



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: A 22-626

December 13, 2022

Introduced: 12/2/2022

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Agreement

Approve and authorize the Chair to execute Amendment No. 5 to the Subdivision Improvement Agreement for the York Highlands Resubdivision for an extension of 48 months (December 31, 2026).

RECOMMENDATION:

It is recommended that the Board of Supervisors approve and authorize the Chair to execute Amendment No. 5 to the Subdivision Improvement Agreement for the York Highlands Resubdivision for an extension of 48 months (December 31, 2026).

SUMMARY/DISCUSSION:

On May 22, 2012, the Board of Supervisors approved the Subdivision Improvement Agreement (“Agreement”) for the York Highlands Resubdivision (“Resubdivision”) between the County of Monterey and Monterey County Bank and United Security Bank. (Attachment A). On May 13, 2014, the Board approved Amendment No. 1 to the Agreement to extend the time for completion of the subdivision improvements. On March 22, 2016, the Board approved Amendment No. 2 to the Agreement to extend the time for completion of the subdivision improvements to May 22, 2018. On June 26, 2018, the Board approved Amendment No. 3 to the Agreement to extend the time for completion of the subdivision improvements to December 31, 2020. On February 9, 2021, the Board approved Amendment No. 4 to the Agreement to extend the time for completion of the subdivision improvements to December 31, 2022 and add MCBL-1, Inc. and York Monterey Properties, Inc. as parties to the Agreement.

It is contemplated in the Agreement that the Resubdivision would be transferred to one or more developers who would in turn complete the subdivision improvements contemplated under the Agreement. Signature York Highlands LLC, a California limited liability company, purchased certain real property in the Resubdivision, installed the first \$5,000,000 of subdivision improvements, and the County released its security in ten lots in the Resubdivision as contemplated under the Agreement. As such, the parties to the Agreement have agreed that Signature York Highlands should be added as party to the Agreement through this proposed Amendment No. 5. (Attachment B).

Amendment No. 5 also proposes an additional four-year extension because further regulatory delays have delayed the transfer of the York Highlands Resubdivision property. Although certain delay-causing regulatory issues and litigation relating to the Resubdivision have now been resolved, additional time is still needed to complete the improvements, as certain roads within the Resubdivision require reengineering, which is currently in progress. The Carmel Development Company is requesting a 48-month extension of time, from December 31, 2022, to December 31, 2026, to complete the

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construction of Resubdivision improvements. (Attachment C).

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel has approved Amendment No. 5 as to form.

FINANCING:

There is no financial impact to the General Fund. Sufficient appropriations are available in the HCD - Engineering Services FY2022-23 Adopted Budget for HCD Appropriation Unit HCD002, Unit 8543. The cost of the subdivision improvement agreement amendment processing is funded with developer fees.


BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

The recommended action supports the Board of Supervisors' Strategic Initiative for Economic Development, Infrastructure and Public Safety. Processing this amendment results in increased property tax revenue and provides infrastructure to support housing and. Additionally fair share traffic impact fees collected are designated to be used for transportation improvements identified by traffic studies or regional studies that establish the basis for a fee, providing funds for new transportation infrastructure in support of economic opportunity.

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

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Approved by: Erik Lundquist, AICP, HCD Director, (831) 755-5154 

The following attachments are on file with the Clerk of the Board:

Attachment A - Subdivision Improvement Agreement, recorded 5-31-2012

Attachment B - Draft Amendment No. 5

Attachment C - Applicant Extension Request Letter, dated 11-15-2022