

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

**RANCHO LOS ROBLES**

**(PLN970159)**

**Resolution No.**

- Resolution of the Monterey County Board of Supervisors: )  
a. Finding that the action involves an administrative )  
activity that will not result in direct or indirect )  
changes in the environment and is not a project )  
pursuant to Sections 15060(c)(3) and 15378(b)(5) )  
of the State CEQA Guidelines; and )  
b. Granting a stay of the expiration of the tentative )  
map for the Rancho Los Robles Subdivision, as )  
modified by the Coastal Development Permit )  
issued by the California Coastal Commission, for )  
the time period in which Friends, Artists, and )  
Neighbors of Elkhorn Slough et al. v. California )  
Coastal Commission et al. (Monterey County )  
Superior Court Case No. 18CV001000) has been )  
pending until final disposition of the litigation, not )  
to exceed a period of five years (November 8, )  
2026), pursuant to Government Code Section )  
66452.6(c) and Monterey County Code Section )  
19.04.030. (Stay of Map Expiration – PLN970159 / )  
Heritage/Western Communities LTD, Rancho Los )  
Robles Subdivision, 100 Sill Road, Royal Oaks, )  
North County Coastal Land Use Plan) )

**WHEREAS**, on December 9, 2008, the Board of Supervisors approved the Combined Development Permit for the Rancho Los Robles Subdivision Project (“Project”) (PLN970159, Heritage/Western Communities LTD), 100 Sill Road, Royal Oaks (North County Coastal Land Use Plan) consisting of: 1) A Coastal Development Permit and Tentative Subdivision Map for subdividing two parcels of 16.96 and 16.62 acres (33.58 acre total) into 76 lots: 68 single family residential parcels with lot sizes ranging from 4,200 sq. ft. to 18,000 sq. ft., four duplex lots, one 1.76-acre mixed use parcel, and 9.7 acres of common area parcel including 2.5-acre community recreation area with a small parking lot and two 0.5-acre mini-parks, a General Development Plan, and associated Use Permits (see Board of Supervisors Resolution No. 08-374); and

**WHEREAS**, in February 2009, the decision was appealed to the Coastal Commission by two Coastal Commissioners and by Friends, Artists, and Neighbors of Elkhorn Slough; and

**WHEREAS**, on November 8, 2017, the California Coastal Commission approved the Coastal Development Permit for the Rancho Los Robles Subdivision Project (CDP A-3-MCO-09-009 at 100 Sill Road, Royal Oaks, North County Coastal Land Use Plan) for a revised project consisting of: 1) subdivision of two parcels of 16.96 and 16.62 acres (33.58 acre total) into 52 residential lots (50 single family residential parcels, 2 duplex lots), one community facilities

parcel of 0.6 acre, three small parks totaling 0.98 acres, a 2.5-acre community recreation parcel, 11.1 acres of open space, 3.6-acres of Coastal General Commercial designation, 0.2 acres of Willow Riparian Habitat and 2.7 acres of Wetland Preserve area (0.6 acres of which overlaps a portion of the Coastal General Commercial); and

**WHEREAS**, the expiration date of the Coastal Development Permit issued by the Coastal Commission is November 8, 2019 (CDP A-3-MCO-09-009, issued by Coastal Commission on September 18, 2018); and

**WHEREAS**, on December 7, 2017, Friends, Artists, and Neighbors of Elkhorn Slough and Landwatch Monterey County filed a Petition for Writ of Mandate against the California Coastal Commission, the County of Monterey, and Board of Supervisors of the County of Monterey (*Friends, Artists, and Neighbors of Elkhorn Slough et al. v. California Coastal Commission et al.*, Monterey County Superior Court Case No. 18CV001000), which litigation is still pending; and

**WHEREAS**, the Coastal Commission permit supersedes the County's permit (Ruling filed December 28, 2018, *Friends, Artists, and Neighbors of Elkhorn Slough et al. v. California Coastal Commission et al.*, Monterey County Superior Court Case No. 18CV001000), but the Coastal Commission does not have jurisdiction over decisions pertaining to tentative map extension. (May 6, 2019 letter from Louise Warren to Mark Blum); and

**WHEREAS**, the initial expiration date of the tentative map was November 8, 2019, pursuant to the Subdivision Map Act (Government Code section 66452.6(a)), Monterey County Code, Title 19, section 19.03.030.A) and per the Coastal Development Permit issued by the Coastal Commission (CDP A-3-MCO-09-009, issued by Coastal Commission on September 18, 2018), which included the revised subdivision and states an expiration date of November 8, 2019; and

**WHEREAS**, Government Code section 66452.24(a) provides that the expiration date of any tentative map "*that was approved on or after January 1, 2000 and that has not expired as of the effective date of the act that added this section shall be extended by 24 months.*"

**WHEREAS**, the 24-month automatic extension under section 66452.24(a) applies to the Rancho Los Robles subdivision map because it was approved after January 1, 2000 and had not expired as of the date section 66452.24 was added, which was July 11, 2013, and accordingly the Rancho Los Robles tentative map is automatically extended to November 8, 2021; and

**WHEREAS**, on July 25, 2019, Mark Blum, attorney for Heritage/Western Communities LTD, the applicant for the Rancho Los Robles subdivision, emailed and mailed a letter to the County of Monterey Resources Management Agency requesting a stay of the time period of the expiration of the Tentative Map during the litigation; and

**WHEREAS**, Government Code sec. 66452.6(c) provides that the life of a tentative subdivision map shall not include the period of time during which a lawsuit involving the approval of the tentative map is or was pending in a court of competent jurisdiction if the stay of the time period is approved by the local agency and that the local agency may stay the time period for up to five years upon request of the subdivider, in addition to other extensions of the tentative map that may apply; and

**WHEREAS**, Monterey County Code, Title 19 (coastal subdivision ordinance), section 19.03.030.A.2 provides that the tentative map shall expire twenty-four (24) months after its approval unless litigation involving the approval of the tentative map has been filed and a stay of such time period is approved by the Board of Supervisors following a written request of the subdivider; and

**WHEREAS**, without the requested stay, the map is due to expire on November 8, 2021; and

**WHEREAS**, with a grant of a litigation stay for up to five years, the tentative map would expire November 8, 2026 if the litigation is still pending as of December 7, 2022, or, if the litigation is resolved prior to December 7, 2022, would expire on an earlier date calculated by adding the number of months during which the litigation was pending (December 7, 2017 through final disposition) to the current expiration date of November 8, 2021; and

**WHEREAS**, the Rancho Los Robles Subdivision Tentative Map remains eligible, at this point, for extensions, upon application by the subdivider, of up to 6 years pursuant to the Map Act (Section 66463.5.c); and

**WHEREAS**, the Board of Supervisors finds that approval of this litigation stay is not a project under CEQA because it is an administrative activity that will not result in direct or indirect changes in the environment (CEQA Guidelines secs. 15060(c)(3) and 15378(b)(5)).

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors does hereby:

- a. Find that the action involves an administrative activity that will not result in direct or indirect changes in the environment and is not a project pursuant to Sections 15060(c)(3) and 15378(b)(5) of the State CEQA Guidelines; and
- b. Grant a stay of the expiration of the tentative map for the Rancho Los Robles Subdivision, as modified by the Coastal Development Permit issued by the California Coastal Commission, for the time period in which *Friends, Artists, and Neighbors of Elkhorn Slough et al. v. California Coastal Commission et al.* (Monterey County Superior Court Case No. 18CV001000) has been pending until final disposition of the litigation, not to exceed a period of five years (November 8, 2026), pursuant to Government Code Section 66452.6(c) and Monterey County Code Section 19.04.030.

**PASSED AND ADOPTED** on this 5<sup>th</sup> day of November, 2019, by the following vote, to-wit:

**AYES:**

**NOES:**

**ABSENT:**

I, Valerie Ralph, 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 of Minute Book\_\_\_ for the meeting on \_\_\_\_\_.

Dated:

Valerie Ralph, Clerk of the Board of Supervisors  
County of Monterey, State of California

By \_\_\_\_\_  
Deputy