

**PLANNING COMMISSION
RESOLUTION NO. 2025-16**

**A RESOLUTION APPROVING THE VESTING TENTATIVE MAP OF
OLIVEWOOD (MID VALLEY ENGINEERING)**

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, by Resolution No. 2025-xx on April 21, 2025 the Planning Commission approved Area Plan No. 6 to allow development in this area of the Tivoli Specific Plan, in accordance with the requirements of the Tivoli Specific Plan (Project AREA-21-002); and

WHEREAS, Mid Valley Engineering has filed an application for a Vesting Tentative Subdivision Map, Olivewood, to divide 9.41 acres located on McReynolds Avenue north of Sylvan Avenue into 74 single-family residential lots and 17 landscape/paseo lots, 12 common driveway and utility easement lots, and one Remainder lot; and

WHEREAS, said application was made concurrently with an application for Final Development Plan (Project ID: FDP-21-003) for the Olivewood project; and

WHEREAS, said Vesting Tentative Map was received in the office of the Secretary of the Planning Commission on October 19, 2021, and was accepted for filing and deemed complete on November 18, 2021, 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 (“MID”), the local utility companies, Modesto City Fire Department, 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, two miles distant; and

WHEREAS, a public hearing was scheduled for the May 6, 2024 Planning Commission meeting, and on May 2, 2024, after the publication of the public hearing notice for the above hearing, the developer submitted a revised Vesting Tentative Subdivision Map for review by staff and outside agencies, and as a result Planning staff requested that the hearing be continued to the May 20, 2024 Planning Commission meeting; and

WHEREAS, to allow for additional time to review the revised tentative map, at the May 20, 2024 Planning Commission meeting Planning staff requested that the matter be continued to the June 3, 2024 Planning Commission meeting, for which the Commission made a motion to continue the item to the June 3, 2024 hearing; and

WHEREAS, on May 29, 2024 Planning staff received a request from the developer for continuance of the matter to a date uncertain, for which the Commission made a motion at the June 3, 2024 hearing to continue the matter to a date uncertain; and

WHEREAS, on October 28, 2024, the developer submitted a revised Vesting Tentative Subdivision Map for review by staff and outside agencies, and based on comments provided, the developer submitted a revised Vesting Tentative Subdivision Map on February 7, 2025; and

WHEREAS, the project applicant of the abovementioned projects are proposing a Development Agreement with the City in order to facilitate the development of the Olivewood project, in particular off-site improvements including the installation of a roundabout at the intersection of McReynolds Avenue and future "Street C" of the Olivewood Vesting Tentative Subdivision Map (Project ID: DEV-23-001); and

WHEREAS, a public hearing was held by the Planning Commission on April 21, 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 received and reviewed the Initial Study, Environmental Assessment No. EA/C&ED 2022-01, 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, 15168(c) and 15182 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, and the Subdivision Map Act of the State of California.
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, 15168(c) and 15182 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 Initial Study, Environmental Assessment No. EA/C&ED 2022-01 provides the substantial evidence to support findings 3-9, noted above.

BE IT FURTHER RESOLVED by the Planning Commission that the Vesting Tentative Map of Olivewood (Tivoli) accepted for filing in the office of the Secretary of the Planning Commission on November 18, 2021, revised on May 2, 2024, and further revised on February 7, 2025, be and it is hereby approved as submitted and as shown in red on the face of the map and subject to the following conditions:

1. Prior to recordation of a Final Map, new street names for “Street C”, “Entry Street” and “Interior Street” shall be proposed and approved by both the City and the County.
2. Prior to recordation of a Final Map, improvement plans for required improvements shall be prepared by a Registered Civil Engineer and submitted for approval by the City Engineer or designee.

The improvement plans shall include but not be limited to the following improvements for the perimeter streets of the project:

McReynolds Avenue

- a. Dedication of McReynolds Avenue with street improvements to part-width standard, including installation of curb, gutter, sidewalk and landscaping along the easterly ROW of McReynolds Avenue. Improvements shall also include reconstruction of the existing McReynolds Avenue to meet City standards up to the current western edge of pavement to the satisfaction of the City Engineer.
- b. Dedication and installation of a new roundabout at the intersection of McReynolds Avenue and “Street C” shall be consistent with the proposed Development Agreement between the Developer and the City of Modesto (Project File: DEV-23-001). The proposed facility is within the proposed Community Facilities District. Once the District is established, the developer can enter into an Acquisition and Shortfall Agreement consistent with the terms of the proposed Development Agreement prior to the development in order to be reimbursed for the installation of the new roundabout as outlined in the Development Agreement.
- c. If approved by the City Council, the Development Agreement shall be fully and promptly executed by the City and the Developer, which in all cases shall be prior to the approval by the City Council of the Final Map.

- d. If a Development Agreement is not approved by the City Council, and executed by the City and the Developer, the Final Map may not be recorded unless the Planning Commission amends these conditions of approval.

Roselle Avenue

- e. Dedication of the westerly ROW of Roselle Avenue immediately adjacent to the project, and installation of street improvements including but not limited to curb, gutter, sidewalk and landscaping. Said improvements shall also be extended along the Roselle Avenue frontage of the Remainder Lot.
- f. Improvements shall also include a temporary median along the centerline of Roselle Avenue at the Roselle Avenue/Street C intersection to allow for right-turn in/right-turn-out movements only.

The temporary median shall be no more than 100 feet in length and 3 feet in width centered on the Roselle Avenue/Street C intersection. Examples of possible temporary medians include AC Dike, Qwick Kurb Median Separator System, or approved equal to the satisfaction of the City Engineer or designate. Final material, length, width, and/or other acceptable alternative such as a concrete “pork chop median”, to be coordinated and designed to the satisfaction of the City Engineer or designate.

Street C

- g. Dedication and improvement of Street C to a part-width standard, including installation of curb, gutter, sidewalk and landscaping along the northerly ROW of Street C, in accordance to the adopted Circulation Diagram and street cross-sections of the Tivoli Specific Plan as amended.
3. The improvement plans shall include but not be limited to the following utility infrastructure improvements as follows:

Water

- a. The City’s nearest facilities consist of 16-inch and partial frontage 12-inch main along Sylvan Ave, and an existing 16-inch and 12-inch main in Roselle Ave that terminates several hundred feet south of the property. Water system utilities shall be extended north along Mc Reynolds Ave, Roselle Ave, and along Proposed Street “C” to serve this project’s expected demands.
- b. The project is proposing a new 8-in main in the “Interior Street” and 12-in mains along Mc Reynolds Ave extension and Proposed Street “C” and a 16-in main along Roselle Ave. Although main sizes are designed to the Tivoli FMP, actual sizes could change depending on other factors as determined during the design of such facilities to serve not only this proposed project but Tivoli SP as a whole.
- c. The proposed water main within “Interior Street” will need to be looped at either end to Proposed Street “C” and Roselle Ave to reduce system dead end water quality issues and promote better fire flow for the proposed project.

Sewer

- d. The City does not have existing sewer utilities to serve this project. Utilities shall be extended north in the Tivoli Specific Plan’s proposed Aria Way, and

then east within the right-of-way dedicated by other projects in order to serve this project.

This project shall then convey wastewater through these new facilities to the City's existing Sonoma Sewer Trunk in Sylvan Ave, which conveys water south to the City's Sutter Treatment Plant. There is downstream conveyance and treatment capacity to serve this project's expected demands.

- e. The project proposes conveying wastewater through new 8-in mains within the "Interior Street" and other travel ways to a new 8-in main in proposed Street "C", which would convey to other proposed off-site facilities installed by other developers.

This project cannot be served until downstream facilities within the Tivoli Specific Plan are constructed by other Tivoli area project developers. Proposed 8-in mains within the project are adequate to serve this project's demands. Offsite mains will be sized to meet the needs of Tivoli demands dependent on the FMP and specific to other proposed developments.

Storm Drainage

- f. Extension of storm drain lines in McReynolds Avenue, Street C and Entry Street to the future dual-use storm drainage basin to be located on Aria Way northwest of the development:
 - i. The developer shall provide plans and calculations for storm water basin(s) and storm water management requirements per City Standards to serve this development, making provision for buildout of Tivoli Specific Plan.
 - ii. Storm drainage conveyance system shall be adequately sized to handle flows, including any off-site flows, to the satisfaction of the City Engineer or designee.
 - g. Storm drainage conveyance and storage facilities will be required to be installed by developers within the Tivoli Specific Plan as part of a larger storm water management system to serve this project's expected demands, in accordance to the Tivoli FMP and the City's Stormwater Standards and Stormwater Quality Guidance Manual.
4. Proposed water and sewer infrastructure in the common spaces (driveways and paseos) shall meet City requirements for access and maintenance needs, whether these common spaces are public or private.
 5. The project shall adhere to City requirements for public utilities on private driveway lots and paseo/open space lots including 24-hour access by City staff and a maintenance/access agreement for necessary public utility work within the privately-owned parcels.
 6. Prior to or concurrent with map recordation, the development shall dedicate all public utility easements as required by the utility companies and the City Engineer, including ten-foot-wide public utility easements and planting easements located within the ten-foot-wide public utility easements dedicated along all public street frontages, and utility easements over the utility lines to be located in the common driveways and paseo/open space lots.

7. Developer shall install fire hydrants at 300-foot intervals along all streets in this subdivision.
8. The connection of Interior Street to the Lot C common driveway shall be designed with a hammerhead configuration with turning radii allowing for fire apparatus turnaround.
9. Improvement plans shall demonstrate the relocation and preservation of the Cavil Drain as required by the Modesto Irrigation District and the City Engineer or designee as shown on the approved Vesting Tentative Subdivision Map. The proposed Cavil Drain alignment shall be protected by a 30-foot easement within the subdivision, dedicated by separate instrument to MID. The new Cavil Drain pipeline shall be composed of a thirty-six (36) inch rubber gasketed reinforced concrete pipe (RCP) that meets ASTM C-361. Class C-25 pipe is required in Street "C", Interior Street, and Lot R. Class B-25 pipe is required in all other locations.
10. Improvement plans shall also demonstrate the relocation and preservation of a privately-owned open channel ditch that exists approximately 100-feet from the east property line of APN 083-004-059. The ditch shall be protected by a 30-foot easement within the subdivision, dedicated by separate instrument to the downstream landowners that are served by the existing private infrastructure. The new private ditch shall be composed of a thirty (30) inch reinforced concrete pipe (RCP) that meets ASTM C-361. Class C-25 pipe is required in Street "C", Interior Street, and Lot BB. Class B-25 pipe is required in all other locations. Class B-25 pipe is required in Lot AA.
11. Improvement plans shall also demonstrate that pressure manholes be installed per MID Standards Detail C 20 and located no more than five hundred (500) feet apart, and that existing impacted facilities must be replaced within the footprint of the proposed project with a pipeline strength that meets HS20-44 loading requirements. Affected facilities must extend at minimum of ten feet outside of the proposed project extent. The Olivewood Developer has the option to construct a berm along the northern property line in the approximate location as shown on the approved vesting tentative subdivision map or to grade the subdivision along the northern property line so that the finished grade elevations are at least six (6) inches higher than the adjoining property when adjacent to the private irrigation ditch in order to prevent flooding from occurring during the operation of the open channel ditch.
12. Prior to recordation of a Final Map, the developer shall take all actions to secure and establish a mechanism for the funding of the installation of some or all of the below listed facilities (this is expected to be by the creation of a new City Mello-Roos Community Facilities District (CFD)), and ongoing maintenance of these items and/or facilities. The items considered for inclusion into the CFD include but are not limited to the following:
 - a. The dual-use storm basin to be located on Aria Way.
 - b. Improvements of up to one-half of Claratina Avenue, Oakdale Road, Roselle Avenue, Sylvan Avenue and part or all of the main Collector Streets in the Tivoli Specific Plan Area. The amount of these streets to be included in the Infrastructure CFD will be determined in consultation with the City.

- c. Installation of future roundabouts on the main collector streets including but not limited to Bridgewood Way/Wood Sorrel Drive and Aria Way/Sylvan Avenue.
 - d. Any facilities and improvements, designated as CFD responsibility improvements, as listed in (but not limited to) the Tivoli Specific Plan Area – Summary of Facilities Master Plan Cost Estimates.
13. Initial CFD formation costs will be reimbursed to the party funding the formation in the first CFD Bond sale. If the new City CFD has already been formed at the time of Final Map recordation, the project shall be required to annex into the newly formed CFD.
14. Prior to map recordation, the developer shall submit to the Director of the Community and Economic Development Department or designee the articles of incorporation by the Property Owners Association and the Covenants, Conditions and Restrictions (CC&Rs) for review.

The CC&Rs shall include requirements for the property owner’s association to be responsible for the ongoing maintenance of all common driveways and open spaces/paseos including but not limited to landscape lots A and B, the common driveway and utility easement Lots C through E, G through N and Lot R, the common open space and utility easement Lot F, the common space paseo and utility easement Lots O through CC, and the landscaping and irrigation systems within the abovementioned common areas, paseos and driveways.
15. 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.
16. All common driveways shall have either red curbing or “No Parking” signs installed at regular intervals.
17. 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.
18. 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 walls and fences along the McReynolds Avenue collector street and Roselle Avenue minor arterial street which shall be as required by Section 5.7.1 of the Specific Plan.
19. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall prepare and submit a Water Pollution Control Plan (WPCP) or Local Stormwater Pollution Prevention Plan (SWPPP) to Land Development Engineering, Stormwater for review. The WPCP or Local SWPPP shall include a description of all erosion, sediment, and pollution control Best Management Practices (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.

20. 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.
21. The proposed project includes residential development of greater than 10 units, and is therefore considered a Priority Project.
22. 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.
23. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to integrate Low Impact Development (LID) principles into the project design. The plan shall retain, treat, and infiltrate the first 0.5” of stormwater runoff on site, and incorporate pervious landscape features into the project design wherever possible.
24. Prior to the issuance of a Grading, Demolition, or Building Permit, Developer shall submit a plan to provide permanent, post-construction treatment (grass swale, bioretention, vegetative strip, or other approved proprietary device) to remove pollutants from the first 0.5” of stormwater run-off from site.
25. Developer 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 current State of California water use ordinance requirements, Modesto Municipal Code (MMC) requirements, and City of Modesto standards. Right-of-way (ROW), typical home front yards, and common area landscaping shall be submitted for review and approval.
26. Developer shall provide street trees along streets and roads; and spaced thirty-five (35’) feet on center maximum and located within seven feet (7’) of back of sidewalk, or curb.
27. Developer shall install arterial and collector street trees and landscaping in accordance to Sections 3.4.9 through 3.4.12.4 and Exhibit 3.19 of the Specific Plan.
28. Climbing vines shall be installed in the landscape on any masonry walls visible to the public to discourage tagging.
29. Applicant shall install a separate landscape water meter for ROW landscape and irrigation.
30. 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.
31. 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, Capital Facilities Fees (CFF), community facility fees, building permit and plan check fees.

32. All landscaping, fences, and walls shall be maintained and the premises shall be kept free of weeds, trash, and other debris.
33. 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 Modesto Urban Area General Plan Master EIR that are applicable to the project:

34. Air Quality: The construction plans for each group of building permits shall incorporate Mitigation Measure E.1 from the Tivoli Specific Plan Final EIR to minimize emissions during construction phases.
35. Air Quality: The site design shall fulfill the requirements of Tivoli FEIR Mitigation Measure E.2c to reduce emissions from energy consumption.
36. 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.
37. Biological Resources: Prior to construction, the project shall fulfill the requirements of Tivoli FEIR Mitigation Measures H.4, H.5, H.6a and H.6b for mitigation of Swainson's Hawk and Burrowing Owl habitat.
38. Biological Resources: Pending CDFW approval, HM lands providing foraging habitat for Swainson's Hawks may also be used to mitigate impacts to Burrowing Owls provided the HM lands provide existing Burrowing Owl foraging and breeding habitat.
39. 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.
40. Hydrology and Water Quality: Prior to the issuance of a grading permit, developer shall fulfill the requirements of Tivoli FEIR Mitigation Measure I.1.
41. Archeological and Cultural Resources (General Plan MEIR Mitigation Measure AH-21: If paleontological resources are discovered during earth-moving activities, the construction crew shall immediately cease work in the vicinity of the find, and the City's Planning Manager shall be notified. A qualified paleontologist shall evaluate the resource and prepare a proposed mitigation plan in accordance with Society of Vertebrate Paleontology guidelines. The proposed mitigation plan may include a field survey of additional construction areas, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations determined by the lead agency to be necessary and feasible shall

be implemented before construction activities can resume at the site where the paleontological resources were discovered. (Policy VII.F.3[c])

42. Noise (General Plan MEIR Mitigation Measure Noise-4): Implement noise-reducing construction practices as conditions of approval where substantial construction-related noise impacts would be likely to occur, such as with extended periods of pile driving, or where construction is expected to continue or where sensitive receptors would be affected by construction noise. Conditions of approval may include, but are not limited to:
- Require construction equipment, including air compressors and pneumatic equipment to have properly maintained mufflers;
 - Require impact tools to be equipped with shrouds or shields;
 - Require that the quietest equipment available be used; and,
 - Require selection of haul routes that affect the fewest number of people. (Policy VII-G.3.b)

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 21, 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 subdivision.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on April 21, 2025, by Commissioner Russell, who moved its adoption, which motion was seconded by Commissioner Goriel, and carried by the following vote:

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

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

Signed copy on file in CEDD

Jessica Hill, Secretary