

PLANNING COMMISSION  
RESOLUTION NO. 2022-26

A RESOLUTION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF SPECIFIC PLAN AMENDMENT NO. 3 TO THE TIVOLI SPECIFIC PLAN TO AMEND 25 ACRES FROM REGIONAL SERVING COMMERCIAL TO LOW DENSITY RESIDENTIAL AND 29.3 ACRES FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL (ARCADIA DEVELOPMENT COMPANY)

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, on September 7, 2016 the City Council approved 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; and

WHEREAS, on March 21, 2022 the Director of Community and Economic Development administratively approved Amendment No. 2 to the Tivoli Specific Plan as allowed by Section 9.3.4.1 of the Specific Plan, to amend and update street cross section details with associated minor text changes; and

WHEREAS, the Arcadia Development Company has filed an application to amend the Land Use Diagram of the Specific Plan, to change the land use designation of 25 acres located north of Mable Avenue, east of Oakdale Road from Regional Serving Commercial (RSC) to the designation of Low Density Residential 13 (LDR 13), and to change the land use designation of 29.3 acres located north of the existing City of Modesto water well and storage site and southeast of future Aria Way from Medium Density Residential 2 and Medium Density Residential 3 to the designation of Low Density Residential 15 (LDR 15); and

WHEREAS, said application was made concurrently with a proposed amendment to the General Plan Land Use Diagram to amend the land use designation of 25 acres located south of Mable Avenue, east of Oakdale Road from Regional Commercial (RC) to Residential (R) (Project No. GPA-22-002); and

WHEREAS, the Planning Commission has considered an Initial Study, Environmental Assessment No. EA/C&ED 2022-20, which analyzed the potential environmental effects of the proposed amendment and determined that, on the basis of the whole record before it, there is no substantial evidence that the amendment will

have a significant effect on the environment, and that a Negative Declaration be adopted; and

WHEREAS, a public hearing was held by the Planning Commission on October 3, 2022, 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 amendments to the Land Use Diagram of the Tivoli Specific Plan is consistent with the General Plan Land Use Designation of Residential (as amended), because the amendments would result in Residential uses that would provide for development of new housing within the Specific Plan.
2. The reduction in residential density by the proposed amendment of Medium Density Residential 2 and Medium Density Residential 3 to Low Density Residential 15 (LDR 15) would be offset by the proposed amendment of Regional Serving Commercial (RSC) to Low Density Residential 13 (LDR 13) in accordance to Senate Bill 330 ("Housing Crisis Act of 2019").
3. A Negative Declaration, Environmental Assessment No. EA/C&ED No. 2022-20, was prepared by the City of Modesto that analyzed the proposed amendment and the Planning Commission has determined that, on the basis of the whole record before it, there is no substantial evidence that the amendment will have a significant effect on the environment and that the Negative Declaration should be adopted by the City Council.

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. 3 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 October 3, 2022, by Shanks, who moved its adoption, which motion was seconded by Morad, and carried by the following vote:

Ayes:	Birring, Pollard, Morad, Shanks, Vohra
Noes:	None
Absent:	Silva, Vazquez
Recused:	None

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

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Paul Liu, Acting Secretary

**Attachment (Exhibit "A")**

