

**City of Modesto  
NOTICE OF DETERMINATION**

**FILED**

2018 OCT -5 PM 3:09

**ATTENTION COUNTY CLERK:  
PLEASE DO NOT REMOVE BEFORE Thursday, November 8, 2018**

STANISLAUS CO. CLERK-RECORDER

*Alejandra Marroquin*

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: SPA-18-003—Kiernan Business Park Specific Plan Amendment No. 8, Minor Administrative Amendment of Development Standards for the Mixed Use (MU) Land Use Designation, to allow for Development of up to 33 Additional Dwelling Units

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: A. E. Carrade; 3178 Vista Favoloso; Reno, NV 89519 (209-242-9898)

Owner: JoAnne Bledsoe; Carl (Rick) Fischer and Sandy Fischer

Project Location: West side of Dale Road, north of Bangs Avenue, Modesto CA

Project Description: Minor Administrative Amendment to Section III, Page 3, Table III-1 (Specific Plan Elements) and Section IV, Pages 24 and 32 (Development Standards) of the Specific Plan, as provided by Section IX-B-1.a of the Specific Plan.

The Specific Plan allows for 80 dwelling units at a maximum density of 64,000 gross sq. ft. within the Mixed Use (MU) Land Use Designation. The amendment is to allow for the development of up to 33 additional units for a maximum total of 113 dwelling units, at a maximum density of 113,000 gross sq. ft., and reduces the maximum density of retail and office uses from 450,000 gross sq. ft. to 232,000 gross sq. ft. No change in acreage of the MU area is proposed.

This is to advise that the City of Modesto, the lead agency, has approved the above-described project on October 5, 2018 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:

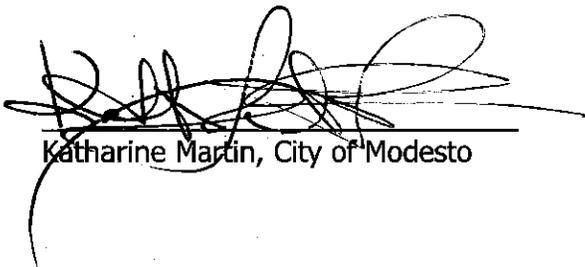
1. There are no substantial changes proposed in the project which result in new significant environmental effects or a substantial increase in the severity of previously identified significant effects and, therefore, no major revisions to the Kiernan Business Park Specific Plan Amendment #4 EIR are required.

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 2018-22, 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, Addendum to Kiernan Business Park Specific Plan Amendment #4 EIR, and Initial Study, Environmental Assessment No. EA/C&ED 2018-22 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: October 5, 2018

Title: Associate Planner



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 ( )
PROJECT APPLICANT ADDRESS <u>313 Banner Court #213</u>	CITY <u>Modesto</u>	STATE <u>CA</u>
PROJECT APPLICANT (Check appropriate box):		ZIP CODE <u>95356</u>
<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		

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>\$57.00</del>	\$ <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: #1158

<input type="checkbox"/> Cash	<input type="checkbox"/> Credit	<input checked="" type="checkbox"/> Check	<input type="checkbox"/> Other _____	TOTAL RECEIVED \$ <u>2825.25</u>
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SIGNATURE <u>X [Signature]</u>	TITLE <u>Legal Clerk</u>
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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, G/L/L/O