



County of Monterey

Item No.

Board Report

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Legistar File Number: 25-022

January 28, 2025

Introduced: 1/10/2025

Current Status: Agenda Ready

Version: 1

Matter Type: General Agenda Item

GPZ090005 - MOSS LANDING COMMUNITY PLAN UPDATE

Authorize the Director of Housing and Community Development to submit an application for and accept a California Coastal Commission Local Coastal Program: Local Assistance Grant Program funding award in an amount of up to \$938,960.00 to prepare phased amendments to the Moss Landing Community Plan and conduct further studies to address sea level rise and coastal hazards.

Project Location: Moss Landing, California.

Proposed California Environmental Quality Act (CEQA) action: Find the action statutorily exempt pursuant to CEQA Guidelines section 15378(b)(4)

RECOMMENDATION:

Staff recommends that the Board of Supervisors adopt a resolution:

- a. Finding that submittal of a grant application to the California Coastal Commission to work on Local Coastal Program Amendments addressing sea level rise and coastal hazards, and entering into a grant agreement should that application be awarded, is not a project under CEQA pursuant to CEQA Guidelines section 15738(b)(4);
- b. Approving grant application package, attached hereto as Exhibit 1, to the California Coastal Commission to provide financial and planning assistance, under authority of the California Coastal Act, in the amount of \$938,960.00 to fund phased Local Coastal Program amendments to address sea level rise and coastal hazards within the Moss Landing Community Plan area and as more particularly described in the grant application package;
- c. Designating the Director of Housing and Community Development as the authorized representative on behalf of the County of Monterey for the grant;
- d. Authorizing the Director of Housing and Community Development to execute and submit the grant application package to the California Coastal Commission; and
- e. Authorizing the Director of Housing and Community Development to execute, on behalf of the County of Monterey, a standard grant agreement for the work described in the grant application package and attached hereto as Exhibit 2, in substantially the same form and subject to final County Counsel review; and
- f. Directing the Director of Housing and Community Development to take all steps necessary to implement the grant scope of work, as appropriate.

SUMMARY:

The California Coastal Commission (CCC) Local Coastal Program: Local Assistance Grant Program provides funds to support local governments with assistance to update Local Coastal Programs (LCP) consistent with the California Coastal Act, with special emphasis on planning for sea level rise and climate change.

The County has been in the process of updating the Moss Landing Community Plan (MLCP) for several years. Moss Landing is a low-lying coastal community that is susceptible to climate change; therefore, the draft update of the plan includes establishing policies and specific measures to avoid or address climate change impacts to protect this small coastal community for years to come. The updated community plan draft has an element addressing coastal hazards, including flooding and shoreline hazards which will be exacerbated by climate change and sea level rise. This work aligns with the objectives of the CCC grant program.

The County has existing costs associated with preparing the community plan update, including both staff time and consultant costs for the preparation of an Environmental Impact Report (EIR). State law has also been recently updated through Senate Bill (SB) 272, which requires local governments to address sea level rise in their LCPs, with specific requirements. Complying with this mandate would require additional staff and consultant costs in coming years.

Staff is proposing a two phased LCP amendment approach for this grant, both to support completion of the community plan update and to comply with this new law. The first phase would consist of preparing amendments to the draft plan and corresponding draft coastal implementation plan to address coastal hazards based on existing guidance concerning sea level rise and coastal hazards. These amendments would be incorporated into the MLCP update which is expected to be complete by the first half of 2026; the update will be subject to multiple public hearings at the Planning Commission and Board of Supervisors, and the timeline is dependent on County decision-making and the CCC certification process. The second phase of the grant would include updating the existing coastal vulnerability studies for Moss Landing, additional technical studies and planning work culminating in preparation of a detailed Shoreline and Harbor Adaptation Plan as an LCP amendment, which would be scheduled to complete by the end of 2027.

If awarded for the requested amount, the Grant Program would both offset the existing staff and EIR preparation costs for the community plan update (“phase I”), as well as those associated with the detailed Shoreline and Harbor Adaptation Plan (“phase II”) and associated planning work and technical analyses. County staff have coordinated with CCC staff who have expressed support for a phased LCP amendment approach. The attached draft application (**Attachment A Exhibit 1**) further details this two phased LCP amendment approach. The community plan update phase I is currently in the County’s Long Range Work Plan, while the phase II scope would commit the County to additional planning work. However, staff are recommending that the grant application include this phase II work because it includes elements required to be addressed by State Law, there is an existing coastal vulnerability analysis for Moss Landing prepared in 2017 that is still current and would facilitate this planning work, and CCC pool of funds to finance this work sunsets in the beginning of 2028.

A Professional Services Agreement (PSA) in the amount of \$335,714.79 between the County of Monterey and EMC Planning Group, Inc. (EMC) was approved for the completion of the MLCP update EIR by the Board of Supervisors on February 27, 2024. The grant agreement would not allow retroactive re-imburement of already completed work, so only a portion of this PSA would be covered by the grant. The County is not presently under contract with any consultants for the preparation of the Shoreline and Harbor Adaptation Plan or associated work, so a subsequent

Request for Proposal (RFP) will follow if the Grant Program application is submitted and approved. The RFP would be for technical services required to complete the phase II work. After the RFP process is concluded and a consultant selected, staff would follow up with a Professional Services Agreement for Board approval.

DISCUSSION:

Background

The County has been working on a comprehensive update to the MLCP, Chapter 5 of the North County Land Use Plan in the County's LCP, since 2008. The updated community plan draft includes an element addressing coastal hazards, including flooding and shoreline hazards, which will be exacerbated by climate change and sea level rise. Should the MLCP update be adopted, Moss Landing would be the first area in the County's LCP which directly addresses climate change hazards. Additionally, in June 2017 a Coastal Climate Change Vulnerability report was prepared by the Central Coast Wetlands Group. They also prepared a subsequent Sea Level Rise Vulnerability and Adaptation Strategy report for the Moss Landing Harbor District in June 2019. Having such a vulnerability report is one of the required elements of SB 272 which is discussed in further detail later.

The draft of the updated community plan has been through numerous revisions since the update process started. Most recently between 2018 and 2020, the County held multiple workshops held to update the MLCP. In April 2020, the draft plan included a policy requiring preparation of a "Shoreline Management Plan", which is conceptually similar to the proposed scope of phase II of the grant. However, in November 2020, County staff removed the policy relating to a Shoreline Management Plan because the planning effort would be too expensive and could not be pursued at that time due to the financial burden, stating that until funding can be found, individual proposed projects would need to provide an analysis of future coastal hazard impacts to the property, address needed infrastructure or techniques to ensure safety, identify resource avoidance and mitigation, and address cumulative effects to the shoreline and other affected properties.

In February 2024, the Board of Supervisors approved a contract in the amount of \$335,714.79 between the County and EMC Planning Group, Inc. for the completion of an EIR for the MLCP update. This EIR is currently being prepared.

On October 7, 2023, the Governor signed SB 272, which amended the Public Resources Code commencing with section 30985, to require that local governments within the coastal zone develop a sea level rise plan as part of their Local Coastal Program with the following elements:

1. The use of the best available science.
2. A vulnerability assessment that includes efforts to ensure equity for at-risk communities.
3. Sea level rise adaptation strategies and recommended projects.
4. Identification of lead planning and implementation agencies.
5. A timeline for updates, as needed, based on conditions and projections and as determined by the local government in agreement with the California Coastal Commission.

Section 30985(d) requires compliance by January 1, 2034. The scope of this grant would include a two phased LCP proposed amendment process to address these requirements.

Analysis

The CCC Grant Program would allow for a two phased LCP amendment process to address sea level rise and coastal hazards in the Moss Landing Community Plan area. The first phase includes preparing amendments to the MCLP and associated Coastal Implementation Plan utilizing the previously prepared vulnerability analyses and the latest guidance from the Ocean Protection Counsel and Coastal Commission. Completing the MLCP is designated as a high priority item on HCD's Long Range Work Plan (Task 21-07), and the phasing approach allows the community plan update to move forward without being delayed by the additional e more technical studies needed to address all the SB 272 requirements and to complete a Shoreline and Harbor Adaptation Plan for the Moss Landing Community Plan area. County staff discussed this phased approach with CCC staff , and they were supportive of it.

By taking on the proposed phase II of the LCP amendment, the County would be committing to additional planning work for MLCP implementation. However, staff is recommending that the grant application include this scope for the following reasons:

- Circumstances have changed since the original shoreline management plan policy was removed from the MLCP draft, as now funding is available to complete this work.
- There are existing coastal vulnerability studies for the Moss Landing area. These can be utilized to facilitate the LCP update process, while coastal vulnerability assessments are needed for other planning areas as a pre-requisite for this planning work.
- Due to the adoption of SB 272 in October 2023, addressing sea level rise in the Local Coastal Program is required by 2034.
- The pool of money funding the grant would no longer be available in 2028.

Grant Scope and SB 272

The scope of the Grant Program application includes a two phased LCP amendment, including a budget and schedule, and is detailed in the grant application (**Attachment A, Exhibit 1**). Task 1 is general project management for both phases of the grant application, including providing requests for proposals, contracts, and quarterly progress reports and requests for funds to the CCC. The first requirement of SB 272, the use of best available science, would be addressed in both phases of the grant.

Phase I will include an LCP amendment both updating the Moss Landing Community Plan and accompanying Coastal Implementation Plan regulations. Collectively these updates are Task 2 of the application. The application schedule shows completion of this task at the mid-year of 2026. Per correspondence with the CCC, County staff has been advised that the schedule could be adjusted internally, extending the phase I schedule without extending the overall project schedule. This could be done either after Board of Supervisors consideration but prior to submittal of the grant application to the CCC, or through the grant agreement.

The focus of Phase I of the grant is updating policies and regulations detailing how Coastal Development Permits involving coastal hazards or shoreline protection would be reviewed, considering existing Moss Landing vulnerability analyses, the CCC Sea Level Rise Policy Guidance; it would

include incorporate policies or regulations that address mid-term adaptation recommendations. The current draft of the Moss Landing Community Plan update also has a policy which would require preparation of a Shoreline and Harbor Adaptation Plan as an LCP amendment, effectively linking the two phases of the grant application together.

Phase II of the grant would include outreach and engagement throughout, which is incorporated as Task 4. Otherwise, it has two primary elements, the first, Task 3, is performing focused updates to the 2017 and 2019 vulnerability reports to reflect the best available and current science and include analysis of potential impacts to at-risk communities, a requirement of the vulnerability assessment required by SB 272.

The second element of phase II is a series of inter-related tasks that culminate in the proposed adoption of a Moss Landing Community Plan specific Shoreline and Harbor Adaptation Plan as a LCP amendment. Task 5 and 6 consist of an adaption feasibility analysis including recommended adaptation paths with identified lead and responsible agencies and direct economic costs, including those to critical public infrastructure; and a technical report with policy recommendations, including adaptation strategies such as dune restoration, vegetation planting, beach replenishment, or coastal protection if deemed necessary. Together these address the third and fourth requirements of SB 272.

The final Task 7 would be a proposed LCP amendment incorporating policy recommendations of the technical report and identifying triggers for future LCP updates based on changing environmental conditions. This would address the fifth requirement of SB 272. Separating out the technical analyses from the LCP amendment in this way is an approach that was suggested by CCC staff.

As previously mentioned, although the current draft of the MLCP includes policies on sea level rise and climate change, the grant would result in additional work on LCP amendments required by SB 272. One of the reasons staff are recommending applying for the grant now is that the pool of funds financing the grant program will begin to sunset and will be no longer available by 2028.

Upon the approval of the grant application package by the BOS, County staff would submit the grant application package to the California Coastal Commission. The CCC would consider the grant application at a public hearing, and if the CCC approves the grant, the Director of Housing and Community Development would enter into a standard grant agreement with the CCC. A draft of the grant agreement is included as **Attachment A, Exhibit 2**. The proposed Board action includes authorization of the Director of HCD to approve the grant agreement, in substantially the same form as attached and subject to County Counsel review to ensure it substantially conforms to the attached agreement. Work on the two-phase LCP amendment will continue from the execution of the grant agreement through December 2027.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA):

The action consists of approving the Director of HCD or their designee to submit the CCC Local Coastal Program: Local Coastal Assistance Grant Program application to facilitate a two phased LCP amendment, and entering into a grant agreement should that grant be award. CEQA Guidelines section 15378(b)(4) specifically states that government fiscal activities which do not involve a commitment to any specific project that may result in a potentially significant physical impact on the environment are

not a project subject to CEQA. Applying for the Grant Program would not commit the County to any specific project but is instead financing the planning and environmental review necessary for phased amendments to the County's LCP, including an EIR that the County is currently preparing for the MLCP update. The LCP amendments would go through review and approval processes at both the County and California Coastal Commission. Therefore, approval of and entering into the grant is not be a project under CEQA.

OTHER AGENCY INVOLVEMENT:

The Office of County Counsel and the Auditor-Controller's Office have reviewed as to form and financial provisions, respectively. The California Coastal Commission staff met with County staff to discuss the Grant Program application. CCC staff has reviewed the draft Grant Program application and provided feedback.

FINANCING:

A total of \$105,864.56 of the current EMC contracted amount of \$335,714.79 has been spent to date toward the preparation of the EIR for the MLCP update. Should the grant not be awarded, HCD will return to the Board with a request to increase appropriations if necessary for FY2024-25 and incorporate remaining needs in the FY2025-26 requested budget.

The proposed Grant Program application totals \$938,960.00. If awarded, it will provide reimbursement to the County for funding the remaining amount of the EMC contract. As retroactive reimbursement would not be allowed under the grant, up to \$201,100.23 in direct costs for the EIR could be reimbursed, depending on when the County enters into a grant agreement with the CCC. The attached application includes \$259,660 for the EIR, which is \$58,559.77 more that County could be reimbursed based on the current contract amount. However, staff is not recommending adjusting this value. It was what the CCC staff reviewed when they provided input on County's application and could cover unforeseen work needed for the EIR. The grant would also provide up to \$165,000.00 for staff costs, and up to \$514,300 in funds for the consulting services required toward the phase II grant scope, including outreach, updating the existing Moss Landing climate change vulnerability studies, and preparation of the Shoreline and Harbor Adaptation Plan.

Staff time to develop the MLCP update and prepare this grant application are funded as part of the Fiscal Year 2024-25 Adopted Budget for Housing and Community Development Department, Fund 001, Appropriation Unit HCD002, Unit 8543. The EMC contract is funded as part of the FY25 Adopted Budget for HCD, Fund 001, Appropriation Unit HCD002, Unit 8543, in the amount of \$219,400.00.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Approving the Grant Program application to allow for preparation of amendments to the Moss Landing Community Plan and conduct further studies to address sea level rise and coastal hazards supports the Board of Supervisor's Strategic Initiatives for Economic Development, Administration, and Infrastructure by planning for a sustainable, balanced, and integrated offering of land uses, services, and economic opportunities for the Moss Landing Community. Implementation of the MLCP updates is anticipated to have a positive impact on the revenue base and quality of life within the County.

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by: Katie Scariot, Assistant Planner, x6093

Reviewed by: Phil Angelo, Senior Planner

Reviewed by: Melanie Beretti, AICP, HCD Chief of Planning

Approved by: Craig W. Spencer, HCD Director

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

Attachment A - Draft Resolution

- Exhibit 1 - California Coastal Commission Local Coastal Program: Local Assistance Grant Program Application
- Exhibit 2 - California Coastal Commission Standard Grant Agreement

cc: Katie Scariot, Assistant Planner; Phil Angelo, Senior Planner; Craig Spencer, Director; Melanie Beretti, AICP, Chief of Planning; Lori Woodle, Finance Manager I; Kathy Nielsen, Management Analyst II; Project File GPZ090005; Moss Landing Community Plan Interested Parties List.