



# County of Monterey

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

## Board Report

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**File #:** 15-0727, **Version:** 1

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Grant a stay of the time period for expiration of the Vesting Tentative Map for the Harper Canyon Realty LLC pursuant to Government Code Section 66452.6(c) and Monterey County Code Section 19.05.060.B for up to five years while litigation is pending.

(Stay of Map Expiration - PLN000696 / Harper Canyon Realty LLC, San Benancio Road and Meyer Road, Salinas, Toro Area Plan area)

**PROJECT INFORMATION:**

**Planning File Number:** PLN000696

**Owner:** Harper Canyon Realty LLC

**Project Location:** San Benancio Road and Meyer Road, Salinas

**APN:** 416-611-001-000, 416-621-001 and 416-611-002-000

**Agent:** Mike Cling

**Plan Area:** Toro Area Plan

**Flagged and Staked:** No

**CEQA Action:** Exempt

**RECOMMENDATION:**

It is recommended that the Board of Supervisors grant a stay, up to May 4, 2020, for expiration of the Vesting Tentative Map for the Harper Canyon Realty LLC pursuant to Government Code Section 66452.6(c) and Monterey County Code Section 19.05.060.B while litigation is pending.

**SUMMARY:**

On April 7, 2015, the Board of Supervisors approved the Combined Development Permit for the Harper Canyon Realty LLC Subdivision Project. LandWatch Monterey County and the Meyer Community Group have each filed lawsuits challenging the County's approval of the project. Approval of the applicant's request will stay the running of the life of the vesting tentative map during the time the litigation is pending.

**DISCUSSION:**

On April 7, 2015, the Board of Supervisors approved the Combined Development Permit for the Harper Canyon Realty LLC Subdivision Project. On May 4, 2015, LandWatch Monterey County filed a lawsuit challenging the County's approval of the project (Monterey County Superior Court Case No. M131893). On May 6, 2015, a second lawsuit was filed by Meyer Community Group challenging the County's approval of the project (Monterey County Superior Court 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. Upon request, the local agency may stay the time period for up to five (5) years. Monterey County Code Section 19.05.060.B provides that the vesting tentative map shall expire twenty-four (24) months after its approval unless litigation involving the approval of the tentative map has been filed and if a stay of such time period is approved by the County

following a written request of the subdivider. A written request from Matthew Francois, Rutan & Tucker, LLP, on behalf of Harper Canyon Realty LLC, was received by the County on June 9, 2015 (**Attachment A**). Without the requested stay, the map will expire on April 7, 2017. Accordingly, staff is recommending that the Board approve the request to stay the time period of the expiration of the map up to May 4, 2020 while litigation is pending.

OTHER AGENCY INVOLVEMENT:

County Counsel has reviewed the report as to form.

FINANCING:

Funding for staff time associated with this project is included in the FY15-16 Adopted Budget for RMA-Planning.

Prepared by: Laura Lawrence, RMA Services Manager ext. 5148

Approved by: Mike Novo, Director, RMA-Planning, ext. 5192

Carl Holm, Acting Director Resource Management Agency

This report was reviewed by Mike Novo.

cc: Front Counter Copy; Laura Lawrence, RMA Services Manager; EHB, RMA-Public Works; MCWRA; Monterey County Regional Fire Protection District; County Counsel; Sheriff's Office; Harper Canyon Realty LLC, Owner; Mike Cling, Agent; Matthew Francois, Rutan and Tucker, LLP, Agent; The Open Monterey Project (Molly Erickson); LandWatch (Amy White); Meyer Community Group; Mike Weaver; Richard Rosenthal; Rachel Saunders (Big Sur Land Trust); David Raye; Lauren and Bill Keenan; Beverly and Steve Bean; Julie Garvin; Mike Thompson; David Erickson; Steven Schmiess; Lowell Webster; Marianne Gennis; Raymond Lino Belli; Richard Dampier; Royal Calkins; Laura Carley; The Highway 68 Coalition; Project File PLN000696

Attachments:

Attachment A Letter from Applicant dated June 9, 2015