

**PLANNING COMMISSION
RESOLUTION NO. 2025-10**

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF SPECIFIC PLAN AMENDMENT NO. 4 TO THE TIVOLI SPECIFIC PLAN TO AMEND 19.95 ACRES FROM MEDIUM HIGH DENSITY RESIDENTIAL AND REGIONAL SERVING COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL, AND RECOMMENDING 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 IN ACCORDANCE WITH SECTION 9.4.1.6 OF THE TIVOLI SPECIFIC PLAN (NRB INVESTMENTS, LLC)

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 Ordinance No. 3479 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, 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, 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; and

WHEREAS, NRB Investments, LLC has filed an application to amend the Tivoli Specific Plan to change the land use designation of 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), 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, NRB Investments, LLC has also filed an application to approve exceptions from the Tivoli Specific Plan's Development and Design Standards for reduced front yard setbacks from twelve (12) feet to five (5) feet, reduced rear yard setbacks from fifteen (15) feet to ten (10) feet, reduced minimum lot sizes for corner yards from 3,000 square feet to 2,460 square feet, and allowance for lot sizes for small lot development to exceed the noted 3,000 square foot

maximum in footnote two of Table 4.2 of the Tivoli Specific Plan for lots within the Martin Project's 19.95-acres; and

WHEREAS, said applications were made concurrently with a proposed amendment to the General Plan Land Use Diagram (File No. GPA-24-003) to amend the land use designation of 7.29 acres of the 19.95-acre site from Regional Commercial (RC) uses to Residential (R) uses; and

WHEREAS, said applications were 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 applications were 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 applications were 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 that it hereby finds and determines as follows:

1. The proposed amendments to the Land Use Diagram of the Tivoli Specific Plan is consistent with the General Plan Land Use Designation of Residential (as amended), because the amendments would result in Residential uses that would provide for development of new housing within the Specific Plan.
2. The reduction in residential density by the proposed amendment of Medium High Density Residential (MHDR) area to Medium Density Residential (MDR) would be offset by the increase in residential density proposed by the amendment of

Regional Serving Commercial (RSC) to MDR in accordance to Senate Bill 330 (“Housing Crisis Act of 2019”).

3. 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 and that the Negative Declaration should be adopted by the City Council.
4. The granting of the proposed exceptions will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity and will not nullify the intent and purpose of the Specific Plan and General Plan; and
5. Because of the unique nature of a particular development concept, design innovations are proposed that meet the functional standards of the Specific Plan standards without strict adherence to said standards and will result in a superior project with good land use relationship and compatibility of uses.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby recommends to the City Council adoption of the proposed Tivoli Specific Plan Amendment No. 4 as described in Exhibit "A," attached hereto and incorporated herein by reference.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby recommends to the City Council approval of exceptions from the Tivoli Specific Plan’s Development and Design Standards for the 19.95-acre Martin Project as follows:

- Front yard minimum setbacks reduced from twelve (12) feet to five (5) feet.
- Rear yard setbacks reduced from fifteen (15) feet to ten (10) feet.
- Minimum lot sizes for corner lots reduced from 3,000 square feet to 2,460 square feet.
- Lot sizes for small lot development allowed to exceed the noted 3,000 square foot maximum in footnote #2 of Table 4.2 of the Tivoli Specific Plan

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 Commissioner Russell, and carried by the following vote:

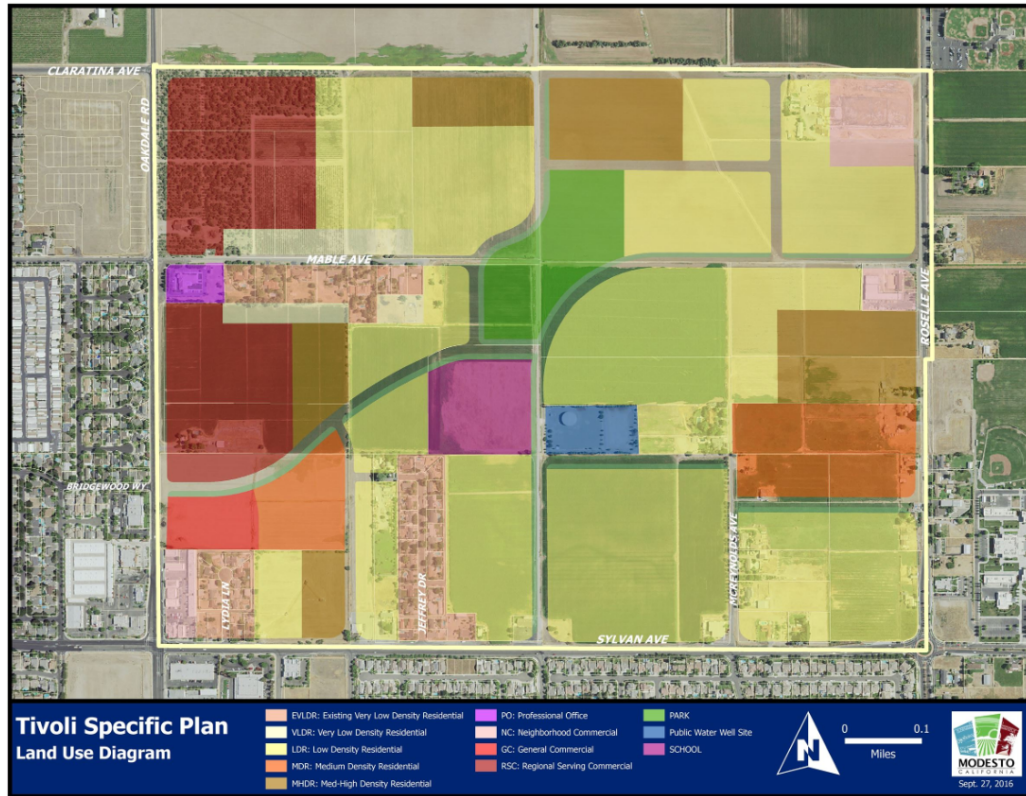
Ayes: Arroyo, Black, Goriel, Hauselmann, Russell, Shanks
Noes: None
Absent: Grewal
Recused: None

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

Signed copy on file in CEDD

Jessica Hill, Secretary

Exhibit "A" Tivoli Specific Plan, Existing



Tivoli Specific Plan, Proposed

