

Attachment B

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DRAFT RESOLUTION

Before the Board of Supervisors in and for the County of Monterey, State of California

In the matter of the application of:

MID VALLEY PARTNERS LLC/MID-VALLEY SHOPPING CENTER

RESOLUTION NO. ----

Resolution by the Monterey County Board of Supervisors certifying an Environmental Impact Report prepared for the Mid-Valley Shopping Center Design Approval (PLN190480) [Mid-Valley Shopping Center, 9550 Carmel Valley Road, Carmel (APN: 169-243-007-000)]

A determination of eligibility for listing on the Monterey County Register of Historic Resources for the Mid-Valley Shopping Center in Carmel Valley came on for public hearing before the Monterey County Board of Supervisors on June 14, 2022. In consideration of the eligibility determination and all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors finds as follows with respect to the Environmental Impact Report:

FINDINGS

1. **FINDING:** **PROCESS** – An Environmental Impact Report (EIR) has been prepared for the Mid-Valley Shopping Center Design Approval project in Carmel Valley pursuant to the requirements of the California Environmental Quality Act (CEQA).
EVIDENCE: a) Location: The “Mid-Valley Shopping Center” or “Shopping Center” is located at 9550 Carmel Valley Road, Carmel approximately midway between Highway 1 and the Carmel Valley Village. The shopping center provides approximately 68,000 square feet of shops with a large central parking area. As described in the historic reports, the Shopping Center is comprised of 5 different buildings or blocks. Each building or “block” is identified with either a number or letter, depending on the report; Building A/1, anchored by Safeway, Building B/2, connected by a breezeway to Building A/1 and containing multiple tenant spaces including Jeffery’s restaurant at the southeast corner of the property; Building C/3, formerly anchored by the cinema along the eastern side of the property; Building D/4, currently an Ace Hardware store; and Building E/5, an auto repair center.
b) Project: On May 8, 2019, following issuance of a stop-work notice placed by the County of Monterey for work performed without a permit (wrapping concrete columns with hardy board and painting the exterior of buildings at the mid Carmel Valley shopping center), Mid Valley

Partners LLC (property owners) submitted an application for a Design Approval to clear the violation and allow:

Facade upgrades and site improvements at the Mid Valley Shopping Center including:

- New paint around the window trims and roof facia;
- Wrapping select aggregate concrete columns in a hardy board material that mimics rough-sawn siding;
- Removal of the “breezeway” or overhead roof element connecting Building A and Building C;
- Removal of portions of the roof at the front of tenant spaces exposing rafters in these areas on Buildings A, B & C to provide better visibility of the tenant spaces;
- Construction of a new dormer with metal roof on Building C;
- New entry roof gable with standing seam metal roof on Building C;
- The roof areas at 6 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 windows on Building C;
- New rollup doors on Buildings B and A; and
- New exterior paint colors, new wood vertical siding at walls and select columns.

The proposed colors include 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.

This resolution applies only to the certification of the EIR prepared for the project. Action on the above-described Design Approval request and a determination by the Board of Supervisors regarding historic significance of the shopping center will be considered separately following certification of the EIR.

- c) Competing Historian Opinions: Buildings A/1, B/2, and C/3 of the Mid-Valley Shopping Center were constructed circa 1966/67, which is more than 50 years ago. According to the National Register criteria, 50 years is usually the amount of time that is needed to understand historic contexts of a building. Furthermore, properties that have archived significance within the past 50 years are usually not eligible for listing on the National Register. Additionally, during the course of review of this application, comments were received from the Carmel Valley Association (CVA) indicating that the Mid-Valley Shopping Center may be an historic resource. Because most of the buildings at the Mid-Valley Shopping Center are more than 50 years old, and in response to the CVA comment, Russ Stanley acting on behalf of Mid Valley Partners LLC hired historian Dr. Anthony Kirk to prepare an historic

analysis. In a letter dated September 18, 2019 submitted to the County of Monterey Housing & Community Development Department (HCD), Dr. Kirk provides a discussion of the shopping center that supports a conclusion that it does not meet the criteria for designation as an historic resource (Appendix C to the Draft EIR).

Separately, the CVA hired the firm of Page & Turnbull to conduct an historic assessment of the Mid-Valley Shopping Center. In a memorandum submitted to HCD dated October 29, 2019, Dr. Stacy Kozakavich from Page & Turnbull prepared a preliminary opinion of significance and found that the shopping center qualifies for listing as an historic resource for its design by architect Olaf Dahlstrand (Appendix D to the Draft EIR).

In addition to the two reports described above, more reports prepared by qualified historians have been prepared and submitted to HCD during review of this project. These reports include:

- Dr. Anthony Kirk Rebuttal to Page & Turnbull Preliminary opinion dated November 4, 2019 (Appendix E of the Draft EIR);
- Phase I Historic Assessment prepared by Page & Turnbull dated November 18, 2019 (Appendix F of the Draft EIR);
- Dr. Laura Jones Mid Valley Shopping Center Review of Historic Significance Findings dated October 16, 2020 (Appendix G of the Draft EIR);
- Letter to Brandon Swanson prepared by Dr. Anthony Kirk dated January 3, 2020 (contained in the Final EIR)
- Dr. Anthony Kirk Updated Historic Evaluation and Response to Report Written by Dr. Jones, dated November 4, 2020 (Appendix H to the Draft EIR);
- Painter Preservation Historic Resources Evaluation (HRE) and Phase I Assessment prepared by Dr. Diana Painter dated December 21, 2020 (Appendix I of the Draft EIR);
- Painter Preservation Review for Compliance with the Secretary of the Interior's Standards dated January 12, 2021 (Appendix J of the Draft EIR); and
- Modern Resources Letter of Memorandum prepared by Dr. Barbara Lamprecht dated April 10, 2021 (Submitted as a comment on the Draft EIR and contained in the Final EIR);
- Letter to Dale Ellis from Dr. Anthony Kirk dated December 14, 2021 (Contained in the Final EIR).

In summary, Dr. Anthony Kirk, Dr. Laura Jones, and Dr. Barbara Lamprecht have all prepared letters at the request of the property owner finding that the Mid-Valley Shopping Center does not qualify as an Historic Resource. Dr. Lynn Kozakavich (hired by CVA) and Dr. Diana Painter (Contracted with the County through EMC Planning Group) both prepared reports supporting a conclusion that the Shopping Center does qualify as an historic resource. The main points of disagreement

between the historians are the recognition of Olof Dahlstrand as a “master architect” and wheatear or not the Shopping Center retains “integrity” of its original design.

- d) Decision to prepare an EIR: Due to competing historian (expert) opinions, and EIR was required for the project pursuant to Section 15064(g) of the CEQA Guidelines.
- e) Notice of Preparation (NOP): Pursuant to Section 15082 of the CEQA Guidelines, a NOP was posted with the Monterey County Clerk’s Office and transmitted to the State Clearing House (SCH#2020090480) on September 24, 2020 starting a 32 day comment period on the NOP ending on October 26, 2020. The NOP included a description of the Design Approval project, maps and text identifying the location of the project, and a list of probable environmental effects of the project which were focused on potential impacts to historic resource. The NOP and comments received on the NOP are attached to the Draft EIR as Appendix A.
- f) Public Scoping Meeting: A Public Scoping Meeting was held on October 9, 2020 via Zoom at which time all interested parties were given the opportunity to attend and comment on the scope of the EIR and potential issues to be considered. Information on the time and a link to the electronic meeting were provided in the NOP.
- g) Draft EIR Preparation: On July 28, 2020, the Board of Supervisors approved a Professional Services Agreement (PSA) with EMC Planning Group to prepare the EIR (Agreement No. A-14925). On the same day, the Board of Supervisors approved a Funding Agreement (FA) with the applicant to pay for the costs of preparing the EIR (A-14926). The applicant deposited a check and EMC began working on the NOP/NOC and drafting of the EIR.
- h) Consultation: No Responsible Agencies have been identified for the proposed project. There would be no impacts on roads or highways, there are no nearby cities that may be affected by the project, and there are no other agencies that would issue permits for the proposed work. Comments were received on the NOP from the Native American Heritage Commission (NAHC) describing the need for consultation with Native American Tribes. The County provided notice of the decision to prepare an EIR to the Ohlone, Coastanoan, Esselen Tribe (OCEN) and to the Esselen Tribe of Monterey County ETMC). After notice of the project was provided to these tribes, County staff confirmed with tribal representatives that there were no concerns regarding tribal cultural resources for this project. County staff also reached out to the California Office of Historic Preservation (OHP) during review of this project because the project potentially impacts an historic resource.

- i) Public Review of Draft EIR: A Draft EIR was prepared for the project and on November 24, 2021 the County of Monterey published a Notice of Availability (NOA) of the Draft EIR in the Monterey County Weekly, caused notices of the NOA to be posted at the site, and mailed the NOA to neighboring property owners and all persons who requested notice of the project. At the same time a Notice of Completion (NOC) was prepared and transmitted to the State Clearinghouse. Copies of the Draft EIR along with all the appendices, were provided to the Monterey County Free Public Library in Carmel Valley, were available at the County of Monterey Housing & Community Development (HCD) Department in Salinas and were posted on the HCD website. Posting of the NOA and transmittal of the NOC began a 47 day public comment period which ended on January 10, 2022. The NOA provided information on the project location, project description, places where the documents were available for review, the public review time period, a description of potential significant effects of the project, County contact information, and instructions for how to submit comments.
- j) Impacts: The Draft EIR found that there was a potentially significant and unavoidable impact to an historic resource from the project. All resources were not impacted or found to have a less than significant impact on the environment. The significant impact would occur if the Board of Supervisors finds that the shopping center is an historic resource.
- k) Alternatives: Alternatives to the project considered in the Draft EIR include:
- “No Project” which would require restoration of the site to its pre-violation state; and
 - “Design Modifications” which would require redesigning the proposed project to meet the Secretary of the Interior’s Standards.

Alternatives considered but rejected in the Draft EIR include:

- “Alternative Location”; and
- “Affordable Housing Project”.

These alternatives were rejected because they are not feasible (alternative location) or they would not be meaningful as an alternative because they would not reduce impacts identified in the EIR (Affordable Housing Project).

The “No Project” alternative was identified as the environmentally superior alternative because it would not impact the potential historic resource and would involve only minor changes to reverse unpermitted changes. See Finding 4 with supporting evidence.

- l) Evaluation of Comments on the Draft EIR: During the public review period on the Draft EIR, four comment letters were received. The County of Monterey has evaluated those comments. The comments and responses to those comments are included in the Final EIR for the

project. The County's analysis of these comments resulted in some proposed revisions to the text in the body of the EIR which are also provided in the Final EIR. The Board of Supervisors has received and considered the communications submitted. The EIR serves as an extended set of findings. By certifying the EIR, the Board of Supervisors indicates its agreement with its contents.

m) No Recirculation Required: After review and evaluation of the comments received on the Draft EIR, the County of Monterey determined that recirculation is not required. The four comments received on the Draft EIR included:

- A letter from CVA;
- Two letters from residents on Center Street, neighboring the Shopping Center; and
- A letter from the applicant's representative.

These comments did not raise any new significant environmental impacts that would result from the project that were not already considered in the Draft EIR. There were no increases the severity of impacts identified beyond what was considered in the Draft EIR; and no new alternatives that are considerably different from those already considered have been identified. The Draft EIR was adequate to provide for meaningful public review in this case.

The letter from the CVA agreed with the Draft EIR and supported a project alternative described in the Draft EIR. The letters from the neighbors urged for improvements that buffer the shopping center from adjacent residential areas, which are improvements proposed by the applicant and shown in the project plans that were attached to the Draft EIR. The only comment indicating inadequacies of the Draft EIR came from the applicant's representative.

In response to comments from the applicant's representative, revisions to the Draft EIR are proposed that clarify and amplify the discussion contained in the EIR including:

- Changes to the Environmental Setting specifically listing past exterior alternations to the Shopping Center;
The fact that alterations have been made to the shopping center between 1966 and now was recognized in the Draft EIR. These revisions clarify and amplify that discussion by listing the specific changes overtime.
- Changes to the Project Description providing full quote of the Design Approval zoning purpose;
A partial quote of the Design Approval purpose was included in the Draft EIR. This change deletes the partial quote and adds the full text.
- Changes to Historical Resources to provide a full quote of Section 15064.5 of the CEQA Guidelines and recognize the

potential economic considerations of determining the site historic;

A partial quote of the CEQA guidelines was included in the Draft EIR. This change deletes the partial quote and adds the full text. The change also describes the likely outcome of a historic determination as it relates to the current and potential future improvements at the shopping center.

- Clarification on the no project alternative by deleting one sentence; and

This change deletes an extraneous sentence without changing the substance.

- Inclusion of a new mitigation measure (MM 5-1) that requires an onsite photo display highlighting the history of the Shopping Center and the work of Olof Dahlstrad.

This new mitigation measure would be a consolation for the significant impacts of the proposed project on the historic resources. Inclusion of the mitigation measure would not reduce the identified impact to a less than significant level.

The above-described revisions to the Draft EIR are limited to a few chapters or portions of the EIR that do not introduce significant new impacts or information.

- n) Final EIR: A Final EIR was completed on May 16, 2022. The Final EIR contains comments received on the Draft EIR, responses to those comments, and proposed revisions to the text of the Draft EIR. A copy of the Final EIR was made available to the applicant and to those who requested notice more than 10 days before the Board of Supervisors considered certification of the EIR.
- o) EIR: The Environmental Impact Report (EIR), consisting of a Draft EIR and a Final EIR, is on file in the offices of HCD and is hereby incorporated by reference.
- p) The application, project plans, and related support materials submitted by the project applicant to Monterey County HCD for the proposed development found in Project File PLN190140.

2. **FINDING:** **CEQA-CERTIFICATION OF THE FINAL EIR** – Pursuant to Section 15090 of the CEQA Guidelines, prior to approving a project the lead agency shall certify that: a) The Final EIR has been completed in compliance with CEQA; b) 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 c) the Final EIR reflects the lead agency’s independent judgment and analysis.

EVIDENCE: a) Public Resources Code Section 21080(d) and CEQA Guidelines Section 15064(a)(1) require environmental review if there is substantial evidence that the project may have a significant effect on the

environment. CEQA requires preparation of an environmental impact report if there is substantial evidence in light of the whole record that the project may have a significant effect on the environment.

- b) The Final EIR was completed in compliance with CEQA. See Finding 1 with supporting evidence.
- c) A Final EIR (FEIR) was presented to the Board of Supervisors and to commenting agencies on June 14, 2022. The document was presented to the Board of Supervisors for its consideration in making a decision on the eligibility for listing of the Mid-Valley Shopping Center on the Monterey County Register of Historic Resources. A determination that the property is eligible for listing would qualify the site as an historic resource pursuant to CEQA. The Board of Supervisors held a public hearing on June 14, 2022, at which time the Board certified the Final EIR. The Board of Supervisors reviewed and considered the information contained in the FEIR prior to making the eligibility determination. Action on the Design Approval project will be considered separately from the eligibility determination.
- d) Evidence that has been received and considered includes: the application, technical studies/reports (see Finding 1), staff reports that reflect the County's independent judgment, and information and testimony presented during public hearings (as applicable). These documents are on file in HCD (PLN190140) and are hereby incorporated herein by reference.
- e) Staff analysis contained in the EIR and the record as a whole indicate the project could result in changes to the resources listed in Section 753.5(d) of the Department of Fish and Wildlife (DFW) regulations. All land development projects that are subject to environmental review are subject to a State filing fee plus the County recording fee, unless the Department of Fish and Wildlife determines that the project will have no effect on fish and wildlife resources.

For purposes of the Fish and Game Code, the project could potentially have a significant adverse impact on the fish and wildlife resources upon which the wildlife depends. State Department of Fish and Wildlife had the opportunity to review the EIR to comment and recommend necessary conditions to protect biological resources in this area. No comments were submitted. The project will be required to pay the State fee plus a fee payable to the Monterey County Clerk/Recorder for processing said fee and filing the Notice of Determination (NOD) pursuant to CEQA Guidelines Section 15094.

- f) The County prepared a Final Environmental Impact Report ("Final EIR") dated May 16, 2022. The Final EIR document responds to comments received during the recirculation period. The Final EIR was released to the public on or before May 18, 2022 and responds to all significant environmental points raised by persons and organizations that commented on the Draft EIR. The County has considered the comments received during the public review period for the Draft EIR and, in the Responses to Comments document, provided responses to the comments received pursuant to CEQA Guidelines Section 15088. The

- g) Monterey County Housing & Community Development Department, located at 1441 Schilling Place, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.
- h) Draft Environmental Impact Report (“DEIR”) for the Mid-Valley Shopping Center (PLN0190140), which was circulated for public review from November 21, 2021 through January 10, 2022 (SCH#2020090480) and Final EIR (“FEIR”) for the Mid-Valley Shopping Center Design Approval, dated May 16, 2022.

3. **FINDING:** **EIR-ENVIRONMENTAL IMPACTS NOT MITIGATED TO LESS THAN SIGNIFICANT** – The project would result in significant and unavoidable impacts that would not be mitigated to a less than significant level even with incorporation of mitigation measures from the EIR into the conditions of project approval, as further described in this finding. The project will result in adverse changes to a potentially significant historic resource.

EVIDENCE: a) Substantial evidence has been provided indicating that the Mid-Valley Shopping Center may be considered an historic resource at the local level of significance. The Board of Supervisors is the appropriate authority to declare an historic resource and to determine eligibility for listing on the Monterey County Register of Historic Resources (Section 18.25.070 of the Monterey County Code). If the Shopping Center is determined to be an historic resource, the proposed project would adversely affect that historic resource by altering the character defining features of the buildings to the extent that it would no longer be eligible for listing. According to the report prepared by Dr. Diana Painter of Painter Preservation dated January 12, 2021 (Appendix J of the Draft EIR), the character defining features of the Mid-Valley Shopping center are:

- 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;
- Larger corner pylon sign ant 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;
- 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.

As it has been proposed, the Design Approval would alter roof features by changing roof materials, adding dormers with signs, removing covered walkways, changing the colors with white paint on exposed aggregate features, demolishing and changing the building eaves, and replacing nearly all of the landscaping. These changes would represent a significant adverse alteration to the Mid-Valley Shopping Center if it is found to be historic. 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.

- b) Draft Environmental Impact Report (“DEIR”) for the Mid-Valley Shopping Center (PLN0190140), which was circulated for public review from November 21, 2021 through January 10, 2022 (SCH#2020090480) and Final EIR (“FEIR”) for the Mid-Valley Shopping Center Design Approval, dated May 16, 2022.
- c) Mitigation Measures have been identified to provide mitigation, to the extent feasible. Mitigation requires an onsite photo display highlighting the history of the Shopping Center and the work of Olof Dahlstrad. This mitigation would not decrease the significance of the impacts identified to a less than significant level.
- d) Project alternatives exist that would avoid or further reduce the impact to the historic structures. See Finding 4 below.

4. **FINDING:**

EIR-CEQA ALTERNATIVES TO THE PROPOSED

PROJECT - The EIR evaluated a reasonable range of potentially feasible alternatives to the proposed project in compliance with CEQA Guidelines section 15126.6. The EIR considered the alternatives described below and as more fully described in the DEIR. The DEIR identified that the No Project Alternative was the environmentally superior alternative. In accordance with CEQA Guidelines section 15126.6(e)(2), when the no project alternative is selected as the environmentally superior alternative, another alternative must be identified as environmentally superior. The Revised Project Alternative (Alternative 2) is the environmentally superior alternative.

Pursuant to CEQA Guidelines section 15126.6(c), alternatives may be eliminated from consideration if they: 1) fail to meet most of the basic project objectives, 2) are infeasible, or 3) unable to avoid significant environmental impacts. DEIR section 10.3, Alternatives Considered but Rejected, outlines alternatives that were screened out pursuant to this

section of the CEQA Guidelines. DEIR section 10.4 presents the alternatives analyzed.

CEQA Guidelines section 15126.6(f) requires a range of alternatives that are governed by the “rule of reason.” This section requires “the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the project.”

The applicant has provided objectives for the project. The objectives are listed on DEIR in Section 10.2. Compared to the project analyzed in the EIR, the modified design will provide reduce the impacts on historic resources to a less than significant level. All other impacts would remain similar to those considered for the project.

EVIDENCE: a) Project Objectives: As proposed by the applicant, the objectives for exterior alterations include:

- 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.

b) No Project Alternative (DEIR section 10.4). 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. However, the “no project” alternative would not meet the objectives of the applicant, because it would not provide the opportunity to revitalize buildings at the site.

Adoption of the No Project Alternative would result in minor work to remove paint and hardy board installed without a permit. No other changes would occur to the property and the project would preserve the existing character of the buildings and site.

- c) Design Modifications to Proposed Exterior Alternations in Compliance with the Secretary of the Interior’s Standards Alternative (DEIR section 10.4). 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. Generally, a project that conforms to the Secretary of the Interior’s Standards does not significantly impact an historic resource and can such a project can be categorically exempt from CEQA review pursuant to Section 15331 of the CEQA Guidelines.

The Secretary of the Interior’s Standards for Rehabilitation would allow alterations to the buildings. The design and types of improvements would need to be revised from the current proposal to meet these standards and retain the character defining features of the property that make it eligible for listing while differentiating new construction.

- f) Alternative Location. Per the CEQA Guidelines, Section 15126.6(f)(2), an alternative project location need only be analyzed if the significant effects of the proposed project would be avoided or substantially lessened by putting the project in another location. The Shopping Center cannot be relocated and consideration of relocation would not decrease impacts in any category. For this reason, this alternative was rejected and was not considered in the Draft EIR.
- g) Affordable Housing Project. The 2010 Monterey 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.
- h) Environmentally Superior Alternative. The no project and modified project alternatives avoided or minimized impacts associated with the proposed project. When all the applicable alternatives were considered, the No Project Alternative is considered to be the Environmentally Superior Alternative because it avoided impacts in nearly all categories. However, as mentioned previously, Section 15126.6(e) of CEQA requires that if the No Project Alternative is the environmentally superior alternative, then another alternative must be identified amongst the alternatives considered as the Environmentally Superior Alternative.

Therefore, the Modified Design Alternative (Alternative #2) is considered to be the Environmentally Superior Alternative because it meets some of the project objectives with and avoids significant impacts on an historic resource. The modified design alternative would have similar impacts to those identified in all other environmental categories.

- i) Draft Environmental Impact Report (“DEIR”) for the Mid-Valley Shopping Center (PLN0190140), which was circulated for public review from November 21, 2021 through January 10, 2022 (SCH#2020090480) and Final EIR (“FEIR”) for the Mid-Valley Shopping Center Design Approval, dated May 16, 2022.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Board of Supervisors does hereby certify the Environmental Impact Report prepared for the Mid-Valley Shopping Center Design Approval.

PASSED AND ADOPTED this 14th day of June, 2022 upon motion of _____, seconded by _____, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book _____ for the meeting on _____.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors
County of Monterey, State of California

By _____
Deputy

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