



Monterey County Board of Supervisors

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1st Floor
Salinas, CA 93901
831.755.5066

Board Order

A motion was made by Supervisor Mary L. Adams, seconded by Supervisor Jane Parker to:

Adopt Resolution No.: 19-386 to:

- 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.

Project Location: 100 Sill Road, Royal Oaks, North County Coastal Land Use Plan

PASSED AND ADOPTED on this 5th day of November 2019, by the following vote, to wit:

AYES: Supervisors Alejo, Lopez, Phillips, Parker and Adams

NOES: None

ABSENT: None

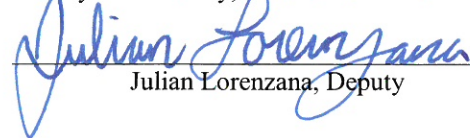
I, Valerie Ralph, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 82 for the meeting November 5, 2019.

Dated: November 5, 2019

File ID.: RES 19-148

Agenda Item No.: 72

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


Julian Lorenzana, Deputy

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

RANCHO LOS ROBLES
(PLN970159)
Resolution No.: 19-386

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 acers 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 5th day of November 2019, by the following vote, to wit:

AYES: Supervisors Alejo, Lopez, Phillips, Parker and Adams

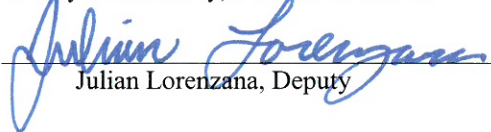
NOES: None

ABSENT: None

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 82 for the meeting November 5, 2019.

Dated: November 5, 2019
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Julian Lorenzana, Deputy