

FILED

November 3, 2022
DONNA LINDER
STANISLAUS COUNTY
CLERK-RECORDER

By: *Matthew Ferri*
Deputy Clerk

**City of Modesto
NOTICE OF DETERMINATION**

**ATTENTION COUNTY CLERK:
PLEASE DO NOT REMOVE BEFORE: Tuesday, December 6, 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: GPA-22-002/SPA-22-001 Arcadia Properties (Tivoli) (subsequent project to Tivoli Specific Plan Final EIR, SCH 2005072125 and City of Modesto General Plan 2040 MEIR, SCH 2014042081).

State Clearinghouse Number: Not applicable

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

Applicants: Arcadia Development Company, Inc.
PO Box 5368; San Jose, CA 95150
408-961-8125

Owner: Arcadia Development Company, Inc.
PO Box 5368; San Jose, CA 95150

Date removed from posting 12/07/2022

Project Location: Tivoli Specific Plan Area No. 7, east of future Aria Drive, north of Sylvan Ave, northwest of McReynolds Avenue, Modesto, CA

Project Description: General Plan Amendment to change the land use designation of 25 acres from Regional Commercial (RC) uses to Residential (R) uses, and Amendment No. 3 to the Tivoli Specific Plan, to change the land use designation of 25 acres from Regional Serving Commercial (RSC) to Low Density Residential (LDR-13,) and to change the land use designation of 27 acres from Medium Density Residential 2 (MDR-2) and Medium Density 3 (MDR-3) to Low Density Residential 15 (LDR-15).

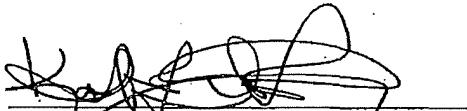
This is to advise that the City of Modesto, the lead agency, has approved the above-described project on November 1, 2022, and has made the following determinations regarding the above described project:

1. The project ___ will, will not, have a significant effect on the environment.
2. ___ An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.

3. Mitigation measures ___ were, were not, made a condition of the approval of the project.
4. A Statement of Overriding Considerations ___ was, was not, adopted for this project.
5. Findings were, ___ were not made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration, Environmental Assessment No. EA/C&ED 2022-20 is 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: November 2, 2022 Title: Senior Planner

Donna Linder
Stanislaus County
County Clerk-Recorder
1021 "I" Street
Modesto, CA 95354
(209) 525-5279

Public

Receipt No.: 2022114538

Cashier: 75

Register: CHPXZV2

Date/Time: 11/03/2022 11:14 AM

<u>Description</u>	<u>Fee</u>
Negative Declaration	
Filing Time:	11:14 AM
Filing Fee:	No Fee
Filing Total:	No Fee
Administration Fee	
Filing Time:	11:14 AM
Filing Fee:	\$57.00
Filing Total:	\$57.00
<u>Total Amount Due:</u>	<u>\$57.00</u>
Total Paid	
Check Tendered:	\$57.00
#14797	
Amount Due:	\$0.00

THANK YOU
PLEASE KEEP FOR REFERENCE



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

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

RECEIPT NUMBER:
 50-11/03/2022-193
 STATE CLEARINGHOUSE NUMBER (If applicable)
 2005072125 201404208

SEE INSTRUCTIONS ON REVERSE. TYPE OR PRINT CLEARLY.

LEAD AGENCY CITY OF MODESTO COMMUNITY & ECONOMIC DEVELOPMENT DEPT. PLANNING DIVISION	LEAD AGENCY EMAIL	DATE 11/03/2022
COUNTY/STATE AGENCY OF FILING STANISLAUS COUNTY		DOCUMENT NUMBER 50-2022-254
PROJECT TITLE		

GPA-22-002/SPA-22-001 ARCADIA PROPERTIES (TIVOLI) (SUBSEQUENT PROJECT TO TIVOLI SPECIFIC PLAN FINAL EIR, SCH 2005072125) AND CITY OF MODESTO GENERAL PLAN 2049 MEIR, SCH 2014042081

PROJECT APPLICANT NAME ARCADIA DEVELOPMENT COMPANY, INC	PROJECT APPLICANT EMAIL	PHONE NUMBER (408) 961-8125
PROJECT APPLICANT ADDRESS PO BOX 5368	CITY SAN JOSE	STATE CA
		ZIP CODE 95150

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 14797
 TOTAL RECEIVED \$ _____ **57.00**

SIGNATURE X <i>Matthew Ferreira</i>	AGENCY OF FILING PRINTED NAME AND TITLE Matthew Ferreira Deputy Clerk
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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 on January 1 should end in 001. If a county issued 252 receipts for the year ending on December 31, the last receipt number should end in 252. CDFW recommends that counties and state agencies 1) save a local copy of this form, and 2) track receipt numbers on a spreadsheet tabbed by month to ensure accuracy.

DO NOT COMBINE THE ENVIRONMENTAL FEES WITH THE STATE SHARE OF FISH AND WILDLIFE FEES.

Mail to:

California Department of Fish and Wildlife
 Accounting Services Branch
 P.O. Box 944209
 Sacramento, California 94244-2090