



County of Monterey

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

Board Report

File #: RES 18-141, **Version:** 1

Adopt a resolution granting a stay of the time period for expiration of the Vesting Tentative Map for the Rancho Canada Village Subdivision Project, pursuant to Government Code Section 66452.6(c) and Monterey County Code Section 19.05.060.B for up to five years, up to January 12, 2022, while litigation regarding the project approval is pending.

(Stay of Map Expiration - PLN040061 / Rancho Canada Ventures, LLC (Rancho Canada Village Subdivision), 4860 Carmel Valley Road, Carmel Valley Road, Carmel Valley Master Plan)

Proposed CEQA action: Statutorily exempt per CEQA Guidelines Sections 15060(c)(3) and 15378(b)(5).

PROJECT INFORMATION:

Planning File Number: PLN040061

Owner: Lombardo Land Group I, L.P.

Project Location: 4860 Carmel Valley Road, Carmel Valley

APNs: 015-162-009-000; 015-162-016-000; 015-162-017-000; 015-162-025-000; 015-162-026-000; 015-162-027-000; 015-162-033-000; 015-162-039-000; 015-162-040-000; 015-162-041-000; 015-162-042-000; 015-162-043-000; 015-162-045-000; 015-162-046-000; and 015-162-047-000.

Agent: Jacqueline M. Zischke, Attorney at Law

Applicant: Rancho Canada Ventures, LLC

Plan Area: Carmel Valley Master Plan

Flagged and Staked: No

CEQA Action: Exempt

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a resolution (**Attachment A**) granting a stay, up to January 12, 2022, for expiration of the Vesting Tentative Map for the Rancho Canada Village Subdivision Project pursuant to Government Code Section 66452.6(c) and Monterey County Code Section 19.05.060.B while litigation regarding approval of the project is pending.

SUMMARY:

On December 13, 2016, the Board of Supervisors approved the Combined Development Permit for the Rancho Canada Village Subdivision Project ("Project") (PLN040061/ Rancho Canada Ventures, LLC) consisting of: 1)

A Vesting Tentative Subdivision Map for the 130-unit Alternative, subdividing 81.7 acres into 130 residential lots, common areas and roadways and a 39.4-acre open space lot and associated Use Permits (see Board of Supervisors Resolution No. 16-334). Carmel Valley Association, Inc. filed a lawsuit challenging the County's approval of the project. That litigation is currently pending at the court of appeal. 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 for up to five years from the date of filing of the lawsuit.

DISCUSSION:

On December 13, 2016, the Board of Supervisors approved the Combined Development Permit for the Rancho Canada Village Subdivision Project. On January 12, 2017, the Carmel Valley Association filed a lawsuit challenging the County's approval of the project (*Carmel Valley Association, Inc. v. County of Monterey, et al*, Monterey County Superior Court Case No. 17CV000131; Court of Appeal Case No. H046187).

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 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. Upon request of the subdivider, the local agency may stay the time period for up to five 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 Jacqueline M. Zischke, attorney for Rancho Canada Ventures, LLC, was received by the County on September 18, 2018 (**Attachment B**). Without the requested stay, the map will expire on December 13, 2019. Accordingly, staff is recommending that the Board approve the stay of the time period of the expiration of the map for up to five years, up to January 12, 2022, while litigation regarding the project approval is pending.

This action 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)).

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 FY18-19 Adopted Budget for RMA-Planning.

Prepared by: Shelley Glennon, Senior Planner ext. 5173

Approved by: Jacqueline Onciano, Chief of Planning ext. 5192

Carl P. Holm, AICP, Director of Resource Management Agency

The following attachments are on file with the Clerk of the Board:

Attachment A - Draft Resolution

Attachment B - Letter from Applicant dated September 13, 2018

cc: Front Counter Copy; Planning Commission, County Counsel, Jacqueline R. Onciano (Chief of Planning); Jacqueline M. Zischke (Applicant), Rancho Canada Ventures, LLC (Owner); The Open Monterey Project (Molly Erickson); LandWatch (Amy White); RMA-Public Works; RMA-Environmental Services; Environmental Health Bureau; Water Resources Agency; Cypress Fire District; Monterey County Sheriff;

MPWMD; Carmel Unified School District; FEMA; Caltrans; Monterey-Salinas Transit; TAMC; Carmel Valley Association; Suzie Franklin; Margaret Robbins; Tanya Roos; CSA50 Citizens Advisory Committee; Project File PLN040061