

**PLANNING COMMISSION
RESOLUTION NO. 2025-09**

**A RESOLUTION RECOMMENDING TO THE CITY COUNCIL ADOPTION OF
AN AMENDMENT TO THE MODESTO URBAN AREA GENERAL PLAN TO
AMEND THE LAND USE ELEMENT TO CHANGE 12.66 ACRES FROM
REGIONAL COMMERCIAL USES TO RESIDENTIAL USES (NRB
INVESTMENTS, LLC)**

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, and 2024-022, 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, NRB Investments, LLC has filed an application for a General Plan Amendment (File No. GPA-24-003) to amend the Land Use Element of the General Plan to change 7.29 acres of the 19.95-acre site from Regional Commercial (RC) uses to Residential (R) uses, for property located east of Oakdale Road, approximately 0.31 miles north of Sylvan Avenue, south of Mable Avenue, and west of a theoretical line projected north from Wood Sorrel Drive, also known as Assessor’s Parcel Number (APN) 083-004-057 within the Tivoli Specific Plan, to facilitate development of a single-family residential project, known as the “Martin Project,” consisting of 185 new medium density residential lots and 11 common area lots for streets, open space/basin, parking, emergency vehicle access, and utility easements; and

WHEREAS, said application was made concurrently with a proposed amendment to the Tivoli Specific Plan to amend the land use designation of the above 19.95 acres from Medium High Density Residential (MHDR) and Regional Serving Commercial (RSC), to Medium Density Residential (MDR) with associated text amendments (File No. SPA-24-002); and

WHEREAS, said application was also made concurrently with proposed Exceptions from the Tivoli Specific Plan’s development and design standards for reduced setbacks and lot sizes for lots within the 19.95-acre project site in accordance with Section 9.4.1.6 of the Tivoli Specific Plan; and

WHEREAS, said application was also made concurrently with a proposal to adopt an Area Plan document for Tivoli Specific Plan Area No. 2 (File No. AREA-24-001), for the purpose of establishing land use, circulation and infrastructure requirements for the Area, generally located east of Oakdale Road, south of Mable Avenue, north of the planned extension of Bridgewood Way, and west of a theoretical line projected north from Wood Sorrel Drive; and

WHEREAS, said application was also made concurrently with a proposed Vesting Tentative Subdivision Map to subdivide 19.95 acres into 185 single-family residential lots and 11 common area lots for streets, open space/basin, parking, emergency vehicle access, and utility easements (File No. TSM-24-005); and

WHEREAS, said application was also made concurrently with a proposed Final Development Plan for the purpose of establishing development standards and architectural guidelines for the Martin Project development (File No. FDP-24-004); and

WHEREAS, an Initial Study has been prepared as required by CEQA; and

WHEREAS, the Initial Study concluded that while the project may have a potentially significant effect on the environment, the incorporation of mitigation measures would reduce the impact to a less than significant level, and a Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2024-37, was prepared; and

WHEREAS, a 30-day public review period for the proposed Initial Study/Mitigated Negative Declaration began on February 5, 2025, and concluded on March 7, 2025; and

WHEREAS, the City received public comments on the draft Initial Study/Mitigated Negative Declaration and no changes to the document were necessary as a result; and

WHEREAS, the Mitigation Monitoring Plan (MMP) is included and described within the Initial Study/Mitigated Negative Declaration; and

WHEREAS, a public hearing was held by the Planning Commission on April 7, 2025, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered.

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 Diagram of the General Plan to change the designation of 12.66 acres from Regional Commercial (RC) uses to Residential (R) uses, and to find as follows:

1. The proposed amendment to the Land Use Diagram would result in Residential uses that would provide for development of new housing within the Tivoli Specific Plan, and the amendment is necessary to facilitate the future development of property identified as Assessor's Parcel Number 083-004-057.
2. An Initial Study/Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED No. 2024-37, has been prepared by the City of Modesto that analyzed the proposed General Plan Amendment, and the Planning Commission has determined that, on the basis of the whole record before it, that while the project may have a potentially significant effect on the environment, the incorporation of project-specific mitigation measures would reduce the impact to a less than significant level.

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 Diagram 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 April 7, 2025, by Commissioner Arroyo, who moved its adoption, which motion was seconded by Russell and carried by the following vote:

Ayes: Arroyo, Black, Goriel, Hauselmann, Russell, Shanks

Noes: None

Absent: Grewal

Recused: None

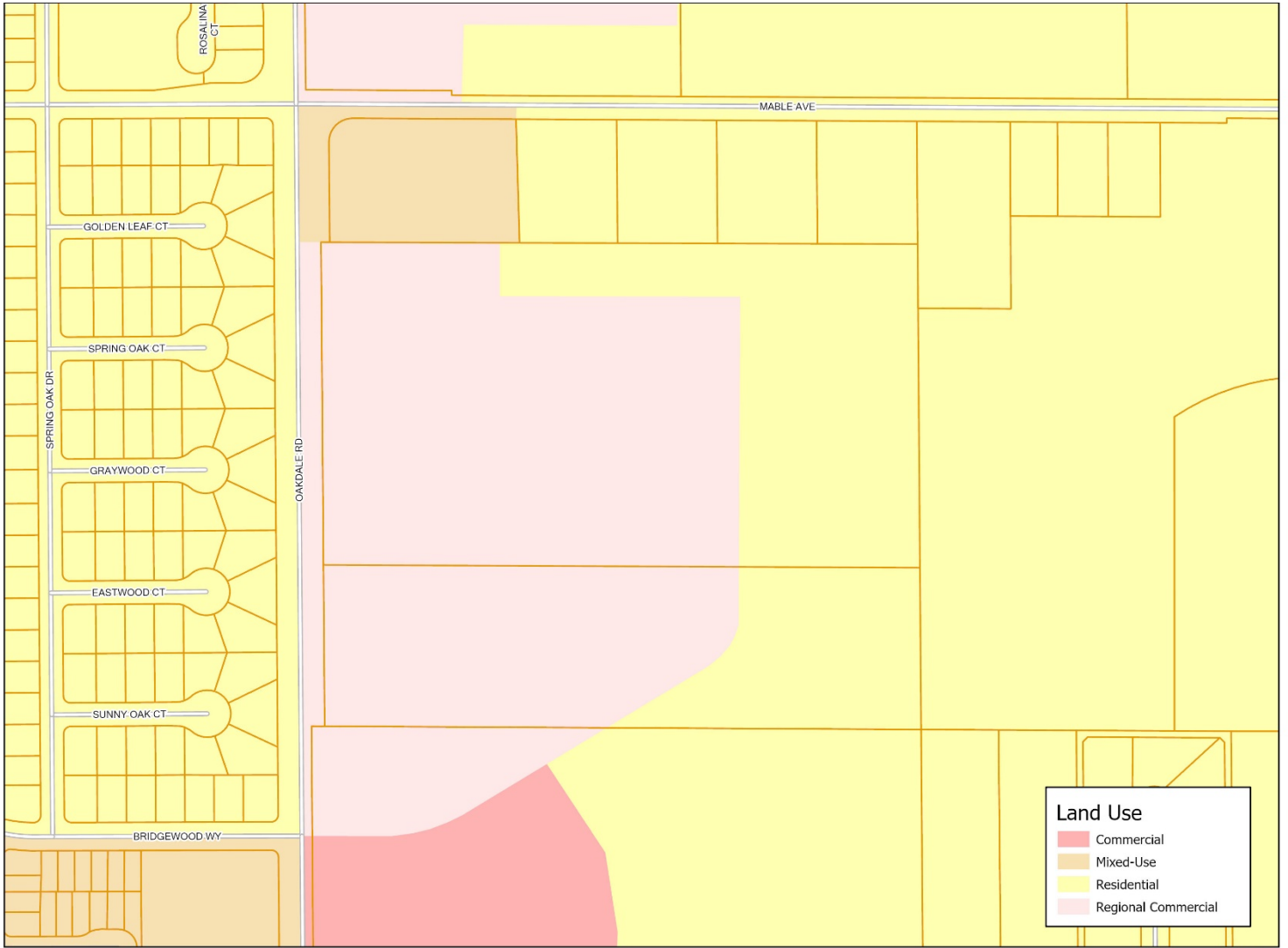
BY ORDER OF THE PLANNING COMMISSION OF THE CITY OF MODESTO.

Signed copy on file in CEDD

Jessica Hill, Secretary

EXHIBIT "A"

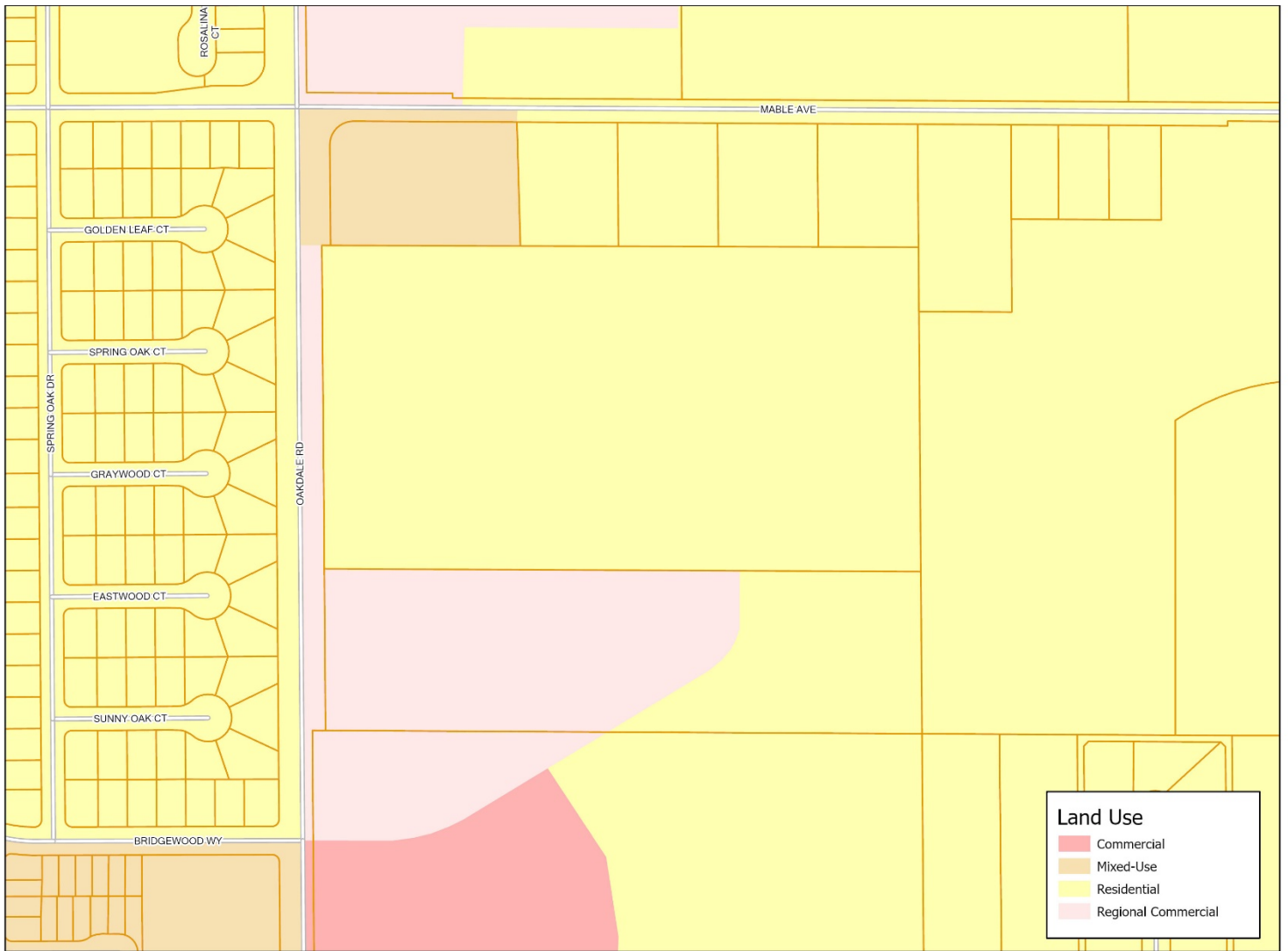
GENERAL PLAN AMENDMENT: LAND USE DIAGRAM



Date: 3/7/2025

City of Modesto
Current General Plan Land Use





Date: 3/7/2025

City of Modesto
Proposed General Plan Land Use

