

## NOTICE OF EXEMPTION

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To: \_\_\_\_\_ Office of Planning and Research  
P.O. Box 3044  
Sacramento, CA 95812-3044

From: (Public Agency)  
City of Merced  
678 West 18th St.  
Merced, CA 95340

  X   County Clerk  
County of Merced  
2222 M Street  
Merced, CA 95340

**Project Title:** Conditional Use Permit #1273

**Project Applicant:** Merced Holdings, LP

**Project Location (Specific):** 2272 E Yosemite Ave **APN:** 008-520-020

**Project Location - City:** Merced **Project Location - County:** Merced

**Description of Nature, Purpose, and Beneficiaries of Project:**

**Name of Public Agency Approving Project:** City of Merced

**Name of Person or Agency Carrying Out Project:** Raj Joshi for Merced Holdings, LP

**Exempt Status:** (check one)

- ☐ Ministerial (Sec. 21080(b)(1); 15268);  
☐ Declared Emergency (Sec. 21080(b)(3); 15269(a));  
☐ Emergency Project (Sec. 21080(b)(4); 15269(b)(c));  
☒ Categorical Exemption. State Type and Section Number: Section 15301 (a) & 15162  
☐ Statutory Exemptions. State Code Number: \_\_\_\_\_.  
☐ General Rule (Sec. 15061 (b)(3))

**Reasons why Project is Exempt:** As defined under the above referenced Section, the proposed project consists of minor interior and exterior alterations only, such as partitions, electrical, and plumbing, which are considered to be exempt under the CEQA Guidelines per Section 15301 (a)....

This review is also a second-tire review based on the City's determination that the project remains consistent with Mitigated Negative Declaration ##19-37 for Conditional Use Permit #1238.

**Lead Agency:** City of Merced

**Contact Person:** Julie Nelson, Associate Planner

**Area Code/Telephone:** (209) 385-6858

**Signature:**  **Date:** 5/30/23 **Title:** Senior Planner

  X   Signed by Lead Agency

Date Received for Filing at OPR: \_\_\_\_\_  
(If applicable)

Authority Cited: Sections 21083 and 21110. Public Resources Code  
Reference: Sections 21108, 21152, and 21152.1. Public Resources Code

**ATTACHMENT J**

**The California Environmental Quality Act  
(CEQA) Section 15162 Findings:**

**Application:** CUP #1273

**– Environmental Review #23-20**

**Assessor Parcel Number or Location:** Assessor's Parcel Number (APN): 008-520-020

**Previous Initial Study/EIR Reference:** This site was previously reviewed through Environmental Review #19-37 – Mitigated Negative Declaration (Initial Study #19-37 for CUP #1238).

**Original Project Date:** Initial Study #19-37 was approved on September 21, 2020, by the Merced City Council.

**Section A - Previous Studies**

- |  | <b>Yes</b>               | <b>No</b>                           |
|--|--------------------------|-------------------------------------|
| 1. Substantial changes are proposed in the project that will require major revisions of the previous project EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Comment/Finding:** The proposed project is consistent with the previous environmental review. The previous Conditional Use Permit anticipated restaurants within this development. The proposal includes a restaurant with alcohol which is allowed in the Neighborhood Commercial (C-N) zone with Conditional Use Permit approval. The addition of alcohol sales to a restaurant would create any new impacts not already considered by Initial Study #19-37.

- |  | <b>Yes</b>               | <b>No</b>                           |
|--|--------------------------|-------------------------------------|
| 2. Substantial changes have occurred with respect to the circumstances under which the project is undertaken that will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects? | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Comment/Finding:** There have been no changes in the circumstances under which the project is undertaken that would require major revisions in the Mitigated Negative Declaration. There are no new significant environmental effects or substantial increases in the severity of previously identified environmental effects, and the area under consideration remains the same area previously evaluated.

- |   | <b>Yes</b>               | <b>No</b>                           |
|---|--------------------------|-------------------------------------|
| 3. New information of substantial importance that was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, has been revealed? (If "Yes" is checked, go to Section "B" below) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

**Comment/Finding:** There is no new information of substantial importance that was not known and could not have been known with the reasonable diligence at the time the previous Mitigated Negative Declaration was adopted.

### Section B - New Information

	<b>Yes</b>	<b>No</b>
A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<b>Yes</b>	<b>No</b>
B) Significant effects previously examined will be substantially more severe than shown in the previous EIR.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<b>Yes</b>	<b>No</b>
C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative.	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	<b>Yes</b>	<b>No</b>
D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.	<input type="checkbox"/>	<input checked="" type="checkbox"/>


**Comment/Finding:** All previously identified mitigation measures will be enforced with this project including payment of Public Facility Impact Fees. Therefore, the resulting impacts are no greater than those previously analyzed and the previously imposed mitigation measures remain sufficient to address all impacts from this project.

**On the basis of this evaluation, in accordance with the requirements of Section 15162 of the CEQA Guidelines:**

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/>            | 1. It is found that subsequent negative declaration will need to be prepared.  |
| <input type="checkbox"/>            | 2. It is found that an addendum Negative Declaration will need to be prepared. |
| <input type="checkbox"/>            | 3. That a subsequent EIR will need to be prepared.                             |
| <input checked="" type="checkbox"/> | 4. No further documentation is required.                                       |

Date: May 30, 2023

Prepared By:

  
 \_\_\_\_\_  
 Julie Nelson,  
 Senior Planner