

**PLANNING COMMISSION
RESOLUTION NO. 2025-12**

**A RESOLUTION APPROVING THE FINAL DEVELOPMENT PLAN
FOR THE MARTIN PROJECT, IN THE TIVOLI SPECIFIC PLAN, FOR
185 SINGLE-FAMILY RESIDENTIAL LOTS AND ELEVEN (11)
LANDSCAPE LOTS ON PROPERTY LOCATED EAST OF OAKDALE
ROAD, SOUTH OF MABLE AVENUE, APPROXIMATELY 0.31 MILES
NORTH OF SYLVAN AVENUE, 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 9.4.1.2 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 Development Plan for 185 single-family residential lots and eleven (11) landscape lots within Area Plan No. 2, located on 19.95 acres on property located east of Oakdale Road, approximately 0.31 miles north of Sylvan Avenue, south of Mable Avenue, and west of a line projected north from Wood Sorrel Drive was filed by NRB Investments, LLC in accordance with Section 9.4.1.2 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 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, an Initial Study has been prepared as required by CEQA; and

WHEREAS, the Planning Commission certifies it has received and reviewed the Initial Study, 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, 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) for the Initial Study/Mitigated Negative Declaration has been prepared; 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 Final Development Plan is consistent with Area Plan No. 2 (as concurrently proposed).
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, Environmental Assessment No. EA/C&ED 2021-32 provides the substantial evidence to support findings 2-3, noted above.

BE IT FURTHER RESOLVED by the Planning Commission as follows:

That a Final Development Plan for the proposed Martin Project, described in Exhibit "A," attached hereto and incorporated herein by reference, be approved subject to the following conditions:

1. The Martin Project Final Development Plan shall not be in full effect unless and until the Planning Commission approves the proposed Area Plan No. 2 (AREA-24-001) as required by Section 9.4.1 of the Tivoli Specific Plan and the Vesting Tentative Subdivision Map (TSM-24-005).
2. The Martin Project Final Development Plan shall not be in full effect unless and until the City Council approves the proposed General Plan Amendment (GPA-24-003), Specific Plan Amendment (SPA-24-002), and exceptions from the Tivoli Specific Plan's development and design standards for reduced setbacks and lot sizes.

3. All development shall be consistent with the approved Final Development Plan titled “FINAL DEVELOPMENT PLAN AREA NO. 2 MARTIN PROPERTY (TIVOLI) 3800 Oakdale Road” as revised in February 2025, and approved by the Planning Commission on April 7, 2025.
4. Except as amended herein, or by reference, all development including street and infrastructure improvements, and mitigation measures from the Martin Project Initial Study/Mitigated Negative Declaration and the Tivoli Final EIR, shall be in accordance with the Tivoli Specific Plan and Area Plan No. 2 (AREA-24-001), and the Vesting Tentative Subdivision Map of the Martin Property (TSM-24-005).
5. Siting of residences shall be in accordance with the Development Standards for Medium Density Residential uses as specified in Chapter 4 of the Specific Plan, except where exceptions from said standards are approved by City Council Resolution.
6. 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.
7. 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, including but not limited to the following standards:
 - a. A minimum eight (8) foot high decorative concrete masonry wall with cap treatment shall be provided along the Oakdale Road frontage in accordance to Section 5.7.1.2 of the Specific Plan. The wall may be reduced to seven (7) feet in height if a supplemental noise study demonstrates that noise levels on Sylvan Avenue are such that noise mitigation to an interior level of 45 dB can be achieved with a 7-ft high wall.

The wall shall have a two-foot horizontal offset in the wall every 100 feet or two lots.
 - b. Walls and fences along the collector streets shall be provided as required by Section 5.7.1.3 of the Specific Plan.
8. Any public improvements that are missing damaged or not to current City standards shall be designed per City standards in accordance with City Code (Article 7-1.701), standards and specifications. Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and street lights. 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.
9. 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.
10. 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.

11. All landscaping, fences and walls shall be maintained in good condition and the premises shall be kept free of weeds, trash and other debris.
12. 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.
13. 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.
14. 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 that the conditions of project approval set forth herein include certain fees, dedication requirements, reservations requirements, and other exactions, and that pursuant to Government Code Section 66020(d)(1), these conditions constitute written notice of a statement of the amount of such fees, and a description of the dedications, reservations, and other exactions.

BE IT FURTHER RESOLVED that the applicant is hereby further notified that the ninety (90) days approval period in which a protest of these fees, dedications, reservations, and other exactions, pursuant to Government Code Section 66020(a) can be filed, begins on April 7, 2025, and that if a protest is not filed within this ninety (90)-day period complying with all of the requirements of Section 66020, the applicant will be legally barred from later challenging such exactions.

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

MARTIN PROPERTY (TIVOLI)
FINAL DEVELOPMENT PLAN