

Attachment D

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

In the matter of the application of:

CENTRAL COAST RENEWABLES LLC (PLN220086)

RESOLUTION NO. 23-028

Resolution of the Monterey County Planning Commission recommending that the Board of Supervisors:

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 Monterey County Local Coastal Program by:
 - a. Adopting a resolution to amend 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;
 - b. Adopting an ordinance to amend Sectional District Map 20-03 of Section 20.08.060 of the Monterey County Code to rezone a 1.13 acre parcel (APN: 133-212-008-000) from “Public-Quasi Public, Coastal Zone” or “PQP(CZ)” to “Moss Landing Commercial, Coastal Zone” or “MLC(CZ)”.

[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 Planning Commission on June 28, 2023. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission hereby makes a recommendation to the Monterey County Board of Supervisors 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 (LCP) 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 (133-212-008-000) (“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 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 20-3 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, staff is recommending that the land use designation be changed from “Public/Quasi-Public: Educational – Scientific” to “General Commercial”; that the reference to the school district office building on Page 84 of the Land Use Plan in section 5.2.1.H.1 be removed from the description of this land use; and that the property be re-zoned from “Public-Quasi Public, Coastal Zone” or “PQP(CZ)” to “Moss Landing Commercial, Coastal Zone” or “MLC(CZ)”.
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, 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 for amendments to adopted Local Coastal Programs (LCPs), including the Land Use Plan (LUP) and the Coastal Implementation Plan (CIP), which the zoning ordinance Title 20 is a part of. Additionally, on September 24, 1985 the Monterey County Board of Supervisors adopted procedures for amending the LCP-CIP. 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 to consider making a recommendation to the Board of Supervisors on 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 20-3 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 removing two temporary metal buildings and use of an existing building as an office and shop for an electrical (solar) contractor (**Exhibit C** of the June 28, 2023 Planning Commission staff report).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 California 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 Planning Commission of the County of Monterey, State of California, hereby recommends that the Board of Supervisors:

- 1) Find that adopt of a Local Coastal Program Amendment qualifies as Statutorily Exempt from CEQA pursuant to section 15265 of the CEQA Guidelines;
- 2) Amend the Monterey County Local Coastal Program by:
 - a. Adopting a resolution to amend 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;
 - b. Adopting an ordinance to amend Section 20.08.060 of the Monterey County Code to rezone a 1.13 acre parcel (APN: 133-212-008-000) from “Public-Quasi Public, Coastal Zone” or “PQP(CZ)” to “Moss Landing Commercial, Coastal Zone” or “MLC(CZ)”.

PASSED AND ADOPTED this 28th day of June, 2023 upon motion of Commissioner Shaw, seconded by Commissioner Daniels, and passed by the following vote:

AYES: Gonzalez, Shaw, Diehl, Monsalve, Daniels, Work, Gomez, Roberts, Getzelman
NOES: None
ABSENT: Mendoza
ABSTAIN: None

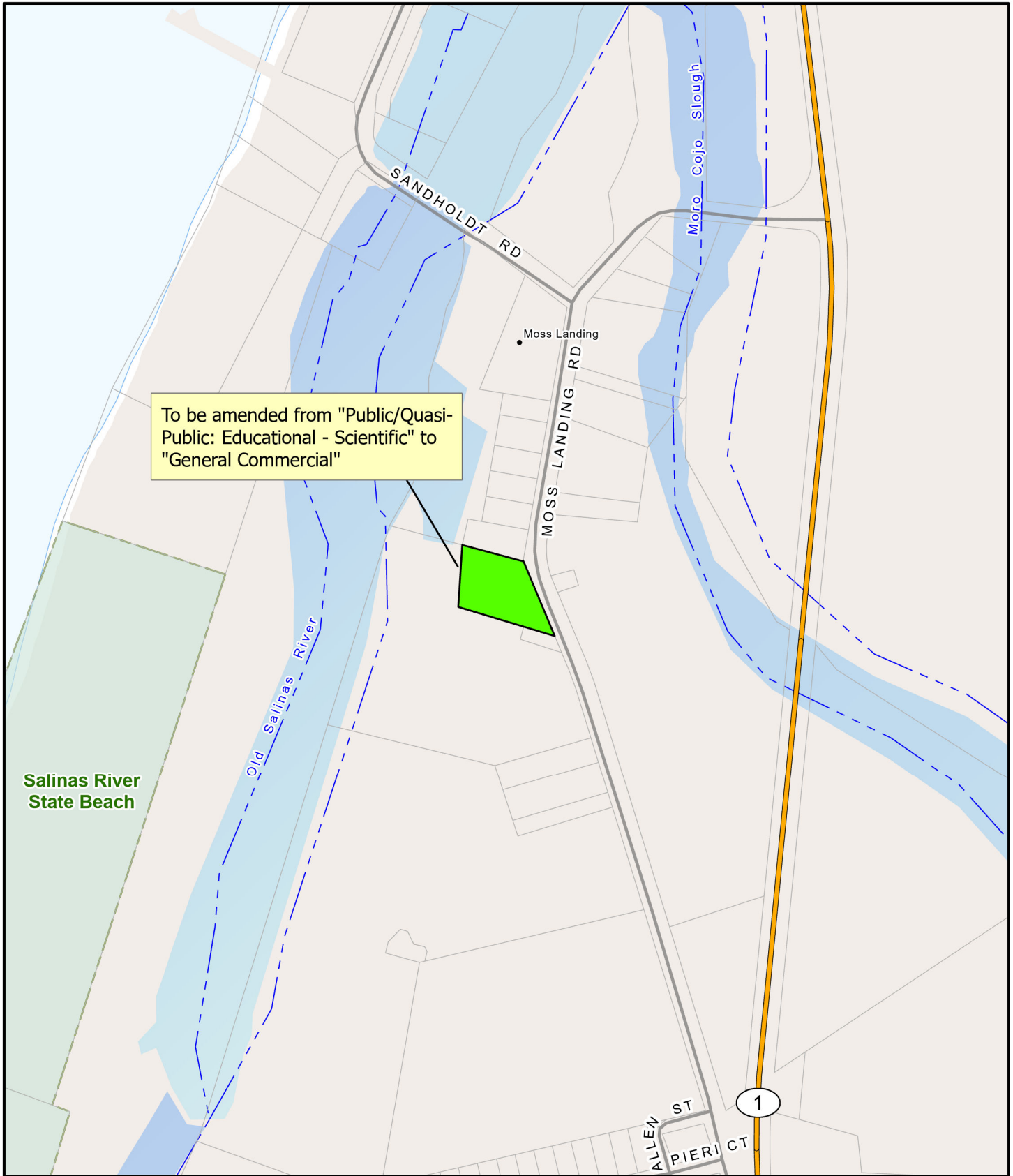
DocuSigned by:
Craig Spencer
9A46825E8B244E0

Craig Spencer, Planning Commission Secretary

COPY OF THIS DECISION MAILED TO APPLICANT ON 08/09/2023

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 08/21/2023

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

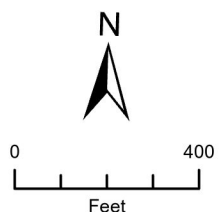
APN: 133-212-008-000

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.

ORDINANCE NO. _____

**AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA
AMENDING SECTIONAL DISTRICT MAP 20-03 OF SECTION 20.08.060 OF THE
MONTEREY COUNTY CODE TO AMEND THE ZONING CLASSIFICATION OF A
CERTAIN PROPERTY IN THE COUNTY OF MONTEREY**

County Counsel Summary

This ordinance amends Sectional District Map 20-03 of Section 20.08.060 of the Monterey County Code (Monterey County Coastal Implementation Plan) to rezone a 1.13 acre parcel from the "PQP(CZ)" [Public/Quasi-Public, Coastal Zone] zoning classification to the "MLC(CZ)" [Moss Landing Commercial, Coastal Zone] zoning classification. The property is located at 8142 Moss Landing Road, Moss Landing, in the coastal unincorporated area of Monterey County (APN: 133-212-008-000).

The Board of Supervisors of the County of Monterey ordains as follows:

SECTION 1. Findings and declarations.

A. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its citizens.

B. The purpose of this ordinance is to integrate the former North Monterey County Unified School District ("NMCUSD") site into the general commercial district of Moss Landing on Moss Landing Road. The purpose of the Public/Quasi-Public zoning district is to allow in designated areas public/quasi-public uses such as schools, parks, regional parks, recreation areas, and uses which serve the public at large. As the site is no longer owned or operated by NMCUSD, circumstances have changed such that this zoning classification is no longer appropriate. As the site is bounded on the north, south, and east across Moss Landing Road by properties with the Moss Landing Commercial, Coastal Zone zoning district, redesignating this property to Moss Landing Commercial would create a contiguous commercial district along Moss Landing Road.

C. The County of Monterey intends to carry out the amendment in a manner fully in conformity with the California Coastal Act.

D. This ordinance amends the Monterey County Coastal Implementation Plan, which is part of the County's Local Coastal Program. Pursuant to the Coastal Act, the County may amend the certified Local Coastal Program provided the County follows certain procedures. The procedures include the following: the County's Planning Commission holds a noticed public hearing and makes a recommendation to the Board of Supervisors on the proposed amendment; the Board of Supervisors holds a noticed public hearing to adopt the ordinance subject to California Coastal Commission certification, and submits the proposed amendment to the

Coastal Commission for certification together with materials sufficient for a thorough and complete review; and the Coastal Commission certifies the amendment and confirms the County’s action. Accordingly, this ordinance will not go into effect until after the Coastal Commission certifies the amendment and confirms the Board’s action.

E. 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) applies to activities and approvals undertaken by a local government necessary for the adoption of a local coastal program. This exemption also applies to amendments to local coastal program. This ordinance is part of a local coastal program amendment, and requires certification by the California Coastal Commission prior to taking effect.

SECTION 2. ZONING DISTRICT MAP. Sectional District Map 20-03 of Section 20.08.060 of the Monterey County Code is hereby amended as shown on the map attached hereto as Exhibit 1 and incorporated herein by reference. Said amendment reclassifies a 1.13 acre parcel located 8142 Moss Landing Road, Moss Landing (APN: 133-212-008-000) from “PQP(CZ)” [Public/Quasi-Public, Coastal Zone] to “MLC(CZ)” [Moss Landing Commercial, Coastal Zone].

SECTION 3. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of whether any one or more sections, subsections, sentences, clauses, or phrases is declared invalid.

SECTION 4. EFFECTIVE DATE. This Ordinance shall become effective on the thirty-first day after its adoption or the day certification by the California Coastal Commission becomes final and effective, whichever is later.

PASSED AND ADOPTED on this ___ day of _____ 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Luis Alejo, Chair
Monterey County Board of Supervisors

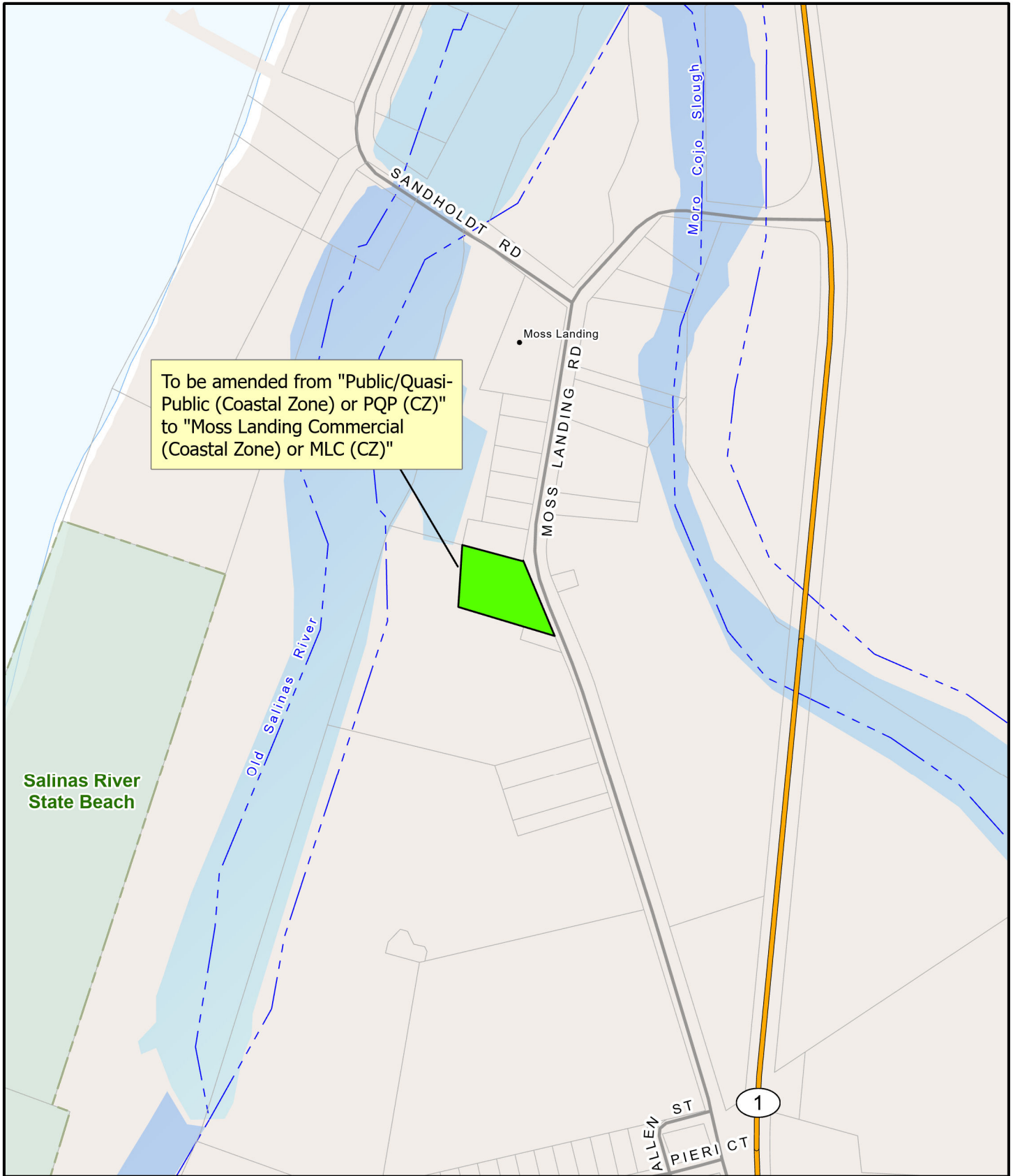
Attest:
VALERIE RALPH, Clerk
to the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM:



Kelly L. Donlon
Assistant to County Counsel




REZONING MAP

APN: 133-212-008-000

FILE # PLN220086-NMCUSD

 Project Site

 300' Buffer

 2500' Buffer

