

FILED

2019 MAY 23 PM 12:18

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-19-003: Conditional Use Permit application for a 9,200 square foot building with a 3,200 square foot restaurant component.

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: Jivtesh Gill; 8657 Ranch Road, Tracy CA 95304 Phone: 209-481-7445

Owner: Jivtesh Gill

Project Location: 4506 Dale Road, Modesto, CA

Project Description: Conditional Use Permit application for a 9,200 square foot building with a 3,200 square foot restaurant 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>CA</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 | 57- \$68.00 | \$ <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 K. Surt

TITLE

Legal Clerk

WHITE - PROJECT APPLICANT

YELLOW - DFG/ASB

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 — 097

STATE CLEARINGHOUSE NUMBER (If applicable)

2007062071

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY

City of Modesto Community & Economic Development Dept.

LEAD AGENCY EMAIL

DATE

05/23/2019

COUNTY/STATE AGENCY OF FILING

Stanislaus

DOCUMENT NUMBER

2019-097

PROJECT TITLE

CUP-19-003 Conditional use permit application for a 9,200 square foot building with a 3,200 square foot restaurant component

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:

☐ Environmental Impact Report (EIR)

\$3,271.00

\$

0.00

☐ Mitigated/Negative Declaration (MND)(ND)

\$2,354.75

\$

0.00

☐ 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)

☐ Water Right Application or Petition Fee (State Water Resources Control Board only)

\$850.00

\$

0.00

☐ County documentary handling fee

\$

☐ Other

\$

PAYMENT METHOD:

☐ Cash

☐ Credit

☒ Check

☐ Other

TOTAL RECEIVED

\$

0.00

SIGNATURE

X *Victoria Alvarez*

AGENCY OF FILING PRINTED NAME AND TITLE

Stanislaus County Clerk/Recorder, Victoria Alvarez-Legal Clerk