

Attachment A

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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 of the Monterey County Board of Supervisors to:

- a. Consider the previously certified 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 (Assessor's Parcel No. 169-243-007-000), is not an historic resource.

[Mid-Valley Shopping Center, 9550 Carmel Valley Road, Carmel (APN: 169-243-007-000)]

The historic determination for the Mid-Valley Shopping Center came on for public hearing before the Monterey County Board of Supervisors on June 14, 2022 and August 30, 2022. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Monterey County Board of Supervisors hereby finds and decides as follows:

WHEREAS, on June 14, 2022, the Board of Supervisors considered an Environmental Impact Report (EIR) for the Mid-Valley Shopping Center Design Approval (SCH#2020090480) and considered a determination of historic significance including eligibility for listing the Mid-Carmel Valley Shopping Center on the Monterey County Register of Historic Resources. After reviewing all the evidence in the record and hearing public testimony, the Board of Supervisors adopted a resolution certifying the EIR (Resolution No. 22-251) and adopted a Resolution of Intent to find the shopping center is not eligible for listing on the Monterey County Register as an historic.

WHEREAS, the historic determination came back before the Board of Supervisors at a noticed public hearing on August 30, 2022.

WHEREAS, prior to consideration of the historic determination, the Board of

DRAFT RESOLUTION

Supervisors again considered the EIR for the Mid Valley Shopping Center that was certified by the Board on June 14, 2022.

WHEREAS, the following historic reports have been prepared for the site and are part of the record contained in project file PLN190140:

- Historic Assessment of the Mid Valley Shopping Center prepared by Dr. Anthony Kirk dated September 18, 2019, finding the shopping center ineligible for listing as an historic resource;
- Preliminary Opinion of Historic Significance prepared by Page & Turnbull dated October 29, 2019, finding the property eligible for listing in the California Register of Historic Resources;
- Rebuttal to the Page & Turnbull opinion prepared by Dr. Anthony Kirk dated November 4, 2019, supporting his original conclusion that the shopping center is not historic;
- Phase One Historic Assessment prepared by Page & Turnbull dated November 18, 2019, documenting their conclusion that the shopping center is eligible for listing as an historic resource;
- Review of Historic Significance Findings prepared by Dr. Laura Jones dated October 16, 2020, finding that the shopping center does not qualify for listing as an historic resource;
- Response to Report Written by Dr. Jones prepared by Dr. Anthony Kirk dated November 4, 2020 agreeing with and supporting a conclusion that the shopping center is not eligible for listing as an historic resource;
- Historic Resource Evaluation and Phase One Assessment prepared by Dr. Diana Painter dated December 21, 2020, finding the property eligible for listing as an historic resource; and
- Letter of Memorandum prepared by Dr. Barbara Lamprecht dated April 2021 finding the Shopping Center does not qualify as an historic resource.

WHEREAS, the matter was reviewed by the Monterey County Historic Resources Review Board (HRRB) on February 3, 2022 and April 7, 2022. The HRRB considered the DEIR and all the comments received thereon prior to forwarding a recommendation to the Board of Supervisors.

WHEREAS, on April 7, 2022, the HRRB voted 7 ayes to 1 no to adopt a resolution recommending that the Board of Supervisors find that the Mid Valley Shopping Center is an historic resource that is eligible for listing on the Monterey County register under criteria A.5 of Section 18.25.070 of the Monterey County Code.

WHEREAS, Section 15064.5(a) of the CEQA Guidelines states:

*For purposes of this section, the term “historical resources” shall include the following:
(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical*

DRAFT RESOLUTION

Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1, Title 14 CCR, Section 4852) including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) 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

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

In this case, the Mid Valley Shopping Center is not listed on any register (local, state, or federal). The property owner does not believe the Mid Valley Shopping Center is an "historic resource" and does not consent to listing the property on any register at this time. Therefore, the determination on "historical significance" lies with the lead agency's determination. Monterey County is the "lead agency" under CEQA in this case. Generally, a project that qualifies for listing, on the local, state, or national registers is treated as an "historical resource" under CEQA.

WHEREAS, the criteria for listing on the Monterey County Register of Historic Resources can be found in Chapter 18.25 of the Monterey County Code. These criteria are interpreted at the local level (i.e., a resource important to Monterey County) rather than the state or national level. The Board of Supervisors is the authority to maintain the local register and to determine eligibility for the local register (not at state or federal level). The criteria for listing at the local level pursuant to Section 18.25.070 include:

DRAFT RESOLUTION

An improvement, natural feature, or site may be designated an 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 National Register of Historic Places, the California Register of Historic Resources, 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.*
- 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.*

WHEREAS, the Board of Supervisors has considered the following documents, facts, and circumstances prior to acting on this Resolution:

DRAFT RESOLUTION

1. Reports and opinions from five separate qualified historians, three of whom found the property does not qualify as an historic resource and two of whom found that it does;
2. The Draft Environmental Impact Report Prepared for the Mid-Valley Shopping Center Design Approval (SCH#2020090408) including appendices;
3. The Final Environmental Impact Report including comments received on the Draft Environmental Impact Report and responses to those comments;
4. The General Plan Historic Preservation Goals and Policies;
5. Criteria contained in Chapter 18.25 of the Monterey County Code;
6. National Register Bulletin 15 criteria for evaluating historic significance;
7. California Public Resources Code Sections 5020.1(j) (State's definition of "Historical resource) and 5024.1 California Historic Register criteria;
8. Recommendation of the HRRB (Resolution No. 22-002);
9. Written and oral testimony provided for the June 14, 2022 and August 30, 2022 Board of Supervisors hearing, specifically:
 - Olof Dahlstrand is not a "master architect" as he did not significantly influence the architectural profession;
 - Influences of other architects who pioneered the style and methods practiced by Dahlstrand are evident in his work;
 - The Mid Valley Shopping Center is not particularly unique for a shopping center of the 1960's era and is not architecturally significant on its own merits; and
10. Objections to the improvements proposed at the Shopping Center under Design Approval (File Number PLN190140) being separate from the matter of historic significance.

WHEREAS, on June 28, 2022, Russel Stanley (property owner) submitted a letter withdrawing his request for a Design Approval to allow exterior alterations at the Mid-Valley Shopping Center (File No. PLN190140). As such, the previously proposed alternations to the Shopping Center under the Design Approval are no longer being considered by the County of Monterey.

WHEREAS, Section 15064.5(a)(2) of the CEQA Guidelines requires public agencies to treat a property, identified as significant in a historical resources survey, as historically or culturally significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant. Based on the information described herein, the Board of Supervisors finds that there is a preponderance of the evidence supporting a conclusion that the Mid-Valley Shopping Center is not an historic resource.

DRAFT RESOLUTION

DECISION:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors does hereby:

- a. Consider the previously certified 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 (Assessor's Parcel No. 169-243-007-000), is not an historic resource.

PASSED AND ADOPTED on this 30th day of August, 2022, by the following vote, to-wit:

AYES:

NOES:

ABSENT:

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