



Legislation Details (With Board Report)

File #: A 20-314 **Name:** PSA and FA for Mid Valley Shopping Center
Type: BoS Agreement **Status:** Passed - RMA Administration
File created: 7/8/2020 **In control:** Board of Supervisors
On agenda: 7/28/2020 **Final action:** 7/28/2020

Title: a. Approve Professional Services Agreement with EMC Planning Group, Inc. to prepare an Environmental Impact Report for the Mid Valley Shopping Center Project (PLN190140) in Carmel Valley where the Base Budget is \$86,035 and the Contingency Budget is \$8,603, for a total amount not to exceed \$94,638, for a term from July 28, 2020 to July 28, 2022;
b. Approve a Funding Agreement with The Stanley Group, Inc. to fund costs for EMC Planning Group, Inc. incurred by Monterey County for preparing an Environmental Impact Report for the Mid Valley Shopping Center Project (PLN190140) in the Carmel area where the Base Budget is \$86,035, the Contingency Budget is \$8,603, and the Contract Administration Fee is \$3,424, for a total amount not to exceed \$98,062, for a term from July 28, 2020 to July 28, 2022; and
c. Authorize the Resource Management Agency Director or designee to execute the Professional Services Agreement, Funding Agreement and up to three (3) future amendments to the Agreements where the amendments do not significantly alter the scope of work or increase the approved amount of the Agreements, subject to review and approval by the Office of the County Counsel as to form.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - PSA with EMC Planning Group, Inc., 3. Attachment B - FA with Mid Valley Partners, LLC, 4. Item No. 61 Completed Board Order, 5. Revised Item No. 61 Completed Board Order

Date	Ver.	Action By	Action	Result
7/28/2020	1	Board of Supervisors		

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RECOMMENDATION:

It is recommended that the Board of Supervisors:

a. Approve Professional Services Agreement with EMC Planning Group, Inc. to prepare an Environmental Impact Report for the Mid Valley Shopping Center Project (PLN190140) in Carmel Valley where the Base Budget is \$86,035 and the Contingency Budget is \$8,603, for a total amount not to exceed \$94,638, for a term from July 28, 2020 to July 28, 2022;

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- c. Authorize the Resource Management Agency Director or designee to execute the Professional Services Agreement, Funding Agreement and future amendments to the Agreements where the amendments do not significantly alter the scope of work or increase the approved amount of the Agreements.

SUMMARY/DISCUSSION:

In May 2019, the County of Monterey Resource Management Agency (RMA) received an application for proposed exterior alterations and site improvements at the Mid Valley Shopping Center in Carmel Valley, located on the south side of Carmel Valley Road between Dorris Drive and Berwick Drive. The proposed changes included new paint, signage, landscaping and alterations to the roofline of the shopping center. In accordance with County Code Section 21.44, the Project is subject to a Design Approval, which is the review and approval of the exterior appearance, location, size, materials and colors of proposed projects in the Design Control overlay districts. In some cases, part of the Design Approval Process is referral to the Land Use Advisory Committee (LUAC) prior to decision on the permit.

During review by the Carmel Valley LUAC, several public comments were received, including questions regarding the historical significance of the shopping center and disagreement with a preliminary historic evaluation that was prepared by Dr. Anthony Kirk, a County-qualified architectural historian. Given the approximate 50-year age of the shopping center, and local concern over potential historical significance due to the prominence of the architect of record, Olof Dahlstrand, the County required the applicant to provide more analysis through a phase one historic assessment. Dr. Anthony Kirk prepared the assessment on behalf of the applicant (September 2019). Dr. Kirk concluded that, while the Project is associated with the development of Carmel Valley, no evidence existed that would support its historic architectural importance and that the Project did not meet the criteria for listing as a resource in the National Register of Historic Places, the California Register of Historical Resources, or the Monterey County Register of Historic Resources.

At the request of the Carmel Valley Association (CVA), Page & Turnbull, an architectural design and preservation firm also on the County-qualified list of consultants, prepared both a preliminary opinion memo (dated October 29, 2019), as well as a separate phase one historic assessment of the shopping center (dated November 18, 2019), disagreeing with Dr. Kirk's position. Page & Turnbull's preliminary opinion indicated that that the Project was eligible for listing as an individual resource in the National Register of Historic Places and California Register of Historical Resources. Subsequently, Dr. Kirk provided a written rebuttal in response to Page & Turnbull's opinion (dated November 4, 2019).

In light of the disagreement among experts expressed in the two (2) historic assessments and various opinion memos, CEQA Section 15046.g requires that an Environmental Impact Report (EIR) be prepared. Utilizing the Board adopted policy for selecting EIR consultants, the RMA released an RFP to three Environmental Consulting firms for an EIR to be prepared. After independent review of the proposals received, the RMA now seeks to retain EMC Planning Group, Inc. (EMC) by entering into a Professional Services Agreement (PSA) to prepare the EIR.

EMC's scope of work includes the preparation of a third historic resource evaluation, analysis of the two competing opinions between experts, and determination of the property's historic significance. If the property is determined to be historically significant and eligible for inclusion on one (1) or more of the afore-mentioned registers, the EIR will include an evaluation of the proposed alterations and their effect to the historic character-

defining attributes, development of mitigations for any effects on resources that were determined to be historically significant, and exploration of project alternatives.

The PSA between the County and EMC will allow for the preparation of an EIR for the Project for a total amount not to exceed \$94,638 (\$86,035 for Base Budget and \$8,603 for Contingency Budget) for a term from July 28, 2020 to July 28, 2022. The Funding Agreement (FA) between the County and The Stanley Group, Inc. (Project Applicant) will allow funding to the County for costs associated with the completion of the Project for a total amount not to exceed \$98,062 (\$86,035 for Base Budget, \$8,603 for Project Contingency, and \$3,424 for County for Contract Administration) for a term from July 28, 2020 to July 28, 2022.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel and Auditor-Controller's Office have reviewed and approved the PSA and FA as to form, and fiscal provisions, respectively.

FINANCING:

Pursuant to the terms of the FA between The Stanley Group, Inc. and the County, EIR services provided by EMC and County Contract Administration fees will be fully paid by The Stanley Group, Inc. with an advanced deposit. Separate fees for County staff costs associated with the Project will be paid by the Project Applicant in accordance with the County of Monterey Land Use Fee Schedule. The PSA and FA are structured so that there is no cost to the County associated with these Agreements with no impact to the General Fund.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The PSA with EMC and FA with the Project Applicant will allow for completion of an EIR for a commercial project which could potentially impact the revenue base within this area of County. The completion of this EIR also represents timely response to the processing of a land use application. The recommended action supports the BOS Strategic Initiatives as indicated below:

Mark a check to the related Board of Supervisors Strategic Initiatives

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

Prepared by: Brandon Swanson, Planning Services Manager, (831) 755-5334
Reviewed by: John Dugan, AICP, RMA Deputy Director of Land Use and Community
Development and Acting Chief of Planning
Approved by: Carl P. Holm, AICP, RMA Director

The following attachments are on file with the Clerk of the Board:
Attachment A - PSA with EMC Planning Group, Inc.
Attachment B - FA with The Stanley Group, Inc.