

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

**Resolution No. 05-019** )  
Setting Aside Resolution No.02-315 thereby setting aside )  
the Board of Supervisors' adoption of the mitigated )  
negative declaration for the Old Monterey County Jail )  
demolition project and its approvals for the demolition )  
of the Old Jail; and, resolving that the County will )  
prepare an environmental impact report prior to any )  
further consideration of demolition of the Old Jail. )

The Board of Supervisors ("Board") adopts this resolution with respect to the following facts and circumstances:

A. On July 30, 2002, the Board, by Resolution No. 02-315, affirmed the Planning Director's approval of a demolition permit for the Old Monterey County Jail and adoption of a mitigated negative declaration for the Old Monterey County Jail demolition project.

B. On August 27, 2002, Petitioners Architectural Heritage Association and Mark Edwin Norris filed a petition for writ of mandate in Superior Court challenging the Board's actions as contained in Resolution No. 02-315.

C. On May 14, 2003, the Superior Court denied the petition for writ of mandate and entered judgment on June 3, 2003.

D. Petitioners appealed the Superior Court judgment to the Court of Appeal for the Sixth Appellate District.

E. On September 30, 2004, the Court of Appeal for the Sixth Appellate District reversed the Superior Court judgment with directions to enter a judgment granting the petition and to issue a writ of mandate directing the County to set aside its certification of the mitigated negative declaration for the Old Jail project, set aside its approvals for demolition of the Old Jail, and to prepare an environmental impact report in the event it determines to pursue demolition of the Old Jail.

F. On remand from the Sixth District Court of Appeal, the Superior Court entered an order that a Peremptory Writ of Mandamus issue from the Court; such a Writ did issue subsequently, commanding the County of Monterey and its Board of Supervisors to:

1. Set aside the Board's certification of the mitigated negative declaration for the Old Monterey County Jail demolition project,

2. Set aside its approvals for demolition of the Old Jail, and
3. Prepare an environmental impact report in compliance with CEQA prior to any further consideration of demolition of the Old Jail.

G. This Board is desirous of complying fully and promptly with the Superior Court's peremptory writ of mandamus.

NOW, THEREFORE, be it resolved as follows:

1. The Board's certification of the mitigated negative declaration for the Old Monterey County Jail demolition project and its approvals for demolition of the Old Jail contained in Resolution No. 02-315 adopted on July 30, 2002, and said Resolution, are hereby set aside.
2. The Board resolves that the County will prepare an environmental impact report in compliance with CEQA prior to any further consideration of demolition of the Old Jail.
3. The Board further resolves that County Counsel make and file with the Superior Court a Return to the Peremptory Writ of Mandamus with a copy of this Resolution attached thereto.

On motion of Supervisor Calcagno, seconded by Supervisor Armenta, the foregoing resolution is adopted this 15<sup>th</sup> day of February, 2005, by the following vote:

AYES: Supervisors Armenta, Calcagno, Lindley, and Smith

NOES: None

ABSENT: Supervisor Potter

I, LEW BAUMAN, 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 Minute Book 72, on February 15, 2005.

Dated: February 17, 2005

LEW BAUMAN, Clerk of the Board of Supervisors,  
County of Monterey, State of California

By Cynthia Juarez  
Cynthia Juarez, Deputy