

ORDINANCE NO. 5404

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 22nd day of August 2023, by the following vote:

AYES: Supervisors Alejo, Church, Lopez, Askew, and Adams

NOES: None

ABSENT: None

ABSTAIN: None



Luis Alejo, Chair
Monterey County Board of Supervisors

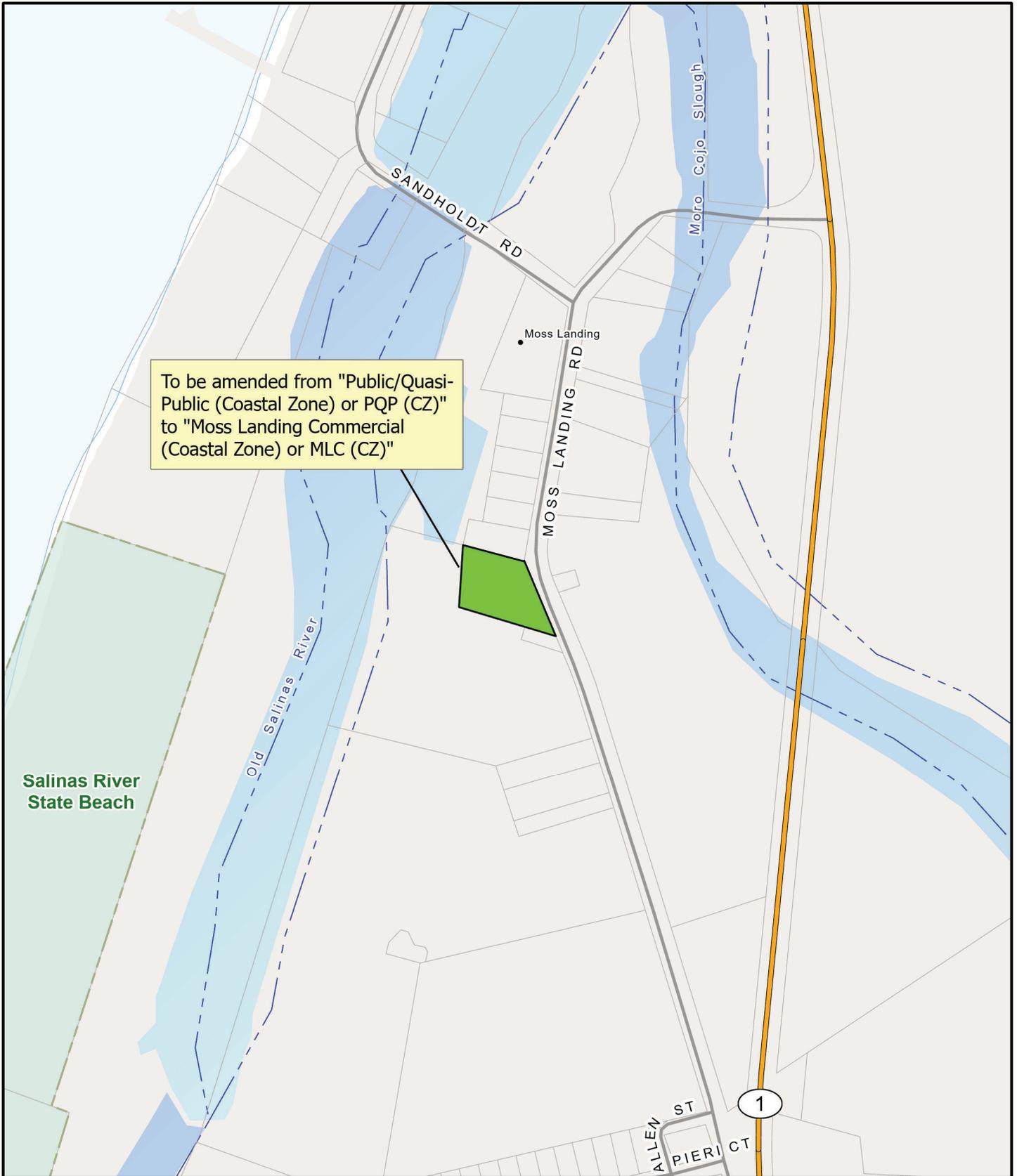
Attest:
VALERIE RALPH, Clerk
to the Board of Supervisors

By: Emmanuel H. Santos
Deputy

APPROVED AS TO FORM:



Kelly L. Donlon
Assistant to County Counsel



To be amended from "Public/Quasi-Public (Coastal Zone) or PQP (CZ)" to "Moss Landing Commercial (Coastal Zone) or MLC (CZ)"

Salinas River State Beach

REZONING MAP

APN: 133-212-008-000

FILE # PLN220086-NMCUSD

 Project Site

 300' Buffer

 2500' Buffer

