

**PLANNING COMMISSION
RESOLUTION NO. 2025-34**

**A RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL
OF THE “DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF
MODESTO AND DASCO OLIVEWOOD LLC” REGARDING AREA PLAN
NO. 6 OF THE TIVOLI SPECIFIC PLAN**

WHEREAS, Government Code Section 65864, et seq., authorizes the City to enter into binding development agreements with any person or persons having a legal or equitable interest in real property for the development of such property and authorizes the City to establish procedures for the application and consideration of such agreements; and

WHEREAS, by City Council Resolution No. 97-492, adopted on August 26, 1997, the City Council established procedures and requirements for the consideration of development agreements; and

WHEREAS, an application for Planning Commission consideration and approval of Tivoli Area Plan No. 6, located at the northwest corner of Sylvan Avenue and Roselle Avenue was filed by Mid Valley Engineering on October 19, 2021 and revised on May 18, 2022 in accordance with Section 9.4.1 of the Tivoli Specific Plan; and

WHEREAS, said application was made concurrently with an application for Final Development Plan (Project ID: FDP-21-003) and a Vesting Tentative Subdivision Map “Olivewood” (Project ID: TSM-21-006) to divide 9.41 acres into 74 small-lot single-family residential lots, 17 landscape/paseo lots, 12 common driveway and utility easement lots, and one Remainder lot within Area Plan No. 6, located between McReynolds Avenue and Roselle Avenue, north of Sylvan Avenue; and

WHEREAS, on October 6, 2023, DASCO Olivewood, LLC applied for 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, attached hereto and referenced as **Exhibit “A”**; and

WHEREAS, a public hearing was scheduled for the May 6, 2024 Planning Commission meeting, and 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, 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 2024-05, which concluded that the Development Agreement 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 Development Agreement is consistent with the goals, objectives, policies, standards, programs and uses in the General Plan and Tivoli Specific Plan of the City of Modesto because the resulting development would be consistent with the Tivoli Specific Plan in land use and intensity.
2. The proposed Development Agreement is consistent with the specific content and other requirements of City Council Resolution No. 97-492, the City's subdivision and zoning provisions of the Modesto Municipal Code, and Government Code Section 65864 et seq.
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 2024-xx provides the substantial evidence to support findings 3-9, noted above.

BE IT FURTHER RESOLVED by the Planning Commission that it hereby recommends to the City Council approval by ordinance of the proposed Development Agreement By and Between the City of Modesto and DASCO Olivewood LLC, attached hereto as **Exhibit "A"**.

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

EXHIBIT "A"

**PROPOSED DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF
MODESTO AND DASCO OLIVEWOOD LLC**

Draft on File with the Community & Economic Development
Department/Planning Division

**Final Development Agreement on file
with the City Attorney's Office**