

FILED

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STANISLAUS CO. CLERK-RECORDER

Marisa Adams

BY _____
DEPUTY

**City of Modesto
NOTICE OF DETERMINATION**

**ATTENTION COUNTY CLERK:
PLEASE DO NOT REMOVE BEFORE: Friday, June 5, 2020**

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: DPR-19-013, Development Plan Review, New Gas Station with Car Wash and Restaurant

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

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

Applicants: Harwinder Kaur, 2413 El Vaquero Drive, Modesto CA 95355, 510-750-5252

Owner: Dale Petroleum, Inc. c/o Harwinder Kaur

Project Location: 4600 Dale Road; NE Corner of Dale Road and Grewal Parkway; Modesto, CA

Project Description: Proposed new gas station with convenience store, restaurant and car wash facility on a 1.5-acres located within the Mixed-Use Land Use designation of the Kiernan Business Park Specific Plan.

This is to advise that the City of Modesto, the lead agency, has approved the above-described project on May 1, 2020 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.

Date removed from posting 6/8/2020

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 2019-27, 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 2019-27 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 1, 2020 Title: Senior Planner