

Filing Requested By:  
City of Turlock  
Planning Division  
156 S. Broadway, Suite 120  
Turlock, CA 95380-5456

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**CITY OF TURLOCK**

**Proposed Mitigated Negative Declaration**

City of Turlock  
156 S. Broadway, Suite 120  
Turlock, CA 95380-5456  
Telephone: (209) 668-5640  
Project located in Stanislaus County.  
Time period provided for review: 30 days.

November 4, 2019

**NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION**

**PROJECT TITLE:**                    **CONDITIONAL USE PERMIT 2019-04  
(NIVEL RESTAURANT)**

**PROJECT APPLICANT:**        **JOSE PULIDO**

**PROJECT DESCRIPTION:** The applicant is requesting to re-open a restaurant with live entertainment in an existing building. The two-story building is approximately 11,104 square feet in size. The lower and main floors as well as the outdoor patio area are proposed to be used for the restaurant and live entertainment. Approximately 1,000 square feet of the upper floor is used as an office to support the restaurant operations. The existing onsite parking will be paved and striped to meet City standards. On-street parking, adjacent to the project, will also be improved to City standards.

An adjacent 5,250 square foot parcel will be improved to provide additional parking for the project. The applicant has proposed two parking options. Option 1 provides 16 parking stalls developed to City standards. Option 2 proposes paving and striping the site and voluntarily using valet parking. The applicant estimates they could accommodate approximately 26 cars with valet parking.

**PROJECT LOCATION:**                    309 N. Center Street  
311 Mitchell Avenue  
Stanislaus County APNs 061-024-065 & 061-024-065

**RESPONSE PERIOD STARTS:**        November 4, 2019  
**RESPONSE PERIOD ENDS:**        December 5, 2019 at 5:00 PM

**PUBLIC HEARING:**                        December 5, 2019

**RECOMMENDED FINDINGS:** Pursuant to Public Resources Code Section 21080(c)(2) and CEQA Guidelines Section 15168(c)(1), the City of Turlock, as lead agency for the proposed project, has prepared an initial study to make the following findings:

1. Pursuant to CEQA Guidelines Section 15162, the proposed activity is adequately described and is within the scope of the General Plan EIR.
2. All feasible mitigation measures developed in the General Plan EIR have been incorporated into the project.
3. Pursuant to Public Resources Code Sections 21080(c)(2) and 21157.5, the initial study prepared for the proposed project has identified potential new or significant effects that were not adequately analyzed in the General Plan EIR, but feasible mitigation measures have been incorporated to revise the proposed subsequent project to avoid or mitigate the identified effects to a point where clearly no significant effects would occur.
4. There is no substantial evidence before the lead agency that the subsequent project, as revised, may have a significant effect on the environment.
5. The analyses of cumulative impacts, growth inducing impacts, and irreversible significant effects on the environment contained in the General Plan EIR are adequate for this subsequent project.
6. Pursuant to CEQA Guidelines Section 15093, a Statement of Overriding Considerations was adopted for the General Plan EIR (City Council Resolution 2012-156). As identified in the Turlock General Plan EIR, development in the project area would result in significant, and unavoidable, impacts in the areas of noise, regional air quality, and the eventual loss of agricultural land. The magnitude of these impacts can be reduced, but not eliminated by the mitigation measures referenced in the initial study prepared for this project and General Plan EIR. Therefore, mitigation measures identified in the General Plan EIR, and its respective Statements of Overriding Considerations, are adequate to mitigate the impacts from the proposed project where feasible, and are hereby incorporated by reference.
7. Pursuant to Public Resources Code Section 21157.6(a), having reviewed the General Plan EIR, the City of Turlock finds and determines that:
  - a. No substantial changes have occurred with respect to the circumstances under which the General Plan EIR was certified, and
  - b. That there is no new available information which was not and could not have been known at the time the General Plan EIR was certified.

Documents used in preparation of this Proposed Mitigated Negative Declaration, are available for public review at:

City of Turlock, City Hall  
Planning Division  
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Telephone: (209) 668-5640

You can view the Initial Study Checklist and any related documents for this project on our website at:  
<http://ci.turlock.ca.us/buildinginturlock/planninglandusepermitting/planningprojects/>

BY:   
KATIE QUINTERO  
DEPUTY DIRECTOR DEVELOPMENT SERVICES/PLANNING MANAGER  
ENVIRONMENTAL REVIEW

Enclosure: Initial Study  
Site Plan