

## MONTEREY COUNTY PLANNING COMMISSION

<b>Meeting:</b> March 10, 2009 Time: 9:00 a.m.	<b>Agenda Item No.:</b> 4
<b>Project Description:</b> Revised Carlsen Estates Subdivision Proposal (Final Revision - Dated 08/19/08). The proposal is a Combined Development Permit request consisting of: 1) A Standard Subdivision Vesting Tentative Map for the division of three parcels totaling approximately 95.5 acres into 33 residential lots ranging in size from 1.02 acres to 13.29 acres; and 2) Use Permit for removal of approximately 302 oaks over 6 inches in diameter for road and driveway construction, and additional oaks for septic and building envelope areas; and 3) Use Permit for the expansion of a public water system. Development of the project would require approximately 8,600 cubic yards of grading (4,300 cubic yards of cut and 4,300 cubic yards of fill.)	
<b>Project Location:</b> 60 and 80 Carlsen Road, southerly of Berta Canyon Road, east of U.S. Highway 101, Prunedale.	<b>APN:</b> 125-051-005-000, 125-051-008-000, and 125-051-017-000
<b>Planning File Number:</b> PLN000196	<b>Former Owner:</b> PACO, LLC.
<b>Planning Area:</b> North County Non-Coastal Area	<b>Flagged and staked:</b> No
<b>Zoning Designation:</b> : LDR/2.5 [Low Density Residential, 2.5 acres per unit]	
<b>CEQA Action:</b> Statutorily Exempt per Section 15270 (a).	
<b>Department:</b> RMA - Planning Department	

### RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit A**) to:

- 1) Deny PLN000196 and close the file as the project has been abandoned by the applicant (**Exhibit A**), and
- 2) Statutorily Exempt the project per Section 15270 (a). CEQA does not apply to projects that a public agency rejects or disapproves.

### PROJECT OVERVIEW:

The County has come to understand that the property constituting the Carlsen Estates project has been foreclosed upon. The County has communicated with all three of the new property owners, James Subject (APN: 125-051-005-000), James Winter (APN: 125-051-008-000) and M. Lewis Inc., (APN: 125 051-017-000) who have confirmed that they have no interest in pursuing the subdivision of the three properties that formed the basis of the Carlsen Estates Subdivision proposal. Attempts to correspond with PACO LLC in December 2009 were unsuccessful and certified mail was returned to the County. In our opinion, the project has been abandoned by PACO LLC.

The attached Resolution does not reflect an evaluation of the project on its merits, but records that the applicant is no longer pursuing the project, that the new property owners are not pursuing the project, and that the Carlsen Estates Subdivision proposal be given a final disposition. Staff recommends that the project be denied and the file closed.

**OTHER AGENCY INVOLVEMENT:** The following agencies and departments reviewed this project:           √     County Counsel

This recommendation of a denial for the Carlsen Project was not circulated to the North County Non-Coastal Land Use Advisory Committee as the action is deemed administrative and one of record keeping. The decision on this project is appealable to the Board of Supervisors.



**EXHIBIT A  
DRAFT RESOLUTION**

**Before the Planning Commission in and for the  
County of Monterey, State of California**

In the matter of the application of:

**PACO LLC: Carlsen Estates Subdivision Proposal (PLN000196)**

RESOLUTION NO. [REDACTED]

Resolution by the Monterey County Planning  
Commission:

- 1) To deny PLN000196 for the Carlsen Estates Subdivision Proposal and close the file as the project has been abandoned by the applicant.
- 2) To Statutorily Exempt the project per Section 15270 (a) as CEQA does not apply to projects that a public agency rejects or disapproves, and

(PLN000196, PACO LLC, 14 Maple Street, Suite A Salinas, CA, North County Area Plan. APNs: 125-051-005-000, 125-051-008-000, and 125-051-017-000.

**The Carlsen Estates Subdivision Proposal application (PLN000196) came on for public hearing before the Monterey County Planning Commission on March 10, 2010. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:**

**FINDINGS**

The County has come to understand that the property constituting the Carlsen Estates project has been foreclosed upon.

Attempts to correspond with PACO LLC in December 2009 were unsuccessful and certified mail was returned to the County.

The County has communicated with all three of the new property owners, James Subject (APN: 125-051-005-000), James Winter (APN: 125-051-008-000) and M. Lewis Inc., (APN: 125 051-017-000) who have confirmed that they have no interest in pursuing the subdivision of the properties that formed the basis of the Carlsen Estates Subdivision proposal.

Additionally, none of the three new property owners, own or have control of the materials, plans and application information formerly assembled by PACO LLC to represent the Carlsen Estates Subdivision Proposal.

The Planning Commission finds that PACO LLC has abandoned the Carlsen Estates Subdivision proposal (PLN000196).

**DECISION**

**NOW, THEREFORE**, based on the above findings, the Planning Commission does hereby:

- a) Deny PLN000196, the Carlsen Estates Subdivision Proposal and directs staff to close the file for recordkeeping purposes, and
- b) Statutorily Exempt the project per Section 15270 (a) as CEQA does not apply to projects that a public agency rejects or disapproves.

**PASSED AND ADOPTED** this xxxxx day of xxxxx, 2010 upon motion of xxxxx, seconded by xxxxx, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
NAME, PLANNING COMMISSION

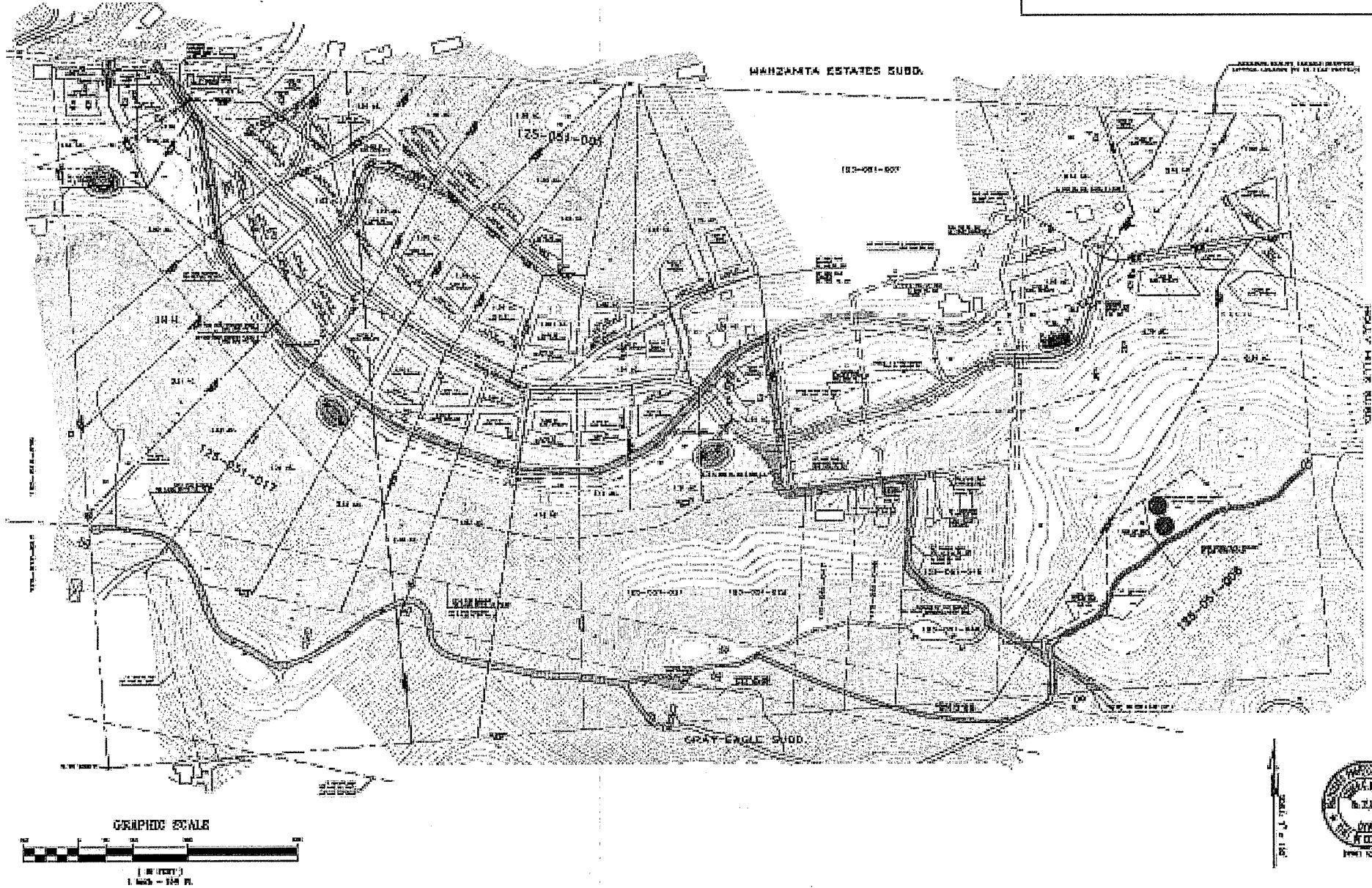
COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS.

IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE DATE

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

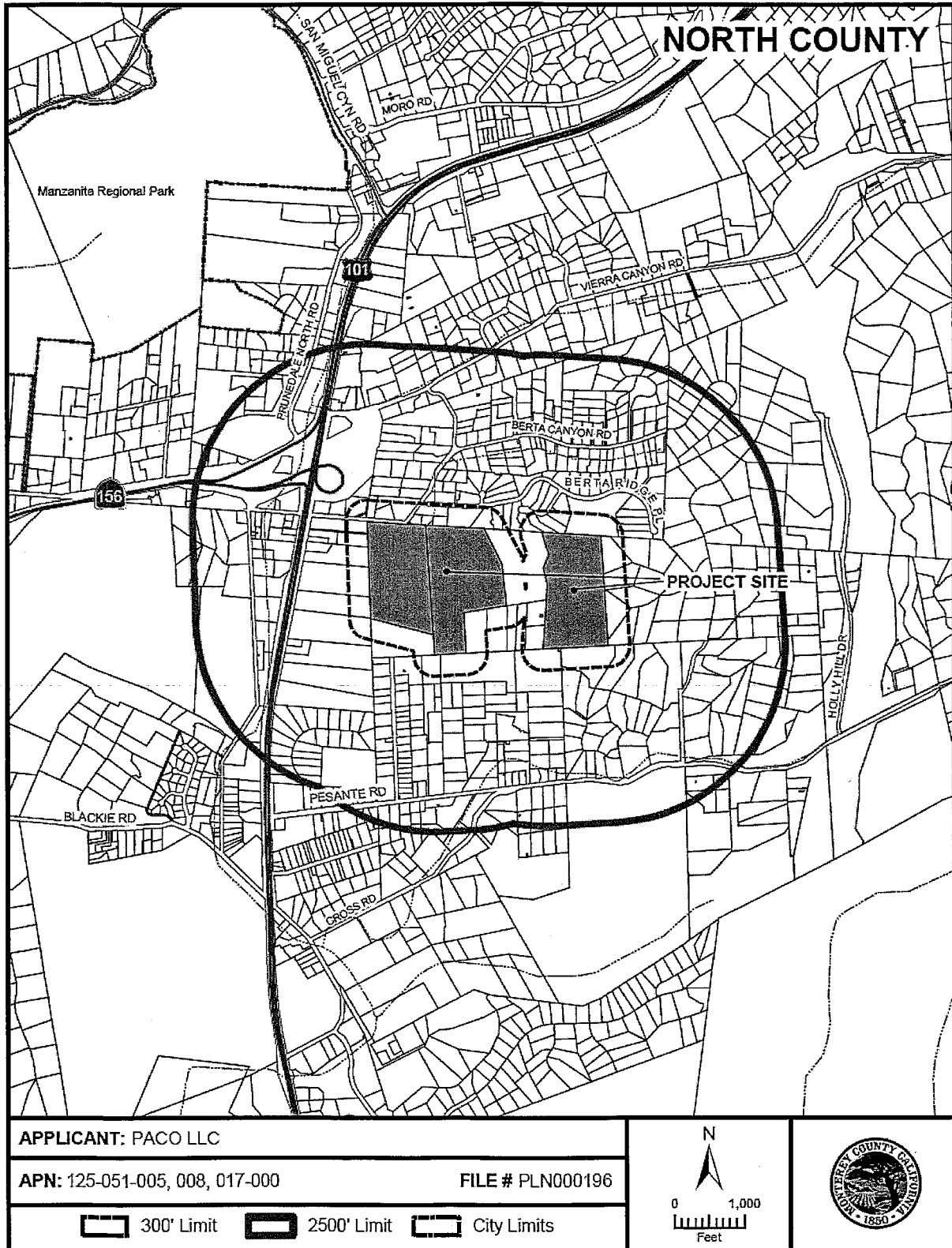
EXHIBIT A1



Former Configuration reviewed by Planning Commission August 2007

# EXHIBIT B

## Vicinity Map



APPLICANT: PACO LLC

APN: 125-051-005, 008, 017-000

FILE # PLN000196



300' Limit



2500' Limit



City Limits

