

# Exhibit E

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## **EXHIBIT E**

### **Addendum Pursuant to the California Environmental Quality Act Article 11, Section 15164**

#### **Beshoff Planning File No. PLN170651 Amendment to Coastal Development Permit**

##### **1. Introduction**

This technical addendum has been prepared pursuant to Article 11, Section 15164 of the California Environmental Quality Act guidelines because some changes or additions are necessary to make minor technical changes to the Mitigated Negative Declaration, adopted on November 18, 2010, by the Zoning Administrator in Resolution No. 10-045. None of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred.

A Mitigated Negative Declaration (MND) was prepared for PLN050591/PLN050708 and circulated between September 2 through October 1, 2010. The projects consisted of two discretionary permits approved by the Zoning Administrator under one Resolution (10-045):

- 1) a Coastal Development Permit (PLN050591) was approved for the extensive remodel of an existing residence within 50 feet of a coastal bluff; including an increase in height, and changes to exterior wall materials, doors, and windows; removal of 550 square feet of concrete driveway and patios; and new pergola from parking to residence; and
- 2) a Combined Development Permit (PLN150708) was approved for a Coastal Development Permit and Design Approval to replace three retaining walls (approximately 200 feet in total length) to protect existing house from coastal bluff erosion, replace storm drain, and fill eroded drainage channel; a Coastal Development Permit for development on slopes in excess of 30%; and a Coastal Development Permit for development within 750 feet of a known archaeological resource; a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (coastal habitat); grading of approximately 650 cubic yards of fill.

This amendment allows: 1) reducing the square footage of lower deck from 424 to 226 square feet and modify deck stairs; 2) relocating and modifying previously approved barbeque & fireplace; 3) removing 463 square foot covered entry walkway (Pergola); 4) replacing and widening concrete driveway, net reduction 195 square feet; 5) remodeling Garage #2 to include an art studio, bath and deck with trellis; 6) updating Garage #1 by adding new doors and windows, siding and roof; 7) replacing the existing propane tank; 8)

revising site walls to create a courtyard at entry; and 9) Changing roofing, window patterns, and changes to wall materials and colors, of previously approved Design Approval.

Previous development entitlements would be carried over. They are: Development within 50 feet of a Coastal bluff; Coastal Development Permit for development within 750 feet of a known archaeological resource; and a Coastal Development Permit for development within 100 feet of environmentally sensitive habitat (coastal habitat).

## 2. Scope and Purpose of this Addendum

The purpose of this addendum is to identify minor technical changes and provide clarification on the site-specific conditions for the proposed residential development. No substantial changes are proposed in the project which will require major revisions of the previous mitigated negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The MND adopted for the previous project identified potential impacts to aesthetics, biological resources, cultural resources, and geology/soils. The proposed project will have the same or fewer impacts than the previous project. There were six mitigation measures with the original project:

- Mitigation Measures #1 and #2, were included for the protection of visual resources. It was determined that although the colors and materials have substantially changed from the original approval, the size and mass have not changed. Reduction of Garage #2 for the addition of the art studio would be facing the ocean. Site visit determined that both structures cannot be seen from Highway 1 or from Point Lobos.
- Mitigation Measure #3 required a reassessment during the blooming season of the buckwheat plants with recommendations to protect them and a follow up habitat restoration plan once the retaining walls were installed. The biologist submitted a location survey and a habitat restoration letter once the retaining wall areas were completed.
- Mitigation Measures #4 and #5 included onsite monitoring and final reporting of archaeological resources. The final archaeological report for the original project concluded there were no cultural materials present within the proposed development. An updated archaeological report for the changes under Design Approval PLN150884, required continued archaeological monitoring. For the current changes, it was determined that prior grading would have removed the potential for any archaeological resources, however, it was recommended that the standard condition, "If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate it. Monterey County RMA - Planning and a qualified archaeologist (i.e., an archaeologist registered with the Register of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the

archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for recovery” be applied to this amendment (see condition #3).

- Mitigation Measure #6 included geotechnical recommendations specifically for the construction of the retaining walls and reinforcement of the house foundation. This work has already been completed.

### 3. Conclusion

It has been determined that none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent Initial Study or EIR have occurred, that there are no new significant environmental effects or increase in the severity of previously identified significant effects per Section 15162(a)(2) of the CEQA Guidelines, and there is no new information of substantial importance that was not known at the time the previous MND/IS was adopted, per Section 15162 (a)(3) of the CEQA Guidelines.

Documents reviewed included the MND/IS prepared and adopted for PLN050590, PLN050708 and associated technical reports, plans, site visits, and applications submitted for the permit amendments. Based upon this review, it has been determined that the project will not have the potential to significantly degrade the quality of the environment, will have no significant impact on long-term environmental goals, will have no significant cumulative effect upon the environment, and will not cause substantial adverse effects on human beings, either directly or indirectly.

Attachment: Mitigated Negative Declaration for Currivan/O’Boyle PLN050591/PLN050708

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