



Legislation Details (With Board Report)

File #: RES 23-155 **Name:** PLN220086 CENTRAL COAST RENEWABLES LLC (FORMERLY N MTY CO UNIFIED SCHOOL DIST)

Type: BoS Resolution **Status:** Passed

File created: 8/10/2023 **In control:** Board of Supervisors

On agenda: 8/22/2023 **Final action:** 8/22/2023

Title: PLN220086 CENTRAL COAST RENEWABLES LLC (FORMERLY N MTY CO UNIFIED SCHOOL DIST)

Public hearing to consider:

- Adoption of a resolution amending the North County Land Use Plan Figure 2 - Moss Landing Community Plan to change the land use designation on property located at 8142 Moss Landing Road (Assessor’s Parcel Number 133-212-008-000) from “Public/Quasi-Public: Educational - Scientific” to “General Commercial”, and amend the text of the Moss Landing Community Plan to delete text referencing the school district office building on Moss Landing Road;
- Adoption of an ordinance to amend Sectional District Map 20-03 of Section 20.08.060 of the Monterey County Code to change the zoning designation on the property from “Public-Quasi Public (Coastal Zone) [PQP (CZ)]” to “Moss Landing Commercial (Coastal Zone) [MLC (CZ)]”; and
- A Coastal Administrative Permit to allow a change of use within an existing structure from North Monterey County unified school district offices to an office and shop for an electrical solar contractor.

Project Location: 8142 Moss Landing Road, Moss Landing Community Plan
Proposed California Environmental Quality Act (CEQA) Action: Exempt pursuant to CEQA Guidelines sections 15303 (existing building) and 15265 (coastal), and none of the exceptions from section 15300.2 apply.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Board Report, 2. Attachment A - Land Use Plan Amendment Draft Resolution, 3. Attachment B - Ordinance amending the zoning designation, 4. Attachment C - Coastal Administrative Permit Draft Resolution, 5. Attachment D - Planning Commission Resolution 23-028 (Resolution recommending approval of Local Coastal Program Amendment), 6. Attachment E - Planning Commission Resolution 23-027(Resolution recommending approval of Coastal Administrative Permit), 7. Attachment F - Vicinity Map, 8. Attachment G - North County LUAC Minutes for January 18, 2023, 9. Attachment H - Operations Plan, 10. Item No. 21 Presentation, 11. Completed Board Order Item No. 21, 12. Completed Resolution Item No. 21, 13. REVISED Completed Board Order Item No. 21, 14. REVISED Completed Resolution Item No. 21 - RES 23-311, 15. Completed Resolution Item No. 21 - RES 23-312, 16. Ordinance No. 5404

Date	Ver.	Action By	Action	Result
8/22/2023	1	Board of Supervisors		

PLN220086 CENTRAL COAST RENEWABLES LLC (FORMERLY N MTY CO UNIFIED SCHOOL DIST)

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- Adoption of a resolution amending the North County Land Use Plan Figure 2 - Moss Landing Community Plan to change the land use designation on property located at 8142 Moss Landing Road (Assessor’s Parcel Number 133-212-008-000) from “Public/Quasi-Public: Educational - Scientific” to “General Commercial”, and amend the text of the Moss Landing Community Plan to delete text referencing the school district office building on Moss Landing Road;

2. Adoption of an ordinance to amend Sectional District Map 20-03 of Section 20.08.060 of the Monterey County Code to change the zoning designation on the property from “Public-Quasi Public (Coastal Zone) [PQP (CZ)]” to “Moss Landing Commercial (Coastal Zone) [MLC (CZ)]”; and
3. A Coastal Administrative Permit to allow a change of use within an existing structure from North Monterey County unified school district offices to an office and shop for an electrical solar contractor.

Project Location: 8142 Moss Landing Road, Moss Landing Community Plan

Proposed California Environmental Quality Act (CEQA) Action: Exempt pursuant to CEQA Guidelines sections 15303 (existing building) and 15265 (coastal), and none of the exceptions from section 15300.2 apply.

RECOMMENDATIONS:

Staff recommends that the Board of Supervisors:

- 1) Find that adoption of the Local Coastal Program amendment qualifies as statutorily exempt from CEQA pursuant to section 15265 of the CEQA Guidelines, and that a change of tenancy of an existing office building qualifies for a Class 3 categorical exemption pursuant to CEQA Guidelines section 15303, and that none of the exceptions from section 15300.2 apply;
- 2) Adopt 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;
- 3) Adopt 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)”;
- 4) Adopt a resolution to approve a Coastal Administrative Permit to allow use of an existing building as an office and shop for an electrical solar contractor; and
- 5) Direct staff to submit the Land Use Plan amendments and Ordinance to the California Coastal Commission for certification.

Two resolutions and an ordinance are attached for consideration. The first resolution contains recitals for amendments to the North County Land Use Plan (**Attachment A**), the ordinance would amend the zoning of the property (**Attachment B**), and the second resolution contains findings to approve the Coastal Administrative Permit for the use of the property as an office and shop for a solar contractor (**Attachment C**).

PROJECT INFORMATION:

Property Owner: Central Coast Renewables LLC (Bright Future Solar Energy, Inc)

APNs: 133-212-008-000

Zoning: Public-Quasi Public (Coastal Zone) [PQP (CZ)]

Parcel Size: 1.13 acres

Flagged and Staked: No

SUMMARY/DISCUSSION:

On September 16, 2021, the North Monterey County Unified School District (NMCUSD) designated three sites as surplus properties, including a 1.13 acre property with an office building located at 8142 Moss Landing Road (Assessor’s Parcel Number 133-212-008-000). NMCUSD initiated a request for proposal (RFP) process to sell the property in early 2022, and Bright Future Solar Energy, Inc. (the applicant) purchased the property as Central Coast Renewables, LLC. On June 28, 2022, the applicant submitted a request to re-zone the property to a commercial zoning classification to establish of their office and facilities on the site.

The primary use of the site will be similar to what is currently existing on site. Specifically, the use will change

from an office building for the school district to an office building for a solar company, and no new buildings are proposed. Many zoning districts have a provision which permits changes in occupancy of similar commercial uses without a discretionary entitlement process. The Public-Quasi Public (PQP) zoning does not allow for a commercial office, making the re-zoning necessary for the establishment of a new use.

Additionally, the Moss Landing Community Plan (MLCP), Chapter 5 of the North County Land Use Plan designates the property as a “Public/Quasi-Public: Educational - Scientific” which also needs to be amended to be consistent with the zoning.

In reviewing the context of the site, it is within an established commercial district in Moss Landing, with properties to the north, south, and east across Moss Landing Road all zoned “Moss Landing Commercial, Coastal Zone”. The property to the west is zoned “Resource Conservation, Coastal Zone” to protect the wetland/slough along Old Salinas River. The “Public/Quasi-Public: Educational - Scientific” land use designation and “Public-Quasi Public, Coastal Zone” zoning appears to have been placed on the property because the site and structure was owned and utilized by the NMCUSD at the time of adoption of the MLCP, which is no longer the case. Therefore, the land use plan amendment and re-zone are appropriate given the surrounding land use context.

MLCP section 5.2.1.B indicates that in commercial land use designations, the Coastal Act gives priority to visitor serving commercial uses, but that this priority is lower than that afforded to coastal dependent industry. The individual proposal of an office for a solar contractor would not be a visitor serving use, but it would still be supportable in this context. The similar nature of the proposed and current use would allow re-use of the existing building with minimal changes, while a new visitor serving use such as a hotel or restaurant would require extensive remodeling or redevelopment of the site. The proposed use would be supportive of a local business and economic development of the area. There are also several vacant properties in the immediate area to absorb demand for visitor serving uses, including vacant property immediately south of the site, north past the Captain’s Inn, and across Moss Landing Road.

The general commercial designation 5.2.1.B.2 emphasizes the visual and community character of Moss Landing. In this case, the use would utilize an existing building which fits within the early American style of architecture referenced in Monterey County Code section 20.20.070.H.1. “The Moss Landing Commercial, Coastal Zone” zoning also allows shops for tradesmen such as electricians, subject to a Coastal Administrative Permit, provided that all equipment and materials (except vehicles) are maintained within a structure (MCC section 20.20.050.E.). The necessary entitlements are incorporated into the project description.

If the Board approves the proposed Land Use Plan amendment and zoning ordinance, staff will need to submit the amendments to the California Coastal Commission for certification. The Coastal Administrative Permit and the amendments to the Land Use Plan and Zoning will not take effect until or unless the Coastal Commission certifies the amendments.

ENVIRONMENTAL REVIEW:

California Environmental Quality Act (CEQA) Guidelines Section 15265 statutorily exempts project activities and approvals made by any local government necessary for the preparation and adoption of a local coastal program. Amendments of the local coastal program, including land use designation amendments and zoning amendments, are subject to the same processing and analysis as the original adoption of the local coastal program. This section applies to the land use and zoning change, which will not take effect until after the change is certified by the California Coastal Commission. Therefore, the subject Local Coastal Program amendment is exempt from CEQA and no environmental review is required.

Further, CEQA Guidelines Section 15303 categorically exempts the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The project consists of converting an existing school district office building to a solar contractor office building and yard. The only proposed/conditioned exterior modifications are installation of a new business identification sign, consistent with the intent of the exemption. None of the exceptions from CEQA Guidelines section 15300.2 apply to the project:

- The project is not located in an area of hazardous or critical environmental concern, which has been designated and precisely mapped by a governmental agency.
- The project, as the re-use of an existing structure for a use of a similar intensity and without any potentially significant effects, does not contribute to any cumulative environmental effects.
- There are no unusual circumstances associated with the undertaking of the project which would create the possibility of a significant effect.
- The project would not damage any scenic resources within view of a state scenic highway. The nearest eligible scenic Highway is Highway 1, which is approximately 780 feet east of the site. The project would not remove any trees, scenic rock outcroppings, or similar resources.
- The project is not located on a hazardous waste site compiled pursuant to 65962.5 of the Government Code.
- The project would not cause an adverse substantial change to any historical resources. The original construction date of the building is unknown, although satellite imagery appears to show the main building present in 1949. The date of construction listed in the real estate for the site is 1970, which corresponds to the 1971 date when additions were done to the rear and south side of the building. Whether the original school house building is historically significant is not known, however, the addition of a sign fits within the Monterey County Preservation of Historic Resources Code definition of a Minor Alteration.

OTHER AGENCY/DEPARTMENT INVOLVEMENT:

The following County departments have reviewed the project:
Environmental Health Bureau

The project was also referred to the California Coastal Commission staff, Pajaro Sunny Mesa Community Services District, North County FPD, and Castroville Community Services District. Pajaro Sunny Mesa and the Castroville Community Services District responded indicating that they did not have comments/concerns regarding the change in designation, North County FPD responded indicating that they did not need to review the project as the new use would not constitute a change in occupancy classification, and Coastal Commission staff indicated that they likely did not have issue with the re-zoning.

LAND USE ADVISORY COMMITTEE:

In accordance with the procedures and guidelines adopted by the Monterey County Board of Supervisors regarding Land Use Advisory Committees (LUAC), this project was referred to the North County LUAC for review and recommendation. The LUAC reviewed the project at a duly noticed public meeting on January 18, 2023 and voted 5 - 0, with 1 member absent to recommend approval of the project as proposed.

PLANNING COMMISSION RECOMMENDATION:

The Local Coastal Program Amendment and associated Coastal Administrative Permit were referred to the Planning Commission on June 28, 2023 for review and a recommendation, consistent with the Local Coastal Program Amendment Procedures in Appendix 13 of the County's Local Coastal Program.

At the conclusion of the hearing, the Planning Commission adopted a resolution to recommend approval of the

Local Coastal Program and Coastal Administrative Permit by a vote of 8-0, with 1 member absent (**Attachments D and E**).

FINANCE:

Funding for staff time associated with this project is included in the FY2023-24 adopted budgets for HCD Appropriation Unit HCD002, Unit 8543. Local Coastal Program Amendments are charged a deposit to recover application processing costs. A total fee of \$27,434.30 was collected. There is currently \$14,325.80 remaining in the deposit.

Prepared by: Phil Angelo, Associate Planner, ext. 5731

Reviewed and Approved by: Craig Spencer, Interim Director

The following attachments are on file with Clerk of the Board:

Attachment A - Land Use Plan Amendment Draft Resolution, including:

- Attachment 1 - Proposed Amendment to the North County Land Use Plan, Figure 2 - Moss Landing Community Plan Land Use Designation Map
- Attachment 2 - Proposed Moss Landing Community Plan Text Revision

Attachment B - Ordinance amending the zoning designation

- Attachment 1 - Proposed Amended Zoning Map Section 20-03

Attachment C - Coastal Administrative Permit Draft Resolution, including:

- Draft Conditions
- Project Plans

Attachment D - Planning Commission Resolution 23-028 (Resolution recommending approval of Local Coastal Program Amendment)

Attachment E - Planning Commission Resolution 23-027 (Resolution recommending approval of Coastal Administrative Permit)

Attachment F - Vicinity Map

Attachment G - North County LUAC Minutes for January 18, 2023

Attachment H - Operations Plan

cc: Front Counter Copy; Phil Angelo, Associate Planner; Anna Ginette Quenga, AICP, Principal Planner; Craig Spencer, Chief of Planning; Heath Braddock, Applicant; California Coastal Commission, Santa Cruz Office; The Open Monterey Project (Molly Erickson); LandWatch; Lozeau Drury LLP; Project File PLN220086