

**PLANNING COMMISSION
RESOLUTION NO. 2025-11**

**A RESOLUTION APPROVING AREA PLAN NO. 2 IN THE TIVOLI
SPECIFIC PLAN FOR PROPERTY LOCATED EAST OF OAKDALE
ROAD, SOUTH OF MABLE AVENUE, NORTH OF THE PLANNED
EXTENSION OF BRIDGEWOOD WAY, AND WEST OF A LINE
PROJECTED NORTH FROM WOOD SORREL DRIVE (NRB
INVESTMENTS, LLC)**

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 Planning Commission consideration and approval of Tivoli Area Plan No. 2, located east of Oakdale Road, south of Mable Avenue, north of the planned extension of Bridgewood Way, and west of a 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 was filed by NRB Investments, LLC in accordance with Section 9.4.1 of the Tivoli Specific Plan; and

WHEREAS, said application was 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 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 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, a public hearing was held by the Planning Commission on April 7, 2025, 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 certifies it has received and reviewed the Initial Study/Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED 2024-37, which 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.

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 (as amended) because the Area Plan would allow for the development of single-family residential uses that is consistent with the allowable density of the Medium Density Residential (MDR) designation. The General Plan Land Use designation (as amended) for Area Plan No. 2 is Residential (R), which allows for single-family residential uses.
2. An Initial Study was prepared by the City of Modesto, and 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.
3. All feasible mitigation measures set forth in the Tivoli EIR which are appropriate to the project shall be incorporated in the project.
4. The Initial Study/Mitigated Negative Declaration, Environmental Assessment No. EA/C&ED 2024-37 provides the substantial evidence to support findings 2-3, noted above.

BE IT FURTHER RESOLVED by the Planning Commission as follows:

That the Area Plan No. 2 within 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. 2, and the associated Final Development Plan (FDP-24-004) and Vesting Tentative Subdivision Map of the Martin Project (TSM-24-005), as set forth in Planning Commission Resolutions No. 2025-__ and 2025-__, adopted on April 7, 2025.
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.

BE IT FURTHER RESOLVED by the Planning Commission that the Secretary of the Planning Commission is hereby directed to file with the Stanislaus County Clerk a Notice of Determination in regard to the environmental impact of the proposed project.

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 AREA PLAN NO. 2