

# Exhibit C

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## **EXHIBIT C**

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

#### **PLN190276-AMD1 – AUERBACH JONATHAN & JESSIKA (CONNORS KEVIN PATRICK & ERICA TRS)**

##### 1. Introduction

PLN190275 is a Minor and Trivial Amendment to a previously approved Combined Development Permit (PLN190276) that allowed construction of a 5,024 square foot three-story single-family dwelling, an attached 564 square foot garage, a detached 425 square foot guesthouse, and associated site improvements, removal of nine protected trees, development on slopes in excess of 30 percent and within 100 feet of environmentally sensitive habitat, and restoration of Maritime Chaparral. This Minor and Trivial Amendment would reduce the height of the previously approved single-family dwelling from 21 feet 3 inches to 15 feet 4 inches above average natural grade, remove a 219 square foot third-story “Torre” (non-habitable room), and construct a 1,184 square foot second-story addition and a 554 square foot garage (first-story) addition. Implementation of the proposed project would increase the floor area from 6,013 square feet to 7,539 square feet. The proposed additions are within an area previously disturbed by grading activities for the approved single-family dwelling.

The original project (Resolution No. 21-004), approved by the Monterey County Planning Commission on March 10, 2021, consisted of the adoption of a Mitigated Negative Declaration (MND) (SCH No. 2020080061) and a Combined Development Permit (PLN190276). Resource areas that were analyzed in the MND included: aesthetics, agriculture and forest resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, and wildfire. The County identified potentially significant impacts on biological resources, and land use and planning. The remaining standard CEQA environmental resource areas were found to have no impact. Mitigation measures were proposed to reduce the identified impacts to a level of less than significant. Mitigation Measure Nos. 1, 2, and 3 of PLN190276 reduced the potentially significant impacts by requiring the preparation and implementation of a restoration plan, implementation of sediment control procedures, and a pre-construction survey for sensitive wildlife species.

In compliance with Article 11 Section 15164 of the California Environmental Quality Act (CEQA) Guidelines, this technical addendum has been prepared to make minor technical changes to the MND, adopted March 10, 2021, by Monterey County Planning

Commission Resolution No. 21-004. None of the conditions described in Section 15162 calling for preparation of a subsequent EIR or negative declaration have occurred, as discussed in more detail below. Further, no revisions were made to find PLN190276-AMD1 consistent with the conclusions of the MND.

## 2. Scope and Purpose of this Addendum

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 increases 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 IS/MND was adopted, per Section 15162(a)(3) of the CEQA Guidelines.

Documents reviewed included the IS/MND prepared and adopted for PLN190276, and associated technical reports, plans, and application materials submitted with PLN190276-AMD1. Based upon this review, it was determined that the proposed Amendment 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.

## 3. Subsequent Negative Declaration

None of the conditions described in Section 15162 of the CEQA Guidelines calling for the preparation of a Subsequent Initial Study or EIR have occurred:

- CEQA Guidelines section 15162(a)(1): The proposed additions are located within an area previously disturbed by grading activities for the approved single-family dwelling. Though the Minor and Trivial Amendment proposes 1,738 square feet of additions to the previously approved single-family dwelling, the project also reduces the overall height of the dwelling by approximately 6 feet. The proposed additions will incorporate the same colors and materials previously approved under PLN190276. Accordingly, as designed, the proposed project is comparable to the bulk, mass, and architectural style of the previously approved residence, and therefore no additional impacts on scenic resources or aesthetics will occur. All other previously approved project components are the same: removal of 9 protected trees, development on slopes in excess of 30%, and within 100 feet of Environmentally Sensitive Habitat Area. The previously approved project (PLN190276) was conditioned to include tree root protection and exclusionary fencing (Condition No. 6). This condition will be carried forward and satisfied under this Amendment. Additionally, previously approved Mitigation Measure Nos. 1 (Restoration Plan) and 2 (Sediment Control) are partially met and have been carried forth as conditions to this Minor and Trivial Amendment (PLN190276-AMD1). Condition No. 3 of this Amendment will control inadvertent impacts on archaeological resources by requiring the contractor to

stop work if previously unidentified resources are discovered during construction. No changes are proposed which will cause new significant environmental effects or a substantial increase in the severity of previously identified environmental impacts.

- CEQA Guidelines section 15162(a)(2): As described in the adopted MND, the project site contains sensitive biologist resources, specifically Central Maritime Chaparral habitat, Hooker's manzanita, Monterey ceanothus, Gowen cypress, and Small-leaved lomatium. The adopted MND included three mitigation measures to reduce the previously approved project's potential impacts on biologist resources to a level less than significant. Previously approved Mitigation Measure No. 1, Mitigation Measure No. 2, and Condition No. 10 have not been met and are therefore carried forward to this permit. Mitigation Measure No. 3 has been met, is not required for implementation of this Amendment, and thus is not carried forward to this permit.

The site is currently under construction for the single-family dwelling and biological monitoring is ongoing until the project, inclusive of this amendment, is completed. The proposed additions to the second-story below-grade media/game room and garage are located within the grading limits previously approved under PLN190276 and subsequently graded under Construction Permit No. 21CP00862. In accordance with Condition No. 6 of PLN190276, exclusionary fencing was installed along the perimeter of the grading limits to ensure no impacts to biological resources (Maritime Chaparral habitat or special-status species) would occur during construction activities. Conclusions and recommendations of Geotechnical and Percolation Investigation (LIB190296) prepared for PLN190276 were updated to accommodate the proposed additions. All recommendations of LIB190296 shall be implemented into final construction plans, per Monterey County Code Title 16, section 16.08.110. No new significant environmental effects would occur with implementation of the proposed Amendment as no additional special-status species or other protected resources have been introduced into the project area. Thus, no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will cause new significant environmental effects or a substantial increase in the severity of previously identified environmental effects.

- CEQA Guidelines section 15162(a)(3): There is no new information of substantial importance that was not known at the time the MND was adopted that indicates that: the project would have significant effects which have not been evaluated, an increase in severity for any potential environmental effects, or the modification of any of the adopted mitigation measures. As described above, there are no new significant environmental effects or substantial increases in the severity of previously identified effects of the project site. No new mitigation measures are required to address project-related environmental impacts. The analysis contained

in the IS/MND relative to Biological Resources and Geology/Soils, as well as all other analyzed environmental factors, remain adequate for the proposed project.

#### 4. Conclusion:

An IS/MND was prepared, circulated, considered, and adopted for PLN190276, which found that all physical impacts associated with the development were less than significant with the incorporation of three mitigation measures.

The County has considered the proposed project (PLN190276-AMD1) and determined its scope does not alter the conclusions in the Adopted MND prepared for PLN190276. As designed, the proposed project is comparable to the bulk, mass, and architectural style of the previously approved residence and therefore no additional impacts on scenic resources or aesthetics will occur. Previously adopted Mitigation Measures Nos 1 and 2 have outstanding compliance actions and therefore are carried forward to this amendment. Previously adopted Mitigation Measure No. 3 is met and therefore not carried forward to this Amendment. The proposed development is in an area previously graded for the residence currently under construction. Further, exclusionary fencing has been installed and no new biological resources have been introduced to the project site, as confirmed by the Project Biologist who continues to monitor the on-going construction. Therefore, no new environmental impacts will occur. Condition No. 3 is applied to address inadvertent discovered or cultural or tribal cultural resources in accordance with State Law. All recommendations of the updated Geotechnical Report will be implemented into final construction plans, per Monterey County Code Title 16, section 16.08.110. Therefore, based on a review of the proposed application, plans, and technical reports, no other potentially significant issues were identified for the proposed project. The site-specific conditions and the scope of work proposed are not substantial changes, do not alter the analysis or conclusions reached by the previous environmental document, and therefore do not warrant the preparation of a subsequent environmental document.

Reference: Exhibit D of the October 2, 2024, HCD Chief of Planning staff report - Mitigated Negative Declaration for PLN190276, adopted March 10, 2021.