



**CITY OF MODESTO
PLANNING COMMISSION AGENDA
MONDAY, MARCH 16, 2026 6:00 PM
BASEMENT CHAMBERS
1010 TENTH STREET – MODESTO, CA**

I. ROLL CALL

Public Comment will only be in-person. Members of the public who wish to address the Commission, by providing public comment, during the meeting must do so in-person in the Council Chambers. As an alternative, members of the public may also provide written public comment submitted via email as indicated in the Submitting Comments by Email instructions on this agenda. Zoom will still be available for viewing.

Members of the public will be allowed to provide public comment through Zoom if a Commissioner is participating remotely pursuant to the provisions of California Government Code section 54953.8.3.

If a technical issue arises with Zoom or the phone dial-in option, the Planning Commission meeting will continue unless the meeting is being held pursuant to the provisions of Senate Bill 707, California Government Code section 54953.8.3. Alternative viewing options are listed below, and the meeting is physically open to the public.

Joining the Planning Commission meeting via Zoom

The City of Modesto is offering the ability to view Planning Commission meetings via telephonic conferencing via “Zoom” video conferencing computer technology. The meeting may be accessed through the use of Zoom using the following options:

- Enter the following link into an Internet Browser
<https://modestogov.zoom.us/j/86128333602?pwd=f6VK7ZrbNT3sQ1SNJ5nbbzboryYtPZ.1>
- Enter the following link into an Internet Browser <https://zoom.us/> and using the Webinar ID 861 2833 3602 Password 444640
- To use Zoom, please visit: <https://zoom.us/> and either sign-up for a free Zoom account or continue as a guest. Once you have downloaded the app onto your mobile device, joined from your web browser, or downloaded the Zoom software on your computer you will be ready for the upcoming Commission meeting.

Submitting Comments by Email

Written comments may be submitted via email to planning@modestogov.com (include Agenda Item Number in the subject line). All comments will be shared with the Commission and placed in the record but will not be read aloud during the meeting. Written comments must be received two hours before the meeting.

This Agenda is on file in the Planning Division, 3rd Floor, 10th Street Place, on the Posting Board at entry of 10th Street Place, and is available on the City’s Web site at www.modestogov.com.

Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection in the Planning Division during normal business hours. Such documents are also available online, subject to staff’s ability to post the documents before the meeting, at the following website <https://modestogov.com/AgendaCenter>.

In accordance with the requirements of Title II of the Americans with Disabilities Act (“ADA”) of 1990, the Fair Employment & Housing Act (“FEHA”), the Rehabilitation Act of 1973 (as amended), Government Code section 11135 and other applicable codes, the City of Modesto (“City”) will not discriminate against individuals on the basis of disability in the City’s services, programs, or activities. For more information, please visit the City of Modesto website at <https://www.modestogov.com/865/Americans-with-Disabilities-Act-ADA>.

II. PUBLIC COMMENT PERIOD

Three-minute time limit per speaker.

Only interested persons in the audience may present these matters. Under State law, Commissioners may respond to matters being presented under this item only as follows:

- a. Briefly respond to statements made or questions raised.
- b. Ask a question for clarification.
- c. Provide a reference to staff or other resources for factual information.
- d. Request staff to report back at a subsequent meeting.
- e. Finally, a Commissioner or the Planning Commission itself may take action to direct staff to place a matter of business on a future agenda.

III. APPROVAL OF MINUTES

Minutes of the regular meeting of February 23, 2026.

IV. CONFLICT OF INTEREST DECLARATION

Committee Members and staff may now declare conflicts of interest related to any item on the agenda.

V. CONSENT ITEMS

An item may be removed from consent and discussed at the request of an audience member or Committee Member. Unless withdrawn from consent, items are approved at one time.

None.

VI. PUBLIC HEARING

Published in the Modesto Bee February 22, 2026

Item A Hearing to consider approving a Tentative Parcel Map to subdivide two existing parcels totaling approximately 1.44 acres into four parcels. The project site is located at 1235 and 1239 McHenry Avenue in the Mixed-Use Pedestrian (MU-P) zone. (Rod Hawkins)
Contact Info: Michael Schubert, 577-5267, mschubert@modestogov.com

VII. OTHER BUSINESS

VIII. MATTERS TOO LATE FOR THE AGENDA

These may be presented by members of the Planning Commission and staff, upon determination by a majority vote that an emergency exists, as defined by State law, or by a 2/3 vote that: 1) there is a need to take immediate action, and 2) that the need for action came to the City's attention after the agenda was posted.

IX. ADJOURNMENT

Copies of the agenda are on file at the in the office of the Planning Division, Third Floor, 1010 Tenth Street, Modesto, CA., and online at <https://www.modestogov.com/AgendaCenter/Planning-Commission-11>.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Commission Secretary at 209.577.5267. Assistive listening devices are available upon request to the Planning Commission Secretary. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. In accordance with the requirements of Title II of the Americans with Disabilities Act ("ADA") of 1990, the Fair Employment & Housing Act ("FEHA"), the Rehabilitation Act of 1973 (as amended), Government Code section 11135 and other applicable codes, the City of Modesto ("City") will not discriminate against individuals on the basis of disability in the City's services, programs, or activities. For more information, please visit the City of Modesto website at <https://www.modestogov.com/865/Americans-with-Disabilities-Act-ADA>

Notice: Persons who wish to speak to the Planning Commission regarding any item on the printed agenda, including oral communications, are encouraged to please submit your comment, to the Recording Secretary at planning@modestogov.com. All comments will be shared with the Commission and placed in the record. Every effort will be made to read your comment into the record, but some comments may not be read due to time limitations.

Posted pursuant to Government Code Section 54954.2 on _____ at _____

by _____ on the bulletin board at Tenth Street Place.

**LIST OF INVOLVED PARTIES FOR THE PLANNING COMMISSION
AGENDA OF MARCH 16, 2026**

At the Commission's request, staff has compiled a list of persons having a personal/financial interest in the matters contained in the accompanying agenda report to help identify potential conflicts of interest.

ITEM A Hearing to consider approving a Tentative Parcel Map to subdivide two existing parcels totaling approximately 1.44 acres into four parcels. The project site is located at 1235 and 1239 McHenry Avenue in the Mixed-Use Pedestrian (MU-P) zone

<u>Relationship</u>	<u>Name/Address</u>
Applicant	Golden West Properties, LLC, P.O. Box 460, Watsonville, CA 95077
Owner	Golden West Properties, Mary Anne Goldberg P.O. Box 460, Watsonville, CA 95077
Applicant	Hawkins & Associates Engineering, Inc.. 436 Mitchell Road, Modesto, CA 95354

City of Modesto Planning Commission

Minutes

February 23, 2026

Being the hour of 6:00 pm, the meeting was called to order by Chairperson Shanks.

I. ROLL CALL

Commissioners Arroyo, Black, Goriel, Grewal, Hauselmann, Russell, and Shanks, present

II. APPROVAL OF MINUTES

It was moved by Commissioner Russell, seconded by Commissioner Goriel, and carried unanimously (7-0) that the minutes of the regular meeting of January 26, 2026, be approved.

III. PUBLIC COMMENT PERIOD

A member of the public spoke on the importance of preserving farmland in the City of Modesto and the future generation of Modesto.

IV. CONFLICT OF INTEREST DECLARATION

None.

V. CONSENT

Item A Consider recommending the 2025 General Plan Annual Progress Report and forwarding to Council for approval. (Funding Source: General Fund)
Contact Info: Edwin Borquez, 577-5267 eborquez@modestogov.com

Motion/Action (Approved)

It was moved by Commissioner Grewal, seconded by Commissioner Russell, and carried unanimously (7-0) (Arroyo, Black, Goriel, Grewal, Hauselmann, Russell, Shanks, ayes; None, noes; None, absent; None, recused) that the Planning Commission adopt **Resolution No. 2026-06** RESOLUTION RECOMMENDING THE 2025 GENERAL PLAN ANNUAL PROGRESS REPORT AND FORWARDING TO COUNCIL FOR APPROVAL

VI. PUBLIC HEARINGS

Item B Hearing to consider an amendment to the Land Use Element of the General Plan and two amendments to the Land Use Diagram of the Tivoli Specific Plan, together with new Tivoli Area Plans No. 1 and No. 4, Final Development Plans and Vesting Tentative Subdivision Maps for “Tivoli Mable”, “Tivoli Alves” and “Tivoli Paregian” and a proposed amendment to the land use element of the General Plan cleanup and reconciliation of the general plan RSC and LDR land use designation to allow for the proposed project in properties located east of Oakdale road and south of future Claratina Avenue.. (Funding Source: Application Fees)
Contact Info: Kathrine Martin, 577-5267, kamartin@modestogov.com

Motion/Action (Failed)

It was moved by Commissioner Black, seconded by Commissioner Hausellman, and motion failed (2-5) (Black, Hauselmann, ayes; Arroyo, Goriel, Grewal, Russell, Shanks, noes; None, absent; None, recused) that the Planning Commission continue the public hearing to the March 16, 2026, Planning Commission Meeting.

Motion/Action (Approved)

It was moved by Commissioner Arroyo, seconded by Commissioner Grewal, and carried (6-1) by majority (Arroyo, Goriel, Grewal, Hauselmann, Russell, Shanks, ayes; Black, noes; None, absent; None, recused) that the Planning Commission adopt **Resolution No. 2026-07** A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF SPECIFIC PLAN AMENDMENT NO. 7 TO THE TIVOLI SPECIFIC PLAN TO AMEND THE LAND USE DIAGRAM OF SIX ACRES FROM MEDIUM-HIGH DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL (ALVES PROPERTIES LP)

Motion/Action (Approved)

It was moved by Commissioner Arroyo, seconded by Commissioner Grewal, and carried (6-1) by majority (Arroyo, Goriel, Grewal, Hauselmann, Russell, Shanks, ayes; Black, none; None, absent; None, recused) that the Planning Commission adopt **Resolution No. 2026-08** A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF SPECIFIC PLAN AMENDMENT NO. 8 TO THE TIVOLI SPECIFIC PLAN TO AMEND THE LAND USE DIAGRAM OF TWO ACRES FROM VERY LOW DENSITY RESIDENTIAL (VLDR) TO LOW DENSITY RESIDENTIAL (LDR) (MABLE AVE PROPERTIES LP)

Motion/Action (Approved)

It was moved by Commissioner Arroyo, seconded by Commissioner Grewal, and carried (6-1) by majority (Arroyo, Goriel, Grewal Hauselmann, Russell, Shanks, ayes; Black, noes; None, absent; None, recused) that the Planning Commission adopt **Resolution No. 2026-09** A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF AREA PLAN NO. 1 IN THE TIVOLI SPECIFIC PLAN, PROPERTY LOCATED BETWEEN MABLE AVENUE AND FUTURE CLARATINA AVENUE, EAST OF OAKDALE ROAD (ZAGARIS)

Motion/Action (Approved)

It was moved by Commissioner Arroyo, seconded by Commissioner Grewal, and carried (6-1) by majority (Arroyo, Goriel, Grewal Hauselman, Russell, Shanks, ayes; Black, noes; None, absent; None, recused) that the Planning Commission adopt **Resolution No. 2026-10** A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF AREA PLAN NO. 4 IN THE TIVOLI SPECIFIC PLAN, PROPERTY LOCATED BETWEEN ARIA WAY AND OAKDALE ROAD, SOUTH OF MABLE AVENUE (MABLE AVENUE PROPERTIES LP)

Motion/Action (Approved)

It was moved by Commissioner Arroyo, seconded by Commissioner Grewal, and carried (6-1) by majority (Arroyo, Goriel, Grewal, Hauselman, Russell, Shanks, ayes; Black, noes; None, absent; None, recused) that the Planning Commission adopt **Resolution No. 2026-11** A RESOLUTION RECOMMENDING APPROVAL BY THE CITY COUNCIL OF THE VESTING TENTATIVE MAP OF TIVOLI ALVES (ALVES PROPERTIES LP)

Motion/Action (Approved)

It was moved by Commissioner Arroyo, seconded by Commissioner Grewal, and carried (6-1) by majority (Arroyo, Goriel, Grewal, Hauselman, Russell, Shanks, ayes; Black, noes; None, absent; None, recused) that the Planning Commission adopt **Resolution No. 2026-12** A RESOLUTION RECOMMENDING APPROVAL BY THE CITY COUNCIL OF THE VESTING TENTATIVE MAP OF TIVOLI MABLE (MABLE AVENUE PROPERTIES LP)

Motion/Action (Approved)

It was moved by Commissioner Arroyo, seconded by Commissioner Grewal, and carried (6-1) by majority (Arroyo, Goriel, Grewal, Hauselman, Russell, Shanks, ayes; Black, noes; None, absent; None, recused) that the Planning Commission adopt **Resolution No. 2026-13** A RESOLUTION RECOMMENDING APPROVAL BY THE CITY COUNCIL OF THE VESTING TENTATIVE MAP OF TIVOLI PAREGIAN (MICHAEL ZAGARIS)

Motion/Action (Approved)

It was moved by Commissioner Arroyo, seconded by Commissioner Grewal, and carried (6-1) by majority (Arroyo, Goriel, Grewal, Hauselman, Russell, Shanks, ayes; Black, noes; None, absent; None, recused) that the Planning Commission adopt **Resolution No. 2026-14** A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF THE FINAL DEVELOPMENT PLAN FOR TIVOLI ALVES WITHIN AREA NO. 1 OF THE TIVOLI SPECIFIC PLAN, FOR 26.3 ACRES LOCATED BETWEEN ARIA WAY AND FUTURE CLARATINA AVENUE, NORTH OF MABLE AVENUE (ALVES PROPERTIES LP)

Motion/Action (Approved)

It was moved by Commissioner Arroyo, seconded by Commissioner Grewal, and carried (6-1) by majority (Arroyo, Goriel, Grewal, Hauselman, Russell, Shanks, ayes; Black, noes; None, absent; None, recused) that the Planning Commission adopt **Resolution No. 2026-15** A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF THE FINAL DEVELOPMENT PLAN FOR TIVOLI MABLE WITHIN AREA NO. 4 OF THE TIVOLI SPECIFIC PLAN, FOR 22.8 ACRES LOCATED BETWEEN ARIA WAY AND OAKDALE ROAD, SOUTH OF MABLE AVENUE (MABLE AVE PROPERTIES LP)

Motion/Action (Approved)

It was moved by Commissioner Arroyo, seconded by Commissioner Grewal, and carried unanimously (6-1) by majority (Arroyo, Goriel, Grewal, Hauselman, Russell, Shanks, ayes; Black, noes; None, absent; None, recused) that the Planning Commission adopt **Resolution No. 2026-16** A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF THE FINAL DEVELOPMENT PLAN FOR TIVOLI PAREGIAN WITHIN AREA NO. 1 OF THE TIVOLI SPECIFIC PLAN, FOR 22.8ACRES LOCATED BETWEEN FUTURE CLARATINA AVENUE, NORTH AND MABLE AVENUE, EAST OF OAKDALE ROAD (ZAGARIS)

Motion/Action (Approved)

It was moved by Commissioner Arroyo, seconded by Commissioner Grewal, and carried unanimously (6-1) by majority (Arroyo, Goriel, Grewal, Hauselman, Russell, Shanks, ayes; Black, noes; None, absent; None, recused) that the Planning Commission adopt **Resolution No. 2026-17** A RESOLUTION RECOMMENDING CITY COUNCIL ADOPTION OF AN AMENDMENT TO THE LAND USE ELEMENT OF THE MODESTO URBAN AREA GENERAL PLAN TO RESTORE THE DESIGNATION OF EIGHT ACRES INADVERTENTLY CHANGED FROM REGIONAL COMMERCIAL (RC) TO RESIDENTIAL (R) AS PART OF CITY COUNCIL RESOLUTION NO. 2022-449, TO RECONCILE INCONSISTENCY BETWEEN THE GENERAL PLAN AND THE LAND USE DIAGRAM OF THE TIVOLI SPECIFIC PLAN (CITY OF MODESTO)

VII. OTHER BUSINESS

None.


VIII. MATTERS TOO LATE FOR THE AGENDA

None.

XI. ADJOURNMENT

The meeting was adjourned at 7:32 pm.

Original, signed copy on file in CEDD
Michael Hren, AICP, Secretary

 <p style="text-align: center;">CITY OF MODESTO COMMITTEE AGENDA REPORT</p>	<p style="text-align: center;">DATE OF MEETING: March 16, 2026</p>
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Date: December 1, 2025

TO: Chairperson Shanks and Members of the Planning Commission

THROUGH: Jessica Hill, Community and Economic Development Director

FROM: Radha Hayagreev, Principal Planner

SUBJECT: Tentative Parcel Map to subdivide two existing parcels located at 1235 and 1239 McHenry Avenue.

CEQA: This project is categorically exempt pursuant to Section 15315-Minor Land Divisions of the California Environmental Quality Act (CEQA)

CONTACT: Michael Schubert, Assistant Planner,
mschubert@modestogov.com, 209-577-5272

APPLICANT: Rod Hawkins

DESCRIPTION:

Hearing to consider approving a Tentative Parcel Map to subdivide two existing parcels totaling approximately 1.44 acres into four parcels. The project site is located at 1235 and 1239 McHenry Avenue in the Mixed-Use Pedestrian (MU-P) zone (Funding Source: Application Fees)

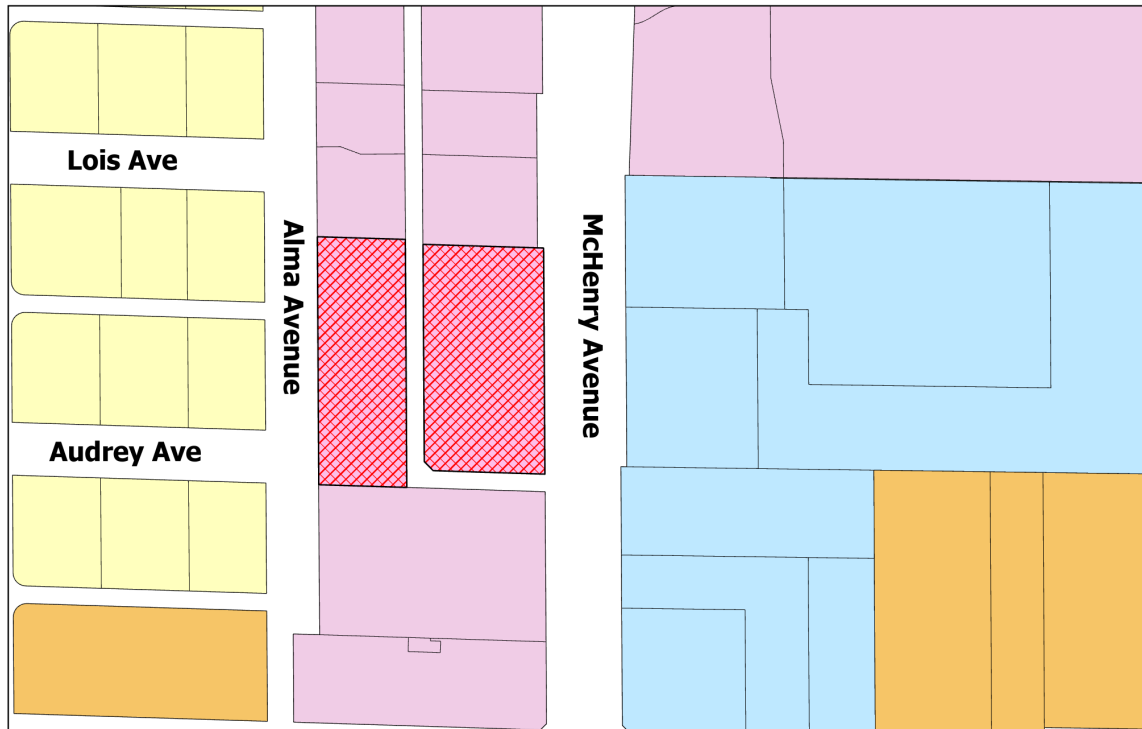
STRATEGIC PLAN ELEMENT:

This item is consistent with the 2025-2026 Strategic Plan Area of Focus: Economic Vitality. The approval of a Tentative Parcel Map at this location will help to allow for the success of a vibrant and economically sustainable business climate.

BACKGROUND:

The project area consists of two interior parcels located at the western side of McHenry Avenue. The eastern parcel, Assessor's Parcel Number (APN) 119-010-009, is approximately 0.8 acres, and the western parcel, APN 119-018-011, is approximately 0.64 acres.

The Surrounding area includes MU-P to the north and south, Planned Development (PD) 521 and PD 42 to the east and Low Density Residential (R-1) to the west.



1235 and 1239 McHenry Avenue Project Location

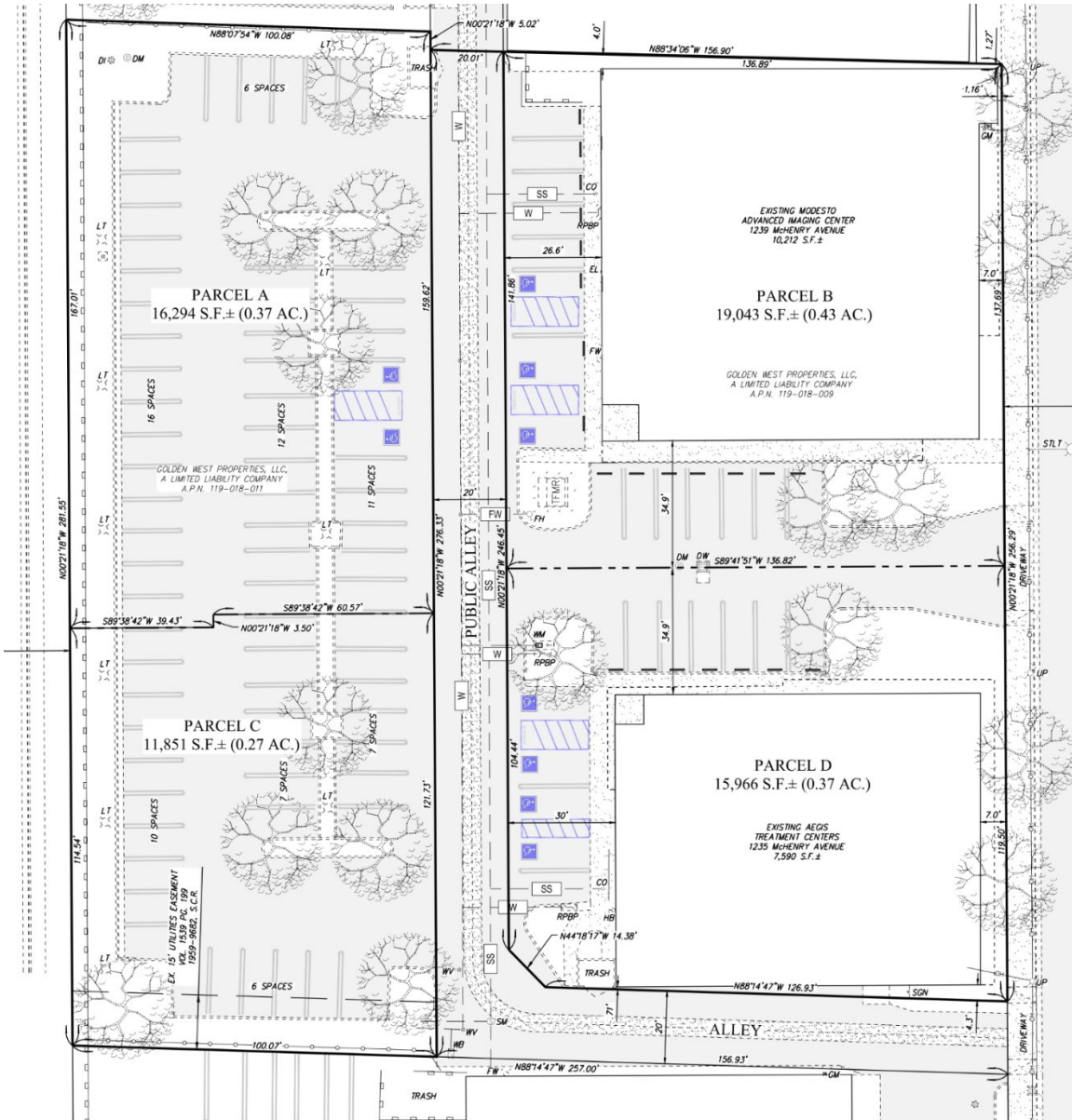
DISCUSSION:

On December 1, 2025, Mr. Rod Hawkins submitted an application for a Tentative Parcel Map for properties located at 1235 and 1239 McHenry Avenue, which are zoned Mixed-Use Pedestrian (MU-P). The proposal seeks to subdivide two existing parcels into four separate parcels. No change in land use or new development is proposed at this time.

The Tentative Parcel Map will create four parcels:

- Eastern Parcels (Parcel B and Parcel D)
 - Combined total: 0.80 acres
 - Parcel B: 0.43 acres, currently developed with the Modesto Advanced Imaging Center (1239 McHenry Avenue)
 - Parcel D: 0.37 acres, currently developed with AEGIS Treatment Center (1235 McHenry Avenue)
 - (APN: 119-010-009)
- Western Parcels (Parcel A and Parcel C)
 - Combined total: 0.64 acres
 - Both parcels are currently utilized as parking lots (APN: 119-018-011)

Planning Commission, March 16, 2026
 Tentative Parcel Map to subdivide two existing parcels
 located at 1235 and 1239 McHenry Avenue
 Page 3 of 6



Planning staff has determined that the proposed subdivision meets all requirements of the Tentative Parcel Map and applicable lot design standards, based on a comprehensive review of the map layout, parcel sizes, and consistency with zoning and subdivision regulations. The City does not require minimum lot sizes for parcels zoned MU-P as the MU-P zone shall be considered as the equivalent to the C-2 (General Commercial) for commercial uses which does not provide any minimum parcel sizes. Any future development on these parcels will be subject to the standards outlined in the Modesto Municipal Code. The Tentative Parcel Map was circulated to relevant City departments, divisions, and external stakeholders for review. All comments and conditions have been addressed and incorporated into the resolution.

General Plan Conformance:

The project site has a General Plan Commercial designation. The Commercial designation is intended “to provide for a range of commercial uses to serve the current and projected needs of Modesto’s population.” The designation allows for a variety of uses including business, medical, professional offices, retail, and other commercial uses.

The proposed Tentative Parcel Map supports the General Plan by maintaining existing commercial and service-oriented uses and enabling future development consistent with the Commercial General Plan land use designation.

Zoning Conformance:

The subject parcels are zoned Mixed-Use Pedestrian (MU-P). The proposed subdivision complies with applicable zoning standards, and no variances or exceptions have been requested.

Subdivision Conformance:

Per City of Modesto Municipal Code (MMC) Section 4-4.502(c), if a Tentative Parcel Map complies with all the requirements of MMC Article 4-4.5 (Parcel Maps), as well as the Subdivision Map Act, the Planning Commission may approve the division.

Per MMC Section 4-4.502(d) and Government Code Section 66474 of the Subdivision Map Act, a Tentative Parcel Map shall not be approved or conditionally approved by the Planning Commission if it makes any of the following findings. Each of the MCC Section 4-4.502(d) and Government Code Section 66474 Subdivision Map Act findings are shown below, along with the details regarding the project related to each finding.

1. That the proposed map is not consistent with applicable general and specific plans.
The proposed Tentative Parcel Map is consistent with the General Plan Commercial Designation and the MU-P zoning. The project does not change land use or intensity and supports continued commercial and office uses on the site.
2. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
The parcel configuration and any future improvements will comply with City development standards and policies. The subdivision supports orderly development and continued commercial use consistent with zoning regulations.
3. That the site is not physically suitable for the type of development.
The site is already developed with existing commercial buildings and infrastructure and is suitable for commercial or office uses. The proposed map does not introduce new development.
4. That the site is not physically suitable for the proposed density of development.
No increase in density is proposed. The Tentative Parcel Map maintains existing development.

5. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The project consists solely of a land division within an urbanized area and does not involve any new development or habitat disturbance.

6. That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

The parcels are served by existing utilities, access, and public services, and any future improvements will be required to meet City standards.

7. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large for access through or use of property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easement of record or to easements established by judgment of a court of competent jurisdiction.

The proposed parcel lines are configured to respect existing easements and access arrangements. No conflicts with public access or utility easements are anticipated, and any necessary easements will be maintained accordingly.

Based on the above analysis, staff believes that none of the MMC Section 4-4.502(d) findings can be made. Therefore, the Planning Commission is not prohibited from approving this project pursuant to Section 4-4.502(d) of the Modesto Municipal Code. As part of the application and review process, the project has been reviewed and conditioned for development and final recordation process. See **Attachment 1**.

FISCAL IMPACT:

City expenditures related to the review of the project are funded by application fees provided by the applicant.

CEQA REQUIREMENTS:

This Tentative Parcel Map is categorically exempt from review under the California Environmental Quality Act (CEQA), pursuant to Section 15315, "Minor Land Divisions" of the CEQA Guidelines which exempts "the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent." Staff has prepared a Notice of Exemption EA/C&ED 2026-05 and has provided it as **Attachment 2**.

RECOMMENDED PLANNING COMMISSION ACTION:

Staff Recommendations:

Motion to Certify and adopt the CEQA Notice of Exemption EA/C&ED 2026-05; and

Resolution approving a Tentative Parcel Map to subdivide two existing parcels located at 1235 and 1239 McHenry Avenue.

Attachments:

1. Draft Resolution 2026-xx
2. Notice of Exemption EA/C&ED 2026-05
3. Proposed Map
4. Financial Interest Disclosure Form
5. Levine Act Form

**PLANNING COMMISSION
RESOLUTION NO. 2026-XX**

**A RESOLUTION APPROVING A TENTATIVE PARCEL MAP TO SUBDIVIDE TWO
EXISTING PARCELS LOCATED AT 1235 AND 1239 MCHENRY AVENUE**

WHEREAS, on December 1, 2025, Rod Hawkins filed an application for a Tentative Parcel Map to subdivide two existing parcels totaling approximately 1.44 acres into four parcels, located in the Mixed-Use Pedestrian (MU-P) zone at 1235 and 1239 McHenry Avenue, Assessor's Parcel Numbers (APN) 119-010-009 and 119-018-011; and

WHEREAS, said Tentative Parcel Map was received in the office of the Secretary of the Planning Commission on December 1, 2025, and was accepted for filing and deemed complete on December 1, 2025, in accordance with the provisions of Section 4-4.502 of the Modesto Municipal Code; and

WHEREAS, copies of said Tentative Parcel Map have been sent to internal departments and local external agencies for review, conditions and comments; and

WHEREAS, City services, including sewer and water facilities, are available; and

WHEREAS, a public hearing was held by the Planning Commission on March 16, 2026, in Chambers, 1010 Tenth Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered; and

WHEREAS, this item is consistent with the 2025-2026 Strategic Plan Area of Focus: Economic Vitality. The approval of a Tentative Parcel Map at this location will help to allow for the success of a vibrant and economically sustainable business climate; and

WHEREAS, the proposed Tentative Parcel Map supports the General Plan by maintaining existing commercial and service-oriented uses and enabling continued development consistent with the Commercial land use designation; and

WHEREAS, the project area consists of two interior parcels located at the western side of McHenry Avenue. The easternmost parcel (APN 119-010-009) is approximately 0.8 acres, and the westernmost parcel (APN 119-018-011) is approximately 0.64 acres; and

WHEREAS, the Tentative Parcel Map proposes the creation of four parcels. The eastern parcels, identified as Parcel B and Parcel D, are both developed and will have a combined area of approximately 0.80 acres. ; and

WHEREAS, the western parcels, identified as Parcel A and Parcel C, will have a combined area of approximately 0.64 acres and are currently utilized as parking lots under APN 119-018-01; and

WHEREAS, Planning staff has determined that the proposed subdivision meets all requirements of the Subdivision Map Act and applicable lot design standards, based on a comprehensive review of the map layout, parcel sizes, existing improvements, and consistency with zoning and subdivision regulations; and

WHEREAS, any future development on these parcels will be subject to the standards outlined in the Modesto Municipal Code. The Tentative Parcel Map was circulated to relevant City departments, divisions, and external stakeholders for review.

All comments and conditions have been addressed and incorporated into the resolution;
and

WHEREAS, the subject parcels are zoned Mixed-Use Pedestrian (MU-P). The proposed subdivision complies with applicable zoning standards, and no variances or exceptions have been requested; and

WHEREAS, per City of Modesto Municipal Code Section 4-4.502(c), a Tentative Parcel Map is required to conform to Article 5 provisions as well as the Subdivision Map Act. As part of the application and review process, the project has been reviewed and conditioned for development and final recordation process; and

WHEREAS, staff has determined that this Tentative Parcel Map is categorically exempt from further review under the California Environmental Quality Act (CEQA), pursuant to Section 15315, “Minor Land Divisions” of the CEQA Guidelines which exempts “the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent,” and staff has prepared a Notice of Exemption, EA/C&ED 2026-05.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

1. The Tentative Parcel Map to create four (4) parcels is consistent with the General Plan of the City of Modesto and the Subdivision Map Act of the State of California.
2. The proposed Tentative Parcel Map will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent and purpose of the General Plan or regulations within the City of Modesto Municipal Code.
3. The discharge of waste as a result of the proposed tentative parcel 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.
4. The proposed Tentative Parcel Map is exempt from CEQA, pursuant to Section 15315 “Minor Land Divisions” of the CEQA Guidelines which exempts “the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.”
5. The proposed Tentative Parcel Map complies with all applicable requirements of the Subdivision Map Act and of Title 4 of the Modesto Municipal Code regarding the subdivision of land.

BE IT FURTHER RESOLVED by the Planning Commission that the Tentative Parcel Map of property located at 1235 and 1239 McHenry Avenue, accepted for filing in the office of the Secretary of the Planning Commission on March 16, 2026, is hereby approved as submitted and subject to the following conditions:

1. All resultant parcels in the subdivision Map will be in the MU-P zone and is subject to development standards of the Title 10 regulations of the MU-P zone.
2. There cannot exist any structure along the proposed lot line of the subdivision parcel map. Structures present will automatically void the proposed map.
3. All existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the Utility Companies and City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.

4. All construction documentation shall be coordinated for consistency, including but not limited to, architectural, structural, mechanical, electrical, plumbing, landscape and irrigation, grading, utility and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Division.
5. At the time of development, all existing underground and aboveground utilities, irrigation, and electrical lines shall be protected, relocated, or removed as required by the City Engineer or designee. Easements for utilities, irrigation, and electrical lines to remain shall be reserved as required.
6. Fire, Stormwater, Planning, Parks Planning, Land Development Engineering Department Conditions of Approval for the project shall be included with building plans and shall be continuously maintained on-site during project construction to the satisfaction of the Chief Building Official.
7. 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, community facility fees, building permit and plan check fees.
8. All landscaping, fences, and walls shall be maintained in good condition and the premises shall be kept free of weeds, trash, and other debris.
9. 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.
10. Any public improvements that are missing, damaged, or not to current City standards shall be designed and constructed per City standards in accordance with City Code (Section 7-1.701). Such improvements may include, but not be limited to curb & gutter, drive approach, sidewalk, ADA access ramps, fire hydrants and streetlights. All public improvement plans shall be designed by a Registered Engineer, reviewed and approved by the City Engineer prior to issuance of an Encroachment permit.
11. Prior to start of construction, all-weather, hard-surfaced roadways shall be constructed and maintained free of obstructions at all times during construction as required by the Director of Community and Economic Development.

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 March 16, 2026, 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.

The foregoing resolution was introduced at the regular meeting of the Planning Commission held on March 16, 2026, by Commissioner ____ who moved its adoption, which motion was seconded by Commissioner ____, and carried by the following vote:

Ayes:
Noes:
Absent:
Recused:

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

Signed copy on file in CEDD
Michael Hren, AICP, Secretary

Notice of Exemption**Appendix E**

To: Office of Planning and Research
 P.O. Box 3044, Room 113
 Sacramento, CA 95812-3044

County Clerk

County of: _____

From: (Public Agency): _____

(Address)

Project Title: _____

Project Applicant: _____

Project Location - Specific:

Project Location - City: _____ Project Location - County: _____

Description of Nature, Purpose and Beneficiaries of Project:

Name of Public Agency Approving Project: _____

Name of Person or Agency Carrying Out Project: _____

Exempt Status: **(check one):**

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. State type and section number: _____
- Statutory Exemptions. State code number: _____

Reasons why project is exempt:

Lead Agency

Contact Person: _____ Area Code/Telephone/Extension: _____

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: _____ Date: _____ Title: _____

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
 Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____

TENTATIVE PARCEL MAP

A.P.N. 119-018-009 & 011
1235 & 1239 McHENRY AVENUE
MODESTO, CALIFORNIA 95350

FLOOD ZONE CLASSIFICATION

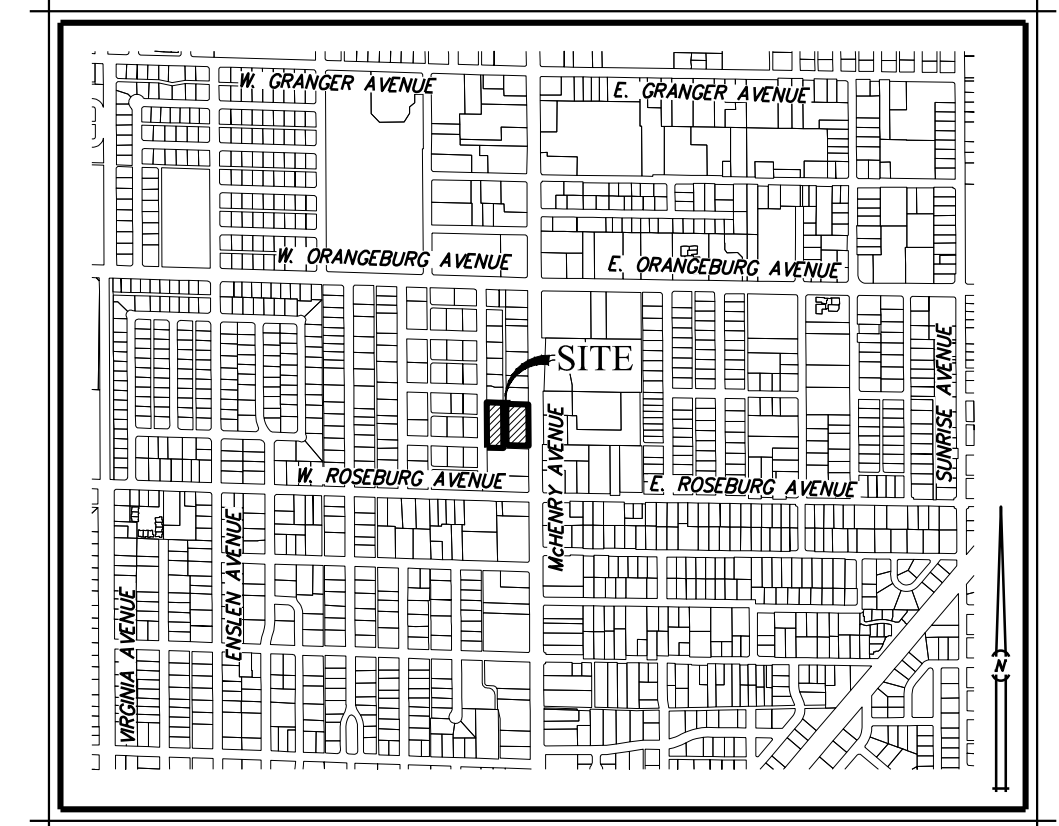
SAID DESCRIBED PROPERTY IS LOCATED WITHIN AREA "ZONE X", AN AREA OF MINIMAL FLOOD HAZARD, AS SHOWN ON FLOOD INSURANCE RATE MAP OF STANISLAUS COUNTY, MAP NO. 06099C0340F (NOT PRINTED), COMMUNITY NO. 060387, WITH A DATE OF IDENTIFICATION OF AUGUST 24, 2021, IN THE CITY OF MODESTO, STATE OF CALIFORNIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.

BASIS OF BEARINGS

THE BEARING OF NORTH 0°40'58" WEST BETWEEN STATION 2424 AND 2524 AS SHOWN ON THAT SURVEY ENTITLED "AMENDED CITY OF MODESTO RECORD OF SURVEY, G.P.S. CONTROL NETWORK", FILED MARCH 30, 1995 IN BOOK 22 OF SURVEYS, AT PAGE 51, STANISLAUS COUNTY RECORDS, IS THE BASIS FOR ALL BEARINGS.

DEVELOPMENT STATEMENT

1. EXISTING STORM DRAINAGE PER CITY OF MODESTO.
2. EXISTING SANITARY SEWER TO CITY OF MODESTO SANITARY SEWER SYSTEM.
3. EXISTING DOMESTIC AND FIRE WATER FROM CITY OF MODESTO.
4. THERE ARE NO PUBLIC AREAS PROPOSED ON THIS MAP.
5. EXISTING STREET LIGHTING AS SHOWN.
6. PURPOSE OF THIS TENTATIVE MAP IS TO DIVIDE A.P.N. 119-018-009 INTO 2 PARCELS AS SHOWN, AND TO DIVIDE A.P.N. 119-018-011 INTO 2 PARCELS AS SHOWN.
7. A PRIVATE ACCESS AND MAINTENANCE AGREEMENT SHALL BE RECORDED BETWEEN ALL PARTIES TO ALLOW FOR REQUIRED TRAFFIC CIRCULATION AND MAINTENANCE OF PAVED AREAS AND ASSOCIATED STORM DRAINAGE.



VICINITY MAP
NO SCALE

OWNER

GOLDEN WEST PROPERTIES, LLC, A LIMITED LIABILITY PARTNERSHIP

ADDRESS—
PHONE—

REFERENCES

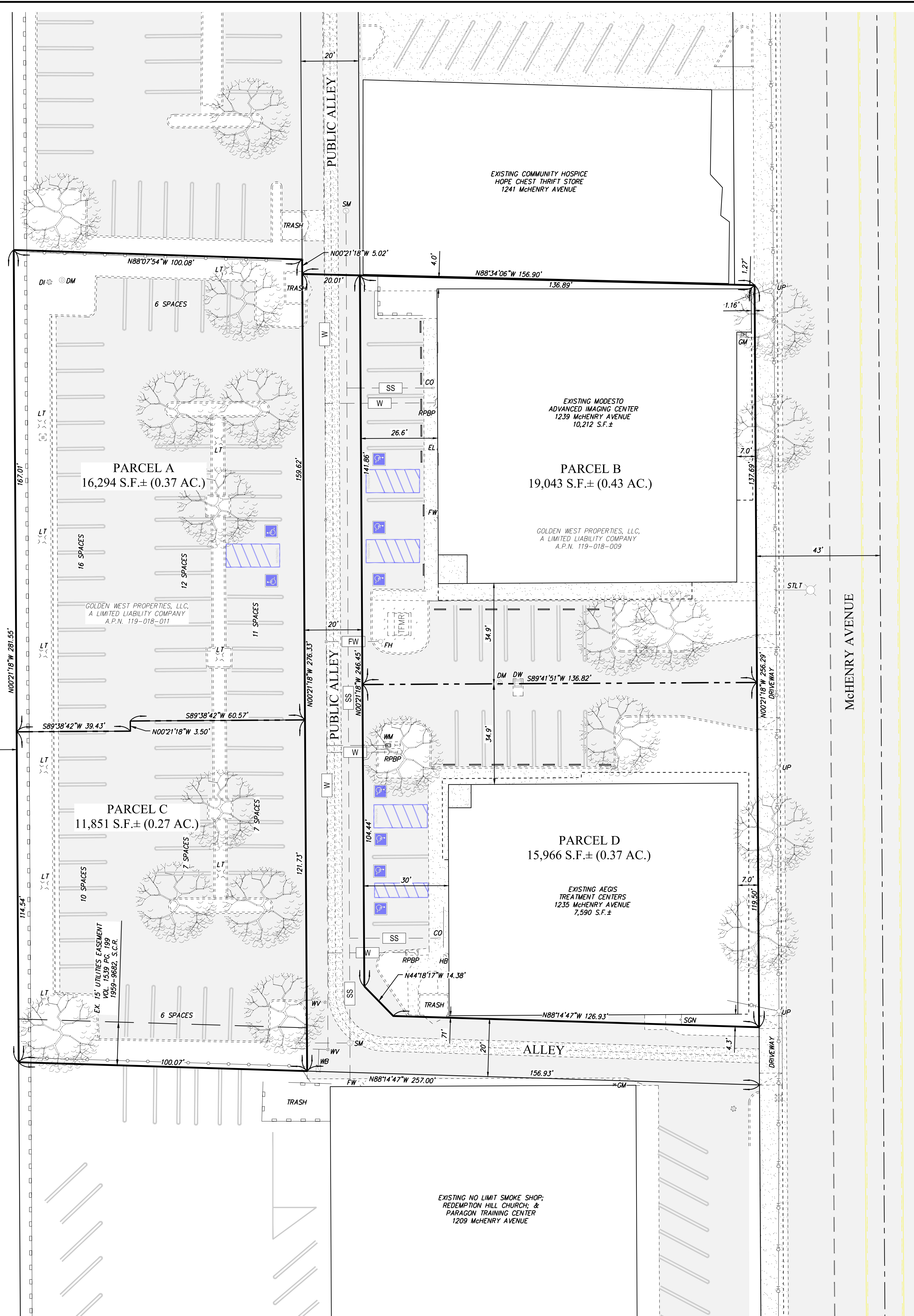
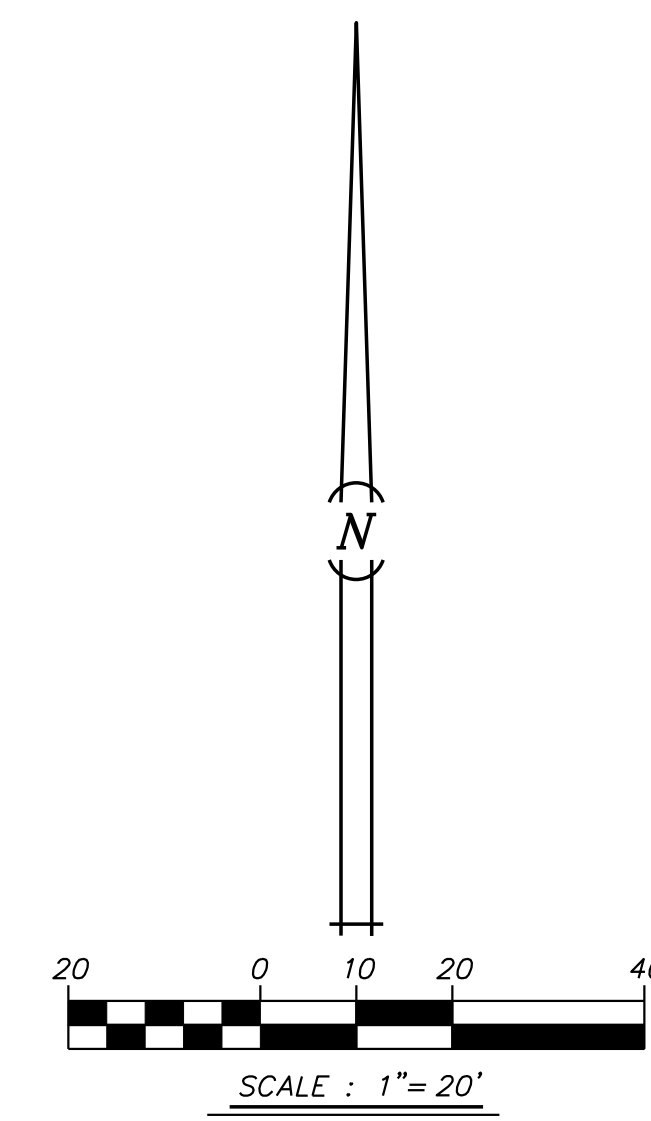
- BOOK 22 OF SURVEYS, AT PAGE 51, S.C.R.
- BOOK 14 OF SURVEYS, AT PAGE 115, S.C.R.
- BOOK 45 OF PARCEL MAPS, AT PAGE 67, S.C.R.
- BOOK 14 OF MAPS, AT PAGE 6B, S.C.R.

NOTE

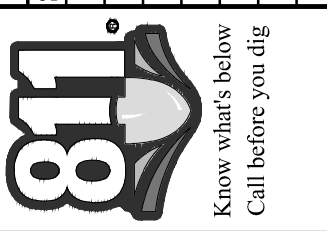
ALL DISTANCES AND BEARINGS ARE BASED UPON A BOUNDARY SURVEY OF FOUND MONUMENTS.

LEGEND

	EXISTING CURB
	EXISTING CURB & GUTTER
	EXISTING VALLEY GUTTER
	EXISTING CURB GUTTER & SIDEWALK
	EXISTING AREA OF AC PAVING
	EXISTING AREA OF CONCRETE
	EXISTING CHAIN LINK FENCE
	EXISTING MASONRY WALL
	EXISTING WATER VALVE
	EXISTING WATER BOX
	EXISTING WATER METER
	EXISTING REDUCED PRESSURE BACKFLOW PREVENTOR
	EXISTING FIRE HYDRANT
	EXISTING FIRE WATER
	EXISTING UNDERGROUND WATER LINE
	EXISTING STORM DRAIN MANHOLE
	EXISTING STORM DRAIN DRYWELL
	EXISTING SANITARY SEWER MANHOLE
	EXISTING SANITARY SEWER CLEANOUT
	EXISTING UNDERGROUND SANITARY SEWER LINE
	EXISTING ELECTRIC BOX
	EXISTING UTILITY POLE
	EXISTING SITE LIGHT
	EXISTING STREET LIGHT
	EXISTING GAS METER
	EXISTING SIGN
	EXISTING TREE
	STANISLAUS COUNTY RECORDS
	EXISTING LOT LINE
	EXISTING CENTER LINE
	EXISTING RIGHT-OF-WAY LINE
	BOUNDARY OF PROJECT PARCEL



RODRICK H. HAWKINS	RCE 50188, PLS 9489
ANDREW S. FOX	RCE 84375
SYM. DATE	DESCRIPTION OF REVISION
	APPD



BY:	RCS
CHK:	RHH
DATE:	01/22/2026

**HAWKINS & ASSOCIATES
ENGINEERING, INC.**
436 MITCHELL ROAD
MODESTO, CA. 95354
PH: (209) 575 - 4295
FX: (209) 578 - 4295

TENTATIVE PARCEL MAP
GOLDEN WEST PROPERTIES, LLC
CONCEPTUAL PLANNING EXHIBIT FOR:
A.P.N. 119-018-009 & 011
1235 & 1239 McHENRY AVENUE
MODESTO, CALIFORNIA 95350

DATE:	
SHEET	1
OF	1

FINANCIAL INTEREST DISCLOSURE FORM

All persons included within the meaning of either of the following tests have a material financial interest in an agreement, or application for development rights, submitted for approval or disapproval by the City Council, and shall be identified by the applicant, by name.

Tests of Materiality:

1. Whether it is foreseeable to a reasonable person that the value of their interest in property available for use by an applicant, or their interest in the applicant itself, may increase or decrease by an amount greater than \$2,000.00 as a direct or indirect result of Council action on the applicant's agreement or application for development rights.
2. Whether it is foreseeable to a reasonable person that the person's gross income from the applicant may increase or decrease by a sum greater than \$2,000.00 as a direct or indirect result of Council action on the agreement or application for development rights.

It is the legal obligation of all applicants for approval of an agreement or of an application for development rights to verify in writing, under penalty of perjury, that the identity of each person having a material financial interest in the agreement or application or development rights is true, correct and complete. The applicant understands that this information is provided under penalty of perjury, and that intentionally supplying misinformation or deception may result in either invalidation of the agreement or application, or criminal prosecution for misdemeanor violation of the Modesto Municipal Code, or both. Negligent provision of misinformation shall be grounds for invalidation. In accordance with the Modesto Municipal Code, each applicant has a continuing obligation to maintain the truth, accuracy and completeness of the financial interest disclosure information provided below until after final consideration by the City Council of any matter arising out of or relating to the agreement or application.

PROJECT: 1235 McHenry Avenue Parcel Map


APPLICANT SIGNATURE

Mary Anne Goldberg
APPLICANT NAME (type or print)

In accordance with the requirements of Title II of the Americans with Disabilities Act ("ADA") of 1990, the Fair Employment & Housing Act ("FEHA"), the Rehabilitation Act of 1973 (as amended), Government Code section 11135 and other applicable codes, the City of Modesto ("City") will not discriminate against individuals on the basis of disability in the City's services, programs, or activities. For more information, please visit the City of Modesto website: <https://www.modestogov.com/865-Americans-with-Disabilities-Act-ADA>

NAMES

Property Owner(s) – (Please list name of company and names of individual names of said company)

Mary Anne Goldberg - Golden West Properties, LLC _____

Mark Goldberg - Golden West Properties LLC _____

Ⓢ See attached list of minority members _____

Developer(s) – (Please list name of company and names of individual owner(s) of company)

Architect(s), Engineer(s) or Other Design Professional(s) – (Please list name of company and names of individual owner(s) of company)

Rod Hawkins - Hawkins & Associates Engineering, Inc. _____

Attorney(s) or Representative(s) – (Please list name of company and names of individual owner(s) of company)

Real Estate Agent(s) – (Please list name of company and names of individual owner(s) of company)

Randy Brekke - Brekke Real Estate, Inc _____

Contractor(s)

Other – (Investors, Trustees, etc.)

**Golden West Properties LLC
GWP Member List**

Golden West Properties. LLC Member List

Burl C. Claborn, Jr.
Donald J. Prather
Janet Gaye Garcia
Kathy L. Cronin
Lenita R. Williamson 2004 Trust
Mark D. & Marla L. Welch
Mark R. Goldberg
Michael C. Dumars
Michael Purnell
Recto & Clarita DeLeon
Robert M. & Sandra C. Cash



California Levine Act Disclosure

California Government Code Section 84308, also known as the "Levine Act", prohibits City "officers" from participating in any action related to a license, permit, or other entitlement for use (a "proceeding") if such member accepts, solicits, or directs political contributions from a party to the proceeding or their agent totaling more than \$500 while the proceeding is pending before the agency, and for twelve (12) months following the date a decision concerning the proceeding has been made. The Levine Act also requires disclosure of such contribution by a party to the proceeding.

Section 84308(a)(4) of the Levine Act defines an "officer" as follows: "Officer" means any elected or appointed officer of an agency, any alternate to an elected or appointed officer of an agency, and any candidate for elective office in an agency. The term "officer" is further defined 2 Cal. Code Regs. Section 18438.1, which states:

An officer of an agency includes only those persons who make, participate in making, or in any way attempt to use their official position to influence a decision in the license, permit, or entitlement for use proceeding, or who exercise authority or budgetary control over the agency of officers who may do so, and:

- (1) Serve in an elected position, including an official appointed to an elected position due to an interim vacancy or an election otherwise canceled because the official was the sole candidate for the position;
- (2) Serve as a member of a board or commission;
- (3) Serve as the chief executive of a state agency, or county, city or district of any kind; or
- (4) Have decision making authority with respect to the proceeding involving a license, permit, or other entitlement for use and is also a candidate for elected office or has been a candidate for elective office in the 12 months prior to the proceeding.

A list of Modesto City Council Board Members can be found online at: Modesto City Council <https://modestogov.com/706/Council-Members> (modestogov.com). The party making this certification is responsible for determining whether a recipient of a political contribution is a City officer prior to answering the following questions:

1. Have you, your company, or any agent on behalf of you or your company, made any political contributions of more than \$500 to any City officer, in the twelve (12) months preceding the date of the submission of your proposals or the anticipated date of any Council action related to this contract?

YES If yes, please identify the Councilmember(s):

NO

2. Do you, or your company, or any agent on behalf of you or your company, anticipate or plan to make any political contribution of more than \$500 to any City officer in the twelve (12) months following any Council action related to this contract?

YES If yes, please identify the Councilmember(s):

NO

Answering YES to either of the questions above does not preclude the City of Modesto from awarding a contract to your firm or taking any subsequent action related to the contract. It may, however, preclude the identified City officer from participating in any actions related to such contract.

HEREBY CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

11/26/25

Date



Signature of authorized individual

HAWKINS & ASSOCIATES

Company/Applicant Name