



## MARTIN PROJECT (TIVOLI)

Jessica Hill,  
Director of Community and Economic Development

City Council  
May 13, 2025



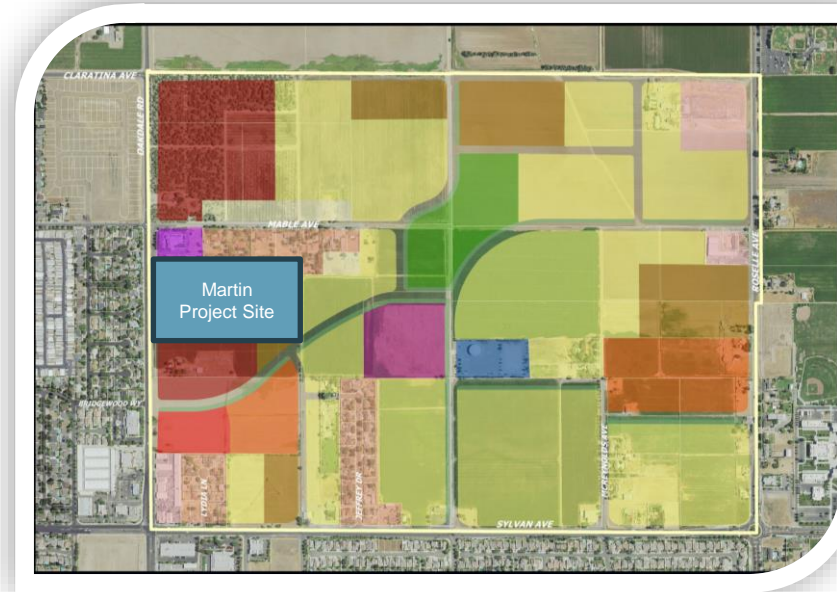
## Land Use Background

- In the City of Modesto, our land use is outlined in our General Plan, Specific Plans, and our zoning code.
  - When a change to the land use is requested, it requires different levels of approval based on what plans we are looking to update.
  - On May 28, 2024, NRB Investments, LLC, submitted an application to develop the Martin Property, a 19.95-acre portion of the Tivoli Specific Plan which was looking to update the General Plan, Specific Plan, and our zoning code.
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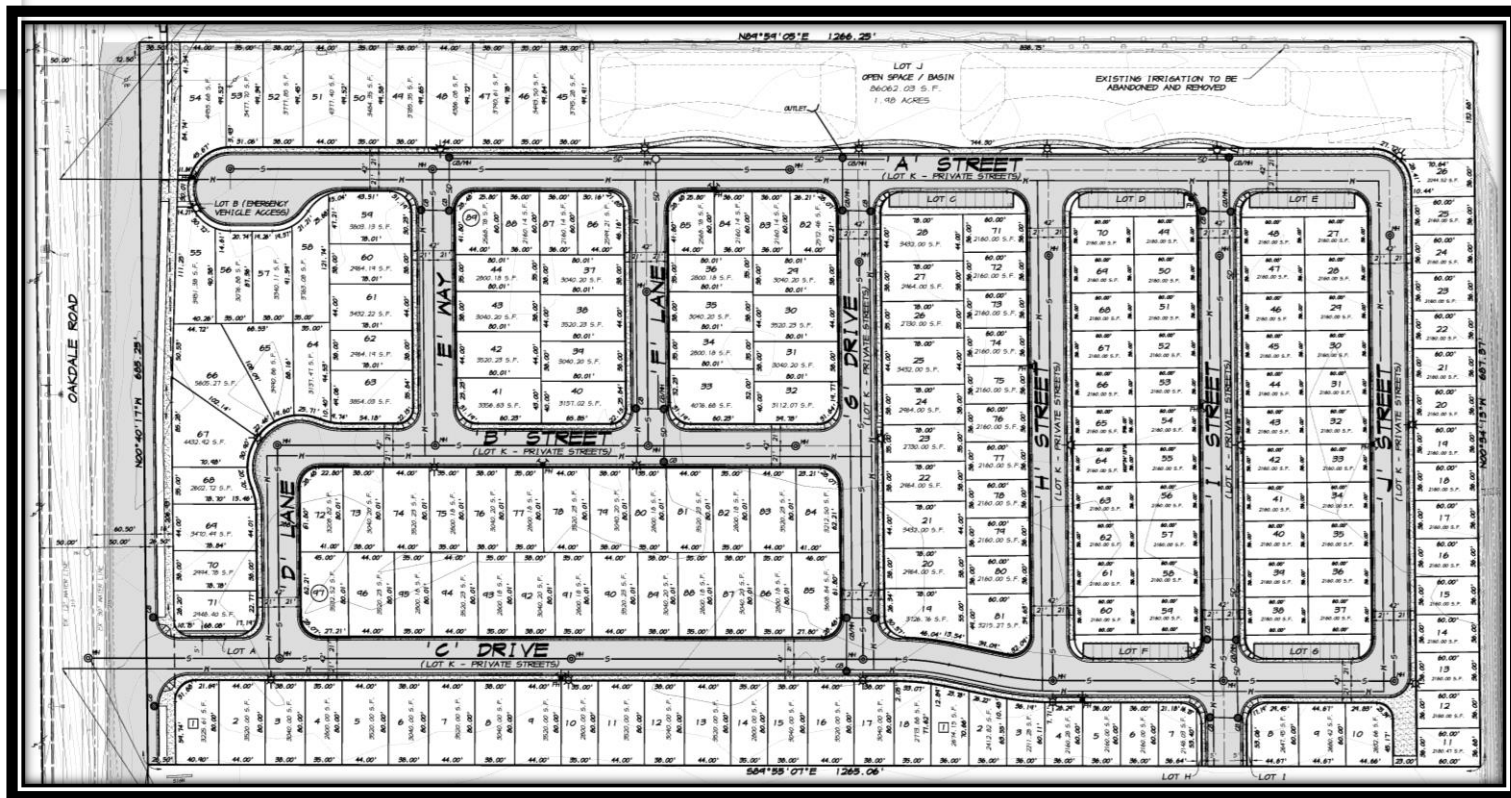
## Background

- The Martin property is within the Tivoli Specific Plan (TSP), comprised of approximately 454 acres, was adopted by the City Council on February 26, 2008, and is bounded by Clarantina, Sylvan, Oakdale and Roselle





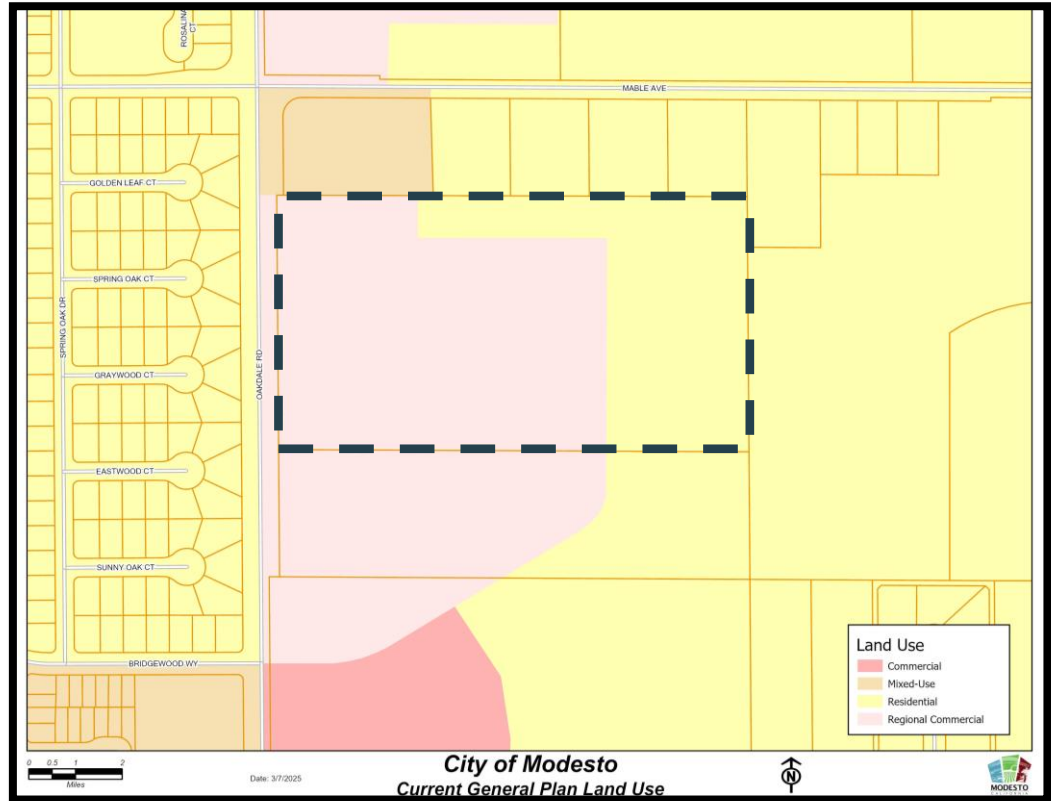
# Map Detail





# General Plan Amendment

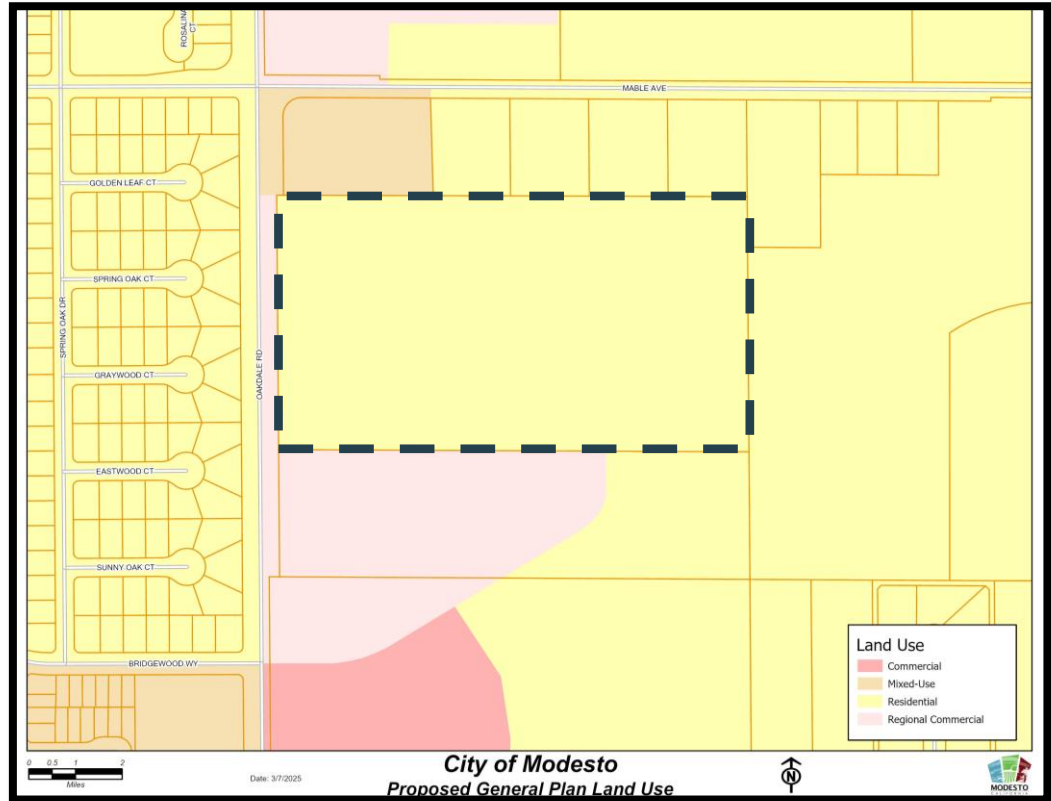
Existing General Plan Land Use: Split between Regional Commercial (RC) & Residential (R).





# General Plan Amendment

Proposed development is compatible with the 7.29 acres of Residential GPLU, must amend 12.66 acres of Regional Commercial to Residential to be consistent with the General Plan.

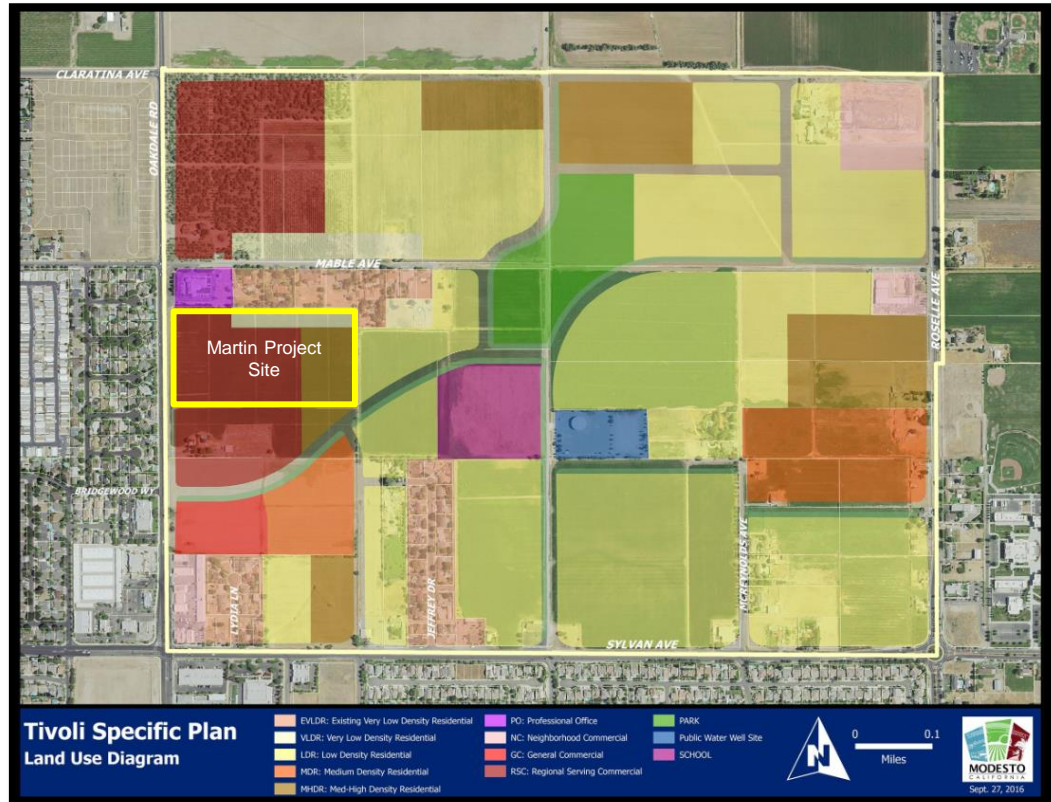




# Specific Plan Amendment

Existing land use in Tivoli Specific Plan split between Very Low Density Residential (VLDR), Medium High Density Residential (MHDR), and Regional Serving Commercial (RSC).

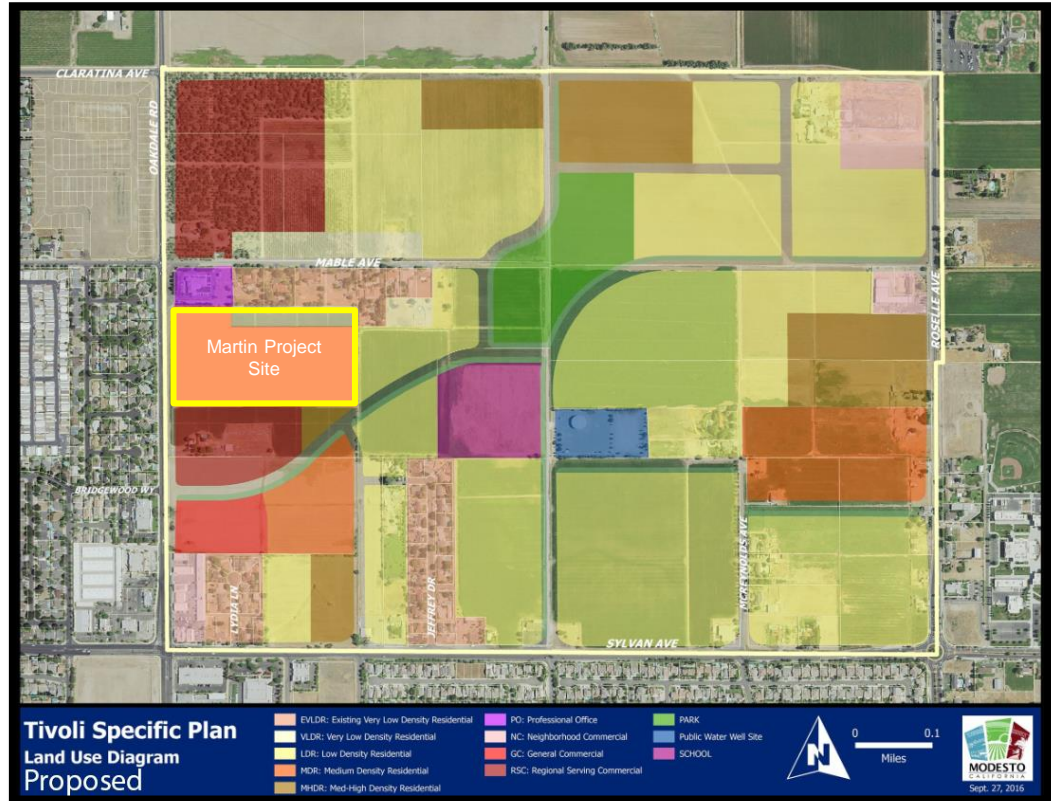
No change proposed to VLDR portion.





# Specific Plan Amendment

The Martin Project would amend the 4.87 acres of Medium High Density Residential and 12.53 acres of Regional Serving Commercial to Medium Density Residential (MDR).





## Design Renderings



Homes range from ~1,300 SF to ~2,200 SF



## Environmental

An Initial Study was prepared for this project, 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.

The study identified certain improvements that should be completed to mitigate the noise from Oakdale Road. The developer has agreed to these improvements, and they have been added to the project, therefore aligns with the CEQA determination.

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## Commission Recommendation

At the April 7, 2025, meeting of the Planning Commission, the Commission recommended approval of the General Plan Amendment, Specific Plan Amendment, and Exceptions from the Tivoli Specific Plan's Development and Design Standards by a vote of 6-0.

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## Staff Recommendations

- Resolution amending the Modesto Urban Area General Plan to Amend the Land Use Element to change 7.29 acres from Regional Commercial uses to Residential uses.
  - Resolution approving Specific Plan Amendment No. 4 to the Tivoli Specific Plan, and exceptions to the Design Standards for reduced setbacks and lot sizes for lots.
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Questions?

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DEV-23-001

# OLIVEWOOD (TIVOLI)

Jessica Hill

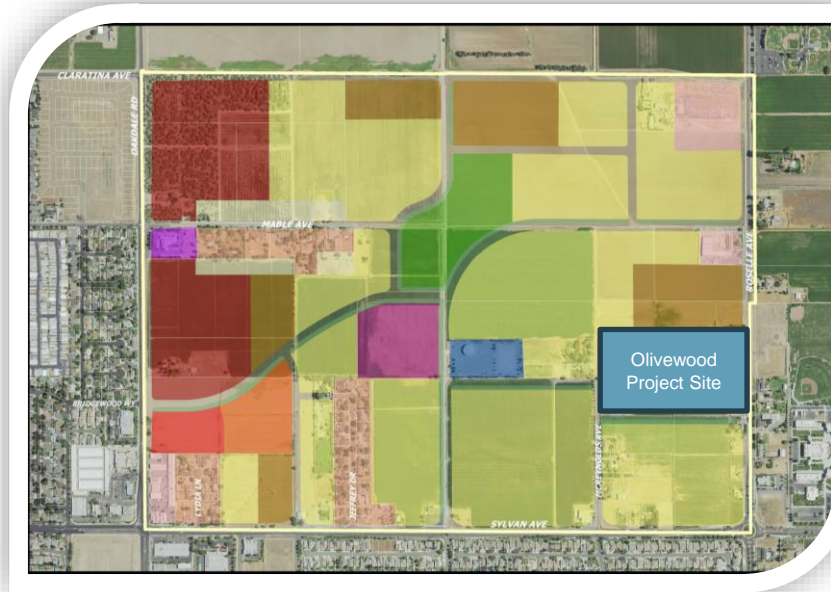
Director, Community & Economic Development

City Council  
May 13, 2025



# Tivoli Specific Plan

- The Tivoli Specific Plan (TSP), comprised of approximately 454 acres, was adopted by the City Council on February 26, 2008, and is bounded by Clarantina, Sylvan, Oakdale and Roselle
- The City received an application for a Vesting Tentative Subdivision Map “Olivewood”, 9.41 acres into 74 residential lots.





## Proposed Project

- In addition to the subdivision map, the applicant also applied for a Development Agreement for the project:
    - Agreement outlines responsibilities and timelines for infrastructure improvements, including future roundabout at McReynolds Avenue and future collector street "Street C".
    - The agreement also allows the tentative map to be valid for a period of 10 years. Traditional maps are valid for a two year period of time, and can be extended to additional times for a total of six years.
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# Olivewood



- 9.41-acres.
- 74 residential lots.
- 17 landscape/paseo lots
- HOA to manage common areas.
- The main entry to the development will be to the South off of “Street C”
- Extension of “Street C” between McReynolds and Roselle Ave.
- Future roundabout at McReynolds and “Street C”.



## Development Agreement (“DA”)

- Outlines responsibilities and timelines for development, 10-year schedule
  - Provides for the dedication and installation of a new roundabout at the intersection of collector streets McReynolds Avenue and future “Street C” of the VTSM.
  - Roundabout design to be approved by the City Engineer prior to recordation of a Final Map.
  - Installation required prior to the issuance of the 65<sup>th</sup> building permit for the lots, or before the issuance of a building permit for any lot that backs up to McReynolds Ave.
  - Interim intersection control to be a three-way stop.
  - DA requires approval by the City Council.
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## Revisions and Conditions

- Based on feedback from the Modesto Irrigation District, provisions for the protection, relocation, and/or removal of irrigation facilities are conditions of approval for the project.
  - Roadway dedications and improvements are required for the street frontages of McReynolds Avenue and Roselle Avenue.
  - Sewer, water, and storm drain conditions are also applied to the project.
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## Environmental

- Staff has prepared an Initial Study, EA No. C&ED 2022-01, which concludes that potential environmental effects of the proposed Area Plan, Vesting Tentative Subdivision Map, and Final Development Plan have been adequately addressed within the context of the Tivoli Specific Plan Final EIR.
  - Staff has also prepared an Initial Study, EA No. EA/C&ED 2024-05, which concluded that the potential environmental effects of the proposed Development Agreement have also been adequately addressed within the context of the Tivoli Specific Plan Final EIR.
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## Staff Recommendation

- Motion introducing and waiving the first reading of an Ordinance approving a Development Agreement by and between the City of Modesto and DASCO Olivewood LLC regarding Area Plan No. 6 of the Tivoli Specific Plan.
  - Resolution approving that the following subsequent project is within the scope of the Tivoli Specific Plan Final EIR (SCH 2005072125): Development Agreement by and between the City of Modesto and DASCO Olivewood LLC regarding Area Plan No. 6 of the Tivoli Specific Plan.
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Questions?

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# CR & D Inc. Business Modification Request-Relocation

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Sean M. Rando, Business Analyst  
Community and Economic Development



## Background

- CR & D Inc. (dba Modesto Cannabis Collective) is a commercial cannabis retail dispensary currently located at 439 Maze Boulevard.
  - On July 11, 2024, the City received an application from the operators requesting to relocate the current business to 1313 McHenry Avenue.
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# New Location for CR & D Inc.



Current  
location  
439 Maze  
Blvd



Proposed  
new location  
1313  
McHenry  
Ave.



# Relocation Review Steps



The Business making the request provides

Narrative explanation of the reason for the relocation.

Updated security plans for the intended location, and proposed site and floor plans.

Site Control -Copy of a lease agreement (if applicable).

Payment of a commercial cannabis permit application fee which is currently \$6,380.

## Cannabis Consultant (HDL)

Reviews Security and site plans for compliance.

## Planning

Reviews zoning and proximity to areas of sensitive use.

## Cannabis Admin Staff

Reviews the reason for the change.

Performs an initial site visit.

Reviews lease agreement to ensure property is secured through the two-year permit period.

## Finance

Confirms whether all taxes and fees are current.

CPPRC Approval for Non-Dispensaries

Council Approval for Dispensaries



# Application Review



- **Reason:** The 1313 McHenry facility is a larger centralized location with modern amenities that previously housed a retail dispensary.
  - **Security Plan with Site and Floor Plans:** After a thorough review by Staff and HDL Companies (Cannabis Consultant) the plans were found to be compliant with the regulatory requirements of the California DCC and the City of Modesto.
    - High-intensity, motion-activated LED lighting covering the entire perimeter and parking lot.
    - Cement crash posts (bollards).
    - Continuous video surveillance 24 hours per day, footage is retained for 90 days at a minimum.
    - On-site security guards 24 hours per day.
  - **Site Visit:** Staff observed the site on March 10, 2025, and found no sign of unpermitted commercial cannabis activity.
  - **Site Control:** A lease agreement was received and reviewed which shows that the property will be secured through the two-year permit period.
  - **Finance Review:** The retail business is current on all City taxes and fees
-



# Zoning and Proximity Requirements

- Zoning Requirements
    - The proposed site is located within a mixed-use pedestrian (MU-P) zone which allows for general commercial uses (C-2).
    - Commercial cannabis retail businesses are allowed in zones that permit general commercial uses.
  - Proximity Requirements
    - Cannabis businesses are required to be located a minimum distance away from certain land uses:
      - 200 feet from a park or library measured from the nearest property lines
      - 600 feet from a school, childcare center or youth center measured from the nearest property lines
      - 100 feet from any residence measured from any building or structure containing a commercial cannabis use to an existing residential structure used for residential purposes
-



# Modesto Dispensaries

- Area map showing the eight licensed cannabis retail dispensaries within City limits





# Proximity Review Results

Land Use	Location Identified	Distance from proposed cannabis site	Municipal Code required distance
Residential	1312 Alma Ave	36 feet	100 feet
School	Our Lady of Fatima School at 505 W Granger Ave	2,200 feet	600 feet
Daycare or Youth center	Orangeburg Christian School 313 E Orangeburg Ave	1,500 feet	600 feet
Park	Roosevelt Park at 801 W Orangeburg Avenue	2,550 feet	200 feet
Library	Stanislaus County Library at 1500 I St	6,917 feet	200 feet
Commercial Cannabis	Phenos Dispensary at 1234 McHenry Ave	534 feet	N/A



# Proximity Review Results

- Pursuant to Modesto Municipal Code section 10-3.703(c) proximity requirements may be waived by the decision-maker when the applicant can show that an actual impassible physical separation exists between land uses or parcels.
  - The applicant submitted a letter of justification for the waiver of the residential proximity requirements due to
    - The subject location and residential property being separated by two (2) fences providing significant physical separation, including an impassible barrier in the form of the primary seven (7) foot wrought iron fence.
    - The properties are also noted to be separated by a twenty-five (25) foot wide alleyway, and the fence itself contains an emergency access gate that would remain closed during all hours except for emergency access.
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## Committee Recommendation

- This relocation request was presented to the Cannabis Program and Permit Review Committee on April 28, 2025, and the Committee recommended forwarding the item to Council for approval.
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## Staff Recommendation

- Resolution approving the relocation request of CR & D Inc. from 439 Maze Boulevard to 1313 McHenry Avenue with the granting of a residential proximity waiver.
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# Questions?





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# McHenry Business Services (Herbology) Business Modification Request-Relocation

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Sean M. Rando, Business Analyst  
Community and Economic Development



## Background

- McHenry Business Services LLC (dba Herbology, formerly Planet 8ths) is a commercial cannabis microbusiness with a retail dispensary component currently operating at 500 East Glenn Avenue.
  - On February 24, 2025, the City received an application from the operators requesting to relocate the current business to 1300 North Carpenter Road Suites E & F
-



# New Location for Herbology



**Current location  
500 E. Glenn**



**Proposed new location  
1300 N. Carpenter**



# Relocation Review Steps



The Business making the request provides

Narrative explanation of the reason for the relocation.

Updated security plans for the intended location, and proposed site and floor plans.

Site Control -Copy of a lease agreement (if applicable).

Payment of a commercial cannabis permit application fee which is currently \$6,380.

## Cannabis Consultant (HDL)

Reviews Security and site plans for compliance.

## Planning

Reviews zoning and proximity to areas of sensitive use.

## Cannabis Admin Staff

Reviews the reason for the change.

Performs an initial site visit.

Reviews lease agreement to ensure property is secured through the two-year permit period.

## Finance

Confirms whether all taxes and fees are current.

CPPRC Approval for Non-Dispensaries

Council Approval for Dispensaries



# Application Review



- **Reason:** Safety and accessibility enhancements for their customers and community.
  - **Security Plan with Site and Floor Plans:** After a thorough review by Staff and HDL Companies (Cannabis Consultant) the plans were found to be compliant with the regulatory requirements of the California DCC and the City of Modesto.
    - High-intensity, motion-activated LED lighting covering the entire perimeter and parking lot.
    - Cement crash posts (bollards).
    - Continuous video surveillance 24 hours per day, footage is retained for 90 days at a minimum.
    - On-site security guards 24 hours per day.
  - **Site Visit:** Staff visited the site on March 10, 2025, and found no sign of unpermitted commercial cannabis activity, only preparation for tenant improvements.
  - **Site Control:** A lease agreement was received and reviewed which shows that the property will be secured through the two-year permit period.
  - **Finance Review:** The microbusiness is current on all City taxes and fees
-



# Zoning and Proximity Requirements

- Zoning Requirements
    - With a manufacturing and distribution component, the business would be required to be located within an M-1, and M-2 industrial zone.
      - The proposed site is in an M-1 Zone
  - Proximity Requirements
    - Cannabis businesses are required to be located a minimum distance away from certain land uses:
      - 200 feet from a park or library measured from the nearest property lines
      - 600 feet from a school, childcare center or youth center measured from the nearest property lines
      - 100 feet from any residence measured from any building or structure containing a commercial cannabis use to an existing residential structure used for residential purposes
-



# Modesto Dispensaries

- Area map showing the eight licensed cannabis retail dispensaries within City limits





# Proximity Review Results

Land Use	Location Identified	Distance from proposed cannabis site	Municipal Code required distance
Residential	1601 Woodland Ave	165 feet	100 feet
School	Alberta Martone Elementary at 1413 Poust Rd	4,300 feet	600 feet
Daycare or Youth center	Fairytale Daycare at 1701 Judy Ct	1,400 feet	600 feet
Park	Charles M Sharp Park at 1900 Torrid Ave	2,000 feet	200 feet
Library	Stanislaus County Library at 1500 I St	9,000 feet	200 feet
Commercial Cannabis	Fiji Weed Company at 1420 Granite Lane	920 feet	N/A



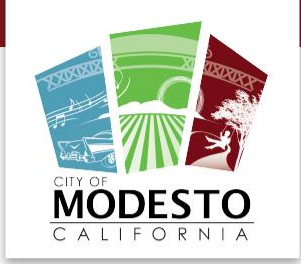
## Committee Recommendation

- This relocation request was presented to the Cannabis Program and Permit Review Committee on April 28, 2025, and the Committee recommended forwarding the item to Council for approval
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## Staff Recommendation

- Resolution approving the relocation request of McHenry Business Services LLC from 500 East Glenn Avenue to 1300 North Carpenter Road Suite E and F.
-



# Questions?





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