

FILED

2019 MAY 23 PM 12:14

STANISLAUS CO. CLERK-RECORDER

Victoria Alvarez

**City of Modesto  
NOTICE OF DETERMINATION**

**ATTENTION COUNTY CLERK:  
PLEASE DO NOT REMOVE BEFORE: Wednesday, June 26, 2019**

TO: County Clerk-Recorder  
County of Stanislaus  
1021 I Street  
Modesto, CA 95354

FROM: City of Modesto  
Community & Economic Development Dept.  
Planning Division  
P.O. Box 642  
Modesto, CA 95353

SUBJECT: Filing of Notice of Determination in compliance with Section 21152 of the Public Resources Code

Project Title: CUP-19-001: Conditional Use Permit Application for a Gas Station/Market and Food Service/Coffee Shop

State Clearinghouse Number: Kiernan Business Park Specific Plan Amendment No. 4 EIR (SCH No. 2007062071)

Contact Person: Katharine Martin, Associate Planner, 209-577-5267

Applicants: Reliance Gas Investments, c/o Jivtesh Gill; 8657 Ranch Road, Tracy CA 95304  
Phone: 209-481-7445

Owner: Reliance Gas Investments, c/o Jivtesh Gill

Project Location: 4506 Dale Road, Modesto, CA

Project Description: Conditional Use Permit application for a 5,077 square foot gas station convenience store building with a 1,911 square foot food service/coffee shop component.

This is to advise that the City of Modesto, the lead agency, has approved the above-described project on May 23, 2019 and has made the following determinations, pursuant to Section 15164 of the CEQA Guidelines:

The project will not result in major revisions to the previously-certified Kiernan Business Park Specific Plan Amendment #4 EIR, and pursuant to Section 15162 of the CEQA Guidelines, no new environmental review is required. The following findings have been found to be true:

1. 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 Kiernan Business Park Specific Plan Amendment #4 EIR are required.

2. 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 Kiernan Business Park Specific Plan Amendment #4 EIR are required.
3. 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 Kiernan Business Park Specific Plan Amendment #4 EIR was adopted which shows any of the following:
  - a. One or more significant effects which is not discussed in the Kiernan Business Park Specific Plan Amendment #4 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 Kiernan Business Park Specific Plan Amendment #4 EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

The Initial Study, Environmental Assessment No. EA/C&ED 2019-16, on file at the City of Modesto, Community and Economic Development Department, provides substantial evidence to support findings 1 thru 3, noted above.

This is to certify that the Kiernan Business Park Specific Plan Amendment #4 EIR and Initial Study, Environmental Assessment No. EA/C&ED 2019-16 are available to the general public at:

City of Modesto, Community & Economic Development Department, Planning Division,  
1010 Tenth Street, Modesto, CA 95354



Katharine Martin, City of Modesto

Date: May 23, 2019 Title: Associate Planner

Governor's Office of Planning & Research

MAY 24 2019

STATE CLEARINGHOUSE



State of California—The Resources Agency  
DEPARTMENT OF FISH AND GAME  
2009 ENVIRONMENTAL FILING FEE CASH RECEIPT

RECEIPT# 377783

STATE CLEARING HOUSE # (if applicable)

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY

LEAD AGENCY <u>City of Modesto</u>		DATE <u>9-4-09</u>
COUNTY/STATE AGENCY OF FILING <u>County of Stanislaus</u>		DOCUMENT NUMBER <u>09-0184</u>
PROJECT TITLE <u>Kiernan Business Park Specific Plan Amendment #4 Project</u>		
PROJECT APPLICANT NAME <u>Dr. Aruna Chopra</u>		PHONE NUMBER <u>( )</u>
PROJECT APPLICANT ADDRESS <u>313 Banner Court Ste B Modesto</u>	CITY <u>Modesto</u>	STATE <u>CA</u>
PROJECT APPLICANT (Check appropriate box): <input type="checkbox"/> Local Public Agency <input type="checkbox"/> School District <input type="checkbox"/> Other Special District <input type="checkbox"/> State Agency <input checked="" type="checkbox"/> Private Entity		ZIP CODE <u>95356</u>

CHECK APPLICABLE FEES:

- |   |                       |                   |
|---|-----------------------|-------------------|
| <input checked="" type="checkbox"/> Environmental Impact Report                                     | \$2,768.25            | \$ <u>2768.25</u> |
| <input type="checkbox"/> Negative Declaration   | \$1,993.00            | \$ _____          |
| <input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only) | \$850.00              | \$ _____          |
| <input type="checkbox"/> Projects Subject to Certified Regulatory Programs                          | \$941.25              | \$ _____          |
| <input checked="" type="checkbox"/> County Administrative Fee                                       | <del>57</del> \$57.00 | \$ <u>57.00</u>   |
| <input type="checkbox"/> Project that is exempt from fees   |                       |                   |
| <input type="checkbox"/> Notice of Exemption  |                       |                   |
| <input type="checkbox"/> DFG No. Effect Determination (Form Attached)                               |                       |                   |
| <input type="checkbox"/> Other _____  |                       | \$ _____          |

PAYMENT METHOD:

☐ Cash ☐ Credit ☒ Check ☐ Other \_\_\_\_\_ #1158

TOTAL RECEIVED \$ 2825.25

SIGNATURE

X ASunt

TITLE

Legal Clerk

WHITE - PROJECT APPLICANT

YELLOW - DFG/ASS

PINK - LEAD AGENCY

GOLDEN ROD - COUNTY CLERK

FG 753.5a (Rev. 7/08)

REC'T # 0002778800  
September 04, 2009 14:35:27

Stanislaus, County Recorder  
Lee Lundrigan Co Recorder Office

misc. #09-0184 -

REQD BY

Env Impact Report \$2,768.25  
County Admin Fee \$57.00

Total fee ..... \$2,825.25  
Amount Tendered... \$2,825.25

Change ..... \$0.00  
OKS:CL/L/O



State of California - Department of Fish and Wildlife  
**2019 ENVIRONMENTAL FILING FEE CASH RECEIPT**  
DFW 753.5a (REV. 12/01/18) Previously DFG 753.5a

**Print** **StartOver** **Finalize&Email**

RECEIPT NUMBER:

50 — 2019 — 096

STATE CLEARINGHOUSE NUMBER (If applicable)

2007062071

**SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.**

LEAD AGENCY City of Modesto Community & Economic development Department	LEAD AGENCY EMAIL	DATE 05/23/2019
COUNTY/STATE AGENCY OF FILING Stanislaus	DOCUMENT NUMBER 2019-096	

PROJECT TITLE

**CUP-19-001 Conditional use permit application for a gas station/market and food service/coffee shop**

PROJECT APPLICANT NAME Katharine Martin	PROJECT APPLICANT EMAIL	PHONE NUMBER (209) 577-5267
PROJECT APPLICANT ADDRESS PO Box 642	CITY Modesto	STATE ca
	ZIP CODE 95353	

**PROJECT APPLICANT** (Check appropriate box)

☒ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity

**CHECK APPLICABLE FEES:**

<input type="checkbox"/> Environmental Impact Report (EIR)	\$3,271.00	\$ 0.00
<input type="checkbox"/> Mitigated/Negative Declaration (MND)(ND)	\$2,354.75	\$ 0.00
<input type="checkbox"/> Certified Regulatory Program (CRP) document - payment due directly to CDFW	\$1,112.00	\$ 0.00

☐ Exempt from fee

☐ Notice of Exemption (attach)

☐ CDFW No Effect Determination (attach)

☒ Fee previously paid (attach previously issued cash receipt copy)

<input type="checkbox"/> Water Right Application or Petition Fee (State Water Resources Control Board only)	\$850.00	\$ 0.00
<input type="checkbox"/> County documentary handling fee		\$
<input type="checkbox"/> Other		\$

**PAYMENT METHOD:**

☐ Cash ☐ Credit ☒ Check ☐ Other **TOTAL RECEIVED** \$ 0.00

SIGNATURE

*X Victoria Alvarez*

AGENCY OF FILING PRINTED NAME AND TITLE

Stanislaus Clerk/Recorder, Victoria Alvarez-Legal Clerk