

Exhibit D

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EXHIBIT D

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

Martinez Family Trust Planning File No. PLN110247-AMD1 Amendment to Combined 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 March 29, 2012, by the Zoning Administrator in Resolution No. 12-010. 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 PLN110247 and circulated between February 27 and March 27, 2011. The project was a Combined Development Permit consisting of:

- 1) a Coastal Administrative Permit to allow a 441.6 square foot first story addition, a 254.2 square foot garage addition, and a 422.6 second story addition to an existing 4,453 square foot two-story single family dwelling with an attached 745.3 three-car garage; the reconfiguration of an existing driveway and courtyard area reducing the non-conforming impervious coverage from 6,448.6 square feet to 1,389.1 square feet (create a new 5,059.5 square foot pervious driveway and a new 1,812.4 square foot pervious courtyard); a new 9 foot tall, 79.5 feet long courtyard wall; 77 linear feet of new garden walls 4 feet tall; 28 square feet of new courtyard steps with a new fountain and fire pit
- 2) a Coastal Development Permit to convert an existing 567 square foot guesthouse into an attached Caretaker's unit;
- 3) a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and a Design Approval to allow color and material changes to the exterior of the existing residence (new white plaster siding dark brown, stained wood trim doors and windows, steel guard rails and Carmel stone veneer); grading is estimated to be less than 100 cubic yards of cut and fill.

This is an Amendment request to increase the impervious site coverage from the approved 1,389.1 square feet under PLN110247 to the existing 3,476.7 square feet and create a new 291.3 square foot fireplace terrace; a new 83 square foot fire pit terrace wall; 275.8 square feet of new steps, 882.1 square feet of walkways, 1,528.6 square feet of impermeable driveway at garage entry and 470.5 square feet at the asphalt drive apron; convert an existing 567-square foot Caretaker's unit into a wine

cellar; and allow development within 100 feet of environmentally sensitive habitat.

Subsequently, the applicant applied for a Design Approval (PLN140268) which was processed and approved by RMA-Planning for the following work:

Design Approval to reduce first floor addition by 405 square foot, reduce breakfast nook by 51 square feet, eliminating north deck and 259 square feet west balcony. Add a new 109 square foot rear entry deck and stairs; a new 572 square foot covered entry within the area identified as the courtyard; eliminate the approved conversion of an existing 292 square foot deck into bedroom bathroom addition. Revise the previously approved exterior materials and colors to match existing.

Since the Design Approval (PLN140268), there have been no other Planning permits issued for this parcel. The Design Approval allowed for the impervious site coverage to increase by 572 square feet (total of 1,961 square feet). However, the applicant has acknowledged that additional impervious hardscape was added to the courtyard and driveway. Where the previously approved permit allowed 470.5 square feet of the driveway to be impervious, the driveway actually has 2,199.1 square feet of impervious surface. And where the courtyard was to be improved solely by pervious surface(s), most of the courtyard was paved over and contributes 1,277 square feet to the total impervious site coverage. The decision to increase the impervious coverage also resulted in the reconfiguration of the driveway. The driveway, as conditioned in the previously approved permit, was supposed to avoid three Yadon's piperia. Instead, they were removed to accommodate the new driveway design and were thought to be mitigated by a separate condition requiring the applicant to convey a portion of his property.

As a result, three conditions/mitigation measures need to be amended to reflect current circumstances.

Removal of three Yadon's rein orchids is supported by the original project biologist, Ed Mercurio. He confirmed that the Yadon's piperia were supposed to be flagged and protected according to the Initial Study and mitigation measures, however, the larger conservation easement was thought to have been "compensation" in the event of their removal. When the scenic and conservation easement document was being drafted, the applicant agreed to convey area 5,458.5 square feet instead of 2,024 square feet to better protect the resources. According to the biologist, the majority of the Yadon's rein orchids (approximately 50) are better protected in the scenic and conservation easement because they are clustered together, whereas the three Yadon's rein orchids identified near the driveway were isolated and were part of a fragmented habitat not protected under the easement. Further, the project biologist also stated that transplanting the three Yadon's rein orchids to the conservation easement area would not have had good results. Replacing the Yadon's rein orchids plants remains a possibility, however, the biologist finds it to be costly especially if propagation from collected seed is involved; alternatively, experimental transplants within the Del Monte Forest show 70% survivorship under ideal circumstances.

Finally, staff finds that requiring the applicant to remove and realign the existing driveway would cause greater impacts than having it remain. Therefore, staff finds the conservation

easement protecting the greater portion of Yadon's piperia to be an appropriate mitigation measure, replacing the need for the avoidance of the three orchids.

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 (PLN110247) identified less than significant impacts with mitigation incorporated for biological resources. The MND adopted for the previous project also identified less than significant impacts to aesthetics and cultural resources.

Biological Resources

- The Amendment would approve after-the-fact hardscape (impervious) improvements. The added coverage is still under the 9,000-square foot allowance set for projects in within the Pescadero Watershed and defined in the Del Monte Forest Land Use Plan.
- With the exception of the after-the-fact removal of three (3) Yadon's rein orchids, Environmentally Sensitive Habitat and Habitat Areas (ESHA) identified in the Initial Study, such as Monterey Pines, Hooker's Manzanita, Yadon's rein orchids are protected in a 5,458.5-square foot scenic and conservation easement. This area was recently surveyed by the project biologist and by his account, the protected species are present and thriving. The after-the-fact improvements were done south of the conservation easement area, on the other side of the house where impacts (to the easement) would have been negligible.
- The previous project was approved with the idea of significantly reducing non-conforming impervious site coverage. Overall, the applicant did reduce the impervious site coverage which ultimately brings the lot into conformance with the current site coverage standards under the Pescadero Watershed allowance.

The new driveway proposed under PLN110247 was approved with the condition that it would be redesigned to avoid three (3) Yadon's rein orchids (Condition No. 18/Mitigation Measure No. 1). The driveway was not redesigned and the Yadon's piperia were removed. Because Condition Number 18 has language consistent with the recommendations made in the Initial Study (prepared by the Lead Agency on February 9, 2012) with the intent to avoid the federally protected plants, the condition requires modification. The project was also conditioned to convey 5,458.5 square feet in a Scenic and Conservation Easement Deed to the County of Monterey to protect approximately fifty (50) Yadon's rein orchids observed in the northern area of the Martinez property. A Biological Report (**Exhibit G**) prepared by Ed Mercurio on July 12, 2011 (preceding the Initial Study) found the conservation area sufficient and appropriate to serve as mitigation to offset development impacts. In this report,

the biologist noted that transplantation of the three Yadon's rein orchids would not yield the best results ("observed success rate for transplantation of Yadon's rein orchids is not high"). An updated letter from the same biologist written on January 6, 2018 (**Exhibit I**) reiterates this sentiment in light of the removal of the three (3) Yadon's rein orchids. In the Initial Study, the project planner identified an alternative to avoiding the Yadon's piperia -a scenario in which the applicant could petition the United States Fish and Wildlife Service for a take permit to remove the plants; however, when staff consulted with a representative from U.S. Fish and Wildlife Service, he explained that their department did not have jurisdiction on private property. Over 90% of the identified Yadon's piperia (approximately 53) are protected in the conservation easement and occur in a continuous cluster, whereas the three (3) orchids near the driveway would have fallen outside of the conservation area and were outliers.

The previously approved project has four mitigation measures with the original proposal. Mitigation Measures #1-4 are included for the protection of biological resources. Of these four, staff is proposing three mitigation measures/conditions be modified:

- Mitigation Measure #1 – The condition text specifically addresses the replacement of Hooker's Manzanita (3:1) in the event that removal is unavoidable. In the Action or compliance section of this condition, however, a paragraph on Yadon's rein orchids discusses the imminent removal of three Yadon's piperia and in the following sentences also describes how the proposed driveway could be altered to avoid their removal. The amended language would just reflect the replacement ratio specific to Hooker's Manzanita.
- Mitigation Measure #2 – The condition requires the applicant to protect Yadon's rein orchids, Hooker's manzanitas, Shaggy-barked manzanitas and other healthy native trees and shrubs near construction/staging areas. The applicant complied with the first monitoring action by submitting photographic evidence showing the sensitive habitat areas flagged. The Amendment would clarify the third monitoring action (#2C) which requires the applicant to submit photos of the protective fencing on the property after construction to document that plant and tree protection was successful (Yadon's piperia were removed).
- Mitigation Measure #3 – This condition addresses new landscaping which "shall only include native plants." The language in this condition does not have the flexibility to accommodate the applicant's current proposal. The new landscape plan (**Exhibit C**) includes non-native and ornamental species which were vetted by a biologist and approved by RMA-Planning. The condition would be modified to include certain approved plant species and how they are to be maintained onsite (i.e. agave tequilana to remain potted on western portion of lot).

Aesthetics

- The after-the-fact improvements under this Amendment would not pose impacts above "less than significant." The impervious hardscape additions would not be visible from common public viewing areas and still fit within the residential character of the neighborhood. No trees were removed to accommodate the after-the-fact improvements;

vegetation screening the initial project proposal remains. A subsequent Design Approval (PLN140268) approved colors and materials which match the existing structure (dark brown plaster siding with beige accents, stone paving, sesame cobblestone).

Cultural Resources

- The archaeological report required for the previously approved project concluded that the project area does not contain surface evidence of potentially significant resources. The standard condition applied is on-going until the project is completed. The after-the-fact improvements outlined in this Amendment occurred in previously disturbed areas with existing hardscape and would not elevate the impact above “less than significant.”

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 PLN10247 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 Martinez, PLN110247

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