

# Attachment C

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## *ATTACHMENT C*

### Addendum Pursuant to **the California Environmental Quality Act (CEQA)** **Article 11, §15164**

#### *McIntosh Leonard H TR (Laguna Seca Office Park - Lot 5)* Planning File No. *PLN170765* *Combined Development Permit and General Development Plan*

#### **1. Introduction**

##### Background

A Final Environmental Impact Report (FEIR) was certified for a zoning amendment, general plan amendment and subdivision that created the Laguna Seca Office Park (EIR #80-109, Resolution No. PC-3734) on 22 February 1983. The Laguna Seca Office Park (LSOP) FEIR considered the environmental effects of creating 19 lots that would be developed with professional offices and two lots developed for residential use. A 2012 Initial Study (IS) was prepared for a commercial building proposal on Lot 5 tiered from analysis of the previously certified FEIR and was circulated in accordance with §15152 of the CEQA Guidelines that allows incorporation by reference, the general discussions contained in the broader FEIR, while concentrating the later CEQA review solely on the issues specific to the later project. Analysis in the IS showed that implementation and operation of the project proposal would cause no significant effects on the environment that had not been examined in the FEIR, would not increase the severity of previously examined significant effects, and did not identify mitigation measures or alternatives that are either newly feasible or considerably different from those analyzed in the FEIR. Therefore, the Tiered IS was updated to an Addendum, and this Tiered IS/Addendum was considered by the Planning Commission for approval of the project (Planning Commission Resolution No. 12-035). Site-specific information for Lot 5 was analyzed for potential environmental impacts in the Tiered IS/Addendum and although the project was approved, the project has not been implemented.

The proposed subject project is a General Development Plan (GDP) for the LSOP and development of Lot 5 with a 15-unit residential apartment building, located in Monterey. The LSOP GDP concentrates allowed cumulative residential use across the 54-acre subdivision on lots within the subdivision that are covered by the GDP. Lot 5 is proposed for development with a 22,137 square-foot two story building consisting of fifteen 2- and 3-bedroom apartments. Site improvements include parking, landscaping, and irrigation. Expected grading is 3,850 cubic yards of cut and 3,350 cubic yards of fill. The proposed LSOP GDP would supersede the General Development Plan previously approved for Lot 5 as well as all other General Development Plans previously approved for parcels in the LSOP that are subject to the GDP. Implementation of the project requires approval of a General Development Permit (GDP) applicable to the LSOP, and an Amendment to a previously approved Combined Development Permit consisting of a Use Permit to allow construction of a 20,000 square-foot two-story professional office building and

associated grading, a Use Permit to allow removal of 43 Coast live oaks (Figure 2), and an Administrative Permit to allow development in a Site Plan Review district. The Amendment is to replace the proposed office building with a residential apartment building.

## 2. Analysis for the Addendum to the LSOP FEIR

### Statutory Authority and Requirements

CEQA Guidelines Section 15164(a) requires an Addendum to an EIR as follows:

*The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*

CEQA Guidelines Section 15162 describes that a previously certified EIR or previously adopted negative declaration would require preparation of a subsequent EIR if the lead agency determines one or more of the following:

- (1) Substantial changes are proposed in the project which 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;*
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which 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; or*
- (3) New information of substantial importance, which 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, shows any of the following:*
  - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
  - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
  - 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; or*
  - 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.*

This technical Addendum has been prepared pursuant to Article 11, Section 15164 of the CEQA Guidelines to make technical changes to the project analyzed in the LSOP FEIR (EIR #80-109, Resolution No. PC-3734) certified 22 February 1983 by the Monterey County Board of Supervisors and in the Tiered IS/Addendum (Resolution No. 12-035) considered 29 August 2012

by the Planning Commission. None of the conditions described in §15162 calling for preparation of a subsequent EIR or negative declaration have occurred.

### **3. Scope and Purpose of this Addendum**

Minor technical changes are addressed in this Addendum that were not addressed in the FEIR or the Tiered IS/Addendum. Technical information and analysis of resource constraints are applied to changes to the project description that include a General Development Plan for the LSOP, residential development on Lots 2-7, and a 15-unit apartment building on Lot 5. The revised project proposal is analyzed for potential environmental impacts related to the following information:

- Adjudicated water allotment of no more than 5 acre feet per year (AFY); and
- Anticipated traffic impacts for residential use in the LSOP

The determination that no subsequent EIR or Initial Study is required was reached based on review of the analysis in both the previous FEIR and Tiered IS/Addendum, updated review of technical information applied to the subject project, the previously approved project at Lot 5 that contemplated construction of a 20,300 square-foot two-story commercial building, review of the Seaside groundwater adjudication decision, and a review of the site-specific proposed development. None of the changes in circumstances would cause significant effects on the environment that had not been examined in the FEIR or Tiered IS/Addendum, would increase the severity of previously examined significant effects, nor would cause to identify mitigation measures or alternatives that are either newly feasible or considerably different from those analyzed in the FEIR or Tiered IS/Addendum. Therefore, no subsequent EIR or Initial Study is required pursuant to §15162 of the CEQA Guidelines.

### **4. Project Description**

The Visitor Serving/Professional Office (VO) zone allows residential use provided the gross square footage of the residential use does not exceed the gross square footage of the commercial use, and subject to review and approval of a Use Permit (Section 21.22.060.M of Title 21). A General Development Plan (GDP) is required if there is no prior approved GDP and the LSOP was approved in 1983 prior to this requirement. Therefore, a GDP for the LSOP does not currently exist and development of each parcel in the LSOP has been required to propose a GDP as part of each project application. Approval of this subject proposal for a GDP would eliminate the future need for development proposals on parcels subject to the GDP to include a GDP. None of the currently developed Lots 1 & 8-19 in the LSOP include residential use. The LSOP GDP applies residential use, as allowed throughout all nineteen lots in the LSOP to be incorporated cumulatively on lots subject to the GDP.

The FEIR contemplated gross office space of 260,000 square feet at an average 20% ground coverage over 54 acres. There is 152,978 square feet of commercial space built in the LSOP, thus far. The amount of residential square footage allowed is also not permitted to exceed the total commercial square footage existing and proposed over Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 (Condominium Units 103 & 104) and 19 (Condominium Unit 002), currently 103,155 square feet. Given these parameters, there shall be no more 103,155 square feet of

residential development over Lots 2-7, 9, 11, 15, & 16, and portions of Lots 10 and 19. The proposed GDP reflects this limit. Further, the GDP reflects the ability of Lots 1, 8, 12, 13, 14, 17, 18, and portions of 10 & 19 to pursue adding residential square footage to the existing commercial square footage. However, none of these changes in circumstances would cause significant effects on the environment that had not been examined in the FEIR, would increase the severity of previously examined significant effects, nor would cause to identify mitigation measures or alternatives that are either newly feasible or considerably different from those analyzed in the FEIR.

The site-specific development on Lot 5 for the proposed project is analyzed under the umbrella of the larger scale analysis already contained in the LSOP FEIR. The site-specific development is consistent with the size and effects of the development anticipated in the previous FEIR and will not in result in new or substantially more severe impacts to the environment, as explained below in Section 5 of this Addendum.

## 5. Summary of Changes Resulting from the Project

**Section 3.2 – Adverse Effects Which Cannot Be Avoided if the Project is Implemented** of the LSOP FEIR specifies the following:

- *The proposed project will decrease groundwater resources; and*
- *The project will generate approximately 2,500 to 3,900 additional vehicle trips per day to the Northern Monterey County Area. These additional trips, especially on Highway 68, will increase traffic volume and accident potential.*

### **Section 2.4 Hydrology (LSOP FEIR)**

The LSOP FEIR identified unavoidable adverse effect on water use based on actual water use for Professional Offices at approximately 22,000 gallons per day (0.084 gallons per day per square foot), plus another 27,000 gallons per day for irrigation. This is approximately 0.15 acre foot per day (54.75 acre feet per year, or AFY) usage estimated for the nineteen commercial lots (2.88 AFY per lot). Using the Monterey Peninsula Water Management District (MPWMD) standard water use factors for an apartment with a standard kitchen, including a high-efficiency dishwasher, two bathrooms, and a high-efficiency clothes washer would use 195.2 fixture units for the Lot 5 apartment building, including landscaping irrigation. Each fixture unit relates to 0.01 AFY resulting in 1.952 AFY of water use attributed to the Lot 5 apartment building. The subject GDP proposes 120 units over lots subject to the GDP and multiplying 1.952 AFY by a factor of 8 (120 units divided by 15 Lot 5 units = 8), the estimated water use potentially would be 15.616 AFY by the proposed residential development of apartments over the lots subject to the GDP. The water use for remaining 105 units would likely be approximately 13.664 AFY [(15.616 (8 lots) - 1.952 (Lot 5) = 13.664 AFY)]

Water usage contemplated in the LSOP FEIR for nineteen commercial lots was 54.75 AFY, or 2.88 AFY per lot. The GDP proposal for residential development potential concentrated on lots subject to the GDP could result in water usage of 1.952 AFY per each of 8 buildings with an average of 15 units similar to the proposed building on Lot 5 (120 units divided by 15 Lot 5 units = 8), which is less than the 2.88 AFY consumption contemplated in the LSOP FEIR. Therefore,

analysis of the changes proposed shows the project would have less significant and less severe effect on groundwater use than was previously discussed in the LSOP FEIR.

Water for the development is provided by California American Water Company (Cal-Am) Bishop Unit which would provide the parcel with water from the Laguna Seca Subarea of the Seaside Groundwater Basin, adjudicated as of 27 March 2006. Under the terms of the adjudication (Superior Court of the State of California in and for the County of Monterey Case No. M664343), rights to the adjudicated water source will come from connection to the Cal-Am Alternative Production Allocation of 644 AFY for the Laguna Seca Subarea. The adjudication allots to the applicant a prior and paramount right, in perpetuity, to produce 320 AFY without reduction to this allotment until such time the Watermaster makes a different determination as to *de minimis* production. *De minimis* production by any person or entity less than five (5) AFY is not likely to significantly contribute to material injury to or any interest related to the Seaside Groundwater Basin. The estimated total water use for the proposed project (GDP + Lot 5 apartment building) is approximately 15.616 AFY, well within the applicant's allotment of 320 AFY. Further, the adjudicated allotment of 320 AFY is part of the Physical Solution intended to accomplish the following:

- *Reduce the drawdown of the aquifer to the level of the Natural Safe Yield, or the quantity of water existing in the Seaside Basin that occurs solely as a result of natural replenishment from percolation of precipitation and surface water bodies overlying the Basin;*
- *Maximize the potential beneficial use of the Seaside Basin; and*
- *Provide a means to augment the water supply for the Monterey Peninsula.*

The Physical Solution imposed by the Court includes all processes for replenishing groundwater in the Seaside Basin except for natural replenishment. Strategies for coordinated management of the Seaside Basin include, but are not limited to storage, carryover, artificial replenishment, conservation, and allocation. The May 11, 2009 ruling on enforcement and clarification of the Seaside Basin adjudication (Superior Court of the State of California in and for the County of Monterey Case No. M664343) orders that no party to the adjudication, which included the County of Monterey, may require environmental review under CEQA for water allotment usage by holders of such water rights. The Physical Solution governs the environmental aspects of Seaside Basin Groundwater usage, and attempts by any agency or organization to impose obligations on the use of Basin water rights must be viewed with concern for the integrity of the Physical Solution.

### **Section 2.7 Traffic (LSOP FEIR)**

The LSOP FEIR projected LOS F in the year 2000 for Highway 68 as implemented with a proposed four- to six-lane expressway. Buildout of the office park would have had significant and unavoidable traffic impacts for which mitigations were applied and adopted in the FEIR. Highway 68 is still a two-lane roadway and along with the York Road intersection, currently operates at LOS F. Notwithstanding, the mitigations adopted in the FEIR were implemented concurrently with the buildout of the LSOP roadway infrastructure.

The LSOP FEIR anticipated generation of between 2,500 and 3,900 average daily trips (ADT) based on a buildout of 260,000 square feet of office space. An average of the buildout between nineteen commercial lots is approximately 13,684 square feet per lot. Using the Institute of Traffic Engineer’s (ITE) Trip Generation Manual 10<sup>th</sup> Edition, 2017, formula for General Office (10.31 trips per 1,000 square feet), a project proposal on any one of the nineteen lots could generate up to 141 ADT, or 2,679 ADT attributed to complete commercial buildout of the LSOP. This is well within the anticipated range (2,500 to 3,900 ADT) analyzed in the FEIR. Lots 1 & 8-19 in the LSOP are developed with commercial buildings (no residential use) for a total of 152,978 square feet which generates an estimated 1,578 ADT using the formula of 10.31 trips per 1,000 square feet. Each of Lots 20 & 21 are developed with a single-family dwelling and generate an estimated 19 ADT. The project proposal includes the LSOP GDP anticipating 120 units across LSOP lots subject to the GDP and the development of Lot 5 with a 15-unit apartment building. For reference, Lots 2-7 are used in this analysis to accommodate the 120 units because, as the remaining vacant parcels in the subdivision, these lots are most anticipated to be built with residential buildings in the near future, and Lots 2-7 are geographically centralized within the LSOP to analyze maximum potential for generating traffic. Using the ITE’s Trip Generation Manual 10<sup>th</sup> Edition, 2017, formula for Multi-family Housing (7.32 trips per dwelling unit), the 15 units would generate 110 ADT. Assuming each of Lots 2-7 would generate approximately 110 ± ADT, trip generation for the six lots could be an estimated 660 ADT. Combined trip generation of the thirteen developed commercial lots, two single-family residential lots, and six vacant residential lots would be 1,578 + 19 + 660 for a total 2,257 ADT. This estimated trip generation for the LSOP GDP buildout of 2,257 ADT is less than the 2,500 ADT low range calculated in the FEIR for an anticipated buildout of 260,000 square feet of office space with no residential use. Therefore, the General Development Plan for the LSOP, residential development on Lots 2-7, and a 15-unit apartment building on Lot 5, as proposed, would have less than significant impact on traffic.

The Traffic Study Update (Update) for the Laguna Seca Apartments prepared by traffic engineer, Keith Higgins, focuses data collection for three days on Tuesday through Thursday (September 17-19, 2019) of 24-hour roadway segment volumes on Blue Larkspur Lane, immediately east of York Road and just west of 9833 Blue Larkspur Lane, Wilson Road west of York Road, and on York Road north of SR 68. The LSOP FEIR is referred to as the “1980 EIR” throughout the Update, and is used for the rest of this Traffic section. The Update includes summaries of Daily Traffic Volumes, Contributors to Traffic on Nearby Local Streets, and Actual versus 1980 EIR Forecast PM Peak Hour Traffic Volumes as analyzed in the resulting Raw Traffic Count Data. The data summaries are used in the **Table 1** to provide comparisons of traffic volumes between the 1980 EIR Estimate and 2019 Actual, both on York Road and contribution by the LSOP.

**TABLE 1. TRAFFIC VOLUMES – 1980 EIR ESTIMATE FOR YEAR 2000 V. 2019 ACTUAL**

Road Segment or Development	1980 EIR Estimate for Year 2000		2019 Actual	
	ADT	PM Peak Hour Trips	ADT	PM Peak Hour Trips
York Road	9,000	1,810	8,779	814
LSOP	3,120	525	1,570	136



The 1980 EIR projected that York Road would carry 9,000 ADT with 1,810 of those trips taking place during the PM peak hour, in the year 2000. The Update shows actual observed York Road traffic volume of 8,779 ADT with 814 of those trips taking place during the PM peak hour, in the year 2019. The 1980 EIR projected the LSOP would generate an estimated 3,120 ADT of which an estimated 525 of those trips would be during the PM peak hour. The Update shows the LSOP generates about 1,570 ADT of which 136 trips were observed during the PM peak hour. (Table 1). The Update shows the actual traffic volume carried by York Road is 2.5% less, and the actual contribution of ADT by the LSOP is 50% less than anticipated in the 1980 EIR. Therefore, the severity of traffic-related impacts is not greater, and in fact, is lesser, than had been anticipated in the 1980 EIR.

The data summaries of the Update are used in Table 2 to provide comparisons of traffic volumes on local streets between the contributing developments of Laguna Seca Ranch Estates 1, York School, the golf course, Laguna Ranch Estates 2, Ryan Ranch, and currently built LSOP. Observed 2019 Actual vehicle trips, as shown in the Update, are listed in Table 3 to provide comparisons of traffic volumes on local streets between development of offices and apartments on Lots 2-7.

**TABLE 2. CONTRIBUTION OF TRAFFIC BY DEVELOPMENT – LOCAL STREETS**

<b>Road Segment</b>	<b>Laguna Seca Ranch Estates 1</b>	<b>York School, golf course, Laguna Seca Ranch Estates 2</b>	<b>Ryan Ranch</b>	<b>Existing LSOP Devel.</b>
York Road (North of Wilson Rd.)	-	1,179	114	-
Wilson Road (West of York Rd.)	376	668	2,254	876 <sup>1</sup>
Blue Larkspur Lane (West of 9833 Blue Larkspur Lane)	676	-	-	-
Blue Larkspur Lane (East of York Rd)	676	-	-	1,573 <sup>2</sup>
York Road (North of SR 68)	9%	16%	55%	21%

<sup>1</sup> Existing LSOP Devel. contribution of traffic on Wilson Road (West of York Road) is calculated by applying the percentage of traffic counts on York Road (North of SR 68) to 4,174 ADT observed total traffic on Wilson Road (West of York Road) from the Update.

<sup>2</sup> Existing LSOP Devel. contribution of traffic on Blue Larkspur Lane (East of York Road) is calculated from deducting the total trips attributed solely to Laguna Seca Ranch Estates 1 (676 ADT) from the 2,247 ADT observed total from the Update.

**TABLE 3. DEVELOPMENT OF LSOP LOTS 2-7 TRAFFIC VOLUMES – OFFICE V. APARTMENTS**

<b>Road Segment</b>	<b>ADT</b>		<b>PM Peak Hour Volume</b>	
	<b>Office</b>	<b>Apartments</b>	<b>Office</b>	<b>Apartments</b>
York Road (North of Wilson Rd.)	1,179	1,179	114	114
Wilson Road (West of York Rd.)	4,174	4,174	396	396
Blue Larkspur Lane (West of 9833 Blue Larkspur Lane)	676	676	54	54
Blue Larkspur Lane (East of York Rd)	3,470	3,125	326	257

York Road (North of SR 68)	8,823	8,478	836	767
SR 68	25,534	25,327	2,364	2,323

The 1980 EIR provides a traffic forecast for neither Blue Larkspur Lane or Wilson Road, nor anticipates residential development on Lots 2-7. However, development contributions to traffic volumes from Laguna Seca Ranch Estates 1, York School, the golf course, Laguna Seca Ranch Estates 2, Ryan Ranch, and the LSOP was contemplated in the 1980 EIR. Once a vehicle is on York Road, traffic disperses between the developments of Laguna Seca Ranch Estates 1, York School, the golf course, Laguna Seca Ranch Estates 2, Ryan Ranch, and the LSOP (**Table 3**). The difference in estimated traffic volumes between office and apartment implementation on Lots 2-7 (**Table 3**) is based on the 2019 Actual observed traffic volumes. The estimated increase in traffic volume would be 1,223 ADT of which, 136 trips would likely be during the PM Peak Hour, should Lots 2-7 be developed with offices; and 878 ADT of which, 67 trips would likely be during the Peak Hour, should Lots 2-7 be developed with apartments. Development of Lots 2-7 with apartments would likely generate fewer traffic trips overall, and during PM Peak Hour, than would development of Lots 2-7 with offices, as previously contemplated in the 1980 EIR. Therefore, neither the change in potential for Lots 2-7 to be developed with apartments nor the addition of Wilson Road to the road network would cause new significant environmental effects that require major revisions of the 1980 EIR.

This application was deemed complete by operation of law on 19 April 2018, prior to statewide implementation of SB743 on 1 July 2020 to evaluate transportation impacts using Vehicle Miles Traveled (VMT). Therefore, this project is not evaluated for environmental impacts to transportation using VMT metrics.

## 6. Conclusion

While the proposed residential development on Lots 2-7 in the GDP and a 15-unit apartment building on Lot 5 had not been previously anticipated in the LSOP FEIR, major revisions are not required. The Physical Solution, as adjudicated by Superior Court of the State of California in and for the County of Monterey (Case No. M664343), is groundwater management that governs the environmental aspects of Seaside Basin groundwater usage. The Court’s Physical Solution includes water allotment to the applicant of 320 AFY, of which an average 2.6 AFY per each of Lots 2-7 (15.616 AFY total for the six units) of the proposed GDP could be used if implemented with residential development only. Commercial development on one of Lots 2-7 is estimated to use 2.88 AFY. Therefore, development of Lots 2-7 with residential or commercial or residential/commercial mix would result in less than five (5) AFY of water use per unit, the *de minimis* production determined by the Court as not likely to significantly contribute to material injury to or any interest related to the Seaside Basin.

Although the road network and traffic conditions are different than those contemplated in the LSOP FEIR, the developments feeding traffic volumes have not changed. Traffic volumes fed by Laguna Seca Ranch Estates 1, York School, the golf course, Laguna Seca Ranch Estates 2, Ryan Ranch, and the LSOP were observed in 2019 Actual vehicle counts as less than those projected in the LSOP FEIR (1980 EIR) for ADT and PM Peak Hour; and contribution by the LSOP to traffic volume is less than was projected in the LSOP FEIR for development of either offices or apartments on Lots 2-7.

Therefore, neither new information nor changes in circumstances would cause significant effects on the environment that had not been examined in the certified LSOP FEIR, would increase the severity of previously examined significant effects, nor would cause to identify mitigation measures or alternatives that are either newly feasible or considerably different from those analyzed in the certified LSOP FEIR. The type and intensity of proposed use in the LSOP would cause no new impacts to other resource categories in Appendix G beyond those already disclosed and considered in the LSOP FEIR prepared for CEQA review. Therefore, no subsequent EIR or Initial Study is required as described in Section 15162 of the CEQA Guidelines.

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