



Legislation Details (With Board Report)

File #: RES 22-162 **Name:** Mid Valley Partners LLC
Type: BoS Resolution **Status:** Scheduled PM
File created: 8/16/2022 **In control:** Board of Supervisors
On agenda: 8/30/2022 **Final action:** 8/30/2022

Title: PLN190140 - Mid Valley Partners LLC (Stanley/Mid Valley Shopping Center historic determination) Public hearing to consider adopting a resolution to:
a. Consider the previously adopted Environmental Impact Report (EIR) for the Mid-Valley Shopping Center Design Approval Project (SCH#2020090480) and find that no subsequent environmental review is required pursuant to Section 15162 of the CEQA Guidelines; and
b. Find that the preponderance of evidence supports the conclusion that the Mid-Valley Shopping Center, located at 9550 Carmel Valley Road, is not an historic resource.
[Mid-Valley Shopping Center historic determination, 9550 Carmel Valley Road, Carmel Valley, CA (APN: 169-243-007-000)]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Draft Resolution, 3. Attachment B - Draft EIR, 4. Attachment C - Final EIR, 5. Completed Board Order Item No. 15, 6. Completed Resolution Item No. 15

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 8/30/2022 | 1 | Board of Supervisors | approved | Pass |

PLN190140 - Mid Valley Partners LLC (Stanley/Mid Valley Shopping Center historic determination) Public hearing to consider adopting a resolution to:
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[Mid-Valley Shopping Center historic determination, 9550 Carmel Valley Road, Carmel Valley, CA (APN: 169-243-007-000)]

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution to:
a. Consider the previously adopted Environmental Impact Report (EIR) for the Mid-Valley Shopping Center Design Approval Project (SCH#2020090480) and find that no subsequent environmental review is required pursuant to Section 15162 of the CEQA Guidelines; and
b. Find that the preponderance of evidence supports the conclusion that the Mid-Valley Shopping Center, located at 9550 Carmel Valley Road, is not an historic resource.

PROJECT INFORMATION:

Owners: Mid Valley Partners LLC (Russ Stanley)
Plan Area: Carmel Valley Master Plan
Flagged and Staked: Not Applicable
Proposed CEQA Action: Consider a previously certified Environmental Impact Report for the Mid Valley Shopping Center.

SUMMARY:

On June 14, 2022, the Board of Supervisors considered an Environmental Impact Report (EIR) prepared for the Mid Valley Shopping Center Design Approval project and considered a determination regarding historic significance of the Mid-Valley Shopping Center (Shopping Center) based on eligibility for listing on the local register of historic resources. At the hearing, the Board certified the EIR and adopted a resolution of intent to find the shopping center is not eligible for listing at the local level and therefore should not be treated as an historic resource pursuant to the California Environmental Quality Act (CEQA).

Staff is returning to the Board of Supervisors with a resolution containing evidence that the shopping center is not an historic resource.

DISCUSSION:

The applicant (Mid-Valley Partners LLC - Russ Stanley) submitted a request for a Design Approval in 2019 to allow exterior changes to the Shopping Center colors, roof, signage, and landscaping. During review of that application, competing historic opinions regarding eligibility for the Shopping Center as an Historic Resource were provided. Due to competing opinions, the County began the process of preparing an Environmental Impact Report (EIR). The CEQA Guidelines Section 15064(g) directs lead agencies to prepare an EIR (and treat impacts as significant) when there is disagreement among expert opinions that are substantiated by facts. Prior to considering the Design Approval application (“project”), the determination regarding historic significance was brought before the Board of Supervisors. On June 14, 2022, the Board considered the EIR and the historic determination, but not the Design Approval. After reviewing the EIR and hearing comments, the Board voted 5-0 to certify the EIR and voted 3-2 to adopt a resolution of intent to find that there was a preponderance of evidence to demonstrate that the Shopping Center is not an historic resource.

During the Board hearing, comments were provided by the applicant and the public, and questions were raised about one of the historian’s influencing changes in background information during the review. Following up on this, staff spoke with Dr. Painter, who was acting as subconsultant to the EIR contractor for the County. Dr. Painter admitted that she contacted the Pacific Coast Architect Database (PCAD) administrator about Olof Dahlstrand during her review of comments received on the Draft EIR and that contact led to the listing of Dahlstrand on the PCAD. She added that the PCAD administrator added the account to the database independently and she was not the direct author of that information. She further added that Dahlstrands absence from the database would not have influenced her recommendation, yet she acknowledged that timing and appearance of the action should have been avoided. The sequence of events started when comments were provided during the Draft EIR comment period that pointed out the lack of publication of Olof Dahlstrand in architectural archives, including the PCAD which was a factor in the consideration of Olof Dahlstrand as “master architect.” Prior to responding to comments in the Final EIR, Dr. Painter initiated adding Dahlstrand to PCAD which has the appearance of defending her prior conclusions rather than objectively considering the comments. This sequence of events brought into question the credibility of the conclusions by Dr. Painter who was one of the two historians that suggested the Shopping Center is historic.

Also at the June 14, 2022, Board hearing, the property owner (Russel Stanley) made a statement that he would withdraw the proposed Design Approval application and work with the Carmel Valley community on future designs. This was significant in the context of the hearing because community opposition to proposed alternations at the Shopping Center (proposed in the Design Approval) seemed to be, at least partially, the impetus for supporting an historic determination. Russel Stanley has since submitted a letter to Monterey County HCD withdrawing his Design Approval request and the Design Approval is no longer being considered.

The preponderance of evidence supporting the Boards decision includes:

- Testimony at the Board hearing that Olof Dahlstrand did not widely influence the architectural profession; that his work exhibited influences of other architects who had pioneered the style and methods he practiced; and that the Mid Valley Shopping Center was not particularly significant on its own merits;
- Three of the five historians who evaluated the property found that the project does not qualify as significant;
- One of the historians who found the shopping center significant has diminished credibility on this particular matter due to influences in supporting information during review; and
- The appearance of opposition to the proposed alternations to the Shopping Center (proposed in the Design Approval) being a misplaced motivating factor to support of the historic determination.

OTHER AGENCY INVOLVEMENT:

County Counsel’s Office has reviewed this report.

The proposed project was reviewed by the Historic Resources Review Board on February 3, 2022, and April 7, 2022. The HRRB provided comments during deliberation on the recommendation that the shopping center appears to qualify under criteria A.3 and A.5 for its design by Olof Dahlstrand and B.1 and C.2 as a recognizable structure important to Carmel Valley. Ultimately, the HRRB adopted a resolution recommending the Board of Supervisors find the shopping center eligible for listing on the Monterey County Register of Historic Resources by a vote of 7-1 (Attachment F).

FINANCING:

Funding for staff time associated with this project is included in the FY2022-23 Adopted Budget, Unit 8543, HCD002. Funding for preparation of the EIR was provided by the applicant. On July 28, 2020, the Board of Supervisors approved Professional Services Agreement with EMC Planning Group, Inc. to prepare the Environmental Impact Report for the Mid Valley Shopping Center Project (PLN190140) in Carmel Valley for a total amount not to exceed \$94,638, for a term from July 28, 2020 to July 28, 2022 and approved a Funding Agreement with The Stanley Group, Inc. to fund costs for EMC Planning Group, Inc. incurred by Monterey County for preparing the Environmental Impact Report. The EIR was prepared for a cost that did not exceed \$94,683 and within the allocated two-year period.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Processing this application in accordance with all applicable policies and regulations provides the County accountability for proper management of our land and historic resources.

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Craig Spencer, Planning Services Manager

Approved by: Erik Lundquist, AICP - Director, Housing and Community Development

The following attachments are on file with Clerk of the Board:

- Attachment A - Draft Resolution finding the Mid Valley Shopping Center is not eligible for listing on

the Monterey County Register of Historic Resources

- Attachment B - Draft EIR
- Attachment C - Final EIR

cc: Front Counter Copy; Erik Lundquist, HCD Director ; Applicant/Owner (Russ Stanley); The Open Monterey Project; Molly Erickson; LandWatch; Anthony Lombardo, Applicant's representative; Pricilla Walton, Carmel Valley Association; Ed Stellingsma, Neighbor; Alli Wood, Neighbor; Mimi Sheridan, Association of Monterey Bay Area Preservationists; Project File PLN190140