

PLANNING COMMISSION  
RESOLUTION NO. 2016-13

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF SPECIFIC PLAN 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 (DAVID ROMANO, NEWMAN ROMANO 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, David Romano of Newman Romano LLC has filed an application to amend 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, a public hearing was held by the Planning Commission on August 15, 2016, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, the Planning Commission has considered the addendum to the Tivoli Specific Plan EIR documented with Environmental Assessment No. EA/C&ED 2015-18, which concludes that no major revisions to the previously-certified Tivoli Specific Plan EIR (SCH No. 2005072125) are needed as a result of the project, and that, pursuant to Sections 15162 and 15164 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 amendment to the Tivoli Specific Plan is consistent with the General Plan, because the proposed project does not include any change to the General Plan land use designations. The Planning Commission determined on January 26, 2009, that the proposed relocation of the school site was in conformance with the General Plan. Both the existing and proposed school sites are designated Village Residential on the General Plan map. The Village Residential designation allows residential uses combined with public uses such as parks and schools. The school

relocation is consistent with the Village Residential designation. The other changes to the Specific Plan regarding the internal street realignment, removal of some roundabouts, and some clean-up and technical changes are minor in nature that are not subject to a General Plan Amendment.

2. There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Tivoli Specific EIR are required.
3. No substantial changes have occurred with respect to the circumstances under which the proposed project are undertaken which will result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Tivoli Specific Plan EIR are required.
4. There is no new information of substantial importance which was not known and could not have been known with the exercise of reasonable diligence when the Tivoli Specific Plan EIR was adopted which shows any of the following:
  - a. one or more significant effects which are not discussed in the Tivoli Specific Plan EIR, or
  - b. significant effects which were previously examined will be substantially more severe than previously shown, or
  - c. previously infeasible mitigation measures or alternatives are now feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or
  - d. mitigation measures or alternatives which are considerably different from those analyzed in the Tivoli Specific Plan EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.
5. The Initial Study, Environmental Assessment No. EA/C&ED 2016-18, provides the substantial evidence to support findings 2-4, noted above.

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. 1 as described in Exhibit "A," attached hereto and incorporated herein by reference.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on August 15, 2016, by Sandra Lucas, who moved its adoption, which motion was seconded by Steve Carter, and carried by the following vote:

Ayes: Carter, Lucas, Morad, Smith, Vohra  
Noes: None.  
Absent: Escutia-Braaton

Recused: None.

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

Original, signed copy on file in CEDD

Patrick Kelly, Secretary

Attachment (Exhibit "A")