

Attachment A

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Attachment A
RESOLUTION TO AMEND THE
LOCAL COASTAL PROGRAM
PLN220086/CENTRAL COAST RENEWABLES, LLC

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

RESOLUTION NO.

Resolution of the Monterey County Board of Supervisors:

1. Finding that adoption of a Local Coastal Program amendment qualifies as statutorily exempt from CEQA pursuant to section 15265 of the CEQA Guidelines;
2. Amending the North County Land Use Plan Figure 2 – Moss Landing Community Plan to change the land use designation of a 1.13 acre parcel (APN: 133-212-008-000) from “Public/Quasi-Public: Educational – Scientific” to “Commercial – General” and to amend the North County Land Use Plan, Chapter 5 – Moss Landing Community Plan, section 5.2.1.H.1, to delete the text “and the school district office building on Moss Landing Road” from the description of the Public/Quasi-Public: Educational – Scientific land use designation;
3. Certifying that the proposed amendments are intended to be carried out in a manner fully in conformance with the Coastal Act; and
4. Directing staff to transmit the amendments to the California Coastal Commission for certification.

[PLN220086 CENTRAL COAST RENEWABLES, LLC, 8142 Moss Landing Road, Moss Landing (Assessor's Parcel Number 133-212-008-000), Moss Landing Community Plan, Coastal Zone]

The Central Coast Renewables, LLC (PLN220086) application came on for a public hearing before the Board of Supervisors on August 22, 2023. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Board of Supervisors hereby makes a decision with reference to the following facts and findings:

RECITALS

1. Section 30500 of the Public Resources Code requires each county and city to prepare a Local Coastal Program for that portion of the coastal zone within its jurisdiction.
2. On December 6, 1966, the Board of Supervisors adopted Ordinance No. 1510, applying the General Commercial with a Parking Combining District “C-2-P” zoning classification to the subject property (“Property”). C-2-P zoning classifications allowed general commercial uses with required off-street parking for certain uses.
3. On April 28, 1982, the Board of Supervisors adopted the North County Land Use Plan (hereinafter referred to as “Land Use Plan”), of which the Moss Landing Community Plan was Chapter 5, as part of the Monterey County Local Coastal Program (LCP) in the Coastal Zone pursuant to the California Coastal Act.
4. On June 4, 1982, the California Coastal Commission (Coastal Commission) certified the Land Use Plan as part of Monterey County’s Local Coastal Program.
5. Figure 2 of the Land Use Plan provides a graphic representation of the general distribution, location, extent and intensity of land uses and transportation routes in the Moss Landing Community Plan planning area.
6. The Property located at 8142 Moss Landing Road (Assessor’s Parcel Number: 133-212-008-000) has a land use designation of “Public/Quasi-Public: Educational – Scientific” in Figure 2 of the Land Use Plan. This land use designation encompasses public and quasi-public uses, specifically those of an educational or scientific nature, including the school district office building and Moss Landing Marine Labs.
7. Page 84 of the Land Use Plan in section 5.2.1.H.1 describes the “Public/Quasi-Public: Educational – Scientific” designation as follows: “Two facilities given this designation are the Moss Landing Marine Lab and the school district office building on Moss Landing Road. Future redesign and expansion of Moss Landing Marine Labs shall not be permitted to encroach upon sensitive dune habitats south of the existing site.”
8. On January 5, 1988, Monterey County adopted the Coastal Implementation Plan (CIP) of the LCP consistent with Section 30512.1 of the Public Resources Code. Part 1 of the CIP is Title 20, the zoning ordinance for the coastal zone.
9. The Section 20-03 of the Sectional District Maps of the Zoning Plan (Section 20.08.060 of the Monterey County Code) of the County of Monterey “The Zoning Map” provides a

graphic representation of the zoning classifications of the properties within the planning area. Pursuant to Planning & Zoning law, zoning must be consistent with the General Plan land use designation.

10. The Zoning Map shows the Property with a zoning classification of “Public-Quasi Public, Coastal Zone” or “PQP(CZ)”. The purpose of the PQP(CZ) zoning is to allow public/quasi-public uses such as schools, parks, regional parks, recreation areas, and uses which serve the public at large. While Public/Quasi-Public uses such as schools are conditionally allowable under this zoning, a commercial solar/electrical contractor or commercial office building would not be consistent with the purpose of this zoning district or its allowable uses.
11. On September 16, 2021, the North Monterey County Unified School District (NMCUSD) adopted Resolution No. 2021-2203 designating the Property as surplus land and initiated a Request for Proposal “RFP” process soliciting purchasers. Central Coast Renewables, LLC aka Bright Future Solar Energy submitted a proposal which the district reviewed and accepted, and on March 21, 2022, they entered into an agreement to purchase the Property from NMCUSD.
12. On June 28, 2022, Bright Future Solar Energy applied to rezone the Property from Public/Quasi-Public to commercial or “some other classification” which would permit them to re-locate their headquarters to the existing office building on the Property.
13. Having reviewed the physical characteristics of the Property, surrounding land uses, and surrounding land use and zoning designations, the Board of Supervisors finds that the change from “Public/Quasi-Public: Educational – Scientific” to “General Commercial”; that the deletion of reference to the school district office building on Page 84 of the Land Use Plan in section 5.2.1.H.1 be; and that amendment to zoning from “Public-Quasi Public, Coastal Zone” or “PQP(CZ)” to “Moss Landing Commercial, Coastal Zone” or “MLC(CZ)” is appropriate.
14. The Property is no longer owned by the NMCUSD, as described in the Land Use Plan.
15. The Property is situated in a general commercial area in Moss Landing, with properties to the north, south, and east across Moss Landing Road having the land use designation of “Commercial – General” and zoning of “Moss Landing Commercial, Coastal Zone” or “MLC(CZ)”, and the south permitted as a marine repair shop and the property to the north being an inn.
16. The project planner conducted a site visit on November 17, 2022 and did not identify any sensitive resources which could be impacted, or any potential land use incompatibilities arising from the change in land use designation and zoning.
17. At a noticed public meeting on January 18, 2023, the North County Land Use Advisory Committee voted 5 to 0 with 1 member absent to recommend approval of the project as proposed.

18. Section 30514 of the Public Resources Code provides procedures for amendments to adopted Local Coastal Programs (LCPs), including the Land Use Plan (LUP) and the Coastal Implementation Plan (CIP). Additionally, on September 24, 1985, the Monterey County Board of Supervisors adopted procedures for amending the LCP for Monterey County. The procedures include: the County’s Planning Commission hold a noticed public hearing and make a recommendation to the Board of Supervisors; the Board of Supervisors hold a noticed public hearing, adopt an ordinance, and submit the proposed amendment to the California Coastal Commission for certification together with materials sufficient for a thorough and complete review and the Coastal Commission confirm the County’s action. Accordingly, the proposed amendments will not go into effect until after certification by the Coastal Commission and it will not become operative until the Coastal Commission’s certification is final and effective.
19. State law requires the Planning Commission to hold a noticed public hearing on proposed amendments to zoning ordinances and to make a written recommendation to the Board of Supervisors.
20. On June 28, 2023, the Planning Commission held a duly noticed public hearing and recommended the Board of Supervisors approve the following:
 - a. A proposed amendment to North County Land Use Plan, Figure 2 – Moss Landing Community Plan Land Use Designation Map (**Attachment 1**);
 - b. A proposed amendment to the text contained in North County Land Use Plan, Chapter 5 – Moss Landing Community Plan, section 5.2.1.H.1 (**Attachment 2**);
 - c. A draft ordinance to amend Section 20-03 of the Sectional District Maps of Section 20.08.060 (Coastal Zoning) of the Monterey County Code to rezone the subject property from “Public-Quasi Public, Coastal Zone” or “PQP(CZ)” to “Moss Landing Commercial, Coastal Zone” or “MLC(CZ)”; amending the zoning (**Attachment 3**).
 - d. A draft resolution to approve a Coastal Administrative Permit to allow use of an existing building as an office and shop for an electrical (solar) contractor.At least 10 days before the hearing on June 28, 2023, notices of the hearing before the Planning Commission were published in the Monterey County Weekly.
21. State law provides a statutory exemption from the California Environmental Quality Act (CEQA) for consideration and adoption of local coastal programs. CEQA Guidelines Section 15265(a)(1), apply to activities and approval undertaken by a local government necessary for the adoption of a local coastal program. The proposed amendment to the Local Coastal Program requires certification by the Coastal Commission prior to taking effect.
22. These amendments are intended to be carried out in a manner fully in conformity with the California Coastal Act (Public Resources Code Sections 30512, 30513, and 30519).

DECISION

The Board of Supervisors, County of Monterey, State of California, does hereby:

- 1) Find that adoption of a Local Coastal Program amendment qualifies as statutorily exempt from CEQA pursuant to section 15265 of the CEQA Guidelines;
- 2) Amend the North County Land Use Plan Figure 2 – Moss Landing Community Plan to change the land use designation of a 1.13 acre parcel (APN: 133-212-008-000) from “Public/Quasi-Public: Educational – Scientific” to “Commercial – General”, and to amend the North County Land Use Plan, Chapter 5 – Moss Landing Community Plan, section 5.2.1.H.1, to delete the text “and the school district office building on Moss Landing Road” from the description of the Public/Quasi-Public: Educational – Scientific land use designation;
- 3) Certify that the proposed amendments are intended to be carried out in a manner fully in conformance with the Coastal Act; and
- 4) Direct staff to transmit the amendments to the California Coastal Commission for certification.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____, and carried this 22nd day of August, 2023, by the following vote to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

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 Minute Book _____ for the meeting on May 5, 2020.

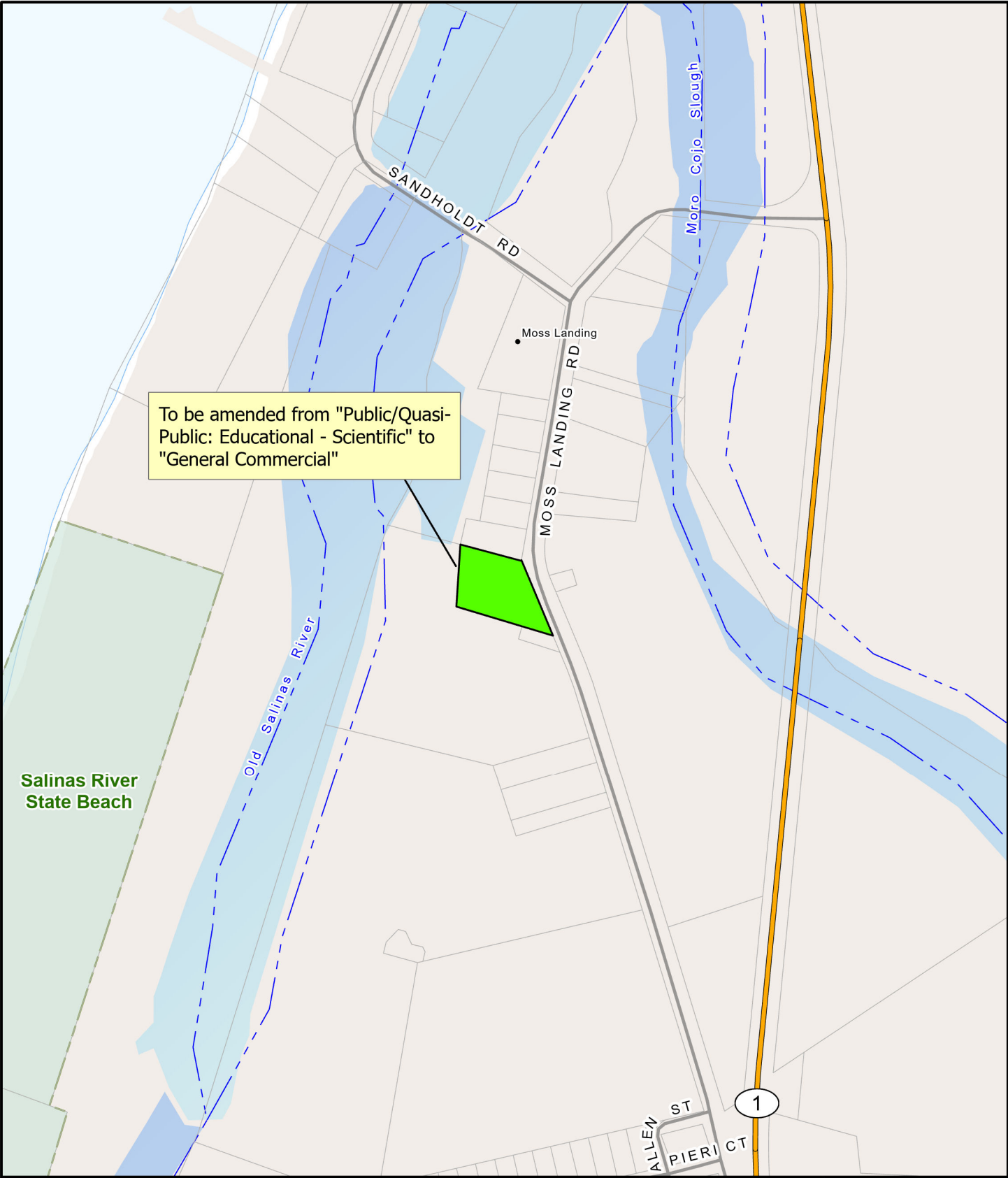
Date:
File Number:

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

By _____
Deputy

COPY OF THIS DECISION MAILED TO APPLICANT ON _____

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.



LAND USE PLAN AMENDMENT

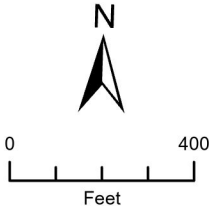
APN: 133-212-008-000

FILE # PLN220086-NMCUSD

 Project Site

 300' Buffer

 2500' Buffer



Proposed Moss Landing Community Plan Text Amendment

Below are the existing, strike-through and underline, and proposed text for the Moss Landing Community Plan, section 5.2.1 Land Use Proposals, subsection H.1., the description of the Public/Quasi-Public: Educational – Scientific land use designation on page 84 of the plan.

Existing Text:

1. Education/Scientific

Two facilities given this designation are the Moss Landing Marine Lab and the school district office building on Moss Landing Road. Future redesign and expansion of Moss Landing Marine Labs shall not be permitted to encroach upon sensitive dune habitats south of the existing site.

Strike-through and Underline Text:

1. Education/Scientific

~~Two facilities~~ One facility given this designation ~~are~~ is the Moss Landing Marine Lab, ~~and the school district office building on Moss Landing Road.~~ Future redesign and expansion of Moss Landing Marine Labs shall not be permitted to encroach upon sensitive dune habitats south of the existing site.

Proposed Text:

1. Education/Scientific

One facility given this designation is the Moss Landing Marine Lab. Future redesign and expansion of Moss Landing Marine Labs shall not be permitted to encroach upon sensitive dune habitats south of the existing site.

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