

EXHIBIT D

Addendum to the 2010 Monterey County General Plan Final Environmental Impact Report Pursuant to the California Environmental Quality Act (CEQA) Article 11, §15164

Ordinance of the County of Monterey to Establish Zoning of a Mixed Use District (MUD) Planning File No. REF190002

1. Introduction

County of Monterey Board of Supervisors certified a Final Environmental Impact Report (FEIR) for the County of Monterey 2010 General Plan on 26 October 2010 (SCH#2007121001, Resolution No. 10-290). Feasible mitigation measures are integrated in the General Plan as policies, the application of which is used to ascertain environmental effects of build-out with 2030 and 2092 Planning Horizons. Regardless of applying these General Plan policies, significant and unavoidable impacts would result for a 2030 build-out to agricultural resources, water resources, traffic, air quality, aesthetics, and population and housing. Further, application of General Plan policies would not be sufficient to prevent significant and unavoidable impacts from a 2092 buildout for the additional areas of greenhouse gas emissions, public services and utilities, and biology. Cumulatively considerable impacts would result for agricultural resources, water resources, traffic, air quality, biological resources, public services and utilities, aesthetics, population and housing, and greenhouse gas emissions.

The project is implementation of the General Plan Policy LU-2.33c by providing an ordinance to establish a Mixed Use (MU) Zoning District in the County of Monterey unincorporated inland areas. The certified 2010 General Plan FEIR (SCH#2007121001, Resolution No. 10-290) includes contemplation of Policy LU-2.33c that incorporates provision of a mixed use land use designation. This Addendum to the 2010 General Plan FEIR indicates that the County of Monterey may rely upon the certified FEIR for analyzing potential environmental impacts of establishing the MU Ordinance.

2. Analysis for the Addendum to the 2010 General Plan 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 certified Final Environmental Impact Report (FEIR) for the County of Monterey 2010 General Plan on 26 October 2010 (SCH#2007121001, Resolution No. 10-290). None of the conditions described in §15162 calling for preparation of a subsequent EIR or negative declaration have occurred.

The determination that no subsequent EIR or Initial Study is required was reached based on review of the analysis in the General Plan FEIR (SCH#2007121001, Resolution No. 10-290). None of the 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. Therefore, no subsequent EIR or Initial Study is required pursuant to §15162 of the CEQA Guidelines.

3. Project Description and Scope

The MU Ordinance is not site-specific and includes no construction. The certified FEIR (SCH#2007121001, Resolution No. 10-290) considers residential density up to 30 units per acre and a range of compatible residential and nonresidential uses that meet development standards including 60% maximum building coverage of subject property. The MU Ordinance allows residential density up to 30 units per acre; and allows homeless shelters, transitional, and supportive housing types of residential uses as permitted uses with a building coverage limit to 60% maximum of a subject property, as established by the 2010 General Plan Policy LU-2.33c. The land use designation for a MU in the 2010 General Plan is explicit for two areas of inland unincorporated Monterey County within Toro Area Plan (Figure #LU10) and Fort Ord Master Plan (Figure #LU6a). Project proposals within these two areas will require site-specific environmental review. Project proposals for re-zone to the MU will require legislative approval and appropriate zoning level environmental review.

4. No Changes to Impacts Resulting from MUD Ordinance Implementation

Substantial Changes in the Project [CEQA Guidelines Section 15162(1)]

The MU Ordinance implements the 2010 General Plan Policy LU-2.33c at the zoning level. This technical change in the project, from General Plan level to zoning implementation level, necessitates preparation of this Addendum as a minor technical change in the project. This minor change does not result in new significant environmental effects or substantial increase in the severity of previously identified significant effects. No further significant and unavoidable impacts would result from the MU Ordinance implementation aside from those identified in the certified 2010 General Plan FEIR (SCH#2007121001, Resolution No. 10-290) to agricultural resources, water resources, traffic, air quality, aesthetics, population and housing, greenhouse gas emissions, public services and utilities, and biology.

Substantial Changes in Circumstances [CEQA Guidelines Section 15162(2)]

There are no substantial changes that have occurred with respect to circumstances under which the MU Ordinance implementation is undertaken that would require major revisions of the certified FEIR (SCH#2007121001, Resolution No. 10-290). No further significant and unavoidable impacts are identified to those other than previously identified to agricultural resources, water resources, traffic, air quality, aesthetics, population and housing, greenhouse gas emissions, public services and utilities, and biology.

New Information of Substantial Importance [CEQA Guidelines Section 15162(3)]

No new information of substantial importance has been identified that was not known and could not have been known with the exercise of reasonable diligence at the time the 2010 General Plan FEIR (SCH#2007121001, Resolution No. 10-290) was certified. The MU Ordinance implementation will not have more significant effects than previously identified and will not cause substantially more severe effects than previously examined. No further mitigation measures identified in the certified FEIR as infeasible have changed to feasible status; and no new mitigation measures are identified that would be considerably different from those previously analyzed.

5. Conclusion

While the specific MU Ordinance implementation is not anticipated in the 2010 General Plan FEIR (SCH#2007121001, Resolution No. 10-290), major revisions are not required that would necessitate preparation of a subsequent EIR or Initial Study. Neither new information nor changes in circumstances would cause significant effects on the environment that had not been examined in the certified 2010 General Plan 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 2010 General Plan FEIR. The type and intensity of proposed use in the MU zone would cause no new impacts to other resource categories in Appendix G beyond those already disclosed and considered in the certified 2010 General Plan FEIR (SCH#2007121001, Resolution No. 10-290). Therefore, no subsequent EIR or Initial Study is required as described in Section 15162 of the CEQA Guidelines.