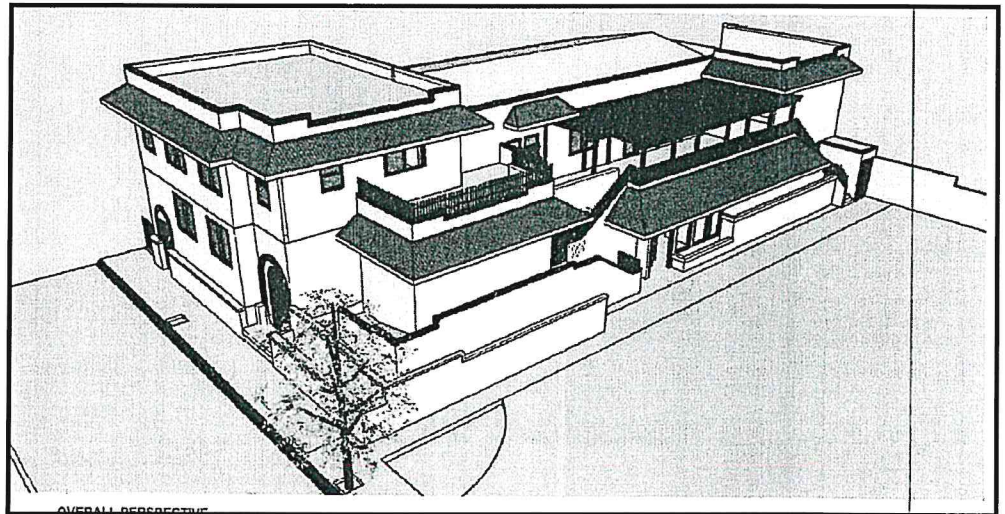




CITY OF TURLOCK INITIAL STUDY CHECKLIST

- 1) Project Title: **CONDITIONAL USE PERMIT 2019-04
(NIVEL RESTAURANT)**
- 2) Lead Agency Name and Address: City of Turlock
156 South Broadway, Ste. 120
Turlock, CA 95380
- 3) Contact Person and Phone Number: Adrienne Werner – Senior Planner
(209) 668-5640
- 4) Project Location: 309 N. Center Street
311 Mitchell Avenue
(Stanislaus County APNs 061-024-065 & 061-024-064)
- 5) Project Sponsor's Name and Address: Jose Pulido
16680 Meadowlark drive
Sonora, CA 95370-8403
- 6) General Plan Designation: Downtown
- 7) Zoning: Transitional Commercial (TC)
- 8) Description of the Project:

The applicant, Jose Pulido, has submitted an application to re-open a restaurant with live entertainment in an existing building located at 309 N. Center Street (Stanislaus County APN 061-024-065). The existing 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.

The 5,250 square foot parcel at 311 Mitchell Avenue (Stanislaus County APN 061-024-064) 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.



CITY OF TURLOCK INITIAL STUDY CHECKLIST

9) Surrounding Land Uses and Setting: (Briefly describe the project's surroundings)

The project site is located in the central downtown area of the City of Turlock between Wolfe Avenue and Mitchell Avenue and surrounded by a mix of commercial and residential uses. The properties to the north, west, and south are zoned Transitional Commercial and are fully developed with office and retail uses. The properties to the east are zoned for office/residential uses and are fully developed.

10) Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement).

San Joaquin Valley Air Pollution Control District
Regional Water Quality Control Board

11) Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

The Yokuts tribe was contacted in writing on October 28, 2019 as part of the Early Public Consultation process. Consultation has not been requested by the Yokuts. The Torres Martinez Desert Cahuilla Indians no longer request consultation as stated in their letter dated April 19, 2017.

12) EARLIER ENVIRONMENTAL ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. [Section 15183]

a) Earlier analyses used. (Available for review at the City of Turlock –Development Services, 156 S. Broadway, Suite 120, Turlock, CA).

City of Turlock General Plan, 2012 (City Council Resolution No. 2012-173)
Turlock General Plan – EIR, 2012 (Turlock City Council Resolution No. 2012-156)
City of Turlock, Housing Element, Certified in 2016
City of Turlock, Water Master Plan Update, 2003 (updated 2009)
Turlock Parks Master Plan, 1995 (Reviewed in 2003)
City of Turlock, Waste Water Master Plan, 1991 (Updated 2014)
City of Turlock, Storm Water Master Plan, 2013 (Adopted 2016)
City of Turlock, Urban Water Management Plan, 2015 (Adopted June 2016)
City of Turlock, Sewer System Master Plan, 2013
Turlock Municipal Code
City of Turlock Capital Facilities Fee Nexus Study (Turlock City Council Resolution No. 2013-202)

b) Impacts adequately addressed. (Effects from the checklist below, were within the scope of, and adequately analyzed during an earlier document pursuant to applicable legal standards, and such effects were addressed by mitigation measures based on the earlier analysis).

As identified in the Turlock General Plan EIR, development in the project area would result in significant, and unavoidable, impacts in the areas of transportation, noise, regional air quality, and the eventual loss of agricultural land and soil resources. The magnitude of these impacts can be reduced, but not eliminated, by applying the policies, programs and mitigation measures identified in the Turlock General Plan to the project and identifying mitigation measures as necessary in this initial study. The intensity of the proposed development will result in project level impacts that are equal to, or of lesser severity, than those anticipated in the General Plan EIR, and they would not be different from cumulative effects anticipated by the Turlock General Plan EIR. Potential secondary environmental impacts from the project will be of equal or lesser severity than those identified in the General Plan EIR. Therefore, mitigation measures identified in the General Plan EIR, and their respective Statements of Overriding Considerations



CITY OF TURLOCK INITIAL STUDY CHECKLIST

(contained in Turlock City Council Resolution No. 2012-156), are adequate to mitigate the impacts from the proposed project where feasible, and are hereby incorporated by reference.

- c) **Mitigation Measures.** (For effects that are “Less than Significant with Mitigation Incorporated,” describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

Project level impacts will be mitigated by application of mitigation measures identified in this initial study, and by appropriate conditions of approval. All cumulative environmental effects related to the ultimate development of the project area will be mitigated through compliance with the policies, standards, and mitigation measures of the Turlock General Plan and General Plan MEA/EIR, as well as the standards of the Turlock Municipal Code, and are herein incorporated by reference where not specifically identified.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below ☒ could be potentially affected by this project. However, these impacts would result in a less than significant impact on the environment by incorporating appropriate mitigation measures.

	Aesthetics		Greenhouse Gas Emissions		Public Services
	Agricultural and Forestry Resources		Hazards & Hazardous Materials		Recreation
	Air Quality		Hydrology/Water Quality		Transportation/Traffic
	Biological Resources		Land Use/Planning		Tribal Cultural Resources
	Cultural Resources		Mineral Resources		Utilities/Service Systems
X	Energy	X	Noise		Wildfire
	Geology/Soils		Population/Housing		Mandatory Findings of Significance

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



CITY OF TURLOCK INITIAL STUDY CHECKLIST

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:
- No substantial changes have occurred with respect to the circumstances under which the General Plan EIR was certified, and
 - 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.

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	X
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	
I find that the proposed project MAY have a "potential significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	

Adrienne Werner

Adrienne Werner, Senior Planner
Development Services – Planning Department

11-4-19

Date

EVALUATION OF ENVIRONMENTAL IMPACTS

- 1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g. the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g. the project will not expose sensitive receptors to pollutants, based on a project-specific screening analysis).



CITY OF TURLOCK INITIAL STUDY CHECKLIST

- 2) All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
- 3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.
- 4) "Negative Declaration: Potentially Significant Unless Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures from Section 17, "Earlier Analysis," may be cross-referenced).
- 5) Earlier analysis may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c) (3) (d). In this case, a brief discussion should identify the following:
 - (a) Earlier Analysis Used. Identify and state where they are available for review.
 - (b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
 - (c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures that were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.
- 6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g. general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.
- 7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.
- 8) This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.
- 9) The analysis of each issue should identify: (a) the significance criteria or threshold used to evaluate each question; and (b) the mitigation measure identified, if any, to reduce the impact to less than significance.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
1. Aesthetics – Would the project:				
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				X



CITY OF TURLOCK INITIAL STUDY CHECKLIST

Response:

- a) The project is the re-opening and remodeling of an existing 11,104 square foot building to be used as a restaurant with live entertainment. An adjacent 5,250 square lot parcel adjacent to the site will be developed for additional parking. The General Plan EIR notes that the primary scenic views lie on the City's boundary, at its agricultural edge. The General Plan also states the relatively flat topography of Turlock results in few scenic vistas. The General Plan concludes within most of the existing urbanized area, infill development and redevelopment would not have a significant effect on the visual quality of the city, because new development would likely be similar in scale and character to existing development. The project is the re-opening and remodeling of an existing building. No new building construction or expansion of the existing building is proposed. (*General Plan EIR pg. 3.7-1, 3.7-7, 3.7-9*)
- b) There are no scenic or historic resources on the project site. The 0.326-acre property been developed with an 11,104 square foot restaurant building and associated parking and landscaping for more than 30 years. A site visit conducted by staff on October 14, 2019 confirmed the property is developed and has no historic buildings or other distinctive natural or historic resources. State scenic highways refer to those highways that are officially designated by the California Department of Transportation (Caltrans) as scenic. There are currently no highways in the General Plan study area eligible or officially designated as scenic highways by The Master Plan of State Highways Eligible for Official Scenic Highway Designation. The nearest State scenic highway is State Highway 5, which is designated scenic from the Merced county line to the San Joaquin county line. State Highway 5 is located approximately 30 miles from the project site. Due to the distance and intervening topography the project site would not be visible. (*General Plan EIR pg. 3.7-1*)
- c) The project site is located in an urbanized area surrounded by commercial and residential uses. The site is fully developed with the 11,104 square foot restaurant building, ornamental landscaping and paving. No new construction or expansion of the existing building is proposed. The building has been vacant for several years. As part of the re-opening of the restaurant building the applicant will re-pave and stripe the existing parking area, repair and replant the landscape areas, and paint the façade. The improvements will substantially improve the neglected building and site. The standards contained in the Turlock Municipal Code have been applied to the project to ensure it meets the community's design standards and is compatible with current and future uses in the area. The policies and standards contained in the General Plan, Zoning Ordinance, and Downtown Design Guidelines reduce any adverse impacts on visual character to less than significant. (*TMC §9-2-608; Design Guidelines pg. 26; General Plan policy 5.6-n*)
- d) The project site is located in an urbanized area surrounded by commercial and residential uses. The Turlock General Plan EIR concludes that any new development has the potential to create new sources of light and glare; but would generally not be out of character with the existing urban environment, and would not rise to a level of being significant. (*General Plan EIR pg. 3.7-10 through 3.7-11*)

Sources: *City of Turlock, General Plan and EIR, 2012; City Design Element, 2012; Turlock Zoning Ordinance Section 9-2-600ART; City of Turlock Design Guidelines; Downtown Design Guidelines & Zoning Regulations, 2003*

Mitigation:

None



CITY OF TURLOCK INITIAL STUDY CHECKLIST

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
<p>2. Agriculture and Forestry Resources - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the states inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:</p>				
a) Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use of a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
<p>Response:</p> <p>a) The existing building is located on a property designated as "Urban and Built-Up Land" and on the 2016 Stanislaus County Important Farmland Map as compiled by the California Department of Conservation, Farmland Mapping and Monitoring Program. The property is located in an urbanized area surrounded by commercial and residential uses. The property is fully developed with an 11,104 square foot restaurant, ornamental landscaping, and paving. There are no agricultural uses on the property. Therefore, the project will not be converting prime farmland, unique farmland, or farmland of statewide importance. (<i>General Plan pgs. 7.7 through 7.11</i>)</p> <p>b) The property is not enrolled in a Williamson Act contract or adjacent to any properties that are enrolled in the Williamson Act. The site is zoned for urbanized uses and will not conflict with any agricultural zoning districts or land held in Williamson Act Contract.</p> <p>c), d) The project site is located within the City of Turlock in a developed area designated for urban uses. The project does not conflict with the underlying Transitional Commercial zoning designation. There are no forest lands or timberlands within the City of Turlock.</p>				



CITY OF TURLOCK INITIAL STUDY CHECKLIST

- e) The property is located within the City of Turlock in an urbanized area and surrounded by urban uses. The property is designated for commercial uses. The re-model and re-opening of the restaurant building will not involve changes in the existing environment which will result in conversion of farmland or forest land as the properties in the area are already developed with commercial and residential uses.

Sources: CA Dept. of Conservation Farmland Mapping and Monitoring Program, 2014; City of Turlock, General Plan, Land Use Element, 2012; City of Turlock, General Plan EIR, 2012.

Mitigation:

None

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
3. Air Quality - Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	

Response:

- a), b), c) and d) The project will not conflict with, or obstruct, implementation of the 2007 PM10 Maintenance Plan, the 2016 Ozone Plan, or the 2012, 2015 and 2018 PM2.5 Plan or related subsequent progress reports of these plans. The re-modeling and re-opening of the restaurant building will not violate any air quality standards, result in cumulatively considerable net increase of any criteria pollutant, or expose sensitive receptors to substantial pollutant concentrations. Using project type and size, the San Joaquin Valley Air Pollution Control District (SJVAPCD) has pre-quantified emissions and determined a size below which it is reasonable to conclude that a project would not exceed applicable thresholds of significance for criteria pollutants. The 11,104 square foot restaurant building is below the Small Project Analysis Level (SPAL) and deemed to have a less than significant impact on air quality due to criteria pollutant emissions. (General Plan pgs. 8-1 through 8-37, General Plan Policy 5.6-n)

Sources: San Joaquin Valley Unified Air Pollution Control District 2008 Ozone Plan, 2010 PM-10 Maintenance Plan, 2012 and 2015 PM-2.5 Plan; SJVAPCD's Guidance For Assessing and Mitigating Air Quality Impacts March 19, 2015; Turlock General Plan EIR, 2012, Turlock General Plan, Air Quality and Greenhouse Gas Element Section, 2012; Statement of Overriding Considerations (Turlock City Council Resolution 2012-156); SJVUAPCD (June 2005) Air Quality Guidelines for General Plans.



CITY OF TURLOCK INITIAL STUDY CHECKLIST

Mitigation:

None

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
4. Biological Resources - Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U. S. Fish and Wildlife Service?				X
b) Have a substantially adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Wildlife Service?				X
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established native resident migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, other approved local, regional, or state habitat conservation plan?				X



CITY OF TURLOCK INITIAL STUDY CHECKLIST

Response:

a) The General Plan states that the Study Area contains mostly human-modified habitats, with almost all the land being urban (52%) or under agricultural production (46%). The General Plan further states that development proposed under the General Plan would be situated on infill sites or land contiguous to existing development. The project is the re-modeling and re-opening of an 11,104 square foot restaurant building constructed on commercially zoned property. Located in an urbanized area and surrounded by commercial and residential uses, the property is fully developed including ornamental landscaping and paving. An adjacent 5,250 square lot parcel adjacent to the site will be developed for additional parking.

The proposed project will not have any direct effects on any federally or state listed species, riparian habitat, wetlands, nor would it interfere with the movement of any resident or migratory fish, conflict with policies protecting biological resources or the provisions of an adopted Habitat Conservation Plan. The Turlock General Plan acknowledges that virtually all of the land within the urban boundaries of Turlock, as well as unincorporated land within the City's Sphere of Influence, have been modified from its native state, primarily converted into urban or agricultural production. The site has been fully developed for more than 30 years. (*General Plan EIR pg. 3.9-1 through 3.9-14*)

b), c) There are no rivers, lakes or streams located within the City of Turlock. There are no irrigation facilities, such as canals, located on or adjacent to the project site. The General Plan EIR identifies the federally protected wetlands located within the City of Turlock and the surrounding Study Area. These areas are located west of Highway 99, more than 5-miles away from the project, and are not identified on the subject property. Additionally, the project site has been improved and developed for more than 30 years. Therefore, the project will have no impact on riparian habitats or other sensitive natural communities. (*General Plan EIR pg. 3.9-13*)

d) The project is located within the City of Turlock in an urbanized area surround by commercial and residential uses. The property is adjacent to and accessed by North Center Street. No migratory wildlife corridors have been designated on, near or through the project site; therefore, the project would not impede the movement of any resident or migratory fish or wildlife species. (*General Plan EIR pg. 3.9-13*)

e) There are City planted street trees adjacent to the site and minimal ornamental landscaping onsite. The property is fully developed with an 11,104 square foot building and onsite paving. The project will not conflict with any local policies or ordinance protecting biological resources. The project will not conflict with the provision of an adopted Habitat Conservation Plan, or other approved local, regional, or state Habitat Conservation Plan (*General Plan EIR pg. 3.9-11*)

f) There is no Habitat Conservation Plan, Natural Conservation Community Plan, other approved local or regional conservation plan that encompasses the project site. (*General Plan EIR pg. 3.9-14*)

Sources: California Dept. of Fish & Wildlife: Natural Diversity Data Base; California Native Plant Protection Act; U.S. Dept. of Agriculture: Land Capability Classification Maps; California Dept. of Conservation: Important Farmlands Maps & Monitoring Program; Stanislaus County Williamson Act Contract Maps; Turlock General Plan, Conservation Element, 2012; US Fish and Wildlife Service – Recovery Plan for Upland Species of the San Joaquin Valley, 1998; Turlock General Plan, Conservation Element, 2012.

Mitigation:

None

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
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CITY OF TURLOCK INITIAL STUDY CHECKLIST

5. Cultural Resources - Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resources pursuant to Section 15064.5?			X	
c) Disturb any human remains, including those interred outside of formal cemeteries?			X	
Response: a), b), and c) The project site is located in an urbanized area surrounded by commercial and residential uses. Adjacent to and accessed from North Center Street property is fully developed, including paving and ornamental landscaping, and an 11,104 square foot building. An adjacent 5,250 square lot parcel adjacent to the site will be developed for additional parking. Due to the multiple improvements on- and off-site, ground disturbance has already occurred at the site. The City of Turlock consulted with California Native American tribes as required under SB 18 when developing the General Plan EIR. The closest historic resource identified in the General Plan EIR is located more than 1¼- miles away. In addition, the City has conducted a Cultural Records Search as part of the Turlock General Plan and found no evidence of significant historic or cultural resources on or near this site. As a result of many years of extensive agricultural production virtually all of the land in the Plan area has been previously altered from its native or riparian state. There are no known sites of unique prehistoric or ethnic cultural value. Mitigation measures have been added in the event anything is discovered during construction. (General Plan EIR pgs. 3.8-4, 3.8-5, 3.8-12, 3.8-13)				
Sources: Turlock General Plan, Conservation Element, 2012; City of Turlock General Plan EIR, 2012; Cultural Resources Records Search, 2008				
Mitigation: 1. In accordance with State Law, if potentially significant cultural, archaeological, or Native American resources are discovered during construction, work shall halt in that area until a qualified archaeologist can assess the significance of the find, and, if necessary develop appropriate treatment measures in consultation with Stanislaus County, Native American tribes, and other appropriate agencies and interested parties. 2. If human remains are discovered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the county coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the coroner determines that no investigation of the cause of death is required and if the remains are of Native American origin, the coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods.				
	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
6. Energy – Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy				X



CITY OF TURLOCK INITIAL STUDY CHECKLIST

resources, during project construction or operation?				
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				X
Response: a) and b) The project is the re-modeling and re-opening of an 11,104 square foot restaurant building constructed on commercially zoned property. Located in an urbanized area and surrounded by commercial and residential uses, the property is fully developed including ornamental landscaping and paving. An adjacent 5,250 square lot parcel adjacent to the site will be developed for additional parking. The project will not result in unnecessary consumption of energy or resources during remodeling or operation. The project will not conflict with any state or local plan for renewable or energy efficiency. (General Plan EIR pgs.3.5-16)				
Sources: Turlock General Plan, Conservation Element, Air Quality & Greenhouse Gases Element, 2012; California Building Standards Code; San Joaquin Valley Air Pollution Control District				
Mitigation: None				
	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
7. Geology and Soils - Would the project:				
a) Directly or indirectly cause potential adverse effects, including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?				X
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?				X



CITY OF TURLOCK INITIAL STUDY CHECKLIST

<p>e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?</p>				X
<p>f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?</p>				X
<p>Response:</p> <p>a) Several geologic hazards have a low potential to occur within the Turlock General Plan study area. The greatest seismic hazard identified in the Turlock General Plan EIR is posed by ground shaking from a fault located at least 45 miles away. While no specific liquefaction hazard is located within the Turlock General Plan study area, the potential for liquefaction is recognized throughout the San Joaquin Valley. The risk to people and structures was identified as a less than significant impact addressed through compliance with the California Building Codes. Turlock is located in Seismic Zone 3 according to the State of California and the Alquist-Priolo Special Study Zones Act. All building permits are reviewed to ensure compliance with the California Building Code (CBC) for compliance with standards to reduce the potential damage that could be associated with seismic events. The property is flat and is not located adjacent to areas subject to landslides. In addition, the City enforces the provisions of the Alquist-Priolo Special Study Zones Act that limits development in areas identified as having special seismic hazards. (<i>General Plan pgs. 10-9 through 10-14, General Plan EIR pgs. 3.10-13 through 3.10-16</i>)</p>				
<p>b), c) The project is the re-opening and remodeling of an existing 11,104 square foot building to be used as a restaurant with live entertainment. An adjacent 5,250 square lot parcel adjacent to the site will be developed for additional parking.</p> <p>Erosion hazards are highest during construction. Grading activities could result in changes in topography and therefore potentially increase surface runoff at the project site; however, due to the limited size of the project area the remodel of the building and the construction of a new parking area is not expected to result in substantial erosion or loss of topsoil. The Engineering Division requires that a grading permit be obtained for the project. Chapter 7-4 of the Turlock Municipal Code requires all construction activities to include engineering practices for erosion control. Furthermore, projects are required to comply with National Pollutant Discharge Elimination System (NPDES) General Construction Permit requirements. Project applicants are required to prepare a Storm Water Pollution Prevention Plan (SWPPP) and comply with the City's Municipal Separate Storm Sewer System permit (MS4) to minimize the discharge of pollutants during and post-construction. Compliance with existing policies and programs will reduce this impact to less than significant levels. (<i>General Plan pgs. 10-9 through 10-14, General Plan EIR pgs. 3.10-13 through 3.10-16</i>)</p>				
<p>d) Less than one percent of the soils located in the General Plan study area are considered to have moderate potential for expansion. As required by the Turlock Municipal Code, building permit applications must be accompanied by a preliminary soil management report that characterizes soil properties in the development area. (<i>General Plan pgs. 10-9 through 10-14, General Plan EIR pgs. 3.10-13 through 3.10-16</i>)</p>				
<p>e) The project is the re-opening and remodeling of an existing 11,104 square foot building to be used as a restaurant with live entertainment. An adjacent 5,250 square lot parcel adjacent to the site will be developed for additional parking. There are no septic tanks or alternative wastewater disposal systems proposed as part of the project.</p>				



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- f) The project is the re-opening and remodeling of an existing 11,104 square foot building to be used as a restaurant with live entertainment. An adjacent 5,250 square lot parcel adjacent to the site will be developed for additional parking. Due to the multiple improvements onsite, ground disturbance has already occurred at the site. As a result of more than 30-years of commercial use and urbanization the property has been altered from its native state. No paleontological resource or unique geologic feature has been identified on the project site.

Sources: *California Uniform Building Code; City of Turlock, Standard Specifications, Grading Practices; City of Turlock Municipal Code, Title 8, (Building Regulations); City of Turlock, General Plan, Safety Element, 2012.*

Mitigation:

None

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
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8. Greenhouse Gas Emissions - Would the project:

- a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

X

- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

X

Response:

a), b) The project is the re-opening and remodeling of an existing 11,104 square foot building to be used as a restaurant with live entertainment. An adjacent 5,250 square lot parcel adjacent to the site will be developed for additional parking. The project site is located in an urbanized area surrounded by a mix of commercial and residential uses and adjacent to North Center Street. No construction or expansion of the building is proposed. The restaurant is not seen as generating greenhouse gas emissions that may have a significant impact on the environment and is not expected to conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing greenhouse gas emissions. (*General Plan pg. 5-50, pgs. 8-1 through 8-3, General Plan EIR pgs. 3.5-1 through 3.5-47*)

Sources: *2012 General Plan, Air Quality and Greenhouse Gases chapter; AB 32 Scoping Plan; 2014 Stanislaus Council of Governments Regional Transportation Plan and Sustainable Communities Strategy.*

Mitigation:

None

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
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9. Hazards and Hazardous Materials - Would the project:

- a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?

X



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b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			X	
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result would it create a significant hazard to the public or the environment?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area			X	
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			X	
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X
Response: a), b), and c) The project is the re-opening and remodeling of an existing 11,104 square foot building to be used as a restaurant with live entertainment. An adjacent 5,250 square lot parcel adjacent to the site will be developed for additional parking. The operation of a restaurant does not involve an industrial process that would create the risk of explosion or release of hazardous substances through the routine transport or accidental use of hazardous materials. The project does not involve routine transport, use or disposal of hazardous materials. There is no anticipated risk of explosion or release of hazardous substances from the proposed project. The project site is not included on one or more Hazardous Waste and Substance Site Lists compiled pursuant to California Government Code Section 65962.5. All new development is reviewed by the City Fire Division to ensure the project meets the fire protection standards established by the City. All new development must also comply with federal, State, San Joaquin Valley APCD, Stanislaus County, and City policies regulating the production, use, transport and/or disposal of hazardous materials				
d) The property is fully developed with a 11,104 square foot restaurant building. The General Plan EIR does not identify any active cleanup sites located on or near the project site. In addition, the project is not located on a site which is included in one or more Hazardous Waste and Substance Site List, compiled pursuant to California Government Code Section 65962.5. (<i>General Plan EIR pgs. 3.11-2 through 3.11-7</i>)				



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e) The project site is not located within two miles of a public airport or public use airport and is not located within the planning area boundary of the Turlock Air Park. Moreover, the Turlock Air Park has been removed from the Stanislaus County Airport Land Use Compatibility Plan adopted on October 6, 2016 as the Safety Inspectors from the Caltrans Division of Aeronautics have reported that the Airport Operating permits are no longer valid.

f) The re-opening of the restaurant building will not impair the implementation of an adopted emergency response/evacuation plan. (General Plan EIR pgs. 3.11-22 through 3.11.25)

g) There are no designated wildland fire areas within or adjoining the project site. (General Plan EIR pg. 3.11-23)

Sources: City of Turlock, Emergency Response Plan, 2004; Stanislaus County Airport Land Use Compatibility Plan, adopted October 6, 2016; Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan, 2010; City of Turlock, General Plan, Safety Element, 2012; City of Turlock, Municipal Code, Title 8, (Building Regulations)

Mitigation:

None

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
10. Hydrology and Water Quality – Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
i) Result in substantial erosion or siltation on- or off-site;				X
ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;				X
iii) Create or contribute runoff water which would exceed the capacity of exiting or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
iv) Impede or redirect flood flows?				X



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d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	
Response: a), b), c) The project is the remodeling and reopening of an existing 11,104 square foot restaurant building and the development of additional parking area. No new water or wastewater facilities are proposed for the project. No impact is anticipated on water quality standards or groundwater supplies as no new water use is proposed for the project. (General Plan EIR pgs. 3.12-22 through 3.12-26)				
d) The project site is not located in a flood area. The project does not involve property acquisition, management, construction or improvements within a 100-year floodplain (Zones A or V) identified by FEMA maps, and does not involve a "critical action" (e.g., emergency facilities, facility for mobility impaired persons, etc.) within a 500-year floodplain (Zone B). The entire City of Turlock is located in Flood Zone "X", according to FEMA. The City of Turlock's Community Number is 060392; Panel Numbers are: 0570E, 0600E, 0800E, 0825E. Revised update September 26, 2008. The project site is located outside the Dam Inundation Area for New Don Pedro Dam and for New Exchequer Dam (the two inundation areas located closest to the City of Turlock Municipal Boundary). (General Plan EIR pg. 3.12-27)				
e) The project is the remodel and reopening of the 11,104 square foot restaurant building on a fully developed property. The project will not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. (General Plan EIR pg. 3.12-27)				
Sources: Federal Emergency Management Agency Floodplain regulations; City of Turlock, Storm Drain Master Plan, 1987; Turlock General Plan EIR, 2012; Turlock General Plan, 2012; City of Turlock, Water Master Plan Update, 2009; City of Turlock, Storm Water Master Plan, 2013; City of Turlock Urban Water Management Plan, 2011; City of Turlock Sewer System Master Plan, 2013; City of Turlock, Municipal Code, Title 9, Chapter 2, Water Conservation Landscape Ordinance				
Mitigation: None				
	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
11. Land Use Planning – Would the project:				
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X



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Response:

a) The project site is located in an urbanized area, zoned for commercial use, and surrounded by commercial and residential uses. The existing building does not physically divide an established community.

b) The 11,104 square foot building is located on a property zoned for commercial use. The re-opening of the building as a restaurant will not require a change in the land use or zoning designation of the property. The project is consistent with the City's Zoning and General Plan designation.

Sources: *Turlock General Plan, 2012 & Adopted Housing Element, 2014-23; City of Turlock General Plan EIR, 2012; Turlock Municipal Code, Title 9, Chapter 3.*

Mitigation:

None

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
12. Mineral Resources – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
<u>Response:</u>				
a), b) The project is the re-opening and remodeling of an existing 11,104 square foot building to be used as a restaurant with live entertainment. An adjacent 5,250 square lot parcel adjacent to the site will be developed for additional parking. Any development that may ultimately occur in the City does result in the utilization of natural resources (water, natural gas, construction materials, etc.); however, these resources will not be depleted by this project. The only known mineral resources within the City of Turlock are sand and gravel from the Modesto and Riverbank formations. The project will result in only minor excavation of the site. (<i>General Plan pg. 7-28</i>)				
<u>Sources:</u> <i>City of Turlock, General Plan, Conservation Element, 2012</i>				
<u>Mitigation:</u>				
None				
	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
13. Noise – Would the project result in:				



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a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X		
b) Generation of excessive groundborne vibration or groundborne noise levels?		X		
c) For a project located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X

Response:

a), b) The project is the re-opening and remodeling of an existing 11,104 square foot building to be used as a restaurant with live entertainment. An adjacent 5,250 square lot parcel adjacent to the site will be developed for additional parking. Project-related construction will result in short-term increases in noise levels and vibration on and immediately surrounding the project site; however, this increase is temporary in nature. A minor increase in noise may occur due to the additional operating equipment, but is not expected to exceed the noise levels associated with urbanization. Furthermore, the General Plan and City Noise Ordinance (TMC 5-28-100ART) establish noise standards that must be met for all new development during construction and operation of the project.

The close proximity of the project to residential uses and residentially zoned property required that an environmental noise analysis be prepared and submitted with the project application. The acoustical analysis addresses the noise levels associated with the live entertainment, ambient music, and amplified sound.

The acoustical analysis noted that traffic noise was clearly audible in the background with average noise levels of 59-63 dB at exterior locations around the project site. The noise analysis describes the project as a restaurant operating from 10:00 a.m. to 11:00 p.m. Tuesday through Sunday with a lounge open 8:00 p.m. to 2:00 a.m. The restaurant will have ambient music with live bands and amplified sound on occasion. The downstairs lounge will have a DJ with an amplified sound system. The outdoor lounge area at the main level would also include amplified music at typical levels for outdoor dining.

The noise analysis concluded that the project is predicted to comply with the City of Turlock exterior noise level standards based on the assumptions below:

- Music does not exceed 65 dBA L_{eq} in the outdoor dining area;
- Interior noise levels are at 95 dBA L_{eq} , or less;
- The exterior façades shown on Figure 4 of the report are upgraded to include a layer of 5/8" gypsum and a layer of 3/4" plywood hung from the interior side on Pac-International RSIC-1 sound isolation clips.
- Exterior stud cavities include fiberglass bat insulation to the full stud depth;
- Doors and windows would remain closed except during ingress or egress.

The live entertainment, ambient music, and amplified sound are not anticipated to generate noise levels in excess of the standards established in the General Plan or City Noise Ordinance. However, the project is subject to the City's noise ordinance during construction and operation. The environmental noise assessment is included as Attachment 1.

(General Plan EIR pgs. 3.6-16 through 3.6-19; TMC §5-28ART)



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- c) The project site is not located within two miles of a public airport or public use airport. Two private airstrips are located adjacent to the Turlock City Limits. A private airstrip serving a local pilot is located at 2707 East Zeering Road (APN 073-004-004), approximately 3-miles northeast of the project site. The property is located over 2 miles north of the Turlock Air Park, a private air strip which has been removed from the Stanislaus County Airport Land Use Compatibility Plan adopted on October 6, 2016 as the Safety Inspectors from the Caltrans Division of Aeronautics have reported that the Airport Operating permits are no longer valid. The Stanislaus County Zoning Ordinance has established a 1,000-foot radius around the perimeter of a private strip as a clear area not suitable for most types of development. The project site is located outside of the 1,000-foot radius. The project will not expose people residing or working in the project area to excessive noise levels due to a public airport or private airstrip.

Sources: *City of Turlock, General Plan, Noise Element, 2012; City of Turlock, Municipal Code, Title 5, Chapter 28, Noise Regulations; Stanislaus County Airport Land Use Compatibility Plan, adopted October 6, 2016; Merced County Airport Land Use Compatibility Plan, June 12, 2012; Turlock General Plan, Circulation Element, 2012; Environmental Noise Analysis, Nivel Restaurant and Lounge, August 14, 2019*

Mitigation:

1. Compliance with the standards of the City of Turlock's Noise Ordinance (TMC5-28-100ART).
2. All requirements, recommendations, and assumptions for control of noise identified in the August 14, 2019 noise analysis shall be met. The analysis is included in this document as Attachment 1.

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
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14. Population and Housing – Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X

Response:

- a) The proposed project would not directly or indirectly cause substantial population growth not identified in the Turlock General Plan. The proposed project is the re-model and re-opening of an existing 11,104 square foot restaurant building on a fully developed property, located in an urbanized area, and surrounded by commercial and residential uses. An adjacent 5,250 square lot parcel adjacent to the site will be developed for additional parking. The use is consistent with the uses anticipated for this area, the underlying General Plan land use designation, and the General Plan EIR and will not cause any impacts to population and housing that have not been anticipated and addressed in these documents.
- b) The proposed project would not displace substantial numbers of existing housing, and would not displace substantial numbers of people necessitating the construction of replacement housing elsewhere. The project is the re-model and re-opening of an existing 11,104 square foot restaurant building on a fully developed property, located in an urbanized area, and surrounded by commercial and residential uses. An adjacent 5,250 square lot parcel adjacent to the site will be developed for additional parking. The project site is surrounded by existing urban uses and all roads and infrastructure are immediately available along the property frontage. There are no existing residences on the site.



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Sources: City of Turlock, General Plan, 2012 & Housing Element, 2016; General Plan Policy 5.6-n

Mitigation:

None

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
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15. Public Services – Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire Protection?			X	
b) Police Protection?			X	
c) Schools?			X	
d) Parks?			X	
e) Other public facilities?			X	

Response:

- a) The project area is located approximately ½-mile from Fire Station 1 (Marshall Street). The Fire Department reviews all development applications to determine the adequacy of fire protection for the proposed development. The Fire Department has commented on this project but has not indicated that the development could not be adequately served or would create an impact on the ability of the Department to serve the City as a whole. The Turlock Municipal Code and the State Fire Code establish standards of service for all new development in the City. Those standards and regulations are applicable to the project. (General Plan EIR pgs. 3.14-14 through 3.14-19)
- b) The existing 11,104 square foot building is located in an urbanized area surrounded by commercial and residential uses. The impacts of re-modeling and re-opening the building to operate the restaurant on police services will be less-than-significant. (General Plan EIR pgs. 3.14-14 through 3.14-19)
- c) As a commercial land use, the restaurant does not include residential dwellings and will not generate a direct demand for school facilities. Under the Leroy F. Greene School Facilities Act of 1998, the satisfaction by the developer of his statutory fee under California Government Code Section 65995 is deemed “full and complete mitigation” of school impacts. Therefore, mitigation of impacts upon school facilities shall be accomplished by the payment of the fees set forth established by the Turlock Unified School District. (General Plan EIR pgs. 3.14-14 through 3.14-19)
- d) Demand for park and recreational facilities are generally the direct result of residential development. The remodel and reopening of the restaurant building does not include residential dwellings; therefore, will not result in a significant increase in the use of existing neighborhood or regional parks. (General Plan EIR pgs. 3.14-14 through 3.14-19)



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- e) Remodeling and reopening the existing restaurant building will not significantly increase the use of or need for new public facilities. The City has prepared and adopted a Capital Facility Program that identifies the public service needs of roads, police, fire, and general government that will be required through build-out of the General Plan area. This program includes the collection of Capital Facility Fees from all new development. Development fees are also collected from all new development for recreational lands and facilities. Conditions of development will require payment of these fees and charges, where appropriate and allowed by law. (*General Plan EIR pg. 3.14-14*)

Sources: Stanislaus County, *Public Facilities Plan*; City of Turlock, *Capital Facility Fees Program*, City of Turlock *Capital Improvement Program (CIP)*; Turlock Unified School District, *School Facilities Needs Analysis*; City of Turlock, *General Plan, Parks and Recreational Open Space and Safety Elements, 2012*

Mitigation:

None

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
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16. Recreation

- a) Would the project increase the use of existing neighborhood or regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?

X

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

X

Response:

- a) and b) The remodeling and reopening of the restaurant building is a commercial project and would not result in a significant increase in the use of existing neighborhood or regional parks. The project does not include recreational facilities or require the construction or expansion of recreational facilities. However, development fees are collected from all new development to provide additional park lands and facilities.

Sources: City of Turlock *General Plan 2012: City of Turlock Parks Master Plan, 2003*

Mitigation:

None

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
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17. Transportation – Would the project:

- a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

X



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b) Conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?			X	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?				X
d) Result in inadequate emergency access?			X	
Response: a), b), c) The remodel and reopening of the 11,104 square foot restaurant building is located in the central downtown area of the City on a fully developed site. The property is adjacent to North Center Street and less than ¼-mile from Golden State Boulevard; a frequent route for the BLST bus service. The project site is located within an area identified in the Turlock General Plan for commercial uses. Roadway and public rights-of-way improvements along the Center Street frontage are already constructed. No significant traffic issues will be generated by the project and the project is not expected to increase vehicle miles traveled. (<i>General Plan EIR pgs. 3.3-23 through 3.3-33</i>)				
d) The Turlock Fire Department reviews all development proposals for adequate emergency access. The Fire Department has not expressed concerns that the project does not provide adequate emergency access. The project will either meet or exceed the Fire Department needs for emergency vehicle access throughout the project site.				
Sources: <i>City of Turlock, Capital Improvement Program (CIP); City of Turlock, General Plan, 2012; StanCOG, Regional Transportation Plan and Sustainable Communities Strategy, 2014; Stanislaus Assn. of Governments, Congestion Mgmt. Plan.</i>				
Mitigation: None				
	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
18. Tribal Cultural Resources -				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	



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ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	
Response: a) The Turlock General Plan EIR found that there are no known Native American cultural resources within the City of Turlock. The property is not listed or eligible for listing on the California Register of Historical Resources. Additionally, the project site is fully developed and has undergone multiple improvements that have resulted in ground disturbance. In compliance with AB52 notices were sent to the North Valley Yokuts Tribe on October 28, 2019 with the project description. The City of Turlock has not received comments from the North Valley Yokuts Tribe. The Torres Martinez Desert Cahuilla Tribe sent a letter to the City of Turlock on April 19, 2017 formally asking the City to remove them from future project notifications. (<i>General Plan EIR pgs. 3.8-13 through 3.8-15</i>)				
Sources: <i>Turlock General Plan, Conservation Element, 2012; City of Turlock General Plan EIR, 2012; Cultural Resources Records Search, 2008</i>				
Mitigation: None				
	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
19. Utilities and Service Systems – Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the wastewater treatment provider which services or may serve the project determined that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	



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d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?				X
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				X
Response: a), b), c) The project is the remodel and reopening of a restaurant in an existing 11,104 square foot building. The project will not result or require the relocation or construction of water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities. The project site is adjacent to Center Street and has access to existing infrastructure. (General Plan EIR pgs. 3.15-11 through 3.15-15)				
d), e) Solid waste will be of a domestic nature and will comply with all federal, State and local statutes. Turlock Scavenger has an adopted waste diversion/recycling program which has resulted in waste diversion exceeding state-mandated California Integrated Waste Management Board timeframes under Public Resources Code 41000 et seq. The project is required to install a trash enclosure that will accommodate recycled materials.				
Sources: City of Turlock, Capital Improvement Program (CIP); City of Turlock, General Plan, 2012; City of Turlock, Water Master Plan Update, 2009; City of Turlock, Waste Water Master Plan, 1991; City of Turlock, Storm Water Master Plan, 2013; City of Turlock Urban Water Management Plan, 2011; City of Turlock Sewer System Master Plan, 2013.				
Mitigation: None				
	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
20. Wildfire - If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				X
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				X
d) Expose people or structure to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				X
Response: a) The project is proposed in an existing building on a fully developed site. The property is located in an urbanized area and surround by commercial and residential uses. The project will not impair the				



CITY OF TURLOCK INITIAL STUDY CHECKLIST

implementation of an adopted emergency response evacuation plan (*General Plan pg. 10-18, General Plan EIR pgs. 3.11-22 through 3.11-25*)

b), c), d) There are no wildlands or steep slopes in the City of Turlock, making the risk of wildland fire low; likewise, the Turlock General Plan notes the city topography as flat urbanized or agricultural land with a low fire risk. The California Department of Forestry and Fire Protection's Fire and Resource Assessment Program (FRAP) designates the City of Turlock as a Low Risk Area (LRA). There are no rivers, lakes or streams located within the City of Turlock that would expose people of structures to significant risks of flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. (*General Plan 10-18, General Plan EIR pgs. 3.10-5, 3.11-22 through 3.11-25*)

Sources: *City of Turlock, Emergency Operation Plan, 2017; Local Hazard Mitigation Plan, 2010-2015; Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan, updated 2016 City of Turlock, General Plan, Safety Element, 2012*

Mitigation:
None

	Potentially Significant Impact	Less Than Significant Impact With Mitigation	Less Than Significant Impact	No Impact
21. Mandatory Findings of Significance				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?			X	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	



CITY OF TURLOCK INITIAL STUDY CHECKLIST

The remodel and reopening of a restaurant with live entertainment is proposed on a fully developed property in an urbanized area surrounded by commercial and residential uses. The .32-acre property is fully developed with a 11,104 square foot building, ornamental landscaping, and paving. As discussed in Section 1, no scenic vistas, scenic resources, or the visual character of the area will be substantially impacted and the project will not result in excessive light or glare. The project site is located within an urbanized area and surrounded by urban uses. No evidence of significant historic or cultural resources were identified on or near the project site. As a result of many years of agricultural production virtually all of the land in the General Plan area has been altered. Additionally, the site has been fully developed for more than 30 years. Due to the multiple improvements onsite, ground disturbance has already occurred on the property. The project site is not known to have any association with an important example of California's history or prehistory. As discussed in Section 4, there are no rivers, lakes or streams located within the City of Turlock; therefore, the project would have no impact on riparian habitats or species.

The 11,104 square foot restaurant building is below the Small Project Analysis Level (SPAL) and deemed to have a less than significant impact on air quality due to criteria pollutant emissions by the SJVAPCD.

Mitigation measures for any potentially significant project-level impacts have been included in this document and will reduce the impacts to less-than-significant levels. Based on the analysis above, the City finds that impacts related to environmental effects that could cause adverse effects on human beings would be less-than-significant.

ATTACHMENT 1

ENVIRONMENTAL NOISE ANALYSIS

**NIVEL RESTAURANT AND LOUNGE
AUGUST 14, 2019**



Environmental Noise Analysis

Nivel Restaurant and Lounge

City of Turlock, California

August 14, 2019

Project # 190802

Prepared for:

Jose Pulido – Nivel Restaurant and Lounge
309 North Center Street
Turlock, CA 95380

Prepared by:

Saxelby Acoustics LLC

Luke Saxelby, INCE Bd. Cert.
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Saxelby Acoustics has completed our review of exterior noise levels associated with the proposed Nivel restaurant and lounge use located at 309 North Center Street in the City of Turlock, California. The following is a summary of our findings and recommendations.

Figure 1 shows the project site plan.

Fundamentals of Acoustics

Acoustics is the science of sound. Sound may be thought of as mechanical energy of a vibrating object transmitted by pressure waves through a medium to human (or animal) ears. If the pressure variations occur frequently enough (at least 20 times per second), then they can be heard and are called sound. The number of pressure variations per second is called the frequency of sound, and is expressed as cycles per second or Hertz (Hz).¹

Noise is a subjective reaction to different types of sounds. Noise is typically defined as (airborne) sound that is loud, unpleasant, unexpected or undesired, and may therefore be classified as a more specific group of sounds. Perceptions of sound and noise are highly subjective from person to person.

Measuring sound directly in terms of pressure would require a very large and awkward range of numbers. To avoid this, the decibel scale was devised. The decibel scale uses the hearing threshold (20 micropascals), as a point of reference, defined as 0 dB. Other sound pressures are then compared to this reference pressure, and the logarithm is taken to keep the numbers in a practical range. The decibel scale allows a million-fold increase in pressure to be expressed as 120 dB, and changes in levels (dB) correspond closely to human perception of relative loudness.

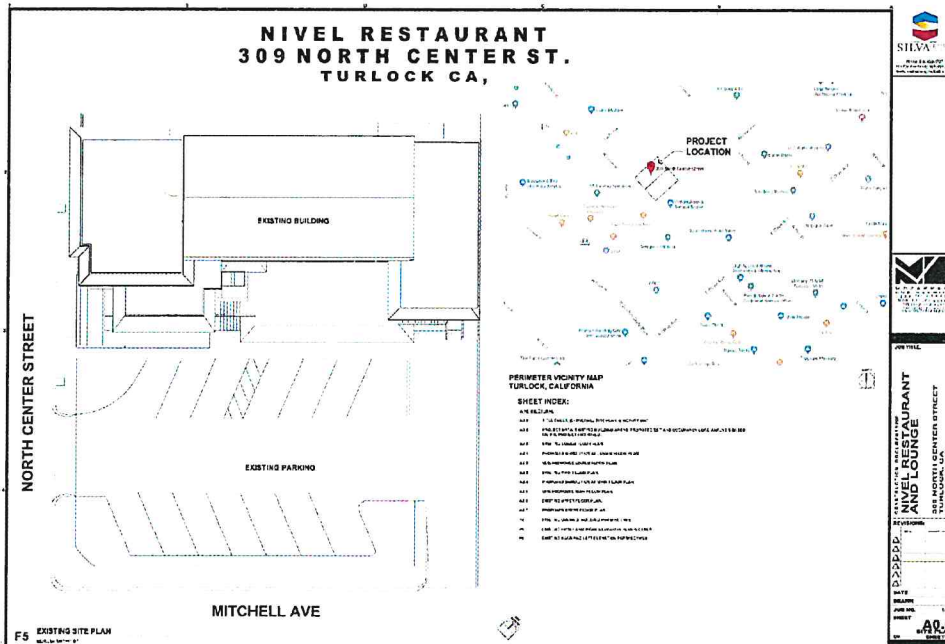
¹For definitions of acoustical terms see **Appendix A: "Acoustical Terminology"**

Nivel Restaurant and Lounge

Turlock, California

Figure 1

Project Site Plan



The perceived loudness of sounds is dependent upon many factors, including sound pressure level and frequency content. However, within the usual range of environmental noise levels, perception of loudness is relatively predictable, and can be approximated by A-weighted sound levels. There is a strong correlation between A-weighted sound levels (expressed as dBA) and the way the human ear perceives sound. For this reason, the A-weighted sound level has become the standard tool of environmental noise assessment. All noise levels reported in this section are in terms of A-weighted levels, but are expressed as dB, unless otherwise noted.

The decibel scale is logarithmic, not linear. In other words, two sound levels 10 dB apart differ in acoustic energy by a factor of 10. When the standard logarithmic decibel is A-weighted, an increase of 10 dBA is generally perceived as a doubling in loudness. For example, a 70-dBA sound is half as loud as an 80-dBA sound, and twice as loud as a 60 dBA sound.

Community noise is commonly described in terms of the ambient noise level, which is defined as the all-encompassing noise level associated with a given environment. A common statistical tool is the average, or equivalent, sound level (L_{eq}), which corresponds to a steady-state A weighted sound level containing the same total energy as a time varying signal over a given time period (usually one hour). The L_{eq} is the foundation of the composite noise descriptor, L_{dn} , and shows very good correlation with community response to noise.

The day/night average level (L_{dn}) is based upon the average noise level over a 24-hour day, with a +10 decibel weighing applied to noise occurring during nighttime (10:00 p.m. to 7:00 a.m.) hours. The nighttime penalty is based upon the assumption that people react to nighttime noise exposures as though they were twice as loud as daytime exposures. Because L_{dn} represents a 24-hour average, it tends to disguise short-term variations in the noise environment.

Table 1 lists several examples of the noise levels associated with common situations.

TABLE 1: TYPICAL NOISE LEVELS

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	--110--	Rock Band
Jet Fly-over at 300 m (1,000 ft)	--100--	
Gas Lawn Mower at 1 m (3 ft)	--90--	
Diesel Truck at 15 m (50 ft), at 80 km/hr (50 mph)	--80--	Food Blender at 1 m (3 ft) Garbage Disposal at 1 m (3 ft)
Noisy Urban Area, Daytime Gas Lawn Mower, 30 m (100 ft)	--70--	Vacuum Cleaner at 3 m (10 ft)
Commercial Area Heavy Traffic at 90 m (300 ft)	--60--	Normal Speech at 1 m (3 ft)
Quiet Urban Daytime	--50--	Large Business Office Dishwasher in Next Room
Quiet Urban Nighttime	--40--	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	--30--	Library
Quiet Rural Nighttime	--20--	Bedroom at Night, Concert Hall (Background)
	--10--	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	--0--	Lowest Threshold of Human Hearing

Source: Caltrans, Technical Noise Supplement, Traffic Noise Analysis Protocol. September 2013.

Effects of Noise on People

The effects of noise on people can be placed in three categories:

- Subjective effects of annoyance, nuisance, and dissatisfaction
- Interference with activities such as speech, sleep, and learning
- Physiological effects such as hearing loss or sudden startling

Environmental noise typically produces effects in the first two categories. Workers in industrial plants can experience noise in the last category. There is no completely satisfactory way to measure the subjective effects of noise or the corresponding reactions of annoyance and dissatisfaction. A wide variation in individual thresholds of annoyance exists and different tolerances to noise tend to develop based on an individual's past experiences with noise.

Thus, an important way of predicting a human reaction to a new noise environment is the way it compares to the existing environment to which one has adapted: the so-called ambient noise level. In general, the more a new noise exceeds the previously existing ambient noise level, the less acceptable the new noise will be judged by those hearing it.

With regard to increases in A-weighted noise level, the following relationships occur:

- Except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived;
- Outside of the laboratory, a 3-dBA change is considered a just-perceivable difference;
- A change in level of at least 5-dBA is required before any noticeable change in human response would be expected; and
- A 10-dBA change is subjectively heard as approximately a doubling in loudness, and can cause an adverse response.

Stationary point sources of noise – including stationary mobile sources such as idling vehicles – attenuate (lessen) at a rate of approximately 6 dB per doubling of distance from the source, depending on environmental conditions (i.e. atmospheric conditions and either vegetative or manufactured noise barriers, etc.). Widely distributed noises, such as a large industrial facility spread over many acres, or a street with moving vehicles, would typically attenuate at a lower rate.

On-site Ambient Noise Monitoring

Saxelby Acoustics staff conducted short-term ambient noise monitoring on the morning of August 12, 2019. Noise measurement locations are shown on **Figure 2**. A summary of the noise level measurement survey results are provided in **Table 2**. **Appendix B** contains the complete results of the noise monitoring.

The sound level meters were programmed to record the maximum, median, and average noise levels at each site during the survey. The maximum value, denoted L_{max} , represents the highest noise level measured. The average value, denoted L_{eq} , represents the energy average of all of the noise received by the sound level meter microphone during the monitoring period. The median value, denoted L_{50} , represents the sound level exceeded 50 percent of the time during the monitoring period.

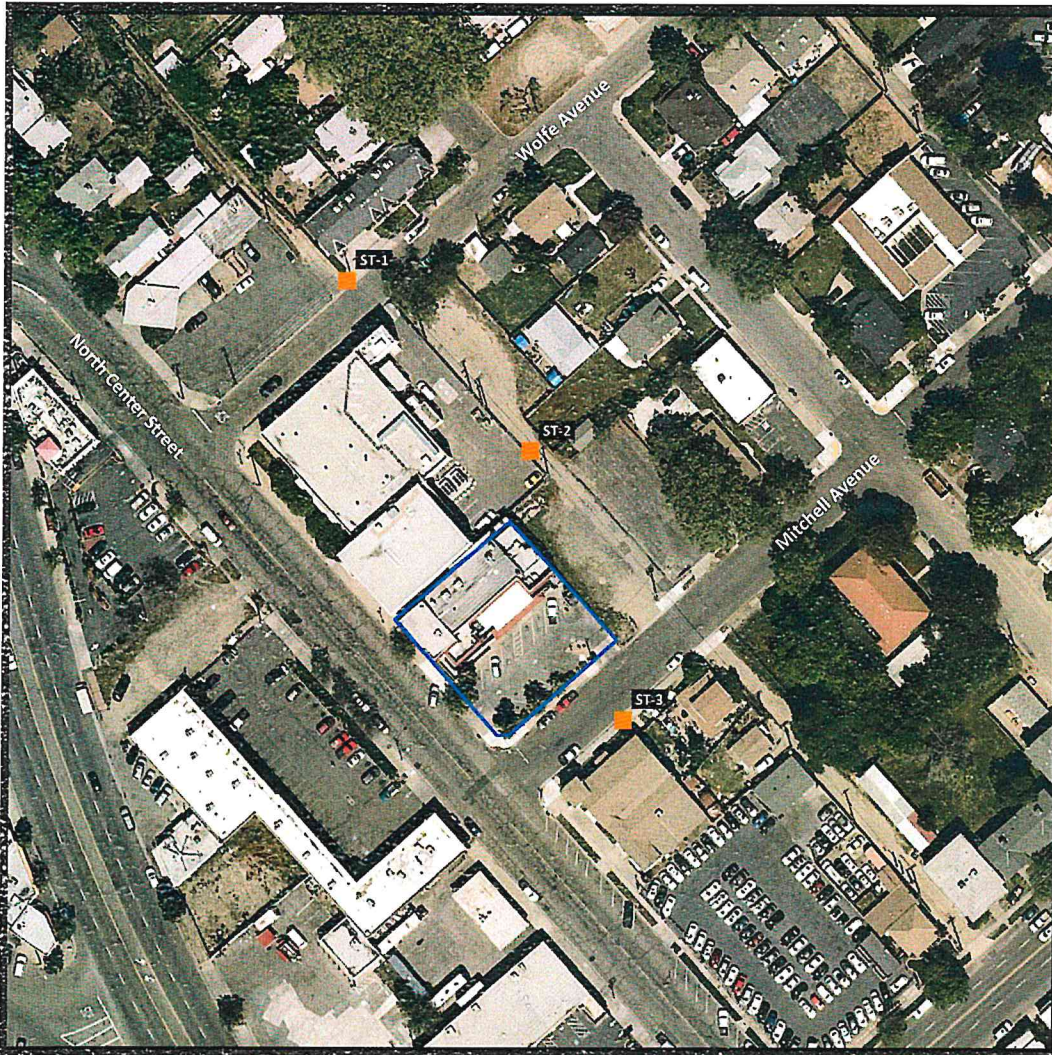
A Larson Davis Laboratories (LDL) Model 831 precision integrating sound level meter was used for the ambient noise level measurement survey. The meter was calibrated before and after use with a B&K Model 200 acoustical calibrator to ensure the accuracy of the measurements. The equipment used meets all pertinent specifications of the American National Standards Institute for Type 1 sound level meters (ANSI S1.4).

TABLE 1: SUMMARY OF EXISTING BACKGROUND NOISE MEASUREMENT DATA

Site	Date	Average Measured Hourly Noise Levels, dBA						
		L_{dn}	Daytime (7:00 am - 10:00 pm)			Nighttime (10:00 pm - 7:00 am)		
			L_{eq}	L_{50}	L_{max}	L_{eq}	L_{50}	L_{max}
ST-1	8/12/19 – 11:07 a.m.	N/A	63	62	74	N/A	N/A	N/A
ST-2	8/12/19 – 11:20 a.m.	N/A	59	59	66	N/A	N/A	N/A
ST-3	8/12/19 – 11:31 a.m.	N/A	61	55	78	N/A	N/A	N/A

Source: Saxelby Acoustics – 2019

During the visit, we observed that traffic noise was clearly audible in the background with average noise levels of 59-63 dBA L_{eq} at exterior locations around the project site.

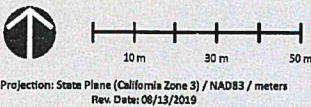


Nível Restaurant and Lounge

Turlock, California

Figure 2
Noise Measurement Sites

- Legend
- Project Site
 - Noise Measurement - Short Term



Applicable Criteria

The City of Turlock General Plan Noise Element establishes limits on exterior noise from non-transportation noise sources, such as noise from restaurants. **Figure 3** shows those standards.

TABLE 9-3: NOISE LEVEL PERFORMANCE STANDARDS FOR NON-TRANSPORTATION SOURCES		
NOISE LEVEL DESCRIPTOR	DAYTIME (7 A.M. TO 10 P.M.)	NIGHTTIME (10 P.M. TO 7 A.M.)
Hourly L_{eq} , dB	55	45
Maximum Level, dB	75	65
Note: Each of the noise levels specified above shall be lowered by 5 dB for simple tone noises, noises consisting primarily of speech or music, or for recurring impulsive noises.		

Figure 3: Exterior noise limits for non-transportation noise sources

Based upon review of these standards, the City of Turlock exterior noise level limits would be reduced by 5 dBA to 40 dBA L_{eq} and 60 dBA L_{max} for noise emanating from the proposed project as the noise would consist primarily of speech or music and would occur during nighttime (10:00 p.m. to 7:00 a.m.) hours.

It should be noted that typical maximum noise levels from music are 10-20 dBA higher than average (L_{eq}) noise levels. Since the City of Turlock maximum (L_{max}) noise standard is 20 dBA higher than the L_{eq} standard, this analysis will focus on achieving compliance with the City's L_{eq} standard, thereby also achieving compliance with the L_{max} standard.

Exterior Noise Levels

It is our understanding that the proposed project would include a restaurant operating from 10:00 a.m. to 11:00 p.m. Tuesday through Sunday with a lounge open 8:00 p.m. to 2:00 a.m. The restaurant will have ambient music with a live bands and amplified sound on occasion. The downstairs lounge would have a DJ with an amplified sound system. The outdoor lounge area at the main level would also include amplified music at typical levels for outdoor dining.

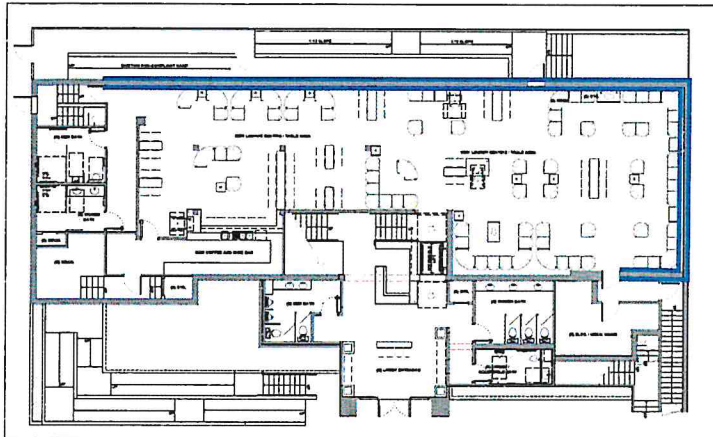
Based upon these proposed uses, and the building construction, exterior façade noise levels were calculated. The complete results of this analysis are shown in **Appendix C**. These façade noise levels were input into the SoundPLAN noise prediction model to calculate exterior noise levels at the nearest residential uses.

It should be noted that this analysis assumes that the exterior walls shown on **Figure 4** would be upgraded acoustically. The upgraded acoustic assembly would consist of the following:

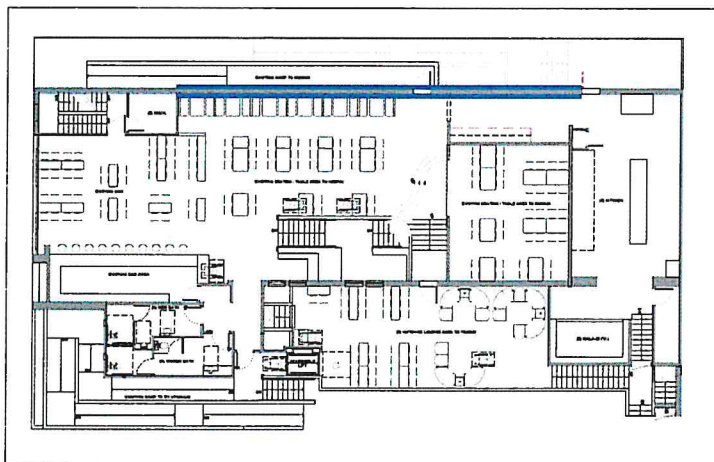
- Exterior stucco or similar weight finish;
- 2x4 or 2x6 wood or metal studs with fiberglass bat insulation to full stud depth;
- Minimum one-layer of 5/8" gypsum and a single-layer of 3/4" plywood hung from the inside of the exterior walls on an acoustic isolation clip, such as the Pac-International RSIC-1, as discussed previously with the project team. See **Attachment 1** for RSIC-1 product information.

Interior noise levels in the lounge and restaurant were conservatively assumed to be 95 dBA which is typical for a loud venue such as a lounge with DJ. It was assumed that door and windows would remain closed during normal operations, except during ingress or egress. Music at the outdoor dining area was assumed to be approximately 65 dBA throughout the dining area which is typical for ambient music in a dining setting.

The SoundPLAN noise model was used to calculate the noise exposure from the proposed project. **Figure 5** shows the SoundPLAN noise contours for the project.



Lower Floor Plan




Main Floor Plan

Nivel Restaurant and Lounge

Turlock, California

Figure 4

Acoustically Upgraded Exterior Facades

 Acoustically Upgraded Assembly





Nível Restaurant and Lounge

Turlock, California

Figure 5
Noise Level Contours (dBA L_{eq})

Signs and symbols

- Parcel Line
- Existing Restaurant Building
- Surrounding Buildings
- Area source

Levels in dB(A)

<= 40
40 - 41
41 - 42
42 - 43
43 - 44
44 - 45
45 - 46
46 - 47
47 - 48
48 - 49
49 - 50
> 50

1 : 800

0 4 8 16 24 32 m



Based upon the **Figure 5** data, the proposed project would result in a total noise level of 38 dBA L_{eq} at the nearest residential uses. Maximum noise levels are predicted to be 10-20 dBA higher, or 48-58 dBA L_{max} . These levels comply with the City of Turlock 40 dBA L_{eq} and 60 dBA L_{max} nighttime (10:00 p.m. to 7:00 a.m.) standards applied to noise consisting primarily of speech or music.

Conclusions

The project is predicted to comply with the City of Turlock exterior noise level standards based on the following assumptions:

- Music does not exceed 65 dBA L_{eq} in the outdoor dining area;
- Interior noise levels are at 95 dBA L_{eq} , or less;
- The exterior facades shown on **Figure 4** are upgraded to include a layer of 5/8" gypsum and a layer of 3/4" plywood hung from the interior side on Pac-International RSIC-1 sound isolation clips.
- Exterior stud cavities include fiberglass bat insulation to the full stud depth;
- Doors and windows would remain closed except during ingress or egress.

Appendix A: Acoustical Terminology

Acoustics	The science of sound.
Ambient Noise	The distinctive acoustical characteristics of a given space consisting of all noise sources audible at that location. In many cases, the term ambient is used to describe an existing or pre-project condition such as the setting in an environmental noise study.
ASTC	Apparent Sound Transmission Class. Similar to STC but includes sound from flanking paths and correct for room reverberation. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.
Attenuation	The reduction of an acoustic signal.
A-Weighting	A frequency-response adjustment of a sound level meter that conditions the output signal to approximate human response.
Decibel or dB	Fundamental unit of sound, A Bell is defined as the logarithm of the ratio of the sound pressure squared over the reference pressure squared. A Decibel is one-tenth of a Bell.
CNEL	Community Noise Equivalent Level. Defined as the 24-hour average noise level with noise occurring during evening hours (7 - 10 p.m.) weighted by +5 dBA and nighttime hours weighted by +10 dBA.
DNL	See definition of Ldn.
IIC	Impact Insulation Class. An integer-number rating of how well a building floor attenuates impact sounds, such as footsteps. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.
Frequency	The measure of the rapidity of alterations of a periodic signal, expressed in cycles per second or hertz (Hz).
Ldn	Day/Night Average Sound Level. Similar to CNEL but with no evening weighting.
Leq	Equivalent or energy-averaged sound level.
Lmax	The highest root-mean-square (RMS) sound level measured over a given period of time.
L(n)	The sound level exceeded a described percentile over a measurement period. For instance, an hourly L50 is the sound level exceeded 50% of the time during the one-hour period.
Loudness	A subjective term for the sensation of the magnitude of sound.
NIC	Noise Isolation Class. A rating of the noise reduction between two spaces. Similar to STC but includes sound from flanking paths and no correction for room reverberation.
NNIC	Normalized Noise Isolation Class. Similar to NIC but includes a correction for room reverberation.
Noise	Unwanted sound.
NRC	Noise Reduction Coefficient. NRC is a single-number rating of the sound-absorption of a material equal to the arithmetic mean of the sound-absorption coefficients in the 250, 500, 1000, and 2,000 Hz octave frequency bands rounded to the nearest multiple of 0.05. It is a representation of the amount of sound energy absorbed upon striking a particular surface. An NRC of 0 indicates perfect reflection; an NRC of 1 indicates perfect absorption.
RT60	The time it takes reverberant sound to decay by 60 dB once the source has been removed.
Sabin	The unit of sound absorption. One square foot of material absorbing 100% of incident sound has an absorption of 1 Sabin.
SEL	Sound Exposure Level. SEL is a rating, in decibels, of a discrete event, such as an aircraft flyover or train pass by, that compresses the total sound energy into a one-second event.
SPC	Speech Privacy Class. SPC is a method of rating speech privacy in buildings. It is designed to measure the degree of speech privacy provided by a closed room, indicating the degree to which conversations occurring within are kept private from listeners outside the room.
STC	Sound Transmission Class. STC is an integer rating of how well a building partition attenuates airborne sound. It is widely used to rate interior partitions, ceilings/floors, doors, windows and exterior wall configurations. The STC rating is typically used to rate the sound transmission of a specific building element when tested in laboratory conditions where flanking paths around the assembly don't exist. A larger number means more attenuation. The scale, like the decibel scale for sound, is logarithmic.
Threshold of Hearing	The lowest sound that can be perceived by the human auditory system, generally considered to be 0 dB for persons with perfect hearing.
Threshold of Pain	Approximately 120 dB above the threshold of hearing.
Impulsive	Sound of short duration, usually less than one second, with an abrupt onset and rapid decay.
Simple Tone	Any sound which can be judged as audible as a single pitch or set of single pitches.

Appendix B1 : Short Term Noise Monitoring Results

Site: ST-1

Project: Nivel Restaurant and Lounge

Meter: LDL 831-1

Location: Northwest of Site

Calibrator: CAL200

Coordinates: 37.497907°, -120.847248°

Start: 2019-08-12 11:07:31

Stop: 2019-08-12 11:17:31

SLM: Model 831

Serial: 1800

Measurement Results, dBA

Duration: 0:10

L_{eq} : 63

L_{max} : 74

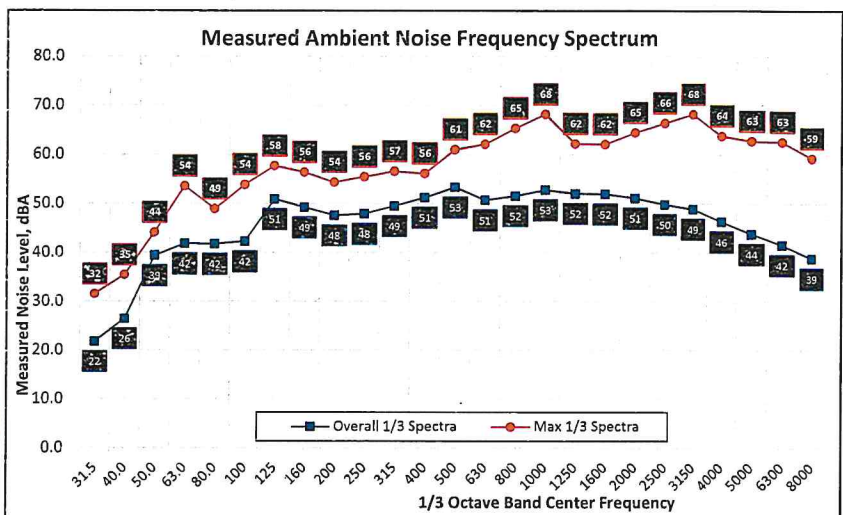
L_{min} : 58

L_{50} : 62

L_{90} : 59

Notes

Primary noise source is traffic on North Center Street and Wolfe Avenue. Secondary noise source is from next door auto shop, neighborhood pets, and HVAC systems. L_{max} is from large vehicles passing by.



Appendix B2 : Short Term Noise Monitoring Results

Start: 2019-08-12 11:20:08
 Stop: 2019-08-12 11:30:08
 SLM: Model 831
 Serial: 1800

Measurement Results, dBA

Duration: 0:10
 L_{eq} : 59
 L_{max} : 66
 L_{min} : 57
 L_{50} : 59
 L_{90} : 58

Notes

Primary noise source is HVAC system behind building. Secondary noise source is traffic on Mitchell Avenue, Wolfe Avenue, and North Center Street. L_{max} caused by barking dogs.

Site: ST-2

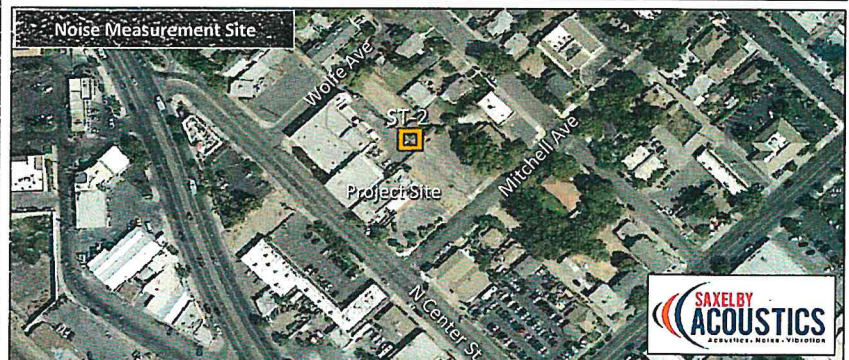
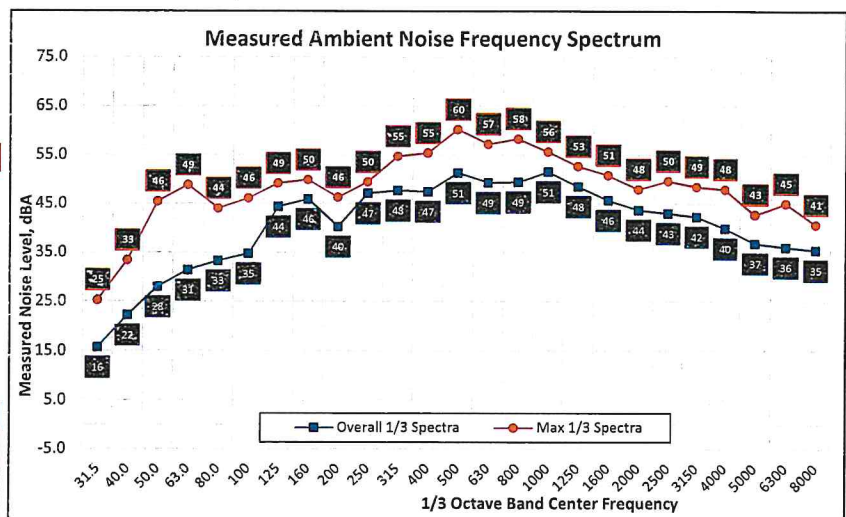
Project: Nivel Restaurant and Lounge

Location: North Corner of Site

Coordinates: 37.497546°, -120.846758°

Meter: LDL 831-1

Calibrator: CAL200



Appendix B3 : Short Term Noise Monitoring Results

Site: ST-3

Project: Nivel Restaurant and Lounge

Meter: LDL 831-1

Location: East Corner of Site

Calibrator: CAL200

Coordinates: 37.495975°, -120.846504°

Start: 2019-08-12 11:31:37

Stop: 2019-08-12 11:41:37

SLM: Model 831

Serial: 1800

Measurement Results, dBA

Duration: 0:10

L_{eq} : 61

L_{max} : 78

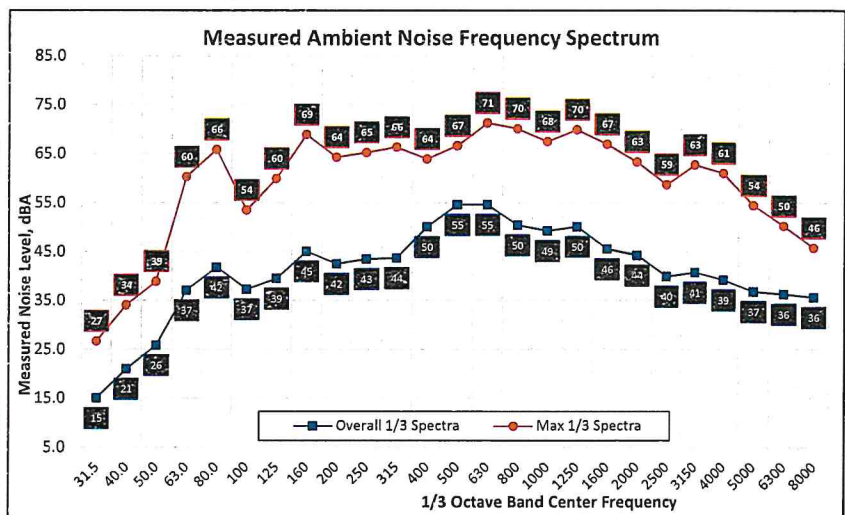
L_{min} : 56

L_{50} : 55

L_{90} : 47

Notes

Primary noise source is from traffic on North Center Street and Mitchell Avenue. Secondary noise source is from HVAC units in the neighborhood. L_{max} caused by barking dog.



Appendix C: Interior-to-Exterior Calculations

Sound Insulation Prediction (v9.0.17)

Program copyright Marshall Day Acoustics 2017

margin of error is generally within STC +/- 3 dB

- Key No. 4859

Job Name:

Job No.:

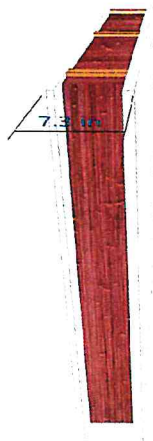
Date: 8/13/2019

File Name:

Initials: lsaxe



Notes: Existing, non-acoustical exterior wall



STC 49
OITC 31

Mass-air-mass resonant frequency = 47 Hz

Panel Size = 8.9 ft x 13.1 ft

Partition surface mass = 9.84 lb/ft²

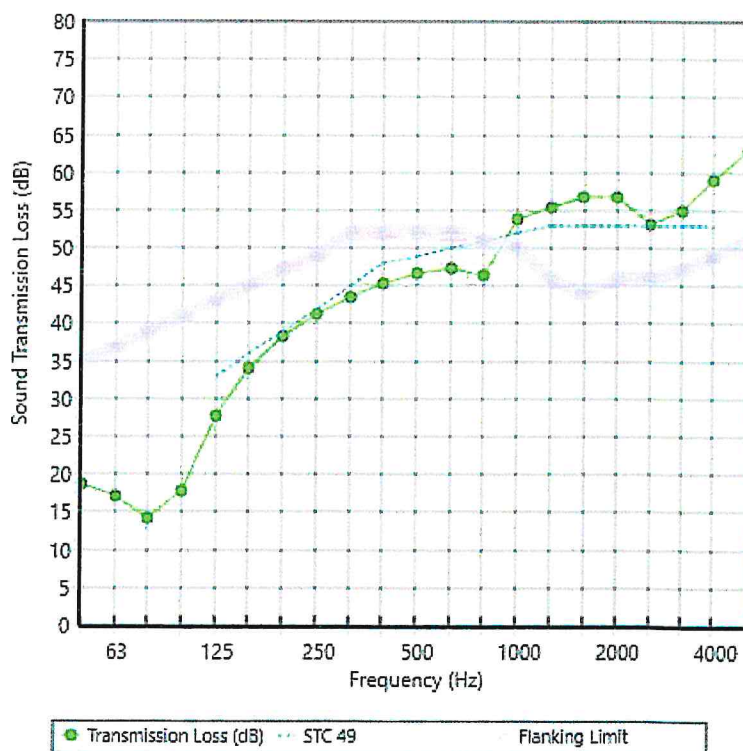
System description

Panel 1 : 1 x 0.63 in Type X Gypsum Board

Frame: Timber stud (5.7 in x 1.8 in), Stud spacing 24 in; Cavity Width 5.67 in, 1 x fiberglass (1.4 lb/ft³) Thickness 6.0 in

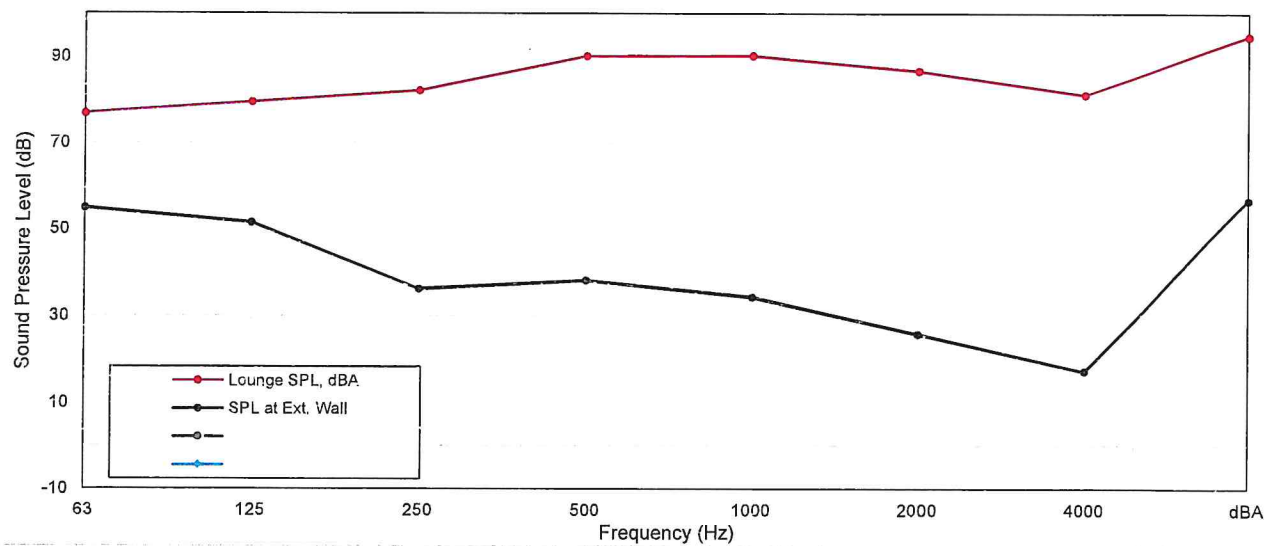
Panel 2 : 1 x 1 in Stucco on 1/2" type X gypsum backer

freq.(Hz)	TL(dB)	TL(dB)
50	19	
63	17	16
80	14	
100	18	
125	28	22
160	34	
200	38	
250	41	40
315	43	
400	45	
500	47	46
630	47	
800	46	
1000	54	50
1250	56	
1600	57	
2000	57	55
2500	53	
3150	55	
4000	59	58
5000	63	



Job: Nivel Restaurant Lounge to Outdoor Noise Predictions - No Acoustic Clips

	63	125	250	500	1000	2000	4000	dBA	
Lounge SPL, dBA	77	79	82	90	90	87	81	95	Typical Lounge Noise Levels with Amplified Sound
TL, Wall	16	22	40	46	50	55	58	N/A	INSUL predicted, single stud wall, stucco, int 5/8" gyp.
SPL at Ext. Wall	55	51	36	38	34	26	17	57	Predicted exterior sound pressure level at wall
PWL Wall, /sf	55	51	36	38	34	26	17	57	Radiated sound power of wall per s.f.
PWL Wall, /m2	65	62	46	48	44	36	27	67	Radiated sound power of wall per m2



Sound Insulation Prediction (v9.0.17)

Program copyright Marshall Day Acoustics 2017

margin of error is generally within STC +/- 3 dB

- Key No. 4859

Job Name:

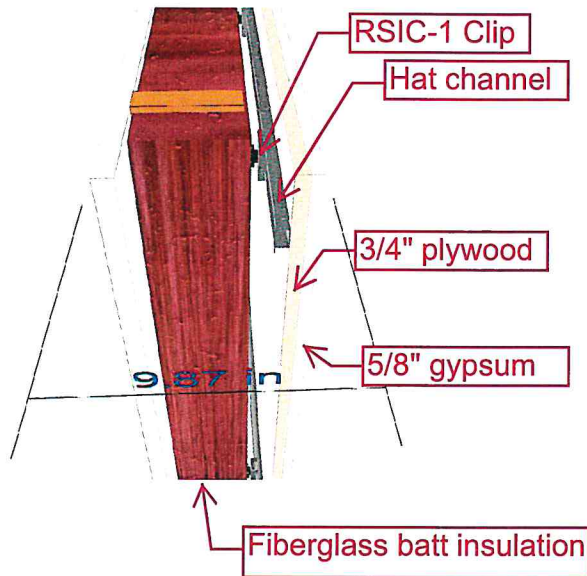
Job No.:

Date: 8/13/2019

File Name: Existing Ext Wall + RSIC.ixl

Initials: lsaxe

Notes: Acoustically upgraded exterior wall assembly



STC 64
OITC 54

Mass-air-mass resonant frequency = 32 Hz

Panel Size = 8.9 ft x 13.1 ft

Partition surface mass = 11.9 lb/ft²

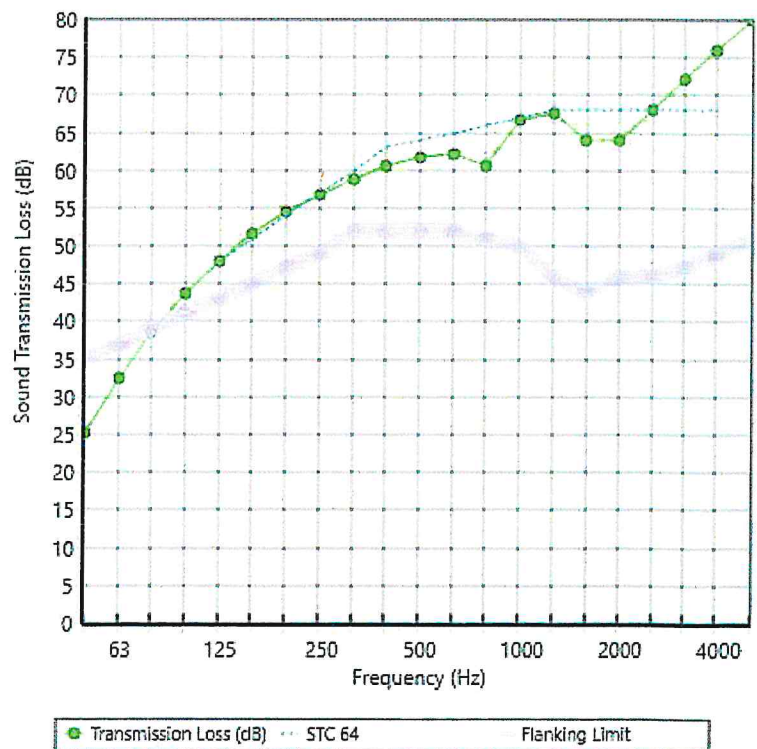
System description

Panel 1 : 1 x 1 in Stucco on 1/2" type X gypsum backer

Frame: Rubber isolation clip on Timber stud (5.7 in x 1.8 in), Stud spacing 24 in; Cavity Width 7.54 in, 1 x fiberglass (1.4 lb/ft³) Thickness 6.0 in

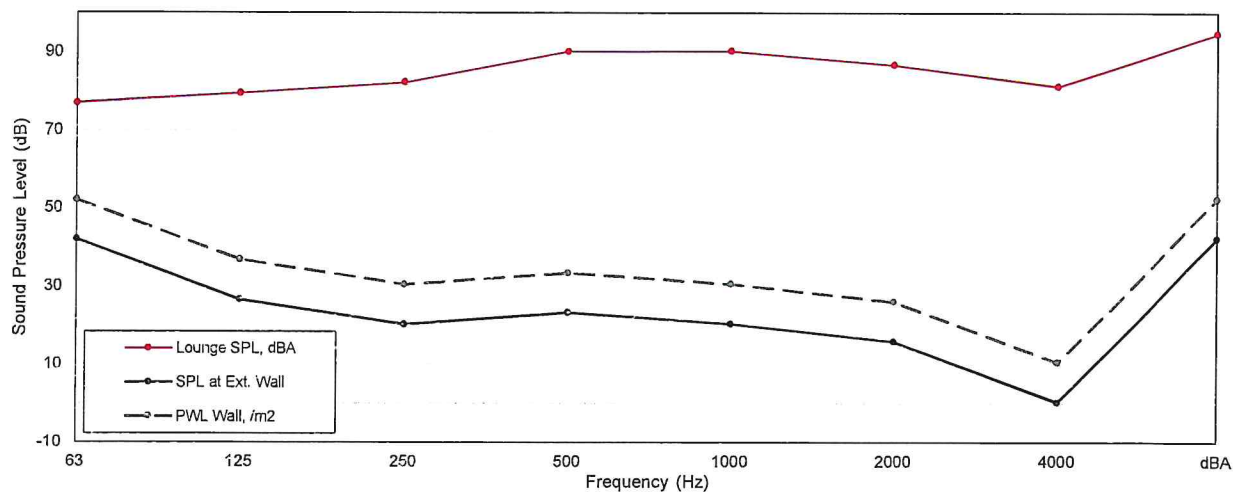
Panel 2 : 1 x 0.7 in Plywood + 1 x 0.63 in Type X Gypsum Board

freq.(Hz)	TL(dB)	TL(dB)
50	25	
63	32	29
80	39	
100	44	
125	48	47
160	52	
200	54	
250	57	56
315	59	
400	61	
500	62	61
630	62	
800	61	
1000	67	64
1250	68	
1600	64	
2000	64	65
2500	68	
3150	72	
4000	76	75
5000	80	



Job: Nivel Restaurant Lounge to Outdoor Noise Predictions - with Acoustic Clips at Exterior Walls

	63	125	250	500	1000	2000	4000	dBA	
Lounge SPL, dBA	77	79	82	90	90	87	81	95	Typical Lounge Noise Levels with Amplified Sound
TL, Wall	29	47	56	61	64	65	75	N/A	INSUL predicted, single stud wall, stucco, int 5/8" gyp.+ 3/4" Ply on RSIC-1
SPL at Ext. Wall	42	26	20	23	20	16	0	42	Predicted exterior sound pressure level at wall
PWL Wall, /sf	42	26	20	23	20	16	0	42	Radiated sound power of wall per s.f.
PWL Wall, /m2	52	37	30	33	30	26	10	52	Radiated sound power of wall per m2





Attachment 1: RSIC-1 Product Information

RSIC THE REVOLUTION IN NOISE CONTROL

CHECK OUR **WEBSITE** FOR THE NEWEST INFORMATION AND ADDITIONS TO OUR PRODUCT LINE
WWW.PAC-INTL.COM

Rev #
0119

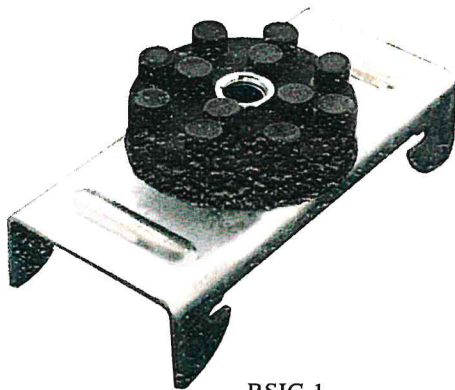
The sound of silence



WE DON'T BUILD BUILDINGS - WE MAKE THEM QUIET

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THE RSIC-1 SOUND ISOLATION CLIP

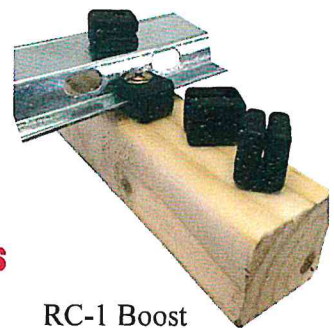


RSIC-1



The RSIC-1 is designed for use with any wood framed, steel framed, CMU, or concrete wall and ceiling system where noise control is needed. The RSIC-1 assembly decouples and isolates the gypsum board or plywood from the structure increasing the acoustical performance of the system.

The RC-1 Boost increases the acoustical performance of RC-1 Channel in any wood or steel application where noise control is required. This includes, wood framed or steel framed wall and ceiling systems. The RC-1 Boost product decouples the gypsum board from the structure, giving the assembly enhanced acoustical performance.



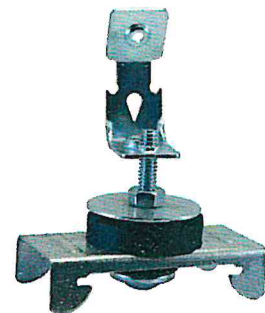
RC-1 Boost



RSIC-U



RSIC-WHI



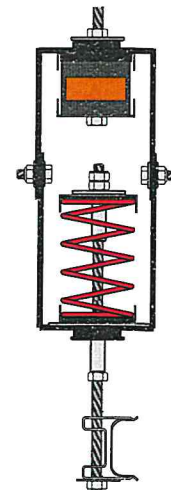
RSIC-1 ADM



RSIC-SI-CRC EZ



RSIC-SI-1 Ultra



RSIC-SI-FF BRC



SILVA GROUP
Phone: 303.442.1272
info@silvagroup.com
www.silvagroup.com



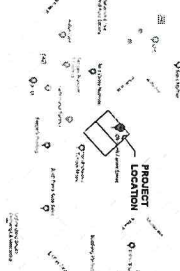
JOB TITLE:

CONSTRUCTION DOCUMENTS FOR:
**NIVEL RESTAURANT
AND LOUNGE**
309 NORTH CENTER STREET
TURLOCK, CA
APN: 61-1-222-005

REVISIONS:

DATE	REVISION
DATE	OCT. 14, 2019
DRAWN	
JOB NO.	1907
SHEET	
A1.1	
SITE PLAN REV. 11/18/18	
OF	
SHEETS	

1. EXISTING LOT AREA	11,500
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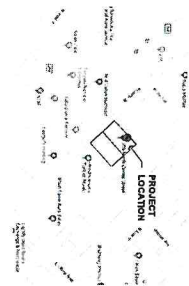
F5
SCALE: 1"=30'-0"



PROPOSED SITE PLAN - OPTION 1

JOB TITLE:

CONSTRUCTION DOCUMENTS FOR:
**NIVEL RESTAURANT
 AND LOUNGE**
 309 NORTH CENTER STREET
 TURLOCK, CA
 APN: 61-24-65



LEGEND

SYMBOL	DESCRIPTION	DATE	BY	CHKD
1	EXISTING LOT LINES	07/18/13	MM	MM
2	EXISTING BUILDING FOOTPRINT	07/18/13	MM	MM
3	EXISTING DRIVEWAY	07/18/13	MM	MM
4	EXISTING DRIVEWAY	07/18/13	MM	MM
5	EXISTING DRIVEWAY	07/18/13	MM	MM
6	EXISTING DRIVEWAY	07/18/13	MM	MM
7	EXISTING DRIVEWAY	07/18/13	MM	MM
8	EXISTING DRIVEWAY	07/18/13	MM	MM
9	EXISTING DRIVEWAY	07/18/13	MM	MM
10	EXISTING DRIVEWAY	07/18/13	MM	MM
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18	EXISTING DRIVEWAY	07/18/13	MM	MM
19	EXISTING DRIVEWAY	07/18/13	MM	MM
20	EXISTING DRIVEWAY	07/18/13	MM	MM

