

Attachment A

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June 9, 2015

VIA E-MAIL: [novom@co.monterey.ca.us]

Mike Novo
Planning Director
County of Monterey
168 W. Alisal St., 2nd Floor
Salinas, CA 93901

Re: Request for Litigation Stay on Life of Combined Development Permit for Harper Canyon (Encina Hills) Subdivision

Dear Mr. Novo:

We are writing on behalf of our client, Harper Canyon Realty, LLC, to request a stay of the life of the Combined Development Permit, including the approved Vesting Tentative Map (“VTM”), for the Harper Canyon (Encina Hills) development (the “Project”) for up to five (5) years commencing May 4, 2015.

As you know, the Monterey County Board of Supervisors approved a Combined Development Permit for the Project, including the VTM, on April 7, 2015. On May 4, 2015, a lawsuit was filed challenging the County’s approval of the Project: *Landwatch Monterey County v. County of Monterey*, Case No. M131893. A second lawsuit challenging the County’s approval of the Project was filed on May 6, 2015: *Meyer Community Group v. County of Monterey et al.*, Case No. M131913.

Government Code section 66452.6(c) provides that the life of a tentative subdivision map shall not include any period of time during which a lawsuit involving the approval of the map is or was pending in a court of competent jurisdiction if the stay of the time period is approved by the local agency. *See also*, Monterey County Code § 19.05.060. Upon request, the local agency may stay the time period for up to five (5) years. In light of the pending lawsuits challenging the County’s approval of the VTM, we are writing to request that the County approve a stay of the life of the Combined Development Permit for up to five (5) years commencing from the filing of the first lawsuit on May 4, 2015.

Thank you for your consideration of our request. Please do not hesitate to contact me with any questions regarding this matter.

Mike Novo
June 9, 2015
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Very truly yours,

RUTAN & TUCKER, LLP



Matthew D. Francois

cc: Wendy Strimling
Kelly Donlon

MDF:tw