

Exhibit A

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EXHIBIT A DISCUSSION

BACKGROUND

The North County Land Use Plan (NCLUP) was adopted by the Board of Supervisors on April 28, 1982 and the plan was later certified by the California Coastal Commission on June 4, 1982. The Monterey County Coastal Implementation Plan, Part 2, Regulations for Development in the North County Land Use Plan Area (CIP) was adopted by the Board of Supervisors on January 5, 1988 and certified by the California Coastal Commission on December 10, 1987. The Moss Landing Community Plan (MLCP) is found in Chapter 5 of the NCLUP and implementing regulations are found in Section 20.144.160 of the CIP.

In 2008, the County was notified of several new development proposals in Moss Landing. This presented an opportunity to look at the 1982 MLCP and develop an update to its policies in areas where the goal/direction may be out of date, to reflect the current land uses, and direct future development in the community. Formation of the Moss Landing Community Plan update committee in 2009 was the first step of this work. The committee provided recommendations, with input from the public, for the MLCP Update (**Exhibit H**) through the consideration of development opportunities, infrastructure constraints, and several prospective projects with the overall goal of preserving Moss Landing's unique community character.

The 2009 committee's recommendations were limited to visual resources and community character summarized as; 1) retaining the charm in the downtown area between Sandholdt Road and the Captain's Inn, 2) considering visual impacts resulting from a flyover across Highway 1, and 3) creating design guidelines that are sensitive to the existing character of the community while allowing for expanded styles of historic architecture and the use of more durable materials.

Staff commenced work on drafting an update to the plan with the 2009 committee's recommendations incorporated and a public draft was circulated for review in October 2012 and work on the environmental document began. Refinement of the plan continued, and revised plans were drafted and circulated in 2014, 2015, and 2017.

CURRENT WORK

Numerous comments on the circulated 2017 draft were received demonstrating the community's concern with how most of the 2009 Moss Landing Community Plan update committee's recommendations were no longer in the plan. Planning staff was tasked to go through the policies and make necessary modifications to incorporate those recommendations. In addition, staff brought the community back in on policy discussions to ensure their concerns were addressed and their needs were met. To this date, seven community meetings have been held to discuss policies relative to:

- Sea level rise and climate change,
- Visual resources and community character,
- Historical resources,
- Tribal cultural and archaeological resources,
- Biological resources,

- Noise,
- Transportation,
- Pedestrian and bicycle facilities,
- Public transit/rail services,
- Recreation and public access, and
- Land use.

Members of the public that reside, manage businesses, work, and recreate in the community; organizations and associations interested in the community; and local and state agencies have been participating in these meetings. However, attendance of individuals suggests that participation was based on interest of the topic of discussion. This may be attributed to the time commitment necessary to meet twice a month. For the topics relative to this workshop (visual resources and community character, historic resources, and tribal cultural and archaeological resources) attendance comprised of community residents, business owners (La Boutique and Haute Enchilada), Moss Landing Harbor District (staff, board members, and representative), research facilities and their representatives (MLML and MBARI), Monterey County Supervisorial District 2 staff, Friends, Artists and Neighbors of Elkhorn Slough (FANS) and their representative, Ohlone Costanoan Esselen Nation (OCEN), Elkhorn Slough Foundation, and AMBAG staff.

The discussion below presents the Commission with a set of policies organized by topic. The intent of each policy is first summarized to provide the Commission with context. To simplify the document, a table containing the 2017 MCLP draft policy language, staff’s recommended language, and the community’s recommended language is provided. The attached matrices contain strikeout and underline text to allow a clear comparison. Following the table is a short discussion ending with staff’s recommendation.

Topic 1: Visual Resources & Community Character

On September 19, 2018, policies addressing the protection of visual resources & community character were discussed at a community meeting. Twelve members of the public were in attendance; staff received oral comments as well as three written comments.

Policy No. NCLUP-ML-5.12

The intent of this policy is to conserve the unique visual resources of Moss Landing. It is written broadly to apply as a general statement. Staff’s modification to the 2017 version was made to accurately reflect the County’s role in participation of protecting these resources. Staff also clarified the importance of the community’s role in identifying what they desired as far as community character.

2017 Version	Staff’s Changes	Community Input
The County of Monterey shall conserve the unique visual resources of Moss Landing to the greatest extent possible while protecting private property rights.	The County of Monterey shall review applications to ensure that the unique visual resources of Moss Landing are preserved to the greatest extent possible while protecting private property rights.	The County of Monterey shall review applications to ensure that the unique visual resources of Moss Landing are consistent with the Moss Landing Community character.

Community Recommendation – The community suggested that specific language should be added stating that views of the harbor are a scenic resource. In addition, they inquired if the policy is intended to make preference to what should be protected, community character or private property rights. Therefore, they recommended striking the phrase relative to protecting private property rights.

Staff’s recommendation – Since this policy is intended to be general, staff suggests protection of visual access to the harbor be included in Policy NCLUP-ML-5.13. Staff recommends the Commission move forward with the community’s suggested language. The policy will provide direction in developing regulations for the Coastal Implementation Plan (CIP).

Policy No. NCLUP-ML-5.13

The intent of this policy is to protect visual access to scenic resources viewed from Highway 1 and properties west of Highway 1. Staff’s modification to the 2017 version was made in to be more inclusive of protecting visual access from Highway 1 and to reduce redundancy. Visual Access from the nearest public road to Elkhorn Slough shoreline is already addressed in NCLUP Policy 2.2.2(1) which states: *“Views to and along the ocean shoreline from Highway One, Molera Road, Struve Road and public beaches, and to and along the shoreline of Elkhorn Slough from public vantage points shall be protected.”* Therefore, the first sentence was deleted.

2017 Version	Staff’s Changes	Community Input
Visual access from the nearest public road to the shoreline of Elkhorn Slough and other estuaries shall be maintained and enhanced for the enjoyment of the public in a manner compatible with other land uses permitted in the plan. Visual access to Moss Landing Harbor shall be retained as part of improvements to Highway 1 and adjacent properties.	Visual access to Moss Landing Harbor shall be retained from Highway 1.	Visual access to Moss Landing Harbor shall be retained from Highway 1.

Community Recommendation – The community did not have suggested language but inquired why “and adjacent properties” was stricken from the last sentence.

Staff’s recommendation – Since this policy is intended to address visual access from Highway 1, the inclusion of “adjacent properties” is not necessary. Staff suggests no other changes.

Policy No. NCLUP-ML-5.14

The intent of this policy is to identify that, in addition to the base zoning district, all properties within the community plan boundary will include a Design Control overlay zoning district. This ensures site and design review of development subject to the plan.

2017 Version	Staff’s Changes	Community Input
All properties located within the Moss Landing Community Plan planning area shall be zoned to include the Design	Design Guidelines shall be developed for the Moss Landing Community Plan.	Design Guidelines shall be developed for each neighborhood within the Moss

<p>Control (“D”) Combining District and thereby required to undergo design review as part of the development review process so as to avoid blocking or having a significant adverse impact on significant public views, including by situating lots and/or buildings to maximize the preservation of the public viewshed. The required design review shall gauge the acceptability of the project based on adopted design guidelines.</p>	<p>All properties located within the Moss Landing Community Plan planning area shall be zoned to include the Design Control (“D”) Combining District.</p>	<p>Landing Community Plan. All properties located within the Moss Landing Community Plan planning area shall be zoned to include the Design Control (“D”) Combining District.</p>
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Community Recommendation – The community suggested language be modified to clarify that the different neighborhoods within the community plan have their own character and therefore design guidelines should make provisions for each one.

Staff’s recommendation – Since the policy provides direction, staff suggests revising the 2017 version to state that design guidelines will be developed and included in the CIP. The 2017 text has been shortened to remove applicable language found in Section 20.44.010 – Purpose of the Design Control District, of the Coastal Zoning Ordinance. This work will include review of the existing 1982 guidelines with the recommendations from the 2009 Citizens Committee and draft guidelines prepared by staff in 2015. The 1982 and 2015 guidelines provide design elements according to neighborhood area. This meets the intent of the suggested language from the community. Therefore, it is recommended that the Commission move forward with staff’s proposed language.

Policy No. NCLUP-ML-5.15

The intent of this policy is to limit development within scenic beaches, dunes, estuaries, and wetland areas. This protection is already addressed in NCLUP Policy 2.2.2(2), which is not proposed to be changed, and states, *“The coastal dunes and beaches, estuaries, and wetlands, should be designated for recreation or resource conservation land uses that are compatible with protection of scenic resources. Facilities that are provided to accompany such uses shall be designed and sited to be unobtrusive and compatible with the visual character of the area.”*

2017 Version	Staff’s Changes	Community Input
<p>The County of Monterey shall limit development, wherever possible in scenic beach, dune, estuary, and wetland areas, consistent with the resource protection policies of this plan, to protect the visual resources of Moss Landing.</p>	<p>Delete.</p>	<p>Delete.</p>

Community Recommendation – The community suggested deleting the policy.

Staff’s recommendation – Staff suggests deleting the policy as it is covered by existing policy.

Policy No. NCLUP-ML-5.16

The intent of this policy is to identify that procedures and standards for siting and design of development will be developed. Design Guidelines discussed are included in Policy NCLUP-ML-5.14 and procedures for review are already located within Section 20.44 of the coastal zoning ordinance.

2017 Version	Staff's Changes	Community Input
Monterey County shall adopt procedures and standards for review of the siting, design, landscaping, and grading for any structures proposed in scenic beaches, dunes, estuaries and wetlands.	Delete.	Delete.

Community Recommendation – The community suggested deleting the policy.

Staff's recommendation – Staff suggests deleting the policy as it would be covered by policy NCLUP-ML-5.14.

Policy No. NCLUP-ML-5.17

This policy is intended to protect views of the community, harbor, and dunes from Highway 1 by regulating landscaping and siting of new development. Protection of visual access is addressed in Policy Nos. NCLUP-ML-5.12 and 5.13 and design guidelines are addressed in Policy No. NCLUP-ML-5.14.

2017 Version	Staff's Changes	Community Input
The County of Monterey, in coordination with the Moss Landing Harbor District, shall protect views of the Moss Landing community, harbor and dunes from State Route 1 through regulation of landscaping and siting of new development adjacent to the highway to minimize the loss of visual access.	Delete.	Delete.

Community Recommendation – The community suggested deleting the policy.

Staff's recommendation – Staff suggests deleting the policy as it would be covered by other policies.

Policy No. NCLUP-ML-5.18

The intent of this policy is to clarify the County’s obligation to form a design review committee for Moss Landing.

2017 Version	Staff’s Changes	Community Input
The County of Monterey shall form a design review committee to provide guidance to the County in the consideration of development proposals in the Moss Landing Community.	Delete.	The County of Monterey shall form a Moss Landing Land Use Advisory Committee to provide guidance to the County in the consideration of development proposals in the Moss Landing Community.

Community Recommendation – The community suggested using the 2017 language and that the County explore re-establishing the Moss Landing Community design review committee. They believe that the old Moss Landing committee was dissolved due to lack of activity and, possibly, inability to find a sufficient number of members because of the low level of activity.

Staff’s recommendation – Staff suggests deleting the policy since Policy NCLUP-ML-5.14 addresses the Design Control (“D”) overlay district. In accordance with Board resolution 15-043, projects in Moss Landing are reviewed by the North County Land Use Advisory Committee (LUAC). If the County desires a Moss Landing specific LUAC, resolution 15-043 could be amended to include one.

Policy No. NCLUP-ML-5.19

This policy is intended to clarify its obligation to meet dark sky criteria and protect marine biological resources by pursuing funding for street light retrofits.

2017 Version	Staff’s Changes	Community Input
The County of Monterey shall seek funding to install or retrofit street lights that meet dark sky criteria, provide safe travel, direct lighting such that sensitive resources are not adversely affected and produce minimum glare.	No change.	No change.

Community Recommendation – The community suggested using the 2017 language.

Staff’s recommendation – Staff suggests using the 2017 language. Staff will incorporate the Exterior Lighting Guidelines adopted in the inland zoning ordinance within the draft CIP.

Topic 2: Historical Resources

On October 3, 2018, polices addressing the protection of historical resources were discussed at a community meeting. Fourteen members of the public were in attendance; staff received oral comments as well as one written set of comments.

Policy No. NCLUP-ML-5.5

This policy is intended to conserve the unique cultural, historic, and archaeological resources of Moss Landing.

2017 Version	Staff’s Changes	Community Input
The County of Monterey shall conserve the unique cultural, historic, and archaeological resources of Moss Landing to the greatest extent possible while protecting private property rights.	The County of Monterey shall conserve the historic resources of Moss Landing to the greatest extent possible while protecting private property rights.	The County of Monterey shall conserve the unique cultural, historic, and archaeological resources of Moss Landing to the greatest extent possible while protecting private property rights.

Community Recommendation – The community suggested using the 2017 language. Since there were few policies relative to cultural, historic, and archaeological resources, the community suggested that they not be separated. Similar comments regarding the protection of private property rights (see NCLUP-ML-5.12 above).

Staff’s recommendation – Staff finds the community’s suggestion to use the 2017 language acceptable.

Policy No. NCLUP-ML-5.6

This policy is intended to clarify the County’s obligation to maintain a historical site inventory program.

2017 Version	Staff’s Changes	Community Input
The County of Monterey shall, as a part of its Housing Element, maintain an identification survey and inventory program of historical sites and maintain a registry program to protect and preserve historical landmark sites and districts.	No change.	[Include introduction/purpose statement] The County of Monterey shall maintain an official list of historical sites and maintain a registry program to protect and preserve historical landmark sites and districts.

Community Recommendation – The community suggested modifying the language to include a purpose statement, omit the reference to the Housing Element, and maintaining an official list.

Staff’s recommendation – Prior to the meeting staff suggested using the 2017 version. However, based on the community input provided at the meeting, staff reviewed the 1982 General Plan and found that this is addressed in Policy No. 52.1.1 of the General Plan which states: “*The County*

shall compile and maintain a current inventory of cultural resources in unincorporated areas of the County and encourage the same of incorporated cities.” Staff now suggests deletion of this policy.

Policy No. NCLUP-ML-5.7

The intent of this policy is to provide notification to property owners of potential resources and require projects to identify if there are any historical, architectural, archaeological or cultural resources eligible for inclusion on historical registers located within the project's impact area.

2017 Version	Staff's Changes	Community Input
The County of Monterey shall identify any historical, architectural, archaeological or cultural resources eligible for inclusion on historical registers which may be located within the project's potential impact area. Owners of the properties containing those resources shall be promptly notified. Guidelines for preservation, restoration or adaptive use of designated historic sites should be developed.	Delete.	No change.

Community Recommendation – The community suggested using the 2017 version and clarify what the “project’s potential impact area” is in the CIP.

Staff’s recommendation – Staff suggests deletion as the policy language implements policies NCLUP-ML-5.5 and 5.6. Implementation should be in the CIP.

Policy No. NCLUP-ML-5.8

This policy is intended to require rezoning of properties designated as a historic site to include a Historical Resource zoning overlay district.

2017 Version	Staff's Changes	Community Input
The County of Monterey shall apply the "HR" Zoning District Ordinance to designated historical sites to ensure that new onsite development is compatible with existing historical resources and to maintain the special values and unique character of the historical properties.	Delete.	Delete.

Community Recommendation – The community suggested deletion.

Staff’s recommendation – Staff suggests deletion as the policy language implements policies NCLUP-ML-5.5 and 5.6. Implementation should be in the CIP.

Policy No. NCLUP-ML-5.9

This policy is intended to demonstrate the County’s commitment to preserve historical buildings and landmarks.

2017 Version	Staff’s Changes	Community Input
The County of Monterey shall work with private and public organizations that have the capacity to properly manage and supervise historic properties to acquire property where the preservation of designated historical buildings and landmarks is in jeopardy.	No change.	The County of Monterey shall work with private and public organizations and individuals/entities that have the capacity to properly manage and supervise historic properties to acquire property where the preservation of historical buildings and landmarks is in jeopardy.

Community Recommendation – The community suggested modifying the language to expand outside involvement.

Staff’s recommendation – Staff suggested no change but finds the community’s suggestions acceptable. Therefore, staff recommends the Commission move forward with the community’s suggested language.

Policy No. NCLUP-ML-5.10

This policy is shown on the Historical Resources Policy Matrix (Exhibit C). To reduce redundancy, it is discussed in the Tribal Cultural Resources subsection (Topic 3).

Policy No. NCLUP-ML-5.11

This policy is intended to require Historic Resources Review Board review and approval for developments on all properties designated with a Historic Resource overlay district.

2017 Version	Staff’s Changes	Community Input
All development projects shall be reviewed by the Monterey County Historic Resources Review Board (HRRB) prior to approval, to ensure consistency with the historical designation of the Moss Landing Community.	No change.	No change.

Community Recommendation – The community suggested using the 2017 version.

Staff’s recommendation – Staff agrees with using the 2017 version and will refine the types of projects to be considered in the CIP.

Topic 3: Tribal Cultural & Archaeological Resources

On October 3, 2018, polices addressing the protection of archaeological and tribal cultural resources were discussed at a community meeting. Fourteen members of the public were in attendance; staff received oral comments as well as one set of written comments. Louise J. Miranda Ramirez, Tribal Chairwoman for the Ohlone Costanoan Esselen Nation, made a presentation to address the importance of protecting archaeological and tribal cultural resources.

Policy No. NCLUP-ML-5.5

This policy is intended to conserve the unique cultural, historic, and archaeological resources of Moss Landing.

2017 Version	Staff's Changes	Community Input
The County of Monterey shall conserve the unique cultural, historic, and archaeological resources of Moss Landing to the greatest extent possible while protecting private property rights.	The County of Monterey shall conserve the unique cultural and archaeological resources of Moss Landing to the greatest extent possible while protecting private property rights.	The County of Monterey shall conserve the unique cultural, historic, and archaeological resources of Moss Landing to the greatest extent possible while protecting private property rights.

Community Recommendation – The community suggested using the 2017 language, retaining “historic resources” in the policy. Since there were few policies relative to cultural, historic, and archaeological resources, the community suggested that they not be separated. Similar comments regarding the protection of private property rights were made by the community, as discussed in NCLUP-ML-5.12 above.

Staff's recommendation – Staff had suggested that policies addressing cultural, historic, and archaeological resources be separated since they are entirely different resources. However, staff finds the community's suggestion to use the 2017 language acceptable.

Policy No. NCLUP-ML-5.7

The intent of this policy is to provide notification to property owners of potential resources and require projects to identify if there are any historical, architectural, archaeological or cultural resources eligible for inclusion on historical registers located within the project's impact area.

2017 Version	Staff's Changes	Community Input
The County of Monterey shall identify any historical, architectural, archaeological or cultural resources eligible for inclusion on historical registers which may be located within the project's potential impact area. Owners of the properties containing those resources shall be promptly notified. Guidelines for preservation, restoration or adaptive use of designated historic sites should be developed.	The County of Monterey shall identify any archaeological or cultural resources eligible for inclusion on historical registers which may be located within the project's potential impact area. Owners of the properties containing those resources shall be promptly notified.	The County of Monterey shall identify any archaeological or cultural resources eligible for inclusion on historical registers which may be located within the project's potential impact area. Owners of the properties containing those resources shall be promptly notified.

Community Recommendation – The community suggested using staff’s recommended language and suggested that “project’s potential impact area” and who is responsible for notifying property owners should be clarified.

Staff’s recommendation – The protection of historic resources is covered under another policy. Federal and State agencies have existing guidelines for the treatment of historic resources and County Zoning Ordinance already provides for the processing and consideration of development that could affect historic resources. The CIP will provide regulations for implementation, define the project impact area and describe notification requirements.

Policy No. NCLUP-ML-5.10

This policy is intended to require tribal cultural monitoring of earth disturbance.

2017 Version	Staff's Changes	Community Input
For all development projects which involve ground disturbance, an on-site tribal representative shall monitor all earth-moving activities.	No Change.	The area is rich in tribal resources. To ensure protection of those resources, all development projects which involve ground disturbance, an on-site tribal representative shall monitor all earth-moving activities.

Community Recommendation – The community suggested adding a purpose statement for the policy. It is standard practice to have a tribal monitor observe ground disturbance in these areas. The community inquired about policy applicability to project/developments (i.e. septic repair/replacement and exceptions).

Staff's recommendation – Staff suggested using the 2017 version but finds the community's suggestion acceptable. Regulations that describe procedures, applicability, exceptions, etc. will be included in the CIP. In addition, staff will work with the Native American Heritage Commission to develop an impartial process for identifying the appropriate tribal representative for monitoring.

CONCLUSION

Based on the suggested policy language presented, and discussions that will occur during the workshop, staff requests the Commission provide direction to finalize these policies. In accordance with the management process for preparation and adoption of Long Range planning documents endorsed by the Board of Supervisors (Board Order 13-0055 No. 22), the Commission's direction will contribute to completion of Phase 3: Draft Document/Public Review and advance to Phase 4: Public Hearing/Adoption.