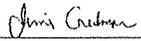


**City of Modesto
NOTICE OF DETERMINATION**

50-2022-199

FILED

August 12, 2022
DONNA LINDER
STANISLAUS COUNTY
CLERK-RECORDER

By: 
Deputy Clerk

**ATTENTION COUNTY CLERK:
PLEASE DO NOT REMOVE BEFORE September 16, 2022**

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: RZN-22-001/PDZ-22-001 – City-initiated Rezones from Commercial-Industrial (C-M) Zone to General Commercial (C-2) Zone and, from Low Density Residential (R-1) Zone and Commercial-Industrial (C-M) Zone to Planned Development Zone P-D(615)

State Clearinghouse Number: Modesto Urban Area General Plan Master EIR (SCH No. 2014042081)

Contact Person: Katharine Martin, Senior Planner (209 577 5267)
Jonnie Lan, AICP, Senior Planner (209 577 5267)

Applicant: City of Modesto (209 577 5267)

Owner: Harry and Catherine Brown, 162 E. Orangeburg Avenue, Modesto, CA 95350
Mc Corduck Properties, LLC, 1615 Bonanza Street Suite 401, Walnut Creek CA 94596
McHenry-Briggsmore Real Estate Invest Group, LLC, PO Box 448, Huntington Beach, CA 92648

Project Location: 1601, 1625 and 1707 McHenry Avenue on the west side of McHenry Avenue between West Granger Avenue and Judith Lane

Project Description: Rezone of approximately 5.7 acres from Commercial-Industrial (C-M) Zone to General Commercial (C-2) Zone and, from Low Density Residential (R-1) Zone and Commercial-Industrial (C-M) Zone to Planned Development Zone P-D(615)

This is to advise that the City of Modesto, the lead agency, has approved the above-described project on August 9, 2022, and has made the following determinations, pursuant to Section 21157.1 of the CEQA Guidelines:

2. The subsequent project will have no additional significant effect on the environment, as defined in subdivision (d) of Section 21158 of the Public Resources Code, that was not identified in the Master EIR.
3. No new or additional mitigation measures or alternatives are required.
4. The subsequent project is within the scope of the project covered by the Master EIR.
5. All applicable policies, regulations, and mitigation measures identified in the Master EIR have been applied to the subsequent project or otherwise made conditions of approval of the subsequent project.

The Initial Study, Environmental Assessment No. EA/C&ED 2022-16, on file at the City of Modesto, Community and Economic Development Department, provides substantial evidence to support findings 1 thru 5, noted above.

This is to certify that the Master EIR is available to the general public at:

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



Date: August 12, 2022

Title: Jonnie Lan, AICP, Senior Planner, City of Modesto



State of California - Department of Fish and Wildlife

**2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT**

DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

NOTICE

Each project applicant shall remit to the county clerk the environmental filing fee before or at the time of filing a Notice of Determination (Pub. Resources Code, § 21152; Fish & G. Code, § 711.4, subdivision (d); Cal. Code Regs., tit. 14, § 753.5). Without the appropriate fee, statutory or categorical exemption, or a valid No Effect Determination issued by the California Department of Fish and Wildlife (CDFW), the Notice of Determination is not operative, vested, or final, and shall not be accepted by the county clerk.

COUNTY DOCUMENTARY HANDLING FEE

The county clerk may charge a documentary handling fee of fifty dollars (\$50) per filing in addition to the environmental filing fee (Fish & G. Code, § 711.4, subd. (e); Cal. Code Regs., tit. 14, § 753.5, subd. (g)(1)). A county board of supervisors shall have the authority to increase or decrease the fee or charge, that is otherwise authorized to be levied by another provision of law, in the amount reasonably necessary to recover the cost of providing any product or service or the cost of enforcing any regulation for which the fee or charge is levied (Gov. Code, § 54985, subd. (a)).

COLLECTION PROCEDURES FOR COUNTY GOVERNMENTS

Filing Notice of Determination (NOD):

- Collect environmental filing fee or copy of previously issued cash receipt. *(Do not collect fee if project applicant presents a No Effect Determination signed by CDFW. An additional fee is required for each separate environmental document. An addendum is not considered a separate environmental document. Checks should be made payable to the county.)*
- Issue cash receipt to project applicant.
- Attach copy of cash receipt and, if applicable, previously issued cash receipt, to NOD.
- Mail filing fees for CRP document to CDFW prior to filing the NOD or equivalent final approval (Cal. Code Regs. Tit. 14, § 753.5 (b)(5)). The CRP should request receipt from CDFW to show proof of payment for filing the NOD or equivalent approval. Please mail payment to address below made attention to the Cash Receipts Unit of the Accounting Services Branch.

If the project applicant presents a **No Effect Determination** signed by CDFW, also:

- Attach No Effect Determination to NOD *(no environmental filing fee is due)*.

Filing Notice of Exemption (NOE) (Statutorily or categorically exempt project (Cal. Code Regs., tit. 14, §§ 15260-15285, 15300-15333))

- Issue cash receipt to project applicant.
- Attach copy of cash receipt to NOE *(no environmental filing fee is due)*.

Within 30 days after the end of each month in which the environmental filing fees are collected, each county shall summarize and record the amount collected on the monthly State of California Form No. CA25 (TC31) and remit the amount collected to the State Treasurer. Identify the remittance on Form No. CA25 as "Environmental Document Filing Fees" per Fish and Game Code section 711.4.

The county clerk shall mail the following documents to CDFW on a monthly basis:

- ✓ A photocopy of the monthly State of California Form No. CA25 (TC31)
- ✓ CDFW/ASB copies of all cash receipts (including all voided receipts)
- ✓ A copy of all CDFW No Effect Determinations filed in lieu of fee payment
- ✓ A copy of all NODs filed with the county during the preceding month
- ✓ A list of the name, address and telephone number of all project applicants for which an NOD has been filed. If this information is contained on the cash receipt filed with CDFW under California Code of Regulations, title 14, section 753.5, subdivision (e)(6), no additional information is required.

DOCUMENT RETENTION

The county shall retain two copies of the cash receipt (for lead agency and county clerk) and a copy of all documents described above for at least 12 months.

RECEIPT NUMBER

- # The first two digits automatically populate by making the appropriate selection in the County/State Agency of Filing drop down menu.
- # The next eight digits automatically populate when a date is entered.
- # The last three digits correspond with the sequential order of issuance for each calendar year. For example, the first receipt number issued



State of California - Department of Fish and Wildlife
2022 ENVIRONMENTAL DOCUMENT FILING FEE
CASH RECEIPT
 DFW 753.5a (REV. 01/01/22) Previously DFG 753.5a

RECEIPT NUMBER:
 50-08/12/2022-147
 STATE CLEARINGHOUSE NUMBER (If applicable)
 2014042081

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF MODESTO, COMMUNITY & ECONOMIC DEVELOPMENT DEPT PLANNING DIVISION	LEAD AGENCY EMAIL	DATE 08/12/2022
COUNTY/STATE AGENCY OF FILING STANISLAUS COUNTY	DOCUMENT NUMBER 50-2022-199	
PROJECT TITLE RZN-22-001/PDZ-22-001 - CITY-INITIATED REZONES FROM COMMERCIAL-INDUSTRIAL (C-M) ZONE TO GENERAL COMMERCIAL (C-2) ZONE AND, FROM LOW DENSITY RESIDENTIAL (R-1) ZONE AND COMMERCIAL-INDUSTRIAL (C-M) ZONE		

PROJECT APPLICANT NAME CITY OF MODESTO	PROJECT APPLICANT EMAIL	PHONE NUMBER (209) 577-5267
PROJECT APPLICANT ADDRESS COMMUNITY & ECONOMIC DEVELOPMENT DEPT. PLANNING DIVISION, P O 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) \$ 3,539.25 \$ _____

Mitigated/Negative Declaration (MND)(ND) \$ 2,548.00 \$ _____

Certified Regulatory Program (CRP) document - payment due directly to CDFW \$ 1,203.25 \$ _____

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 \$ _____

County documentary handling fee \$ 57.00 \$ _____ **57.00**

Other \$ _____

PAYMENT METHOD:

Cash Credit Check Other CHECK #568001 **TOTAL RECEIVED \$ _____ 57.00**

SIGNATURE X <i>Jennine Creekmore</i>	AGENCY OF FILING PRINTED NAME AND TITLE Jennine Creekmore Deputy Clerk
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