

# Attachment B

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Draft EIR

# Mid-Valley Shopping Center Design Approval

PLN190140

SCH# 2020090480

November 10, 2021



Prepared by  
EMC Planning Group



DRAFT EIR

# MID-VALLEY SHOPPING CENTER DESIGN APPROVAL

PLN190140

SCH# 2020090480

PREPARED FOR

**County of Monterey**

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# 1.0 Introduction

## 1.1 PURPOSE FOR PREPARING THE EIR

The County of Monterey, acting as the lead agency, has determined that the Mid-Valley Shopping Center Design Approval (PLN190140) (hereinafter “proposed project”) could result in significant adverse environmental impacts and has required that an environmental impact report (EIR) be prepared to evaluate these potentially significant adverse environmental impacts.

This EIR has been prepared in compliance with the California Environmental Quality Act (CEQA) of 1970, as amended, to inform public decision makers and their constituents of the environmental impacts of the proposed project. In accordance with CEQA guidelines, this report describes adverse environmental impacts generated by the proposed project and suggests measures for mitigating significant adverse environmental impacts resulting from the proposed project.

## 1.2 METHODOLOGY

### General

This EIR has been prepared by EMC Planning Group in accordance with CEQA and its implementing guidelines, using an interdisciplinary approach. The County of Monterey has the discretionary authority to review and approve the proposed project. This EIR is an informational document that is intended to inform the decision makers and their constituents, as well as responsible and trustee agencies of the environmental impacts of the proposed project and to identify feasible mitigation measures that would avoid or reduce the severity of the impacts. The lead agency is required to consider the information contained in this EIR prior to taking any discretionary action to approve the proposed project.

This EIR has been prepared using available information from private and public sources noted herein, as well as information generated through field investigation by EMC Planning Group and Painter Preservation, Historic Preservation and Urban Design.

The purpose of an EIR is to identify a project’s significant environmental effects, to indicate the manner in which those significant effects can be mitigated or avoided, and to identify alternatives to the proposed project.

An EIR is an objective public disclosure document that takes no position on the merits of the proposed project. Therefore, the findings of this EIR do not advocate a position "for" or "against" the proposed project. Instead, the EIR provides information on which decisions about the proposed project can be based. This EIR has been prepared according to professional standards and in conformance with legal requirements.

## **Emphasis**

This draft EIR focuses on the significant effects on the environment in accordance with CEQA Guidelines section 15143. The significant effects are discussed with emphasis in proportion to their severity and probability of occurrence. The emphasis in this EIR is the proposed project impacts to a potential historic resource.

## **Forecasting**

In accordance with CEQA Guidelines section 15144, preparing this draft EIR necessarily involved some degree of forecasting. While foreseeing the unforeseeable is not possible, the report preparers and technical experts used best available efforts to find and disclose all that it reasonably can.

## **Speculation**

If, after thorough investigation, the report preparers in consultation with the lead agency determined that a particular impact is too speculative for evaluation, the conclusion is noted and the issue is not discussed further (CEQA Guidelines section 15145).

## **Degree of Specificity**

In accordance with CEQA Guidelines section 15146, the degree of specificity in this draft EIR corresponds to the degree of specificity involved in the proposed project. An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy.

## **Technical Detail**

The information contained in this draft EIR includes summarized technical data, maps, plans, diagrams, and similar relevant information sufficient to permit full assessment of significant historic impacts by reviewing agencies and members of the public, pursuant to CEQA Guidelines section 15147. Placement of highly technical and specialized analysis and data is included as appendices to the main body of the draft EIR.

## Citation

In accordance with CEQA Guidelines section 15148, preparation of this draft EIR was dependent upon information from many sources, including scientific documents relating to environmental features. If the document was prepared specifically for the proposed project, the document is included in the technical appendices discussed above. Documents that were not prepared specifically for the proposed project, but contain information relevant to the environmental analysis of the proposed project, are cited but not included in this draft EIR. This draft EIR cites all documents used in its preparation including, where appropriate, the page and section number of any technical reports that were used as the basis for any statements in the draft EIR.

## 1.3 EIR PROCESS

There are several steps required in an EIR process. The major steps are briefly discussed below.

### Notice of Preparation

CEQA Guidelines section 15082 describes the purpose, content and process for preparing, circulating and facilitating early public and public agency input on the scope of an EIR. CEQA Guidelines section 15375 defines a notice of preparation (NOP) as:

...a brief notice sent by the Lead Agency to notify the Responsible Agencies, Trustee Agencies, the Office of Planning and Research, and involved federal agencies that the Lead Agency plans to prepare an EIR for the project. The purpose of the notice is to solicit guidance from those agencies as to the scope and content of the environmental information to be included in the EIR.

A NOP was prepared and circulated for 30 days from Thursday, September 24, 2020 to Monday, October 26, 2020, as required by CEQA. Written responses to the NOP were received from the following:

1. Native American Heritage Commission (letter dated September 28, 2020); and
2. Ed J. Stellingsma, President, Mid Valley Garden Homeowner's Association (HOA) (e-mail message dated October 5, 2020).

The notice of preparation, as well as comments are included in [Appendix A](#).

As part of the early consultation process and pursuant to CEQA Guidelines section 15082(c)(1) regarding projects of statewide importance and section 15083 regarding early public consultation, a scoping meeting was held via Zoom webinar on Friday, October 9, 2020 at 5:30 P.M. Monterey County and EMC Planning Group staff served as panelists and addressed questions and comments received. No representatives of other public agencies

were in attendance and no public agency comments were received during the scoping meeting. Four (4) members of the public provided comments during the scoping meeting. Comments received during the scoping meeting included a question on the difference between architectural and historical significance; whether the EIR would address both on and off-site traffic circulation as an element of the shopping center's historic design; whether the EIR would analyze the proposed materials to be used for exterior surfaces and new lighting fixtures as relates to the historical significance of the shopping center; a question on the proposed removal of existing landscaping and replacement landscaping and fencing; and a question on the existing/proposed naming of the shopping center as relates to its historical significance and as relates to already in use shopping center/market names in Carmel Valley.

## **Draft EIR**

### **Contents**

This EIR is an informational document which will inform public agency decision makers and the public generally of the significant environmental effect of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project. The public agency is required to consider the information in the EIR along with other information which may be presented to the agency. CEQA Guidelines Article 9 requires a draft EIR contain the following information:

- Table of Contents;
- Summary;
- Project Description;
- Environmental Setting;
- Consideration and Discussion of Environmental Impacts (Monterey County Resource Management Agency staff determined that this EIR should only address impacts on historic resources, and that because of the nature of the project, no other issues need to addressed.);
- Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects;
- Consideration and Discussion of Alternatives to the Proposed Project;
- Effects not found to be Significant;
- Organization and Persons Consulted; and
- Discussion of Cumulative Impacts.

The detailed contents of this draft EIR are outlined in the table of contents.

## **Public Review**

This draft EIR will be circulated for at least a 45-day public review period. All comments addressing environmental issues received on the draft EIR will be addressed in the final EIR. CEQA Guidelines section 15204(a) states that in reviewing a draft EIR, persons and public agencies should focus on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible, in light of factors such as the magnitude of the project at issue, the severity of its likely environmental impacts, and the geographic scope of the project. CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters.

CEQA Guidelines section 15204(c) states that reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to section 15064, an effect shall not be considered significant in the absence of substantial evidence.

## **Final EIR**

### **Contents**

In accordance with CEQA Guidelines section 15132, the final EIR will provide the following:

- List of persons, organizations, and public agencies commenting on the draft EIR;
- Comments received on the draft EIR;
- Responses to significant environmental points raised in comments; and
- Revisions that may be necessary to the draft EIR based upon the comments and responses.

According to CEQA Guidelines section 15204(a), when responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR. The final EIR and the draft EIR will constitute the entire EIR.

## **Certification**

CEQA Guidelines section 15088 requires the lead agency to provide a written proposed response to a public agency on comments made by that public agency at least 10 days prior to certifying an EIR.

CEQA Guidelines section 15090 requires lead agencies to certify the final EIR prior to approving a project. The lead agency shall certify that the final EIR has been completed in compliance with CEQA, the final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project, and that the final EIR reflects the lead agency's independent judgment and analysis.

## **1.4 TERMINOLOGY**

### **Characterization of Impacts**

This EIR uses the following terminology to denote the significance of environmental impacts.

#### **No Impact**

"No impact" means that no change from existing conditions is expected to occur.

#### **Adverse Impacts**

A "less-than-significant impact" is an adverse impact, but would not cause a substantial adverse change in the physical environment, and no mitigation is required.

A "significant impact" or "potentially significant impact" would, or would potentially, cause a substantial adverse change in the physical environment, and mitigation is required.

A "less-than-significant impact with implementation of mitigation measures" means that the impact would cause no substantial adverse change in the physical environment if identified mitigation measures are implemented.

A "significant and unavoidable impact" would cause a substantial change in the physical environment and cannot be avoided if the project is implemented; mitigation may be recommended, but will not reduce the impact to less-than-significant levels.

### **Abbreviations and Acronyms**

CHBC	California Historical Building Code
CHRIS	California Historical Resources Information System
CLG	Certified Local Government
CRHR	California Register of Historical Resources

HRE	Historic Resource Evaluation
NHPA	National Historic Preservation Act
NPS	National Park Service
NRHP	National Register of Historic Places
NWIC	Northwest Information Center
OHP	California Office of Historic Preservation
PRC	Public Resources Code

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# 2.0 Summary

## 2.1 CEQA REQUIREMENTS

CEQA Guidelines Section 15123 requires an EIR to contain a brief summary of the proposed project and its consequences. This summary identifies each significant effect and the proposed mitigation measures and alternatives to reduce or avoid that effect; areas of controversy known to the lead agency; and issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects.

This summary also includes a brief summary of the project description. Detailed project description information, including figures illustrating the project location and components, is included in Section 3.0, Project Description.

## 2.2 PROPOSED PROJECT SUMMARY

Monterey County Housing and Community Development - Planning Services (County) received an application for Design Approval (PLN190140) in May 2019 for proposed exterior alterations to existing buildings at the Mid-Valley Shopping Center. In accordance with County Code Section 21.44, the proposed exterior alterations are subject to the County's Design Approval process. Design Approval is the review and approval of the exterior appearance, location, size, materials and colors of proposed structures, additions, modification and fences located in an "Design Control" overlay. The Design Control overlay are those areas of the County which include "D" (design control) "S" (Site Plan Review) or "VS" (Visual Sensitivity) in their zoning as well as all parcels in the Carmel Area Land Use Plan. The purpose of Design Approval is to protect the public viewshed, neighborhood characters, and the visual integrity of development with Design Control Districts.

The proposed exterior alterations include painting the building exteriors including window trim and roof facias; wrapping select aggregate concrete columns in a hardy board material that mimics rough-sawn siding; removal of the covered walkway connecting Building A and Building C; and alterations to eight roof areas on several of the buildings to provide better visibility of the tenant spaces. The major components of the roof structure would remain in these areas with the facia and major roof joists being visible. The roof areas at six corners

would be removed exposing the facia and joists and substituting a bronzed aluminum decorative panel. The panels would be attached to the remaining joists and facia. New exterior paint colors, new wood vertical siding at walls and select columns and new metal roofing at the entry gable on Building C. The proposed colors include earth-inspired soft light to medium colors, including tans, sage-like greens, and blues. Select roof elements would be upgraded to include a standing-seam steel material in a non-reflective silver tone. The project also includes replacement of the portions of the existing landscaping with drought-tolerant landscaping.

## **2.3 SUMMARY OF SIGNIFICANT IMPACTS AND MITIGATION MEASURES**

The proposed project would result in some significant or potentially significant impacts. Each of the significant impacts is identified in [Table 2-1, Summary of Significant Impacts and Mitigation Measures](#), located at the end of this Summary section. The table lists each significant impact by topic area, mitigation measures to avoid or substantially minimize each impact, and the level of significance of each impact after implementation of the mitigation measures. Less-than-significant impacts are not included in the summary table.

## **2.4 SUMMARY OF ALTERNATIVES**

This EIR evaluates the environmental impacts of the following alternatives to the proposed project.

1. Alternative 1, No Project (Return to Baseline Conditions). The “no project” alternative assumes that the proposed project would not occur and that the white paint and Hardie Board (hardiplank) that was added without a permit would be removed. This would return the shopping center to its “baseline” condition prior to the unpermitted alterations that occurred in 2019. All proposed exterior alterations to the shopping center would not occur under the no project alternative.
2. Alternative 2, Design Modifications to Proposed Exterior Alterations in Compliance with the Secretary of the Interior’s Standards. Under this alternative, certain proposed exterior alterations to the Mid-Valley Shopping Center would be modified to ensure consistency with the Secretary of the Interior’s Standards.

**Table 2-1 Summary of Significant Impacts and Mitigation Measures**

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
<b>Unique Archaeological Resources</b>			
<p><b>Impact 6-1.</b> Potential for impacts related to the inadvertent discovery of archaeological resources during project related ground disturbance and vegetation removal activities due to the sensitive archaeological project setting</p>	<p>Significant</p>	<p><b>Mitigation Measure 6-1.</b> Prior to commencement of site disturbance, the applicant shall verify that all contractors/employees involved in ground disturbing and vegetation removal activities have received training from a qualified archaeologist. The training shall address the following issues:</p> <ul style="list-style-type: none"> <li>a. Review the types of archaeological artifacts and resources that may be uncovered;</li> <li>b. Provide examples of common archaeological artifacts and resources to examine;</li> <li>c. Review what makes an archaeological resource significant to archaeologists, and local Native Americans;</li> <li>d. Describe procedures for notifying involved or interested parties in case of a new discovery;</li> <li>e. Describe reporting requirements and responsibilities of construction personnel;</li> <li>f. Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and,</li> <li>g. Describe procedures that would be followed in the case of discovery of disturbed as well as intact human burials and burial-associated artifacts.</li> </ul> <p><b>Mitigation Measure 6-2.</b> Prior to commencement of any site disturbance, the applicant shall submit to the County of Monterey Housing and Community Development – Planning Services a signed letter by a qualified archaeologist reporting the date of training and a list of names and signatures of those in attendance.</p>	<p>Less than Significant</p>

2.0 Summary

Significance Impact	Significance Level without Mitigation	Mitigation Measure(s)	Significance Level after Mitigation
<b>Historical Resources</b>			
<p><b>Impact 5-1.</b> The project would “materially alter” the historical significance of the Mid-Valley Shopping Center, resulting in a substantial adverse change in the significance of a historical resource.</p>	<p>Significant and Unavoidable</p>	<p>No mitigation measure identified. See Section 10.0, Alternatives, for discussion on Alternative 2: Design Modifications to Proposed Exterior Alterations in Compliance with the Secretary of the Interior’s Standards. Adoption of Alternative 2 by Monterey County Planning Commission, or Board of Supervisors on appeal, would reduce project impacts associated with historical resources to a less-than-significant level.</p>	<p>Significant and Unavoidable</p>

SOURCE: EMC Planning Group 2021

Additionally, this EIR evaluated two other alternatives that were rejected for further consideration:

1. **Alternative Location.** An alternative location for the proposed improvements at the shopping center are specific to the existing shopping center location, and therefore, the proposed changes at the shopping center would not be applicable at any other location. Additionally, an alternative project location (i.e., an alternative location for construction of a new shopping center) is not a feasible alternative as there are no readily available alternate locations in Carmel Valley for a new shopping center to be constructed. Therefore, the alternate project location was rejected for evaluation.
2. **Affordable Housing Project.** The County general plan designation for the project site (“Visitor Accommodations/Professional Offices”) includes an Affordable Housing Overlay (AHO) which would allow an affordable housing development. The project site is approximately 6 acres and could accommodate between 36 and 180 affordable housing units. Consideration of an affordable housing project on the site as a project alternative was not considered as such an alternative would not meet any of the project objectives and would likely result in greater environmental effects including demolition of a potentially significant historical resource).

If the Monterey County Planning Commission, or Board of Supervisors on appeal, finds that the property is not eligible for listing on the local, state, or national historic registers, then the County’s decision would reflect a review and approval/denial of the proposed project without an impact on a historical resource.

## **2.5 AREAS OF KNOWN CONTROVERSY**

CEQA Guidelines section 15123, Summary, requires a discussion of areas of controversy known to the lead agency including issues raised by agencies and the public. The County is aware of public concern about how the proposed exterior alterations to the shopping center may impact its eligibility as a historical resource as well as concerns from neighbors about landscaping changes that have exposed neighboring residences behind the shopping center to loading/unloading areas and dumpsters used by businesses. A comment letter in response to the notice of preparation were received by the Native American Heritage Commission, included in Appendix A. The commission identified the need for the County to comply with the noticing and consultation requirements of AB52 and SB18. The County’s actions to comply with AB52 is described in Section 6.0, Other Environmental Effects (under “Cultural Resources” and “Tribal Cultural Resources”). SB18 only applies to general plan amendments and therefore, is not relevant to the proposed project.

## **2.6 ISSUES TO BE RESOLVED**

CEQA Guidelines Section 15123 requires an EIR to discuss issues to be resolved, including the choice among alternatives and whether or how to mitigate the significant effects. The shopping center's status as a historical resource is an issue to be resolved and is the subject of this EIR. In light of the differing conclusions of historic resource evaluations submitted by the applicant and those opposed to the project, the County has chosen to prepare an objective historic resource evaluation, which serves as the primary basis in this EIR for determining whether the shopping center is a historical resource under CEQA and to evaluate the proposed project's significant environmental effects. However, the final determination of historical significance of the shopping center lies with the Monterey County Planning Commission, or Board of Supervisors on appeal. In conjunction with that determination, the Planning Commission, or Board of Supervisors on appeal, will be required to consider the analysis in this EIR, and make a decision whether to approve the proposed project, or one of the alternatives.

## 3.0 Environmental Setting

### 3.1 PROJECT SITE AND VICINITY SETTING

#### Project Location

The Mid-Valley Shopping Center (project site) is located at 9550 Carmel Valley Road in unincorporated Monterey County (Accessor's parcel numbers 169-234-007 and 169-234-008). [Figure 3-1, Location Map](#), shows the regional and vicinity setting of the project site. The project site is developed with a one-and two-story commercial complex consisting of five commercial buildings within an approximately six-acre parcel on the south side of Carmel Valley Road between Dorris Drive and Berwick Drive. The complex includes the five buildings, parking lots, and landscaping, courtyard, and pedestrian walkways.

#### Project Site and Vicinity Setting

The project site is made up of a series of five (5) main building structures (Building A, B, C, D, and E). Building A is located on the southern portion of the site and currently consists of six tenant spaces including a Safeway grocery store and Jeffrey's Grill, among others. Building B is located on the southeast corner of the site and currently consists of seven tenant spaces, including the Carmel Valley Coffee Roasting Company, and maintenance areas. Building C is located on the eastern portion of the site and currently includes 12 tenant spaces including Mid-Valley Storage. Building D is a detached building located near the northeast corner of the site that is currently occupied by Ace Hardware and Building E is located at the northwest corner of the site and is currently occupied by an auto repair shop. Eave extensions on Buildings A and C provide covered walkways along the facades of each building and a covered walkway extends from Building A to Building C providing a covered pedestrian connection between the two buildings. Representative photos of each building on the project site are provided in [Figure 3-2, Representative Photographs](#).

The project site is surrounded by other roadside commercial uses to the west and east, multi-family and single-family residential uses to the south, and rural, single-family residential neighborhoods across Carmel Valley Road to the north. [Figure 3-3, Aerial Photograph with Surrounding Land Uses](#), presents an aerial view of the project site and surround land uses.

## General Plan and Zoning Designations

The site is located within the County’s Carmel Valley Master Plan area with a land use designation of “Visitor Accommodations/Professional Offices” with a “Affordable Housing” overlay. The site is zoned “Light Commercial-Design-Site Plan Review-Residential Allocation Zoning District (LC-D-S-RAZ)”.

### 3.2 REGIONAL SETTING

The project site is located along Carmel Valley Road approximately 5.7 miles east of State Route 1 and approximately 5.2 west of Carmel Valley Village. The Carmel Valley consists of rolling hills and valleys bounded on both sides by the California coastal range. The project site falls within the Carmel Valley Master Plan area which extends from State Route 1 to the west and past Carmel Valley Village to the east. The *Carmel Valley Master Plan* (originally adopted by the County in 1986 and amended in 1996, 2010 and 2013) is composed of goals and policies and maps designating appropriate land uses and use intensities which are intended to guide future land use in the Carmel Master Plan planning area.

### 3.3 BASELINE CONDITIONS

The environmental baseline upon which the proposed project is assessed is the condition of the Mid-Valley Shopping Center prior to the 2019 unpermitted exterior alterations, which consisted of adding white paint and Hardie Board (hardiplank) to large portions of Building C where the former cinema was located. These unpermitted alterations obscure the color, material quality and design of the original concrete and concrete aggregate and intaglio patterning of the columns and surfaces which characterizes much of Buildings A, C, and D.

### 3.4 PLAN CONSISTENCY

In accordance with CEQA Guidelines section 15125(d), this section evaluates the proposed project’s consistency with applicable plans and identifies and discusses inconsistencies between the proposed project and those plans. The following plans and regulations are applicable to the proposed project:

- *Monterey County 2010 General Plan*;
- Monterey County Historic Preservation Ordinance (Chapter 18.25); and
- *Carmel Valley Master Plan* (Supplemental Policies).



Source: ESRI 2019

Figure 3-1  
**Location Map**



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① Building A - Safeway



② Building B



③ Building C



⊙ ——— Project Site

Source: Google Earth 2018  
Photographs: Painter Preservation 2020

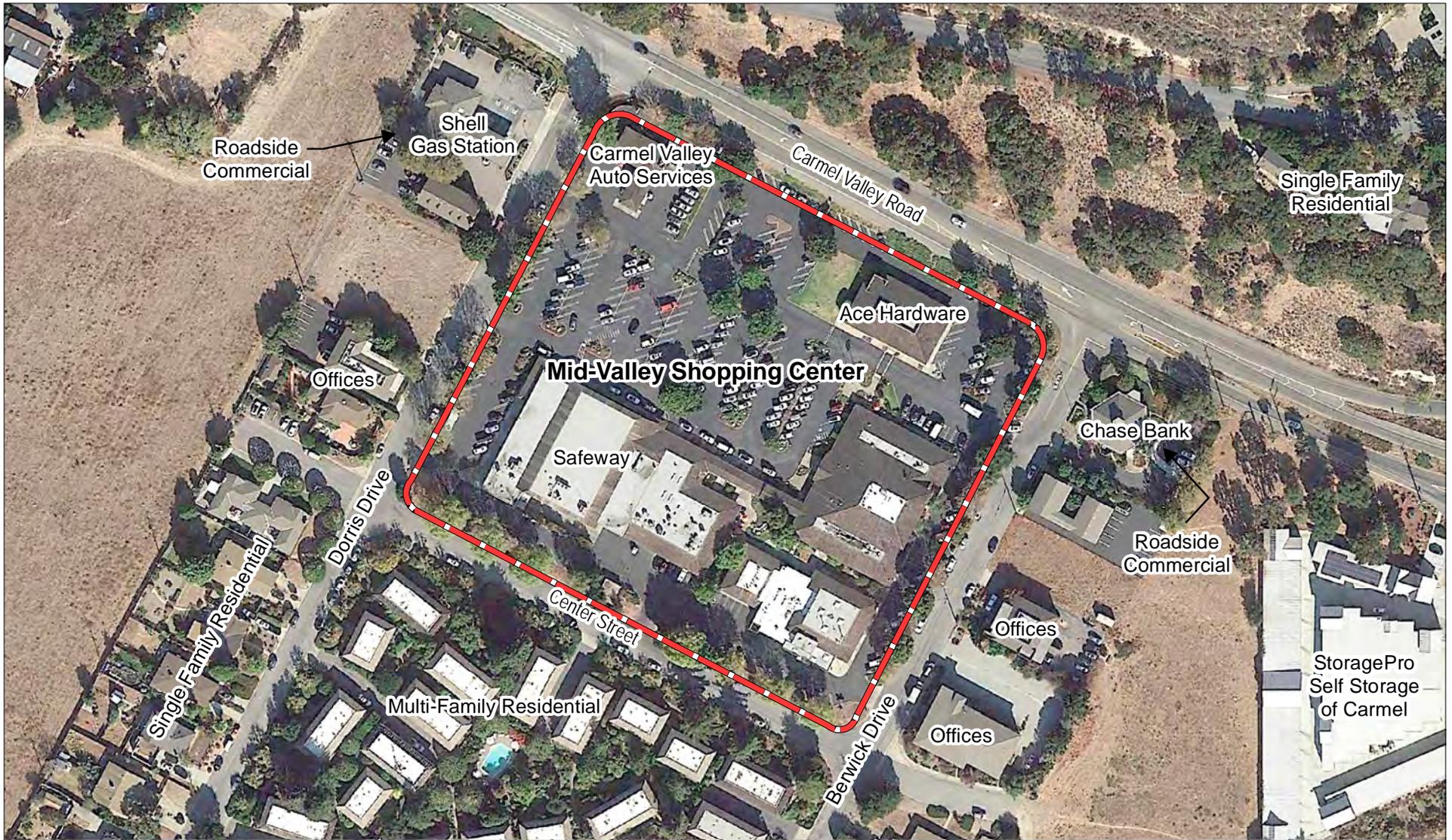


④ Building D - Ace Hardware



⑤ Building E - Carmel Valley Auto Service

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Source: Google Earth 2018, Monterey County GIS 2018



Figure 3-3  
**Aerial Photograph with Surrounding Land Uses**  
 Mid-Valley Shopping Center Design Approval Draft EIR

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Relevant environmental policies in each of these plans are evaluated in [Table 3-1, Historical Resources Policy Consistency Review \(Monterey County 2010 General Plan, Monterey County Historic Preservation Ordinance, and Carmel Valley Master Plan\)](#), on the following page. The consistency analysis addresses historic resources-related policies only. The shopping center's eligibility as a historical resource and the proposed project's consistency with the County's policies and regulations regarding historical resources is the subject of a disagreement among experts (and the basis for this EIR). The following consistency analysis uses Painter Preservation's historic resource opinion, as Painter Preservation is under the County of Monterey's contract with EMC Planning Group. Therefore, Painter Preservation's opinion represents an objective evaluation. Other expert opinions were provided by either the applicant, or the opposition to the project. However, the final determination of historical significance of the shopping center, and the project's consistency with the historical resource-related policies contained in the County plans and regulations listed above, lies with the Monterey County Planning Commission, or Board of Supervisors on appeal.

**Table 3-1 Historical Resources Policy Consistency Review (Monterey County 2010 General Plan, Monterey County Historic Preservation Ordinance, and Carmel Valley Master Plan)**

2010 Monterey County General Plan	Proposed Project	Discussion
<b>Historic Preservation Goals/Policies</b>		
Goal PS-12 Identify, designate, protect, preserve, enhance, and perpetuate those structures and areas that contribute to the historical heritage of Monterey County.	Inconsistent.	The proposed project would result in the material alteration of a historical resource, the Mid-Valley Shopping Center. The property would be maintained as an existing shopping center though some of the important physical characteristics (design, materials, workmanship, and feeling) that convey its historical significance and that retain its integrity as a historical resource would be altered as a result of the proposed project. While aspects of the proposed project are intended to enhance the center's connection to the region's agricultural/rural heritage, the material alterations to the center would not protect, preserve or enhance the center's historic significance or integrity.
PS-12.12 Historical and cultural resources and sites shall be protected through zoning and other regulatory means. New development shall be compatible with existing historical resources to maintain the special values and unique character of the historic properties.	Inconsistent.	The project is not within the County's officially designated "HR" district, but would be required to obtain a design approval permit, consistent with the site's current zoning designation of "Light Commercial-Design-Site Plan Review-Residential Allocation Zoning District (LC-D-S-RAZ)." Although the proposed project may be consistent with the zoning district, the proposed alterations to the shopping center would not be compatible with the existing materials and character-defining features of the shopping center.
PS-12.13 Repair or rehabilitation of historic structures may be permitted upon determination that the proposed improvements shall not preclude the structure's continued designation as a historic structure or that appropriate mitigation measures have been taken to comply with the Secretary of the Interior's Standards.	Inconsistent.	The project as proposed does not meet the following Secretary of the Interior's Standards: Standard #2 (retaining historic character of the property), Standard #5 (preservation of distinctive materials, features, finishes and construction techniques or examples of craftsmanship), and Standard #9 (new additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property). Therefore, the proposed project does not meet the Secretary of the Interior's Standards and is not adequately mitigated to address the significant environmental effect. An alternative that meets the Secretary of the Interior's Standards is presented in the Alternatives section of this EIR.
PS-12.17 Heritage tourism shall be promoted by highlighting Monterey County's diverse cultural background and the use of historic resources for the enjoyment, education, and recreational use of visitors to Monterey County.	Inconsistent.	While aspects of the proposed project are intended to enhance the center's connection to the region's agricultural/rural heritage and promote tourism to the Carmel Valley more generally, the material alterations to the center would not protect, preserve or enhance the center's historic significance or integrity.

<p><b>Monterey County Historic Preservation Ordinance (Chapter 18.25)</b></p>	<p><b>Proposed Project</b></p>	<p><b>Discussion</b></p>
<p>Chapter 18.25 of the Monterey County Code of Ordinances describes the provisions and procedures related to historic preservation throughout the County. According to §18.25.070 of the Monterey County Code of Ordinances, an improvement, natural feature, or site may be designated a historical resource and any area within the County may be designated a historic district if such improvement, natural feature, site, or area meets the criteria for listing on the NRHP, the CRHR, or one or more of the following conditions are found to exist:</p> <p>A. Historical and Cultural Significance.</p> <ol style="list-style-type: none"> <li>1. The resource or district proposed for designation is particularly representative of a distinct historical period, type, style, region, or way of life.</li> <li>2. The resource or district proposed for designation is, or contains, a type of building or buildings which was once common but is now rare.</li> <li>3. The resource or district proposed for designation was connected with someone renowned.</li> <li>4. The resource or district proposed for designation is connected with a business or use which was once common but is now rare.</li> <li>5. The resource or district proposed for designation represents the work of a master builder, engineer, designer, artist, or architect whose talent influenced a particular architectural style or way of life.</li> <li>6. The resource or district proposed for designation is the site of an important historic event or is associated with events that have made a meaningful contribution to the nation, State, or community.</li> <li>7. The resource or district proposed for designation has a high potential of yielding information of archaeological interest.</li> </ol> <p>B. Historic, Architectural, and Engineering Significance.</p> <ol style="list-style-type: none"> <li>1. The resource or district proposed for designation exemplifies a particular architectural style or way of life important to the County.</li> </ol>	<p>Potentially Inconsistent</p>	<p>The proposed project would result in the material alteration of a historical resource, the Mid-Valley Shopping Center, eligible for listing on the national, state, and local historic registers. The project is not within the County's officially designated "HR" district, but would be required to obtain a design approval permit, consistent with the site's current zoning designation of "Light Commercial-Design-Site Plan Review-Residential Allocation Zoning District (LC-D-S-RAZ)." The identified historic resource would be maintained as an existing shopping center though some of the important physical characteristics that convey its historical significance and that retain its integrity as a historical resource would be altered as a result of the proposed project.</p>

3.0 Environmental Setting

<p>2. The resource or district proposed for designation exemplifies the best remaining architectural type of a community.</p> <p>3. The construction materials or engineering methods used in the resource or district proposed for designation embody elements of outstanding attention to architectural or engineering design, detail, material or craftsmanship.</p> <p>C. Community and Geographic Setting.</p> <p>1. The proposed resource materially benefits the historic character of the community.</p> <p>2. The unique location or singular physical characteristic of the resource or district proposed for designation represents an established and familiar visual feature of the community, area, or county.</p> <p>3. The district is a geographically definable area, urban or rural possessing a significant concentration or continuity of site, buildings, structures, or objects unified by past events, or aesthetically by plan or physical development.</p> <p>4. The preservation of a resource or resources is essential to the integrity of the district.</p>		
Carmel Valley Master Plan Supplemental Policies	Proposed Project	Discussion
<b>3.0 Conservation/Open Space</b>		
<p>CV-3.13 Historic and Archaeological Resources, including buildings and sites of historical significance, located in Carmel Valley shall:</p> <ul style="list-style-type: none"> <li>a. be reviewed on a site by site basis.</li> <li>b. be rezoned to the "HR" District as a condition of permit approval for any development impacting such sites.</li> <li>c. require preservation of the integrity of historic sites and/or structures.</li> </ul> <p>A committee to evaluate the current condition of each and recommend deletions, additions or other measures shall be drawn from members of local historical, architectural, and/or educational societies as determined by the Planning Commission.</p>	<p>Inconsistent.</p>	<p>The proposed project would result in the material alteration of a historical resource, the Mid-Valley Shopping Center, eligible for listing on the national, state, and local historic registers. The project site has not been previously identified as a site of historical significance in the Carmel Valley Master Plan or by the County more generally. However, the site's eligibility determination as a historical resource at the local level, would necessitate review by the County's Historic Resources Review Board with a final determination by the Planning Commission or Board of Supervisors if appealed.</p>

SOURCE: EMC Planning Group 2021; Monterey County 2013; Monterey County 2010

# 4.0 Project Description

## 4.1 PROJECT OBJECTIVES

The proposed exterior alterations at the Mid-Valley Shopping Center, as proposed by the applicant, are intended to achieve the following objectives:

- Revitalize an otherwise stale and outdated center to assure its economic viability and growth;
- Provide a local job base, especially for local residents seeking employment;
- Bring an overall consistency to the design of the center while allowing for individual diversity and identification of businesses;
- Modernize and increase energy efficiency to reduce the carbon footprint of the shopping center;
- Attract new businesses and retain existing businesses that provide goods and services to local residents; and
- Provide a range of businesses that would allow local residents to shop and meet in one location rather than traveling to other properties thereby reducing traffic and related issues.

## 4.2 PROJECT CHARACTERISTICS

Monterey County Housing and Community Development Planning Services (County) received an application for Design Approval (PLN190140) in May 2019 for proposed exterior alterations to existing buildings at the project site, the Mid-Valley Shopping Center.

[Figure 4-1, Overall Site Plan](#), presents an overview of existing and proposed development on the project site. A full set of project plans are included in [Appendix B](#).

### Applications

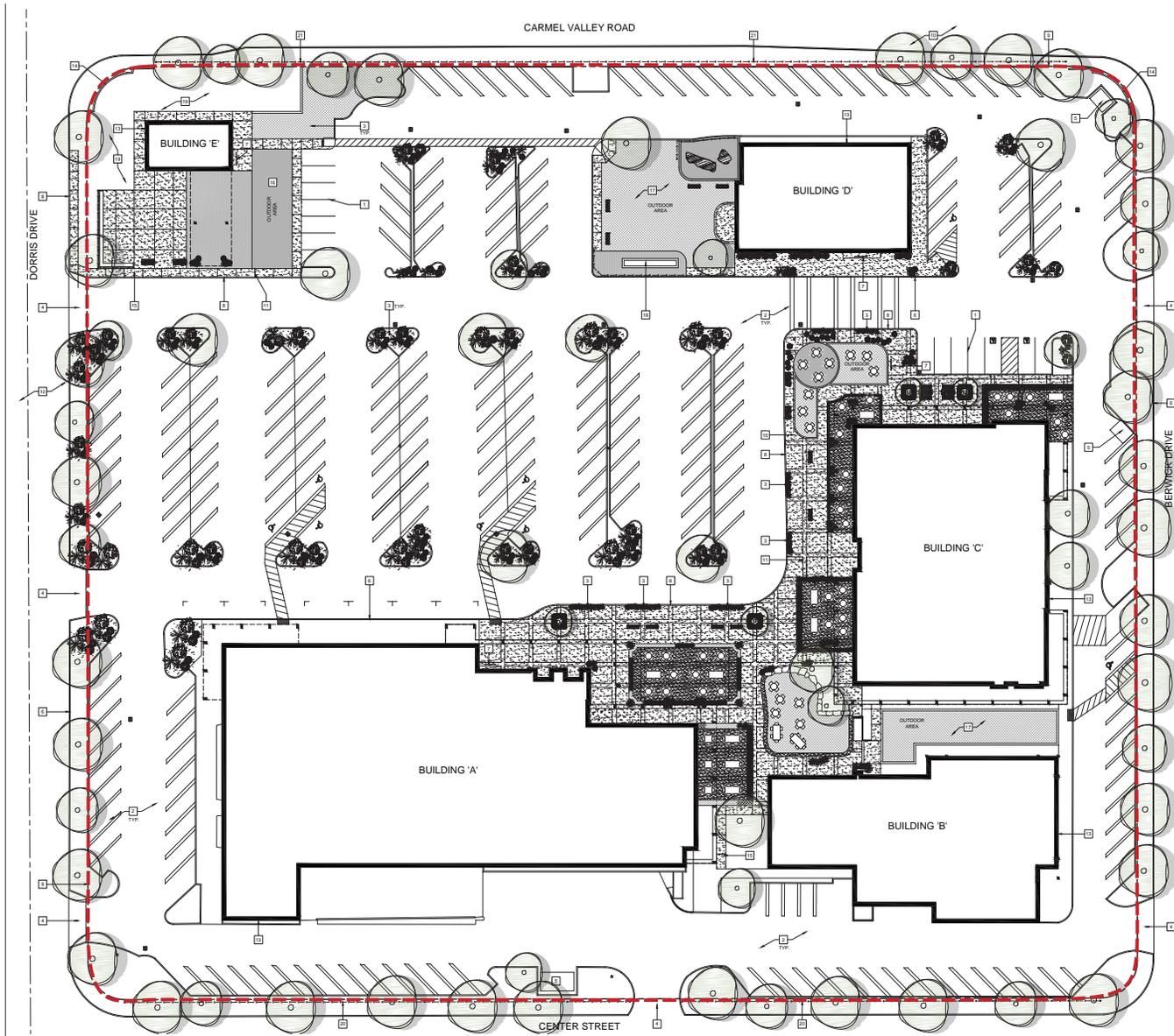
In accordance with County Code Section 21.44, the proposed project is subject to the County's Design Approval process. Design Approval is the review and approval of the exterior appearance, location, size, materials and colors of proposed structures, additions, modification and fences located in an "Design Control" overlay. The Design Control overlay

are those areas of the County which include "D" (design control) "S" (Site Plan Review) or "VS" (Visual Sensitivity) in their zoning as well as all parcels in the Carmel Area Land Use Plan. The purpose of Design Approval is to protect the public viewshed, neighborhood characters, and the visual integrity of development with Design Control Districts. The Carmel Valley Master Plan provides specific land use guidance and design guidelines for projects within the Carmel Valley Land Use Plan. Carmel Valley Master Plan Supplemental Policies (most recent updated by the County in 2013) further elaborate requirements for design review in Policy CV-1.20:

“Design (“D”) and site control (“S”) overlay district designations shall be applied to the Carmel Valley area. Design review for all new development throughout the Valley, including proposals for existing lots of record, utilities, heavy commercial, and visitor accommodations, but excluding minor additions to existing development where those changes are not conspicuous from outside of the property, shall consider the following guidelines:

- a. Proposed development encourages and furthers the letter and spirit of the Master Plan.
- b. Development either shall be visually compatible with the character of the valley and immediate surrounding areas or shall enhance the quality of areas that have been degraded by existing development.
- c. Materials and colors used in construction shall be selected for compatibility with the structural system of the building and with the appearance of the building’s natural and man-made surroundings.
- d. Structures should be controlled in height and bulk in order to retain an appropriate scale.
- e. Development, including road cuts as well as structures, should be located in a manner that minimizes disruption of views from existing homes.
- f. Minimize erosion and/or modification of landforms.
- g. Minimize grading through the use of step and pole foundations.”

Design Approvals for simple, non-controversial projects may be approved by Planning staff, while more complex projects will be referred to neighborhood Land Use Advisory Committees and the Zoning Administrator. In the case of the proposed project, Planning staff referred the application to the Carmel Valley LUAC where it was presented to the LUAC over the course of two meetings (July 15, 2019 and December 2, 2019).



Source: Wald Ruhnke & Dost 2019

Figure 4-1  
Overall Site Plan



--- Project Site



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## **Proposed Exterior Alterations**

Figure 4-2, *Proposed Exterior Elevations*, presents conceptual colored elevations with proposed exterior alterations. The proposed exterior alterations are presented below.

### **Painting and Wood Siding**

The proposal includes painting the building exteriors including window trim and roof facias, and includes new exterior paint colors, new wood vertical siding at walls and select columns, and new metal roofing at the entry gable on Building C. The proposed colors include earth-inspired soft light to medium colors, including tans, sage-like greens, and blues.

### **Column Changes**

Changes to the building columns consists of wrapping select aggregate concrete columns in a Hardie Board (hardiplank) material that mimics rough-sawn siding. Hardie board is made by mixing a slurry of wood pulp with cement. Then sand is added and the concoction is pressed into the form of individual planks. Then, it is dried under extreme pressure to compact the materials, creating a durable board (Siding Authority 2021).

### **Covered Walkway Removal**

The proposal includes removal of the covered walkway connecting Building A and Building C.

### **Roof Alterations**

Alterations to eight roof areas on several of the buildings to provide better visibility of the tenant spaces are proposed. The major components of the roof structure would remain in these areas with the facia and major roof joists being visible. The roof areas at six corners would be removed exposing the facia and joists and substituting a bronzed aluminum decorative panel. The panels would be attached to the remaining joists and facia. Select roof elements would be upgraded to include a standing-seam steel material in a non-reflective silver tone.

### **Landscaping**

The project also includes replacement of the portions of the existing landscaping across the project site with drought-tolerant landscaping.

### **Outdoor Areas**

New outdoor seating and activity areas are proposed as part of exterior alterations across the project site. The existing lawn attached to Building D will be converted to an outdoor lawn area for outdoor activities. A similar outdoor lawn area will be featured between Building B and C. Building E will feature an enclosed outdoor seating area and small vineyard area.

## **Signage/Art**

Various signage alterations and additions are proposed throughout the project site. Updated monument signage is proposed at the Dorris Drive and Berwick Drive corners of the project site to replace existing monument signage. A “My Heart” Carmel Valley sculpture is proposed facing the interior of the shopping center near the outdoor lawn area attached to Building D. As part of roof alterations discussed above, store signage alterations and additions are proposed which will be placed above store frontages immediately above the roofline. The future marketplace space along the westside of Building C will feature a new marquee sign installed in the new roof dormer.

## **Fencing**

A new four-foot-high wood screen wall is proposed along the Center Street side of the project site as a visual screen to existing residences to the south. In addition, a ranch-style wood fence is proposed along the Carmel Valley Road frontage of the project site.

## **4.3 INTENDED USE OF THE EIR**

This EIR provides environmental information and analysis in compliance with CEQA, which is necessary for County decision makers to be able to adequately consider the environmental effects of the proposed project. The County, as lead agency, has approval authority and responsibility for considering the environmental effects of the project as a whole. The EIR will be used for the following County approvals:

- Design Approval (PLN190140);
- Demolition Permits; and
- Building Permits.

No other agencies are expected to use this EIR in their decision-making process.



Source: Wald, Ruhnke, and Dost Architects

Figure 4-2  
Proposed Exterior Elevations

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## 5.0 Historical Resources

This section summarizes the results of the various historic resource evaluation documents prepared for the Mid-Valley Shopping Center (shopping center), including the final historic resource evaluation (HRE) prepared by Painter Preservation, as a subconsultant under EMC Planning Group’s contract with the County, in support of this Draft EIR. A summary of the analysis and conclusions for each of these evaluation documents is included below under Section 5.3, Disagreement among Experts. The information in this section is based on the following technical reports and documents:

- Dr. Anthony Kirk Historic Evaluation of Carmel Valley Shopping Center (letter to applicant dated September 18, 2019) ([Appendix C](#));
- Page & Turnbull Preliminary Opinion of Historic Significance – Mid-Valley Shopping Center (dated October 29, 2019) ([Appendix D](#));
- Dr. Kirk rebuttal to Page & Turnbull Preliminary Opinion (dated November 4, 2019) ([Appendix E](#));
- Page & Turnbull Phase One Historic Assessment (dated November 18, 2019) ([Appendix F](#));
- Dr. Laura Jones Mid-Valley Shopping Center Review of Historic Significance Findings (dated October 16, 2020) ([Appendix G](#));
- Dr. Kirk updated historic evaluation and response to Dr. Jones report (dated November 4, 2020) ([Appendix H](#));
- Painter Preservation Historic Resource Evaluation and Phase I Assessment (dated December 21, 2020) with Diana Painter, Ph.D., Resume and Qualifications ([Appendix I](#)); and
- Painter Preservation Review for Compliance with the Secretary of Interior’s Standards (dated January 12, 2021) ([Appendix J](#)).

Additional sources of information include an updated search of the National Register of Historic Places and an archival search of the database of the California Historical Resources Information System (CHRIS) affiliated with the California Office of Historic Preservation.

The Native American Heritage Commission responded to the NOP recommending consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project. The County's AB 52 tribal consultation process is discussed in Section 6, Other Environmental Effects.

Comments received from members of the public during the NOP scoping meeting related to historical resources included a question on the difference between architectural and historical significance; whether the EIR would address both on and off-site traffic circulation as an element of the shopping center's historic design; whether the EIR would analyze the proposed materials to be used for exterior surfaces and proposed lighting fixtures as relates to the historical significance of the shopping center; proposed removal of existing landscaping and replacement landscaping and fencing (as relates to the shopping center's historic significance); and the existing/proposed naming of the shopping center as relates to its historical significance and as relates to already in use shopping center/market names in Carmel Valley.

## **5.1 REGULATORY SETTING**

This regulatory framework section identifies the federal, state, and local laws, statutes, guidelines, and regulations that govern the identification and treatment of historical resources as well as the analysis of potential impacts to historical resources.

### **Federal**

#### **Section 106 of the National Historic Preservation Act**

The National Historic Preservation Act of 1966 (NHPA) set forth national policy for recognizing and protecting historic properties. It established the National Register of Historic Places, State Historic Preservation Offices (SHPOs) and programs, and the Advisory Council on Historic Preservation (ACHP). Under Section 106 of the NHPA, federal agencies are required to take into account the effects of their undertakings on historic properties and provide the ACHP an opportunity to comment on those undertakings. Historic properties are defined in federal law as those properties that are listed in, or meet the criteria for listing in, the National Register of Historic Places (Tyler, Tyler, and Ligibel 2018).

Cultural resources are considered during federal undertakings chiefly under Section 106 of the NHPA through one of its implementing regulations, 36 CFR 800 (Protection of Historic Properties), as well as the National Environmental Policy Act (NEPA) of 1969. Properties of traditional religious and cultural importance to Native Americans are considered under NHPA §101(d)(6)(A). Other relevant federal laws include the Archaeological Data Preservation Act of 1974, American Indian Religious Freedom Act of 1978, Archaeological Resources Protection Act of 1979, and Native American Graves Protection and Repatriation Act of 1989, among others.

## **National Register of Historic Places**

The National Register of Historic Places (NRHP), administered by the National Park Service (NPS), under the Department of the Interior, is the nation's official list of historically significant cultural resources. It is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect historic and archaeological resources. Properties listed in the NRHP include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and culture, and that retain integrity.

### *National Register Criteria for Evaluation*

The quality of significance in American history, architecture, archeology, engineering, and culture is identified in districts, sites, buildings, structures, and objects that possess integrity and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history;
- B. That are associated with the lives of significant persons in our past;
- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded or may be likely to yield, information important in history or prehistory.

In addition to meeting these criteria, a property must retain historic integrity, which is defined in National Register Bulletin 15 as the “ability of a property to convey its significance” (NPS 1990). In order to assess integrity, the NPS recognizes seven aspects or qualities that, considered together, define historic integrity. To retain integrity, a property must possess several, if not all, of these seven qualities, which are defined in the following manner in National Register Bulletin 15:

- 1. Location: the place where the historic property was constructed or the place where the historic event occurred;
- 2. Design: the combination of elements that create the form, plan, space, structure, and style of a property;
- 3. Setting: the physical environment of a historic property;
- 4. Materials: the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property;

5. Workmanship: the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory;
6. Feeling: a property's expression of the aesthetic or historic sense of a particular period of time; and
7. Association: the direct link between an important historic event or person and a historic property.

"Integrity" is not synonymous with condition. A property may be in deteriorated condition but still retain sufficient integrity to convey the reasons for its significance.

Ordinarily cemeteries, birthplaces, or graves of historic figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, and properties that are primarily commemorative in nature, are not considered eligible for the NRHP, unless they satisfy certain conditions. In general, a resource must be 50 years of age to be considered for the NRHP, unless it satisfies a standard of exceptional importance.

### **Secretary of the Interior's Standards for the Treatment of Historic Properties**

*The Secretary of the Interior's Standards for the Treatment of Historic Properties* addresses the preservation, restoration, rehabilitation, and reconstruction of historic structures. According to *The Secretary of the Interior's Standards*, changes over time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance should be recognized and respected. *The Secretary of the Interior's Standards* offer general recommendations for preserving, maintaining, repairing, and replacing historical materials and features, as well as designing new additions or making alterations. *The Secretary of the Interior's Standards* also provide guidance on new construction adjacent to historic districts and properties, in order to ensure that there are no adverse impacts to integrity as a result of a change in setting.

As part of the Secretary's Standards for the Treatment of Historic Properties, the National Park Service defines four treatment approaches for historic properties. The basic definitions of the four treatment approaches are defined below.

- *Preservation* focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.
- *Rehabilitation* acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.
- *Restoration* depicts a property at a particular period of time in its history, while removing evidence of other periods.
- *Reconstruction* re-creates vanished or non-surviving portions of a property for interpretive purposes.

## **State**

### **Office of Historic Preservation**

The California Office of Historic Preservation (OHP) is the governmental agency primarily responsible for the statewide administration of the historic preservation program in California. The mission of the OHP and the State Historical Resources Commission, in partnership with the people of California and governmental agencies, is to “preserve and enhance California’s irreplaceable historic heritage as a matter of public interest so that its vital legacy of cultural, educational, recreational, aesthetic, economic, social, and environmental benefits will be maintained and enriched for present and future generations.”

The OHP’s responsibilities include:

- Identifying, evaluating, and registering historic properties;
- Ensuring compliance with federal and state regulatory obligations;
- Cooperating with traditional preservation partners while building new alliances with other community organizations and public agencies;
- Encouraging the adoption of economic incentives programs designed to benefit property owners; and
- Encouraging economic revitalization by promoting a historic preservation ethic through preservation education and public awareness and, most significantly, by demonstrating leadership and stewardship for historic preservation in California.

The Northwest Information Center (NWIC) at Sonoma State University, Rohnert Park, is under contract to the OHP and helps implement the California Historical Resources Information System (CHRIS). It integrates information on new resources and known resources into the CHRIS, supplies information on resources and surveys to the government, and supplies lists of consultants qualified to do historic preservation fieldwork within the area. The California Archeological Site Inventory is the collection of Site Records that has been acquired and managed by the regional Information Centers and the OHP since 1975.

### **California Environmental Quality Act (CEQA)**

CEQA requires a lead agency to analyze whether significant historic and/or unique archaeological resources may be adversely impacted by a proposed project. Under CEQA, a “project that may cause a substantial adverse change in the significance of a historic resource is a project that may have a significant effect on the environment” (Public Resources Code [PRC] §21084.1). Under CEQA, a determination must first be made as to whether the proposed project has the potential to affect cultural resources. If cultural resources are present, then the proposed project must be analyzed for its potential to cause “substantial adverse change in the significance” of the resource.

According to CEQA Guidelines §15064.5, for the purposes of CEQA, historic resources are:

- A resource listed in, or formally determined eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (PRC §5024.1, 14 CCR, §4850 et seq);
- A resource included in a local register of historical resources, as defined in §5020.1(k) of the PRC or identified as significance in a historic resources survey meeting the requirements of §5024.1(g) of the PRC; and
- Any building, structure, object, site, or district that the lead agency determines eligible for national, state, or local landmark listing; generally, a resource shall be considered by the lead agency to be “historically significant” (and therefore a historic resource under CEQA) if the resource meets the criteria for listing on the California Register of Historical Resources (as defined in PRC §5024.1, 14 CCR, §4852).

Resources nominated to the California Register of Historical Resources must retain enough of their historic character or appearance to convey the reasons for their significance.

Resources whose historic integrity (as defined in the previous section) does not meet NRHP criteria may still be eligible for listing in the California Register of Historical Resources.

According to CEQA, the fact that a resource is not listed in or determined eligible for listing in the California Register of Historical Resources or is not included in a local register or survey shall not preclude the lead agency from determining that the resource may be a historical resource (PRC §5024.1). Pursuant to CEQA, a project with an effect that may cause a substantial adverse change in the significance of a historical resource may have a significant effect on the environment (State CEQA Guidelines §15064.5(b)).

The CEQA Guidelines specify, “substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (State CEQA Guidelines §15064.5). Material impairment occurs when a project alters in an adverse manner or demolishes “those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion or eligibility for inclusion” in the NRHP, California Register of Historical Resources, or local register.

CEQA provides that a project that has been determined to conform with the *Secretary of the Interior’s Standards for the Treatment of Historic Properties* can generally be considered to be a project that will not cause a significant adverse impact (State CEQA Guidelines §15126.4(b)(1)) (see further discussion of the Secretary of the Interior’s Standards above under Section 5.1 “Federal”).

## California Register of Historical Resources

California PRC §5024.1 establishes the California Register of Historical Resources (CRHR) and charges the State Historical Resources Commission with overseeing its implementation. Created in 1992 and implemented in 1998, the California Register of Historical Resources is “an authoritative guide in California to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC §21083.2 and §21084.1). Certain properties, including those listed in or formally determined eligible for listing in the National Register of Historic Places and California Historical Landmarks numbered 770 and higher, are automatically included in the California Register of Historical Resources. Other properties recognized under the California Points of Historical Interest program, identified as significant in historical resources surveys or designated by local landmarks programs, may be nominated for inclusion in the California Register of Historical Resources.

According to PRC §5024.1(c), a resource, either an individual property or a contributor to a historic district, may be listed in the California Register of Historical Resources if the State Historical Resources Commission determines that it meets one or more of the following criteria, which are modeled on National Register of Historic Places criteria:

- Criterion 1: Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- Criterion 2: Is associated with the lives of persons important to our past;
- Criterion 3: Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Criterion 4: Has yielded, or may be likely to yield, information important in prehistory or history.

Resources nominated to the CRHR must retain enough of their historic character or appearance to convey the reasons for their significance. Resources whose historic integrity does not meet NRHP criteria may still be eligible for listing in the CRHR.

## California Historical Building Code

One of California’s most valuable tools for the preservation of historic resources is the California Historical Building Code (CHBC), which is defined in Sections 18950 to 18961 of Division 13, Part 2.7 of Health and Safety Code (H&SC). The CHBC is intended to save California’s architectural heritage by recognizing the unique construction issues inherent in maintaining and adaptively reusing historic buildings. The CHBC provides alternative

building regulations for permitting repairs, alterations and additions necessary for the preservation, rehabilitation, relocation, related construction, change of use, or continued use of a “qualified historical building or structure.”

Section 18955 of the Health and Safety Code defines a "qualified historical building or structure" as “any structure or property, collection of structures, and their associated sites deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction. This shall include structures on existing or future national, state or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, and city or county registers or inventories of historical or architecturally significant sites, places, historic districts, or landmarks. This shall also include places, locations, or sites identified on these historical registers or official inventories and deemed of importance to the history, architecture, or culture of an area by an appropriate local or state governmental jurisdiction.”

The CHBC’s standards and regulations are intended to facilitate the rehabilitation or change of occupancy so as to preserve their original or restored elements and features, to encourage energy conservation and a cost-effective approach to preservation, and to provide for reasonable safety from fire, seismic forces or other hazards for occupants and users of such buildings, structures and properties and to provide reasonable availability and usability by the physically disabled.

## **Local**

### **Certified Local Government Program**

Monterey County is a Certified Local Government (CLG) in accordance with the provisions of the 1980 amendments to the NHPA. The California CLG program is administered by OHP and ties a local government more closely with the OHP in administering preservation programs and makes it eligible for certain types of grants (Tyler, Tyler, and Ligibel 2018). In accordance with federal requirements, each CLG must comply with the following requirements:

- Enforce state and local laws and regulations for the designation and protection of historic properties;
- Establish a historic preservation review commission by local ordinance;
- Maintain a system for the survey and inventory of historic properties;
- Provide for public participation in the local preservation program; and
- Perform the responsibilities delegated to the local entity by the state.

## **County of Monterey Historic Preservation Ordinance and Regulations for Historic Resources**

Chapter 18.25 of the Monterey County Code of Ordinances describes the provisions and procedures related to historic preservation throughout the county. According to §18.25.070 of the Monterey County Code of Ordinances, an improvement, natural feature, or site may be designated a historical resource and any area within the County may be designated a historic district if such improvement, natural feature, site, or area meets the criteria for listing on the NRHP, the CRHR, or one or more of the following conditions are found to exist:

A. Historical and Cultural Significance.

1. The resource or district proposed for designation is particularly representative of a distinct historical period, type, style, region, or way of life.
2. The resource or district proposed for designation is, or contains, a type of building or buildings which was once common but is now rare.
3. The resource or district proposed for designation was connected with someone renowned.
4. The resource or district proposed for designation is connected with a business or use which was once common but is now rare.
5. The resource or district proposed for designation represents the work of a master builder, engineer, designer, artist, or architect whose talent influenced a particular architectural style or way of life.
6. The resource or district proposed for designation is the site of an important historic event or is associated with events that have made a meaningful contribution to the nation, State, or community.
7. The resource or district proposed for designation has a high potential of yielding information of archaeological interest.

B. Historic, Architectural, and Engineering Significance.

1. The resource or district proposed for designation exemplifies a particular architectural style or way of life important to the County.
2. The resource or district proposed for designation exemplifies the best remaining architectural type of a community.
3. The construction materials or engineering methods used in the resource or district proposed for designation embody elements of outstanding attention to architectural or engineering design, detail, material or craftsmanship.

C. Community and Geographic Setting.

1. The proposed resource materially benefits the historic character of the community.
2. The unique location or singular physical characteristic of the resource or district proposed for designation represents an established and familiar visual feature of the community, area, or county.
3. The district is a geographically definable area, urban or rural possessing a significant concentration or continuity of site, buildings, structures, or objects unified by past events, or aesthetically by plan or physical development.
4. The preservation of a resource or resources is essential to the integrity of the district.

In addition, County Zoning Ordinance Section 21.64.070 (“Regulations for historic resources”) provides for flexibility of zoning standards to encourage and accommodate the renovation and rehabilitation of historic resources and structures within historic districts. The Director of Planning may grant an exception to the zoning district regulations when such exception is necessary to permit the preservation or restoration of, or improvements to, a structure designated as historically significant pursuant to the provisions of Chapter 18.85 of this Code. Such exceptions may include, but are not limited to, parking, yards, height, and coverage regulations. Such exceptions shall not include approval of uses not otherwise allowed by the zoning district regulations.

## **5.2 THRESHOLDS OF SIGNIFICANCE**

A significant impact would occur if implementation of the proposed project would cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5, as detailed above under California Environmental Quality Act (CEQA).

## **5.3 DISAGREEMENT AMONG EXPERTS**

Although the proposed project has generated local controversy, CEQA Guidelines Section 15064 (f)(4) states, “The existence of public controversy over the environmental effects of a project will not require preparation of an EIR if there is no substantial evidence before the agency that the project may have a significant effect on the environment.”

CEQA Guidelines Section 15064(g) states, “After application of the principles set forth above in Section 15064(f), and in marginal cases where it is not clear whether there is substantial evidence that a project may have a significant effect on the environment, the lead agency

shall be guided by the following principle: If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR.”

In light of the differing conclusions of historic resource evaluations submitted by the applicant and the opposition, the County has chosen to prepare an objective historic resource evaluation, which serves as the primary basis in this EIR for determining whether the shopping center is a historical resource under CEQA and to evaluate the proposed project’s significant environmental effects.

However, the final determination of historical significance of the shopping center lies with the Monterey County Planning Commission, or the Board of Supervisors on appeal, with County staff and the County’s Historic Resources Review Board serving in an advisory role.

### **Historic Resource Evaluations**

The following is a summary of conclusions and evidence presented in the various historic resource evaluations prepared over the course of 2019 and 2020 by two architectural historians under contract to the applicant and one historic preservation consulting firm under contract to the Carmel Valley Association. See Appendices C-H of this Draft EIR for a complete copy of each evaluation.

#### *Anthony Kirk, Ph.D., Historic Evaluation (September 18, 2019)*

Given the age of the shopping center and local concern over potential historical significance due to the architect of record, Olof Dahlstrand, the County requested the applicant provide a phase one historic assessment. Dr. Anthony Kirk, listed on Monterey County’s list of Qualified Historian and Architectural Historian Consultants – Phase I and II Assessments, prepared a phase one historic assessment on behalf of the applicant (September 2019 – see Appendix C). Dr. Kirk concluded that while the shopping center is associated with the development of Carmel Valley, no evidence exists that would support its architectural importance as required for Criterion A of the National Register of Historic Places or Criterion 1 of the California Register of Historical Resources. In addition, Dr. Kirk concluded that the center does not have an association with an individual with significant national, state, or local history. Therefore, Dr. Kirk concluded that the site was not historically significant as it did not meet the criteria for eligibility for listing as an individual resource in the National Register of Historic Places, the California Register of Historical Resources, or the Monterey County Register of Historical Resources. Dr. Kirk further concluded that the project site would not be considered a historical resource for purposes of the California Environmental Quality Act (CEQA).

***Page & Turnbull Preliminary Opinion (October 29, 2019)***

At the request of the Carmel Valley Association, Page & Turnbull, historic preservation consulting firm and also on the Monterey County's list of Qualified Historian and Architectural Historian Consultants – Phase I and II Assessments, prepared a preliminary opinion memo in direct response to Dr. Kirk's assessment (dated October 29, 2019 – see Appendix D). This preliminary opinion concluded “that the Mid Valley Shopping Center appears to possess sufficient significance and integrity to be eligible for listing in the California Register under Criterion 3, for its architectural style and association with architect Olof Dahlstrand. This preliminary opinion does not constitute a full resource evaluation, however. Page & Turnbull recommends that a report responding to the methods and findings of Anthony Kirk's HRE and including additional research and evaluation be prepared to adequately demonstrate the property's eligibility for listing at the state and local level.”

***Dr. Kirk rebuttal to Page & Turnbull Preliminary Opinion (November 4, 2019)***

Dr. Kirk provided a written rebuttal in response to Page & Turnbull's preliminary opinion (dated November 4, 2019 – see Appendix E) that disagreed with Page & Turnbull's initial assessment, questioning their characterization of the center as a “suburban shopping center” as well as the ability for the property to retain “a good degree of integrity” relative to the original design. The rebuttal also defended the first evaluation prepared by Dr. Kirk stating that the shopping center was not eligible for listing as a historical resource because it did not meet significance criteria and therefore, no analysis of integrity was needed.

***Page & Turnbull Historic Resource Evaluation and Phase One Assessment (November 18, 2019)***

Page & Turnbull then prepared a phase one historic assessment in the form of Department of Parks and Recreation (DPR) 523A and 523B forms for the Mid-Valley Shopping Center at 9550 Carmel Valley Road, Carmel Valley (dated November 18, 2019 – see Appendix F). Page & Turnbull's phase one historic assessment concluded that the Mid-Valley Shopping Center appears to be individually eligible for the National Register and California Register under Criterion C/3 (Architecture) for its association with Olof Dahlstrand. According to Page & Turnbull's assessment, the shopping center exemplifies Dahlstrand's use of form and material in a Frank Lloyd Wright-inspired design that respects the features of its surrounding natural environment. Page & Turnbull further concluded that the shopping center is a unique example of the application of the architect's work to a large suburban commercial complex, with integrated vehicle parking and circulation in addition to pedestrian walkways and courtyards. Based on these observations and assessments of the architectural qualities of the shopping center, Page & Turnbull determined the shopping center is eligible for the National Register and California Register and should be considered a

historical resource for the purposes of CEQA. It was found significant at the local level for its association with architect Olof Dahlstrand, as a good example of his commercial work. Page & Turnbull's integrity analysis found that the shopping center retained integrity of location, design, setting, workmanship, feeling, and association. It found that integrity of materials had been compromised (note that a resource must retain most but not all of the aspects of integrity to be considered as having sufficient integrity to convey the reasons for its significance).

*Linda Jones, Ph.D., Review of Historic Significance Findings (October 16, 2020)*

Subsequently, in October 2020, the applicant submitted to the County a review of the two previous historic evaluations, prepared by Laura Jones, Ph.D. of Stanford University (see Appendix G). The report reviews the arguments presented in two prior evaluations of the Mid-Valley Shopping Center by Dr. Kirk and Page & Turnbull. The report summarizes the two main points that the previous historic evaluations disagree on which are a) the shopping center significant as the work of a master, and b) does the shopping center maintain integrity? Dr. Jones examines the evidence regarding these two factors. Ultimately, Dr. Jones concludes that the Mid Valley Shopping Center eligibility for listing on the California Register as the "work of a master" is not supported by evidence that Olof Dahlstrand is a "figure of generally recognized greatness." Dr. Jones bases this determination on the fact that, in her professional opinion, no substantial evidence has been offered for eligibility of all or part of the shopping center as a historical resource. Therefore, Dr. Jones concurs with Dr. Kirk's evaluation and conclusion that the Mid-Valley Shopping Center is not be eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, nor the Monterey County Register of Historic Resources.

*Dr. Kirk Updated Historic Evaluation and Response to Dr. Jones Review (November 4, 2020)*

In response to Dr. Jones's review, Dr. Kirk, on behalf of the applicant, submitted a follow-up historic evaluation in November 2020 (see Appendix H) that incorporated Dr. Jones's findings as well as a review of new materials on the Mid-Valley Shopping Center provided by the property owner. In this report, he concurred with the findings of Dr. Jones and provided an integrity analysis of the shopping center, noting that although it is not required that an integrity analysis be provided if a resource is significant, he was providing this background due to "the controversy over the perceived importance of the shopping center." Dr. Kirk's updated historic evaluation evaluates the historic integrity of the shopping center which he concludes has been lost over time. Kirk notes that the shopping center was not the largest or oldest shopping center in Carmel Valley, and was not "themed," as were other shopping centers in the valley. Dr. Kirk further concludes that the shopping center is neither architecturally nor historically significant and therefore, ineligible for listing on federal, state, or local historic registers.

## 5.4 IMPACTS SUMMARY AND MITIGATION MEASURES

### Summary of Areas of Disagreement

Historical resources are eligible for listing at the federal, state, or local level. As noted above under Section 5.1, Regulatory Setting, each of the three levels of eligibility include their own criteria for a potential historical resource to be listed. These are:

- National Register of Historic Places - Criteria A, B, C, D;
- California Register of Historical Resources - Criteria 1, 2, 3, 4; and
- County of Monterey County Register of Historic Resources - Historic Preservation Ordinance and Regulations for Historic Resources - Chapter 18.25 of the Monterey County Code of Ordinances.

As reflected in the discussion above under Section 5.3, Disagreement Among Experts, of this draft EIR, the primary controversy and disagreement among the two applicant-hired architectural historians (Dr. Anthony Kirk and Dr. Linda Jones) and the historic preservation consultant hired by Carmel Valley Association (Page & Turnbull) is whether the Mid-Valley Shopping Center is eligible for listing under Criteria C (federal), Criteria 3 (state), and the County's Historic Preservation Ordinance Criteria A.5 and B.1 in Section 18.25.070 of the County Code (local). Eligibility under these three criteria centers on the question of whether the shopping center represents the work of a master architect (Olof Dahlstrand).

Secondarily, if the project is found eligible for listing on the National, State, or local registers, there is still disagreement among experts with regard to alterations that have occurred over time and the effect of these alterations on the historic integrity of the structures.

According to the National Register Bulletin entitled *How to Apply the National Register Criteria for Evaluation* published by the U.S. Department of the Interior (1990), there are seven aspects of integrity:

- Location;
- Design;
- Setting;
- Materials;
- Workmanship;
- Feeling; and
- Association.

Integrity is the ability of a property to convey its significance. To retain integrity a property will possess several and usually most of these aspects. There is agreement that modifications have been made to the shopping center over time. The disagreement lies with the impact these modifications had on the integrity of the shopping center.

The three experts noted above disagree on both the eligibility for listing for the shopping center and, if eligible, the integrity of the structure given modifications to the property over time. This draft EIR analyzes the potential impacts of the project assuming the historic significance based on a historic evaluation prepared by Diana Painter, Ph.D.

The Monterey County Planning Commission, or Board of Supervisors on appeal, is the appropriate authority to consider the design approval permit along with this EIR which will include weighing the historic nature and integrity of the shopping center.

## Analysis and Impact Methodology

The following evaluation is based the historic resource evaluation and review for compliance with the Secretary of the Interior’s Standards prepared by Painter Preservation, serving as an objective historic resource consultant to the County. This evaluation consisted of a review of available archival materials and photographs, technical background information; relevant documents addressing historical resources at the project site; a site visit conducted by EMC Planning Group and Painter Preservation staff (October 15, 2020); and policies and regulations related to historical resources located in the County of Monterey. Relevant comments on the NOP were also reviewed and considered.

## Historical Resources

IMPACT 5-1	The Project Would “Materially Alter” the Historical Significance of the Mid-Valley Shopping Center, Resulting in a Substantial Adverse Change in the Significance of a Historical Resource	Significant and Unavoidable
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### Painter Preservation Historic Resource Evaluation/Phase One Assessment (December 21, 2020)

A historic resource evaluation/Phase One Assessment (see Appendix I) was prepared by Diana Painter, Ph.D., with Painter Preservation, a qualified architectural historian (see Appendix I for Dr. Painter’s resume and qualifications) under contract to EMC Planning Group and the County, to assess the property’s eligibility to be included on the National Register of Historic Places, California Register of Historical Resources, and the Monterey County Register of Historic Resources, and to identify the property’s historic significance. The report includes an analysis of the integrity of the property’s historic character. The evaluation utilizes the criteria for the federal, state, and local historic registers to determine the shopping center’s eligibility for listing. Dr. Painter concluded that the shopping center

meets the following criteria for eligibility for listing on the National Register of Historic Places (under Criteria C) and the California Register of Historical Resources (under Criteria 3). Details of all criteria are presented above in Section 5.1, Regulatory Setting.

National Register of Historic Places (Criteria C): The quality of significance in American history, architecture, archaeology, engineering, and culture is identified in districts, sites, buildings, structures, and objects that possess integrity and that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

California Register of Historical Resources (Criteria 3): Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

In addition to its eligibility for the National Register and California Register, the Mid-Valley Shopping Center also possesses the following characteristics for inclusion in the Monterey County Local Office Register of Historic Resources:

- A.5. The resource or district proposed for designation represents the work of a master builder, engineer, designer, artist, or architect whose talent influenced a particular architectural style or way of life.
- C.1. The proposed resource materially benefits the historic character of the community.
- C.2. The unique location or singular physical characteristic of the resource or district proposed for designation represents an established and familiar visual feature of the community, area, or county.

According to Dr. Painter, the Mid-Valley Shopping Center represents Carmel Valley's first consistent and comprehensively designed mid-20th century suburban shopping center and easily conveys the reasons for its significance. The character-defining features of the Mid-Valley Shopping Center are those features and materials that are most important to its architectural character. They are also the features and materials that should be retained to maintain the integrity of the historic resource. According to the Painter Preservation historic resource evaluation, the character-defining features for the Mid-Valley Shopping Center are as follows.

- Stepping roof forms with shingle cladding and deep, overhanging eaves;

- Hipped eave returns on Building A (Safeway);
- Cross hip roofs of Building E and its canopy;
- Hip roof with decorative parapet on Building D;
- Large corner pylon sign at Building D;
- Open timber framing and extended rafter ends on building eaves and at walkways;
- Continuous columns at walkways and pilasters on Building D with their concrete and exposed aggregate finishes and geometric design, including the natural colors of the aggregate finishes;
- Glass curtain wall on Building A (Safeway);
- Original anodized aluminum window framing where it exists;
- Exposed aggregate concrete walls with intaglio detailing (Buildings A and C), including the natural colors of the aggregate finishes;
- Stucco cladding and decorative batten patterns on Buildings D and E;
- Simple hardscape (pavement, steps, integral planters) and [original] landscape features at the courtyard and surrounding pedestrian areas;
- Original planting beds throughout the center;
- Integrated parking and drive areas that serve different aspects of the center; and
- Design of the original low monument sign at Carmel Valley Road and Dorris Drive.

In summary, the Painter Preservation historic resource evaluation determined that the Mid-Valley Shopping Center retains the aspects of location, setting, workmanship, feeling and association. Materials are intact, although they have been somewhat obscured by recent, unpermitted, painting. Design is largely intact as well, with some changes as noted above. The existing character-defining features that characterize the design of the center are in place, however, and with the exception of the recent, unpermitted painting, changes that have occurred over time are not intrusive enough to negate these qualities. There are seven aspects of integrity. These aspects are addressed in the reports attached as appendices.

### **Painter Preservation Review for Compliance with the Secretary of the Interior's Standards (January 12, 2021)**

To supplement the analysis included in the historic resource evaluation, the County requested a review by Dr. Painter of the proposed changes to the Mid Valley Shopping Center (the proposed project) with respect to the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* (Secretary of the Interior's Standards for Rehabilitation) (2017) (see Appendix J). Compliance with the Secretary of the Interior's Standards for

Rehabilitation is generally necessary in order to avoid an adverse effect to a historic resource. This review is reflected in a January 12, 2021 memorandum (included as Appendix J). The review ultimately concluded that the project as proposed does not meet Standard #2 (retaining historic character of the property), Standard #5 (preservation of distinctive materials, features, finishes and construction techniques or examples of craftsmanship), and Standard #9 (new additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property). Therefore, Dr. Painter determined that the project does not meet the Secretary of Interior's Standards for Rehabilitation. The aspects of integrity that are affected are the aspects of design, materials, workmanship and feeling.

### **Impact Analysis**

As an informational document, the impact assessment contained in this draft EIR is focused on the conclusions of the Painter Preservation evaluation which finds the Mid-Valley Shopping Center qualifies as a historical resource. The discussion focuses on potential impacts of the proposed project assuming the project is a historical resource. After considering the disagreement among experts, if the Planning Commission, or the Board of Supervisors on appeal, considers the shopping center to be a historical resource, and chooses to approve the project as proposed, the Planning Commission, or the Board of Supervisors on appeal, would be required to adopt a statement of overriding considerations, making a finding that the benefits of the project outweigh the significant adverse environmental effect. However, if the County does not consider the shopping center to be a historical resource, the County can approve the project as proposed, and a statement of overriding considerations would not be required.

Given the conclusions of the Painter Preservation historic resource evaluation and review for compliance with the Secretary of the Interior's Standards, the proposed project would result in exterior changes to the Mid-Valley Shopping Center, a historical resource eligible for listing on the federal, state, and local historic registers, including all the physical characteristics that convey its historical significance and that retain its integrity as a historical resource.

The feasibility and effectiveness of mitigation measures related to impacts on historical resources is based on guidance set forth in the State CEQA Guidelines Section 15126.4(b). According to §15064.5(b)(2)(A-C) of the State CEQA Guidelines, generally, a project that follows the Secretary of the Interior's Standards for Rehabilitation, shall be considered as mitigated to a level of less-than-significant impact on the historical resource. As noted, in order to help determine the level of impact of the proposed project, Painter Preservation conducted a review of the proposed project for compliance with the Secretary of the Interior's Standards for Rehabilitation. The project as proposed, according to Painter Preservation, does not meet Standard #2, Standard #5, and Standard #9 of the Secretary of the

Interior's Standards. Therefore, the project does not meet the Secretary of the Interior's Standards for Rehabilitation and is not adequately mitigated to address the significant environmental effect as proposed.

Consistent with guidance regarding determining the significance of impacts to historical resources under §15064.5(b)(2)(A-C) of the State CEQA Guidelines, the proposed project would "materially alter" in an adverse manner those physical characteristics of the Mid-Valley Shopping Center that convey its historical significance and that justify its eligibility for including in the California Register of Historical Resources and the Monterey County Local Official Register of Historic Resources. Therefore, the proposed project would result in a substantial adverse change in the significance of a historical resource, which is a significant and unavoidable environmental effect.

The alternatives analysis found in Section 10.0, Alternatives, of this EIR addresses alternative design considerations prepared by Painter Preservation that would ensure exterior alterations for the shopping center would be consistent with the Secretary of the Interior's Standards for Rehabilitation. However, no feasible mitigation was determined based on the applicant's objectives and proposed exterior alterations. Therefore, approval of the project as proposed would result in a significant and unavoidable impact on a historical resource. The alternatives presented in this EIR will be considered by the County Planning Commission, or Board of Supervisors on appeal, in order to consider how to mitigate, if possible, the significant and unavoidable impacts of the proposed project.

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## 6.0 Other Environmental Effects

CEQA Guidelines 15128 states that an EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. The environmental review conducted through the EIR process evaluated the proposed project and determined that there were less than significant impacts (with or without standard mitigation) or no impacts associated with the following resources:

- Aesthetics;
- Agriculture and Forestry Resources;
- Air Quality;
- Biological Resources;
- Unique Archaeological Resources;
- Energy;
- Geology/Soils;
- Greenhouse Gas Emissions;
- Hazards & Hazardous Materials;
- Hydrology/Water Quality;
- Land Use/Planning;
- Mineral Resources;
- Noise;
- Population/Housing;
- Public Services;
- Recreation;
- Transportation;
- Tribal Cultural Resources;
- Utilities/Service Systems; and
- Wildfire.

Most of these issue areas were determined to be less than significant and no mitigation was required; however, a few issue areas in this section include standard mitigation to ensure potentially significant impacts do not occur. Each of these issue areas are described in the following sections.

## **AESTHETICS**

CEQA Guidelines Appendix G identifies that a significant environmental effect related to aesthetics would occur if the project would result in any of the following:

- a. Have a substantial adverse effect on a scenic vista;
- b. Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway;
- c. In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage points); or
- d. Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area.

The proposed project calls for exterior alterations to the existing Mid-Valley Shopping Center. While the proposed project would modify the exterior colors and materials for the shopping center, the proposed project would not damage a scenic vista, or substantially degrade the existing visual character or quality of public views of the site and its surroundings. The project site is visible from Carmel Valley Road which is a proposed scenic highway and within a designated visually sensitive area as shown on Monterey County's "Scenic Highway Corridors & Visual Sensitivity Map" (Figure 14 of the County general plan). Although the proposed project would alter signs and the appearance of the shopping center, it would not substantially alter the character of views along Carmel Valley Road.

The project site is not visible from any state scenic highway and therefore, would not damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. No new lighting is proposed as part of the project; therefore, the proposed project would not create a new source of substantial light or glare.

## **AGRICULTURE AND FORESTRY RESOURCES**

CEQA Guidelines Appendix G identifies that a significant environmental effect related to agriculture and forestry resource would occur if the project would result in any of the following:

- a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use;
- b. Conflict with existing zoning for agricultural use, or a Williamson Act contract;
- c. Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g));
- d. Result in the loss of forest land or conversion of forest land to non-forest use; or
- e. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to nonagricultural use or conversion of forest land to non-forest use.

The project site is currently developed with an existing shopping center and is largely surrounded by residential and other commercial and office development. The site is zoned "Light Commercial-Design-Site Plan Review-Residential Allocation Zoning District (LC-D-S-RAZ)". There are no land uses with or adjacent to the proposed project that are zoned for agricultural uses. The project site and land surrounding the project site are identified as "Urban and Built-up Land" on the California Department of Conservation's Important Farmland Finder (DOC 2021). Therefore, the proposed project would have no impact on prime farmland, unique farmland, or farmland of statewide importance. In addition, there are no properties within or adjacent to the project site that currently have a Williamson Act contract or are zoned for forestland or timberland uses. Therefore, the proposed project would not conflict with the provisions of the Williamson Act or agricultural zoning or result in the loss or conversion of forest land.

## **AIR QUALITY**

CEQA Guidelines Appendix G identifies that a significant environmental effect related to air quality would occur if the project would result in any of the following impacts listed below. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations.

- a. Conflict with or obstruct implementation of the applicable air quality plan;
- b. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard;

- c. Expose sensitive receptors to substantial pollutant concentrations; or
- d. Result in other emissions, such as those leading to odors adversely affecting a substantial number of people.

The proposed project would generate vehicle emissions from construction equipment and worker trips, although the emissions would be minimal based upon the limited amount of construction proposed. Construction emissions are typically considered short-term, as they occur only during the construction of the project. Therefore, construction impacts would be less than significant.

The operational phase of the project would not affect emissions above existing conditions at the shopping center because the type and intensity of use would remain the same. Use of the property is not proposed to be changed as the project involves only aesthetic changes to the exterior of the shopping center buildings. Therefore, there would be no operational air quality impacts.

## **BIOLOGICAL RESOURCES**

CEQA Guidelines Appendix G identifies that a significant environmental effect related to biological resources would occur if the project would result in any of the following:

- a. Have a substantial adverse effect, either directly or through habitat alterations, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service;
- b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service;
- c. Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.), through direct removal, filling, hydrological interruption, or other means;
- d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites;
- e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance; or
- f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

The project site is developed with an existing shopping center and is surrounded by residential and commercial development and Carmel Valley Road. The project site contains no sensitive habitat for candidate, sensitive, or special status species, no riparian habitat or other sensitive natural community, no protected wetlands, and is not subject to an approved local, regional, or state conservation plan. The proposed project includes exterior alterations to structures and hardscapes at an existing shopping center. No trees are proposed to be removed and only small-scale landscaping modifications are proposed to existing landscaped areas around the project site. Therefore, the proposed project would have no impact on sensitive biological resources.

## UNIQUE ARCHAEOLOGICAL RESOURCES

CEQA Guidelines Appendix G identifies that a significant environmental effect related to cultural resources would occur if the project would result in any of the following impacts listed below.

Note: CEQA thresholds associated with historical resources (the built environment) are the subject of the analysis found in Section 5.0, Historical Resources, of this Draft EIR.

- a. Cause a substantial adverse change in the significance of a historical resource pursuant to section 15064.5;
- b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to section 15064.5; or
- c. Disturb any human remains, including those interred outside of dedicated cemeteries.

Based on the high archaeological sensitivity of the property and proximity to Carmel River, there is potential for the site to contain archaeological and tribal cultural resources. A search of the California Historical Resources Information System (CHRIS) indicates no known archaeological resources within the project area and two resources within a 1/8-mile radius. There is always a potential for disturbance of unknown resources. The site is located in close proximity to a known prehistoric archaeological site and in an area identified as having a high potential for archaeological resources (Monterey County RMA 2020). The project would include minimal earth disturbance associated with replacement of existing hardscape and demolition activities over portions of the 6.5-acre project area. Potential project specific impacts include direct and indirect impacts to unknown archaeological resources.

Direct impacts would include damage or destruction of archaeological resources as a result of earth disturbance directly caused by the demolition of existing ground cover. Indirect impacts include disturbance of an archaeological resource due to erosion, vibration, unauthorized artifact collecting, and vandalism during project construction.

Although the project site is highly disturbed and there is no evidence of unique archaeological resources present, proposed mitigation measures have been identified to minimize the potential for impacts related to the inadvertent discovery of archaeological resources during project related ground disturbance and vegetation removal activities due to the sensitive archaeological project setting. In addition, a standard condition of approval applied by the County (stop work if sensitive cultural resources found) would further address the outside potential for sensitive cultural resources to be discovered during construction. With implementation of this standard condition and the recommended mitigation measures below, potential impacts to unique archaeological resources would be less than significant.

### *Mitigation Measures*

- 6-1 Prior to commencement of site disturbance, the applicant shall verify that all contractors/employees involved in ground disturbing and vegetation removal activities have received training from a qualified archaeologist. The training shall address the following issues:
- a. Review the types of archaeological artifacts and resources that may be uncovered;
  - b. Provide examples of common archaeological artifacts and resources to examine;
  - c. Review what makes an archaeological resource significant to archaeologists, and local Native Americans;
  - d. Describe procedures for notifying involved or interested parties in case of a new discovery;
  - e. Describe reporting requirements and responsibilities of construction personnel;
  - f. Review procedures that shall be used to record, evaluate, and mitigate new discoveries; and
  - g. Describe procedures that would be followed in the case of discovery of disturbed as well as intact human burials and burial-associated artifacts.
- 6-2 Prior to commencement of any site disturbance, the applicant shall submit to the County of Monterey Housing and Community Development – Planning Services a signed letter by a qualified archaeologist reporting the date of training and a list of names and signatures of those in attendance.

## ENERGY

CEQA Guidelines Appendix G identifies that a significant environmental effect related to energy resources would occur if the project would result in any of the following:

- a. Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- b. Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

The proposed project is exterior alterations to an existing shopping center. Any energy consumption required for project construction of the alterations at the shopping center would be minimal and short-term in duration. Therefore, the proposed project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation and the project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

## GEOLOGY/SOILS

CEQA Guidelines Appendix G identifies that a significant environmental effect related to geology and soils would occur if the project would result in any of the following:

- a. Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - (1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault;
  - (2) Strong seismic ground shaking;
  - (3) Seismic-related ground failure, including liquefaction; or
  - (4) Landslides.
- b. Result in substantial soil erosion or the loss of topsoil;
- c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse;
- d. Be located on expansive soil, creating substantial direct or indirect risks to life or property;

## 6.0 Other Environmental Effects

- e. Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater; or
- f. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The proposed project would involve only minimal removal and replacement of existing hardscape, including a covered walkway. According to the “Geologic Hazards Map for Monterey County,” the project site is immediately south of the nearest known fault line, the Monterey Bay-Tularcitos fault, which runs approximately 900 feet to the north of the project site across Carmel Valley Road (Monterey County 2021b). Like the rest of Monterey County, the project site is within Seismic Zone 4, which is considered the most seismically active zone in the United States (Monterey County 2008, p. 4.4-9). According to the California Geological Survey, the project site may be subject to moderate ground shaking due to its proximity to active faults in the area (CGS 2016). However, the project would not involve activities that would exacerbate seismicity risks and therefore, not result directly or indirectly in potentially substantial adverse effects, including the risk of loss, injury, or death involving fault rupture or seismic ground shaking.

## GREENHOUSE GAS EMISSIONS

CEQA Guidelines Appendix G identifies that a significant environmental effect related to greenhouse gas emissions would occur if the project would result in any of the following:

- a. Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or
- b. Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

GHG emissions generated during the operations of a land development project are commonly the dominant source of a proposed project’s GHG emissions inventory. The proposed project would have no operational GHG emissions, as it is solely a short-term construction activity. Construction activity would consist solely of removing and replacing exterior materials on existing buildings, removing an existing walkway, and removing and replacing existing pavement in limited areas of the shopping center. Construction phase GHG emissions would be limited to sources that include a minor number of worker vehicle trips, a minor number of material transport truck trips, and use of construction equipment. The total construction GHG emissions volume would be minimal and would not have a significant impact on the environment.

There are no local or regional GHG plans that would apply to the project. Further, such plans commonly focus on actions to reduce GHG emissions from the operations of land development projects. As described above, the proposed project would have no operational emissions. GHG emissions from both passenger vehicle (worker transport vehicle), and on- and off-road construction equipment are regulated by the state; the project applicant has no direct control over these emissions sources. Consequently, the proposed project would not conflict with a plan or regulation for reducing GHG emissions.

## **HAZARDS & HAZARDOUS MATERIALS**

CEQA Guidelines Appendix G identifies that a significant environmental effect related to hazards and hazardous materials would occur if the project would result in any of the following:

- a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;
- b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;
- c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;
- d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, create a significant hazard to the public or the environment;
- e. For a project located within an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or a public-use airport, result in a safety hazard or excessive noise for people residing or working in the project area;
- f. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or
- g. Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

The proposed exterior alterations to the existing shopping center would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials and the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Government Code Section 65962.5 requires that the Department of Toxic Substances Control compile and

regularly update a list of hazardous waste facilities and sites. A search of the Envirostor website (California Department of Toxic Substances Control 2021) and the Geotracker website (California Water Resources Control Board 2021) revealed that the project site is not on the list.

In addition, the nearest airport to the project site is the Monterey Regional Airport and the project site is not located within its land use plan nor is the project site located with its 2013 or 2033 Noise Contour exhibits (Monterey County Airport Land Use Commission 2019). Therefore, the proposed project would not result in a safety hazard or excessive noise for people residing or working in the project area.

The project site is located within a rural/suburban area under the protection authority of the Monterey County Regional Fire District serviced out of the Mid Carmel Valley Station (Monterey County Regional Fire District 2021) and is located in a “Very High” fire hazard severity zone within a Local Responsibility Area (LRA), as delineated by the California Department of Forestry and Fire Protection (CALFIRE) “Monterey County Very Fire Hazard Severity Zones in LRA” (CALFIRE 2008). Adjacent areas both to the north, east, and south are located within the State Responsibility Area fire hazard map and are identified as within the “Very High” fire hazard severity zone (CALFIRE 2007). However, the proposed exterior alterations to the shopping center would not expose people or structures to a significant risk of loss, injury, or death involving wildland fires. Additionally, the proposed project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

## HYDROLOGY/WATER QUALITY

CEQA Guidelines Appendix G identifies that a significant environmental effect related to hydrology and water quality would occur if the project would result in any of the following:

- a. Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality;
- b. Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;
- c. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:
  - (1) Result in substantial erosion or siltation on- or off-site;
  - (2) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;

- (3) Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff; or
- (4) Impede or redirect flood flows.
- d. In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
- e. Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

The proposed project would not involve construction or operational activities that would degrade or result in a violation of water quality standards. The proposed project would not involve construction or operational activities that would impact groundwater supplies or interfere with groundwater recharge. The project site does not contain any streams or rivers. The closest watercourse is the Carmel River approximately 700 feet from the southeast corner of the project site. The proposed project involves exterior alterations at an existing shopping center and would not alter the existing drainage pattern of the site or area.

The proposed project is not located within a flood hazard zone, tsunami, or seiche zones, and therefore, would not risk release of pollutants due to project inundation (FEMA 2021). The proposed project involves minimal construction activities that would not require the use of water and therefore, would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

## LAND USE/PLANNING

CEQA Guidelines Appendix G identifies that a significant environmental effect related to land use and planning would occur if the project would result in any of the following:

- a. Physically divide an established community; or
- b. Cause any significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The proposed project would not physically divide an established community. [Table 3-1, Historical Resources-Related Policy Consistency Review \(Monterey County 2010 General Plan, Monterey County Code of Ordinances, and Carmel Valley Master Plan\)](#), in Section 3.0, Environmental Setting, presents a policy consistency analysis for each of the County's applicable plans and County Zoning Ordinance and those policies and requirements that address avoiding or mitigating an environmental effect on historical resources. The

consistency analysis identified inconsistencies with applicable policies and ordinances, and the environmental effects of those inconsistencies are evaluated in Section 5.0, Historical Resources, of the Draft EIR.

## MINERAL RESOURCES

CEQA Guidelines Appendix G identifies that a significant environmental effect related to mineral resources would occur if the project would result in any of the following:

- a. Result in loss of availability of a known mineral resource that would be of value to the region and the residents of the state; or
- b. Result in the loss of availability of a locally important mineral resource recovery site delineated in a local general plan, specific plan, or other land-use plan.

According to the County's general plan EIR, there are no lands within the Carmel Valley Master Plan that are designated or mapped by the State Geologist as having any known mineral resources of value (Monterey County 2007, p. 4-5.14). Therefore, there would be no loss of availability of known mineral resources or locally important mineral resource recovery sites as a result of the proposed project.

## NOISE

CEQA Guidelines Appendix G identifies that a significant environmental effect related to noise would occur if the project would result in any of the following:

- a. Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in applicable standards of other agencies;
- b. Generation of excessive ground-borne vibration or ground borne noise levels; or
- c. For a project located within the vicinity of a private airstrip or an airport land-use plan or, where such a plan has not been adopted, within two miles of a public airport or public-use airport, expose people residing or working in the project area to excessive noise levels.

The most significant and common source of noise at, and in the vicinity of the project site are vehicles traveling on Carmel Valley Road and vehicles traveling in and out of the shopping center via surrounding roads. Other typical noise sources in the project vicinity include distant traffic, wind, birds overhead, dogs barking, landscape and maintenance activities, and occasional aircraft overflights.

The County's General Plan establishes normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable community noise exposure levels. In addition, Monterey County Code Chapter 10.60 establishes regulations for noise requirements and compliance with these regulations.

Implementation of the proposed project would not increase noise during continued operations of the shopping center. Construction of the proposed changes at the project site would require minimal demolition and construction that could temporarily increase ambient noise in the project area. The following Monterey County standard condition of approval would ensure that temporary noise impacts would be less than significant.

### *Condition of Approval*

The following noise attenuation measures shall be implemented during construction activities to reduce construction-related noise effects on adjacent sensitive receptors. The following measures shall be noted on construction plans prior to issuance of demolition, grading, or construction permits and shall be implemented throughout the duration of construction activities:

- Construction activities shall be limited to daytime hours between 7:00 a.m. and 7:00 p.m. Monday through Saturday. No construction shall be allowed on Sundays or national holidays.
- Construction equipment with internal combustion engines shall have sound control devices at least as effective as those provided by the original equipment manufacturer.
- No equipment shall be permitted to have an unmuffled exhaust.
- Trucks and construction equipment shall be prohibited from idling at the construction site or along streets serving the construction site.

## **POPULATION/HOUSING**

CEQA Guidelines Appendix G identifies that a significant environmental effect related to population and housing would occur if the project would result in any of the following:

- a. Induce substantial unplanned population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extension of roads or other infrastructure); or
- b. Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

The proposed project would not result in population growth, nor would it displace people or existing housing in the area.

## **PUBLIC SERVICES**

CEQA Guidelines Appendix G identifies that a significant environmental effect related to public services would occur if the project result in substantial adverse physical impacts associated with the provision of or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services:

- a. Fire protection;
- b. Police protection;
- c. Schools;
- d. Parks; or
- e. Other public facilities.

The proposed project is exterior alterations and other site changes to an existing shopping center. These changes would not necessitate additional fire and police protection that would require the construction of new or physically altered fire and police facilities which would cause significant environmental impacts. In addition, the proposed project would not result in the need for additional school or park facilities, or other public facilities.

## **RECREATION**

CEQA Guidelines Appendix G identifies that a significant environmental effect related to recreational facilities would occur if the project would result in any of the following:

- a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or
- b. Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

The proposed project will not increase the use of existing neighborhood and regional parks or other recreational facilities and will not require the construction or expansion of other recreational facilities.

## TRANSPORTATION

CEQA Guidelines Appendix G identifies that a significant environmental effect related to transportation and traffic would occur if the project would result in any of the following:

- a. Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;
- b. Conflict or be inconsistent with CEQA guidelines section 15064.3, subdivision (b);
- c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or
- d. Result in inadequate emergency access.

Increased traffic levels generated by the proposed project would be limited to minimal construction activities. Construction would require increased trips on local roadways by construction vehicles and equipment; however, this increase would be limited in numbers and duration. The project would not result in impacts to local roadways in the form of restricted access, detours, closures, physical alterations, or other impacts. In addition, implementation of the proposed project is not expected to result in an increase in vehicle miles travelled or otherwise interfere with travel on surrounding roadways. Therefore, implementation of the proposed project is not expected to conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. Impacts would be less than significant.

## TRIBAL CULTURAL RESOURCES

CEQA Guidelines Appendix G identifies that a significant environmental effect related to tribal cultural resources would occur if the project would result in any of the following impacts listed below.

- a. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  - (1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources code section 5020.1(k); or
  - (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria

set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

The CEQA statute as amended by Assembly Bill 52 (AB 52) (Public Resources Code Sections 21073 and 21074) defines “tribal cultural resources”, and “California Native American tribe” as a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission. Public Resources Code Section 21080.3.1 outlines procedures for tribal consultation as part of the environmental review process. The County contacted the tribal representatives of the Esselen Tribe of Monterey County, and Ohlone, Costanoan, and Esselen Nation regarding tribal consultation associated with the proposed project. As of October 17, 2021, both tribes had responded to the County’s offer for consultation and indicated they had no concern with the Mid-Valley Shopping Center project. No other tribal representatives have responded to the offer of consultation from the County.

## **UTILITIES/SERVICE SYSTEMS**

CEQA Guidelines Appendix G identifies that a significant environmental effect related to utilities and service systems would occur if the project would result in any of the following:

- a. Require or result in the relocation or construction of new or expanded water, wastewater treatment, storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;
- b. Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;
- c. Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has inadequate capacity to serve the project’s projected demand in addition to the provider’s existing commitments;
- d. Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals; or
- e. Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

The proposed project would not require relocation or construction of new or expanded water, wastewater treatment, storm water drainage, solid waste, natural gas or electricity, and telecommunication facilities.

## WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

- a. Substantially impair an adopted emergency response plan or emergency evacuation plan;
- b. Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of wildfire;
- c. Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment; or
- d. Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

As noted in the discussion regarding “Hazards and Hazardous Materials” above (under wildland fire effects), the project site located in a “Very High” fire hazard severity zone within a Local Responsibility Area (LRA), as delineated by the CALFIRE’s “Monterey County Fire Hazard Severity Zones in SRA Map” (CALFIRE 2007). Adjacent areas both to the north, east, and south are located within the State Responsibility Area (SRA) fire hazard map and are identified as within the “Very High” fire hazard severity zone (CALFIRE 2007). While located near an SRA, the proposed project would not create or exacerbate conditions that would substantially increase wildfire risks to the project site.

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# 7.0 Cumulative Impacts

## 7.1 CEQA REQUIREMENTS

CEQA Guidelines section 15130 requires a discussion of cumulative impacts when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3), which states, "The project has possible environmental effects that are individually limited but cumulative considerable. Cumulatively considerable means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," a lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable. A cumulative impact consists of an impact that is created as a result of the combination of the project evaluated in the EIR together with other projects causing related impacts. An EIR should not discuss impacts that do not result in part from the project evaluated in the EIR. When the combined cumulative impacts associated with the project's incremental effect and the effects of other projects is not significant, the EIR shall briefly indicate why the cumulative impact is not significant and is not discussed in further detail in the EIR. A lead agency shall identify facts and analysis supporting its conclusion that the cumulative impact is less than significant.

A lead agency may determine that a project's contribution to a significant cumulative impact will be rendered less than cumulatively considerable and therefore, is not significant. A project's contribution is less than cumulatively considerable if the project is required to implement or fund its fair share of a mitigation measure or measures designed to alleviate the cumulative impact. The lead agency shall identify facts and analysis supporting its conclusion that the contribution will be rendered less than cumulatively considerable.

The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone. The discussion should be guided by the standards of practicality and reasonableness and should focus on the cumulative impact to which the other identified projects contribute rather than the attributes of other projects which do not contribute to the cumulative impact.

CEQA requires a cumulative development scenario to consist of either a list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or, a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area-wide conditions contributing to the cumulative impact.

## **7.2 CUMULATIVE DEVELOPMENT SCENARIO**

### **Geographic Scope**

The geographic scope of the area affected by cumulative impacts can vary with the specific environmental topic being evaluated. The geographic scope for the proposed project encompasses Carmel Valley, generally extending from State Route 1 to the west (approximately 5.7 miles from the project site) to just east of Carmel Valley Village (approximately 5.2 miles from the project site). The project site sits at the approximate midpoint of the valley. The 2010 Monterey County General Plan contains the Carmel Valley Master Plan with supplemental policies applicable to that area (adopted October 26, 2010 and amended February 12, 2013). The Carmel Master Plan serves as the County of Monterey's primary planning guidance document for the area. The master plan notes the existing land uses in the 28,000-acre Carmel Valley planning area consists primarily of a combination of rural residential development and small-scale agricultural pursuits. For purposes of analyzing cumulative projects impacts, the geographic scope of the area affected will focus on historical resources as the issue of impacts to historical resources is the primary impact of the project. However, all impact topics are considered for purposes of determining the proposed project's contribution to cumulative impacts.

### **Projects Contributing to Cumulative Development Conditions in Carmel Valley**

For some environmental issue areas, the project list approach is used as the cumulative development scenario. This approach is used because the project site is located in a rural/suburban part of the county. Its cumulative effects are better understood in the context of more local projects that influence environmental conditions in the local area than by a set of general plan projections where cumulative effects are strongly influenced by development in more distant areas.

There are several active pending or approved projects (but not yet developed) within the Carmel Valley area in unincorporated Monterey County for consideration in the cumulative project scenario (Monterey County 2021). These are included for purposes of highlighting larger projects that may introduce increased cumulative impacts in the vicinity of the

shopping center (see [Table 7-1, Cumulative Projects List](#)). This list does not include additions to or expansion of existing single-family residences. In addition, this list includes the past removal of the San Clemente Dam by the County in 2015. The dam removal represents a significant loss of a historical resource listed on the County’s Register of Historic Resources. The project locations are illustrated on [Figure 7-1, Cumulative Projects Locations](#).

**Table 7-1 Cumulative Projects List**

Project List	Location	Project Description
<i>Monterey County (Carmel Valley)</i>		
Rancho Cañada Village (PLN040061 & PLN40061-AMD1) (Approved)	Carmel Valley Road (south of and behind Carmel Middle School)	Develop an approximately 76-acre area within the former West Course at Rancho Cañada Golf Club. The project site would be comprised of a mix of residential and recreational uses, including an approximately 25-acre, 130-unit residential neighborhood; approximately 40 acres of permanent open space; and approximately 11 acres of common areas within the 76-plus acres. The project is proposed as a planned unit development (PUD) providing a compact, pedestrian-friendly development with a variety of housing types and recreational uses within the residential community.  This project is located approximately five miles west of the project site.
September Ranch Subdivision (PLN95062 & PLN050001) (Approved)	676 Carmel Valley Road	Housing development with 130 single family residences and up to 40 apartment units.  This project is located approximately three miles to the west of the project site.
Steiny Douglas (PLN060638) (Pending)	11 and 25 West Carmel Valley Road	Approximately 11,500 square feet (SF) of commercial and 4,000 SF of residential space.  This project is located approximately five miles to the southeast of the project site.
CVR HSGE LLC (PLN180515) (Pending)	1 Old Ranch Road (Carmel Valley Ranch)	A request to extend an approved Vesting Tentative Map consisting of a standard subdivision converting 144 hotel units to individually owned condominium units for three years (to expire March 9, 2022).  This project is located approximately a quarter mile southwest of the project site.
Leedom Vali Purina (PLN180563) (Pending)	6 Village Drive, Carmel Valley	Design Approval for a retail store, a 96 square foot shed, outdoor counter, 6-foot-high fence, landing and stairs to a pickup truck.  This project is located approximately five miles southeast of the shopping center.
Vista Nadura (PLN990274) (Pending)	8767 Carmel Valley Road	Subdivision of 50-acre lot into 20 lots, and horse stable operation.  This project is located approximately one mile to the northwest of the project site.

Project List	Location	Project Description
Single-Family/Multi-Family Residential Projects (Pending and Approved)	Throughout Carmel Valley	A total of 20 single-family residential project (new construction) and one multi-family residential project are currently in review or are approved, but not yet constructed, in the Carmel Valley area.
Carmel Valley Road/Laureles Grade Road Roundabout (Proposed)	Intersection of Carmel Valley Road and Laureles Grade	Roundabout at intersection of Carmel Valley Road and Laureles Grade.
<b><i>Past Projects with Impacts to Historical Resources (Carmel Valley)</i></b>		
San Clemente Dam Removal & Carmel River Reroute (PLN110373) (Completed)	Off San Clemente Road, approximately three miles southeast of Carmel Valley Village	Removal of 106-foot-tall San Clemente Dam on the Carmel River originally built in 1921. Listed on County's Local Register of Historic Resources. Removal completed in 2015. The dam was located approximately eight miles southeast of the shopping center.

SOURCE: Monterey County HCD 2021; Craig Spencer (Monterey County HCD) 2021

### 7.3 CUMULATIVE IMPACTS AND THE PROPOSED PROJECT'S CONTRIBUTION

This section includes an evaluation of the cumulative scenario's impacts on air quality, cultural resources, historical resources, noise, and transportation, and addresses whether the proposed project's contribution is considerable.

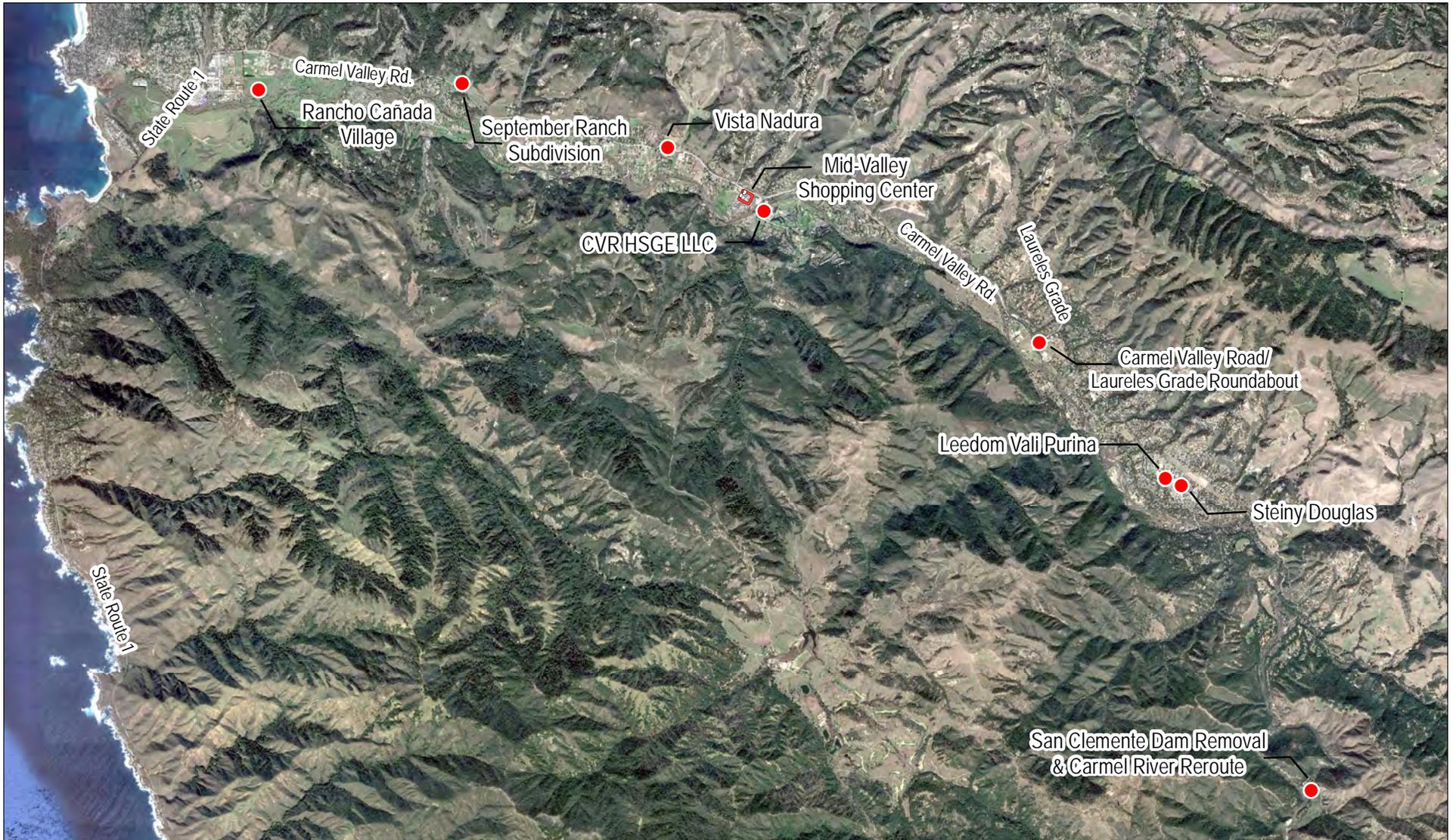
#### Air Quality

The proposed project's air quality impacts are discussed in Section 6.0, Other Environmental Effects. The proposed project could result in the following air quality impacts:

- Impact 6-1. The proposed project would generate vehicle emissions from construction equipment and worker trips, although the emissions would be minimal based upon the limited amount of construction proposed. Construction emissions are typically considered short-term, as they occur only during the construction of the project. Therefore, construction impacts would be less than significant.

#### Geographic Scope

The geographic scope for this effect is cumulative development that could generate construction-related air quality impacts within the Carmel Valley Master Plan area.



0 9500 feet



Project Site



Cumulative Projects

Source: Google Earth 2021, Monterey County GIS 2021

Footnote: 20 single-family residential projects (new construction) and one multi-family residential project are currently in review or are approved in the Carmel Valley area, and are not shown on this map.



Figure 7-1

## Cumulative Project Locations

Mid-Valley Shopping Center Design Approval Draft EIR

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## **Cumulative Impacts**

Cumulative development has the potential to generate cumulative air quality impacts associated with construction activities. While possible, it is unlikely that any of these projects would be under construction at the same time as the proposed project to create a significant cumulative construction-related air quality impact.

## **Project Contribution to Cumulative Impacts**

Construction associated with the proposed project will not cause significant air quality impacts given the short-term duration and level of construction activity required, as described in the project description of the draft EIR. Therefore, in the unlikely event that more than one project is under construction at the same time, the project's contribution would not be cumulatively considerable, due to the limited amount of construction proposed.

## **Unique Archaeological Resources**

The proposed project's impacts on unique archaeological resources are discussed in Section 6.0, Other Environmental Effects. The proposed project could result in the following unique archaeological resource impacts:

- Impact 6-2. Potential for significant impacts related to the inadvertent discovery of unique archaeological resources during project related ground disturbance and vegetation removal activities due to the sensitive archaeological project setting.

## **Geographic Scope**

The geographic scope for this effect is cumulative development that could result in impacts to unique archaeological resources within the Carmel Valley Master Plan area.

## **Cumulative Impacts**

Cumulative development has the potential to generate significant, cumulative unique archaeological resource impacts associated with ground disturbance activities, which may result in the advertent discovery of unique archaeological resources.

## **Project Contribution to Cumulative Impacts**

As identified in Section 6.0, Other Environmental Effects, under "Cultural Resources," mitigation measures 6-1 and 6-2, along with a standard condition required by the County associated with the discovery of unknown cultural resources, outline standard procedures required for all ground disturbing projects in Monterey County that would be followed to reduce the significance of impacts associated with the accidental discovery of unique archaeological resources. These standard procedures follow accepted professional standards and the requirements of CEQA for addressing unique archaeological resources. As a result, the project's contribution to this potential impact would not be cumulatively considerable.

## Historical Resources

The proposed project's impacts on historical resources are discussed in Section 5.0, Historical Resources. The proposed project could result in the following historical resource impacts:

- Impact 5-1. The Project Would "Materially Alter" the Historical Significance of the Mid-Valley Shopping Center, Resulting in a Substantial Adverse Change in the Significance of a Historical Resource.

## Geographic Scope

The geographic scope for this effect is cumulative development that could result in impacts to significant historical resources within the Carmel Valley Master Plan area.

## Cumulative Impacts

Development within the Carmel Valley Master Plan area have the potential to generate cumulative historical resource impacts associated with the material alteration or destruction of significant historical resources. When taking into consideration past, current, and future projects in Carmel Valley, in particular the already completed removal of a locally significant historical resource, the San Clemente Dam, impacts to historical resources could be considered cumulatively considerable.

## Project Contribution to Cumulative Impacts

The proposed project, if approved, would contribute to the cumulatively considerable impacts to historical resources within Carmel Valley by materially altering the historical significance of the shopping center. Therefore, the proposed project's impact to historical resources would be cumulatively considerable.

## Noise

The proposed project's noise impacts are discussed in Section 6.0, Other Environmental Effects. The proposed project could result in the following noise impacts:

- Impact 6-3. Construction of the proposed changes at the project site would require minimal demolition and construction that could temporarily increase ambient noise in the project area. Monterey County's standard condition of approval would ensure this impact would not be significant.

## Geographic Scope

The geographic scope for this effect is cumulative development that could generate construction-related noise impacts within the Carmel Valley Master Plan area.

## **Cumulative Impacts**

Cumulative development has the potential to generate cumulative noise impacts associated with construction activities. While possible, it is unlikely that any of these projects would be under construction at the same time as the proposed project to create a significant cumulative construction-related noise impact.

## **Project Contribution to Cumulative Impacts**

A condition of approval identified in Section 6.0, Other Environmental Effects, under “Noise,” outlines noise attenuation measures, which shall be implemented during construction activities to ensure construction-related noise effects on adjacent sensitive receptors are not significant. As a result, the project’s contribution to this impact would not be cumulatively considerable.

## **Transportation**

The proposed project’s traffic impacts are discussed in Section 6.0, Other Environmental Effects. The proposed project would result in the following transportation impacts:

- Impact 6-4. Increased short-term traffic levels generated by construction activities as a result of the proposed project would be less than significant.

## **Geographic Scope**

The geographic scope for this effect is cumulative development that could generate construction-related traffic impacts within the Carmel Valley Master Plan area.

## **Cumulative Impacts**

Development within the geographic scope as identified in Table 7-1 have the potential to generate cumulative transportation impacts associated with short-term traffic generated by construction activities. While possible, it is unlikely that they would combine in a cumulative context and are considered less than cumulatively significant.

## **Project Contribution to Cumulative Impacts**

Cumulative development has the potential to generate cumulative traffic impacts associated with construction activities. While possible, it is unlikely that any of these projects would be under construction at the same time as the proposed project to create a significant cumulative construction-related traffic impact.

Increased traffic levels generated by the proposed project would be limited to minimal construction activities. Construction would require increased trips on local roadways by construction vehicles and equipment; however, this increase would be limited in numbers and duration. Therefore, the project’s contribution to cumulative transportation impacts would be less-than-cumulatively considerable.

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## Significant Unavoidable Impacts

### 8.1 CEQA REQUIREMENTS

A significant adverse unavoidable environmental impact is a significant adverse impact that cannot be reduced to a less-than-significant level through the implementation of mitigation measures. CEQA Guidelines section 15093 requires that a lead agency make findings of overriding considerations for unavoidable significant adverse environmental impacts before approving a project.

CEQA Guidelines section 15093(a) requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.” CEQA Guidelines section 15093(b) states that when the lead agency approves a project that will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

### 8.2 IMPACT ANALYSIS

Based on the environmental analysis provided in this EIR, most of the significant impacts of the proposed project can be reduced to less than significant by implementing mitigation measures presented in this EIR. However, the project would result in the following significant unavoidable impact as summarized below.

#### Historical Resources

As noted in Section 5.0, Historical Resources, consistent with guidance regarding determining the significance of impacts to historical resources under §15064.5(b)(2)(A-C) of the State CEQA Guidelines, the proposed project would “materially alter” in an adverse manner those physical characteristics of the Mid-Valley Shopping Center that convey its historical significance and that justify its eligibility for including in the California Register of

Historical Resources and the Monterey County Local Official Register of Historic Resources . According to §15064.5(b)(2)(A-C) of the State CEQA Guidelines, generally, a project that follows the Secretary of the Interior's Standards for Rehabilitation, shall be considered as mitigated to a level of less-than-significant impact on the historical resource. As noted, in order to help determine the level of impact of the proposed project, Painter Preservation conducted a review of the proposed project for compliance with the Secretary of the Interior's Standards for Rehabilitation. The project as proposed, according to Painter Preservation, does not meet Standard #2, Standard #5, and Standard #9 of the Secretary of the Interior's Standards. Therefore, the project does not meet the Secretary of the Interior's Standards for Rehabilitation and is not adequately mitigated to address the significant environmental effect as proposed resulting in a significant and unavoidable environmental effect.

The alternatives analysis found in Section 10.0, Alternatives, of this EIR addresses alternative design considerations prepared by Painter Preservation that would ensure exterior alterations for the shopping center would be consistent with the Secretary of the Interior's Standards for Rehabilitation. However, no feasible mitigation was determined based on the applicant's objectives and proposed alterations and site improvements. Therefore, approval of the project as proposed would result in a significant and unavoidable impact on an historical resource. The alternatives presented in this EIR will be considered by the County Planning Commission, or Board of Supervisors on appeal, in order to consider how to mitigate, if possible, the significant and unavoidable impacts of the proposed project.

After considering the disagreement among experts, if the Planning Commission, or Board of Supervisors on appeal, considers the shopping center to be a historical resource, and chooses to approve the project as proposed, the County would be required to adopt a statement of overriding considerations, making a finding that the benefits of the project outweigh the significant adverse environmental effect. However, if the County does not consider the shopping center to be a historical resource, the County can approve the project as proposed, and a statement of overriding considerations would not be required.

## Growth Inducing Impacts

### 9.1 CEQA REQUIREMENTS

Public Resources Code Section 21100(b) (5) and CEQA Guidelines Section 15126.2(d) require a discussion in the EIR of the growth-inducing impacts of a proposed project. The EIR must discuss the ways in which the project may directly or indirectly foster economic or population growth or additional housing in the surrounding environment, remove obstacles to growth, tax existing community services facilities, or encourage or facilitate other activities that cause significant environmental effects, either individually or cumulatively. Direct growth-inducing impacts result when the development associated with a project directly induces population growth or the construction of other development within the same geographic area.

The analysis of potential growth-inducing impacts includes a determination of whether a project would remove physical obstacles to population growth. This often occurs with the extension of infrastructure facilities that can provide services to new development. In addition to direct growth-inducing impacts, an EIR must also discuss growth-inducing effects that will result indirectly from the project, by serving as catalysts for future unrelated development in an area. Development of public institutions and the introduction of employment opportunities within the same geographic area are examples of projects that may result in growth-inducing impacts.

An EIR's discussion of growth-inducing effects should not assume that growth is necessarily beneficial, detrimental, or of little significance to the environment. An EIR is required to discuss the ways in which the proposed project could foster growth.

### 9.2 IMPACT ANALYSIS

The proposed project is located entirely within the existing Mid-Valley Shopping Center. The proposed exterior alterations would serve businesses, within existing buildings, located at the Mid-Valley Shopping Center. While the applicant's project objectives include increasing the overall use of the shopping center over time partially with implementation of the currently proposed exterior modifications and site improvements, there is no evidence to indicate that the addition of these exterior alterations and improvements at the shopping center would facilitate a substantial increase in population in Carmel Valley and

unincorporated Monterey County more generally. Should changes to the shopping center increase foot traffic, it would come from existing residents and visitors. For these reasons, the proposed project would not foster or stimulate significant economic or population growth in the surrounding environment.

In addition, the project site is located in unincorporated Monterey County and implementation of the project would not result in an expansion of urban services. The project would not open undeveloped land to further growth or provide expanded utility capacity that would be available to serve future unplanned development. Development of the project would be restricted to the site boundaries. Existing utility lines and service providers would continue to be available to accommodate the existing and possible new businesses located at the shopping center. The project would not encourage or facilitate other activities that would cause significant environmental effects. Therefore, the proposed project would not represent significant direct or in-direct growth-inducing impacts.

# 10.0 Alternatives

## 10.1 CEQA REQUIREMENTS

CEQA Guidelines section 15126.6(a) requires a description of a range of reasonable alternatives to the proposed project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. It also requires an evaluation of the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project, but must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation.

CEQA Guidelines section 15126.6(b) further requires that the discussion of alternatives focus on those alternatives capable of eliminating any significant adverse environmental impacts or reducing them to a level of insignificance, even if these alternatives would impede to some degree the attainment of the project objectives or would be more costly. The EIR must present enough information about each alternative to allow meaningful evaluation, analysis and comparison with the proposed project. If an alternative would cause one or more significant effects in addition to those that would be caused by the project as proposed, the significant effects of the alternative shall be discussed, but in less detail than the significant effects of the project as proposed.

## 10.2 PROJECT OBJECTIVES AND SIGNIFICANT IMPACTS

As discussed above, alternatives must be able to meet most of the basic objectives of the project and avoid or substantially lessen any of the significant effects of the project. Therefore, the proposed project objectives and significant effects are summarized here.

### Objectives

The proposed exterior alterations at the Mid-Valley Shopping Center, as proposed by the applicant, are intended to achieve the following objectives:

- Revitalize an otherwise stale and outdated center to assure its economic viability and growth;
- Provide a local job base, especially for local residents seeking employment;

- Bring an overall consistency to the design of the center while allowing for individual diversity and identification of businesses;
- Modernize and increase energy efficiency to reduce the carbon footprint of the shopping center;
- Attract new businesses and retain existing businesses that provide goods and services to local residents; and
- Provide a range of businesses that would allow local residents to shop and meet in one location rather than traveling to other properties thereby reducing traffic and related issues.

### **Significant and Unavoidable Impacts**

- Historical Resources Impact 5-1. The project would “materially alter” the historical significance of the Mid-Valley Shopping Center, resulting in a substantial adverse change in the significance of a historical resource (project and cumulative impacts).

### **Significant Impacts Reduced to a Less-than-Significant Level with Mitigation**

- Cultural Resources Impact 6-1. Potential for impacts related to the inadvertent discovery of archaeological resources during project related ground disturbance and vegetation removal activities due to the sensitive archaeological project setting (project and cumulative impacts).

## **10.3 ALTERNATIVES CONSIDERED BUT REJECTED**

CEQA Guidelines section 15126.6(f)(2) identifies considerations for evaluating an alternative project location. Among these are whether any of the significant effects of the project would be avoided or substantially lessened and whether feasible alternative locations exist.

Feasibility is described in section 15126.6(f)(1) and includes factors such as site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

### **Alternative Location**

An alternative location for the proposed improvements at the shopping center are specific to the existing shopping center location, and therefore, the proposed changes at the shopping center would not be applicable at any other location. Additionally, an alternative project location (i.e., an alternative location for construction of a new shopping center) is not a feasible alternative as there are no readily available alternate locations in Carmel Valley for a new shopping center to be constructed. Therefore, the alternate project location was rejected for evaluation.

## **Affordable Housing Project**

In addition, the County general plan designation for the project site (“Visitor Accommodations/Professional Offices”) includes an Affordable Housing Overlay (AHO) which would allow an affordable housing development. The general plan notes “the minimum density for an Affordable Housing Overlay project shall be 6 units per acre, up to a maximum of 30 units per acre. An average density of 10 units per acre or higher shall be provided” (Monterey County 2010, p. LU-9). The project site is approximately 6 acres and therefore, could accommodate between 36 and 180 affordable housing units. Consideration of an affordable housing project on the site as a project alternative was not considered as such an alternative would not meet any of the project objectives and would likely result in greater environmental effects including impacts to a potentially significant historical resource). Additionally, a 36- to 180-unit housing project alternative could result in greater impacts associated with air quality, greenhouse gas emissions, vehicle miles traveled, water demand, sewer generation, and impacts to public services (police, fire, parks, and schools). Therefore, the alternate project location was rejected for evaluation.

## **10.4 ALTERNATIVES CONSIDERED**

The following alternatives to the project are considered:

1. Alternative 1: No Project (Return to Baseline Conditions); and
2. Alternative 2: Design Modifications to Proposed Exterior Alterations in Compliance with the Secretary of the Interior’s Standards.

Each of these alternatives is described below, followed by an analysis of how each alternative may reduce impacts associated with the proposed project.

### **Alternative 1: No Project (Return to Baseline Conditions)**

CEQA Guidelines section 15126.6 (e) requires the “No Project” alternative be evaluated along with its impacts. The “No Project” alternative analysis must discuss the existing conditions, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.

#### **Alternative Description**

The “no project” alternative assumes that the proposed project would not occur and that the white paint and Hardie Board (hardiplank) that was added without a permit would be removed. This would return the shopping center to its “baseline” condition prior to the unpermitted alterations that occurred in 2019 (see discussion of baseline conditions in Section 3.0, Environmental Setting). All proposed exterior alterations to the shopping center would not occur under the no project alternative.

## **Alternative's Attainment of Project Objectives**

While this alternative would not change the shopping center's ability to continue to operate as it currently does, this alternative would not permit the applicant to revitalize or modernize the shopping center as stated in the applicant's objectives. However, returning the shopping center to its baseline conditions would still allow for attracting new businesses, providing a local job base, and providing a range of businesses to local in one central location. Therefore, the "no project" alternative, while still meeting some of the applicant's objectives, does not meet all objectives particularly those that would require design and visual modifications to the shopping center, as well as allowing for individual diversity and identification of businesses, that may attract a greater diversity of businesses and visitors/customers.

## **Historical Resources**

This alternative would not result in any impacts to historical resources, as there would be no exterior alterations to the Mid-Valley Shopping Center and all previous unpermitted alterations would be removed from the exterior of Building C.

## **All Other Environmental Issues**

The "no project" alternative would result in minor alterations to remove paint with other improvements installed without a permit. Minor construction-related noise and traffic would occur at reduced level compared to the proposed project. No other exterior alterations or ground disturbance of any kind would occur to the Mid-Valley Shopping Center. Therefore, the "no project" alternative would result in no impact as relates to all other environmental effects addressed in Section 6.0, Other Environmental Effects.

## **Alternative 2: Design Modifications to Proposed Exterior Alterations in Compliance with the Secretary of the Interior's Standards**

### **Alternative Description**

Under this alternative, certain proposed exterior alterations to the Mid-Valley Shopping Center would be modified to ensure consistency with the Secretary of the Interior's Standards. These modifications have been identified by Painter Preservation in a September 2021 memorandum to EMC Planning Group (see [Appendix K](#)). As noted in the memorandum, Painter Preservation had developed a list of features that characterize the important qualities of the center, roughly in order of priority in their 2020 historic resource evaluation. These character-defining features consist of the following:

- Stepping roof forms with shingle cladding and deep, overhanging eaves;
- Hipped eave returns on Building A (Safeway);

- Cross hip roofs of Building E and its canopy;
- Hip roof with decorative parapet on Building D;
- Large corner pylon sign at Building D;
- Open timber framing and extended rafter ends on building eaves and at walkways;
- Continuous columns at walkways and pilasters on Building D with their concrete and exposed aggregate finishes and geometric design, including the natural colors of the aggregate finishes;
- Glass curtain wall on Building A (Safeway);
- Original anodized aluminum window framing where it exists;
- Exposed aggregate concrete walls with intaglio detailing (Buildings A and C), including the natural colors of the aggregate finishes;
- Stucco cladding and decorative batten patterns on Buildings D and E;
- Simple hardscape (pavement, steps, integral planters) and [original] landscape features at the courtyard and surrounding pedestrian areas;
- Original planting beds throughout the center;
- Integrated parking and drive areas that serve different aspects of the center; and
- Design of the original low monument sign at Carmel Valley Road and Dorris Drive.

This list of character-defining features provides the basis for developing an alternative that does not impact the significance of the historic shopping center. Painter Preservation further identifies the qualities that are important to retain in the center. These include the roof forms and materials; the framing design; the concrete work, that is, its quality of design and material expression; the repetition of columns and pilasters; the simplicity of the landscape and hardscape features; and the monument sign. Design modifications, identified by Painter Preservation, which would fulfill the goal of preserving the shopping center's character-defining features and would be consistent with the Secretary of the Interior's Standards, include the following:

1. Remove the existing white paint and Hardie Board (hardiplank) that obscures the color, material quality and design of the existing concrete and concrete aggregate and intaglio patterning of the columns and surfaces;
2. Protect those features outlined in the list of character-defining features above;
3. Ensure compatibility with the historic features, achieved through the following design modifications:

- a. Prohibit modifications to the design and material quality of the building roofs with the addition of 'pop-up' signage and removal of roof cladding. Prohibit the substitution of metal roofs for shingle roofs;
- b. Retain the design and material quality of the building roofs. Signs on the roof should only be allowed if designed consistent with the Secretary of the Interior Standards;
- c. Prohibit exterior painting that would otherwise obscure the design and material qualities of the concrete, rustic timbers, and their joinery. Prohibit hardiplank imitating rustic wood that obscures 'real' materials in the center;
- d. Retain the exterior design and material qualities of the concrete, rustic timbers, and their joinery. Hardiplank imitating rustic wood that obscures the original materials should not be allowed;
- e. Maintain the covered walkway, which not only protects pedestrians from sun and rain but also defines the public spaces and outdoor eating area, preventing these outdoor areas from looking like an extension of the parking lot and further, creates a visual corridor connecting the two anchors of the shopping center, the Safeway and the former theater;
- f. Maintain the existing overhangs;
- g. Prohibit the painting of the natural materials of the center, which are in good condition and are part of its aesthetic quality. In particular, prohibit the painting of the shopping center in pastel shades that counter its aesthetic and natural qualities;
- h. Maintain the shopping center's existing simple landscape design;
- i. Prohibit colorful plastic play features that do not relate to the existing simple landscape design;
- j. Drought tolerant landscape materials should be encouraged;
- k. Discourage the removal of existing landscaping that screens service areas from the surrounding neighborhood; and
- l. Create a display for shopping center visitors presenting the historical nature of the shopping center in order to promote heritage tourism by highlighting Monterey County's diverse cultural background and the use of historic resources for the enjoyment, education, and recreational use of visitors to Monterey County.

By implementing the design modifications listed above, Alternative 2 would accomplish the following goals:

1. remove the recent painting and hardiplank that affect the shopping center's historic qualities;
2. protect the character-defining qualities of the shopping center; and
3. inform the development of potential design modifications that are compatible with the historic qualities of the center.

This alternative would require careful consideration of an alternative design to achieve all or most of the project objectives while preserving the historic character of the shopping center. Some improvements could occur to rehabilitate the shopping center and make it useful and functional in current context while preserving historic features. If this alternative is considered, revised plans will be developed by the applicant and reviewed by the County as part of the permit review process.

### **Consistency with Applicable County Policies**

This alternative would be consistent with the following applicable County policies:

PS-12.13 Repair or rehabilitation of historic structures may be permitted upon determination that the proposed improvements shall not preclude the structure's continued designation as a historic structure or that appropriate mitigation measures have been taken to comply with the Secretary of the Interior's Standards.

PS-12.17 Heritage tourism shall be promoted by highlighting Monterey County's diverse cultural background and the use of historic resources for the enjoyment, education, and recreational use of visitors to Monterey County.

### **Alternative's Attainment of Project Objectives**

This alternative would meet some of the objectives of the proposed project. While this alternative would not change the shopping center's ability to continue to operate as it currently does, this alternative may not permit the applicant to revitalize or modernize the shopping center as stated in the applicant's objectives. However, this alternative would still allow for some exterior alterations, consistent with the Secretary of the Interior's Standards. In addition, this alternative would still allow for the attraction of new businesses, providing a local job base, maintain a consistency in design across the shopping center buildings, and providing a range of businesses to local in one central location. Therefore, this alternative, while still meeting some of the applicant's objectives, does not meet all objectives particularly those that call for design and visual modifications to the shopping center that may attract a greater diversity of businesses and visitors/customers though are not consistent with the Secretary of the Interior's Standards.

## Historical Resources

Implementation of the design modifications above would ensure the proposed project would be consistent with the Secretary of the Interior’s Standards and would not result in significant impacts associated with historical resources. Submittal of revised plans reflecting these modifications will require review and approval by a qualified architectural historian selected by the County to ensure consistency with the Secretary of the Interior’s Standards.

## All Other Environmental Issues

This alternative would result in design modifications to the proposed exterior alterations at the Mid-Valley Shopping Center. All other environmental effects addressed in Section 6.0, Other Environmental Effects, would be the same as for the proposed project.

## 10.5 COMPARISON OF ALTERNATIVES

The alternatives are summarized and compared in a matrix format in [Table 10-1, Project Alternative Summary](#).

## 10.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Alternative 1, the “no project” alternative, would result in no exterior modifications to the Mid-Valley Shopping Center and would require the applicant to reverse unpermitted changes that have already occurred. The “no project” alternative would result in no impact to historical resources and would result in minor temporary construction-related impacts to restore unpermitted work at the shopping center. No other impacts for all other environmental resources would occur. Therefore, the “no project” alternative is the environmentally superior alternative. However, the “no project” alternative only partially meets the applicant’s objectives.

Alternative 2, Design Modifications to Proposed Exterior Alterations in Compliance with the Secretary of the Interior’s Standards, would result in modifications to proposed exterior alterations to ensure compliance with the Secretary of the Interior’s Standards and to adequately mitigate historical resource impacts as a result of the proposed project to a less-than-significant level. All other environmental effects would result in similar levels of impact as the proposed project. Alternative 2 only partially meets the applicant’s project objectives.

**Table 10-1 Comparison of Project Alternatives to the Proposed Project**

Environmental Impact	Proposed Project  Level of Impact	Alternative #1 No Project (Return to Baseline Conditions)	Alternative #2 Design Modifications to Proposed Exterior Alterations in Compliance with the Secretary of the Interior’s Standards
<b>Unique Archaeological Resources</b>			
<b>Impact 6-2.</b> Potential for impacts related to the inadvertent discovery of archaeological resources during project related ground disturbance and vegetation removal activities due to the sensitive archaeological project setting	LTSM	NI	LTSM
<b>Historical Resources</b>			
<b>Impact 5-1.</b> The project would “materially alter” the historical significance of the Mid-Valley Shopping Center, resulting in a substantial adverse change in the significance of a historical resource	SU	NI	NI or LTS
<b>Project Objectives</b>	Met	Partially Met	Partially Met

SOURCE: EMC Planning Group 2021

NOTE: NI – No Impact; LTS – Less Than Significant; LTSM – Less-Than-Significant with Mitigation; SU – Significant and Unavoidable

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Historic Resource Evaluation Preparation, Review for Compliance with the Secretary of Interior's Standards, and Alternatives Memorandum

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## **APPENDIX A**

### NOTICE OF PREPARATION AND RESPONSES TO NOTICE OF PREPARATION

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Alternatives that can fulfill these goals can include following.

- 1) Remove the existing white paint and hardiplank that obscures the color, material quality and design of the existing concrete and concrete aggregate and intaglio patterning of the columns and surfaces.
- 2) Protect those features outlined in the list of character-defining features prepared as part of the HRE and the Secretary of Interior's Standards analysis.
- 3) Ensure compatibility with the historic features, achieved through the following (correlate these suggestions with the goals above, 1-3):
  - a. Do not change the design and material quality of the building roofs through adding 'pop-up' signage and removing roof cladding. Do not substitute metal roofs for shingle roofs.
  - b. Do not paint and otherwise obscure the design and material qualities of the concrete, rustic timbers, and their joinery. Do not add hardiplank imitating rustic wood that obscures 'real' materials in the center.
  - c. Do not remove the covered walkway, which not only protects pedestrians from sun and rain but also defines the public spaces and outdoor eating area, preventing them from looking like an extension of the parking lot and further, creates a visual corridor connecting the two anchors of the shopping center, the Safeway and the former theater. Do not remove existing overhangs, for the same reason.
  - d. Do not paint the natural materials of the center, which are in good condition and are part of its aesthetic. In particular, do not paint the shopping center in pastel shades that counter its aesthetic and natural qualities.
  - e. Do not create colorful plastic play features that do not relate to the existing simple landscape design. Drought tolerant landscape materials are a good idea, but removal of existing landscape that screens service areas from the surrounding neighborhood is in general not a good idea.
- 4) Reversing changes to the center that were made in the past are not required as part of this project but may be advantageous. They include 1) removing the mini-storage facility from the theater and replacing it with uses that generate pedestrian traffic; 2) restoring the front façade and public space at the theater; and 3) restoring the original appearance of the pharmacy (now a Goodwill).

This analysis provides direction to the project architect for redesigning the proposed project in order to preserve its historic integrity and make it an attractive feature of the neighborhood. The project can be redesigned to both protect the resource and achieve the project's goals.

Sincerely,



Diana J. Painter, PhD