

## EXHIBIT A DISCUSSION

The September 11, 2019 Planning Commission Moss Landing Community Plan Update Workshop focuses on Harbor-related Land Use Policies and two Moss Landing Business Park Policies. As requested by the Planning Commission during the August 28, 2019 Planning Commission Workshop, this discussion includes a narrative for the proposed harbor and Moss Landing Business Park land use policies in addition to the typical discussion provided for each individual policy (see discussion below).

### HARBOR POLICY DISCUSSION

The 1982 MLCP includes Policy Section 5.3, Commercial Fishing & Recreational Boating Facilities, which established policies relating to the harbor areas. The policies focused on commercial fishing and recreational boating facilities, as those were the primary uses that existed within the Harbor areas in 1982. In 2009, during the initiation of the MLCP Update, the MLCP Committee was tasked to provide the County with recommendations for the MLCP Update based

on what their vision is for the community. The Committee determined that Section 5.3 needed to be updated to broaden the scope of appropriate facilities located near the harbor. The Committee recommended Section 5.3 be re-titled to “Harbor Facilities” and provisions allowing uses such as maritime activities, food service, charter services and other visitor serving, or commercial activities normally found in a harbor should be added.

For clarification, the areas adjacent to the harbor for which this section applies are shown in **Figure 1**. Those properties are located within the following proposed land use designations: Harbor Facilities, Waterfront Industry, Recreation and Visitor Serving Commercial, Coastal Heavy Industry, Wetlands & Coastal Strand and Scenic and Natural Resource Recreation.

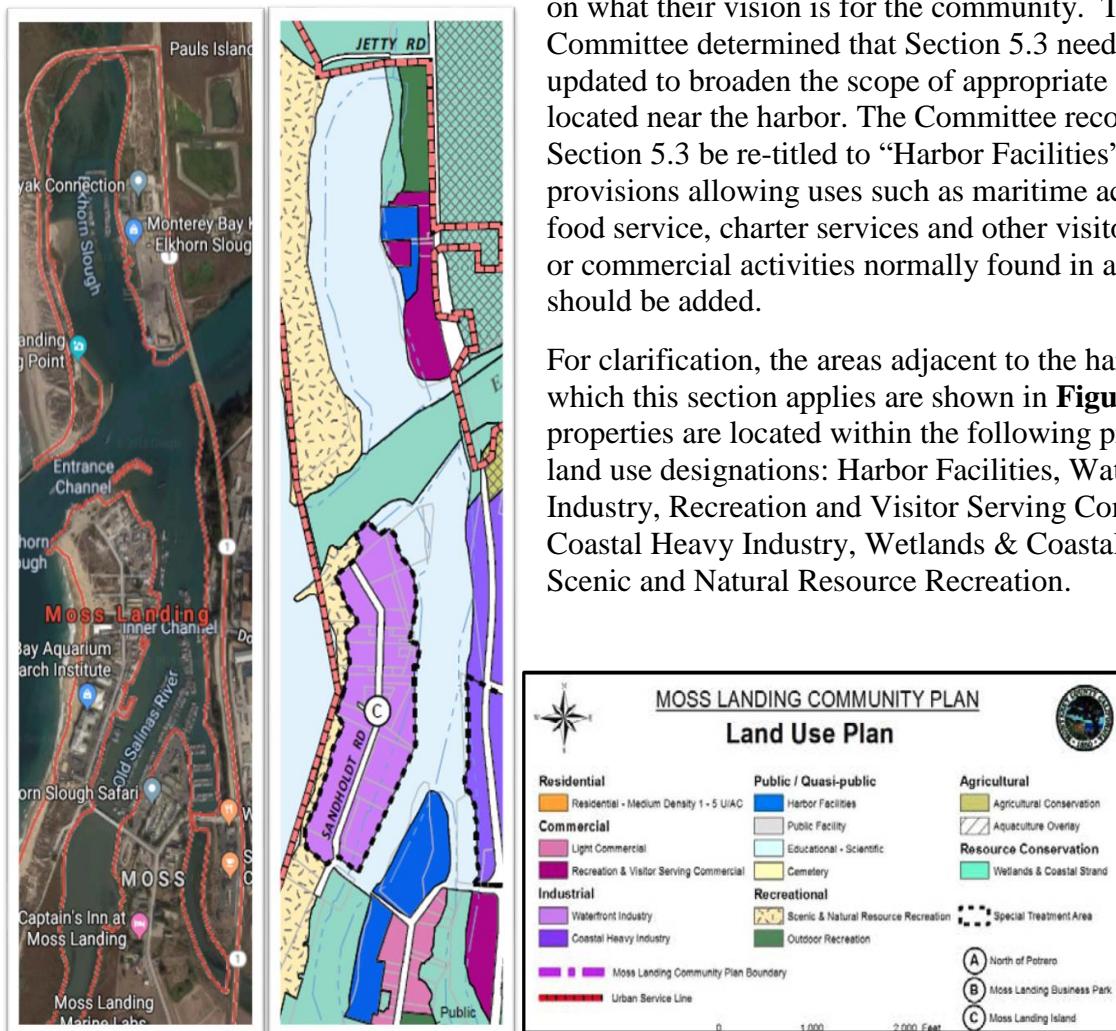


Figure 1 – Areas adjacent to the Harbor (Aerial Photo and 2017 Plan - Proposed Land Use Designations)

Current uses within the Harbor areas include commercial fishing and recreational boating facilities, as well as other maritime activities including: marine research, maritime support uses, and marine educational facilities. Recreation and visitor-serving uses typically found near a harbor, such as food/restaurant services, charter services, and other harbor commercial activities, are also found in this area.

The 2009 MLCP Committee also recommended the County “remove references to the harbor expansion” in Section 5.3; stating that “[R]emoval of this text does not preclude the harbor from pursuing further development on District property; it reflects that Sandholdt Bridge will not be removed” (Recommendation No. 6, Page 7). However, the Harbor District recently informed staff that the Committee made this recommendation without input from the Harbor District Board, and that removing the harbor expansion policies in Section 5.3 would, “cripple” the activities of the Harbor District.

Therefore, the following discussion focuses on 1982 MLCP Section 5.3 harbor policies *and* the draft 2017 MLCP Harbor Policies (Policies 2.11 through 2.24). The 2017 draft policies are grouped with 1982 policies where they share the same or similar intent. Consistent with past workshops, each policy discussion begins with an explanation of the respective policy, followed by a narrative of the community’s recommendations or comments to the draft 2017 policies. The discussion then concludes with recommendations to the Planning Commission.

#### **2017 Draft Policy No. NCLUP-ML-2.11 / 1982 MLCP Policy No. 5.3.3.11**

The intent of this policy is to support recreation and visitor-serving uses, including improvement of public recreational boating facilities, in the Harbor area.

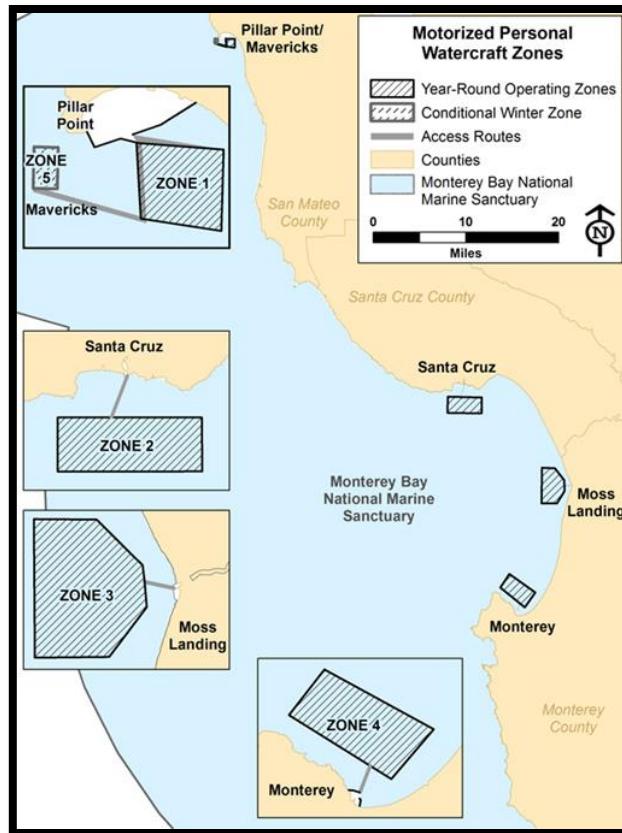
<b>1982 NCLUP Policy</b>	General Policy No. 4.3.5.3 states the provision of recreational opportunities and facilities shall be compatible with the preservation of the natural resources of the coast. Low to moderate intensity outdoor recreational use shall be emphasized within the State beaches and wildlife refuges. Higher intensity use shall be emphasized in Moss Landing and inland recreation areas.
<b>2009 MLCP Committee Recommendation</b>	The Committee stated, “Priority should continue to be given to the Commercial Fishing Industry within the harbor (Pg. 7).” 7. Rename Section 5.3 and broaden its scope to address harbor users. Include maritime activities, food services, charter services and other visitor serving or commercial activities normally found in a harbor.

<b>1982 MLCP Policy</b>	Policy 5.3.3.11: Priority shall be given to developing recreation and visitor-serving commercial uses in the north Harbor area and improving public recreational boating facilities.
<b>2017 MLCP Policy</b>	Policy 2.11: The County of Monterey shall, in consultation with the Moss Landing Harbor District, promote the development of recreation and visitor-serving commercial uses in the North Harbor area and the improvement of public recreational boating facilities.

### Community Recommendation Narrative –

For the Community Meeting, Staff modified the policy to reflect the County's intent to support, rather than promote or prioritize, recreation and visitor serving commercial uses in the harbor area. Also, this policy was expanded to all harbor areas and all appropriate recreation uses and visitor-serving uses. The community did not propose a change to staff's recommended language; however, no consensus was made on the policy. Some requested the prohibition of jet skis but it was mentioned that the Harbors and Navigation Code precludes the County from regulating watercraft.

Staff's Recommendation Narrative – Staff did consider the prohibition of jet skis and found that the County cannot prohibit the use of Personal Watercraft (PWC) (i.e. jet skis). The Monterey Bay National Marine Sanctuary regulates the use of Motorized PWC within its boundaries and prohibits PWC except in Five Zones/access routes near boat harbors including Zone 3 at Moss Landing (see **Figure 2**). Therefore, considering both the 1982 and 2017 policies, staff is recommending the modified policy language as presented at the Community Meeting rather than retaining the 1982 Policy 5.3.3.11.



**Figure 2 MBNMS - Motorized Personal Watercraft Zones**

### **2019 Policy No. NCLUP-ML-2.11 Staff Recommendation (edited from Community Input version)**

*“The County of Monterey supports the development of appropriate recreation uses and visitor-serving uses in the Harbor area and the improvement of public recreational boating facilities.”*

### **2017 Draft Policy No. NCLUP-ML-2.12 / 1982 MLCP Policy No. 5.3.2.5**

The intent of this policy is to encourage the use of existing fishing piers for water access and recreational purposes and to ensure these uses are compatible with the existing commercial fishing uses.

<b>1982 NCLUP Policy</b>	Specific Policy 4.3.6.C.7 states that the Sandholdt Pier and the soon to be replaced Highway 1 Bridge over Elkhorn Slough should be considered for renovation as fishing piers and docks.
<b>2009 MLCP Committee Recommendation</b>	No recommendation was provided for the use of the existing fishing piers; however, the committee commented that “Priority should continue to be given to the Commercial Fishing Industry within the harbor (Pg. 7).” This policy is consistent with keeping commercial fishing uses a priority over other uses.

<b>1982 MLCP Policy</b>	Policy 5.3.2.5: Use of existing piers for access and recreational purposes should be encouraged when compatible with commercial fishing uses.
<b>2017 MLCP Policy</b>	Policy 2.12: The County of Monterey shall, in consultation with the Moss Landing Harbor District, encourage the use of existing piers for access and recreational purposes when compatible with commercial fishing uses.

Community Recommendation Narrative – Staff presented modified language to the Community to reflect the County’s action to encourage the use of existing piers for water and recreational access. Language regarding consultation with the Harbor District was deleted as that should be included as part of the CIP procedures. Community had no recommended language revisions to staff’s changes; however, it was unclear if a consensus was reached.

Staff’s Recommendation Narrative – The 2009 Committee recommended that the commercial fishing industry remain a priority in the plan update. Therefore, any proposed public water access or recreational uses must be compatible with the priority use of commercial fishing. Staff is recommending the language from the Community Meeting rather than the 1982 Policy 5.3.2.5.

**2019 Policy No. NCLUP-ML-2.12 Staff Recommendation (edited from Community Input version)**

*“The County of Monterey encourages the use of existing piers for water access and recreational purposes when compatible with commercial fishing uses.”*

**2017 Draft Policy No. NCLUP-ML-2.13 / 1982 MLCP Policy No. 5.3.1**

The intent of this policy is to support the use of harbor facilities to accommodate all appropriate maritime activities and not just commercial fishing and recreational boating.

<b>1982 NCLUP Policy</b>	<p>Key Policy 2.4.1 requires the County to preserve and protect the coastal estuaries and wetlands in as natural a state as possible while providing for appropriate expansion of Moss Landing Harbor facilities and other limited, compatible wetland uses. Diking, dredging, and filling activities are identified as a valuable protective and constructive role along the North County coast. However, unnecessary or ill planned activities of this nature could seriously alter the natural environment and adversely impact important biological habitats, drainage patterns, and the scenic character of coastal, river, and estuarine shorelines.</p> <p>Policies contained in Sections 2.3 and 2.4 call for protection of environmentally sensitive habitats and provide guidance for diking, dredging, filling, and shoreline structures.</p> <p>Policy 4.3.6.E.4 (portion) to “encourage the expansion and improvement of existing recreation and visitor-serving facilities” and encourage “commercial facilities providing goods and services for local recreational opportunities.”</p>
<b>2009 MLCP Committee</b>	Recommendation No. 5 suggests revising the “Harbor Facilities” land use designation to recognize current use of harbor properties and to

<b>Recommendation</b>	accommodate future harbor users. This would include the Commercial Fishing and Recreational Boating uses but would also include such additional uses as: Residential use of Boats, marine research and education, and other “maritime activities”.
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<b>1982 MLCP Policy</b>	Policy 5.3.1: The County encourages the maximum development of commercial fishing and recreational boating facilities at Moss Landing; consistent with the conservation of the area’s wetlands, dunes and other natural resources.
<b>2017 MLCP Policy</b>	Policy 2.13: The County of Monterey shall, in consultation with the Moss Landing Harbor District, encourage the full use of harbor facilities to accommodate maritime activities, commercial fishing, recreational boating, and visitor-serving accommodations—all while protecting environmentally sensitive habitat areas.



Figure 3 - ESHA Map of the Harbor Areas

Community Recommendation Narrative Some community members requested that language regarding “protecting environmentally sensitive habitat areas” be kept in the policy for clarification. It was also noted that staff would check the 2017 Environmentally Sensitive Habitat Areas (ESHA) map for harbor facility areas. **Figure 3** illustrates the harbor areas as shown on the 2017 ESHA map. ESHA areas (in green) generally include freshwater marsh, coastal salt marsh, coastal salt marsh/open water, mudflat/open water, central dune scrub, and sloughs/rivers/wetlands. Delineated ESHA areas located near the harbor are designated Resource Conservation or Scenic & Natural Resource Recreation and will likely remain undeveloped. ESHA Buffer areas (in yellow) provide an approximate 100-foot buffer around ESHA, except for where developed land, disturbed land, or agricultural land is present. There is only one property within an ESHA buffer located within the north harbor area. Consensus was not reached for this policy at the community meeting.

Staff's Recommendation Narrative: Staff reviewed draft policy 2.13 and found the language similar to the 1982 MLCP Policy 5.3.1. Therefore, staff recommends a hybrid version of the two; keep the modified language proposed in Policy 2.13 and add the resource conservation language from the 1982 Policy 5.3.1.

**2019 Policy No. NCLUP-ML-2.13 and 1982 Policy 5.3.1: Staff Recommendation (edited from Community Input version)**

*“The County of Monterey supports full use of harbor facilities to accommodate appropriate maritime activities, such as commercial fishing, recreational boating, and visitor-serving accommodations **consistent with the conservation of the area’s wetlands, dunes and other natural resources.**”*

**2017 Policy No. NCLUP-ML-2.14/ 1982 Policy No. 5.3.3.3 and 5.3.3.8**

The intent of these policies is to support necessary and appropriate erosion control measures that will protect the Harbor shoreline.

<b>1982 NCLUP Policy</b>	<p>Key Policy 2.4.1 seeks protection of natural resources while identifying that diking, dredging and filling activities play a valuable role. The policy also discusses “providing for appropriate expansion of Moss Landing Harbor” while preserving and protecting “coastal estuaries and wetlands in as natural a state as possible.”</p> <p>General Policy No. 2.4.2.1 limits further alteration of natural shoreline processes (including drainage, erosion, water circulation, and sand transport) to protection of public beaches, existing significant structures, coastal dependent development, and the public health and safety.</p> <p>Specific Policy No. 2.4.3.6 requires County regulations for diking, dredging, filling, and shoreline structures incorporate regulations from the Coastal Act Sections 30233(a) &amp; (c), 30235, 30236, and 30607.1.</p>
<b>2009 MLCP Committee Recommendation</b>	Recommendation No. 10 identifies that the existing plan references addressing the shoreline erosion on the Island and stresses the importance of strengthening this language to specifically address shore erosion on the east side of the Island including such measures as “bulkheading” or other measures to stabilize the shoreline.

<b>1982 MLCP Policy</b>	<p>Policy 5.3.3.3: Bulkheading to prevent erosion and to maximize use of available shoreline should be provided along the west bank of the South Harbor</p> <p>Policy 5.3.3.8: Develop a retaining wall or bulkhead along the eastern bank of the North Harbor adjacent to the Harbor offices as a means of preventing further erosion and improving berthing capacity.</p>
<b>2017 MLCP Policy</b>	Policy 2.14: The County of Monterey shall, in consultation with the Moss Landing Harbor District, promote structural bulkheading, not including rip rap, where necessary to prevent erosion and to maximize use of available shoreline in the Harbor.

Community Recommendation Narrative – The policy language staff presented at the community meeting reflected the County’s action to support necessary erosion control to protect the Harbor shoreline. “[C]onsultation with the Harbor District” has been deleted as that should be included as part of the CIP procedures. During the Community meeting, the community came to a consensus on the draft policy 2.14 staff recommended.

Staff’s Recommendation Narrative – After the Community meeting, staff determined that rip rap is a viable protection option under some circumstances based on discussions with the Harbor District. Therefore, the rip rap exclusion was deleted for the policy. The Harbor District has recently stated they desire to retain 1982 MLCP policies 5.3.3.3 and 5.3.3.8; however, these policies are specific to certain areas and erosion control measures may be applicable to non-specified areas as well. For Policy 5.3.3.8, it is not the County’s purview to require these improvements be developed. However, it is the County’s purview to support necessary erosion control measures to protect the shoreline in all areas near the harbor as deemed necessary. Therefore, staff is recommending the 2.14 policy language as modified below. If it is determined that retention of the 1982 policies are necessary for the Harbor District to implement erosion control measures in the future, staff recommends that the policy 5.3.3.8 be modified as shown below.

#### **2019 Policy No. NCLUP-ML-2.14 & 1982 Policy 5.3.3.3 and 5.3.3.8 Staff Recommendation**

*Policy 2.14: “The County of Monterey supports structural bulkheading, not including rip rap, where necessary to prevent erosion and protect the Harbor shoreline.”*

*Policy 5.3.3.3: Bulkheading or other measures to prevent erosion and to maximize use of available shoreline should be provided along the west bank of the South Harbor.*

*Policy 5.3.3.8: Develop a Retaining walls, ~~or bulkheads, or other appropriate erosion control measures -should be developed~~ along the eastern bank of the North Harbor ~~adjacent to the Harbor offices~~ as a means of preventing further erosion and improving berthing capacity.*

#### **2017 Policy No. NCLUP-ML-2.15 AND NCLUP-ML-2.24 / 1982 Policy 5.3.3.9**

The intent of draft policies 2.15 and 2.24 is to ensure adequate private and public parking improvements are provided on the Island. Parking on the Island is currently insufficient to meet existing and future demands. Therefore, the goal of 2.15 is to provide a single public parking facility while 2.24 is to address parking requirements relative to new development.

<b>1982 NCLUP Policy</b>	Chapter 6 Public Access (Table 2) (Site Specific Recommendations for Access Area No. 3: Sandholdt Road – the “Island”): Improve parking. Post signs for littering resource impacts and hazards.  Policy 6.4.I.1: Improvements to existing parking and the provision of additional parking should correspond to the capacity of the shoreline destination point as determined by its size, sensitivity of the resources, and by the type(s) and intensity of uses appropriate for the area. The appropriate parking improvements should be determined as part of access
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	management plans for each access location.  <u>Policy 6.4.I.2: Parking Improvements Criteria</u>
<b>2009 MLCP Committee Recommendation</b>	No recommendation discusses the intent of this policy.

<b>1982 MLCP Policy</b>	Policy No. 5.3.3.9: On-site parking facilities shall be provided by private developers to satisfy demand generated by upgrading land uses on the island. Development of a public facility parking should be considered for a location near the north west end of the island.
<b>2017 MLCP Policies</b>	Policy 2.15: The County of Monterey, in consultation with the Moss Landing Harbor District and private property owners, shall promote the development of a public parking facility at a location near the northwest end of the Island.  Policy 2.24: Monterey County shall require new development on the island to provide either on-site parking or a dedicated off-site parking facility. Shared parking may be considered where it can be reserved for the use.

Community Recommendation Narrative – Draft Policy 2.15 presented at the community meeting included modified language to reflect the County’s action to “support” development of public parking and deletion of “in consultation with the Harbor District” as that should be included as part of the CIP procedures. The community suggested further revision of draft Policy 2.15 and deleting the word “facility”. The 2017 draft Policy 2.24 was also presented and discussed with the community. The draft language is similar to 1982 Policy 5.3.3.9, but modified to add flexibility to provide off-site or shared parking. The Community did not recommend any changes to Policy 2.24.

Staff’s Recommendation Narrative – Staff recommends modifying Policy 2.15 as agreed upon at the community meeting and retaining the 2017 language for draft Policy 2.24 to address private parking improvements needed on the Island.

The Harbor District recently stated they would like to keep 1982 policy 5.3.3.9; however as discussed above, Policy 2.15 and 2.24 adequately address the intent of Policy 5.3.3.9 with the added flexibility to provide off-site or shared parking. As such, staff recommends replacement of 1982 policy 5.3.3.9 with the policies below.

#### **2019 Policy No. NCLUP-ML-2.15 and 2.24 Staff Recommendation (edited from Community Input version)**

*Policy 2.15: “The County of Monterey supports the development of public parking at a location near the northwest end of the Island.”*

*Policy 2.24: “Monterey County shall require new development on the Island to provide either on-site parking or a dedicated ~~off-site~~ parking facility. Shared parking may be considered where*

| *it can be reserved for the use through conditions of approval.* ”

## **2017 Policy No. NCLUP-ML-2.16 / 1982 Policy No. 5.3.3.14; 15 and 16**

The 1982 plan envisioned relocation of the Sandholdt Bridge and an expansion of the harbor to the south, as a result of that relocation. However, the bridge was replaced in its original location and due to the limited height between the water and the bridge, boats cannot pass under to the south (see **Figure 4** below). The reconstruction of Sandholdt Bridge is also related to the proposed elimination of the Light Industrial land use designation south of the bridge (Assessor’s Parcel Number 133-162-002-000). Therefore, the intent of draft Policy 2.16 is to eliminate outdated plans for harbor expansion south of Sandholdt Bridge.



*Figure 4 – View of Sandholdt from the South*

<b>1982 NCLUP Policy</b>	NCLUP Policies related to Environmentally Sensitive Habitat protection and Shoreline Structures (sections 2.3 and 2.4)  Key Policy 2.4.1: “...preserve and protect coastal estuaries and wetlands in as natural a state as possible while providing for appropriate expansion of Moss Landing Harbor facilities and other limited, compatible wetland uses.”
<b>2009 MLCP Committee Recommendation</b>	Recommendation No. 6. Remove references to the harbor expansion. Removal of this text does not preclude the harbor from pursuing further development on district property; it reflects that Sandholdt Bridge will not be moved.
<b>1982 MLCP Policy</b>	Specific Policy 5.3.3.14: A comprehensive wetland restoration program shall be undertaken as mitigation for the expansion of the harbor area (phase 2) as required by Sections 30233 and 30411 of the Coastal Act.

	<p>Designation of the wetland areas to be restored and the extent of restoration necessary has not been determined by the affected agencies at the time of the certification of this plan. However, Bennett Slough, Moro Cojo Slough, and Old Salinas River are potential restoration areas. The State Department of Fish and Game, U.S. Fish and Wildlife Service, the Coastal Conservancy and the U.S. Army Corps of Engineers should be consulted and a habitat evaluation conducted, if necessary, to determine the measures required to implement this program. Mitigation measures might include such things as a new tide gate to control tidal flushing under Moss Landing Road, upstream Moro Cojo Slough flood control measures and widening of the Bennett Slough culvert. Completion of the wetland restoration program must be attained before harbor expansion in the Old Salinas River is allowed. Former wetlands that have been diked off from tidal influence but not filled should generally receive priority for restoration over diked and filled wetlands.</p> <p>Specific Policy 5.3.3.15: After optimal use of existing facilities is made and the wetland restoration program is completed, expansion of the Harbor using the feasible least environmentally damaging alternative should be encouraged. Environmental impacts of harbor expansion must be mitigated to the maximum possible extent. All feasible road construction measures should be investigated to minimize damage to the sand dune habitat. Prior to extension of Sandholdt Road, a dune restoration program should be developed in cooperation with appropriate agencies and property owners. This program should undertake the restoration of degraded dunes adjacent to the extended road by replanting with native vegetation and the installation of fences or other means of controlling public access between the road and the dunes.</p> <p>Specific Policy 5.3.3.16: Additional land-based harbor support facilities should be provided following any expansion of the harbor. Figure 2 designates the Harbor District property on the east side of the Old Salinas River Channel for the development of harbor support facilities that will include parking and restrooms. On the west bank of the channel Light Industrial development is proposed between Sandholdt Road and the bank.</p>
<b>2017 MLCP Policy</b>	Policy 2.16: Due to the limited capacity of State Route 1, the County of Monterey, in coordination with the Moss Landing Harbor District, shall curtail expansion of Moss Landing Harbor south of Sandholdt Bridge.

Community Recommendation Narrative – The 2017 draft Policy 2.16 was presented to the community with staff proposed modifications to reflect the County’s position to protect the Old Salinas River channel environment consistent with the Harbor District’s master plan, which no longer desired harbor expansion south of Sandholdt Bridge. During the review of the policy with Figure ML-6 Draft 2017 Land Use Diagram as a visual aid, the community recommended that the color for the harbor facilities land use designation be changed to distinguish land-based

harbor facilities from water facilities.



Figure 5 - Harbor District Property south of Sandholdt Rd.

The Harbor District stated that boats cannot get under the bridge. The policy was modified to reflect the Harbor District's desire for harbor facilities on the identified parcel. Additionally, consistent with proposed Policy 2.16, the Harbor District recommended deleting the 1982 MLCP Policies 5.3.3.14, 15 and 16 since in water harbor facility development south of the harbor is not planned or feasible to occur.

Staff's Recommendation Narrative – During the Community meeting, the community modified draft policy 2.16 to specify that expansion would be curtailed for in-water harbor facilities and not for land-based harbor facilities, such as the Harbor District's property located south of the Sandholdt Bridge at Assessor's Parcel Number 133-212-009-000. The disturbed area of this property is currently used as an outdoor boat storage area while the undeveloped areas of this property to the south are generally shown as ESHA (see Figures 3 and 5). The exact limits of ESHA would be determined through a site-specific biological analysis. Therefore, staff made a new modification to state this policy shall not limit development of “disturbed” areas of the property. Development in ESHA typically must be avoided.

Staff also prepared a revised draft land use map that shows the colors of harbor water areas outside of sloughs and rivers, the same color as the Monterey Bay water areas. This change is consistent with the Land Use Map for the 1982 NCLUP, which does not delineate waters outside of protected sloughs and rivers with a specific land use designation. As agreed upon with the Harbor District and consistent with draft policy 2.16,

the three policies in the 1982 MLCP related to expansion of the harbor south of Elkhorn Bridge will be deleted.

#### **2019 Policy No. NCLUP-ML-2.16 Staff Recommendation (edited from Community Input version)**

*“The County of Monterey supports the Harbor District’s plans to curtail expansion of Moss Landing’s in-water harbor facilities south of Sandholdt Bridge. This policy shall not limit development of disturbed land-based harbor facilities on Assessor’s Parcel Number 133-212-009-000 owned by the Harbor District.”*

#### **2017 Policy No. NCLUP-ML-2.17 / 1982 MLCP Policy No. 5.3.2.4**

The intent of this policy is to ensure public access opportunities are not jeopardized when allowing commercial boating operations. Public access to the beach is from several existing

access points on the Island as well as from the State beaches. Public access to the water is generally provided through harbor facilities via boat launches and docks.

<b>1982 NCLUP Policy</b>	<p>Specific Policy 6.4.A.3: Siting and design of development proposals in order to protect public access opportunities will be required in the permit process. Modifications to a project may be required if access cannot be otherwise protected. Existing access ways or trails can be rerouted or improved when formally dedicated in order to provide flexibility to the property owner in the use of his land, provided the rerouting does not diminish reasonable public use, enjoyment, and is consistent with policy D-1 and H-1 of this section.</p> <p>Specific Policy 6.4.D.1: Trails shown in Figure 6 are recommended as public access routes. The policy further describes procedures for existing or proposed trails.</p> <p>Specific Policy 6.4.H.1: New development shall not encroach on well-established access ways or preclude future provision of access.</p>
<b>2009 MLCP Committee Recommendation</b>	No recommendation was provided.

<b>1982 MLCP Policy</b>	Policy 5.3.2.4: Use of existing land-based facilities that support commercial boating should not jeopardize the protection of public access to the shoreline.
<b>2017 MLCP Policy</b>	Policy 2.17: The County of Monterey, in coordination with the Moss Landing Harbor District, shall ensure that the use of existing land-based facilities that support commercial boating do not jeopardize the protection of public access to the shoreline.

Community Recommendation Narrative – Staff’s recommendation provided at the Community meeting was to delete the policy since the intent to protect public access over development is already provided in 1982 NC LUP Policy 6.4.A.3, which states proposed projects are required to be modified if access cannot be protected. However, the Community recommended keeping the draft policy but that commercial boating and public access be given equal weight in the policy.

Staff’s Recommendation Narrative – Draft Policy 2.17 is almost identical to the 1982 MLCP Policy 5.4.2.4, but with the added language requiring consultation with the Harbor District. Staff supports the community’s request to keep the policy as modified during the community meeting. The modified language includes deleting “consultation with the Harbor District”, as that should be a required procedure in the CIP. Also, “the use of existing land-based facilities” was replaced

with “proposed development.”

**2019 Policy No. NCLUP-ML-2.17 Staff Recommendation (edited from Community Input version)**

*“The County of Monterey shall ensure that proposed development that supports commercial boating does not diminish or compromise public access.”*

**2017 Policy No. NCLUP-ML-2.18 and 2.22/ 1982 MLCP Policy No. 5.3.1 and 5.3.2.2 and 5.3.3.12**

The intent of draft policies 2.18 and 2.22 is to protect environmentally sensitive habitat areas from proposed development near the harbor. Policy 2.18 is a general policy to avoid environmental damage, whereas Policy 2.22 is specific to conservation of sensitive mudflat habitats.

<b>1982 NCLUP Policy</b>	NCLUP Policies related to Environmentally Sensitive Habitat protection and Shoreline Structures (section 2.3, particularly subsection 2.3.3.D, and section 2.4)
<b>2009 MLCP Committee Recommendation</b>	No recommendation provided.

<b>1982 MLCP Policy</b>	1982 MLCP Specific Policy 5.3.3.12 is almost identical to draft 2017 MLCP Policy 2.18 (see below). However, there is no identical policy for Policy 2.18 included in the 1982 MLCP. The following policies are related to the intent of Policy 2.18 and 2.22 to protect environmentally sensitive habitat areas in Moss Landing:  Key Policy 5.3.1: The County encourages the maximum development of commercial fishing and recreational boating facilities at Moss Landing; consistent with the conservation of the area’s wetlands, dunes and other natural resources.  General Policy 5.3.2.2: Optimum use of the existing harbor area and expansion of the harbor should be compatible with conservation of the most sensitive and viable wetlands.  Specific Policy 5.3.3.12: Upgrading and development of recreational boating support facilities should not jeopardize conservation of sensitive mudflat habitats in the North Harbor.
<b>2017 MLCP Policy</b>	Policy 2.18: New development shall avoid environmental damage to the extent feasible that would otherwise result from construction and deconstruction activities on lands adjacent to Moss Landing Harbor, including pile driving, sheet pile installation, and the physical disturbance of potentially contaminated marine sediments. Where avoidance is not feasible, developments shall implement measures to reduce environmental

	<p>damage.</p> <p>Policy 2.22: When the County of Monterey reviews applications or environmental documents from the Moss Landing Harbor District to upgrade, or develop recreational boating support facilities, the County shall consider methods to conserve sensitive mudflat habitats.</p>
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Community Recommendation Narrative – The narrative below separates the community discussion relative to the different policies to provide clarity.

Policy 2.18: Staff had recommended that the policy could be deleted as it is redundant with requirements of the CA Environmental Quality Act and because the resources are protected under numerous policies found in NCLUP Sections 2.3 and 2.4, which protect these resources. There was no consensus, with two main positions: delete or keep as discussed below:

- Keep: When the California Coastal Commission (CCC) takes jurisdiction of the MLCP for certification, the County's CEQA determination for the project is a nullity. CCC would review the Local Coastal Program policies and make its certification on the MLCP based on these policies.
- Delete: This policy singles out the harbor district and its facilities and excludes all other developers making an application. Policies under NCLUP Sections 2.3 and 2.4 require protection of environmentally sensitive habitat and the protection of resources related to diking, dredging, filling and shoreline structures specific to all areas near the harbor and is therefore applicable to all proposed harbor development.

Policy 2.22: Staff supports deletion, as discussed during the community meeting, but consensus was not reached with all attendees. The Harbor District recently provided staff with language that would replace draft policy 2.22 to address their concern of the restoration of wetlands from other agencies (i.e. the State) that could impact their properties. The intent for the replacement policy is to ensure the Harbor District is consulted prior to taking any action (i.e. submitting comments for other agency projects or approving a County-led project) for proposed wetlands and/or sensitive habitat restoration projects that could have a direct impact to the District's legislative mandates, duties, and activities.

Staff's Recommendation Narrative – The narrative below separates staff's recommendation relative to the different policies to provide clarity.

Policy 2.18: While the policy applies to all land adjacent to the harbor, significant resource protection policies are in place in the North County Land Use Plan in Chapter 2. Staff is working with the CCC during this update process and will continue to get their feedback. There are other LCP policies that address this issue in Chapter 2 of the NC LUCP. Staff recommends the policy be deleted.

Policy 2.22: Staff recommends deleting the policy as it is covered by North County LUP

Policies listed under 2.3.2 and Policy 2.3.3.B. MBARI and the Harbor District agreed with deleting the policy during the community meeting however the Harbor District recommended replacing this policy with a new proposed policy as discussed above. Staff reviewed the new proposed Harbor District policy and agrees with the intent; however, staff has modified the proposed policy to remove any informational-only language as that did not provide clear direction or add to the policy's intent. Additional clarification to implementing the policy can be included in the CIP.

### **2019 Policy No. NCLUP-ML-2.18 and 2.22 Staff Recommendation (edited from Community Input version)**

*Policy 2.18: Delete Policy.*

*Policy 2.22: Delete Policy and replace with the new policy below as recommended by the Harbor District but modified by County Staff to focus the policy's intent:*

*“Prior to acting on any proposal that relates to wetlands and/or sensitive habitat restoration projects located within the Elkhorn Slough watershed or have potential effects on the sloughs or Old Salinas River channel within the community, the County shall provide written notice and consult with the Moss Landing Harbor District regarding the proposal’s potential adverse impacts to the Harbor District’s legislative mandates, duties, and activities.”*

### **2017 Policy No. NCLUP-ML-2.19**

*Policy 2.19 was shown as deleted in the draft 2017 plan. Renumbering will be done for the next draft of the community plan.*

### **2017 Policy No. NCLUP-ML-2.20 / 1982 MLCP Policy No. 5.3.2.2**

The intent of this policy is to ensure uses of the harbor are compatible with protecting sensitive habitat.

<b>1982 NCLUP Policy</b>	NCLUP Policies related to Environmentally Sensitive Habitat protection and Shoreline Structures (Section 2.3, particularly subsection 2.3.3.D, and section 2.4)
<b>2009 MLCP Committee Recommendation</b>	No recommendation provided.

<b>1982 MLCP Policy</b>	Policy 5.3.2.2—Optimum use of the existing harbor area and expansion of the harbor should be compatible with conservation of the most sensitive and viable wetlands.
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<b>2017 MLCP Policy</b>	Policy 2.20: Optimum use of the existing harbor area should be compatible with conservation of the most sensitive and viable wetlands.

Community Recommendation Narrative – Staff recommended deletion at the community meeting because policies within NCLUP Sections 2.3 and 2.4 already protect these resources. The community did not arrive at a consensus for this policy.

The Harbor District said the policy conflicts with the Harbor District Statute and recommended deletion. The community had several questions related to how the harbor area and sensitive wetlands are defined, whether the policy should be expanded to all areas, whether the language had any unintended consequences, and whether it is intended to protect the harbor or the sensitive habitat.

Staff's Recommendation Narrative – Significant resource protection policies are in place in the North County Land Use Plan Chapter 2. Staff recommends that the policy can be deleted.

**2019 Policy No. NCLUP-ML-2.20 Staff Recommendation (edited from Community Input version)**

*Delete Policy.*

**2017 Policy No. NCLUP-ML-2.21 and 5.3.3.10**

The intent of this policy is to support researching and implementing using natural processes to improve tidal flow and sediment transport, which could minimize dredging and allow improved capacity for additional berthing facilities.

<b>1982 NCLUP Policy</b>	Policies in section 2.4 related to Diking, Dredging, Filling and Shoreline Structures.  Policy 2.4.4.3—The Moss Landing Harbor District should enlarge the culvert under Jetty Road if increased wildlife habitat will result in addition to tidal flushing of the North Harbor.
<b>2009 MLCP Committee Recommendation</b>	None.

<b>1982 MLCP Policy</b>	Specific Policy 5.3.3.10: Methods to improve tidal flow and sediment transport from the North Harbor as a means of improving capacity of the North Harbor to accommodate additional berthing facilities and minimize the need for dredging should be studied. One possible method would be expansion of the existing culvert under Jetty Road.
<b>2017 MLCP Policy</b>	Policy 2.21: If the Moss Landing Harbor District proposes additional berthing facilities, the County of Monterey will participate in evaluating

	methods to improve tidal flow and sediment transport from North Harbor as a means of improving the need for dredging. One possible method would be expansion of the existing culvert under Jetty Road.
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Community Recommendation Narrative – 2017 Policy 2.21 is similar to existing Specific Policy 5.3.3.10, described above. Staff recommended to the community that the last sentence could be deleted as the topic is covered by North County LUP Policy 2.4.4.3.

The community did not arrive at a consensus for this policy. Some community members recommended deletion of the policy, as natural processes have not worked in the past. Some community members recommended editing the policy to state the County shall pursue natural alternative methods/developing natural techniques using the scientific community.

Staff's Recommendation Narrative – Staff recommends deleting the policy as the County does not have a role in researching or implementing improved dredging methods. In addition, the Harbor District has not found any alternative methods over the almost 40 years the old policy was in place. Removal of the policy does not preclude them from finding new methods.

**2019 Policy No. NCLUP-ML-2.21 Staff Recommendation (edited from Community Input version)**

*Delete Policy.*

**2017 Policy No. NCLUP-ML-2.23 and 1982 Policy 5.6.3.1 / Retention of miscellaneous 1982 Harbor Policies**

The intent of Policy 2.23 is to have the County find ways to preserve the fishing industry on the Island.

<b>1982 NCLUP Policy</b>	Policy 2.7.1—Monterey County encourages the further growth and development of aquaculture as a priority economic, research, and educational activity within the North County coastal zone, consistent with the need to provide for other activities, such as commercial fishing and recreational boating and fishing, and the need to protect wildlife and water resources.
<b>2009 MLCP Committee Recommendation</b>	No recommendation but did state “Priority should continue to be given to the Commercial Fishing Industry within the harbor” (Page 7)

<b>1982 MLCP Policy</b>	Specific Policy 5.6.3.1: The highest priority should be given to preserving and maintaining all fish handling and processing facilities on the island. According to both the State Lands Commission Charter for the Moss Landing Harbor District and the Coastal Act mandate, it is imperative that commercial fishing activities be protected.
<b>2017 MLCP</b>	The County of Monterey shall work with property owners to preserve and

<b>Policy</b>	maintain all fish handling and processing facilities on the Island.
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**Community Recommendation Narrative** – The Community recommended that this policy be omitted and existing 1982 Policy 5.3.1 be retained. However, as previously discussed 1982 MLCP Policy 5.3.1 is incorporated in modified draft Policy 2.13 as discussed in this staff report. The community also recommended that staff review the list of Harbor Development policies in Section 5.3.3 to see if they are still needed. They further recommended that policy 5.3.3.6 not be kept and that if we keep 5.3.3.1, we receive recommendation from MBARI & the Harbor District.

**Staff's Recommendation Narrative** – The narrative below separates discussions for staff's recommendation relative to draft Policy 2.23 and the retention of 1982 Harbor policies to provide easier understanding.

**2017 Draft Policy 2.23:**

Staff recommends omitting draft Policy 2.23 and retaining 1982 Policy 5.6.3.1 as it meets the intent to preserve the fishing industry and goes a step further by stating it should have the highest priority use over other uses on the Island. Staff agrees with the intent of Policy 5.6.3.1 since it is consistent with the 2009 Committee's recommendation to ensure commercial fishing uses are given priority over other uses.

**1982 MLCP Harbor Policies to be Retained:**

Also, based on feedback from the community, staff reevaluated the list of harbor development policies found in the 1982 MLCP Section 5.3.3 and found that many of these policies were equivalent to or similar to proposed policies in the 2017 draft MLCP (i.e. 1982 MLCP Policy 5.3.3.11 is similar to draft 2017 Policy 2.11) as discussed above in this staff report. Of the remaining 1982 Section 5.3.3 policies not discussed above, staff is recommending retaining the following eight policies: Policies 5.3.2.1, 5.3.3.1, 5.3.3.2, 5.3.3.4, 5.3.3.5, 5.3.3.6, 5.3.3.7, and 5.3.3.13. They are listed below.

Staff is recommending a change to policy 5.3.3.1 to incorporate the use of the Island by Monterey Bay Aquarium Research Institute and Moss Landing Marine Laboratory (MLML). Staff is also recommending a change to policy 5.3.3.6 to reflect MLML's General Development Plan proposal for the Sandholdt pier that is under their ownership and to acknowledge the pier being previously demolished and therefore needs to be fully rebuilt (not renovated).

**2019 Policy No. NCLUP-ML-2.23 Staff Recommendation (edited from Community Input version)**

Staff supports the replacement of draft 2017 Policy 2.23 with 1982 Policy 5.6.3.1:

*"The highest priority should be given to preserving and maintaining all fish handling and processing facilities on the Island. According to both the State Lands Commission Charter for the Moss Landing Harbor District and the Coastal Act mandate, it is imperative that commercial fishing activities be protected."*

## **1982 Harbor Policies Retained for MLCP Update - Staff Recommendation**

Staff recommends retention of the following 1982 MLCP harbor policies with the few modifications shown below:

5.3.2.1: *“Commercial fishing facilities shall be protected and, where feasible, upgraded. Commercial fishing shall have priority for berthing space in the South Harbor, and recreational boating facilities shall not interfere with the needs of the commercial fishing industry.”*

5.3.3.1: *“Encourage the conversion of underutilized or unused parcels on the island to land uses that are supportive of the commercial fishing industry, marine research and education, and aquaculture.”* This policy is modified to address uses typically provided by current users such as MBARI and MLML.

5.3.3.2: *“Legal remedies should be investigated to prevent berthing of unseaworthy boats in the harbor and abandonment of boats in dry storage areas.”*

5.3.3.4: *“The capacity of dry dock storage areas should be increased when needed and new dry storage areas should be developed. Measures should be taken to ensure that grading and surfacing work performed to provide additional capacity will not adversely affect water quality in the harbor.”*

5.3.3.5: *“Provision of an additional boat fueling facility should be considered.”*

5.3.3.6: *“The Sandholdt Pier should be considered ~~for renovation to be rebuilt fishing to accommodate public access, commercial fishing pier and other appropriate maritime commercial uses.~~”*

5.3.3.7: *“An additional boat launching ramp or hoist should be provided. A possible location would be in the North Harbor ~~just south of the Elkhorn Yacht Club.~~”*

5.3.3.13: *“Additional restroom facilities should be provided in the North Harbor area.”*

## **MOSS LANDING BUSINESS PARK POLICY DISCUSSION**

The Moss Landing Business Park (Business Park) has significant development potential in relation to development that could occur throughout the rest of the community. The property consists of approximately 180 acres. The North County Land Use Plan restricted uses for property with a Heavy Industry land use designation to coastal-dependent and coastal-related uses. Last year, the Coastal Commission certified an amendment to the Land Use Plan that also allows limited agricultural uses for the former Kaiser Refractory site, which is the property now known as the Moss Landing Business Park.

The Business Park site has significant constraints. The eastern and southern boundaries have environmentally sensitive habitat and wetland areas. The northern portion of the site is where

habitable structures and parking areas have been constructed for past and current uses. The southern area, north of the slough area, contains dolomite deposits and may not be usable for most structural development. Testimony at the August 28, 2019 Planning Commission meeting stated that wetlands are located under the dolomite deposits. This has not yet been researched by staff as of the writing of this report. The middle area of the site contains numerous large tanks that have been used for storing seawater in the past. Seawater pipelines to the ocean provided access to seawater for the refractory processes. The site does not currently have a waste discharge permit from the State of California, so any outfall pipe is not currently able to be utilized.

The 2009 Committee report demonstrates that the public was favorable to a Moderate Growth Alternative (Exhibit G, page 3) for the community; staff followed that direction when drafting the 2017 Community Plan. The Expanded Growth Alternative was envisioned to allow additional commercial and other uses along the Highway 1 Corridor. Additional commercial areas have specifically not been included in the draft 2017 Community Plan, due to the 2009 Committee recommendation, resource protection concerns, and the prohibition on new access points to Highway 1.

This property is separated into a narrow portion between the Harbor and Highway 1 and the majority of the site east of Highway 1. The portion of the site east of Highway 1 does not have access to the harbor or the sea, which significantly affects the ability to utilize the developed area for coastal-dependent and coastal-related uses. The site has vehicular access from Dolan Road and a rail spur terminates on the property. Water is supplied by Pajaro-Sunny Mesa Community Services District. The property also has access to its own well located east of the community area. Wastewater from on-site uses is disposed of through septic systems.

The westernmost portion of the property, between the harbor and Highway 1, due to other policies of the draft plan, would not allow vehicular access from Highway 1. The portion of the property that fronts along Moss Landing Road is too short to provide safe ingress and egress to the property from that location. As such, the site is not amenable to development that requires vehicular access. The site also contains resource areas that could substantially constrain development of this area.

Coastal Dependent use is defined as “development or land use which requires a site on or adjacent to the sea in order to be able to function at all” (Coastal Implementation Plan section 20.144.020.P). This definition is extremely limiting. Coastal-Related Development is defined as “any use or development that is dependent on a coastal dependent development or use” (Coastal Implementation Plan section 20.144.020.R). Due to the practical difficulty in allowing coastal dependent uses on the majority of the Business Park site, coastal-related uses are likewise difficult to allow. If the developed portion of the site had direct access to the water, recommending the site remain limited to Coastal Dependent and Coastal-Related uses would make sense. However, without access to the water for the majority of the Business Park, the definition of Coastal Dependent makes the use of the site unlikely.

A recent amendment to the North County Land Use Plan, including the Moss Landing Community Plan chapter, states “limited agricultural uses, including commercial cannabis

activities, may be permitted at the former Kaiser National Refractories site.” The amendment modified text in sections 4.3.6.F.1, 5.2.1.A.2 (Moss Landing Community Plan chapter), and Policy 5.5.2.10 (Moss Landing Community Plan chapter). This amendment was certified by the California Coastal Commission last year and is shown in Exhibit L.

The following policies seek to limit the type and intensity of development that could occur on the Business Park site due to California Coastal Act priorities, and the following resource limitations, both on site and due to regional issues:

- Environmentally sensitive habitat areas
- Dolomite waste areas
- Groundwater overdraft
- Wastewater system limitations
- Traffic congestion and safety issues related to Highway 1 and its intersections within the Community Plan area

In addition, the ability to use the seawater tanks can be an asset for the site and could potentially be utilized for coastal-dependent or coastal-related uses. The resource limitations and opportunities for using the seawater tanks make development foreseeable primarily for the northern portion of the property.

#### **Policy No. NCLUP-ML-2.10**

The intent of this policy is to limit development within the Moss Landing Business Park to a square footage that recognizes the groundwater limitations in North County, the traffic congestion in the immediate vicinity of the Business Park, and to ensure the site is within wastewater limitations for full buildout of the community. Impacts analyzed in the MLCP EIR will be based on any policy limitation.

<b>1982 NCLUP Policy</b>	No policy or narrative discusses the intent of this policy.
<b>1982 MLCP Policy</b>	No policy or narrative discusses the intent of this policy.
<b>2009 Recommendation</b>	The 2009 Committee noted that the property owner of the Business Park estimated that future development of the property would generate 25,000 gpd of wastewater. Recommendation No. 12 suggested 1) designating the site a “Special Treatment Area,” 2) allowing coastal dependent and coastal related industrial uses, 3) taking into account the unique setting of the site, 4) protecting the natural resources on and around the site, and 5) that development of the park be tied to a wastewater allocation of 25,000 gpd.
<b>2017 Version</b>	Development in the Moss Landing Business Park shall be limited to 190,000 square feet of structure(s) and 25,000 gpd wastewater.

Community Recommendation Narrative – No consensus on policy language was reached. Some desired to keep the original cap recommended by staff; others allow more flexibility. The community generally felt that wastewater generated from new development within the Business Park should not be such that capacity of the wastewater system would not be able to

accommodate buildout of the rest of the community.

Staff's Recommendation Narrative – The existing structural development on the Business Park is approximately 300,000 square feet and under the current LCP, approximately 4,000,000 square feet of structural coverage is allowed on the site. The policy language staff presented at the community meeting identified a limitation of 1,000,000 square feet of structural coverage or 25,000 gpd of wastewater, whichever is more restrictive. However, during the meeting, the property owner's representative stated that the desired development is 2,000,000 square feet. Based on industry-standard water and wastewater calculations for a business park, total water use would be approximately 34,000 gpd above the existing use (based on an additional 1.7 million square feet) and wastewater is estimated as 36,000 gpd. Wastewater quantity is higher due to the desire to put the entire Business Park on sewer, so the wastewater calculation is based on the entire 2,000,000 square feet. This 11,000 gpd wastewater increase is easily within the physical limitation of the wastewater system and the calculated wastewater needs for planned community buildout.

Staff has identified approximately 1.5 million square feet of area on the northern end of the site that could accommodate development while, 1) avoiding the significant resources areas of the site (wetlands and sloughs), 2) avoiding the area where the seawater tanks are located, and 3) avoiding the area of the site covered in dolomite deposits. One and a half million square feet can easily accommodate 2 million square feet of multi-story development and required parking and landscaping. The height limit for the property is 35 feet, so three story construction could be proposed. The seawater tanks are a valuable asset to the area and could be used for aquaculture or marine research activities. Preservation of those tanks could help to attract uses that are related to marine research or aquaculture production, which might be considered "coastal dependent" or "coastal related."

In a recent letter to the Planning Commission the Business Park property owner's representative asked that the square footage limitation not be applicable to all development on the site. In addition, the letter requests that the site not be limited to coastal dependent, coastal related, and heavy industrial uses. They are requesting that the uses allowed on the site be those found typically in a business park (Exhibit B, Moncrief and Hart letter). Also in a recent letter to the Planning Commission, Friends, Artists & Neighbors of Elkhorn Slough's representative objected to eliminating the coastal dependent and coastal related requirement for this site (Exhibit B, Stamp Erickson Attorney at Law letter).

Staff agrees that the seawater tanks should be excluded from the 2,000,000 square foot limitation and has added language to the draft policy to exempt those structures. The typical use of those structures would likely not generate significant traffic, would not utilize much if any potable water, and may not generate wastewater to the sewer system. If the seawater is disposed through the wastewater system, it would not be on a regular basis and would be included in the wastewater calculation for the site. Any issues related to seawater disposal would be addressed through a permit process to utilize the tanks. The policy is not intended to limit square footage of solar panels. That kind of detail would be suitable for the regulations that will be developed for the Coastal Implementation Plan, which will be a companion to the draft community plan. The language in the draft policy limits development to structures and floor area. Solar panels do not

have floor area, so they would not be part of the limitation.

Technical reports based on water use and traffic are being prepared. Once we have that information, staff may recommend that this policy not include square footage limitations, but have specific numerical limits for potable water use, traffic, and wastewater. Those are the factors that are intended to be limited by this policy and a change to set limits on those specific activities would provide more flexibility and certainty for future use of the site.

For all these reasons, staff recommends the modified language below.

**2019 Policy No. NCLUP-ML-2.10 Staff Recommendation (edited from Community Input version)**

*“Total structural development in the Moss Landing Business Park shall be limited to 1,000,000 2,000,000 square feet of floor area of habitable structure(s) or 25,000 36,000 gpd wastewater, whichever is more restrictive. Above ground seawater tanks are not included in the square footage limitation.”*

**Policy No. NCLUP-ML-NEW1**

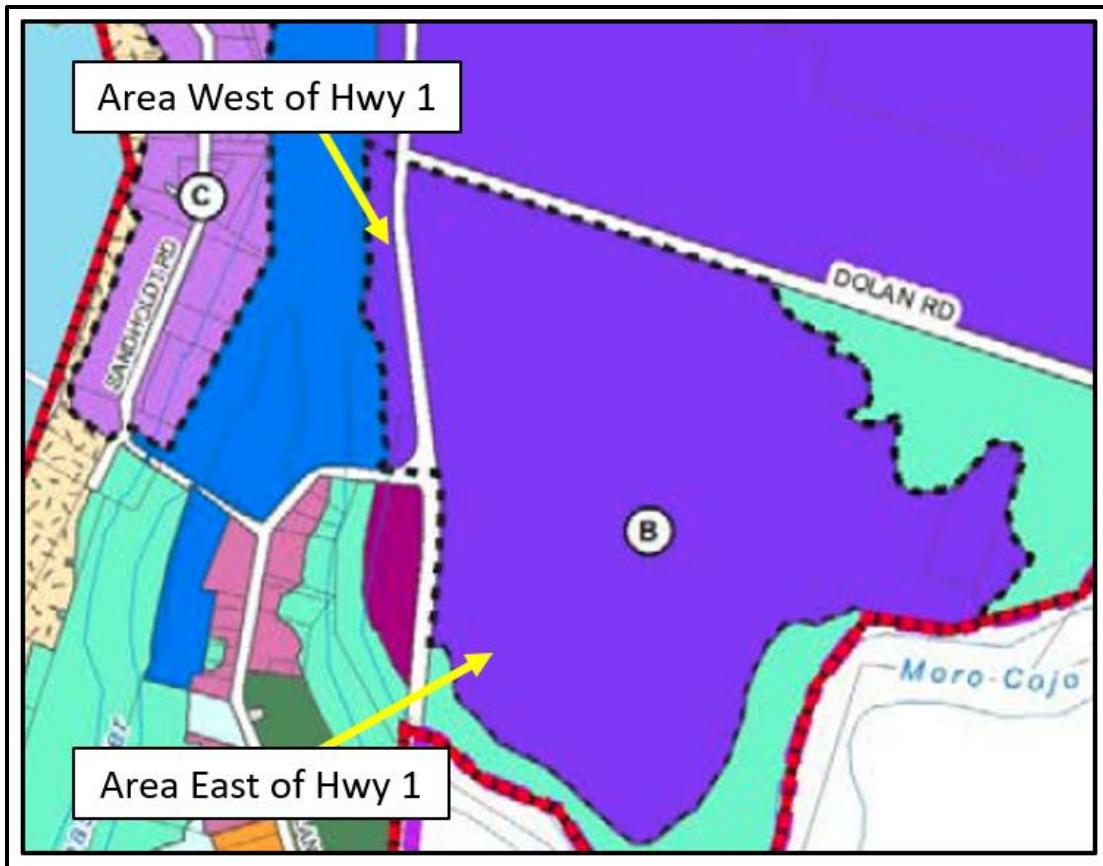
The intent of this policy is to establish the parameters for development of the former Kaiser Refractories site currently known as the Moss Landing Business Park, which is proposed for a Special Treatment Area Overlay as shown in the 2017 MLCP Land Use Diagram in the draft 2017 Moss Landing Community Plan.

<b>1982 NCLUP Policy</b>	Narrative section 4.3.6.F.1 states Lands designated for Heavy and Light industrial use in the North County Coastal Zone, shall be reserved for coastal dependent industry as defined in Sections 4.3.1.L and M., and in the glossary of this plan. New heavy or light Industrial manufacturing or energy related facilities shall be located only in areas designated for these uses in this plan. Notwithstanding the coastal dependent designation, limited agricultural uses, including commercial cannabis activities, may be permitted within existing industrial infrastructure at the former Kaiser National Refractories site [refer to the Moss Landing Community Plan for more details].
<b>1982 MLCP Policy</b>	Narrative section 5.2.1.A.2 states “As with PG&E facility, major changes in the next twenty years at Kaiser can be accommodated on-site. An option available to Kaiser is the use of existing industrial infrastructure for limited agricultural uses including commercial cannabis activities. Such use shall be regulated by a Coastal Development permit. On-site circulation system and land use changes are planned, and primary access from Highway One will be closed and shifted to Dolan Road. Major changes in primary access to PG&E and Kaiser shall be approved only upon the condition that comprehensive landscaping programs are completed around the perimeter of all properties fronting on public roads. Policy recommendations for the modernization proposals are presented in Section 5.5.”

	Policy 5.5.2.10 states All new heavy industry shall be coastal dependent, except that limited agricultural uses, including commercial cannabis activities may be permitted within existing industrial infrastructure at the former Kaiser National Refractories site. Such use shall be regulated by permit.
<b>2009 Committee Recommendation</b>	12. Add to the land use designation on the old Refractories site a “Special Treatment Area” overlay on the Heavy Industrial zoning designation. The title of the Special Treatment Area would be a hybrid designation titled Moss Landing Business Park. The Special Treatment area would allow coastal dependent and coastal related industrial uses and would develop policies that take into account the unique setting and protect the natural resources on and around the site. The Special Treatment area would encourage co-development of operations which can reuse waste heat or other effluent streams as part of their processes. Development within the special treatment area would include limitation on the ultimate development in relationship to an estimated sewer allocation of 25,000 gallons per day.
<b>2017 Version</b>	Not Applicable

Community Recommendation Narrative – The Community Meetings did not directly discuss amending the narrative sections of the Plan. This new policy, presented for this Planning Commission workshop, was drafted as a result of general discussions at the Community Meetings that some of the narrative needed to be moved to policy to provide implementable and enforceable limitations on properties and as recommended by the Committee in 2009.

Staff’s Recommendation Narrative –The existing Heavy Industry designation allows coastal-dependent and coastal-related uses consistent with established uses on the properties (i.e. power generation and heavy industrial uses). As described above, the Coastal Commission certified an LCP amendment last year that also allows the former refractory property to have limited agricultural uses, as well as coastal-dependent and coastal-related uses. A Special Treatment Area overlay is proposed over the Moss Landing Business Park properties (on the east and west side of Highway 1), which would allow coastal-dependent uses, coastal-related uses, and limited Coastal Act priority uses, as explained below. This is consistent with, or perhaps more limiting than, the 2009 Board Committee Recommendations found in Section 2.C – Heavy Industrial (Exhibit G, page 8), which recommended that the site provide “for the range of uses normally found in a business park.”



**Figure 6. Moss Landing Business Park Special Treatment Area**

The Coastal Dependent and Coastal-Related Development categories make development of the Business Park property difficult if not unlikely. The recent Coastal Plan Amendment allowing limited agricultural uses has provided more opportunities for utilization of the site. Staff recommends that development still be limited for the site to try and achieve the priorities identified in both the Coastal Act as well as the North County Land Use Plan. Staff is recommending that the Special Treatment area allow development that is either Coastal Dependent Development, Coastal-Related Development, or is a use contained within the two highest priorities under the Coastal Act: Natural Resource Preservation and Protection, and Agriculture.

**2019 Policy No. NCLUP-ML-NEW1 Staff Recommendation**

*Development within the Moss Landing Business Park Special Treatment Area (Figure ML-6) shall be subject to the following:*

1. *Uses are limited to coastal-dependent uses, coastal-related industrial uses, and the following coastal priority uses: Natural Resource Preservation and Protection, and Agricultural Uses (including research, commercial cannabis activity and aquaculture).*
2. *Residential (other than caretakers' units) and Commercial development is not allowed.*
3. *Direct Motor Vehicular access to the portion located west of Highway 1 is not allowed from Highway 1 or Moss Landing Road.*
4. *Approval of a comprehensive General Development Plan that analyzes the following:*
  - a. *Proposed circulation improvements and their location;*

- b. *Categories of proposed land uses and their location;*
- c. *An approximation of the proposed potential development intensity for each proposed use;*
- d. *The coastal dependent/related/priority nature of proposed uses (including the use of seawater); and*
- e. *Potential land use conflicts between different categories of use, and the protection of unique natural resources on and around the site.*

5. *Development of industrial operations that can reuse waste heat or other effluent streams from industrial facilities within the Moss Landing Community, or that utilize coastal resources, as part of their processes is encouraged.*