



Legislation Details (With Board Report)

File #: RES 22-120 **Name:** PLN190480 - Mid Valley Partners LLC
Type: BoS Resolution **Status:** Adopted a resolution of intent
File created: 6/2/2022 **In control:** Board of Supervisors
On agenda: 6/14/2022 **Final action:** 6/14/2022
Title: Public hearing to:
a. Certify the Environmental Impact Report prepared for the Mid-Valley Shopping Center Design Approval (SCH#2020090480); and
b. Adopt a resolution declaring that the Mid-Valley Shopping Center is an historic resource that qualifies for listing on the Monterey County Register of Historic Resources.
[Mid-Valley Shopping Center historic determination, Mid Valley Partners, LCC; 9550 Carmel Valley Road, Carmel Valley, CA (APN: 169-243-007-000)]

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Detailed Discussion, 3. Attachment B - Draft EIR Resolution, 4. Attachment C - Draft Resolution finding the Mid Valley Shopping Center eligible fo, 5. Attachment D - Draft EIR (CD), 6. Attachment E - Final EIR (CD), 7. Attachment F - HRRB Resolution Recommendation, 8. PowerPoint Presentation, 9. 2nd PowerPoint Presentation, 10. 3rd PowerPoint Presentation

Date	Ver.	Action By	Action	Result
6/14/2022	1	Board of Supervisors	adopted a resolution of intent to approve	Pass

Public hearing to:

a. Certify the Environmental Impact Report prepared for the Mid-Valley Shopping Center Design Approval (SCH#2020090480); and
b. Adopt a resolution declaring that the Mid-Valley Shopping Center is an historic resource that qualifies for listing on the Monterey County Register of Historic Resources.
[Mid-Valley Shopping Center historic determination, Mid Valley Partners, LCC; 9550 Carmel Valley Road, Carmel Valley, CA (APN: 169-243-007-000)]

RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Certify the Environmental Impact Report prepared for the Mid-Valley Shopping Center Design Approval (SCH#2020090480); and
- b. Adopt a resolution declaring that the Mid-Valley Shopping Center qualifies for listing on the Monterey County Register of Historic Resources.

SUMMARY:

The Mid-Valley Shopping Center (Shopping Center) is located west of Carmel Valley Road between Carmel Valley Road and Center Street. The shopping center is bordered on the west by Dorris Drive and on the east by Berwick Drive. The shopping center provides approximately 68,000 square feet of shops with a large central parking area. As shown on the project plans, and as described in the historic reports, the Shopping Center is comprised of 5 different buildings or blocks. Each building or “block” is identified in a letter system; Building A, anchored by Safeway, Building B, connected by a breezeway to Building A and containing multiple tenant spaces at the southeast corner of the property; Building C, formerly anchored by the cinema along the eastern

side of the property; Building D, currently an Ace Hardware store; and Building E, and auto repair center.

In 2019, alteration work began at Mid Valley Shopping Center including the installation of Hardie Board and white paint on Building C (the building that formerly contained a cinema). A stop work order was issued midway through the project, and the applicant was directed by the inspector to apply for a Design Approval or restore the site to its pre-violation condition. On May 8, 2019, the property owner, Russ Stanley representing Mid Valley Partners LLC (applicant), submitted a request for a Design Approval (PLN190140). That Design Approval is not before the Board of Supervisors at this time and the Design Approval will be considered separately following a determination by the Board regarding the historic nature of the Shopping Center.

During staff review of the Design Approval application, comments were made indicating that the shopping center may be historic. In response, the applicant commissioned historian Dr. Anthony Kirk to prepare a report. Dr. Kirk found that the Shopping Center does not qualify as an historic resource. The Carmel Valley Association (CVA) separately commissioned a historian at the firm of Page & Turnbull to prepare a report. 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 Olof Dahlstrand. Several more letters, opinions, and rebuttals from multiple historians ensued. The two main points of disagreement is whether Olof Dahlstrand is a “master” architect and does the shopping center retain integrity of its original design (see the detailed discussion provided in Attachment A).

Staff discussed the competing historic opinions with the applicant and reviewed options for how to proceed. The applicant is adamant that the shopping center is not historic and was not willing to redesign the project to be consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties Standards. In support of his contention, he submitted another historic report prepared by another historian, Dr. Laura Jones finding that the shopping center does not qualify as an historic resource.

Due to competing opinions, the County began the process of preparing an Environmental Impact Report (EIR). The California Environmental Quality Act (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.

As part of the EIR preparation, another historian was contracted to perform a review and analysis of the Shopping Center, this time through contract with the County. The County’s consultant Diana Painter was given all of the previous documentation and opinions and asked to form her own opinion on the matter. On December 21, 2020, Painter provided an Historic Resources Evaluation and Phase 1 Assessment, and concluded that the Mid Valley Shopping Center is eligible for listing for its design and association with Olof Dahlstrand and it retains integrity. All the above referenced letters and reports were attached to the Draft EIR (DEIR) that was circulated for public comment from November 24, 2021 through January 10, 2022 (Attachment D). The EIR concluded that the project would have a significant impact on the historic resource by altering features of the buildings that define its character as an historic resource. Alternatives including a revised project alternative were identified that could avoid or reduce impacts while accomplishing some of the objectives of the applicant.

During the public review period on the DEIR, four comments were received. One comment from CVA reaffirming its position that the shopping center is historic; two comments from neighbors on Center Street regarding nuisance conditions behind the Safeway; and one comment from the applicant’s representative. Comments submitted by the applicant’s representative, Anthony Lombardo, contain attachments with additional information that are intended to justify a substantial financial hardship (see discussion below) and provide additional historic information from Dr. Kirk and another historian, Barbra Lamprecht. Ms. Lamprecht provides

a review of the other letters and concludes that the shopping center is not significant and does not have integrity. A Final EIR containing responses to the comments received is attached as Attachment E.

The Monterey County Historic Resources Review Board (HRRB) was provided with Draft EIR and the comments submitted thereon. The HRRB met on February 3, 2022 and April 7, 2022 to consider making a recommendation to the Board of Supervisors. At the April 7, 2022, the HRRB adopted a resolution by a vote of 7 ayes and 1 no recommending that the Board of Supervisors find that the shopping center qualifies for listing on the Monterey County Register of Historic Resources (Exhibit F).

The question of historic significance now comes before the Board of Supervisors. Generally, a building listed, or determined eligible for listing in the Monterey County Register of Historic Resources (local register) is considered an historic resource under CEQA (15064.5(a)). In this case, the Mid Valley Shopping Center is not listed on any register (local, state, or federal) and there has been no official determination of eligibility to date. It should be noted that 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. Property owner permission is required to add a building, site, or structure to the Monterey County Register, so the decision of the Board is limited to eligibility for listing. Under the County’s local historic register criteria and CEQA, the determination on “historical significance” lies with the lead agency’s determination. Monterey County is the “lead agency” in this case and our determination must be “supported by substantial evidence in the record.”

Criteria for listing on the Monterey County Register is provided in Chapter 18.25 of the Monterey County Code (MCC), and such review criteria is provided for in Section 18.25.070 which states:

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.*

The above-described criteria for listing at the local, state, and federal registers is the basis from which historians draw conclusions. There are many other factors and subcategories that are considered in reaching a conclusion. Many of those factors are described in the National Register Bulletin 14 (https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf). For instance, historic context must be evaluated, significance categories and criteria must be carefully considered, and integrity must be present.

Dr. Diana Painter and Dr. Stacey Kozakvich both determined that the Mid-Valley Shopping Center is eligible for listing under MCC Section 18.25.070(A)(5) as a resource that represents the work of a master architect, Olof Dahlstrand. The HRRB also adopted a resolution recommending that the Board of Supervisors find that the Mid Valley Shopping Center is eligible for listing under Section 18.25.070(A)(5).

In making the determination regarding eligibility for listing on the County register, the Board is asked to certify the EIR without taking action on the Design Approval and without review of overriding considerations. The Design Approval will be considered separately after the Board makes a determination of eligibility and by extension historic significance of the shopping center.

DISCUSSION:

A detailed discussion is provided in Exhibit A.

OTHER AGENCY INVOLVEMENT:

County Counsel 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 MCC Section 18.25.070(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 recommended 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 FY21-22 Adopted Budget for HCD. 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 the Clerk of the Board:

Attachment A - Detailed Discussion

Attachment B - Draft EIR Resolution

Attachment C - Draft Resolution finding the Mid Valley Shopping Center eligible for listing on the
Monterey County Register of Historic Resources

Attachment D - Draft EIR (CD)

Attachment E - Final EIR (CD)

Attachment F - HRRB Resolution/Recommendation

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 PLN190480