

# Exhibit A

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## EXHIBIT A

### VESTING TENTATIVE MAP TIMELINES

#### **Chronological History of the Application Extension for PLN180515 (Condominiums):**

##### **Project Timeline**

- November 2006 - The application was approved by the Planning Commission. The application was approved for a period of 24 months (2 years) and set to expire November 2008.
- January 9, 2007 – An appeal was filed and subsequently withdrawn. Per the provision of Section 19.16.015 of the Subdivision Ordinance, if an appeal of a decision-making body is submitted and the appeal is subsequently withdrawn, the original decision shall become effective immediately. Therefore, the effective date of the map approval was January 9, 2007 (the date of withdraw of the appeal), and the map was valid for 24 months, to expire on January 9, 2009.
- Senate Bill 1185 – Section 66452.21 of the Subdivision Map Act (2008) states: “The expiration of any tentative or vesting tentative subdivision map or parcel map, for which a tentative or vesting map has been approved and that has not expired on the date that the act adding [this] section became effective and that will expire before January 11, 2011, shall be extended by 12 months”. In this particular case, the map was valid at the time Section 66452.21 became effective (July 15, 2008). Therefore, the map was extended 12 months and set to expire on January 9, 2010.
- Assembly Bill 333 - Section 66452.22 of the Subdivision Map Act (2010) states: "The expiration date of any tentative or vesting tentative subdivision map or parcel map for which a tentative or vesting tentative map, as the case may be, has been approved that has not expired on July 15, 2009, and that will expire before January 1, 2012, shall be extended by 24 months." In this particular case, the map was valid after July 15, 2009 and was set to expire before January 1, 2012. Therefore, the map was extended and set to expire on January 9, 2012.
- Assembly Bill 208 - Section 66452.23 of the Subdivision Map Act (2011) states: "The expiration of any tentative map, vesting tentative map, or parcel map, for which a tentative map or vesting tentative map, as the case may be, has been approved that has not expired on or before the date that the act that added [this] section became effective, and that will expire before January 1, 2014, shall be extended by 24 months." In this particular case, the map was valid at the time Section 66452.23 became effective (July 15, 2011) and was set to before prior to January 2014. Therefore, the map was extended 24 months and set to expire on January 9, 2014.
- Assembly Bill 116 - Section 66452.24 of the Subdivision Map Act (2013) states: "The expiration date of any tentative map, vesting tentative map, or parcel map for which a tentative map or vesting tentative map, as the case may be, that was approved on or after January 1, 2000, and that has not expired on or before the effective date of this act that added this section, shall be extended by 24 months." In this particular case, the map was approved after January 1, 2000, and had not expired at the time this section became effective. Therefore, the map was extended 24 months and set to expire on January 9, 2016.
- Three-year extension granted - On March 9, 2016, the Planning Commission approved a three-year extension to the Vesting Tentative Map (PLN150752 – PC Resolution 16-009). Therefore, the map was extended three years and set to expire on March 9, 2019.

### **Current Extension Request (PLN180515)**

Request submitted November 9, 2018 - Section 66463.5 of the Subdivision Map Act and Section 19.05.065 of Monterey County Code state: "Prior to the expiration of an approved or conditionally approved vesting tentative map, upon an application by the subdivider to extend the approval of the map, the map approval shall automatically be extended for sixty (60) days or until the extension is approved, conditionally approved, or denied, whichever occurs first. " The map was set to expire on March 9, 2019; however, the extension request application was filed on November 9, 2018, more than 60 days prior to the expiration on March 9, 2019. Therefore, the map extension date has been tolled until the request is either approved, conditionally approved, or denied.

If an extension is granted, the expiration date of the Vesting Tentative Map would be extended three years to expire on March 9, 2022.

### ***Chronological History of the Application Extensions PLN180516 (Oakshire/Land Reserve);***

#### **Project Timeline**

- August 24, 2004 - The Combined Development Permit was approved by the Board of Supervisors on July 13, 2004. However, on August 24, 2004, a lawsuit was subsequently filed against the Board's approval of the VTM. The lawsuit was based on "issues related to water, land use, and access (traffic) impacts" (italics added) and the analysis of these resources contained in the Mitigated Negative Declaration. The Superior Court entered judgment in favor of the County of Monterey on October 4, 2005.
- December 19, 2006 - As a result of newly discovered evidence and in accordance with a Court Order, a revised environmental document (Initial Study) was completed and the project was brought back to the Board of Supervisors for additional consideration on December 19, 2006. On this date, the Board of Supervisors approved the project once again (Board Resolution No. 06-366), based on the revised environmental document. The Board's approval also included a stay of the time period for expiration of the VTM from the original expiration date of July 13, 2006 to a new expiration date of October 23, 2007. This stay was granted for a period of time equal to the time elapsed between the date of the filing of the lawsuit and the date when the matter was vacated by the Court, a period of fifteen (15) months and ten (10) days.
- January 9, 2007 – On July 24, 2007, the Board of Supervisors issued Resolution No. 7-287 clarifying that the expiration date for the VTM was "688 days after the current litigation is no longer pending or subject to appeal before the Court of competent jurisdiction." The 688 days correctly accounted for the time during which the project was in litigation. Counting the 688 days from June 15, 2007, the VTM expiration date was moved to April 19, 2009.
- All of the same automatic legislative map extensions described in the timeline for PLN180515 (condominium project) also applied to this Vesting Tentative Map
- Three-year extension granted - On March 9, 2016, the Planning Commission approved a three-year extension to the Vesting Tentative Map (PLN150751 – PC Resolution 16-008). Therefore, the map was extended three-years and set to expire on March 9, 2019.

**Current Extension Request (PLN180516)**

Request submitted November 9, 2018 - Section 66463.5 of the Subdivision Map Act and Section 19.05.065 of Monterey County Code state: "Prior to the expiration of an approved or conditionally approved vesting tentative map, upon an application by the subdivider to extend the approval of the map, the map approval shall automatically be extended for sixty (60) days or until the extension is approved, conditionally approved, or denied, whichever occurs first. " The map was set to expire on March 9, 2019; however, the extension request application was filed on November 9, 2018, more than 60 days prior to the expiration on March 9, 2019. Therefore, the map extension date has been tolled until the request is either approved, conditionally approved, or denied.

If an extension is granted, the expiration date of the Vesting Tentative Map would be extended three years to expire on March 9, 2022.

**Provisions Applicable to Both Map Extensions**

Section 66452.6(e) of the Subdivision Map Act authorizes local governments to approve or conditionally approve extensions to tentative maps or vesting tentative maps for a period or periods not exceeding a total of six years. The current request includes a second three-year extension, which when combined with the previously three-year extension would result in cumulative extensions totaling six years.

Section 19.05.065 of Title 19 of the Monterey County Code (Inland Subdivision Ordinance) states: "The subdivider may, upon written application, request extension(s) of the vesting tentative map approval. Such application shall be filed with the Director of Planning sixty (60) days before approval is due to expire and shall state the reason(s) for the extension. The Planning Commission may grant an extension(s) not to cumulatively exceed three years for standard subdivisions. In the case of a vesting tentative map for a minor subdivision the Planning Commission may grant an extension(s) not to cumulatively exceed two years. Prior to the expiration of an approved or conditionally approved vesting tentative map, upon an application by the subdivider to extend the approval of the map, the map approval shall automatically be extended for sixty (60) days or until the extension is approved, conditionally approved, or denied, whichever occurs first."

Section 19.01.065 of Title 19 of the Monterey County Code states: "The provisions of this Title are mandated by the Subdivision Map Act are subject to change without notice or action by the County in the event the State Legislature amends the Subdivision Map Act. This Title will be periodically updated to reflect such changes."

Although Title 19 has not been updated to reflect the six-year maximum extension provisions contained in the Subdivision Map Act, case law has held that the Map Act controls; additionally, the County has interpreted the above sections to allow a maximum extension of Vesting Tentative Maps not to exceed six years per the Map Act.

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