

**MEMORANDUM OF AGREEMENT
BETWEEN THE CITY OF MONTEREY AND THE CALIFORNIA STATE HISTORIC
PRESERVATION OFFICER REGARDING THE REHABILITATION OF THE
MONTEREY PENINSULA HOSPITAL, 543 LIGHTHOUSE AVENUE,
MONTEREY, CALIFORNIA**

WHEREAS, the City of Monterey (City) has determined that the development of historic structure reports and project development plans and subsequent rehabilitation of 543 Lighthouse Avenue, Monterey, California resulting from those reports and plans (undertaking) will have an effect on a property eligible for listing on the National Register of Historic Places and has consulted with the California State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f);

WHEREAS, the City of Monterey is a Certified Local Government pursuant to Section 101 of the National Historic Preservation Act and its implementing regulations found at 36 CFR 61; and

WHEREAS, the City through Title 1 of the Housing and Community Development Act of 1974 (42 U.S.C. Section 5301 et seq.) (Community Development Block Grant Program) will assist in the undertaking;

WHEREAS, the Lucy L. Hu (Property Owner) has been invited to concur in the Memorandum of Agreement (Agreement);

NOW, THEREFORE, the City and the California State Historic Preservation Officer agree that the undertaking will be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The City will ensure that the following measures are carried out:

1. The City, through its Historic Preservation Ordinance and Historic Preservation Commission, shall ensure that any historic structure reports and project development plans and subsequent rehabilitation resulting from those reports and plans are consistent with the recommended approaches set forth in the Secretary of the Interior's Standards for the Treatment of Historic Properties. If the City is unable to carry out the terms of this stipulation, it will consult further with the Advisory Council on Historic Preservation (ACHP) and SHPO pursuant to 36 CFR Section 800.6.
2. If an archeological resource is discovered at the historic property, the City shall stop all work in the discovery area that might adversely affect the archeological property and comply with 36 CFR 800.13 (b-c).
3. Should any signatory object at any time to the manner in which the terms of this Agreement are implemented, the City shall consult with the objecting parties to resolve the objection. If the City determines within fifteen days of receipt that such objection cannot be resolved, the City will forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council) in accordance with 36 CFR Section 800.2(b)(2). The City in reaching a final decision regarding the dispute shall take any Council comment provided into account.

4. At any time during implementation of the measures stipulated in this Agreement, should an objection to any such measure or its manner of implementation be raised in writing by a member of the public, the City shall take the objection into account and consult, as needed, with the objecting party and the SHPO as needed, for a period of time not to exceed fifteen (15) days. If the City is unable to resolve the conflict, the City will forward all documentation relevant to the dispute to the Council, following the terms outlined in stipulation 3, above.
5. The City shall notify the SHPO as soon as practicable if it appears that any action covered by this Agreement will affect a previously unidentified property that may be eligible for inclusion in the National Register or affect a known historic property in an unanticipated manner.
6. If any signatory believes that the terms of this Agreement cannot be carried out or that an amendment to its terms should be made that signatory shall immediately consult with the other parties to develop amendments pursuant to 36 CFR Section 800.6 (c)(7) and 800.6(c)(8). If this Agreement is not amended as provided for in this stipulation, any signatory may terminate it whereupon the City shall proceed in accordance with 36 CFR Section 800.6(c)(8).
7. If either the terms of this Agreement or the undertaking have not been carried out within five years following the date of execution of the Agreement, the signatories shall reconsider its terms. If the signatories agree to amend the Agreement, they shall proceed in accordance with the amendment process referenced in stipulation 6, above.
8. Execution and implementation of this Agreement evidences that the City has afforded the Council a reasonable opportunity to comment on the undertaking and its effects on historic properties, that the City has taken into account the effects of the undertaking on historic properties, and that the City has satisfied its responsibilities under Section 106 of the National Historic Preservation Act and applicable implementing regulations.

CITY OF MONTEREY

By: [Signature]
City Manager

Date: 12/13/01

Approved As To Form: [Signature]
City Attorney

Date: _____

CALIFORNIA STATE HISTORIC PRESERVATION OFFICER

By: [Signature]
Knox Mellon, State Historic Preservation Officer

Date: 1/18/02

Concur:

Lucy L. Hu (Property Owner)

By: [Signature]

Date: November 8, 2001

APPROVED BY:
[Signature]
RISK MANAGEMENT