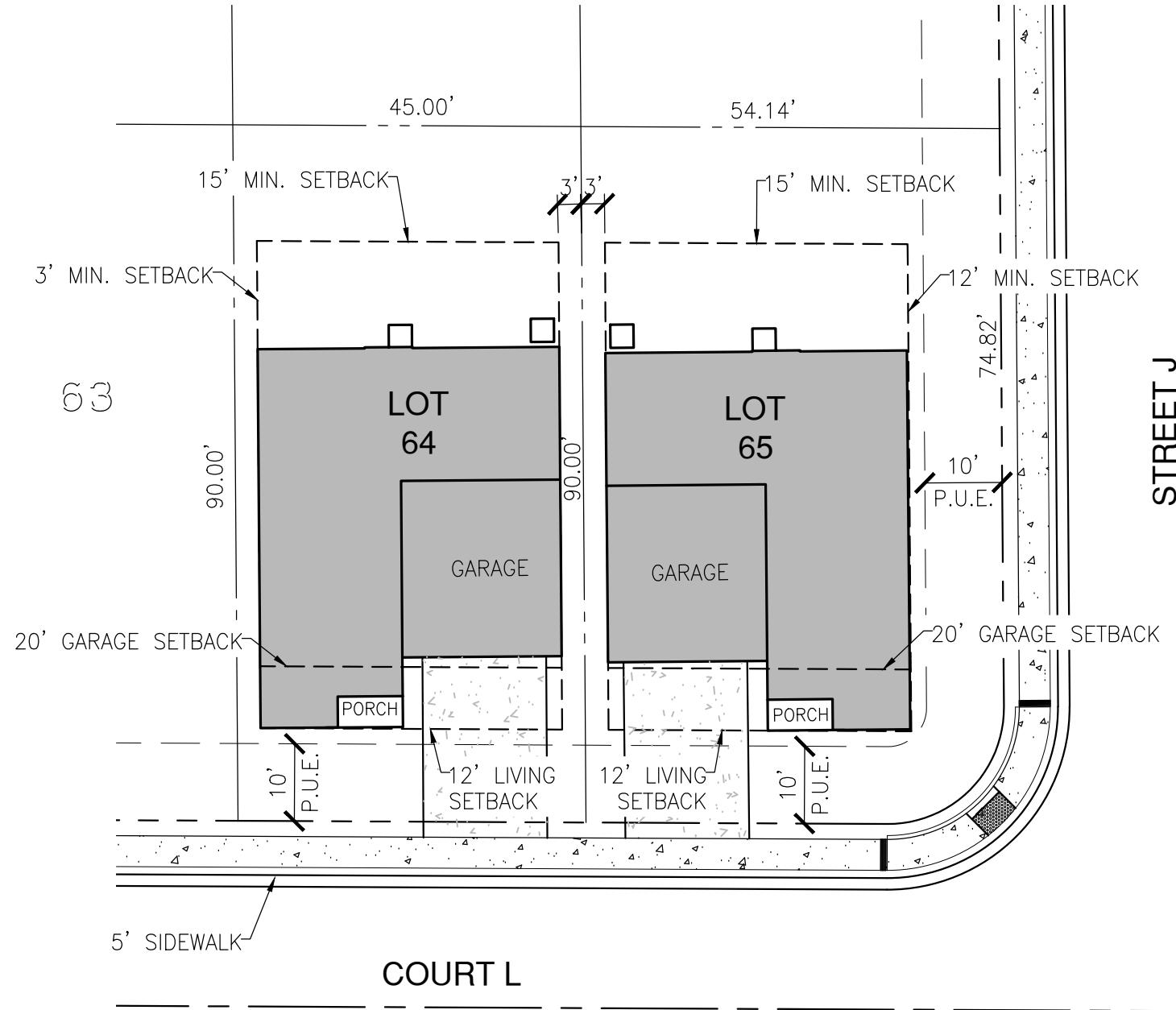
NO.	DESCRIPTION	DATE	BY

**DEVELOPMENT PLAN**  
**SETBACKS, DRIVEWAYS, & SIDEWALKS**

TIVOLI - ALVES  
MODESTO, CALIFORNIA

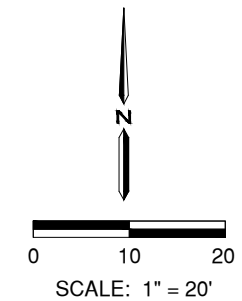
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DRAFTER:	BC
DESIGNER:	MP
CHECKED:	MP
PROJECT NO.	0056705.00
SHEET NO.	2
OF	4

Plot Date: 9/29/2025 Drawing: N:\\_ODEI\Modesto\43390 Tivoli-Alves Parcel\Planning\Exhibits\EXH-Tivoli-Alves DP Lot Dimensions-43390



NOTE:  
 HOUSES SHOWN ARE CONCEPTUAL ONLY.

**45'X90' MIN. LOTS**



**DEVELOPMENT PLAN - LOT DIMENSIONS**

**ALVES PARCELS TIVOLI**  
**MODESTO, CA**

DATE: 9/29/2025  
 DRAFTER: BC  
 DESIGNER: MP  
 CHECKED: MP

PROJECT NO.  
 0056705.00


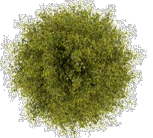

**3**  
 OF 4

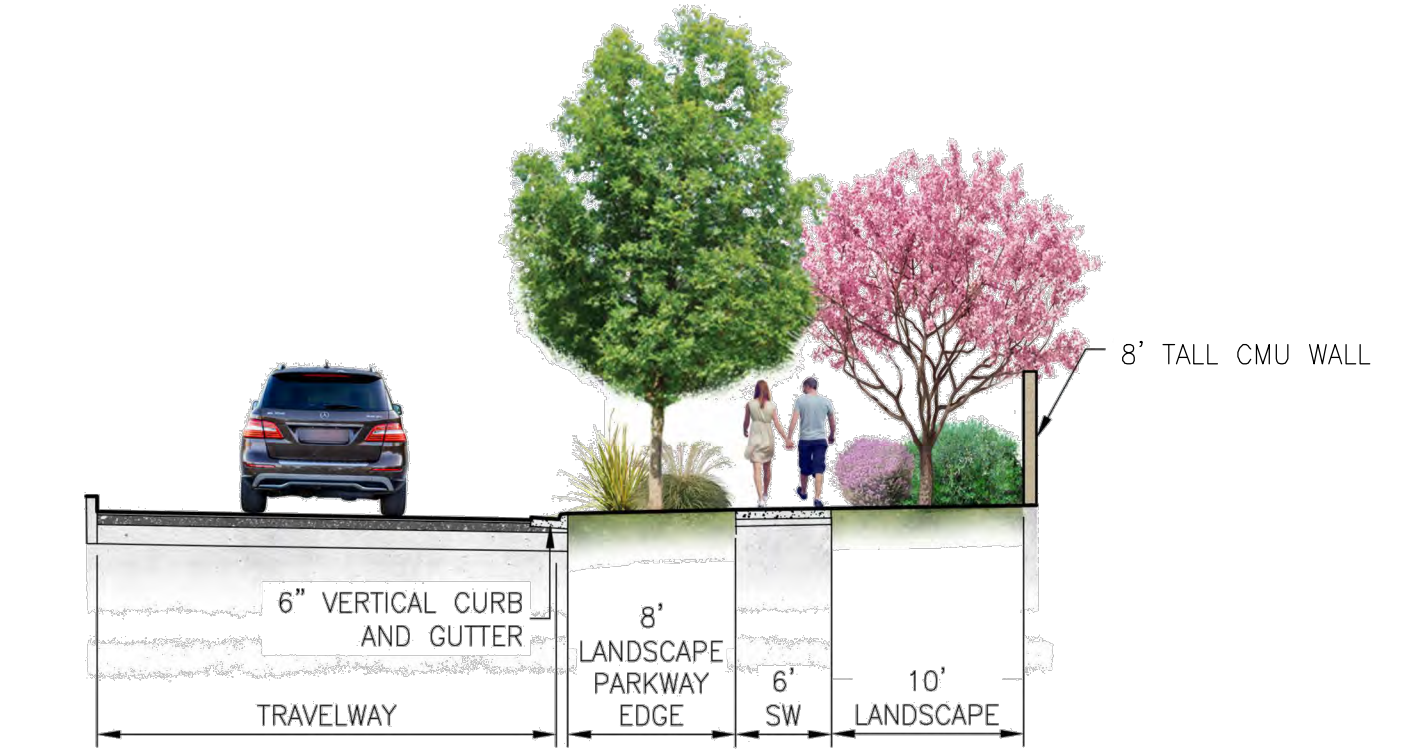


# ALVES PARCEL TIVOLI

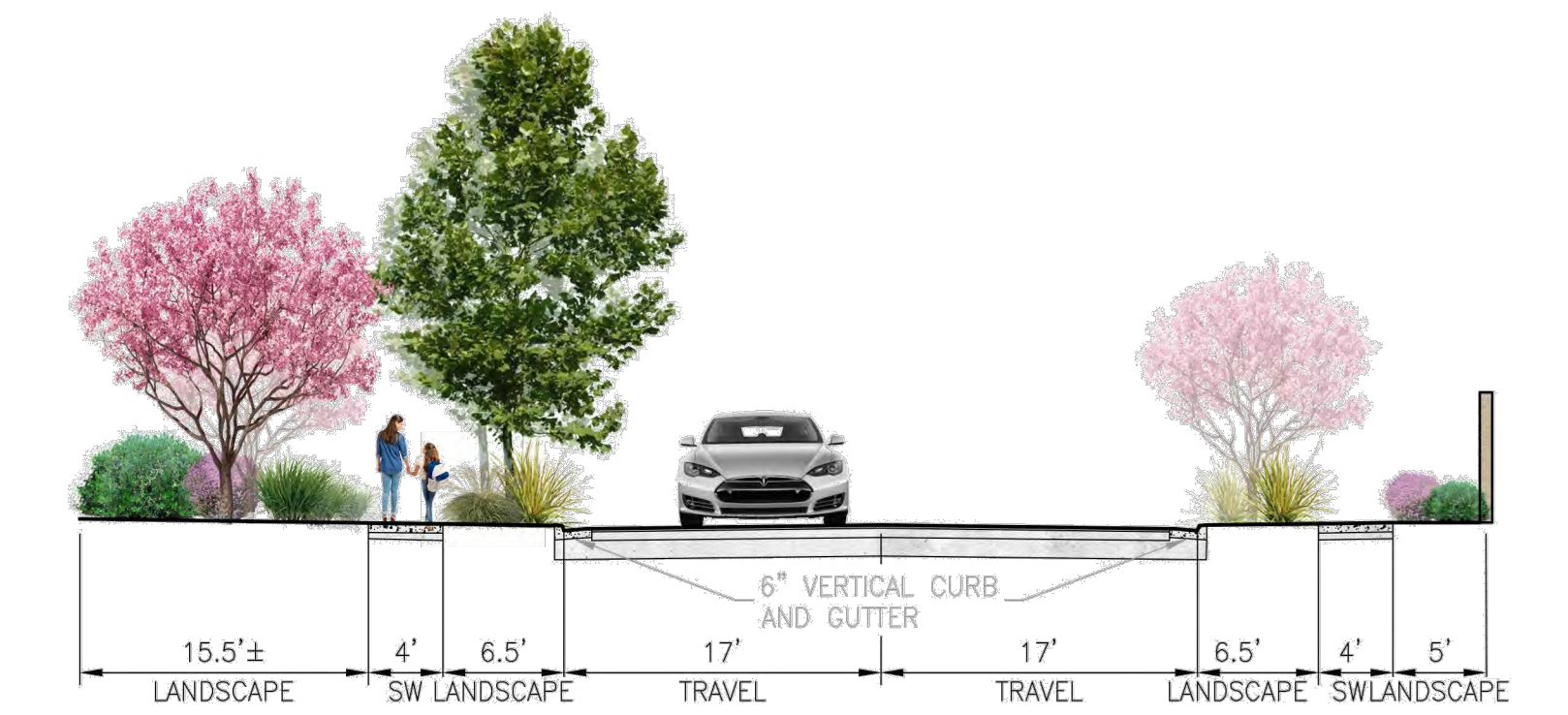
## LEGEND

- 1 CMU WALL
- 2 PILASTER
- 3 STREET TREE
- 4 PARKWAY STRIP TREE
- 5 ACCENT TREE
- 6 STREETScape PLANTING AREA
- 7 MINOR GATEWAY STRUCTURE

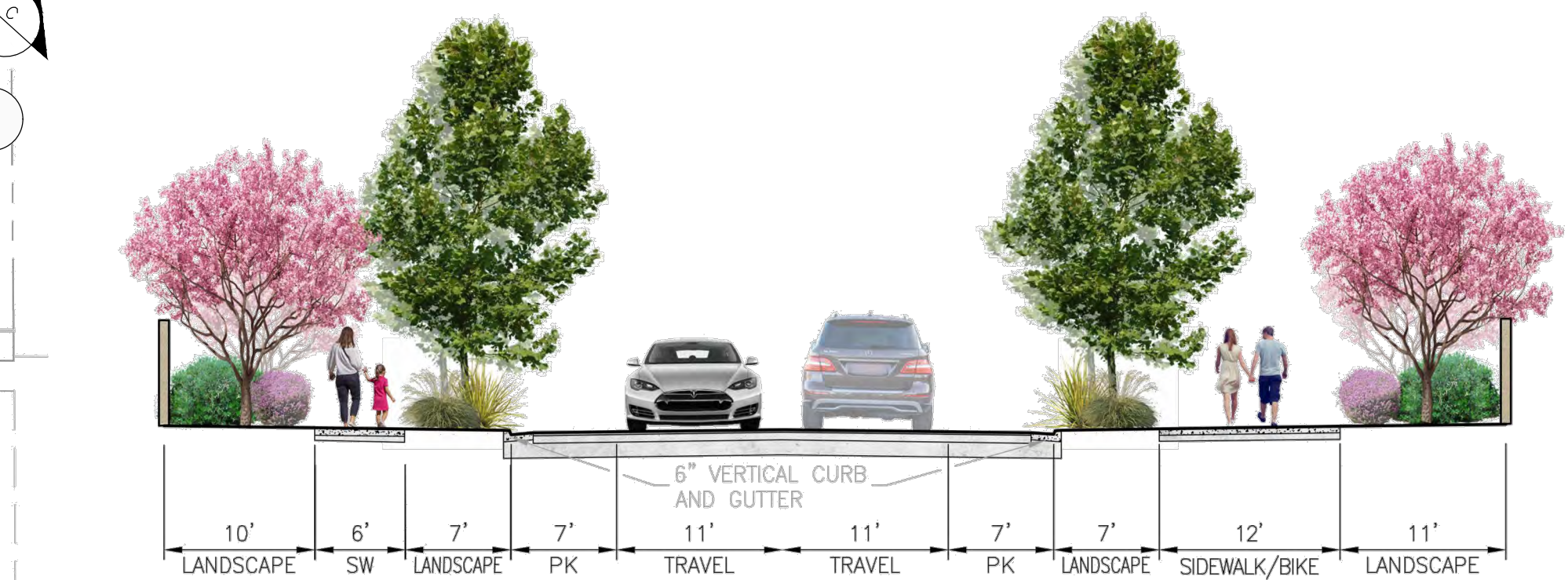
STREET TREE LEGEND				
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
<b>ACCENT TREES</b>				
	CERCIS OCCIDENTALIS	WESTERN REDBUD	15 GAL	LOW
	LAGERSTROEMIA INDICA	CRAPPE MYRTLE	15 GAL	LOW
<b>PARKWAY STRIP TREES</b>				
	ZELKOVA SERRATA VAR. GREEN VASE	GREEN VASE ZELKOVA	15 GAL	MODERATE
	PLATANUS ACERIFOLIA VAR. BLOODGOOD	BLOODGOOD LONDON PLANETREE	15 GAL	MODERATE
<b>STREET TREES</b>				
	TILIA CORDATA	LITTLE LEAF LINDEN	15 GAL	MODERATE
	PISTACIA CHINENSIS	CHINESE PISTACHE	15 GAL	LOW
	QUERCUS ILEX	HOLLY OAK	15 GAL	LOW
<b>STREETScape PLANTS</b>				
	COTONEASTER DAMMERI 'LOWFAST'	LOWFAST BEARBERRY COTONEASTER	1 GAL	LOW
	DIANELLA CAERULEA	FLAX LILY	1 GAL	MODERATE
	DIETES BICOLOR	FORTNIGHT LILY	1 GAL	LOW
	MYOPORUM PARVIFOLIUM 'PUTAH CREEK'	PUTAH CREEK TRAILING MYOPORUM	1 GAL	LOW
	FESTUCA MAIREI	ATLAS FESCUE	1 GAL	LOW
	OLEA EUROPAEA 'LITTLE OLLIE'	LITTLE OLLIE OLIVE	5 GAL	LOW
	RHAPHIOLEPIS UMBELLATA 'MINOR'	INDIAN HAWTHORN	5 GAL	LOW
	TEUCRIUM CHAMAEDRY'S 'PROSTRATUM'	PROSTRATE GERMANDER	1 GAL	LOW
	TULBAGHIA VIOLACEA	SOCIETY GARLIC	1 GAL	LOW
	FIGUS PUMILA	CREEPING FIG	1 GAL	MODERATE



A CLARATINA AVE. STREET SECTION  
1" = 10'



B MABLE AVE. STREET SECTION  
1" = 10'

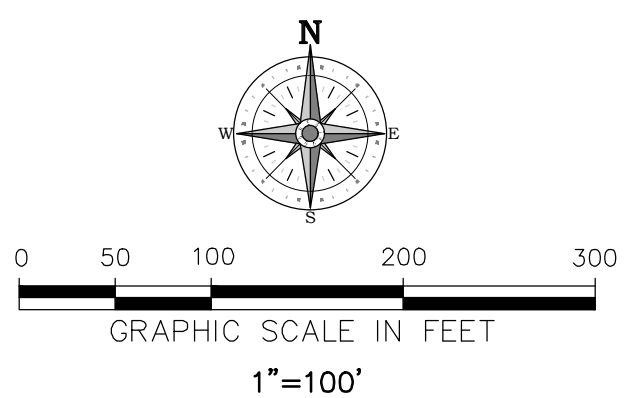


C STREET A SECTION  
1" = 10'

# NEIGHBORHOOD LANDSCAPE CONCEPT

09.29.2025

NOTE: THIS DOCUMENT IS FOR CONCEPTUAL PLANNING PURPOSES ONLY. THIS DOCUMENT IS MARKED PRELIMINARY AND NOT TO BE USED FOR CONSTRUCTION PURPOSES. ANY IMAGES SHOWN ARE TO CONVEY CONCEPT ONLY. CONSTRUCTION PLANS WILL VARY DEPENDING ON BUDGET, CLIENT DIRECTION, COMMUNITY INPUT AND FINAL MATERIALS SELECTION.



**Westwood**  
Westwood Professional Services, Inc.

# ALVES PARCEL TIVOLI

## LEGEND

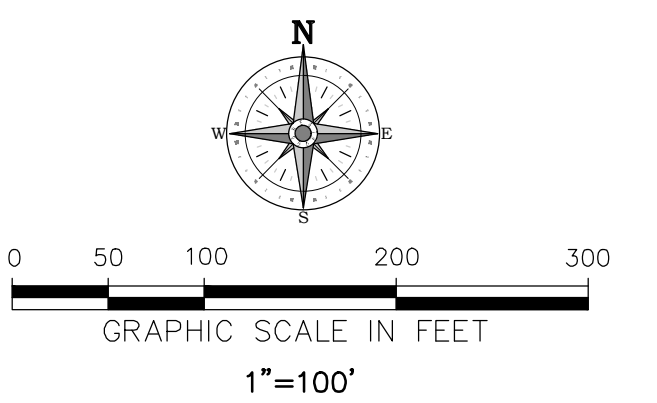
- 8' CMU WALL - CITY MAINTAINED
- 6' DECORATIVE CMU WALL - CITY MAINTAINED
- LOT LINE WOOD FENCE - PRIVATELY MAINTAINED
- CITY SIDEWALK - CITY MAINTAINED
- LANDSCAPE - CITY MAINTAINED
- LANDSCAPE & HOMES - PRIVATELY MAINTAINED



## OWNERSHIP & FEATURE CONCEPT

09.29.2025

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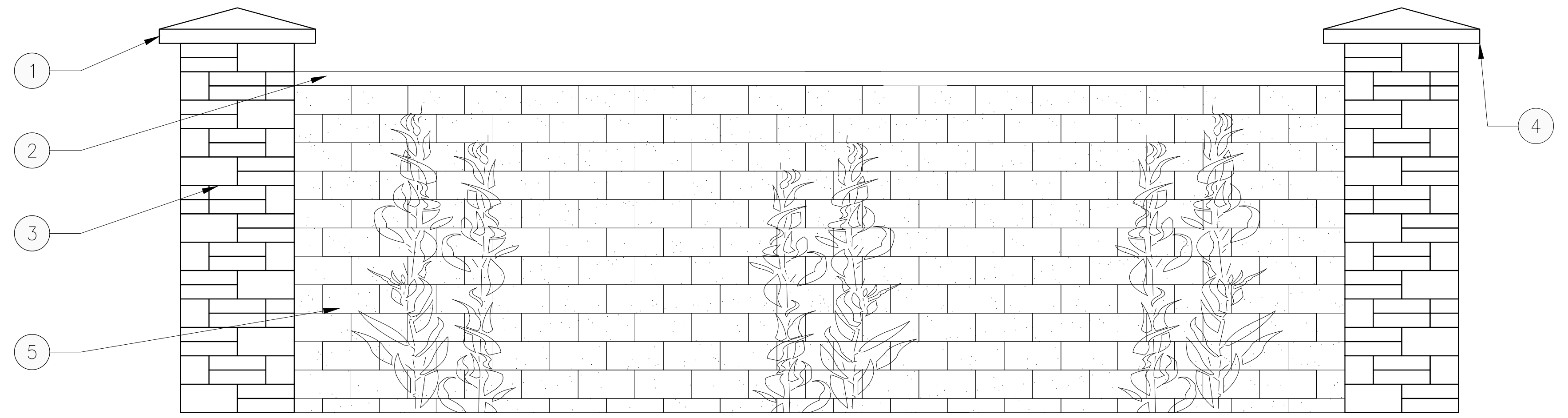
# ALVES PARCEL

## TIVOLI

### LEGEND

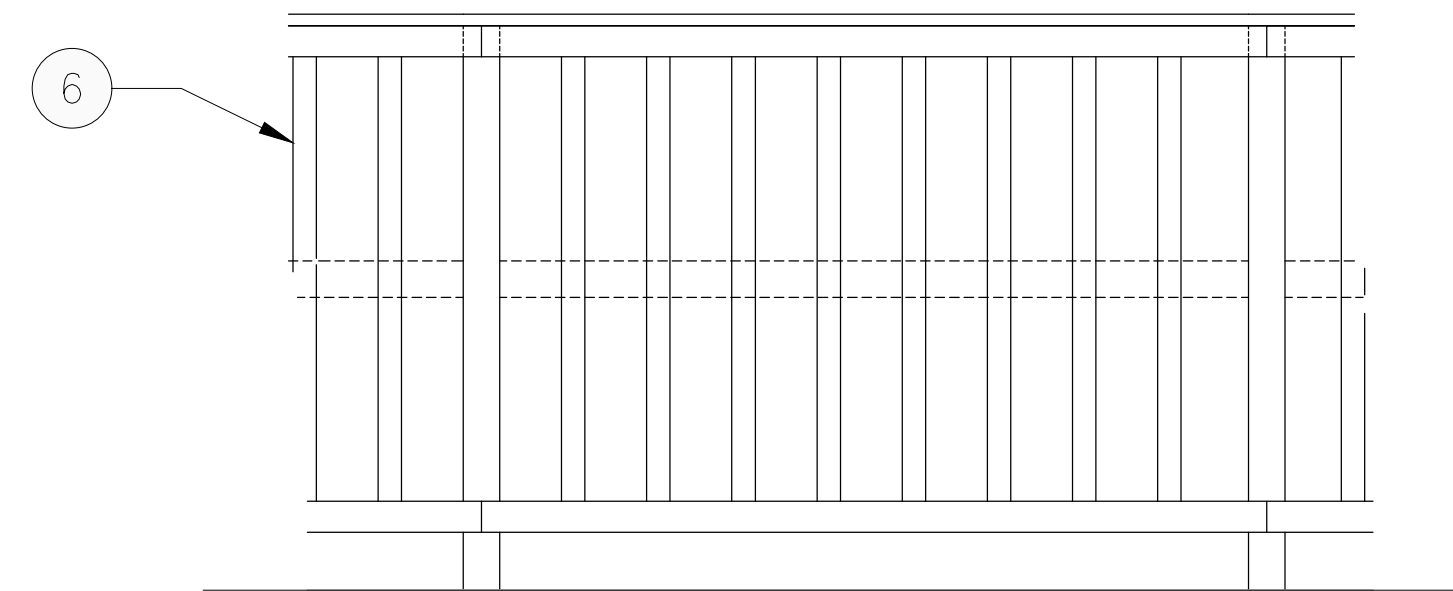
- 1 PRECAST PYRAMID CONCRETE PILASTER CAP
- 2 PRECAST CONCRETE WALL CAP
- 3 PILASTER - BASILITE SPLITFACE CMU WITH VARIED SIZES & COLORS (NO VENEER)
- 4 MIDWALL BULBOUT HALF PILASTER
- 5 DECORATIVE CMU WALL WITH VINES - BASILITE SPLIT FACE WITH VARIED COLORS
- 6 6' LOT LINE WOOD FENCE - NO GAP

### WALL



SPLITFACE CMU WALL WITH BASILITE CMU PILASTERS

### FENCE



LOT LINE WOOD FENCE

## WALL & FENCE CONCEPTS

09.29.2025

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NOT TO SCALE  
GRAPHIC SCALE IN FEET  
N.T.S.

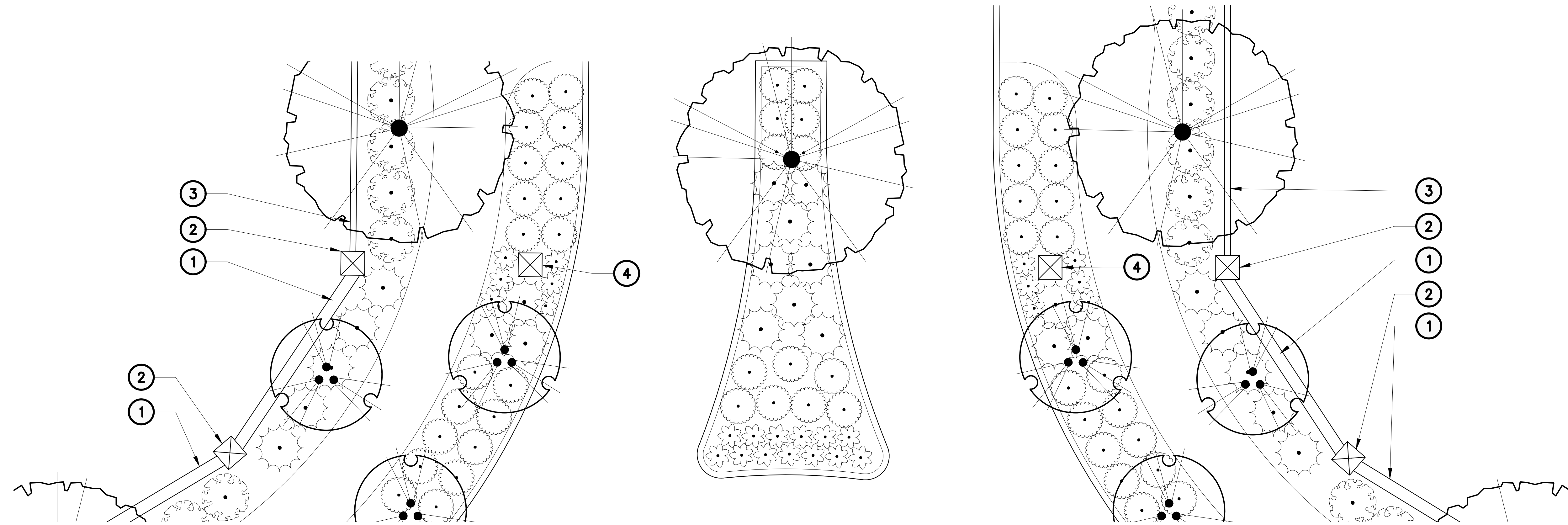
**Westwood**  
Westwood Professional Services, Inc. [www.westwoodps.com](http://www.westwoodps.com)

# ALVES PARCEL

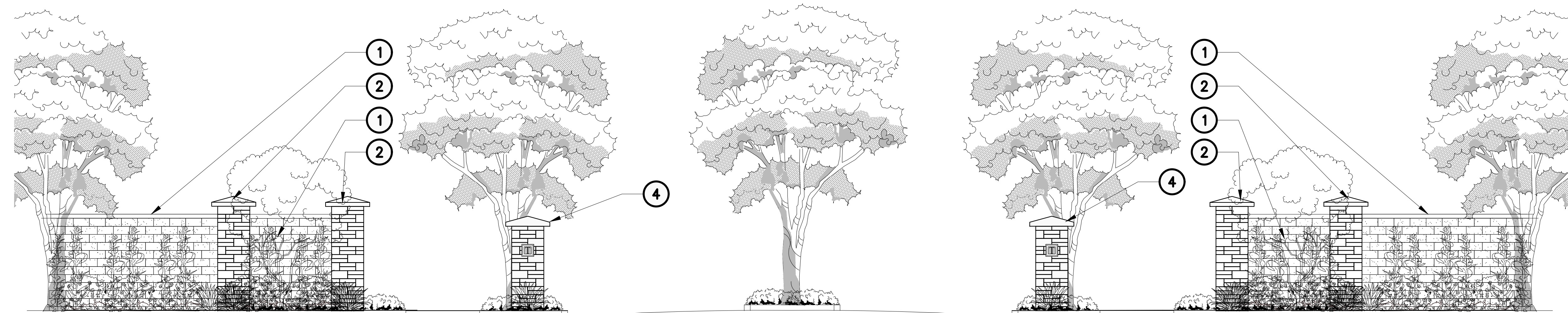
## TIVOLI

### LEGEND

- 1 DECORATIVE CMU WALL WITH VINE
- 2 DECORATIVE CMU PILASTER
- 3 6' WOOD FENCE
- 4 DECORATIVE PILASTER WITH LOGO



NEIGHBORHOOD ENTRANCE - PLAN VIEW



NEIGHBORHOOD ENTRANCE - ELEVATION

## NEIGHBORHOOD ENTRANCES

09.29.2025

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NOT TO SCALE  
GRAPHIC SCALE IN FEET  
N.T.S.

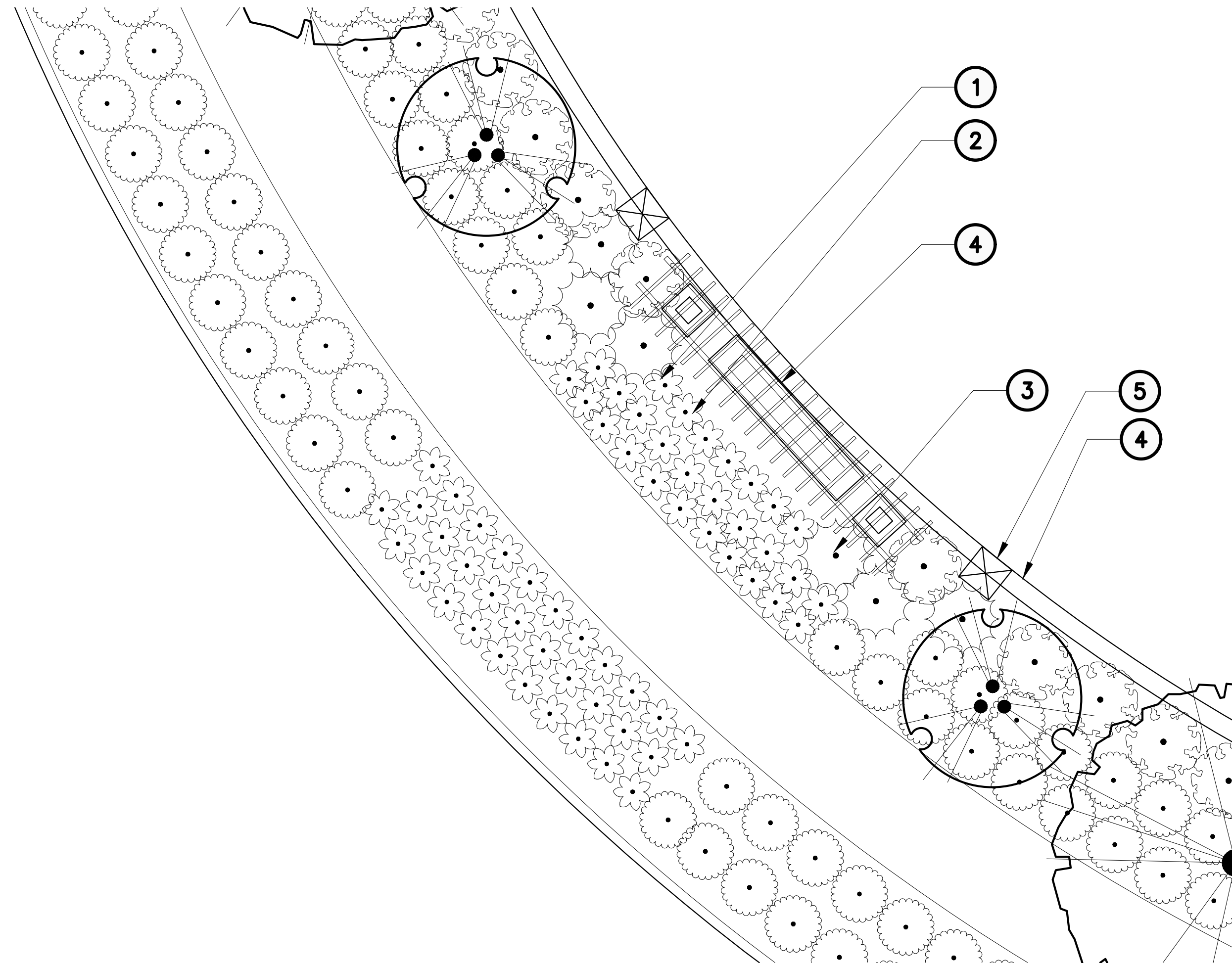
**Westwood**  
Westwood Professional Services, Inc.

# ALVES PARCEL

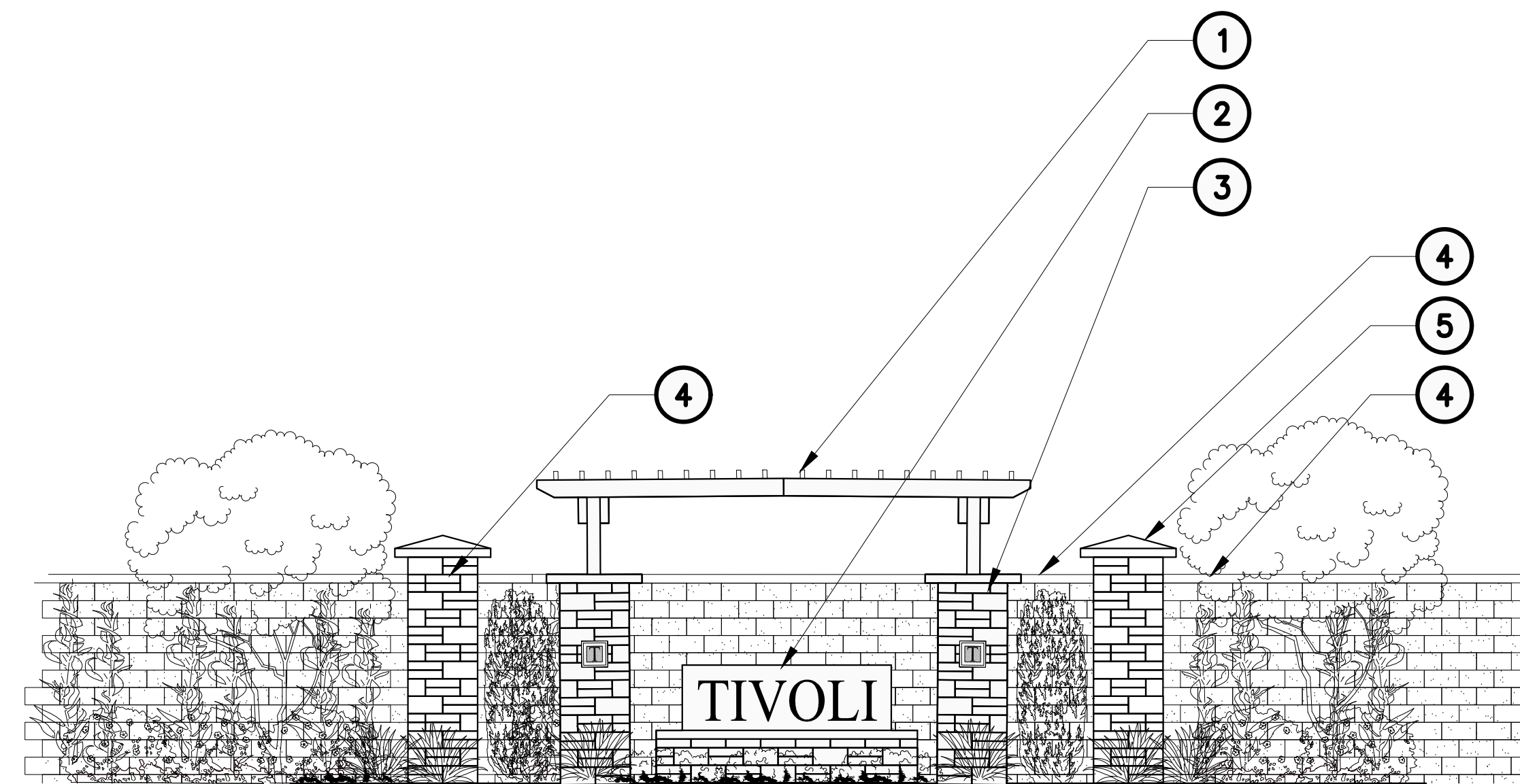
## TIVOLI

### LEGEND

- ① WOOD ARBOR
- ② MONUMENT SIGN
- ③ 7' PILASTER WITH FLAT PRECAST CAP
- ④ 8' DECORATIVE CMU WALL
- ⑤ 8' PILASTER WITH PYRAMID PRECAST CAP



MINOR GATEWAY - PLAN VIEW



MINOR GATEWAY - ELEVATION

## MINOR GATEWAY

09.29.2025

NOT TO SCALE  
GRAPHIC SCALE IN FEET  
N.T.S.

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**Westwood**  
Westwood Professional Services, Inc. [www.westwoodps.com](http://www.westwoodps.com)

**PLANNING COMMISSION  
RESOLUTION NO. 2026-XX**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF THE  
FINAL DEVELOPMENT PLAN FOR TIVOLI MABLE WITHIN AREA NO. 4  
OF THE TIVOLI SPECIFIC PLAN, FOR 22.8 ACRES LOCATED BETWEEN  
ARIA WAY AND OAKDALE ROAD, SOUTH OF MABLE AVENUE (MABLE  
AVE PROPERTIES LP)**

WHEREAS, the City Council adopted the Tivoli Specific Plan, a 454-acre area of land adjoining the northeast portion of the City of Modesto, by Ordinance No. 3479-C.S. on February 26, 2008; and

WHEREAS, the Tivoli Specific Plan is comprised of nine Area Plans subject to review and approval by the Planning Commission, each Area Plan being denoted to ensure that the circulation, infrastructure, land use, density, project design and other specific plan provisions are provided for each Area Plan as required by Section 9.4.1 of the Tivoli Specific Plan; and

WHEREAS, Section 9.4.1.2 of the Specific Plan requires the Commission's review and approval of a Final Development Plan for new residential development within the Specific Plan involving small-lot single-family residential uses with a tentative map, which may be approved by the Commission after or concurrently with the approval of an Area Plan; and

WHEREAS, an application for the Tivoli Mable Final Development Plan for 22.8 acres within Area Plan No. 4, property located between Aria Way and Oakdale Road, south of Mable Avenue, was filed by Mable Ave Properties LP on August 8, 2025 in accordance with Section 9.4.1.2 of the Tivoli Specific Plan; and

WHEREAS, the applicant has also submitted an application to amend the Tivoli Specific Plan to change the Land Use Diagram of the Specific Plan by amending two acres designated as Very Low Density Residential (VLDR) uses to Low Density Residential (LDR) uses (Project ID: SPA-25-003), together with a proposed new Area Plan No. 4 document for the Tivoli Specific Plan, filed in accordance with Section 9.4.1 of the Specific Plan (File ID: AREA-25-002), and a Vesting Tentative Subdivision Map, “Tivoli Mable Parcel” to divide 22.7 acres within Area Plan No. 4 into 92 single-family residential lots (Project ID: TSM-25-002); and

WHEREAS, a public hearing was held by the Planning Commission on February 23, 2026, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission has considered the addendum to the Tivoli Specific Plan Final EIR documented with, EA/C&ED 2026-03, prepared pursuant to Section 15164 of the CEQA Guidelines, which concluded that the project is within the scope of the Tivoli Specific Plan Final EIR (SCH No. 2005072125) and that pursuant to Sections 15162 and 15164 of the CEQA Guidelines, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The Final Development Plan is consistent with the General Plan and the Tivoli Specific Plan, because the Final Development Plan would provide setback and development standards to facilitate new residential development within Area Plan No. 4 in accordance to Section 9.4.2.1 of the Specific Plan.

2. There are no substantial changes proposed in the project that will require major revisions of the Tivoli Specific Plan Final EIR (SCH No. 2005072125).
3. There are no substantial changes occurring with respect to circumstances under which the Specific Plan amendment is being undertaken which will require major revisions in the Tivoli Specific Plan Final EIR.
4. No new information, which was not known and could not have been known at the time the Tivoli Specific Plan Final EIR was certified as complete, has become available.
5. The Addendum to the Tivoli Final EIR, EA/C&ED 2026-03, provides the substantial evidence to support findings 2-4, noted above.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby recommends to the City Council that a Final Development Plan for the proposed Tivoli Mable project, described in “**Exhibit A,**” attached hereto and incorporated herein by reference, be approved subject to the following conditions:

1. The Tivoli Mable Final Development Plan shall not be in full effect unless and until the City Council approves the proposed amendment to the Tivoli Specific Plan land use diagram (Project ID SPA-25-003), Area Plan No. 4 (Project ID AREA-25-002) and the Vesting Tentative Subdivision Map for Tivoli Mable (Project ID TSM-25-002) as required by Section 9.4.1 of the Specific Plan.
2. All development shall be consistent with the approved Final Development Plan titled “Development Plan, Mable (Tivoli),” submitted on August 8, 2025, as described in Exhibit “A,” attached hereto and incorporated herein by reference, and approved by the City Council by Resolution No. 2026-xx on [date to be determined].
3. Except as amended herein, or by reference, all development including street and infrastructure improvements, and mitigation measures from the Tivoli Final EIR, shall be in accordance with the Tivoli Specific Plan and Area Plan No. 4 (AREA-25-002), and the Vesting Tentative Subdivision Map of Tivoli Mable (TSM-25-002), as set forth in City Council Resolutions No. 2026-xx and 2026-xx, adopted on [date to be determined].
4. Siting of residences shall be in accordance to the Development Standards for Low Density Residential uses as specified in Chapter 4 of the Specific Plan.
5. Upon development of the residential lots, developer shall provide specific site plans and elevations consistent with the Design Guidelines and

Standards of the Tivoli Specific Plan, to the satisfaction of the Director of Community and Economic Development or designee, prior to the issuance of a building permit.

6. Prior to Certificate of Occupancy of any structure, fences and walls shall be installed in accordance to the design standards of the Tivoli Specific Plan, Section 5.7, Community Wide Walls and Fencing Guidelines and Standards.
7. Improvement plans for required improvements shall be prepared by a Registered Civil Engineer and submitted for approval by the Public Works Director or designee. All improvements shall be constructed in accordance with the approved plans.
8. The project shall be subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.
9. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the utility companies and the City Engineer or designee. Easements for utilities, irrigation and electrical lines to remain shall be reserved as required.
10. All landscaping, fences and walls shall be maintained and the premises shall be kept free of weeds, trash and other debris.
11. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.
12. Prior to start of vertical building construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development.
13. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of any such claim, action, or proceeding and shall cooperate fully in the defense.

The foregoing resolution was introduced at the regular meeting of the Planning

Commission held on February 23, 2026, by \_\_\_\_\_, who moved its adoption, which

motion was seconded by \_\_\_\_\_ and carried by the following vote:

Ayes:  
Noes:  
Absent:  
Recused:

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF  
MODESTO.

Original, signed copy on file in  
CEDD

Michael Hren, AICP, Secretary

# DEVELOPMENT PLAN

AREA 4

MABLE PARCEL (TIVOLI)

---

**SUBMITTAL DATE: SEPTEMBER 25, 2025**

**Prepared by:**

Westwood Professional Services  
1165 Scenic Drive, Suite A  
Modesto, CA 95350  
209.571.1765

**Applicant:**

Mable Avenue Properties  
1120 Scenic Drive  
Modesto, CA 95350



Drawing: \\L:\ODE\Modesto\43380\Tivoli-Mable\_Parcel\Planning\EA\Modesto\43380.dwg Plot Date/Time: 9/25/2025 1:04 PM Last Saved by: ENHamed

NO.	DESCRIPTION	DATE	BY

**DEVELOPMENT PLAN**  
 TIVOLI - MABLE  
 MODESTO, CALIFORNIA

DATE:	09/25/2025
DRAFTER:	BC
DESIGNER:	
CHECKED:	MP
PROJECT NO.	43380

APPROVED PROFESSIONAL ENGINEER  
 MICHAEL T. FERRO  
 No. C54908  
 CIVIL  
 STATE OF CALIFORNIA

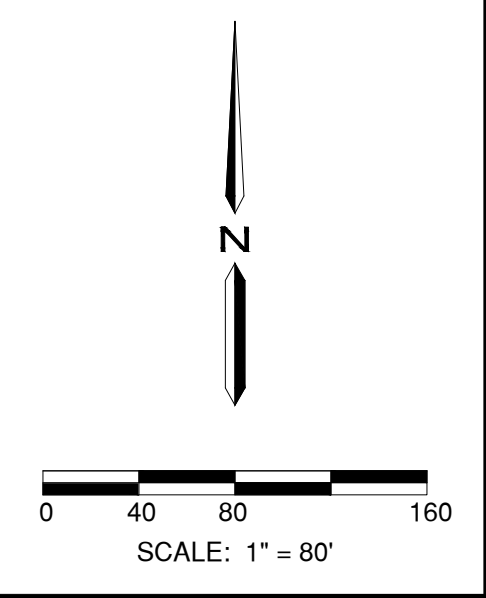
**LEGEND**

- SETBACKS
- PROPOSED SIDEWALK
- DRIVEWAY LOCATION

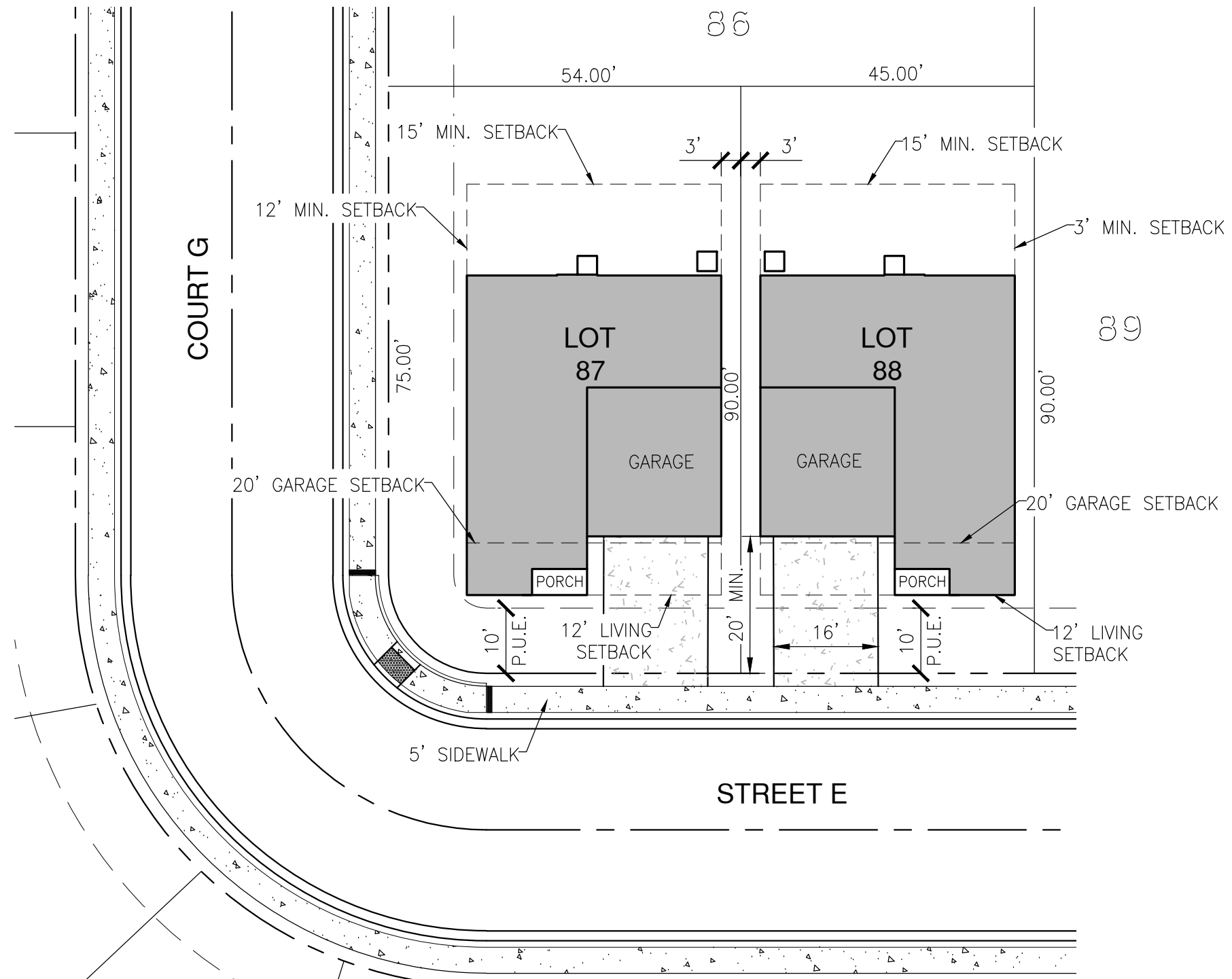
**NOTE:**

- IRREGULAR SHAPED AND TRAPEZOIDAL LOTS WILL REQUIRE ARCHITECTURAL DESIGN.

LOT SIZE:	SETBACKS		
	VLDR	LDR 5,000' TO 12,000' SF	LDR 3,000' TO < 5,000' SF
MIN. FRONT SETBACK:	25'	12'	12'
MIN. SIDE SETBACK:	10'	5'	3'
MIN. REAR SETBACK:	20'	15'	15'

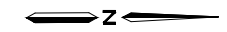


Plot Date: 9/26/2025 Drawing: N:\\_ODE\Modesto\43380 Tivoli-Mable Parcel\Planning\Exhibits\EXH-Tivoli Mable DP Lot Dimensions-43380



NOTE:  
HOUSES SHOWN ARE CONCEPTUAL ONLY.

**45'X90' MIN. LOTS**



0 10 20  
SCALE: 1" = 20'

**DEVELOPMENT PLAN**

**MABLE PARCELS TIVOLI  
MODESTO, CA**

**Westwood**  
Westwood Professional Services, Inc.

1165 SCENIC DRIVE, SUITE A  
MODESTO, CA 95350  
T: 209.571.1765  
F: 888.937.5150

DATE: 09/25/2025  
DRAFTER: BC  
DESIGNER:  
CHECKED: MP

PROJECT NO.  
43380

**3**

# MABLE PARCEL


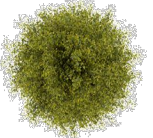

## TIVOLI

### LEGEND

- 1 6' CMU WALL
- 2 PILASTER
- 3 STREET TREE
- 4 PARKWAY STRIP TREE
- 5 ACCENT TREE
- 6 STREETScape PLANTING AREA

### NOTE

LANDSCAPING OF LOCAL STREETS TO BE PROVIDED BY FUTURE BUILDER.

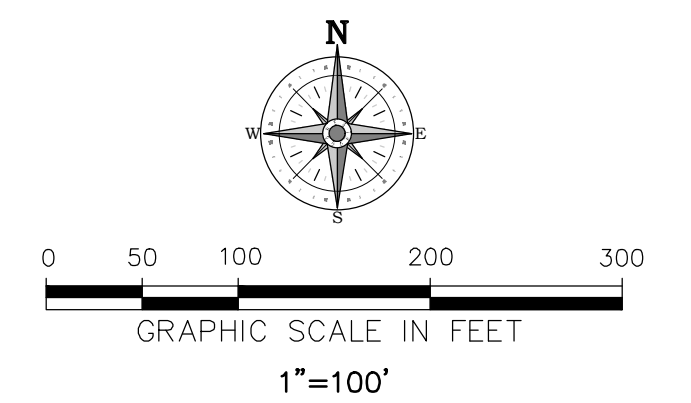
STREET TREE LEGEND				
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
<b>ACCENT TREES</b>				
	CERCIS OCCIDENTALIS	WESTERN REDBUD	15 GAL	LOW
	LAGERSTROEMIA INDICA	CRAPE MYRTLE	15 GAL	LOW
<b>PARKWAY STRIP TREES</b>				
	ZELKOVA SERRATA VAR. GREEN VASE	GREEN VASE ZELKOVA	15 GAL	MODERATE
	PLATANUS ACERIFOLIA VAR. BLOODGOOD	BLOODGOOD LONDON PLANETREE	15 GAL	MODERATE
<b>STREET TREES</b>				
	TILIA CORDATA	LITTLE LEAF LINDEN	15 GAL	MODERATE
	PISTACIA CHINENSIS	CHINESE PISTACHE	15 GAL	LOW
	QUERCUS ILEX	HOLLY OAK	15 GAL	LOW
<b>STREETScape PLANTS</b>				
	COTONEASTER DAMMERI 'LOWFAST'	LOWFAST BEARBERRY COTONEASTER	1 GAL	LOW
	DIANELLA CAERULEA	FLAX LILY	1 GAL	MODERATE
	DIETES BICOLOR	FORTNIGHT LILY	1 GAL	LOW
	MYOPORUM PARVIFOLIUM 'PUTAH CREEK'	PUTAH CREEK TRAILING MYOPORUM	1 GAL	LOW
	FESTUCA MAIREI	ATLAS FESCUE	1 GAL	LOW
	OLEA EUROPAEA 'LITTLE OLLIE'	LITTLE OLLIE OLIVE	5 GAL	LOW
	RHAPHIOLEPIS UMBELLATA 'MINOR'	INDIAN HAWTHORN	5 GAL	LOW
	TEUCRIUM CHAMAEDRY'S 'PROSTRATUM'	PROSTRATE GERMANDER	1 GAL	LOW
	TULBAGHIA VIOLACEA	SOCIETY GARLIC	1 GAL	LOW
	FICUS PUMILA	CREEPING FIG	1 GAL	MODERATE



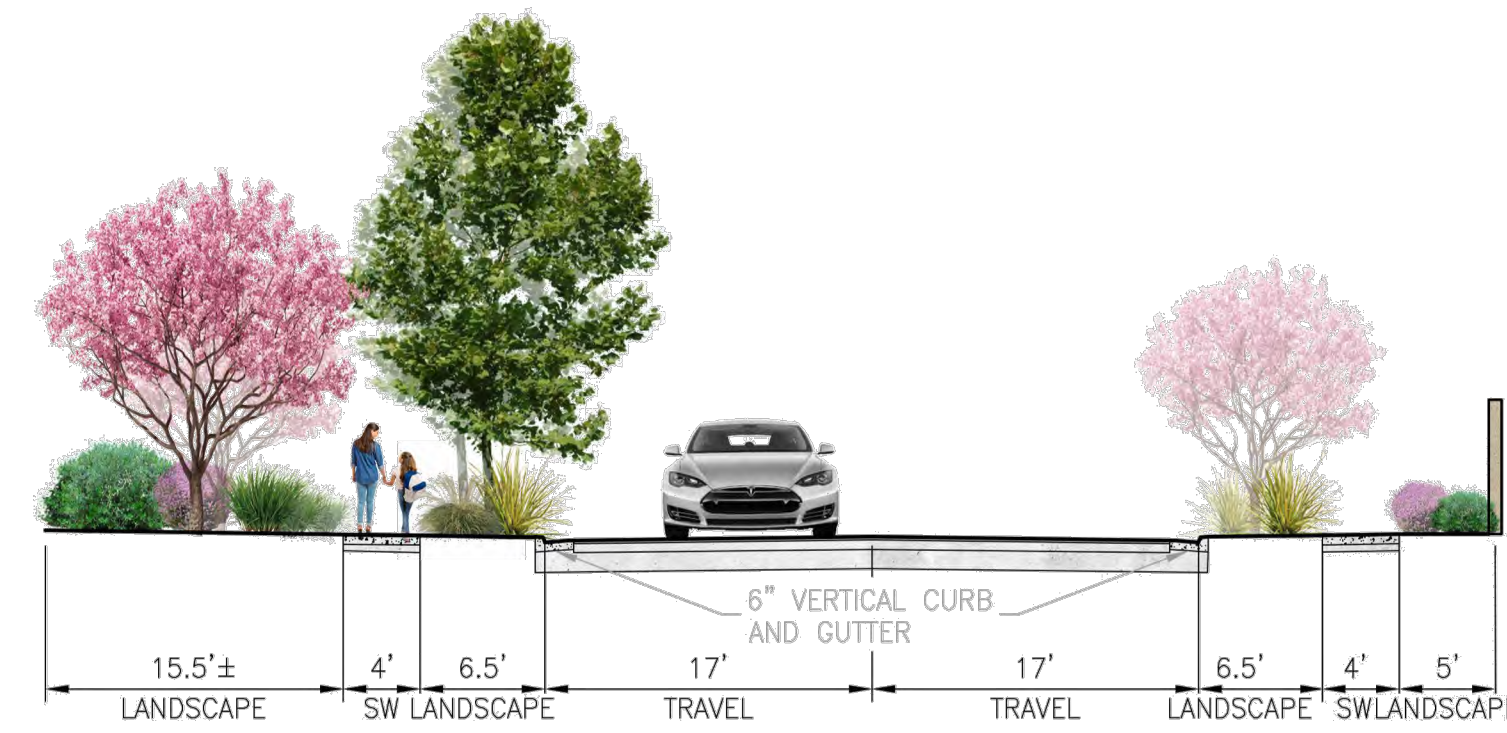
# NEIGHBORHOOD LANDSCAPE CONCEPT

09.26.2025

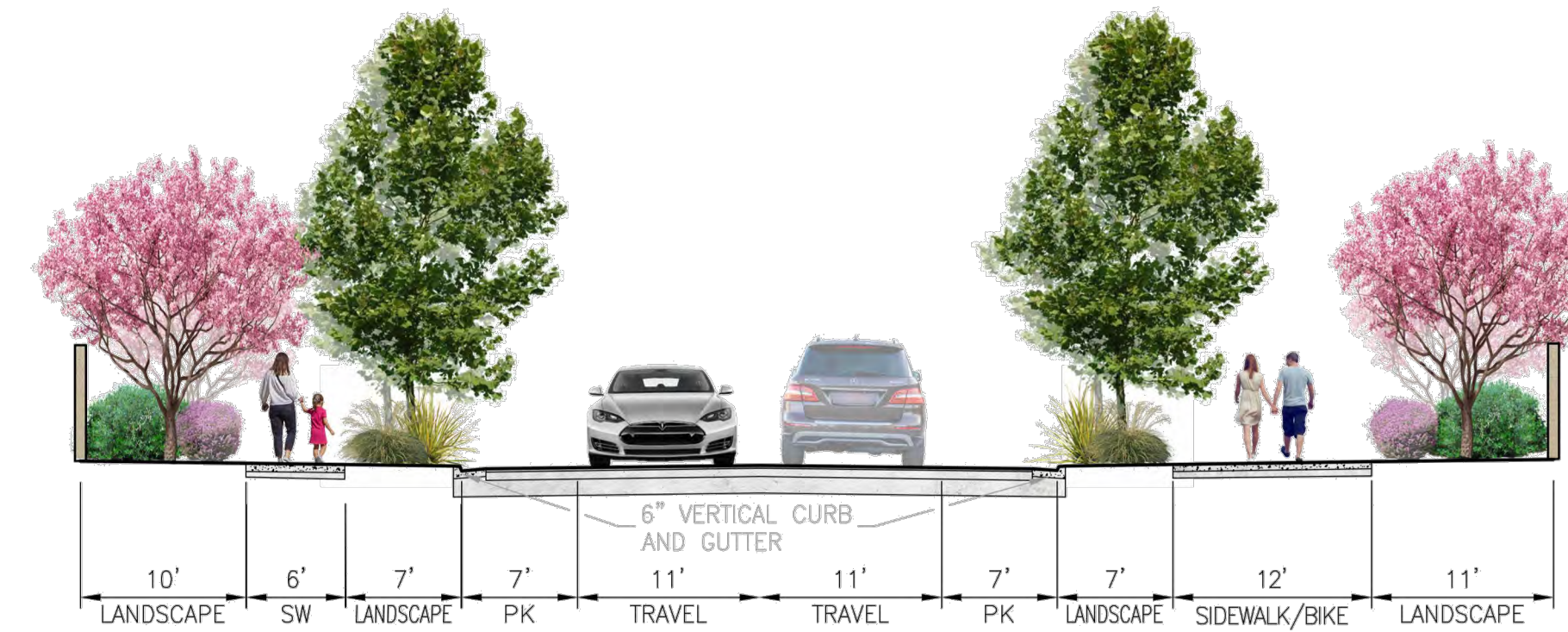
NOTE: THIS DOCUMENT IS FOR CONCEPTUAL PLANNING PURPOSES ONLY. THIS DOCUMENT IS MARKED PRELIMINARY AND NOT TO BE USED FOR CONSTRUCTION PURPOSES. ANY IMAGES SHOWN ARE TO CONVEY CONCEPT ONLY. CONSTRUCTION PLANS WILL VARY DEPENDING ON BUDGET, CLIENT DIRECTION, COMMUNITY INPUT AND FINAL MATERIALS SELECTION.



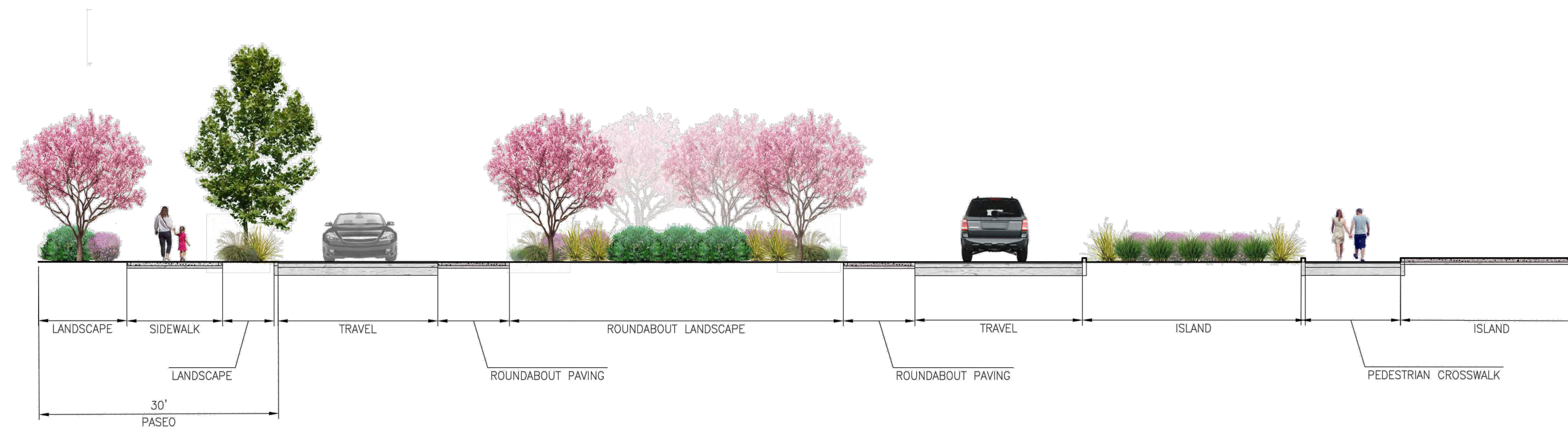
**Westwood**  
Westwood Professional Services, Inc.



**A** MABLE AVE. STREET SECTION 1" = 10'



**B** STREET A/BRIDGEWOOD WAY STREET SECTION 1" = 10'



**C** A STREET & BRIDGEWOOD WAY ROUNDABOUT SECTION 1" = 10'

# STREET SECTIONS






09.26.2025

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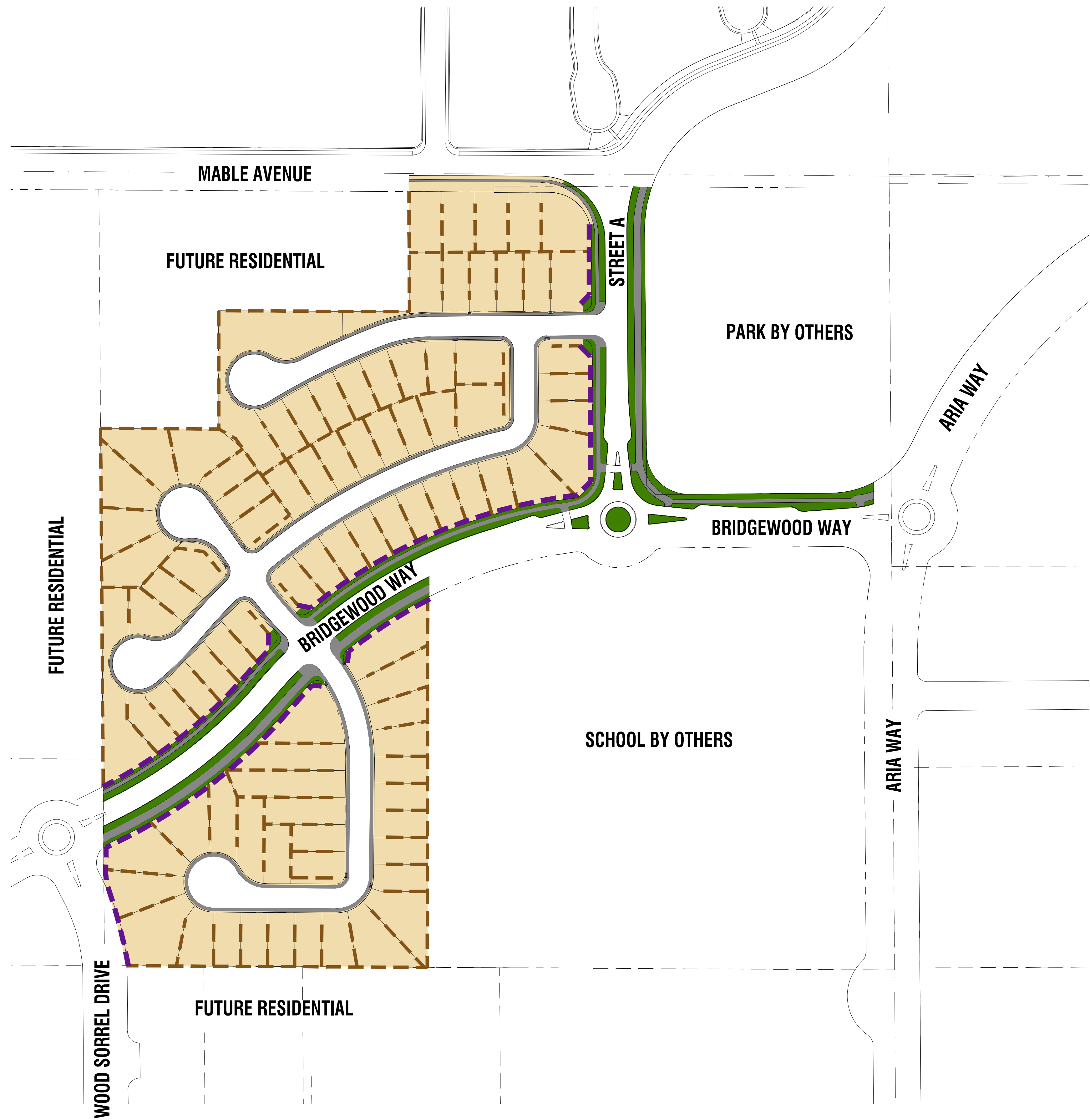
# MABLE PARCEL

## TIVOLI

### LEGEND

-  DECORATIVE CMU WALL - CITY MAINTAINED
-  LOT LINE WOOD FENCE - PRIVATELY MAINTAINED
-  CITY SIDEWALK - CITY MAINTAINED
-  LANDSCAPE - CITY MAINTAINED
-  LANDSCAPE & HOMES - PRIVATELY MAINTAINED

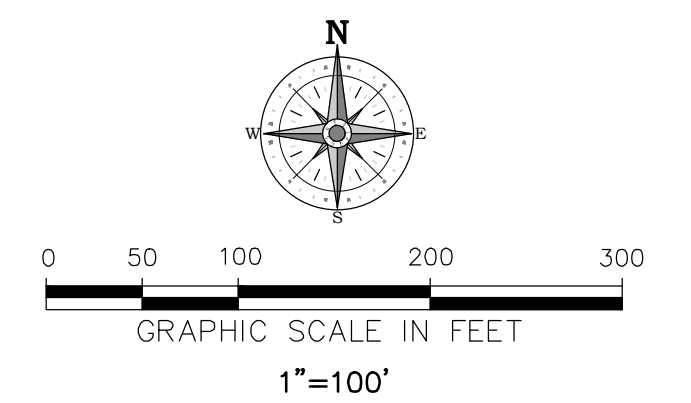
**NOTE**  
LANDSCAPING OF PARKWAYS TO BE PROVIDED IN FUTURE PHASE.



## OWNERSHIP & FEATURE CONCEPT

09.26.2025

NOTE: THIS DOCUMENT IS FOR CONCEPTUAL PLANNING PURPOSES ONLY. THIS DOCUMENT IS MARKED PRELIMINARY AND NOT TO BE USED FOR CONSTRUCTION PURPOSES. ANY IMAGES SHOWN ARE TO CONVEY CONCEPT ONLY. CONSTRUCTION PLANS WILL VARY DEPENDING ON BUDGET, CLIENT DIRECTION, COMMUNITY INPUT AND FINAL MATERIALS SELECTION.



**Westwood**  
Westwood Professional Services, Inc. [www.westwoodps.com](http://www.westwoodps.com)

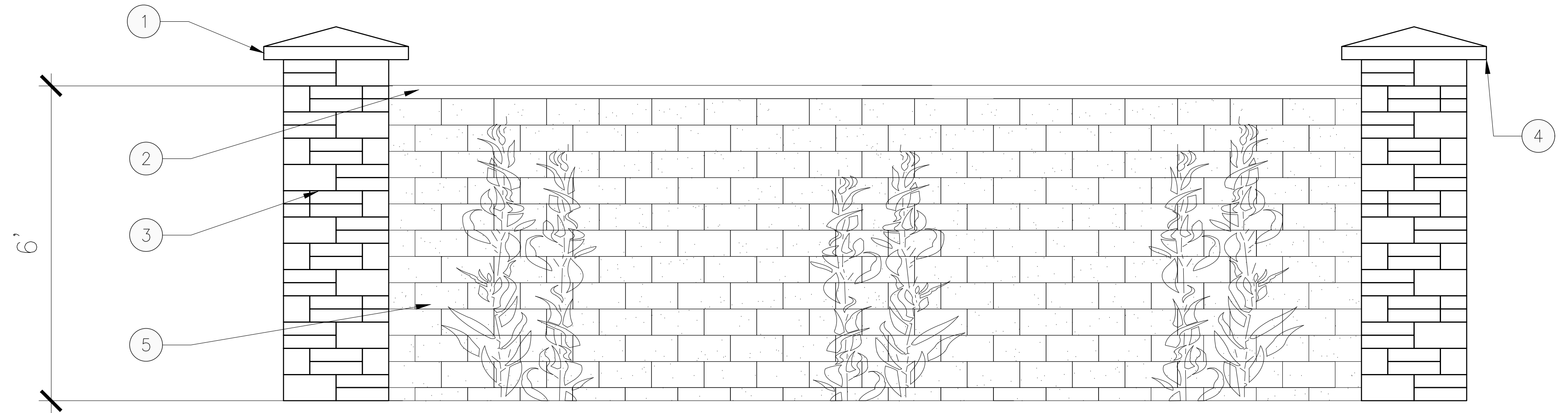
# MABLE PARCEL

## TIVOLI

### LEGEND

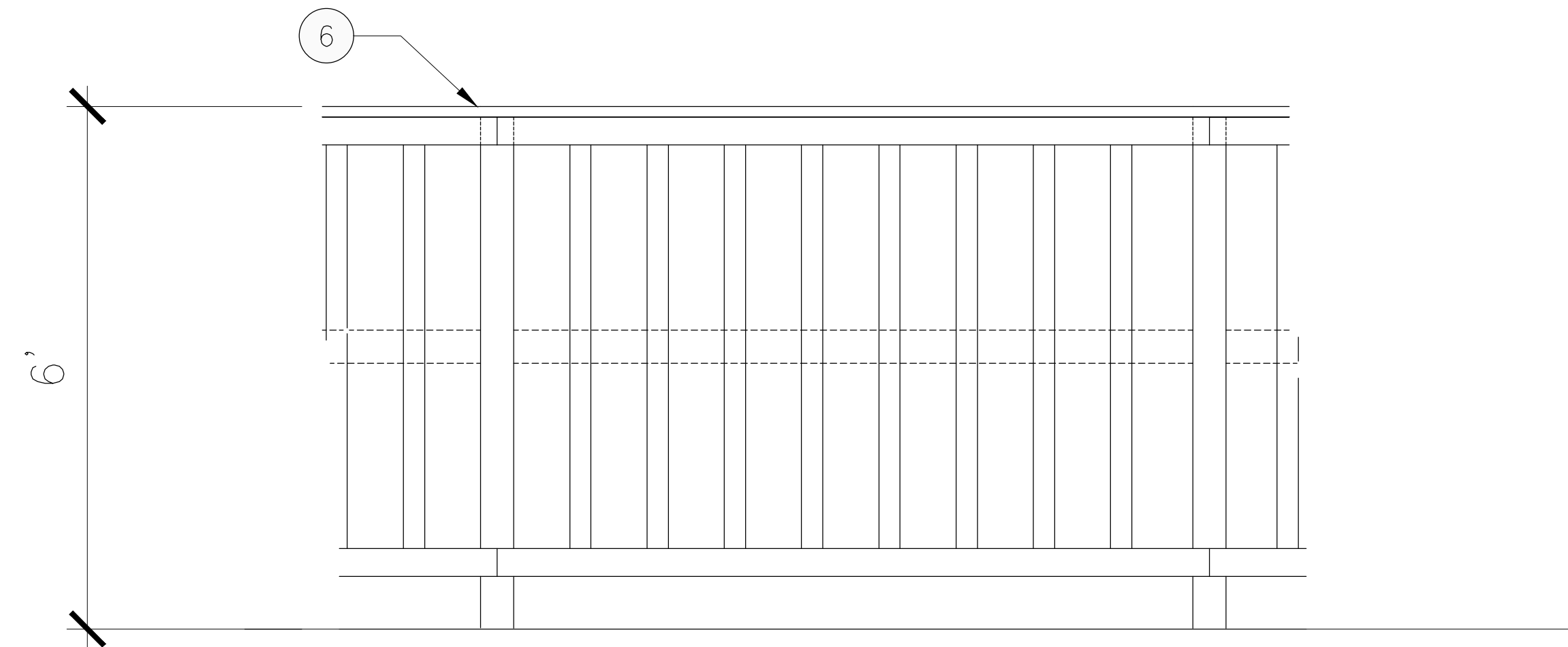
- 1 PRECAST PYRAMID CONCRETE PILASTER CAP
- 2 PRECAST CONCRETE WALL CAP
- 3 PILASTER - BASILITE SPLITFACE CMU WITH VARIED SIZES & COLORS (NO VENEER)
- 4 MIDWALL BULBOUT HALF PILASTER
- 5 6' DECORATIVE CMU WALL WITH VINES - BASILTE SPLIT FACE WITH VARIED COLORS
- 6 6' LOT LINE WOOD FENCE - NO GAP

### WALL



SPLITFACE CMU WALL WITH BASILITE CMU PILASTERS

### FENCE



LOT LINE WOOD FENCE

## WALL & FENCE CONCEPTS

09.26.2025

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NOT TO SCALE  
GRAPHIC SCALE IN FEET  
N.T.S.

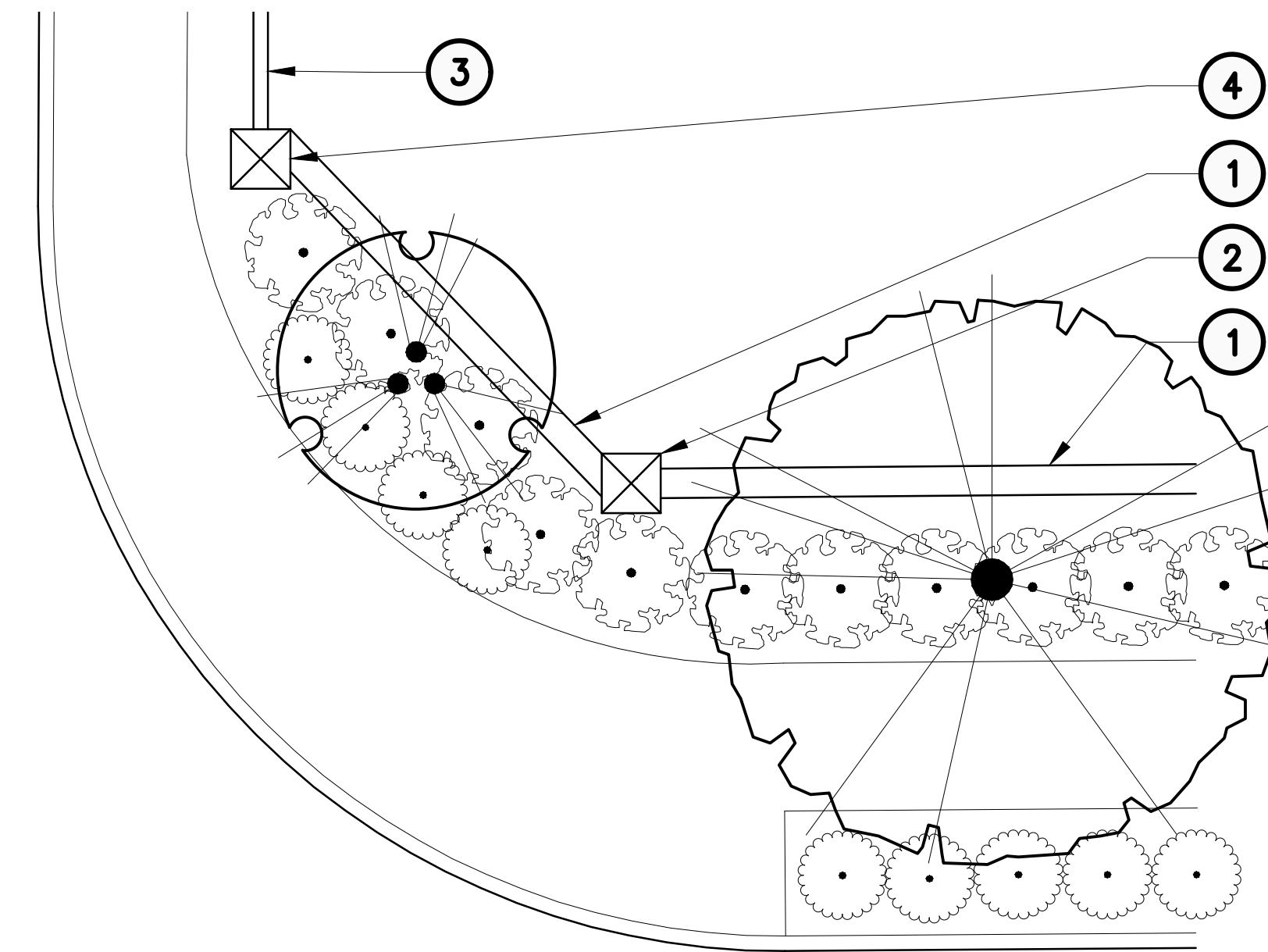
**Westwood**  
Westwood Professional Services, Inc. [www.westwoodps.com](http://www.westwoodps.com)

# MABLE PARCEL

## TIVOLI

### LEGEND

- 1 6' DECORATIVE CMU WALL WITH VINE
- 2 DECORATIVE CMU PILASTER
- 3 6' WOOD FENCE
- 4 DECORATIVE PILASTER WITH LOGO



NEIGHBORHOOD ENTRANCE - PLAN VIEW



NEIGHBORHOOD ENTRANCE - ELEVATION

## NEIGHBORHOOD ENTRANCES

09.26.2025

NOTE: THIS DOCUMENT IS FOR CONCEPTUAL PLANNING PURPOSES ONLY. THIS DOCUMENT IS MARKED PRELIMINARY AND NOT TO BE USED FOR CONSTRUCTION PURPOSES. ANY IMAGES SHOWN ARE TO CONVEY CONCEPT ONLY. CONSTRUCTION PLANS WILL VARY DEPENDING ON BUDGET, CLIENT DIRECTION, COMMUNITY INPUT AND FINAL MATERIALS SELECTION.

NOT TO SCALE  
GRAPHIC SCALE IN FEET  
N.T.S.

**Westwood**  
Westwood Professional Services, Inc. [www.westwoodps.com](http://www.westwoodps.com)

**PLANNING COMMISSION  
RESOLUTION NO. 2026-XX**

**A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF THE  
FINAL DEVELOPMENT PLAN FOR TIVOLI PAREGIAN WITHIN AREA NO.  
1 OF THE TIVOLI SPECIFIC PLAN, FOR 22.8ACRES LOCATED BETWEEN  
FUTURE CLARATINA AVENUE, NORTH AND MABLE AVENUE, EAST OF  
OAKDALE ROAD (ZAGARIS)**

WHEREAS, the City Council adopted the Tivoli Specific Plan, a 454-acre area of land adjoining the northeast portion of the City of Modesto, by Ordinance No. 3479-C.S. on February 26, 2008; and

WHEREAS, the Tivoli Specific Plan is comprised of nine Area Plans subject to review and approval by the Planning Commission, each Area Plan being denoted to ensure that the circulation, infrastructure, land use, density, project design and other specific plan provisions are provided for each Area Plan as required by Section 9.4.1 of the Tivoli Specific Plan; and

WHEREAS, Section 9.4.1.2 of the Specific Plan requires the Commission's review and approval of a Final Development Plan for new residential development within the Specific Plan involving small-lot single-family residential uses with a tentative map, which may be approved by the Commission after or concurrently with the approval of an Area Plan; and

WHEREAS, an application for the Tivoli Paregian Final Development Plan for 22.8 acres within Area Plan No. 1, property located east of Oakdale Road, between Mable Avenue and future Claratina Avenue, was filed by Michael Zagaris on July 17, 2025 in accordance with Section 9.4.1.2 of the Tivoli Specific Plan; and

WHEREAS, the applicant has also submitted an application for proposed new Area Plan No. 1 document for the Tivoli Specific Plan, filed in accordance with Section 9.4.1 of the Specific Plan (File ID: AREA-25-003), and a Vesting Tentative Subdivision Map, “Paregian (Tivoli)” to divide 52.6 acres within Area Plan No. 1 into 99 low-density single-family residential lots and 11 very low density single-family residential lots (Project ID: TSM-25-004); and

WHEREAS, a public hearing was held by the Planning Commission on February 23, 2026, in Chambers, Tenth Street Place, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission has considered the addendum to the Tivoli Specific Plan Final EIR documented with, EA/ C&ED 2026-03, prepared pursuant to Section 15164 of the CEQA Guidelines, which concluded that the project is within the scope of the Tivoli Specific Plan Final EIR (SCH No. 2005072125) and that pursuant to Sections 15162 and 15164 of the CEQA Guidelines, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The Final Development Plan is consistent with the General Plan and the Tivoli Specific Plan, because the Final Development Plan would provide setback and development standards to facilitate new residential development within Area Plan No. 1 in accordance to Section 9.4.2.1 of the Specific Plan.
2. There are no substantial changes proposed in the project that will require major revisions of the Tivoli Specific Plan Final EIR (SCH No. 2005072125).

3. There are no substantial changes occurring with respect to circumstances under which the Specific Plan amendment is being undertaken which will require major revisions in the Tivoli Specific Plan Final EIR.
4. No new information, which was not known and could not have been known at the time the Tivoli Specific Plan Final EIR was certified as complete, has become available.
5. The Initial Study, EA/C&ED 2026-03 provides the substantial evidence to support findings 2-4, noted above.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby recommends to the City Council that a Final Development Plan for the proposed Tivoli Paregian project, described in “**Exhibit A,**” **attached** hereto and incorporated herein by reference, be approved subject to the following conditions:

1. The Tivoli Paregian Final Development Plan shall not be in full effect unless and until the City Council approves the proposed Area Plan No. 1 (Project ID AREA-25-003) and the Vesting Tentative Subdivision Map for Tivoli Paregian (Project ID TSM-25-004) as required by Section 9.4.1 of the Specific Plan.
2. All development shall be consistent with the approved Final Development Plan titled “Development Plan, Paregian (Tivoli),” submitted on July 17, 2025, as described in Exhibit “A,” attached hereto and incorporated herein by reference, and approved by the City Council by Resolution No. 2026-xx on [date to be determined].
3. Except as amended herein, or by reference, all development including street and infrastructure improvements, and mitigation measures from the Tivoli Final EIR, shall be in accordance with the Tivoli Specific Plan and Area Plan No. 1 (AREA-25-003), and the Vesting Tentative Subdivision Map of Tivoli Paregian (TSM-25-004), as set forth in City Council Resolutions No. 2026-xx and 2026-xx, adopted on [date to be determined].
4. Siting of residences within the Final Development Plan shall be as follows:
  - a. The eleven (11) residences in the Phase 2 VLDR component of the Tivoli Paregian Vesting Tentative Subdivision Map within the VLDR-1 land use of the Tivoli Specific Plan shall be in accordance to the Development Standards for Very Low Density Residential uses as specified in Chapter 4 of the Specific Plan, and;
  - b. Siting of the 99 residences in the Phase 1 LDR component of the Tivoli Paregian Vesting Tentative Subdivision Map within the LDR-13 land use

of the Specific Plan shall be in accordance to the Development Standards of the Low Density Residential uses, as specified in Chapter 4 of the Specific Plan.

5. Upon development of the residential lots, developer shall provide specific site plans and elevations consistent with the Design Guidelines and Standards of the Tivoli Specific Plan, to the satisfaction of the Director of Community and Economic Development or designee, prior to the issuance of a building permit.
6. Prior to Certificate of Occupancy of any structure, fences and walls shall be installed in accordance to the design standards of the Tivoli Specific Plan, Section 5.7, Community Wide Walls and Fencing Guidelines and Standards.
7. Improvement plans for required improvements shall be prepared by a Registered Civil Engineer and submitted for approval by the Public Works Director or designee. All improvements shall be constructed in accordance with the approved plans.
8. The project shall be subject to all conditions, requirements and recommendations from all other affected departments/agencies, provided on the attached reports/memorandums.
9. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the utility companies and the City Engineer or designee. Easements for utilities, irrigation and electrical lines to remain shall be reserved as required.
10. All landscaping, fences and walls shall be maintained and the premises shall be kept free of weeds, trash and other debris.
11. At the time of issuance of a building permit, the developer shall pay development impact fees at the established rate. Such fees may include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.
12. Prior to start of vertical building construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by Director of Community and Economic Development.
13. The property owner and developer shall, at their sole expense, defend, indemnify and hold harmless the City of Modesto, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Modesto shall promptly notify the developer of

any such claim, action, or proceeding and shall cooperate fully in the defense.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 23, 2026, by \_\_\_\_\_, who moved its adoption, which motion was seconded by \_\_\_\_\_ and carried by the following vote:

Ayes:  
Noes:  
Absent:  
Recused:

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF  
MODESTO.

Original, signed copy on file in  
CEDD

---

Michael Hren, AICP, Secretary

# DEVELOPMENT PLAN

## PAREGIAN (TIVOLI)

---

**SUBMITTAL DATE: JULY 17 2025**

**Prepared by:**

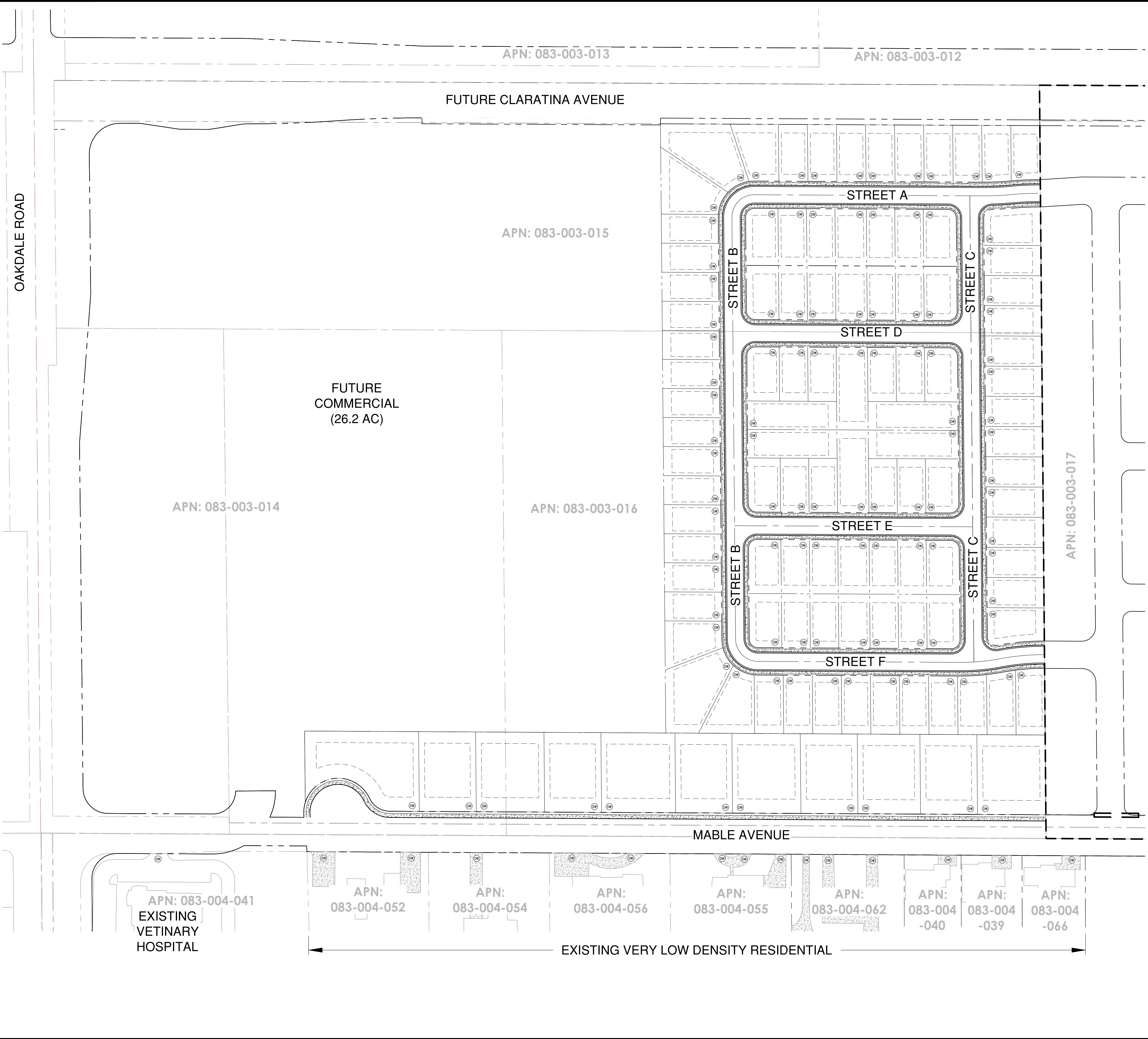
Westwood Professional Services  
1165 Scenic Drive, Suite A  
Modesto, CA 95350  
209.571.1765

**Applicant:**

Sam Paregian  
1329 Patterson Road  
Modesto, CA 95350



Drawing: 1143500 Title - Pargian ParcelPlanning/EXHIBITAREA & DEVELOPMENT PLAN/PARGIAN DEVELOPMENT PLAN/PARGIAN Setbacks & Driveways-43500.dwg Plot Date/Time: 7/17/2025 3:44 PM Last Saved by: Brook



**LEGEND**

- SETBACKS
- PROPOSED SIDEWALK
- DRIVEWAY LOCATION

LOT SIZE:	SETBACKS		
	VLDR	LDR 5,000 TO 12,000 SF	LDR 3,000 TO < 5,000 SF
MIN. FRONT SETBACK:	25'	12'	12'
MIN. SIDE SETBACK:	10'	5'	3'
MIN. REAR SETBACK:	20'	15'	15'

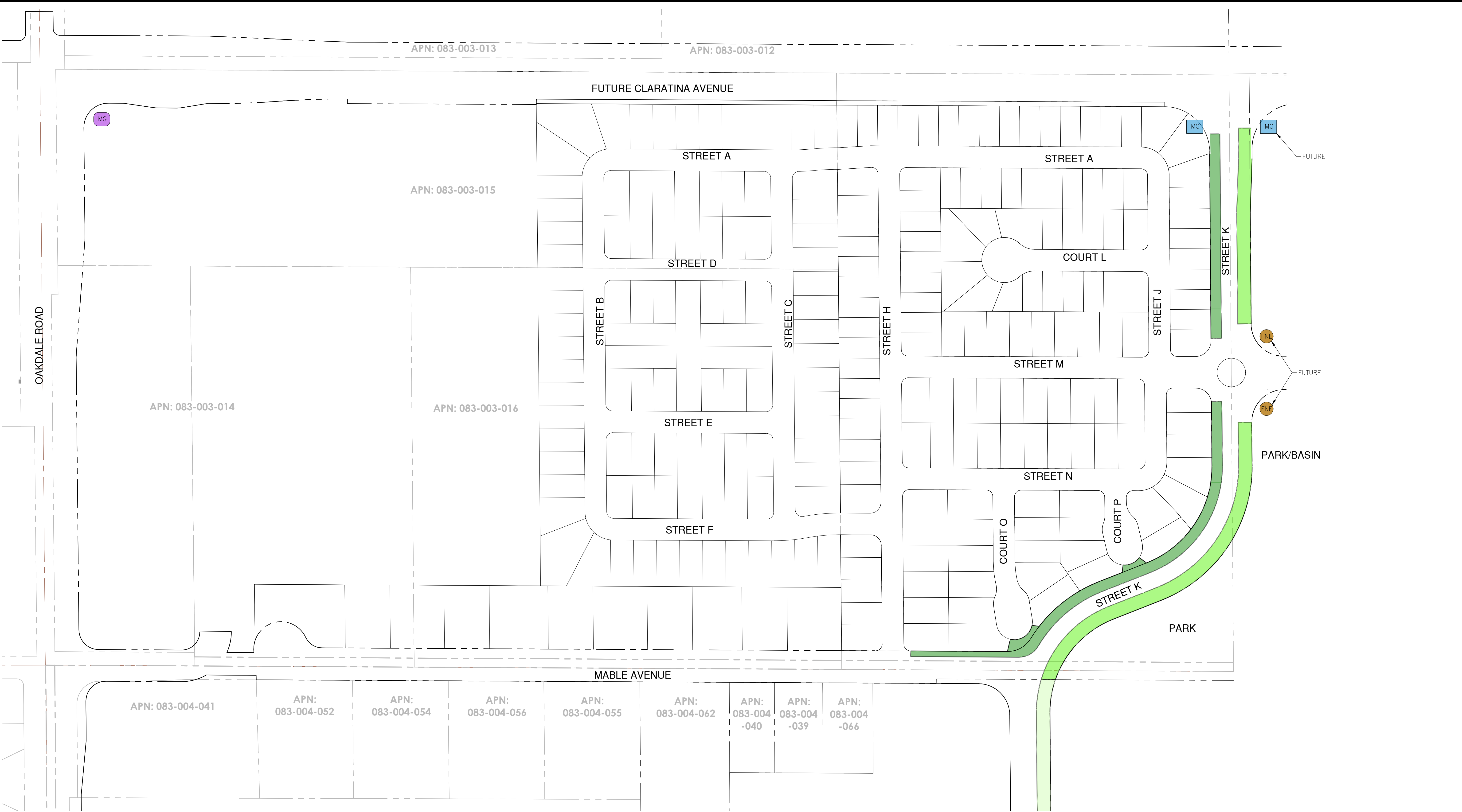
NO.	DESCRIPTION	DATE	BY

**DEVELOPMENT PLAN**  
 TIVOLI - PAREGIAN  
 MODESTO, CALIFORNIA



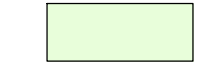



DATE: 07/17/2025  
 DRAFTER: JM/DF  
 DESIGNER: MP  
 CHECKED: MP  
 PROJECT NO.  
**0056719.00**

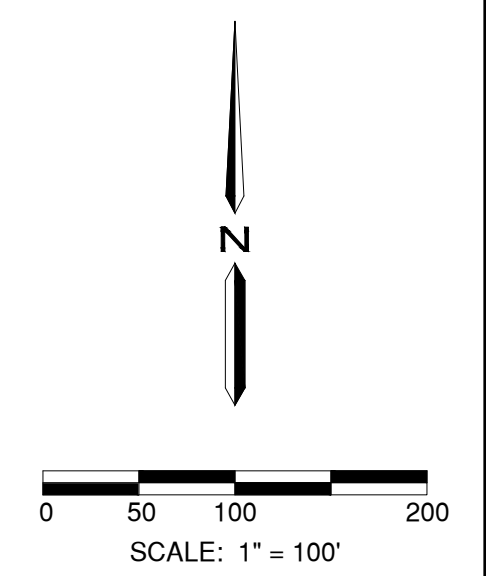
SHEET NO.  
**2**  
 OF  
**3**

Drawing: 1143500 Tivoli - Pargian Parcel Planning & Development Plan - Pargian Development Plan - Pargian Regional Development Plan - Pargian Regional Landscaping Plan - 43500.dwg Plot Date/Time: 7/17/2025 3:44 PM Last Saved by: Bocoob



**LEGEND**

-  LANDSCAPE
-  PASEO
-  FUTURE PASEO
-  FUTURE NEIGHBORHOOD ENTRIES
-  MINOR GATEWAY
-  MAJOR GATEWAY

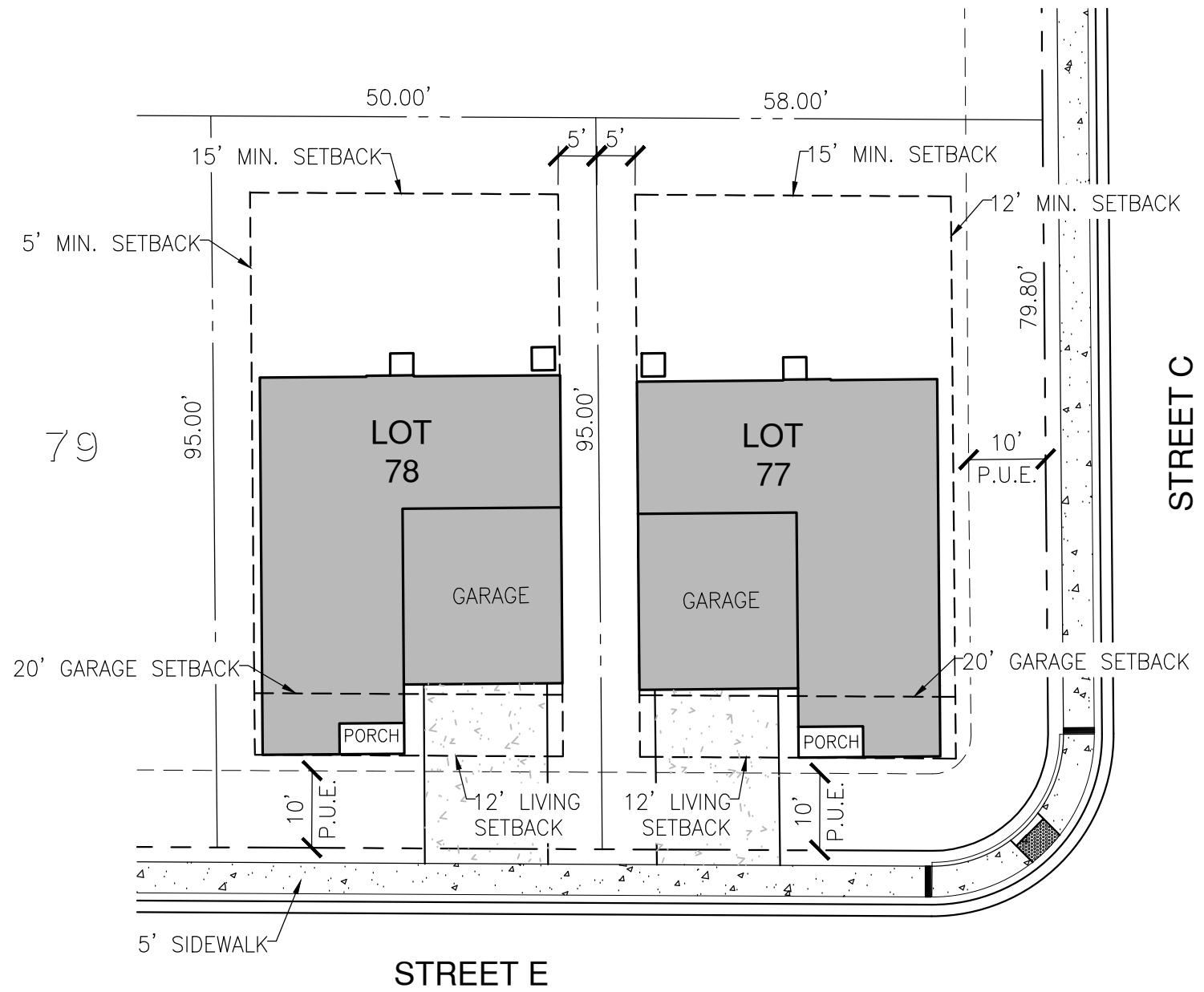


NO.	DESCRIPTION	DATE	BY

**DEVELOPMENT PLAN**  
 TIVOLI - PAREGIAN  
 MODESTO, CALIFORNIA

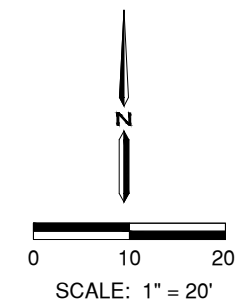
DATE: 07/17/2025  
 DRAFTER: JM/DF  
 DESIGNER: MP  
 CHECKED: MP  
 PROJECT NO.  
**0056719.00**

SHEET NO.  
**3**  
 OF  
**3**



NOTE:  
 HOUSES SHOWN ARE CONCEPTUAL ONLY.

**50'X95' MIN. LOTS**



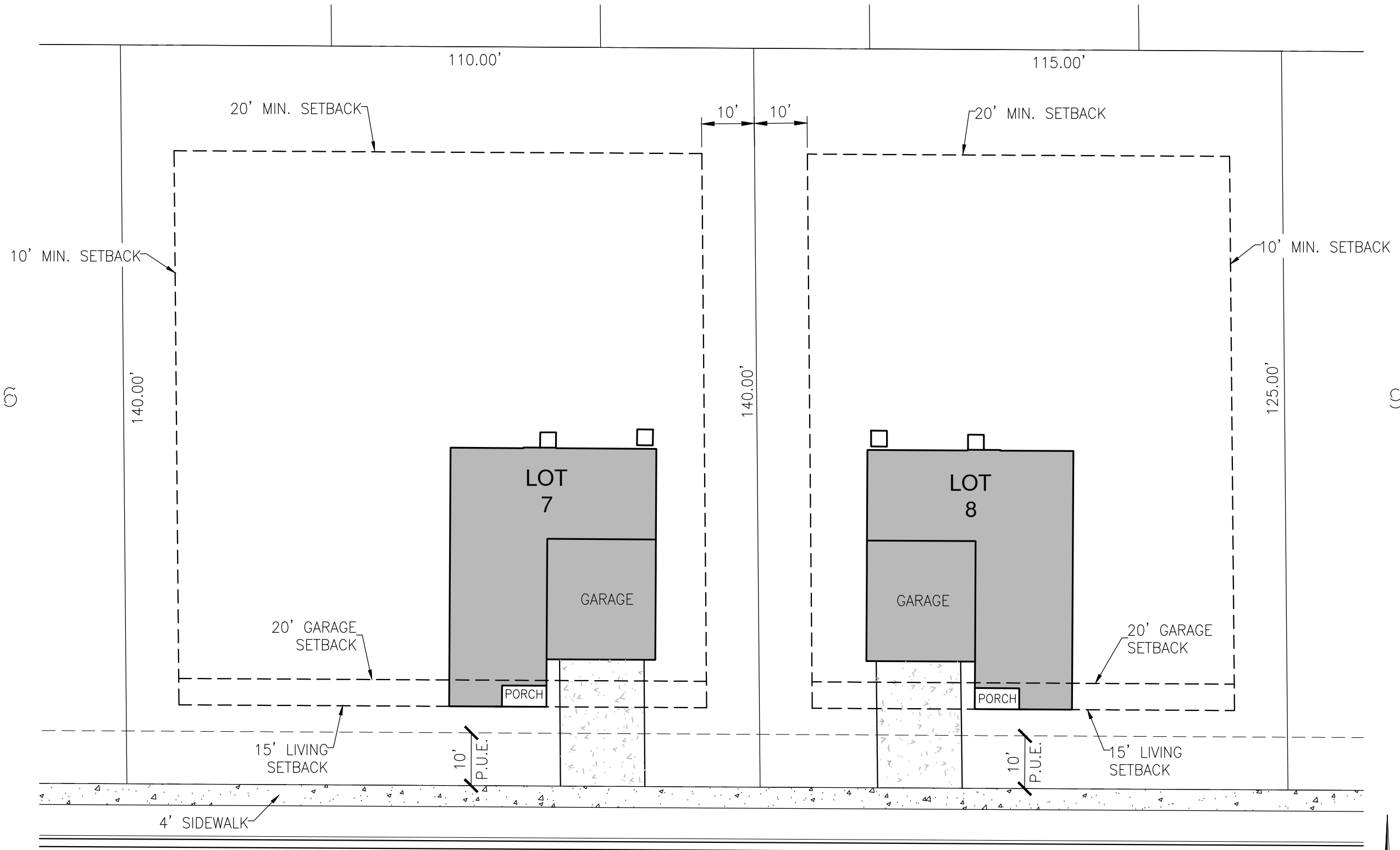
**DEVELOPMENT PLAN**  
**PAREGIAN PARCELS TIVOLI**  
**MODESTO, CA**

DATE: 7/17/2025  
 DRAFTER: EH  
 DESIGNER:  
 CHECKED: MP

PROJECT NO.  
**R0056719.00**

**1**  
 OF 2

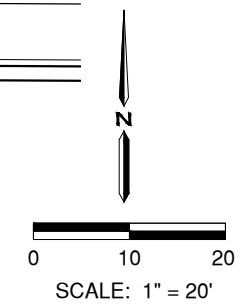
Plot Date: 7/17/2025 Drawing: H:\43500 Tivoli - PAREGIAN Parcel\Planning\Exhibits\AREA & DEVELOPMENT PLAN\DP-Paregian & Alves  
Parcels Development Plan-43500 & 43390



MABLE AVENUE

**110'X140' MIN. LOTS**

NOTE:  
HOUSES SHOWN ARE CONCEPTUAL ONLY.



**Westwood**  
Westwood Professional Services, Inc.

1165 SCENIC DRIVE, SUITE A  
MODESTO, CA 95350  
T: 209.571.1765  
F: 888.937.5150

DEVELOPMENT PLAN

PAREGIAN PARCELS TIVOLI

MODESTO, CA

DATE: 7/17/2025  
DRAFTER: EH  
DESIGNER:  
CHECKED: MP

PROJECT NO.  
R0056719.00

**2**  
OF 2

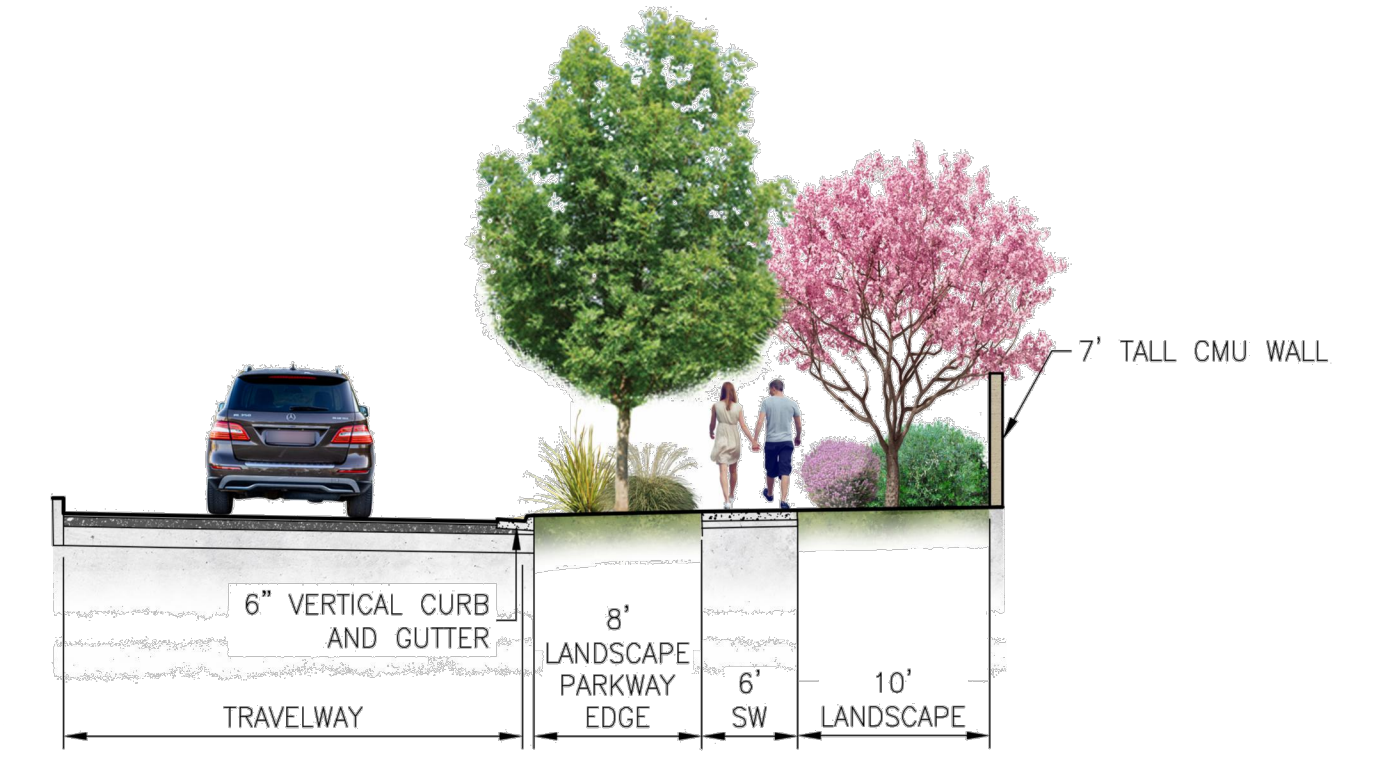
# PAREGIAN PARCEL

## TIVOLI

### LEGEND

- 1 CMU WALL
- 2 PILASTER
- 3 STREET TREE
- 4 PARKWAY STRIP TREE
- 5 ACCENT TREE
- 6 STREETScape PLANTING AREA

STREET TREE LEGEND				
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	WATER USE
<b>ACCENT TREES</b>				
	CERCIS OCCIDENTALIS	WESTERN REDBUD	15 GAL	LOW
	LAGERSTROEMIA INDICA	CRAPE MYRTLE	15 GAL	LOW
<b>PARKWAY STRIP TREES</b>				
	ZELKOVA SERRATA VAR. GREEN VASE	GREEN VASE ZELKOVA	15 GAL	MODERATE
	PLATANUS ACERIFOLIA VAR. BLOODGOOD	BLOODGOOD LONDON PLANETREE	15 GAL	MODERATE
<b>STREET TREES</b>				
	TILIA CORDATA	LITTLE LEAF LINDEN	15 GAL	MODERATE
	PISTACIA CHINENSIS	CHINESE PISTACHE	15 GAL	LOW
	QUERCUS ILEX	HOLLY OAK	15 GAL	LOW
<b>STREETScape PLANTS</b>				
COTONEASTER DAMMERI 'LOWFAST'		LOWFAST BEARBERRY COTONEASTER	1 GAL	LOW
DIANELLA CAERULEA		FLAX LILY	1 GAL	MODERATE
DIETES BICOLOR		FORTNIGHT LILY	1 GAL	LOW
MYOPORUM PARVIFOLIUM 'PUTAH CREEK'		PUTAH CREEK TRAILING MYOPORUM	1 GAL	LOW
FESTUCA MAIREI		ATLAS FESCUE	1 GAL	LOW
OLEA EUROPAEA 'LITTLE OLLIE'		LITTLE OLLIE OLIVE	5 GAL	LOW
RHAPHIOLEPIS UMBELLATA 'MINOR'		INDIAN HAWTHORN	5 GAL	LOW
TEUCRIUM CHAMAEDRY'S 'PROSTRATUM'		PROSTRATE GERMANDER	1 GAL	LOW
TULBAGHIA VIOLACEA		SOCIETY GARLIC	1 GAL	LOW
FICUS PUMILA		CREEPING FIG	1 GAL	MODERATE

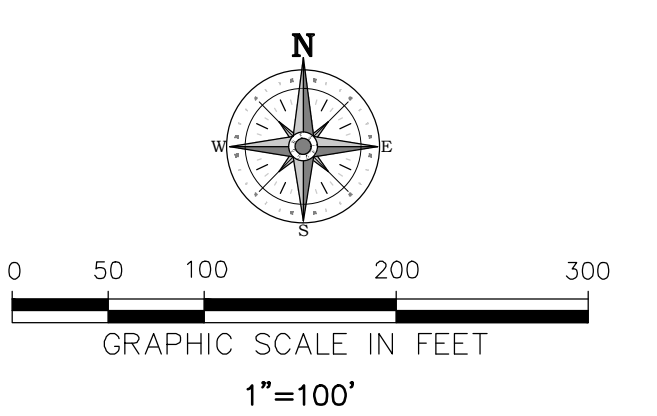


A CLARATINA AVE. STREET SECTION 1" = 10'

# NEIGHBORHOOD LANDSCAPE CONCEPT

07.11.2025







NOTE: THIS DOCUMENT IS FOR CONCEPTUAL PLANNING PURPOSES ONLY. THIS DOCUMENT IS MARKED PRELIMINARY AND NOT TO BE USED FOR CONSTRUCTION PURPOSES. ANY IMAGES SHOWN ARE TO CONVEY CONCEPT ONLY. CONSTRUCTION PLANS WILL VARY DEPENDING ON BUDGET, CLIENT DIRECTION, COMMUNITY INPUT AND FINAL MATERIALS SELECTION.

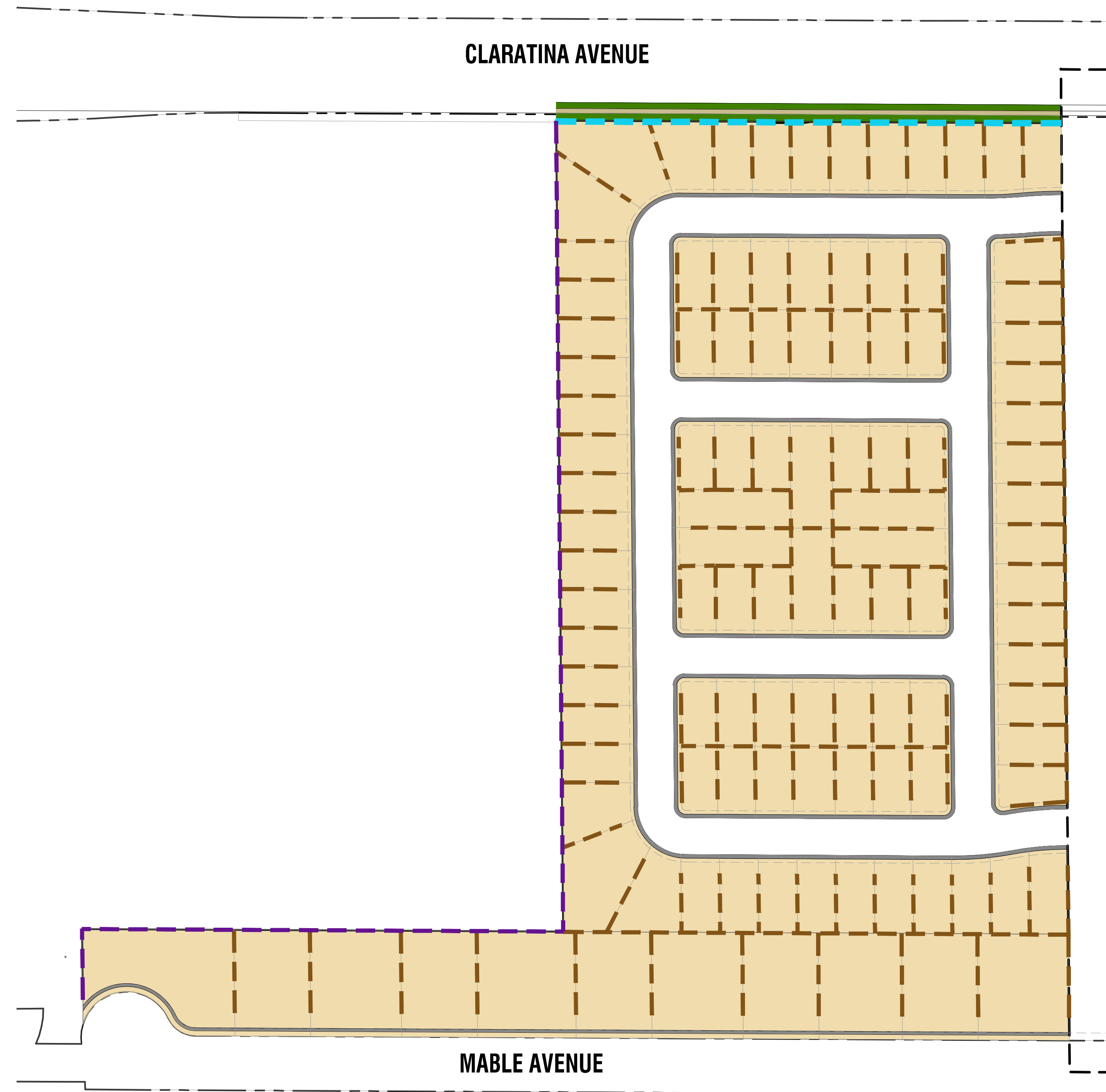


**Westwood**  
Westwood Professional Services, Inc. westwoodps.com

# PAREGIAN PARCEL TIVOLI

## LEGEND

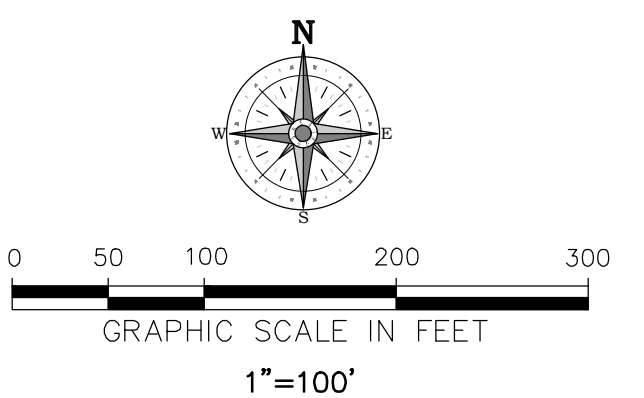
-  7' CMU WALL - CITY MAINTAINED
-  LOT LINE WOOD FENCE - PRIVATELY MAINTAINED
-  7' CMU WALL - PRIVATELY MAINTAINED
-  CITY SIDEWALK - CITY MAINTAINED
-  LANDSCAPE - CITY MAINTAINED
-  LANDSCAPE & HOMES - PRIVATELY MAINTAINED



## OWNERSHIP & FEATURE CONCEPT

07.11.2025

NOTE: THIS DOCUMENT IS FOR CONCEPTUAL PLANNING PURPOSES ONLY. THIS DOCUMENT IS MARKED PRELIMINARY AND NOT TO BE USED FOR CONSTRUCTION PURPOSES. ANY IMAGES SHOWN ARE TO CONVEY CONCEPT ONLY. CONSTRUCTION PLANS WILL VARY DEPENDING ON BUDGET, CLIENT DIRECTION, COMMUNITY INPUT AND FINAL MATERIALS SELECTION.



**Westwood**  
Westwood Professional Services, Inc. [www.westwoodps.com](http://www.westwoodps.com)

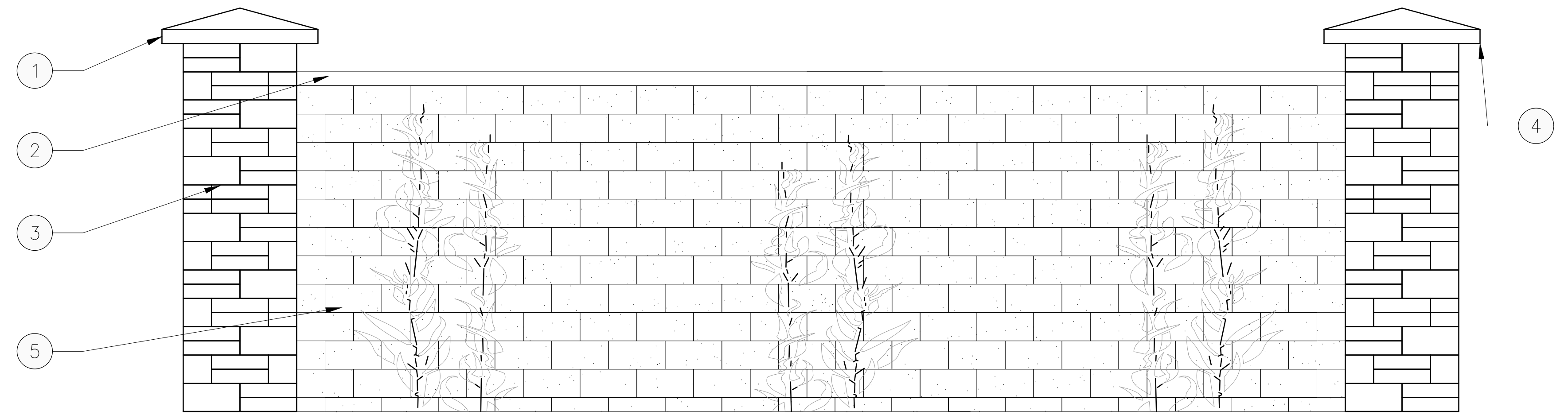
# PAREGIAN PARCEL

## TIVOLI

### LEGEND

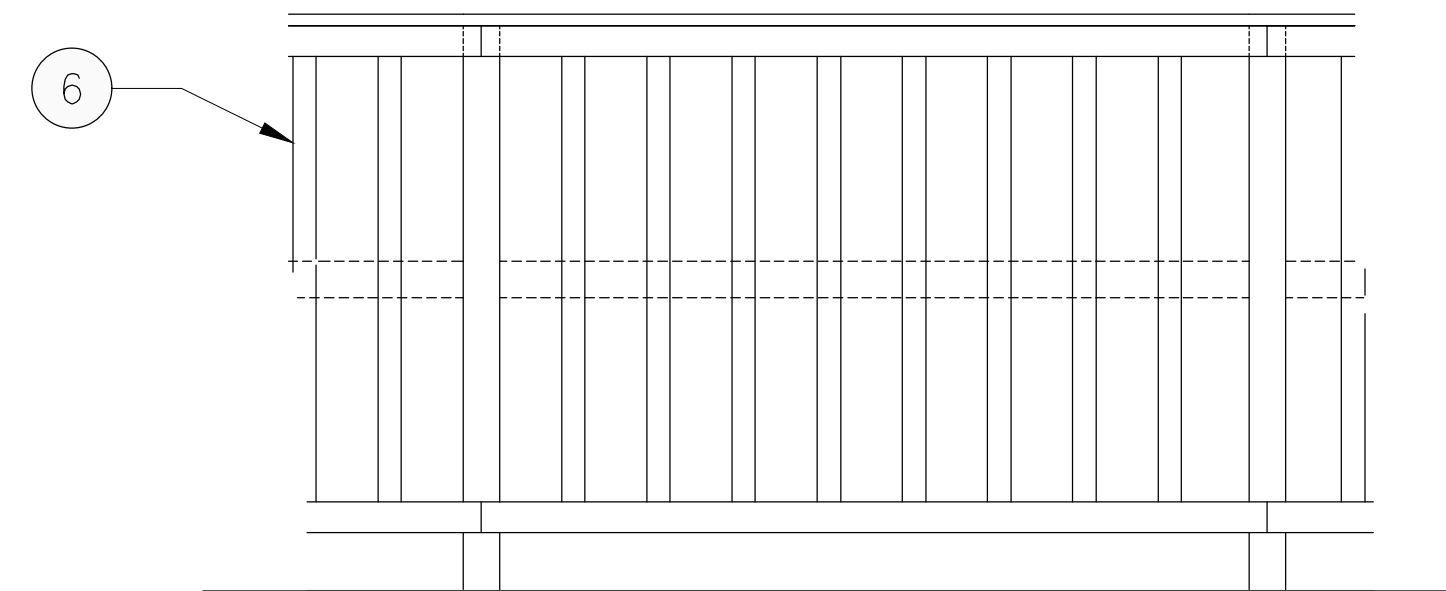
- 1 PRECAST PYRAMID CONCRETE PILASTER CAP
- 2 PRECAST CONCRETE WALL CAP
- 3 8' PILASTER - BASILITE SPLITFACE CMU WITH VARIED SIZES & COLORS (NO VENEER)
- 4 MIDWALL BULBOUT HALF PILASTER
- 5 7' CMU WALL WITH VINES - BASILTE SPLIT FACE WITH VARIED COLORS
- 6 6' LOT LINE WOOD FENCE - NO GAP

### WALL



SPLITFACE CMU WALL WITH BASILITE CMU PILASTERS

### FENCE



LOT LINE WOOD FENCE

## WALL & FENCE CONCEPTS

07.11.2025

NOT TO SCALE  
GRAPHIC SCALE IN FEET  
N.T.S.

NOTE: THIS DOCUMENT IS FOR CONCEPTUAL PLANNING PURPOSES ONLY. THIS DOCUMENT IS MARKED PRELIMINARY AND NOT TO BE USED FOR CONSTRUCTION PURPOSES. ANY IMAGES SHOWN ARE TO CONVEY CONCEPT ONLY. CONSTRUCTION PLANS WILL VARY DEPENDING ON BUDGET, CLIENT DIRECTION, COMMUNITY INPUT AND FINAL MATERIALS SELECTION.

**Westwood**  
Westwood Professional Services, Inc. [www.westwoodps.com](http://www.westwoodps.com)

**PLANNING COMMISSION  
RESOLUTION NO. 2026-xx**

**A RESOLUTION RECOMMENDING CITY COUNCIL ADOPTION OF AN AMENDMENT TO THE LAND USE ELEMENT OF THE MODESTO URBAN AREA GENERAL PLAN TO RESTORE THE DESIGNATION OF EIGHT ACRES INADVERTENTLY CHANGED FROM REGIONAL COMMERCIAL (RC) TO RESIDENTIAL (R) AS PART OF CITY COUNCIL RESOLUTION NO. 2022-449, TO RECONCILE INCONSISTENCY BETWEEN THE GENERAL PLAN AND THE LAND USE DIAGRAM OF THE TIVOLI SPECIFIC PLAN (CITY OF MODESTO)**

WHEREAS, a General Plan for the City of Modesto entitled “City of Modesto Urban Area General Plan” (UAGP), was adopted by the City Council by Resolution No. 95-409 on August 15, 1995, in accordance with Section 65300 of the Government Code;

WHEREAS, said General Plan has been amended by Modesto City Council Resolution Nos. 95-584, 96-20, 96-338, 96-639, 97-3, 97-137, 97-158, 98-293, 99-162, 99-564, 2000-303, 2000-633, 2001-47, 2001-476, 2002-154, 2002-526, 2003-101, 2003-122, 2007-066, 2007-599, 2008-142, 2008-583, 2009-419, 2011-253, 2011-254, 2011-436, 2012-430, 2014-17, 2014-422, 2015-262, 2016-34, 2017-21, 2019-109, 2022-101, 2022-193, 2022-449, 2024-022, 2025-164, and 2025-247, copies of which are on file in the office of the City Clerk; and

WHEREAS, Government Code Section 65358 permits the amendment of General Plans by the legislative body; and

WHEREAS, a change from Regional Commercial (RC) to Residential (R) uses in the Land Use Element of the General Plan approved by City Council Resolution No. 2022-449 on November 1, 2022 which was done in conjunction with an amendment to the Land Use Diagram of the Tivoli Specific Plan to amend acreage of the Specific Plan from Regional Serving Commercial (RSC-1) to Low Density Residential (LDR-12), resulted in inconsistencies between the General Plan and Tivoli Specific Plan; and

WHEREAS, the inconsistency in land uses between the Land Use Element of the General Plan and the Land Use Diagram of the Tivoli Specific Plan is rectified through the Combined actual built and proposed capacity of the previously approved Arcadia project Resolution 2022-449 and the Paregian project in the EIR Addendum, EA/ C&ED 2026-03; and

WHEREAS, an amendment to the Land Use Element of the General Plan to restore the designation of the Residential (R) eight acres back to Regional Commercial (RC) is proposed to rectify the discrepancy and ensure that the land uses of the General Plan and the Tivoli Specific Plan are internally consistent; and

WHEREAS, said proposal is included with proposed residential developments within the Tivoli Specific Plan, collectively identified as the Tivoli Alves, Tivoli Mable and Tivoli Paregian projects; and

WHEREAS, a public hearing was held by the Planning Commission on February 23, 2026, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the amendment is described in the Addendum to the Tivoli Final Environmental Impact Report (Tivoli FEIR, SCH No. 2005072125), EA/C&ED 2026-03, prepared pursuant to Section 15164 of the CEQA Guidelines, which concluded that the eight-acre area of Residential (R) designated land use is not needed for residential capacity replacement and therefore can be restored to Regional Commercial (RC) to ensure that the land uses of the General Plan and the Tivoli Specific Plan are internally consistent, and that pursuant to Sections 15162 and 15164 of the CEQA Guidelines, no new environmental review is required.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Commission of the City of Modesto that it hereby recommends that the City Council approve the amendment to the Land Use Element of the General Plan to restore the land use designation of eight acres from Residential (R)

to Regional Commercial (RC), and to find as follows:

1. The proposed amendment to the Land Use Element would reconcile inconsistent land use designations in the General Plan and the Tivoli Specific Plan, thereby ensuring that the land uses of the General Plan and the Tivoli Specific Plan are internally consistent.
2. The proposed amendment is described in the Addendum to the Tivoli Final Environmental Impact Report (Tivoli FEIR, SCH No. 2005072125), EA/C&ED 2026-03, prepared pursuant to Section 15164 of the CEQA Guidelines, which concluded that the eight-acre area inadvertently changed from Regional Commercial to Residential is not needed for residential capacity replacement and therefore can be restored to ensure that the land uses of the General Plan and the Tivoli Specific Plan are internally consistent, and that pursuant to Sections 15162 and 15164 of the CEQA Guidelines, no new environmental review is required.

BE IT FURTHER RESOLVED by the Planning Commission of the City of Modesto that it hereby recommends the City Council adopt the proposed amendment to the Land Use Element of the Urban Area General Plan as described in **Exhibit “A,”** attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on February 23, 2026, by Commissioner \_\_\_\_\_, who moved its adoption, which motion was seconded by Commissioner \_\_\_\_\_ and carried by the following vote,

Ayes:

Noes:

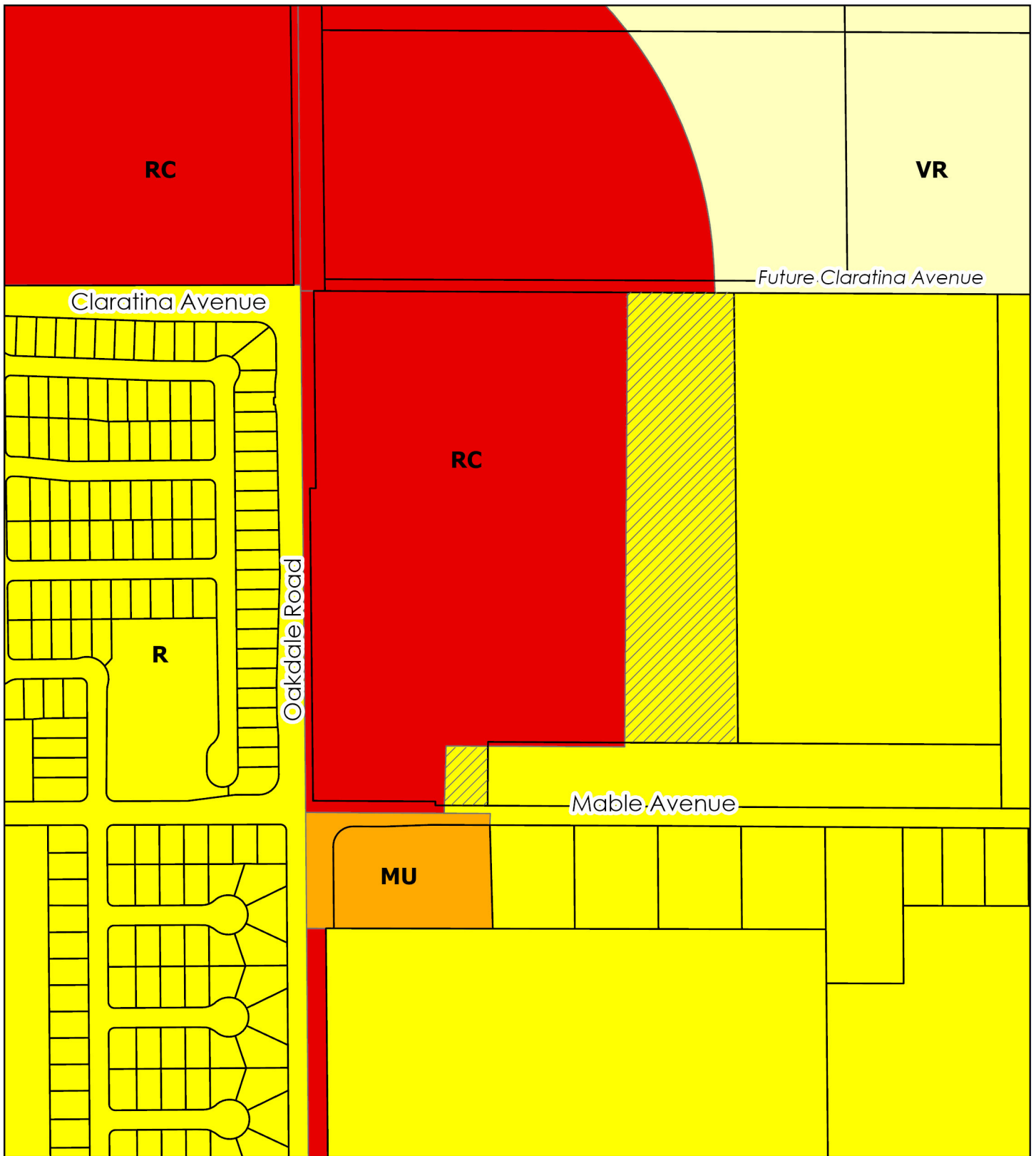
Absent:

Recused:

BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Original, signed copy on file in CEDD

Michael Hren, AICP, Secretary



 General Plan Land Use Miscalculation (8 acres)

 Parcel Lines



# EIR ADDENDUM

FOR THE

## TIVOLI SPECIFIC PLAN AMENDMENT (ALVES, MABLE, PAREGIAN)

EA No. C&ED 2025-03

DECEMBER 19, 2025

*Prepared for:*

City of Modesto  
1010 10th Street  
Modesto, CA 95354  
(209) 577-5200

*Prepared by:*

De Novo Planning Group  
1020 Suncastr Lane, Suite 106  
El Dorado Hills, CA 95762  
(916) 580-9818

D e N o v o P l a n n i n g G r o u p

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A Land Use Planning, Design, and Environmental Firm



## 1 INTRODUCTION

This Addendum was prepared in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. This document has been prepared to serve as an Addendum to the previously certified Environmental Impact Report (EIR) (State Clearinghouse [SCH] # 2005072125) for the Tivoli Specific Plan (TSP) Project (Original Project), certified on February 26, 2008. The City of Modesto is the lead agency for the proposed amendments/modifications to the Original Project.

The proposed Project includes modifications to the Original Project within six “Development Sub-Areas” of the TSP Area, with each being owned/controlled by three different Project Applicants (Alves, Mable, and Paregian). The six Development Sub-Areas are adjacent to one another and closely intertwined with circulation and utility plans for the TSP. As such, the three applications are being reviewed collectively as one proposed Project under this EIR Addendum. The six Development Sub-Areas include: VLDR-1, VLDR 3, LDR-9, LDR-12, LDR-13, and MHDR-5. In addition, the City is processing a General Plan Amendment to reconcile an inconsistency between the General Plan and the TSP. The proposed modifications are described in more detail below.

For the City to consider an amendment to the Original Project, the City must ensure that, if needed, environmental review consistent with the requirements of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines has been completed. Because the City has previously complied with CEQA for the Original Project and the new discretionary action before the City would be a change in an already-approved project, the City can rely on information in the certified EIR previously prepared for the Original Project, to the extent they remain adequate. Consistent with the requirements of CEQA Guidelines Section 15162, the City must, therefore, determine whether any changed circumstances or “new information of substantial importance” will trigger the need for a subsequent EIR.

As described in CEQA Guidelines Section 15164, a lead agency shall prepare an addendum to a previously adopted EIR if some changes or additions to an EIR certified for a project are necessary, but none of the conditions identified in CEQA Guidelines Section 15162 have occurred. No subsequent EIR shall be prepared for that project unless the lead agency determines, based on substantial evidence in the light of the whole record, one or more of the following conditions to be applicable:

- (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.

If any of the triggers set forth above occurs, the City would be required to prepare a subsequent EIR, unless “only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation,” in which case a “supplement to an EIR” would suffice (see CEQA Guidelines, Section 15163). If there are no grounds for either a subsequent EIR or a supplement to an EIR, then the City must prepare an addendum pursuant to CEQA Guidelines Section 15164, explaining why “some changes or additions” to the EIR “are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.”

As demonstrated in the environmental analysis provided in Section 4 (Environmental Analysis), the proposed changes do not meet the criteria for preparing a subsequent EIR or negative declaration. An addendum is appropriate here because, as explained in Section 4, none of the conditions calling for preparation of a subsequent EIR or negative declaration have occurred.

Information and technical analyses from the EIR are utilized throughout this Addendum. Relevant passages from this document (consisting of the EIR) are cited and available for review at:

City of Modesto  
1010 10th Street  
Modesto, CA 95354  
Phone: (209) 577-5200

## 2 PROJECT BACKGROUND/PURPOSE OF THE EIR ADDENDUM

The TSP was approved by the City Council in 2008. Since certification of the EIR, much of the 454-acre area has developed with a mix of uses. The following describes the original project.

### ORIGINAL PROJECT

The Original Project consisted of adoption and implementation of the TSP which included the development of 454 acres. The Original Project consists of approximately 286 acres of residential land use, 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. The Original Project also includes provisions to improve existing traffic and circulation conditions, with construction of new arterial and collector streets for vehicular circulation and linkages to the existing circulation system and transit services.

### LOCATION AND BOUNDARIES

The TSP area is located on the northeastern edge of the City of Modesto. Modesto is located approximately 30 miles southeast of Stockton, 70 miles south of Sacramento, and 80 miles east of Oakland. Nearby Central Valley communities include Salida, Ripon, and Manteca to the northwest, Riverbank to the north, and Ceres, Turlock, and Merced to the south.

The TSP is located about four miles northeast of Modesto's downtown core. State Route 99 is located six miles to the west. Kiernan Avenue (State Route 219) is one mile to the north. The site is bounded by the planned Claratina Avenue extension on the north, Oakdale Road on the west, Sylvan Avenue on the south, and Roselle Avenue on the east.

### STATEMENT OF OBJECTIVES

The TSP was intended to achieve comprehensive master planning and orderly development of the TSP project site, consistent with the policies of the City of Modesto. The following specific objectives have been identified for the TSP:

1. To foster distinctive, attractive developments with a strong sense of place.
2. To provide development consistent with the Neotraditional Planning Principles provided in Section III-C (3) of the Modesto Urban Area General Plan. The primary concept is to provide a complete and integrated community with housing, work places, commercial and retail services, schools, parks, and civic facilities essential to the daily life of the residents.
3. To create a range of housing opportunities and choices with multi-family and/or affordable housing in compliance with the regional housing needs consistent with the Housing Element.

4. To enhance the City's economic base through increased sales tax revenue.
5. To provide a regional commercial development to serve the east side of the City in a timely manner. To locate regional commercial development along or near regional transportation corridors.
6. To provide commercial and institutional services and employment on the east side of the City to reduce travel time
7. To provide acceptable levels of traffic service on roadways consistent with the General Plan policies and Level of Service standards.
8. To create neighborhoods that encourage pedestrian and bicycle use and link to the commercial, school, and park sites.
9. To ensure public facilities and services are adequately planned and provided with development.
10. To ensure that a financing plan is provided with funding mechanisms for the provision of adequate public facilities and services.

## TSP CHARACTERISTICS

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Consideration and adoption of the TSP also included consideration of the following actions:

1. Adoption of a General Plan Amendment that includes the following:
  - To reclassify a portion of the project site from Village Residential (VR) to Regional Commercial (RC).
  - To allow commercial development for the Village Residential designation in the TSP to exceed the recommended 4 percent.
  - To allow for the TSP neighborhood center focus that combines a neighborhood park and elementary school.
  - To reclassify Claratina Avenue from a four-lane Class B Expressway to a six-lane Principal Arterial with a Class I bike path from Oakdale Road to Roselle Avenue.
  - To change Sylvan Avenue from a six-lane Principal Arterial to a four-lane Minor Arterial with bike lanes from Oakdale Road to Roselle Avenue.
  - To include Class II bike lanes along Oakdale Road from Sylvan Avenue to Claribel Avenue.
  - To amend the Roselle/Claribel Comprehensive Planning District to allow the TSP to exceed the minimum recommended density of 5.1 units per gross acre.
2. Prezoning of the project site to a Specific Plan Overlay.

3. Annexation of the project site into the City of Modesto including approval by the Local Agency Formation Commission.
4. Adoption of a Facilities Master Plan and an Infrastructure Finance Plan for the TSP area.
5. Formation of a Community Facilities District to fund the construction of “backbone” public infrastructure, maintenance of applicable public facilities, and applicable public services.
6. Approval of a Development Agreement to guide development within the TSP area.
7. Subsequent entitlements, including abandonment of a portion of Mable Avenue, approval of Area Plans, Final Development Plans, tentative maps, Conditional Use Permits, and other City entitlement approvals.

## PREVIOUS TSP APPROVALS

As part of the Original Project, the City undertook the following actions:

- Certified the TSP EIR;
- Adopted the Mitigation Monitoring and Reporting Program for the project; and
- Approved the TSP.

It is noted that since the TSP was approved, the City has approved several modifications. This includes modifications to Oakdale Road and Claratina Avenue design, which has modifications to the intersections (i.e. roundabouts in lieu of signals), as well as the road section changes that better accommodate the roundabouts and traffic volumes. Additionally, the City has approved various modifications to land uses in several “Development Sub-Areas” within the TSP area. One such modification occurred in 2022 associated with a portion of the Project site as described below:

### **2022 TSP Arcadia Project (Downzone of MDR-2 and MDR-3)**

On April 5, 2022, the Arcadia Development Company submitted a multi-part application to implement the development of Tivoli Area Plan No. 7, generally located north of the existing City of Modesto water well and storage site and southeast of the future Aria Way. The application included a Vesting Tentative Subdivision Map and Final Development Plan to develop the northerly 29.3 gross acres of the Area Plan into 141 single-family residential lots, of which 68 lots are small-lot residential lots. The overall density of the tentative subdivision map was 5.85 units per acre. The area was defined as MDR-2 and MDR-3 in the TSP, but the proposed density of the Arcadia project warranted a downzoning from MDR to LDR.

Pursuant to SB 330, the proposal required the City to provide a concurrent replacement of housing capacity elsewhere in the jurisdiction to make up for the change in capacity associated with the downzoning. The City replaced the MDR use by amending the 29-acre site to LDR, and amending a 25-acre site located in the northwestern part of the TSP from Regional Commercial (RC) to Residential (R) under a GPA. These 25 acres were also designated as Regional Serving Commercial (RSC-1) in the TSP, however, the TSP amendment only changed 17 acres to Low Density Residential

# EIR ADDENDUM

(LDR-13), and the balance (8 acres) remained RSC-1. The GPA and TSP amendment resulted in an inconsistency between the General Plan and Tivoli Specific Plan and the City intends to reconcile the inconsistency in this EIR Addendum.

To reconcile the 8-acre mapping inconsistency between the GP and TSP, the City has performed an analysis of the capacity needed from the original Arcadia downzoning relative to the actual capacity provided in the two areas that replaced the original MDR from the Arcadia site. The following Table shows three scenarios analyzed: 1) Original Arcadia Site; 2) Original Arcadia Replacement Capacity; and 3) Combined Actual Built/Proposed Capacity.

### SB 330 Capacity Analysis

1) Original Arcadia Site					Capacity			Proposed		
Applicant	Sub-Areas	acre (gross)	Density (low)	Density (high)	Min DU	Max DU	Ave DU	DU	Acres (net)	Density (net)
Arcadia	MDR-2, -3	29.3	8	18	234	527	381	0	0	0.0

2) Original Arcadia Replacement Capacity					Capacity			Proposed		
Applicant	Sub-Areas	acre (gross)	Density (low)	Density (high)	Min DU	Max DU	Ave DU	DU	Acres (net)	Density (net)
Arcadia	LDR-15	29.3	4.00	8.00	117	234	176	141	21.1	6.7
Paregian	LDR-13 (Paregian)	25	4.00	8.00	100	200	150	0	0	0.0
					217	434	326			

3) Combined Actual Built/Proposed Capacity (Arcadia/Paregian)					Capacity			Actual		
Applicant	Sub-Areas	acre (gross)	Density (low)	Density (high)	Min DU	Max DU	Ave DU	DU	Acres (net)	Density (net)
Arcadia	LDR-15	29.3	4.00	8.00	117	234	176	141	21.1	6.7
Paregian	LDR-13 (Paregian)	17.4	4.00	8.00	70	139	104	99	16.4	6.0
Parigian	LDR-13 (change to RSC-1)	8	4.00	8.00	32	64	48	0	0	0.0
					219	438	328	240	37.5	6.4

### Replacement Capacity Discussion:

**Original Arcadia Site:** The original Arcadia site had a density range of 8-18 for the original MDR-2 and -3 sites. This allowed for a housing capacity of between 234-527 dwelling units as defined by the TSP.

**Original Arcadia Replacement Capacity:** The replacement of MDR-2, and -3 resulted in the creation of LDR-15 and -13 in the TSP. The Arcadia project constructed an "Actual" dwelling units count of 141 units within LDR-15. This left a balance needed of between 93 and 386 dwelling units to maintain the original capacity of the Arcadia site. It is noted that the replacement created a mapping

inconsistency between the General Plan and TSP, wherein 25 acres of RC was changed to R in the General Plan and only 17.4 acres of RSC-1 was changed to LDR. This left a discrepancy of approximately 8 acres that remained RSC-1 in the TSP but was changed to R in the GP.

**Combined Actual Built/Proposed Capacity:** The 17.4 acres redesignated as LDR-13 in the TSP is proposed to be subdivided in 99 units. Combing 141 units built in LDR-15 and the proposed 99 units in LDR-13, the combined "actual" units would be 240 units which is collectively intended to replace the capacity lost from the original Arcadia downzoning. Compared to the original capacity of MDR-2 and -3 (234 to 527 units), and the combined capacity of LDR-13 and LDR-15 meet the replacement need within the 8-acre discrepancy that is in question.

**Conclusion:** The analysis of the three scenarios above (1) Original Arcadia Site; 2) Original Arcadia Replacement Capacity; and 3) Combined Actual Built/Proposed Capacity) shows that the original capacity of the Arcadia site has been met/replaced through the actual units constructed in LDR-15 (141 units), in addition to the proposed subdivision of 17.4 acres into 99 units in LDR-13. This resulted in 240 units, which is within the capacity originally anticipated for the MDR-2 and MDR-3 Arcadia site. The analysis shows that the 8-acre discrepancy that was GP designated as R, even though it remained designated as RSC-1 in the TSP, is not warranted to meet the original replacement capacity needs of the Arcadia project. Given that the residual 8 acres in question is not needed for replacement capacity, and the City intends to reconcile the GP/TSP inconsistency through a GPA that would change the GP land use back to RC. The TSP land use would remain RSC-1.

### 3. PROPOSED PROJECT

#### Proposed Modifications

The proposed Project includes modifications to the Original Project within six "Development Sub-Areas" of the TSP Area, with each being owned/controlled by three different Project Applicants (Alves, Mable, and Paregian). The six Development Sub-Areas are adjacent to one another and closely intertwined with circulation and utility plans for the TSP. As such, the three applications are being reviewed collectively as one proposed Project under this EIR Addendum. The six Development Sub-Areas include: VLDR-1, VLDR 3, LDR-9, LDR-12, LDR-13, and MHDR-5. The gross acreage of these Sub-Areas is 65.4 acres, and the blended density ranges from 5 to 8.9 dwelling units per acre. The blended density would result in between 330 and 583 units within the six Sub-Areas.

In addition, the proposed Project includes a General Plan Amendment to reconcile an inconsistency between the General Plan and the TSP on eight acres immediately adjacent to the Paregian site. The GPA would change the land use from Residential (R) to Regional Commercial (RC), which was the original land use prior to 2022. The modification does not warrant a change to the TSP given that the current TSP land use is Regional Service Commercial (RSC-1). The GPA is intended to ensure that the GP and TSP are internally consistent. Any development of the 8 acres is subject to site plan review and individual environmental clearance/review. The land use change is a City administrative reconciliation action, and is not an entitlement action for construction brought by a developer/applicant.

## EIR ADDENDUM

The proposed Project has 55.5 net developable acres after accounting for ROW/land dedication for Clarantina Avenue, K Street, Mable Avenue, Bridgeway, and a Park/Basin. The proposed Project includes land use modifications to Development Sub-Areas VLDR-3 and MHDR-5. This includes changing the Very Low Density Residential (VLDR-3, 1–3 du/acre) to Low Density Residential (LDR-12, 4–8 du/acre), and the Medium High Density Residential (MHDR-5, 18–24 du/acre) to Low Density Residential (LDR-13, 4–8 du/acre). The total units proposed to be developed over all Development Sub-Areas after the land use change is 343 residential units, consisting of low-density residential and very low-density residential units. The blended density of the combined proposed Project is 6.2 units per acre, which is within the blended density for the six Development Sub-Areas combined. The table below presents the existing development potential compared to the proposed development.

Existing Development Potential					Proposed Development		
Sub-Areas	acre	Density <sup>1</sup>	Min DU	Max DU	DU	Acres (net)	Density (net)
<b>Paregian</b>							
LDR-13	17.4	4-8	70	139	99	16.4	6.0
VLDR-1	4.8	2-3	8	12	11	4.07	2.7
<b>Subtotal</b>	<b>22.2</b>	<b>3.5-6.8</b>	<b>78</b>	<b>151</b>	<b>110.0</b>	<b>20.5</b>	<b>5.4</b>
<b>Alves</b>							
LDR-13	23.6	4-8	94	189	101	15.4	6.6
MHDR-5	6	18-24	108	144	40	6	6.6
<b>Subtotal</b>	<b>29.6</b>	<b>6.8-11.2</b>	<b>202</b>	<b>333</b>	<b>141.0</b>	<b>21.4</b>	<b>6.6</b>
<b>Mable</b>							
VLDR-3	2	2-3	4	6	11	2	5.5
LDR-9	4.5	4-8	18	36	30	4.5	6.7
LDR-12	7.1	4-8	28	57	51	7.1	7.2
<b>Subtotal</b>	<b>13.6</b>	<b>3.7-7.3</b>	<b>50</b>	<b>99</b>	<b>92</b>	<b>13.6</b>	<b>6.8</b>
<b>Total</b>	<b>65.4</b>	<b>5-8.9</b>	<b>330</b>	<b>583</b>	<b>343</b>	<b>55.5</b>	<b>6.2</b>

Notes: <sup>1</sup>Subtotal Densities are weighted and blended between Sub-Areas by Applicant, and Total Densities are weighted and blended between all Sub-Areas.

Figures 2, 3, and 4 provide the proposed site plans for each of the three applications which are described below as follows:

### ***Alves***

The proposed Project includes a Specific Plan Amendment to the TSP land use diagram to redesignate approximately six acres within the Alves area from Medium High Density Residential (MHDR-5, 18–24 du/acre) to Low Density Residential (LDR-13, 4–8 du/acre). This amendment is intended to reflect the development pattern envisioned for the area and maintain consistency with surrounding low-density residential neighborhoods. In accordance with Section 9.4 of the Specific Plan, the Project includes preparation of Area Plan No. 1, establishing detailed development parameters, circulation layouts, block structure, and utility infrastructure requirements for the Alves planning area. The project proposes a Vesting Tentative Subdivision Map which would subdivide approximately 26.3 acres into 141 single-family residential lots, along with offsite improvements along Clarantina Avenue, Mable Avenue, K Street, and internal streets, and public utility easements as shown in the subdivision map. A Final Development Plan, prepared pursuant to Section 9.4.1.2 of the Specific Plan, is included to ensure that site design, access, lot configuration, pedestrian connectivity, and neighborhood circulation comply with applicable Specific Plan standards and City

development regulations. The proposed subdivision configuration for the Alves project site is shown in Figure 2. The proposed amendment is shown in Figure 7.

### ***Mable***

The proposed Project includes a Specific Plan Amendment to modify the TSP land use diagram by redesignating approximately two acres within the Mable area from Very Low Density Residential (VLDR-3, 1–3 du/acre) to Low Density Residential (LDR-12, 4–8 du/acre) to better align with planned development patterns and facilitate an efficient subdivision layout. Consistent with Section 9.4 of the Specific Plan, the Project also includes preparation of the Area Plan No. 4 document to establish development standards, circulation, and infrastructure parameters for the Mable planning area. The project proposes a Vesting Tentative Subdivision Map which would subdivide approximately 22.8 acres into 92 single-family residential lots, along with offsite improvements along Bridgewood Way and Mable Avenue, and internal streets, and public utility easements as shown in the subdivision map. A Final Development Plan, prepared pursuant to Section 9.4.1.2 of the Specific Plan, is included as part of the Project to ensure site design, access, and improvements are consistent with Specific Plan requirements and City development standards. The proposed subdivision configuration for the Mable project site is shown in Figure 3. The proposed amendment is shown in Figure 7.

### ***Paregian***

The proposed Project includes a Vesting Tentative Subdivision Map which would subdivide approximately 17.4 acres designated for Low Density Residential (LDR) development into 99 single-family residential lots. In addition, the Project would subdivide approximately 5.4 acres designated for Very Low Density Residential (VLDR) development into 11 single-family residential lots, resulting in a total of 110 lots within the Paregian planning area. The subdivision design includes offsite improvements along Claratina Avenue and Mable Avenue, and internal streets, and utility and infrastructure improvements needed to support the proposed residential development. A Final Development Plan, prepared pursuant to Section 9.4.1.2 of the TSP, is included to ensure that neighborhood layout, circulation, and development standards are consistent with the Specific Plan and City of Modesto regulations. The proposed subdivision configuration for the Paregian project site is shown in Figure 4.

### ***GP/TSP Reconciliation (8 acres)***

The proposed Project includes a General Plan Amendment to reconcile an inconsistency between the General Plan and the TSP on eight acres immediately adjacent to the Paregian site. The area in question is illustrated on Figure 6. The GPA would change the land use from Residential (R) to Regional Commercial (RC). The modification does not warrant a change to the TSP given that the current TSP land use is Regional Service Commercial (RSC-1). The GPA is intended to ensure that the GP and TSP are internally consistent.

An evaluation of the 8-acre site shows that the discrepancy was created in 2022 in association with an SB 330 action to replace capacity lost from a downzoning action within the TSP (Arcadia project). The action resulted in 17.4 acres in the TSP being changed from RSC-1 to LDR-13, in addition to the development site being changed from MDR-2, and -3 to LDR-15. However, an extra 8 acres immediately adjacent to the LDR-13 site was the subject of the GPA that changed the land use from RC to R. An evaluation of the actual capacity provided from development in the replacement areas

(LDR-13, and -15) shows that adequate capacity was provided (240 units built) and that the 8 acres in question is not needed as replacement capacity for the original project. Given that the residual 8 acres in question is not needed for replacement capacity, the City intends to reconcile the GP/TSP inconsistency through a GPA that would change the GP land use back to the original designation of RC, which is consistent with the TSP land use would remain RSC-1.

### **Surrounding Uses**

Urban development associated with the City of Modesto is located to the south and west of the project sites, including established residential neighborhoods, local roadways, and community-serving commercial uses. To the east, land uses consist of low-intensity rural residential parcels and small commercial operations, such as the U-Haul Neighborhood Dealer along Roselle Avenue. To the north and northwest, surrounding uses remain predominantly agricultural, including open fields, orchards, and limited rural service uses such as the Village Oak Veterinary Hospital. Overall, the project area is situated at the interface between Modesto's urban edge and the surrounding agricultural lands, with land use intensity increasing toward Sylvan Avenue and the western boundary.

### **Existing Uses**

The project area consists primarily of undeveloped or cultivated agricultural land, characterized by large open fields with minimal built structures. Existing on-site uses are limited and generally rural in nature, with scattered agricultural operations and a small number of rural residential or ancillary structures. The landscape is largely open, with visibly defined field boundaries and limited roadway infrastructure within the interior of the site. No substantial urban development, commercial activity, or public facilities are present within the project footprint.

### **Characteristics of the Modified Project**

The Modified Project consists of a blending of six Development Sub-Areas into a single cohesive project. This blending of the areas includes a reduction in density for the Alves SPA, and an increase in density on the Mable SPA. The total blended density is within the expected density range for the six Development Sub-Areas as defined in the TSP.

Figure 1

Figure 2

Figure 3

Figure 4

Figure 5

Figure 6

Figure 7

## 4 ENVIRONMENTAL ANALYSIS

### **Analysis of Impacts Found to be Less Than Significant**

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the certified EIR. Following each bullet is a conclusion on whether the proposed revision changes the impact conclusion found in the original EIR.

#### **Section A: Land Use & Planning**

The proposed Project modifies the original project by adjusting unit distribution within six Development Sub-Areas (VLDR-1, VLDR-3, LDR-9, LDR-12, LDR-13, and MHDR-5). Like the original project, it has the potential to affect land use as analyzed in Section A of the certified Draft EIR. The proposed Project would continue to develop residential land uses consistent with the TSP and applicable General Plan designations, and the proposed blended density of approximately 6.2 dwelling units per acre remains within the allowable TSP range of 5 to 8.9 dwelling units per acre.

The GPA to reconcile an inconsistency between the General Plan and the TSP on eight acres immediately adjacent to the Paregian site would bring the General Plan and TSP into consistency with one another. This eight-acre site was originally designated RC and will return to the same land use designation that was originally established for the site in the GP. The site is currently designated RSC-1, which is what was analyzed under the TSP EIR.

The modifications do not introduce new land use types, increase development intensity beyond what was contemplated in the original EIR, or alter the overall land use pattern, circulation framework, or compatibility with surrounding uses. There are several relevant General Plan goals and policies that will remain applicable to the modified project. The project is consistent with those goals and policies. The project modifications do not cause significant changes to the land uses on the developed site, and they do not change the environmental conclusion of less than significant that was provided in the certified EIR.

#### **Section B: Agricultural Resources**

The proposed Project modifies the original project by adjusting unit distribution within six Development Sub-Areas but does not expand the overall development footprint or introduce new areas of disturbance beyond those evaluated in the certified Draft EIR. As analyzed in Section B, Agricultural Resources, of the certified EIR, the original project anticipated the conversion of agricultural land within the TSP area to urban residential uses, consistent with the City's long-range planning framework. The proposed Project does not increase the total acreage of agricultural land conversion, alter the extent of farmland designation impacts, or affect additional agricultural operations beyond those previously disclosed. No new Williamson Act contract lands are affected, and the

modifications do not change the relationship between the project area and adjacent agricultural uses. Accordingly, the proposed Project does not result in new or more severe impacts to agricultural resources compared to the original project, and they do not change the environmental conclusion of less than significant that was provided in the certified EIR.

### **Section C: Visual Resources**

The proposed Project modifies the original project by adjusting unit distribution within six Development Sub-Areas (VLDR-1, VLDR-3, LDR-9, LDR-12, LDR-13, and MHDR-5), but does not substantially change the visual character evaluated in the certified EIR. As with the original project, development would consist of residential neighborhoods with similar building heights, massing, setbacks, and architectural character envisioned under the TSP.

The GPA to reconcile an inconsistency between the General Plan and the TSP on eight acres immediately adjacent to the Paregian site would bring the General Plan and TSP into consistency with one another. This eight-acre site was originally designated RC and will return to the same land use designation that was originally established for the site in the GP. The site is currently designated RSC-1, which is what was analyzed under the TSP EIR. As with the original project, development in the RC would consist of commercial development with similar building heights, massing, setbacks, and architectural character envisioned under the TSP.

While minor changes may incrementally alter localized views within the project area, these changes would not introduce new sources of visual contrast or modify the overall visual framework of the TSP. The proposed Project would continue to transition from existing and planned residential uses and open space in a manner consistent with the approved urban design and landscaping standards, and no new visually sensitive receptors or scenic vistas would be affected beyond those previously analyzed. The project modifications do not cause significant changes to the land uses on the developed site, and they do not change the environmental conclusion of less than significant that was provided in the certified EIR.

### **Section D: Transportation and Circulation**

The proposed Project modifies the original project by adjusting unit distribution within six Development Sub-Areas (VLDR-1, VLDR-3, LDR-9, LDR-12, LDR-13, and MHDR-5). Transportation and circulation impacts are affected by changes to land use densities and types. The proposed Project would continue to develop residential land uses consistent with the TSP and applicable General Plan designations, and the proposed blended density of approximately 6.2 dwelling units per acre remains within the allowable TSP range of 5 to 8.9 dwelling units per acre.

The GPA to reconcile an inconsistency between the General Plan and the TSP on eight acres immediately adjacent to the Paregian site would bring the General Plan and TSP

into consistency with one another. This eight-acre site was originally designated RC and will return to the same land use designation that was originally established for the site in the GP. The site is currently designated RSC-1, which is what was analyzed under the TSP EIR. As with the original project, development in the RC would consist of commercial development with similar trip generation and VMT as envisioned under the TSP.

The modifications do not introduce new land use types, increase development intensity beyond what was contemplated in the original EIR, or alter the overall land use pattern, circulation framework, or compatibility with surrounding uses. There are several relevant General Plan goals and policies that will remain applicable to the modified project. The project is consistent with those goals and policies. Additionally, Mitigation Measure D.2, D.4, D.6, were adopted and will remain applicable to the modified project. These mitigation measures will remain unchanged and will be implemented as provided by the Mitigation Monitoring Program. The project modifications do not create significant changes to the developed site, and they do not change the environmental conclusion of less than significant with mitigation that was provided in the certified EIR.

### **Section E: Air Quality**

The proposed Project modifies the original project by adjusting unit distribution within six Development Sub-Areas (VLDR-1, VLDR-3, LDR-9, LDR-12, LDR-13, and MHDR-5). As with the original project, emissions during project operation would primarily be associated with vehicular traffic and minor stationary sources, which could expose sensitive receptors to criteria pollutants and toxic air contaminants (TACs), locally elevate carbon monoxide concentrations, and result in occasional emissions of objectionable odors. As discussed above under Section D: Transportation and Circulation, changes to land use densities and types can affect traffic impacts. The proposed Project would continue to develop residential land uses consistent with the TSP and applicable General Plan designations, and the proposed blended density of approximately 6.2 dwelling units per acre remains within the allowable TSP range of 5 to 8.9 dwelling units per acre.

The GPA to reconcile an inconsistency between the General Plan and the TSP on eight acres immediately adjacent to the Paregian site would bring the General Plan and TSP into consistency with one another. This eight-acre site was originally designated RC and will return to the same land use designation that was originally established for the site in the GP. The site is currently designated RSC-1, which is what was analyzed under the TSP EIR. As with the original project, development in the RC would consist of commercial development with similar trip generation and VMT as envisioned under the TSP. This will translate into similar emissions as originally anticipated, although improvements in vehicle fleet and other emission sources have improved significantly since the original EIR and are expected to be much lower.

The modifications do not introduce new land use types, increase development intensity beyond what was contemplated in the original EIR, or alter the overall land use pattern,

circulation framework, or compatibility with surrounding uses. The proposed modifications would remain within the thresholds assessed in the certified EIR and would not introduce new sources of emissions or increase concentrations beyond previously analyzed levels. Therefore, the proposed Project would not result in a new or more severe impact related to operational air quality. The project modifications do not cause significant changes to the land uses on the developed site, and they do not change the environmental conclusion of less than significant that was provided in the certified EIR.

#### **Section F: Noise**

The proposed Project modifies the original project by adjusting unit distribution within six Development Sub-Areas (VLDR-1, VLDR-3, LDR-9, LDR-12, LDR-13, and MHDR-5). Like the original project, the modified project has the same potential to generate short-term construction noise and long-term operational noise. Construction noise sources, durations, and proximity to existing sensitive receptors would be substantially similar to those previously analyzed in Section F Noise, of the certified EIR. Operational noise associated with vehicular traffic would not significantly increase beyond levels contemplated under the original project assumptions because, as discussed above under Section D: Transportation and Circulation, the modifications do not introduce new land use types, increase development intensity beyond what was contemplated in the original EIR, or alter the overall land use pattern, circulation framework, or compatibility with surrounding uses. The proposed Project would continue to rely on the same regulatory framework, including compliance with City noise standards and construction hour limitations, which were determined to be effective in reducing noise impacts to less than significant levels. Additionally, Mitigation Measure F.2b, F.3, and F.4, were adopted and will remain applicable to the modified project. These mitigation measures will remain unchanged and will be implemented as provided by the Mitigation Monitoring Program. The project modifications do not create significant changes to the developed site, and they do not change the environmental conclusion of less than significant with mitigation that was provided in the certified EIR.

#### **Section G: Hazards**

The proposed Project would modify the original project by adjusting unit distribution within six Development Sub-Areas (VLDR-1, VLDR-3, LDR-9, LDR-12, LDR-13, and MHDR-5); however, similar to the original Project, it would not introduce land uses or activities that would increase the potential for hazards or hazardous materials impacts. The modified Project would continue to consist of residential development consistent with the TSP, and there is no change that would alter emergency access, evacuation routes, or exposure to off-site hazards. Development would remain subject to the same regulatory requirements, including compliance with applicable fire codes, hazardous materials handling regulations, and emergency response standards evaluated in the certified EIR. The Project would not result in the routine use, transport, or disposal of hazardous materials beyond what was contemplated for residential development under

the original Tivoli TSP, nor would it increase exposure to existing hazardous sites or conditions. Additionally, Mitigation Measure G.2, was adopted and will remain applicable to the modified project. These mitigation measures will remain unchanged and will be implemented as provided by the Mitigation Monitoring Program. The project modifications do not cause significant changes to the land uses on the developed site, and they do not change the environmental conclusion of less than significant that was provided in the certified EIR.

### **Section H: Biological Resources**

The proposed Project modifies the original Tivoli Specific Plan (TSP) by adjusting unit distribution within six Development Sub-Areas (VLDR-1, VLDR-3, LDR-9, LDR-12, LDR-13, and MHDR-5). As evaluated in Section B, Biological Resources, of the certified EIR, the original Project anticipated development of previously disturbed and planned urbanizing lands consistent with the TSP, with impacts to biological resources reduced to less than significant through compliance with applicable regulations and mitigation measures. The proposed Project does not expand the project footprint, increase disturbance into undeveloped habitat areas, or introduce new land uses that would increase impacts to special-status species, sensitive habitats, or jurisdictional waters beyond what was previously analyzed. Because development remains within the same planning areas, retains the same infrastructure framework, and does not alter open space, park/basin, or roadway configurations, the type, extent, and intensity of biological resource impacts would remain comparable to those evaluated in the certified EIR. Additionally, Mitigation Measures H.4, H.4, H.5, H.6a, H.6b, H.7 were adopted and will remain applicable to the modified project. These mitigation measures will remain unchanged and will be implemented as provided by the Mitigation Monitoring Program. The project modifications do not cause significant changes to the land uses on the developed site, and they do not change the environmental conclusion of less than significant that was provided in the certified EIR.

### **Section I: Hydrology and Water Quality**

The proposed Project modifies the original project by adjusting unit distribution within the six Development Sub-Areas but does not alter impervious surface coverage in a manner that would affect stormwater management. Like the original project, the proposed Project has the potential to affect hydrology and water quality as analyzed in Section B of the certified Draft EIR. The development would continue to implement stormwater controls, drainage systems, and other Best Management Practices consistent with the TSP and applicable NPDES requirements. Additionally, Mitigation Measures I.1, I.2, I.3a, I.3b, I.4, I.8 were adopted and will remain applicable to the modified project. These mitigation measures will remain unchanged and will be implemented as provided by the Mitigation Monitoring Program. The project modifications do not cause significant changes to the land uses on the developed site,

and they do not change the environmental conclusion of less than significant that was provided in the certified EIR.

### **Section J: Geology, Soils, and Seismicity**

The proposed Project modifies the original project by adjusting unit distribution within the six Development Sub-Areas (VLDR-1, VLDR-3, LDR-9, LDR-12, LDR-13, and MHDR-5). As with the original project, the potential for impacts related to geology, soils, and seismicity—including soil stability, erosion, expansive soils, liquefaction, and seismic ground shaking—remains consistent with the conditions analyzed in Section J of the certified Draft EIR. The modifications do not increase development intensity beyond what was previously contemplated, nor do they introduce new structures or alter the types of construction anticipated. Applicable building codes, engineering standards, and mitigation measures established in the certified EIR would continue to address potential geologic and seismic hazards. Additionally, Mitigation Measures J.1, and J.2 were adopted and will remain applicable to the modified project. These mitigation measures will remain unchanged and will be implemented as provided by the Mitigation Monitoring Program. The project modifications do not cause significant changes to the land uses on the developed site, and they do not change the environmental conclusion of less than significant that was provided in the certified EIR.

### **Section K: Community Services**

The proposed Project modifies the original project by adjusting unit distribution within the six Development Sub-Areas (VLDR-1, VLDR-3, LDR-9, LDR-12, LDR-13, and MHDR-5). As such, the demand for community services, including police, fire protection, and emergency medical services, would remain consistent with the assumptions and analysis presented in the certified Draft EIR. While the precise distribution of units among the sub-areas has been adjusted, the total residential population and associated service needs are within the range previously analyzed. The modifications do not introduce new land uses or substantially increase service demand beyond what was anticipated in the original EIR. Additionally, Mitigation Measure K.3 was adopted and will remain applicable to the modified project. This mitigation measure will remain unchanged and will be implemented as provided by the Mitigation Monitoring Program. The project modifications do not cause significant changes to the land uses on the developed site, and they do not change the environmental conclusion of less than significant that was provided in the certified EIR.

### **Section L: Utilities and Services Systems**

The proposed Project modifies the original project by adjusting unit distribution within the six Development Sub-Areas (VLDR-1, VLDR-3, LDR-9, LDR-12, LDR-13, and MHDR-5). Utility and service systems—including water, sewer, storm drainage, and solid waste—would continue to serve the Project area consistent with the infrastructure and capacity assumptions analyzed in the certified EIR. The minor adjustments in unit distribution do

not substantially increase the demand for water, wastewater, stormwater management, or solid waste collection beyond what was previously evaluated, and the Project remains within the capacities of existing and planned utility systems. Additionally, Mitigation Measures L.1, L.11, L.14, L.15, L.16, L.17, L.18, L.19, L.21, L.22, were adopted and will remain applicable to the modified project. These mitigation measures will remain unchanged and will be implemented as provided by the Mitigation Monitoring Program. The project modifications do not cause significant changes to the land uses on the developed site, and they do not change the environmental conclusion of less than significant that was provided in the certified EIR.

### **Section M: Water Supply**

The proposed Project modifies the original project by adjusting unit distribution within the six Development Sub-Areas (VLDR-1, VLDR-3, LDR-9, LDR-12, LDR-13, and MHDR-5). Water supply for the proposed Project would continue to be provided by the same public water system identified in the certified EIR, with demand proportional to the 343 residential units, which is within the range of units analyzed in the original TSP EIR. The modifications do not increase development intensity beyond what was previously evaluated, nor do they introduce new water uses or change the project's water infrastructure. Additionally, Mitigation Measure M.2 was adopted and will remain applicable to the modified project. This mitigation measure will remain unchanged and will be implemented as provided by the Mitigation Monitoring Program. The project modifications do not cause significant changes to the land uses on the developed site, and they do not change the environmental conclusion of less than significant that was provided in the certified EIR.

### **Section N: Population and Housing**

The proposed Project modifies the original project by adjusting the distribution of residential units within the six Development Sub-Areas (VLDR-1, VLDR-3, LDR-9, LDR-12, LDR-13, and MHDR-5) while maintaining the overall unit total of 343 and a blended density of approximately 6.2 dwelling units per acre, consistent with the original TSP range of 5 to 8.9 dwelling units per acre. Like the original project, the proposed Project would continue to provide housing consistent with the General Plan's land use designations and support the projected population growth anticipated in the certified EIR. Because there is no increase in total units, no new residential types are introduced, and no changes to site layout, roadways, or unit mix occur that would substantially affect population distribution, the modifications would not result in additional population growth or housing demand beyond what was analyzed in the original EIR. The project modifications do not cause significant changes to the land uses on the developed site, and they do not change the environmental conclusion of less than significant that was provided in the certified EIR.

## **Analysis of Impacts Found to be Significant and Unavoidable**

The DEIR indicates that implementation of the original project would create several adverse environmental impacts, which are documented in Chapter IV. Environmental Setting, Impacts, and Mitigation of the DEIR. The DEIR recommends mitigation measures for most of these impacts which, if implemented, would reduce these impacts to a level of insignificance. However, several impacts were determined to be unavoidable, even within the implementation of mitigation measures described in the DEIR. This section briefly addresses these unavoidable adverse impacts.

### **Agricultural Resources**

The original project implementation projected a loss of productive agricultural land within the project site, and that loss would contribute to the cumulative loss of farmland in the Modesto area as the city grows. The modified project remains consistent with the planned land uses and densities of the TSP and does not introduce new types of development or substantially expand the project footprint beyond what was already anticipated; meaning there will be no new loss of productive agricultural land. The proposed modifications do not change the environmental conclusion of significant and unavoidable that was provided in the certified EIR.

### **Air Quality**

The original project implementation projected increased activities that generate air pollutant emissions within the project site. Construction-related emissions would occur but are anticipated to be less than previously anticipated given modern construction equipment, practices, and dust control measures. Operational emissions associated with vehicle trips, energy use, and other activities are comparable to or lower than those analyzed in the original TSP, particularly given current vehicle emission standards and lower per-capita emissions compared to vehicle fleet standards at the time of the original analysis. Overall, with compliance with applicable San Joaquin Valley Air Pollution Control District rules and regulations, the proposed Project would not result in a new or substantially more severe air quality impact than was previously identified. The proposed modifications do not change the environmental conclusion of significant and unavoidable that was provided in the certified EIR.

### **Traffic**

The original project projected increased traffic volumes as the TSP was implemented. There were various improvements proposed to mitigate the impacts associated with traffic volumes that were anticipated. Additionally, the City has continued to analyze the circulation system over the last two decades, and has developed alternative improvements (i.e. roundabouts) at key intersections to improve traffic conditions. The proposed modifications do not increase the severity of any impact that was anticipated.

The existing development potential within the six Development Sub-Areas (VLDR-1, VLDR-3, LDR-9, LDR-12, LDR-13, and MHDR-5) is between 2,813 and 5,101 average daily

trips (9.44 ADT- LDR and VLDR, and 6.65 ADT for MHDR (ITE Trip Generation Manual, 11th Edition) when considering the maximum and minimum density allowed. Development with the proposed modifications and site plans would result in the six Development Sub-Areas generating approximately 3,237 average daily trips (ADT) (343 units × 9.44 trips/unit/day = 3,237 ADT), which is below the maximum, and within the expected range. Comparatively, this is 1,864 ADT below the expected ADT under the maximum development potential for the six Development Sub-Areas.

The proposed modifications do not significantly affect traffic volumes, operations, or circulation patterns from what was evaluated in the certified EIR, and they do not change the environmental conclusion of significant and unavoidable that was provided in the certified EIR.

### **Noise**

The original project implementation projected increased activities that generate noise. Construction noise would occur in comparable phases and magnitudes as originally planned, with no new or unusual noise-generating operations introduced. Operational noise from residential use, including vehicle trips on local streets and typical outdoor activities, would be consistent with what was anticipated under the original TSP. Overall, the proposed Project would comply with the City of Modesto Noise Ordinance, and any minor changes in site layout or unit distribution would not result in substantially higher noise levels than those evaluated in the certified EIR. However, the proposed modifications do not change the environmental conclusion of significant and unavoidable that was provided in the certified EIR.

### **Analysis of Growth Inducement**

The EIR found that growth inducing impacts associated with the Original Project were primarily related to the economic aspects of the direct increases in population and employment and result in the demand for a range of goods and services to meet the production and consumption needs of additional economic and residential activity. The modified project may generate minor changes in population and employment compared to the Original Project; however, these differences are within the range of growth previously analyzed. The Modified Project is expected to provide a similar population growth on the site relative what was anticipated under the Original Project.

### **Analysis of Impacts Found to be Irreversible Changes**

The EIR found that the original project would entail the commitment of natural resources, energy resources, and human resources, and that the ongoing maintenance of the project site by the occupants will entail further commitment of energy resources in the form of natural gas and electricity generated by coal, hydro-electric power, or nuclear energy. The EIR found that the original project would irreversibly alter vacant land and convert agricultural uses, and would preclude the use of the site from other uses or open space. The EIR found that these commitments constitute long-term

obligations since it is generally impossible to return the land to its original condition once it has been developed. This irreversible change is not applicable to the modified project, as the site has already been converted and it was recognized that there would be a commitment of natural resources, energy resources, and human resources to the project and on-going maintenance.

## FINANCIAL INTEREST DISCLOSURE FORM GUIDELINES

City ordinance requires that all individuals with a material interest in a decision of the City Council must be disclosed. The following is for your assistance in completing the attached disclosure form:

1. For all of the below, corporate names/LLC's/limited partnerships are not acceptable in and of themselves, all individuals with an interest of \$2000 or more must be disclosed in these cases.
2. Individuals with a material interest include all property owners.
3. Individuals with a material interest include any developer.
4. Individuals with a material interest include any architect, engineer, or other design professional.
5. Individuals with a material interest include the applicant's attorney or other representative.
6. Individuals with a material interest include any real estate agent who is party to the transaction.
7. Individuals with a material interest include any contractor constructing the project for which the contract has been arranged by the time of the hearing.

The above is for guidance only and not an inclusive list of all individuals at interest. You have a responsibility to determine and list all individuals in accordance with the Tests of Materiality as set forth on the attached.



## FINANCIAL INTEREST DISCLOSURE FORM

All persons included within the meaning of either of the following tests have a material financial interest in an agreement, or application for development rights, submitted for approval or disapproval by the City Council, and shall be identified by the applicant, by name.

### Tests of Materiality:

1. Whether it is foreseeable to a reasonable person that the value of their interest in property available for use by an applicant, or their interest in the applicant itself, may increase or decrease by an amount greater than \$2,000.00 as a direct or indirect result of Council action on the applicant's agreement or application for development rights.
2. Whether it is foreseeable to a reasonable person that the person's gross income from the applicant may increase or decrease by a sum greater than \$2,000.00 as a direct or indirect result of Council action on the agreement or application for development rights.

It is the legal obligation of all applicants for approval of an agreement or of an application for development rights to verify in writing, under penalty of perjury, that the identity of each person having a material financial interest in the agreement or application or development rights is true, correct and complete. The applicant understands that this information is provided under penalty of perjury, and that intentionally supplying misinformation or deception may result in either invalidation of the agreement or application, or criminal prosecution for misdemeanor violation of the Modesto Municipal Code, or both. Negligent provision of misinformation shall be grounds for invalidation. In accordance with the Modesto Municipal Code, each applicant has a continuing obligation to maintain the truth, accuracy and completeness of the financial interest disclosure information provided below until after final consideration by the City Council of any matter arising out of or relating to the agreement or application.

PROJECT: Tivoli Mable (APN: 083-004-088)

  
APPLICANT SIGNATURE

Michael P. Zagack  
APPLICANT NAME (type or print)

*In accordance with the requirements of Title II of the Americans with Disabilities Act ("ADA") of 1990, the Fair Employment & Housing Act ("FEHA"), the Rehabilitation Act of 1973 (as amended), Government Code section 11135 and other applicable codes, the City of Modesto ("City") will not discriminate against individuals on the basis of disability in the City's services, programs, or activities. For more information, please visit the City of Modesto website: <https://www.modestogov.com/865/Americans-with-Disabilities-Act-ADA>*

**NAMES**

Property Owner(s) – (Please list name of company and names of individual names of said company)

Mable Avenue Properties, a California Limited Partnership

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Developer(s) – (Please list name of company and names of individual owner(s) of company)

TBD

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Architect(s), Engineer(s) or Other Design Professional(s) – (Please list name of company and names of individual owner(s) of company)

Westwood Professional Services, Mike Persak

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Attorney(s) or Representative(s) – (Please list name of company and names of individual owner(s) of company)

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Real Estate Agent(s) – (Please list name of company and names of individual owner(s) of company)

Michael Zagaris

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Contractor(s)

TBD

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Other – (Investors, Trustees, etc.)

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## California Levine Act Disclosure

California Government Code Section 84308, also known as the "Levine Act", prohibits City "officers" from participating in any action related to a license, permit, or other entitlement for use (a "proceeding") if such member accepts, solicits, or directs political contributions from a party to the proceeding or their agent totaling more than \$500 while the proceeding is pending before the agency, and for twelve (12) months following the date a decision concerning the proceeding has been made. The Levine Act also requires disclosure of such contribution by a party to the proceeding.

Section 84308(a)(4) of the Levine Act defines an "officer" as follows: "Officer" means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency. The term "officer" is further defined 2 Cal. Code Regs. Section 18438.1, which states:

An officer of an agency includes only those persons who make, participate in making, or in any way attempt to use their official position to influence a decision in the license, permit, or entitlement for use proceeding, or who exercise authority or budgetary control over the agency of officers who may do so, and:

- (1) Serve in an elected position, including an official appointed to an elected position due to an interim vacancy or an election otherwise canceled because the official was the sole candidate for the position;
- (2) Serve as a member of a board or commission;
- (3) Serve as the chief executive of a state agency, or county, city or district of any kind; or
- (4) Have decision making authority with respect to the proceeding involving a license, permit, or other entitlement for use and is also a candidate for elected office or has been a candidate for elective office in the 12 months prior to the proceeding.

A list of Modesto City Council Board Members can be found online at: Modesto City Council <https://modestogov.com/706/Council-Members> (modestogov.com). The party making this certification is responsible for determining whether a recipient of a political contribution is a City officer prior to answering the following questions:

1. Have you, your company, or any agent on behalf of you or your company, made any political contributions of more than \$500 to any City officer, in the twelve (12) months preceding the date of the submission of your proposals or the anticipated date of any Council action related to this contract?

YES If yes, please identify the Councilmember(s):

NO

2. Do you, or your company, or any agent on behalf of you or your company, anticipate or plan to make any political contribution of more than \$500 to any City officer in the twelve (12) months following any Council action related to this contract?

YES If yes, please identify the Councilmember(s):

NO

Answering YES to either of the questions above does not preclude the City of Modesto from awarding a contract to your firm or taking any subsequent action related to the contract. It may, however, preclude the identified City officer from participating in any actions related to such contract.

HEREBY CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

6/10/25

Date

M. P. [Signature] Pres

Signature of authorized individual

Lily Development Inc.

MABLE AVENUE PROPERTIES

A CALIFORNIA LIMITED

Company/Applicant Name

PARTNERSHIP,

LILY DEVELOPMENT INC.,

GENERAL PARTNER



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6/10/25

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of authorized individual

WESTWOOD PROFESSIONAL  
Company/Applicant Name SERVICES