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December 9, 2019

**CITY OF TURLOCK
NOTICE OF DETERMINATION
 Mitigated Negative Declaration**

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

STATE CLEARINGHOUSE NUMBER (if applicable): 2019119020

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

PROJECT APPLICANT: **JOSE PULIDO**

PROJECT LOCATION: The proposed project is located at 309 N. Center Street & 311 Mitchell Avenue, Turlock CA (Stanislaus County APNs: 061-024-065 & 061-024-065)

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

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

FINDINGS:

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

1. Pursuant to CEQA Guidelines Section 15162, the proposed activity is adequately described and is within the scope of the General Plan EIR
2. All feasible mitigation measures developed in the General Plan EIR have been incorporated into the project.
3. Pursuant to Public Resources Code Sections 21080(c)(2) and 21157.5, the initial study prepared for the proposed project has identified potential new or significant effects that were not adequately analyzed in the General Plan EIR, but feasible mitigation measures have been incorporated to revise the proposed subsequent project to avoid or mitigate the identified effects to a point where clearly no significant effects would occur.

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

PROJECT APPROVAL DATE: December 5, 2019

APPROVAL: Conditional Use Permit 2019-04

DETERMINATION: This is to advise that the City of Turlock has approved and has made the following determinations regarding the project as described above.

1. The project **will not** have a significant effect on the environment.
2. An Environmental Impact Report **was not** prepared for this project pursuant to the provisions of CEQA.
3. A Mitigated Negative Declaration **was**, prepared for this project pursuant to the provisions of CEQA.
4. Mitigation measures **were** made a condition of the approval of the project.
5. A mitigation monitoring plan/program **was** adopted for this project.
6. A statement of Overriding Considerations **was not** adopted for this project.
7. Findings were made pursuant to the provisions of CEQA.

This is to certify that documentation for the **Mitigated Negative Declaration** Final Environmental Impact Report with comments and responses and record of project approval is available to the general public at:

City of Turlock - Planning Division
City Hall, 156 S. Broadway, Suite 120
Turlock, CA 95380-5456
Telephone: (209) 668-5640

This documentation can also be found on our website at
<http://ci.turlock.ca.us/buildinginturlock/planninglandusepermitting/planningprojects/activeprojects.asp>

BY 
KATIE QUINTERO

DEPUTY DIRECTOR OF DEVELOPMENT SERVICES/PLANNING MANAGER
Environmental Review

Governor's Office of Planning & Research

Date Received for filing at OPR: DEC 10 2019

STATE CLEARINGHOUSE