

## **INTRODUCTION TO THIS DOCUMENT**

In response to a few Commissioner's desires articulated during the May 27, 2020 Planning Commission hearing, staff has provided a "red lined" version of the November 2020 draft Moss Landing Community Plan. This version is intended to provide background and context to generally understand the update's evolution without burdening the reader with a myriad of strikeouts and underlines resulting in difficulty navigating through the document.

## **OVERALL FORMAT**

There are two types of formats used in this version. The first, is in "track changes" format which is used to identify changes made to the draft plan distributed for the May 27<sup>th</sup> Planning Commission hearing, with the exception of format changes and the bracketed policy identifiers discussed below. The second type of format is ~~strikeout~~ and underline which is used to identify changes made to 1982 Moss Landing Community Plan policies that were carried over but modified.

## **POLICY FORMAT**

All 1982 policies were considered during the update process. Draft 2017 policies were also considered and where appropriate, "new" policies were added. The following formats were used to tell the story of policy evolution without adding the same detail provided for in previous Planning Commission workshops.

### **1982 MOSS LANDING COMMUNITY PLAN POLICIES**

All the 1982 policies that were retained "as is" are identified with a bracketed statement identifying the 1982 Policy number and there was no change.

**Example:** [1982 Policy xxxx—*no change*]

The 1982 policies that were retained and modified to meet today's vision and goal for the community are identified with a bracketed statement identifying the 1982 Policy number and that the edits are shown.

**Example:** [1982 Policy xxxx—*edits shown...*]

In some cases, there were 1982 policies with somewhat similar language and/or intent to current proposed policies. For instance, 2020 draft policy 5.2.2.C.1 states: "*Design Guidelines shall be developed for each neighborhood within the Moss 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.*" 1982 policy 5.6.3.3 states: "*Design standards should be developed to address the most essential factors in conserving the visual, historic, and fishing port character Moss Landing.*" While both policies clearly identify the importance of reviewing the design of proposed development, implementation based on their language would be different.

In other cases, there were no 1982 policies that addressed the goal and strategy of the 2020 draft policy. These occurrences are identified with a bracketed statement making no reference to a 1982 Policy.

**Example:** [No 1982 Policy]

2017 DRAFT MOSS LANDING COMMUNITY PLAN POLICIES

Since the 2017 draft policies were never adopted, the same bracketing system was not used to identify if that language was retained as is or modified. Instead, the 2017 draft policy number is identified in a comment bubble to the right. If a 2020 policy was “new”, meaning it was drafted after the 2017 draft plan was circulated, then the comment bubble would state “No 2017 Draft Policy.”

Example:  **Quenga, Anna V. x5175**  
2017 Draft Policy xxx

## 5. MOSS LANDING COMMUNITY PLAN

### 5.1 BACKGROUND

The Moss Landing Community Plan has been prepared to provide a comprehensive planning framework for preservation, improvement and enhancement of Moss Landing (the community) while conserving natural resources and providing public access and recreational opportunities. The findings, policies and recommendations contained in this chapter of the North County Land Use Plan are the result of a cooperative land use planning effort between ~~the~~ Monterey County ~~Resource Management Agency~~, various public agencies, and members of the community. In January 2009, a Community Plan Update Committee was created to identify the vision for future development in Moss Landing. The Committee found the 1982 Plan generally consistent with existing development but recognized portions of the plan were out of date. The community vision identified by the Committee was to allow development to occur at the intensity allowed by the 1982 Plan, a level they called the “Moderate Growth Scenario”, by retaining goals, updating policies, ideas and references, and providing clarification where needed.

Since adoption of the 1982 Plan, the community has seen a dramatic increase in marine research facilities, the closure of the old National Refractories operations, and substantial changes in the power plant operations. Recent studies and investigations have demonstrated the potential effects of climate change on the community and the harbor. Using the 1982 Plan as the baseline and Committee recommendations as a starting point, contents were deleted, replaced and refined to address the current circumstances of the community and environment ~~resulting in this Update~~.

Moss Landing is a small coastal town located south of the City of Santa Cruz and north of the City of Monterey. (See ~~Figure 2ML-1~~). It is a unique community where old world charm meets new scientific facilities and ~~a sprinkle of~~ industrial uses. Moss Landing has thriving commercial businesses such as a fishing industry, one of a kind restaurants, and eclectic artist/craftsman and antique shops. Access to the Pacific Ocean has provided an opportunity for educational and scientific research facilities to flourish and establish a home. The Moss Landing Harbor contains over 600 slips for commercial and recreational boats. Many of the residents that live in the community grew up in the area, which allows local history and stories to live on. These uses ~~and~~ history have also shaped the built environment, giving the community its extraordinary character and a culture of its own. The community is made up of a mix of design themes such as historic cannery buildings, nautical features, a piece of the Old West, and the recognizable landmark feature in the area, the 550-foot power plant stacks. Opposite of the built environment is the natural setting, which equally contributes to the community’s scenic beauty and character. This setting surrounds ~~the~~ community as the Monterey Bay National Marine Sanctuary is located to the west and estuaries are located to the east.

For all these reasons, Moss Landing is important as it supports a wide range of uses, people, flora and wildlife. Therefore, specific policies unique to Moss Landing were developed. In addition to applicable policies contained in the other chapters of the North County Land Use Plan, policies contained within this chapter apply to development within the community plan area. (See ~~Figure 3ML-2~~). The intent of Community Plan Chapter 5 is to protect the community character, prevent

resource damage, update land use designations to reflect changes in land use, and to allow some land use flexibility for unknown future needs while still being aligned with the vision for how the community will grow and that reflects the community's priorities and values. In this collaborated effort, staff and the community have identified appropriate locations, density, and intensity for existing and proposed land uses have been identified.

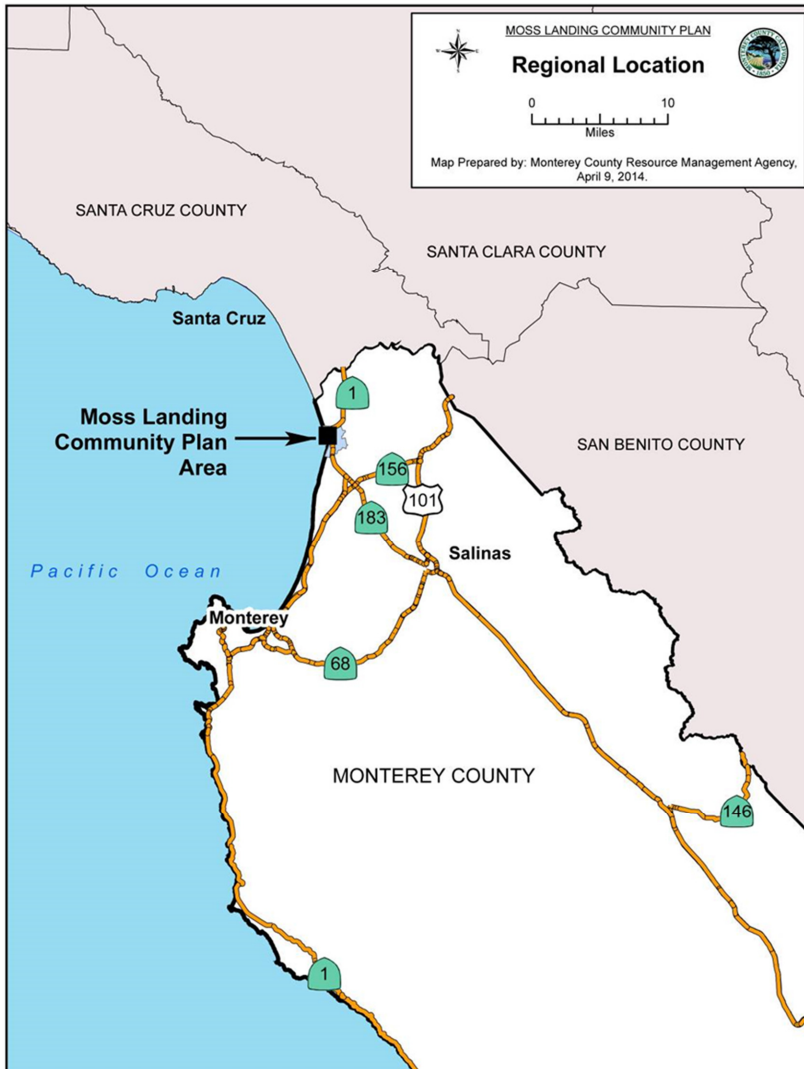
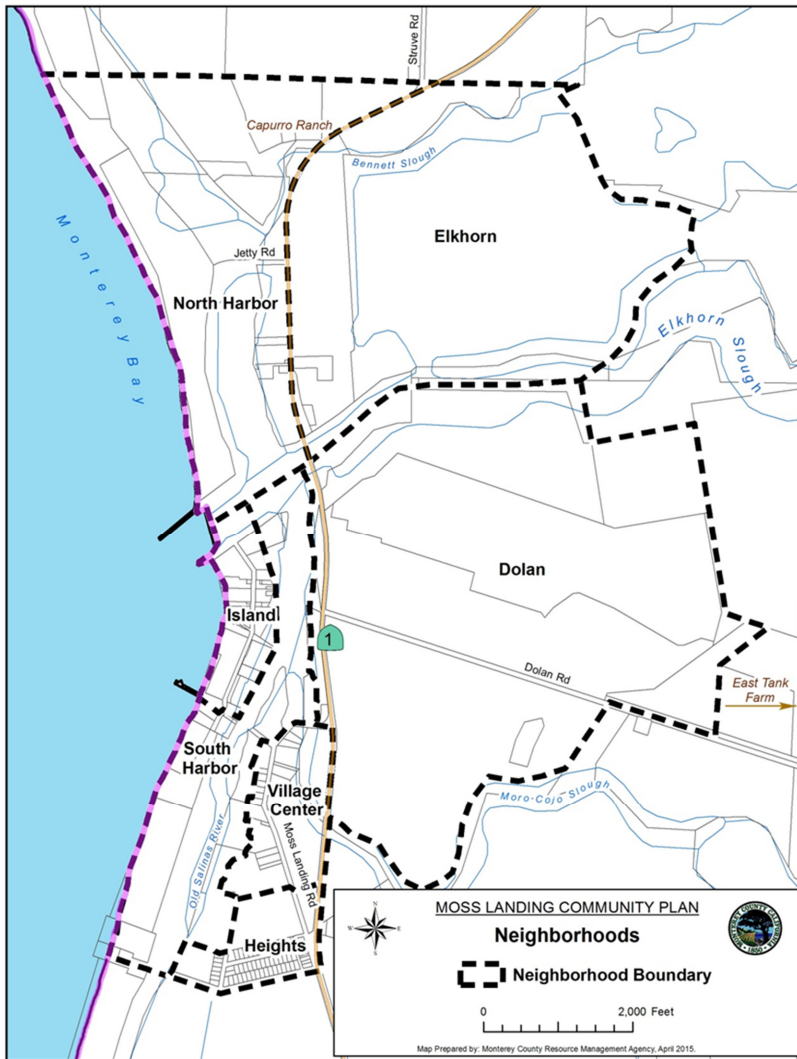


Figure 2ML-1. Regional Location

### 5.1.1 Planning Area and Neighborhoods

The Planning Area is divided into seven neighborhoods—North Harbor, Elkhorn, Island, Dolan, Village, South Harbor, and Heights. **Figure 3ML-2** shows the community area boundary and location of the Moss Landing neighborhoods.



**Figure 3ML-2. Moss Landing Community Boundary and Neighborhoods**

### 5.1.2 Relationship to Other Plans and Jurisdictions

Significant areas in and around Moss Landing are subject to state and/or federal designations in recognition of the significant natural resources.- These areas include:

- Monterey Bay National Marine Sanctuary,
- Elkhorn Slough State Marine Conservation Area,
- Elkhorn Slough State Marine Reserve,
- Elkhorn Slough Ecological Reserve,
- Moss Landing State Wildlife Area,
- Moro Cojo Slough State Marine Reserve, and
- California State beaches.

In addition, the following agencies have jurisdiction over certain areas or resources:

- Moss Landing Harbor District,
- National Oceanic and Atmospheric Administration,
- Elkhorn Slough National Estuarine Research Reserve,
- California Department of Fish & Wildlife,
- US Army Corps of Engineers,
- State Parks,
- State University System, and
- US Fish and Wildlife Service.

These designations and oversight by these agencies offer multiple layers of protection beyond those provided by Monterey County for Elkhorn Slough and other important natural resources in the planning area. **Figure 4ML-3** shows affected state and federal resources.

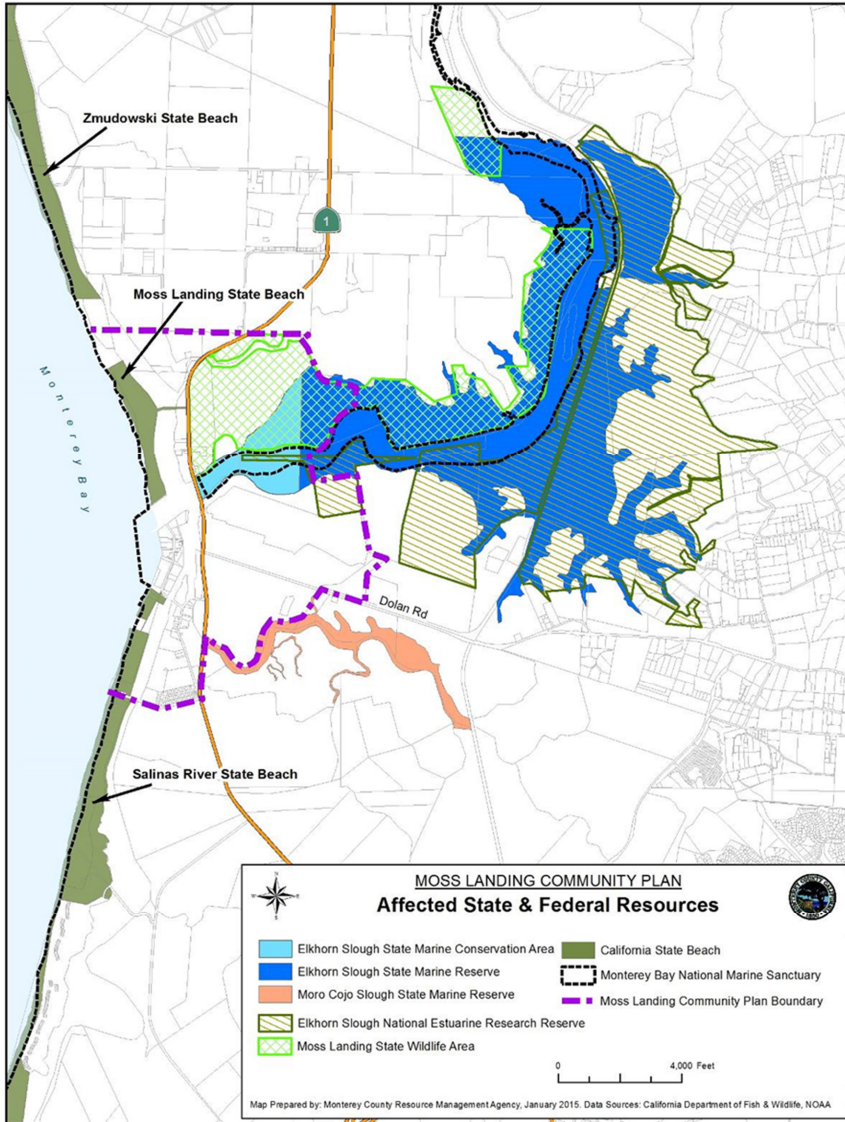


Figure 4ML-3. State and Federal Resources Map

## 5.2 RESOURCE MANAGEMENT

### 5.2.1 Introduction

The community area contains a variety of resources which present a need for effective protection and management. Not only are these resources unique to the area, they are assets to the community and are economically valuable.

Elkhorn Slough, Bennett Slough, Moro Cojo Slough and the Old Salinas River Channel are local natural features considered to be valuable estuaries that contain biologically important habitats. The coastal dunes and harbor areas also present as valuable resources.

Moss Landing's unique community character is made up of a confluence of historic uses dating back to the 1800's, a commercial and recreational fishing port, an eclectic downtown, and educational and research facilities. In addition, the area is rich with archaeological and tribal cultural resources that make Moss Landing unique.

To address the community's desires and maintain the area's unique character, it is important to balance the protection and management of resources with allowing appropriate development and uses which calls for properly locating and designing the built environment. Part of this includes considering North County's potable water limitations and unique hazards (flooding, erosion, and the uncertainty from climate change effects) and how these could affect development in Moss Landing.

### 5.2.2 Visual Resources and Community Character

The special character and unique visual features of the community are derived from both its natural and built environments and how the two co-exist. Beaches and dunes to the west and estuaries to the east form the area's natural setting, providing habitat for an abundance of marine life and shore birds to thrive. When viewed from great distances, Moss Landing is one of the most easily identifiable coastal communities in California; as the 550-foot power plant stacks serve as a landmark feature that unmistakably mark the location of the community from any approach. Other contributors to its character is its status as a historical port and setting for cannery activities. In addition, establishment of educational and scientific research has evolved the community's "current" cultural significance. Recreational opportunities and its collection of antique shops make it a unique destination point for an increasing number of visitors.

In summary, Moss Landing contains a diversity of natural and man-made visual features that contribute to the community's strong vitality and special character. For the benefit of both residents and those who come to work and play, care should be taken to preserve and enhance these important visual resources as the community changes and grows over time.

It is particularly important to recognize that the community itself is composed of distinctly different areas that accommodate the needs of different groups of people pursuing varying activities. As such, the visual resources of these areas are different. The policies that follow



acknowledge this by giving protection to specific natural and cultural resources as well as setting forth broad guidelines to be used when development proposals in the different areas of the community are considered.

**A. General Policy**

- 1. [1982 Policy 5.6.1.1—edits shown underlined] The County's objective shall be to conserve the unique visual, ~~cultural, and historic~~ resources of Moss Landing to the greatest extent possible while protecting private property rights. Development shall be consistent with the character of the neighborhood within which they are located.

Commented [QAVx1]: 2017 Draft Policy ML-5.12

**B. Specific Policies**

- 1. [1982 Policy 5.6.3.6—no change] Views of the Moss Landing Community, harbor and dunes from Highway 1 should be protected through regulation of landscaping and siting of new development adjacent to the highway to minimize the loss of visual access.
- 2. [No 1982 Policy] Design Guidelines shall be developed for each neighborhood within the Moss 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.
- 3. [No 1982 Policy] 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.
- 4. [No 1982 Policy] Exterior lighting shall be limited to full cutoff fixtures that protect marine life and direct light away from aquatic habitat and the sky.
- 5. [No 1982 Policy] The County of Monterey shall prioritize Moss Landing as one site for undergrounding of utilities using Rule 20-A and Rule 20-B monies.

Commented [QAVx2]: 2017 Draft Policy ML-5.13

Commented [QAVx3]: 2017 Draft Policy ML-5.14

Commented [QAVx4]: 2017 Draft Policy ML-5.19

Commented [QAVx5]: 2017 Draft Policy ML-2.25

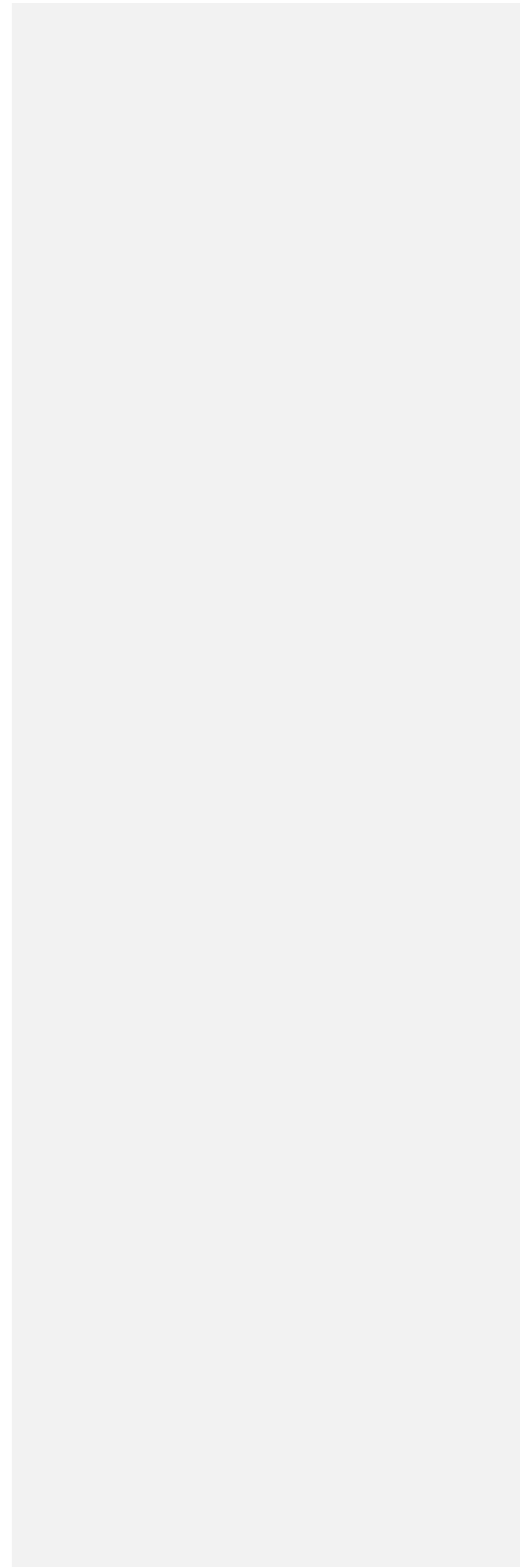
Commented [QAVx6]: 2017 Draft Policy ML-4.13

**5.2.3 Historical, Archaeological, and Tribal Cultural Resources**

**A. Historical Resources**

Commercial uses in Moss Landing date back to the 1850’s, a few years after coming under American rule. Historical maps (circa 1854) show the Sandholdt Road Bridge traversing over the Salinas River, a pier, and several buildings. In 1860, Paul Lezer, the original settler of Moss Landing, acquired 300 acres of land north of the Salinas River to establish the “City of St. Paul” and operate a ferry across Elkhorn Slough. According to “Historical Context Statement for Agricultural Resources in North County Planning Area, Monterey County (PAST Consultants, September 2010),” Moss Landing was built by a New England captain Charles Moss, who

officially founded the town of Moss Landing in 1865. Captain Moss constructed a wharf and warehouses to serve as the main shipping point for the Salinas Valley’s agricultural goods. The shipping facility was soon eclipsed by railroad service, which arrived in 1871. Approximately 75 years later, in 1947, Moss Landing Harbor began operations. According to the Monterey County Parks Department, three historical properties are listed on the Monterey County Register of Historic Resources. These properties are shown in **Figure ~~5ML-4~~**.



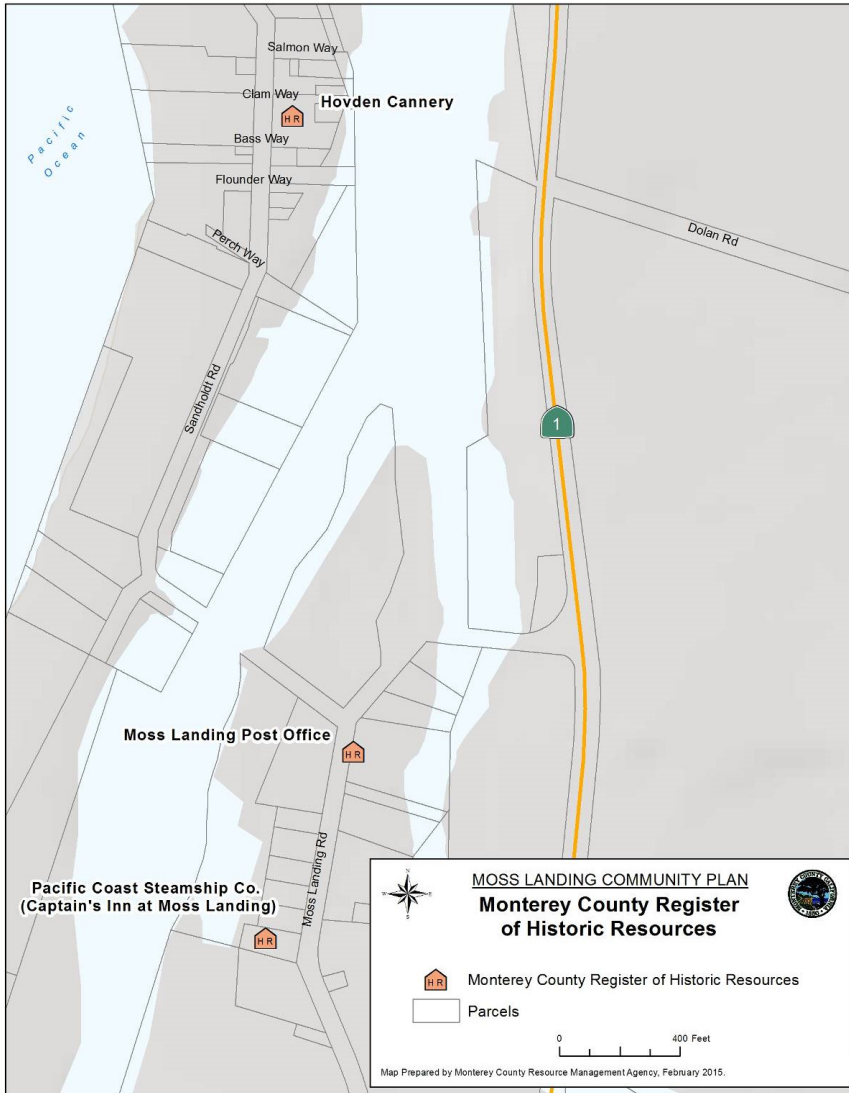


Figure **SML-4**. Historic Resources

## **B. Archaeological and Tribal Cultural Resources**

Prior to the establishment of Moss Landing as a town, native peoples occupied the area as far back as 4000 BC, with the most intense occupation occurring between 700 BC and 1000 AD. Numerous reports have identified archaeological resources throughout, even after current development. Thus, the entire plan area is considered to ~~a~~ have a high archaeological sensitivity rich with tribal cultural resources. These resources contribute to the uniqueness of Moss Landing and should be preserved and protected.

## **C. General Policy**

1. [No 1982 Policy] 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.

Commented [QAVx7]: 2017 Draft Policy ML-5.5

## **D. Specific Policies**

1. [No 1982 Policy] 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.

Commented [QAVx8]: 2017 Draft Policy ML-5.9

2. [No 1982 Policy] The area is rich in tribal resources. To ensure protection of those resources, all development projects which involve ground disturbance, shall include an on-site tribal representative to monitor all earth-moving activities.

Commented [QAVx9]: 2017 Draft Policy ML-5.10

## **5.2.4 Environmentally Sensitive Habitat Areas**

The plan area includes three distinct marine geographic areas: Elkhorn Slough Estuary (tidal lagoon), Moss Landing Harbor (North and South Harbor), and Monterey Bay. Each of these areas contain similar and distinct aquatic biological habitats. Distinct aquatic habitats present within the boundaries of Moss Landing Harbor and Elkhorn Slough include shallow open water, submerged aquatic vegetation, sand/mud/salt flats, fresh/salt/brackish marshes, rocky subtidal and intertidal. Distinct habitats present in Monterey Bay include sandy beach, rocky intertidal and subtidal, and open water areas.

The coastal waters of the plan area are also located within the Monterey Bay National Marine Sanctuary (MBNMS), designated as a federally protected area in 1992. The sanctuary was established for the purpose of research, education, public use, and resource protection.

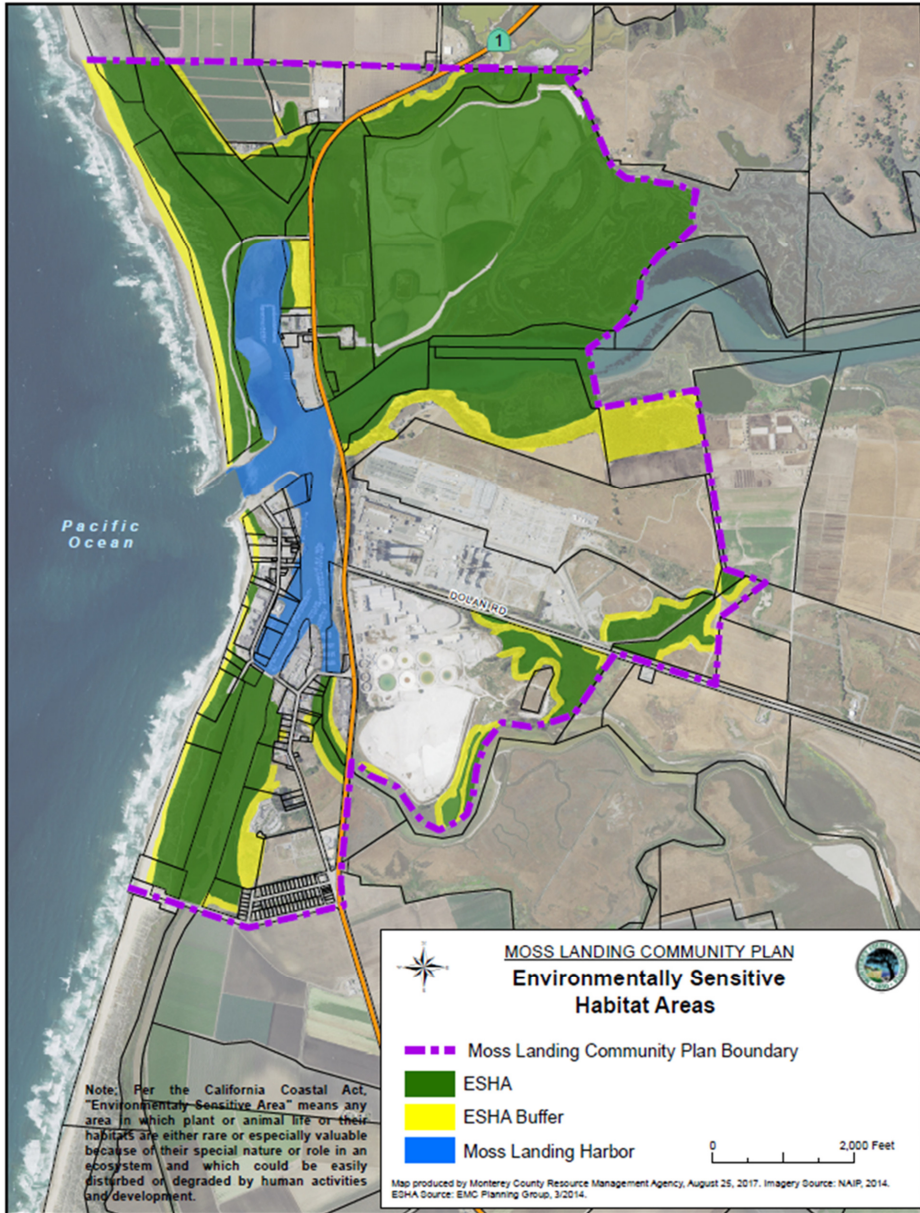
The Central Coast of California experiences a Mediterranean climate with cool, wet winters and warm, dry summers; the Pacific Ocean has a moderating effect on temperatures, producing a

maritime temperature regime with mild temperatures year-round. Windy conditions are common around Monterey Bay, and fog occurs during all seasons, but is most prevalent during summer months. Based on the Watsonville Waterworks weather station data collected from 1948 to 2005, annual average temperatures near the Plan Area range from 45.9 to 67.1 degrees Fahrenheit. Annual average precipitation totals 22.4 inches; approximately 84 percent of this total amount occurs from December through March.

Moss Landing Harbor serves as the marine gateway to the Elkhorn Slough National Estuarine Research Reserve, California's second largest marine estuary. This expansive tidal area is an important habitat for terrestrial and marine species. The coastal estuary is a particularly valuable resource because California has lost more than 75 percent of its coastal marshes.

The California Department of Fish and Wildlife (CDFW), Elkhorn Slough Foundation, and other agencies and organizations protect natural resources and manage many conservation areas within the Plan Area. This includes, but is not limited to, Moss Landing State Beach and Moss Landing Wildlife Area in the northern portion of the Plan Area, and Salinas River State Beach in the southern portion of the Plan Area.

Monterey County has mapped environmentally sensitive habitat areas (ESHA) and ESHA buffer areas in Moss Landing. **Figure ~~GML-5~~** shows these areas, as of 2013~~0~~. However, ESHA areas are constantly evolving and specific site studies may be required for development. Policies in Chapter 2.3 of this plan require assessment of the surrounding habitat area at the time a development application is submitted, as the habitat areas may move over time.



**Figure 6ML-5. Environmentally Sensitive Habitat Areas**

## 5.2.5 Water Resources

### A. *Freshwater Resources*

North County has significant overdraft and seawater intrusion affects much of the area, which has caused some wells to be abandoned. Studies demonstrate that the situation has not improved as of 2019. Seawater intrusion continues to move inland. A 2015 study demonstrates that the Pressure 180 aquifer under the community area has seawater intrusion. The 2015 study also demonstrates that most of the area underlying the community has seawater intrusion in the Pressure 400 aquifer, with a small ~~portion area~~ between Dolan Road and Elkhorn Slough not meeting the chloride limit to be considered seawater.

Two water management agencies oversee the groundwater in North Monterey County: the Monterey County Water Resources Agency and the Pajaro Valley Water Management Agency. The aquifers in North Monterey County consists of several subareas: Pajaro, Springfield Terrace, Highlands (north and south), Salinas Valley Pressure area, and Granite Ridge. The Springfield Terrace, Salinas Valley Pressure, and Highlands South subareas underlie the community area. The majority of the Moss Landing community area is located overlying the Salinas Valley aquifer, with the area north of Elkhorn Slough overlying the Springfield Terrace.

The Springfield Terrace subarea, north of Elkhorn Slough, has significant seawater intrusion. ~~Many A 1995 hydrogeological studies identify stated that groundwater levels have fallen below sea level, with the groundwater surface falling about five to ten feet from 1979 to 1994.~~

~~The Highlands subarea, which is east of Moss Landing, was described in the 1995 report as an area where “aggregate pumping is contributing to chronic storage depletion.” The study stated that groundwater levels had fallen below sea level in many areas of the Highlands subarea, with a pumping trough 10 to 25 feet below sea level paralleling the coast, 2 to 4 miles inland, with Las Lomas at the northern end having the deepest part of the trough<sup>3</sup>.~~

The wells that currently serve the Moss Landing community lie within the Highlands South subarea, just north of Dolan Road about 1.5 miles east of the community. The area between the Highlands subarea and the ocean, including most of the Moss Landing community, are located within the Salinas Valley basin. The Highlands South area ~~identified in the 1995 report is also included in~~ part of the Salinas Valley Groundwater Basin; therefore, the wells serving Moss Landing are located within the Salinas Valley Groundwater Basin.

While actions have been taken to reduce coastal groundwater pumping, including many supplemental water supply projects since certification of the North County Local Coastal Program in 1988, significant overdraft conditions still exist for North County. This overdraft has led to continuing seawater intrusion. It is uncertain if the Pressure Deep Aquifer, located below the Pressure 180/400, is hydraulically connected to the ocean in Monterey Bay, so it is not

---

<sup>3</sup>~~The majority of the Highlands subarea is also part of the 180/400 Foot Aquifer in the Salinas Valley~~

known whether pumping from this aquifer would lead to the onset of seawater intrusion into the Pressure Deep Aquifer.

The State of California Sustainable Groundwater Management Act (SGMA) requires that solutions to overdrafted aquifers be identified and implemented. A plan is required to be adopted by 2020 for the Pressure 180/400 Aquifer Subarea, which SGMA identifies as being in critical overdraft. Solutions identified through the SGMA planning process are required to be implemented by 2040.

### 1. Pajaro/Sunny Mesa Community Services District

Potable water service is provided to the majority of the Moss Landing community by Pajaro/Sunny Mesa Community Services District (PSMCS D), which has a well and water tank located on Avila Road, approximately 1.5 miles east of the community. The well provides sufficient water quantity and quality to the community. However, the system capacity is currently limited by the storage tank size, which may limit development potential for the community.

Available water resources for new development provided by PSMCS D and planned capacity improvements should be discussed.

### 2. Other Potable Water Sources

Potable water is also provided for the power plant property through its own water system. An additional well that provides water to the former National Refractory property is also located in the Avila Road area.

## B. Seawater Resources

Several properties within the community have seawater intake or outfall pipelines. These connections have provided cooling water for the power plant, seawater for refractory processes, and marine research uses. The pipelines historically accessed seawater from the ocean, the harbor, or Elkhorn Slough. Discharge (outfall) pipelines require waste discharge permits from the State of California Regional Water Quality Control Board. The former National Refractory site includes an intake and outfall facility. The power plant site includes seawater intake and outfall pipelines. Moss Landing Marine Labs includes an intake pipeline within the pipeline for the former National Refractories property.

## C. Specific Policies

1. [No 1982 Policy] The County of Monterey shall not approve discretionary development permits that exceed the water purveyor's ability to provide potable water.

Commented [QAVx10]: 2017 Draft Policy ML-4.8

2. [No 1982 Policy] The County of Monterey shall encourage strategies, including but not limited to seawater desalination, increased use of recycled water, and conservation

Commented [QAVx11]: 2017 Draft Policy ML-4.10



measures, to address historic groundwater overdraft and seawater intrusion, preserve river and stream habitats, and produce additional supplies of potable water.

3. [No 1982 Policy] The County of Monterey shall encourage existing and new development to supplement its supply of water with on-site facilities, including but not limited to the installation of small-scale seawater desalination facilities for coastal-dependent/coastal-related uses, recycled stormwater and greywater, rainwater collections systems (for landscaping) or other water sources, as made feasible by emerging technologies. Any proposed desalination facility shall be designed to use the best available site, system and technological design, and feasible mitigation measures, to minimize or avoid intake and mortality of all forms of marine life and obtain all other applicable agency permits and/or approvals.

Commented [QAVx12]: 2017 Draft Policy ML-4.11

4. [No 1982 Policy] Historic consumptive groundwater use that has been perfected by prior appropriation and/or pursuant to prior court adjudicated rights may be transferred (pursuant to state law and upon agreement of all parties) by the holder of those appropriative rights from the same water supply for one property is non-transferable to another property unless consented to by all affected property owners within the boundaries of the Moss Landing Community Plan area.

Commented [QAVx13]: 2017 Draft Policy ML-4.9

## 5.2.6 Hazards

This coastal community is subject to several hazards. Flooding, coastal erosion, tsunami and storm surge, all as exacerbated by climate change effects, and tsunami are the primary coastal hazard risks for the community. Noise from industrial uses, the fishing industry, harbor traffic, and Highway 1 can be a public health concern.

### A. Flooding

The community is subject to flooding from both the ocean and from inland drainage areas. Much of the community is low-lying, particularly the downtown area and areas adjacent to the sloughs, harbor, and Old Salinas River. The Moss Landing Community Coastal Climate Change Vulnerability Report (June 2017) ~~A recent climate change study~~ projects increased risk in the future from both ocean effects (e.g., sea level rise, coastal storm flooding) and from increased flooding from inland watersheds.

The areas within Moss Landing that are subject to flooding are shown in **Figure 7-ML-6**. According to the Federal Emergency Management Agency (FEMA), almost all of Moss Landing lies in the 100-year flood hazard zone. The exceptions include the Moss Landing Power Plant, much of the Moss Landing Business Park, and an area north of Potrero Road that includes residential property, the cemetery, and Moss Landing Marine Laboratories.

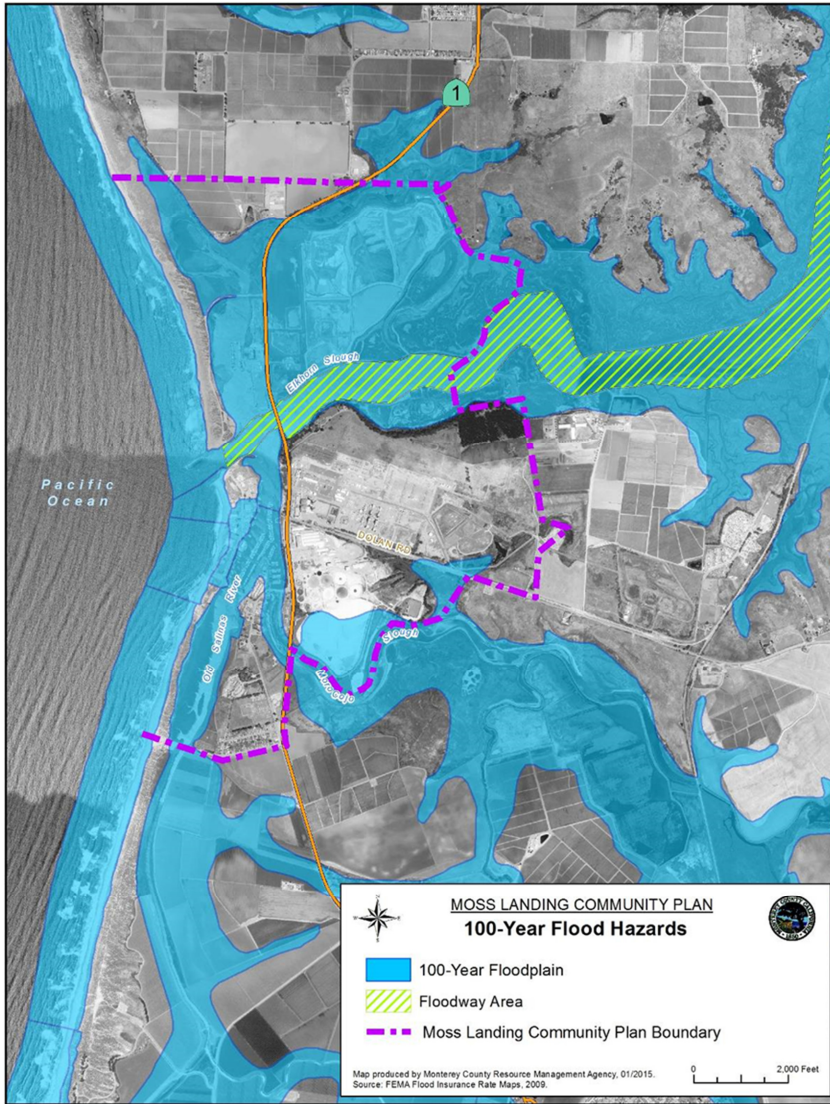


Figure 7ML-6. Flood Hazards Map

## **B. Shoreline Erosion**

Shoreline erosion issues related to land use are largely confined to the [harbor shoreline and the Island](#), which is the only developed portion of the community located directly on the ocean waterfront.

According to a 2007 study (Griggs) for MBARI, addressing the Island area, the historical position of the vegetation line on the Moss Landing spit is a useful indicator of long-term shoreline erosion patterns. For the purposes of the study, Griggs compiled a record of the vegetation line on the Moss Landing spit using aerial photographs taken over a 74-year period. Then using this record, the study established the “most severe erosion conditions” that were evident in the photographic history. Griggs mapped the extent of these conditions to establish a recommended setback line for new construction on the spit using Sandholdt Road as a reference point. Griggs summarized the conclusions of the vegetation line analysis as follows:

- The vegetation line on the spit (the position reached by maximum wave run-up) varied between 38 and 100 feet from mean high tide in the 74-year history of aerial photographs.
- The vegetation line varied depending on weather patterns, with the vegetation line moving seaward in the relatively calm La Niña period (i.e., 1965 to 1974) and moving landward in the stormier El Niño period (i.e., 1976 to 1984). Since 1998, when severe storms resulted in significant shoreline retreat, the vegetation line has generally advanced seaward.
- The distance between Sandholdt Road and the vegetation line is the narrowest on the southern portion of the spit where beach retreat has been arrested by the seawall constructed in this area.
- The shoreline has been gradually advancing at the sandy point in the vicinity of Perch Way and retreating slightly toward the northern end of the spit.

However, climate change effects were not included as part of this 2007 study. These effects will alter the rate and timing of coastal erosion making the area potentially vulnerable to coastal hazards.

## **C. Coastal Hazards Climate Change**

With the community lying between the Pacific Ocean and sloughs, and its low elevation, property within the community is vulnerable to the effects from climate change, including sea level rise, coastal storm flooding, rising tides, and fluvial (inland) flooding. Infrastructure within and around the community is also at risk from these effects.

According to the Intergovernmental Panel on Climate Change (IPCC) and the California Natural Resources Agency (CNRA), sea level has risen about seven inches over the last century due to global melting of land-based ice and thermal expansion. According to [the Moss Landing](#)

~~Community Coastal Climate Change Vulnerability Report (June 2017), a report prepared for the County of Monterey in June 2017~~ more changes related to climate change can be expected by the year 2060 and on to the end of the century (2100):

- Average annual precipitation may show little change, but more intense wet and dry periods can be expected with more floods and more droughts.
- Flood peaks will become higher and natural spring/summer runoff will become lower.
- Sea levels in the Central Coast Region may rise by six to 28 inches by mid-century and 16 to 62 inches by the end of the century. (The estimated 62-inch rise in sea level corresponds to the high estimate for the year 2100).

The Coastal Commission's Sea Level Rise Policy Guidance and Ocean Protection Council's State Sea Level Rise Guidance both find that sea level rise is a threat to shoreline development and habitats, and offer guidance for sea level rise projections to use in planning and permitting decisions.

Rising sea levels in the Central Coast Region are likely to affect coastal recreation resources such as beaches, wharves, and campgrounds. Sea level rise is also expected to affect vulnerable populations along the coast through the immediate effects of flooding and temporary displacement and longer-term effects of permanent displacement and disruption of local tourism. Sea level rise also will affect the provision of basic services through disruption of linear infrastructure. Impacts to Highway 1 could affect regional transportation, access to Moss Landing, and access to tourism areas. Finally, communities that depend on groundwater basins within the coastal zone may be affected by increasing saltwater intrusion driven by sea level rise.

#### **D. Tsunami Risk**

The community area abuts Monterey Bay and the Pacific Ocean, so inundation from tsunami is possible. Tsunamis are typically triggered by earthquakes, local or distant, and can also be triggered by larger underwater landslides. A submarine landslide in the Monterey Canyon offshore of the community is considered capable of producing a significant tsunami on Monterey Bay. Large tsunamis can result in significant damage and loss of life.

On March 11, 2011, Moss Landing Harbor was damaged by a tsunami that caused approximately \$1.75 million in damages. According to Moss Landing Harbor District, the water surged and receded about seven feet in a matter of minutes, slamming the docks against the pilings in two directions resulting in almost 200 damaged pilings and 20,000 cubic yards of extra sediment in the harbor.

Large portions of the community are areas of potential tsunami wave movement. According to State Planners, a wave height of up to three meters (9.8 feet) should be considered when planning shoreline structures in the Monterey Bay area.

#### **E. Noise**

Primary sources of noise for the community are the industrial areas and their land uses, harbor uses and infrastructure, waterfront industrial uses, and traffic along Highway 1.

#### F. Specific Policies - Erosion Hazard

##### The following policies apply to the harbor area (between Jensen Road and Sandholdt Road/Moss Landing Road (north), and between the ocean and Highway 1):

1. [No 1982 Policy] The County of Monterey supports structural armoring (i.e., bulkheading or rip rap) or other measures where necessary to prevent erosion, protect the Harbor shoreline and to incorporate where feasible public access into any armoring project.
2. [1982 Policy 5.3.3.3—*edits shown underlined*] Bulkheading or other measures to prevent erosion and to maximize use of available shoreline should be provided along the west banks of the South Harbor from Sandholdt Bridge to the mouth of the harbor.
3. [1982 Policy 5.3.3.8—*edits shown in strikeout and underline*] Develop ~~Develop a and maintain~~ retaining walls, ~~or~~ bulkheads, or other appropriate erosion control measures ~~should be developed~~ along the eastern bank of the North Harbor, with natural protection methods used where possible, and provide natural protection methods where feasible to stabilize the west bank of the North Harbor, between the harbor mouth and Jetty Road, adjacent to the Harbor offices as a means of preventing further erosion and improving berthing capacity.

Commented [QAVx14]: 2017 Draft Policy ML-2.14

Commented [QAVx15]: No 2017 Draft Policy

Commented [QAVx16]: No 2017 Draft Policy

#### G. Specific Policies - Climate Change Hazard

1. [No 1982 Policy] To the maximum extent feasible, development shall be sited, designed and constructed to avoid effects from sea level rise and climate change coastal hazards, including flooding and erosion hazards as these may be exacerbated by sea level rise and climate change over the anticipated life of the development in a manner that assures ~~Development shall assure its~~ stability and structural integrity ~~of the development~~ without reliance on shoreline protective devices, substantial alteration to natural landforms along bluffs, ~~and~~ cliffs, and wetlands, or otherwise harm coastal resources in a manner inconsistent with LCP policies or Coastal Act public access and recreation policies, ~~and~~ The development shall not contribute significantly to erosion, geologic instability, or destruction of the site or surrounding areas.

Commented [QAVx17]: 2017 Draft Policy ML-5.1

Minor and/or ancillary development, including public trails, benches, gazebos, patios, raised decks and platforms and other similar uses, may be located seaward of a bluff or shoreline setback line provided that such development does not: 1) use a foundation that can ~~better~~ serve as a retaining or protection device or 2) require landform alterations.

Development may be approved provided it protects coastal resources, is consistent with public access and recreation policies, and minimizes exposure to coastal hazards.

~~If development cannot be located and designed in a manner that meets the state and local coastal hazard avoidance and minimization requirements over the full anticipated life of the development, the development may nevertheless be approved provided it meets all the following criteria:~~

- ~~a. The proposed development is the least environmentally damaging alternative that is sited and designed to avoid/minimize impacts to coastal resources and avoids/minimizes effects from coastal hazards to the extent feasible;~~
- ~~b. The approval is subject to conditions requiring removal of the development and/or other adaptation measures when specific thresholds are met to ensure that the development does not: a) interfere with the continued existence of adjacent environmentally sensitive habitat areas or recreation areas, b) substantially impair public trust resources, c) become structurally unstable, or d) pose increased risks to life and/or property or otherwise create a public nuisance;~~
- ~~e. The proposed development is consistent with the public access and recreation policies of the Coastal Act and this LCP;~~
- ~~d. A hazard assessment must demonstrate that the development appropriately minimizes risks to life and property and ensures structural stability for the life of the project; and~~
- ~~e. Minimize risks to life and property to the maximum extent feasible.~~
- ~~f. —~~

Development proposed in coastal hazard areas shall, as a condition of approval, record a deed restriction describing the hazard, the limitations of rights to protect the property from hazards, and describe restoration requirements.

2. [No 1982 Policy] Maintain the long-term viability of Moss Landing Harbor and coastal-dependent and coastal-related uses as long into the future as is economically feasible. The County of Monterey shall, in cooperation with the Harbor District, community and affected agencies, plan the appropriate steps to protect (dune restoration, beach replenishment, vegetation planting, armoring, etc.) or develop other types of adaptation strategies against the effects of climate change hazards.

~~For the rest of the community, sShoreline protective devices that alter natural shoreline processes and other shoreline altering development shall be permitted when necessary to ensure the continued operation of the harbor or to serve coastal-dependent uses or to protect existing structures or public beaches in danger from erosion and when designed to eliminate or mitigate adverse impacts on shoreline sand supply. Public access features shall be incorporated into the project (or provided off-site if on-site is infeasible) when access is determined necessary for the area. Such development may be allowed only when where all coastal resource impacts are avoided, or if unavoidable, are appropriately and proportionately mitigated.~~

Commented [QAVx18]: 2017 Draft Policy ML-5.2

3. ~~[No 1982 Policy] Monterey County shall, in cooperation with Elkhorn Slough Foundation, Elkhorn Slough National Estuarine Research Reserve, and other affected agencies, the Moss Landing Harbor District, and the community, plan the appropriate steps for managed retreat implementation to accommodate a migrating shoreline caused by sea level rise while promoting the conservation of beach, dune, slough, and other natural habitats. Such planning shall also include measures to ensure that increases in sediment load do not compromise harbor operations.~~

Commented [QAVx19]: 2017 Draft Policy ML-5.3

4. ~~[No 1982 Policy] The County of Monterey shall work with the Moss Landing Harbor District and state and federal agencies to install and maintain a warning system, including adding nearby tide gauges, and signing for storm hazards and tsunami evacuation and education.~~

Commented [QAVx20]: 2017 Draft Policy ML-5.4

5. ~~[New Policy 8] Shoreline Management Plan. The County shall prepare a Shoreline Management Plan. The plan shall function as a tool to help implement coastal protections, maximize public access, and protect coastal resources along the shoreline. The plan shall be prepared in coordination with relevant local, regional, and/or state agencies for the purpose of protecting coastal resources, as well as ensuring the resilience of coastal public infrastructure, and evaluate the following:~~

- ~~a. Refining adaptation triggers for actions to address coastal hazard impacts for different areas and assets in Moss Landing, including monitoring beaches for coastal hazard impacts such as erosion and changes in beach widths in order to identify trigger points for various adaptation strategies.~~
- ~~b. Site Reuse. Considering appropriate uses for sites previously occupied by relocated assets, including parks, open space/natural areas, and other predominantly passive land uses.~~
- ~~c. Transfer of Development Rights (TDR). Considering a TDR program to restrict development in areas that are vulnerable to coastal hazards and allow the transfer of development rights to parcels with less vulnerability to hazards.~~
- ~~d. Coastal Hazard Overlay Zone. Establishing a Coastal Hazard Overlay Zone to address safety from flood and sea level rise related hazards, and recommend remedial actions. Establishing a program to inform owners of real estate in the Coastal Hazard Overlay Zone about coastal hazards or property vulnerabilities, including information about known current and potential future vulnerabilities to coastal hazards, and disclose permit conditions related to coastal hazards to prospective buyers prior to closing escrow.~~

~~The Shoreline Management Plan shall be adopted by the Coastal Commission through the Local Coastal Program amendment process and may be amended as appropriate.~~

5. [No 1982 Policy] The utility of Highway 1, including its importance to the local and regional economy and public access and recreation, shall be protected and provided in a manner that best protects coastal resources. Shoreline armoring may be allowed for segments of Highway 1 in conformance with applicable LCP shoreline protective device policies.

Commented [QAVx21]: No 2017 Draft Policy

#### H. *Specific Policies - Noise Hazard*

1. [No 1982 Policy] Proposed development resulting in new noise levels shall incorporate site planning and design elements necessary to minimize noise impacts on surrounding land uses and reduce indoor noise to an acceptable level.

Commented [QAVx22]: No 2017 Draft Policy

2. [No 1982 Policy] The County of Monterey shall require new residential development, including the demolition/rebuild of habitable structures but excluding remodels, within 400 feet of the centerline of Highway 1 to prepare an acoustical report containing design recommendations to maintain interior noise levels at 45 decibels (dBA) day-night average sound level (Ldn) or less.

Commented [QAVx23]: 2017 Draft Policy ML-5.20

### 5.3 PUBLIC SERVICE SYSTEM

#### 5.3.1 Introduction

This section describes existing public infrastructure: transportation/circulation, including pedestrian access, and wastewater facilities. Policies addressing constraints such as the level of service of Highway 1 and improvements to County roads, the lack of bus service to the community, wastewater facility improvements and maintenance, and maintenance of service facilities are provided. Potable water service is discussed in Section 5.2.5 of this plan.

#### 5.3.2 Transportation

The primary transportation emphasis of the Coastal Act is to preserve highway capacity for coastal access and coastal-dependent land uses. In this context the plan describes improvements to Highway 1 and recommends a reduction in the number of access points from the highway to minimize hazardous and congested conditions. Parking facilities are discussed in Section 5.5.2 of this plan.

#### A. *Street and Highway Classifications*

##### 1. **Highway 1**

Highway 1 (also known as State Route 1) is a major state highway that runs in a north/south direction along the Pacific Coast. Highway 1 is a ~~2-two~~-lane roadway between the Salinas Road interchange and the Highway 1/156 interchange and Chapter 3.1 of this plan calls for widening



this section of the roadway to a ~~four~~-four-lane divided highway. Due to the constraints and safety issues, existing access points to Highway 1 shall be consolidated by Caltrans and limited to Jetty Road, Dolan Road, Moss Landing Road, North Harbor and Potrero Road.

## **2. County Roads**

The County roads shown on the land use plan map are Jetty Road, Moss Landing Road, Dolan Road and Potrero Road. These are shown as two-lane roadways with the access improvements to Highway 1 discussed above. In order to minimize the access points to Highway 1 in the North Harbor area, a frontage road with a single access point should be developed to serve the yacht club and present and future commercial uses.

## **3. Issues and Constraints**

The primary issue with circulation within the plan area is traffic congestion along the Highway 1 corridor, on both the north-bound and south-bound lanes. Much of the traffic is contributed by regional commuter traffic; very little is as a result of travelers to and from the community. However, the community and visitors alike are directly impacted by this traffic and its associated hazards. Constraints of internal roads within the community limit bike-ability and walkability, as roadway widths are inconsistent and lack sidewalks and storm drains.

## **4. Planned Improvements**

The County is currently studying interim safety improvements to the Highway 1/ Dolan Road intersection. Several alternative configurations are under consideration, including additional lanes in the immediate area of the intersection, and signalization, or partial signalization, of the intersection. The Association of Monterey Bay Area Governments (AMBAG), in partnership with Caltrans, The Nature Conservancy, the Center for the Blue Economy at the Middlebury Institute of International Studies and Environmental Science Associates, prepared the *Central Coast Highway 1 Climate Resiliency Study* (July 2020) that identifies adaptation strategies and transportation improvements for an eight mile stretch of Highway 1, a portion of which is within the community plan boundary. This study provides initial information that can be used for future studies and plans for Highway 1 improvements.

Additional long-term transportation improvements addressing access, mobility, health and safety are planned for, and should continue to be planned for, in the vicinity of the plan area. These improvements are identified by the Transportation Agency of Monterey County (TAMC) in their Regional Transportation Plan and the California Transportation Plan overseen by Caltrans.

Caltrans' 2006 State Route 1 Transportation Concept Report calls for construction of a four-lane expressway, or equivalent capacity in bypass and/or in alternative modes, such as light-rail, through the Plan Area. The report also calls for consolidation of access points, and non-highway mobility measures (rail, transit, and bicycling).

Improvements analyzed in the MLCP EIR should be discussed in this section. Monterey County's Moss Landing Road Improvement Project should be discussed.

## **B. Pedestrian Access and Bicycle Facilities**

The developed part of Moss Landing is approximately 1.75 square miles in size, and the distance between the Village Center located along Moss Landing Road and the outer limits of development is approximately 0.75 miles. Thus, walking and biking should be encouraged as the central community area is small in scale. However, the lack of sidewalks on Moss Landing Road require caution on the part of pedestrians and drivers. There has been extensive input from the community concerning pedestrian safety and the lack of connectivity between the residential area and downtown. The County supports requiring installation of sidewalks along Moss Landing Road as part of future developments. In addition to increasing pedestrian safety, it enhances the downtown area which will continue to be the primary focal point of visitor oriented commercial development. **Figures ~~8ML-7~~ and ~~11ML-10~~** provide additional illustration of existing and proposed access opportunities for planned facilities. Public access and improvements to and along the shoreline within the plan area are described in Chapter 6 and are shown on Figure 6.

### **1. Planned Improvements**

The Monterey Bay Sanctuary Scenic Trail (MBSST) is planned as a bicycle and pedestrian route connecting Pacific Grove to Santa Cruz. The Moss Landing section of the trail is planned along the west side of Highway 1, turning onto the north end of Moss Landing Road. MBSST will provide a pedestrian link in the plan area and will be incorporated into the Pacific Coast Trail.

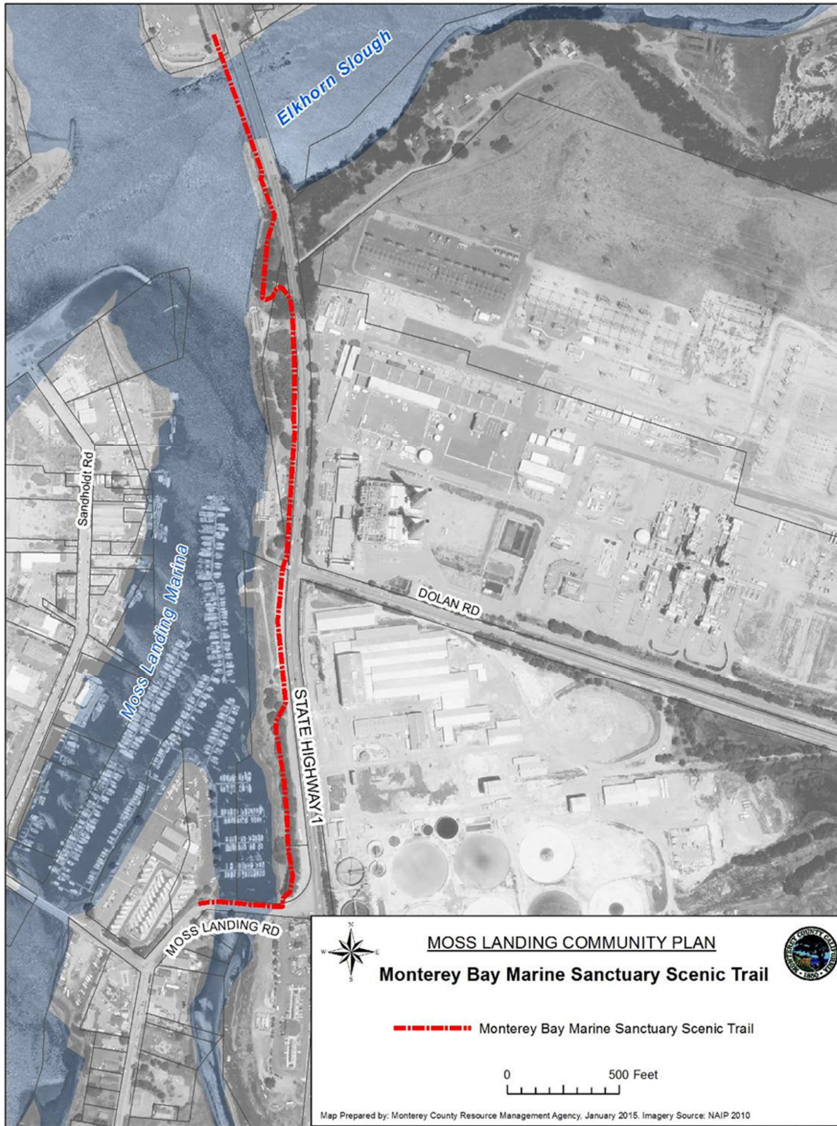


Figure 8ML-7. Monterey Bay Sanctuary Scenic Trail Map

### C. Public Transit

Public transit is provided in the plan area by ~~Greyhound and~~ Monterey-Salinas Transit (MST) ~~and~~ Greyhound (via MST). Local public transit stops served by MST are located on the west side of Highway 1 near Dolan Road, and at the Jetty Road/Highway 1 and Potrero Road/Highway 1 intersections. Commercial, recreational and industrial facilities are not currently served in Moss Landing. The community identified major safety hazards as crossing Highway 1 is necessary due to the existing stop locations. Designation of new stops within the community and improved scheduling would provide better service to the residents of the community and visitors alike.

### D. Rail Service

There are two rail spurs within the plan area; ~~both~~ access the industrial properties on the east side of Highway 1. Currently, these spurs are not in use. However, they would be valuable assets as part of a multimodal access plan for the area.

### E. General Policies

1. [No 1982 Policy] The County of Monterey shall participate in initiatives for regional transportation planning, improved rail service, expanded transit service, demand reduction, and providing signage and other travel instructions that implement the Moss Landing Community Plan.
2. [No 1982 Policy] The County of Monterey shall identify funding to construct and maintain a balanced, multimodal transportation network, consistent with TAMC and Caltrans Plans, that meets the needs of the community and all users of the streets, roads, and highways for safe and convenient travel. The Land Use Advisory Committee shall be involved with providing input for transportation plans.

Commented [QAVx24]: 2017 Draft Policy ML-3.13

Commented [QAVx25]: 2017 Draft Policy ML-3.2

### F. Specific Policies

1. [No 1982 Policy] The County of Monterey shall require all feasible traffic generation reduction measures of any new and/or expanded industrial use(s) and/or facility that would generate traffic on the segment of Highway 1 between Castroville and Salinas Road. Development in the heavy industrial ~~designated properties~~areas shall not be allowed until ~~needed~~ improvements needed to accommodate any such development are made to the Dolan Road and Highway 1 intersection.
2. [No 1982 Policy] The creation of new direct driveway access onto Highway 1 shall be prohibited. Wherever possible, access to Highway 1 from commercial facilities should be consolidated.

Commented [QAVx26]: 2017 Draft Policy ML-3.3

Commented [QAVx27]: 2017 Draft Policy ML-3.4

3. [No 1982 Policy] The County of Monterey shall work with TAMC to select the preferred transportation improvement(s) identified in the Moss Landing Community Plan and include in the Regional Transportation Plan.
4. [No 1982 Policy] The County of Monterey shall develop a plan and funding strategy for the improvement and maintenance of Moss Landing Road and Sandholdt Road as a pedestrian connection corridor. The plan for this corridor shall include improved on-street parking, bicycle facilities, and sidewalks, including extending sidewalks and bicycle facilities to connect to the Heights residential neighborhood. Where the right of way is constrained, bicycle and pedestrian facilities are prioritized over on-street parking. The corridor shall also include the Monterey Bay Sanctuary Scenic Trail. The improvement plan shall be included in the Monterey County Capital Improvement Program.
5. [No 1982 Policy] The County of Monterey shall work with transportation agencies to provide improved transit service to Moss Landing, including the re-routing of Monterey-Salinas Transit buses along Moss Landing Road and the construction of new bus stops along that corridor to provide access to the re-routed buses.
6. [No 1982 Policy] The County of Monterey shall work with Monterey-Salinas Transit to improve bus scheduling to allow more frequent transit service to the state beaches and Moss Landing's village center.
7. [No 1982 Policy] The County of Monterey shall, in coordination with railroad and property owners, work to retain a railroad branch line and spurs that serve Moss Landing, along with its necessary supporting facilities.

Commented [QAVx28]: 2017 Draft Policy ML-3.5

Commented [QAVx29]: 2017 Draft Policy ML-3.8

Commented [QAVx30]: 2017 Draft Policy ML-3.11

Commented [QAVx31]: 2017 Draft Policy ML-6.7

Commented [QAVx32]: 2017 Draft Policy ML-3.12

### 5.3.3 Wastewater Management

On November 6, 1984, the Monterey County Board of Supervisors approved the Moss Landing County Sanitation District (MLCSD) Sewer Allocation Plan for the design and construction of a wastewater collection system to replace existing failing septic systems in Moss Landing. The MLCSD provided wastewater service to the Struve Road Area, North Harbor, Island, downtown, and the Heights. The wastewater system was designed to accommodate a flow of 105,000 gallons per day (gpd) based on engineering studies, input from potential users, and the limiting capacity of the treatment facilities of the Castroville County Sanitation District (~~CCSD~~), which later merged with MLCSD and took over wastewater service. A sewer allocation plan was implemented in tandem with the 1982 Moss Landing Community Plan to ensure that the community's sewer treatment capacity would be equitably distributed among Moss Landing ratepayers. The Plan allocated sewer service to each service area based upon existing land use and expected future growth, including future priority uses.

In 2014, the MLCSD ceased as a separate entity and formally consolidated with the Castroville Community Services District (CCSD). Subsequently, the Monterey Regional Water Pollution Control Agency (now Monterey One Water) opened its regional wastewater treatment plant near Marina, providing a greatly expanded sewer treatment capacity to the region, including Moss

Landing. As the rationale for the original sewer allocation plan fell away with the opening of the regional wastewater treatment plant in Marina, planners and Moss Landing community members who initiated work on the update of the Moss Landing Community Plan in 2008 began an effort to retire the sewer allocation plan.

**A. Wastewater Treatment System Capacity**

After the regional wastewater treatment plant was in operation, the Castroville Treatment Plant was replaced with Monterey One Water's Moss Landing Regional Pump Station and wastewater capacity service to Moss Landing was increased to 309,000 gpd. The CCSD remains as the service provider in Moss Landing. **Figure 9ML-8** shows the current CCSD service areas that are located in the Moss Landing Community Plan area and an additional site at Struve Road/Highway 1.

Although sewer capacity increased, the service area did not. The Moss Landing Power Plant and Moss Landing Business Park are not currently included in the urban service area and instead dispose of effluent using on-site septic systems. If future development occurs on these sites they would need to annex into Monterey One Water's and CCSD's district service areas and connect to the CCSD wastewater system. In addition, the collection and pumping system would need to be analyzed for capacity and rehabilitation requirements.

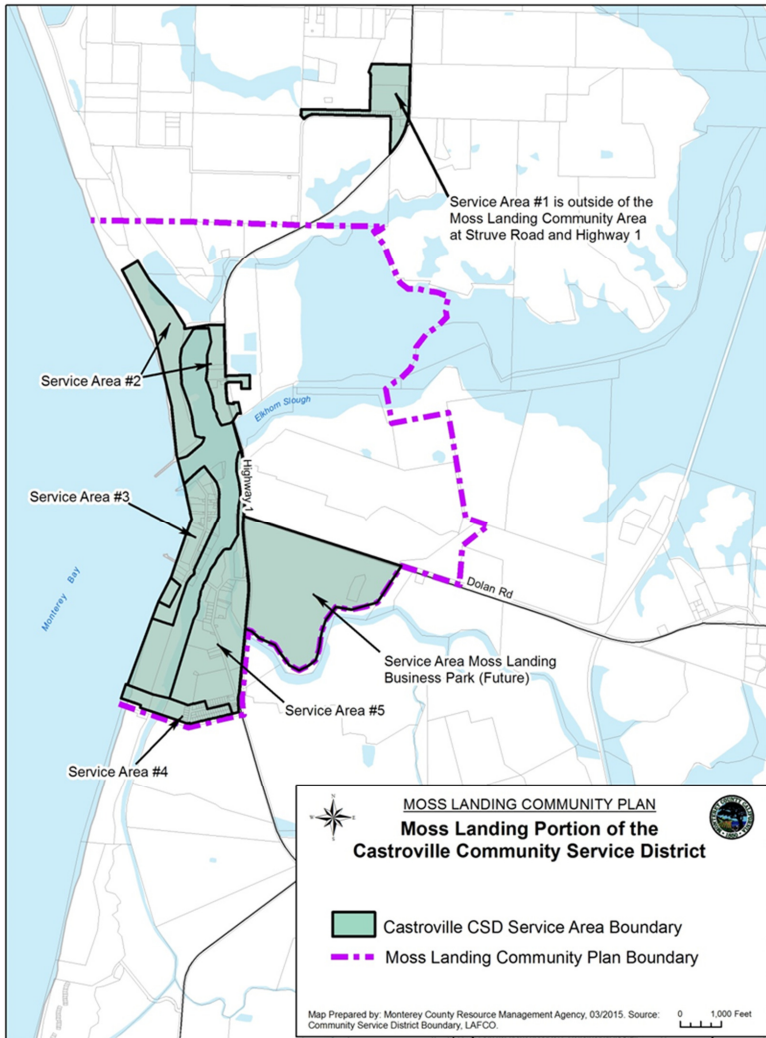


Figure 9ML-8. Castroville Community Services District Service Map

**B. Specific Policies**

- 1. [No 1982 Policy] Development at the Moss Landing Business Park (MLBP) that exceeds existing onsite wastewater treatment system (OWTS) capacity shall require connection to the wastewater collection system as a condition of project or plan

Commented [QAVx33]: 2017 Draft Policy ML-4.2

approval. Such system improvements shall be funded at the sole expense of the Moss Landing Business Park and installed on or before the time that such development comes on line that could exceed OWTS capacity. Sewer conveyance system improvements shall ensure that operations at the Moss Landing Business Park do not significantly limit the existing or future sewer conveyance system capacity otherwise required to accommodate development anticipated by the Moss Landing Community Plan outside of the business park.

2. [No 1982 Policy] The County of Monterey shall work with the Castroville Community Services District to retire the Moss Landing Sewer Allocation Plan in favor of a traditional service system that ensures equitable service to all Moss Landing rate payers, including undeveloped and under developed properties, in line with regional sewer conveyance and treatment capacities. The replacement system could include the metering of sewer flows at individual properties.

Commented [QAVx34]: 2017 Draft Policy ML-4.5

3. [No 1982 Policy] The County of Monterey shall ensure that any replacement of the allocation system guarantees the preservation of rights of each parcel to previously granted sewer allotments.

Commented [QAVx35]: 2017 Draft Policy ML-4.6

## 5.4 LAND USE & DEVELOPMENT

The Land Use Plan for the Moss Landing Community illustrates the geographic locations of the land use designations based on existing land uses and development, as well as the planned future buildout of the community. (See **Figure 10ML-9**). Thirteen land use designations, one overlay designation, and three Special Treatment Areas have been created for the Moss Landing Community Plan ~~Area~~area. The boundaries between land uses shown on the Land Use Diagram are intended to be exact in most locations, particularly where land is developed now. In undeveloped or un-subdivided areas, boundaries are approximate. The intended effect of the land use designations, the location of these designations, and the uses allowed within each, are set forth below.



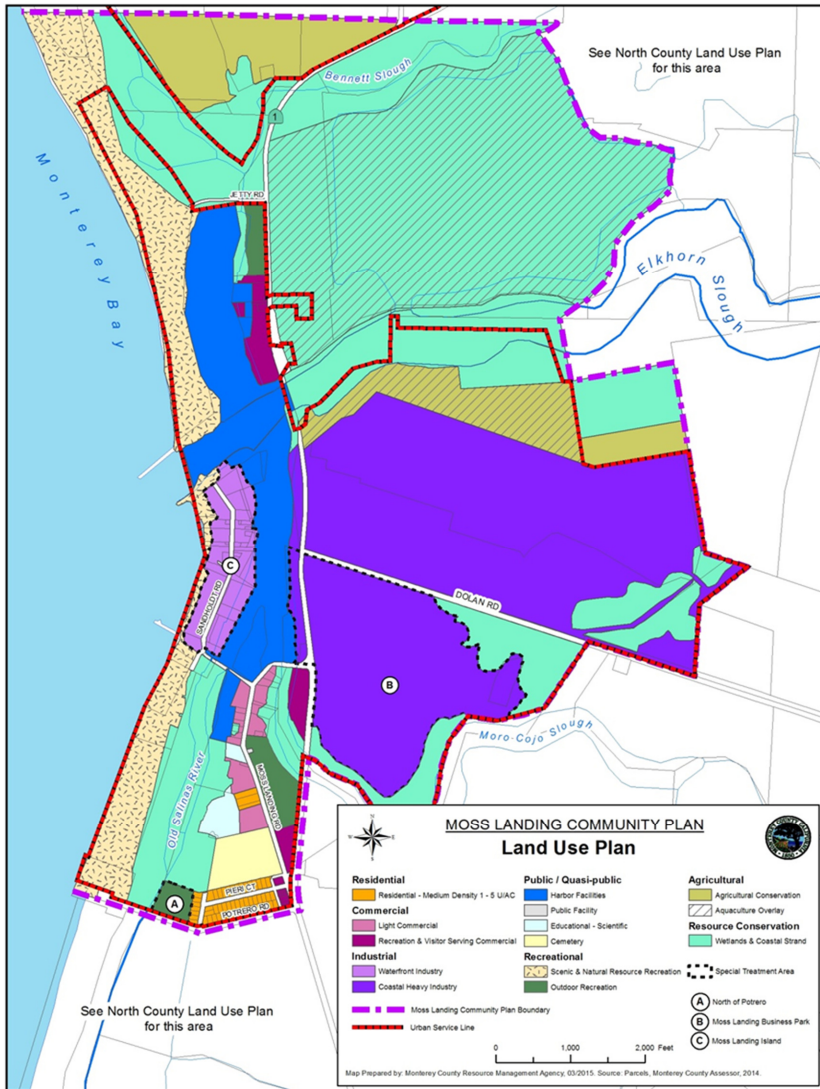


Figure 10ML-9. Land Use Diagram

### 5.4.1 Residential – Medium Density (1 to 4 Dwelling Units per Gross Acre)

Very little residential development currently exists within the Moss Landing Community Plan area. Locations without environmental or topographical constraints to accommodate the County’s housing needs are limited in Moss Landing. Medium density housing is the only residential category in the plan area and are based on the currently existing residential development.

Residential -Medium Density (1-4 dwelling units/acre) Iand uUse designation areas are located within the Heights Neighborhood north of Potrero Road and between Pieri Court and Laguna Place.

### 5.4.2 Commercial

There are two (2) types of commercial land use designations: 1) Recreation and Visitor-Serving Commercial; and 2) Light Commercial. The Coastal Act gives priority to visitor-serving commercial uses but at a lower priority than coastal--dependent industrial~~y~~ uses. In addition to the policies set forth for Recreation and Visitor-Serving Commercial uUses, the Recreation and Visitor-Serving Commercial policies and guidelines provided in North County Land Use Plan Section 4.3.6.E.4 shall also be applied.

#### A. *Light Commercial*

The Light Commercial Iand uUse designation area is located within the Village Center Neighborhood on both sides of Moss Landing Road. This designation provides the opportunity to mix commercial and residential uses and accommodate a broad range of light commercial uses. Antique shops, the Moss Landing Post Office and historical buildings such as the Pacific Coast Steamship Company (Captain’s Inn at Moss Landing), lend a special character to this area and should be preserved, maintained and if necessary rehabilitated. Opportunities for providing a motel, a small neighborhood grocery store, low-cost rental housing units, and small-scale desalination facilities that produce water for on-site use only are allowed on undeveloped or underdeveloped parcels in these areas. Appropriate design and setback standards should be applied as a means of providing relief from "strip" development that can be an aesthetic nuisance to the community.

#### B. *Recreation and Visitor-Serving Commercial*

The primary purpose of this designation is to accommodate and allow a broad range of recreation and visitor serving uses. This term is used to describe uses that serve primarily visitors; however, they are appropriate to also serve and accommodate those who live and work in the community. Although an absolute distinction between visitor-serving and neighborhood type commercial uses is difficult to make, visitor--serving uses would include restaurants, motels, service stations and antique shops. Small-scale desalination facilities provided for on-site use only would also be appropriate in this designation.

The plan designates four (4) areas for Recreation Visitor-Serving Commercial uses west of Highway 1 as listed below:

- 1) The North Harbor area not including the areas designated as Harbor Facilities or Wetlands & Coastal Strand. The current uses include harbor facilities, parking facilities and unimproved land located near Jetty Road.
- 2) The South Harbor area west of Highway 1 and east of the Moro Cojo Slough. The current uses for this area include restaurants, a coffee shop, and produce stand.
- 3) The History and Heritage Center property located in the Heights Neighborhood, east of Moss Landing Road and west of Highway 1 (See **Figure 3ML-2** for the Moss Landing Neighborhoods Diagram). The Center currently includes permits to allow retail sales, a cheese factory, 30-unit motel, a restaurant and on-site parking.
- 4) Eight parcels located in the Heights Neighborhood east of Allen Street, west of Moss Landing Road and north of Potrero Road. The current uses at these properties include a restaurant, antique shop, liquor store and fishermen's supply store.

### 5.4.3 Industrial

The Moss Landing Community Plan establishes two designations for industrial uses: Waterfront Industry and Coastal Heavy Industry. ~~The Some~~ industries located in Moss Landing are generally dependent for their existence upon a location near the coastline, ~~and as such are considered "coastal dependent"~~. These industries include commercial fishing, aquaculture, energy facilities and manufacturing activities and are located within the Island Neighborhood, properties east of Highway 1, and a stretch of land between the south harbor and west of Highway 1. Coastal-dependent industries are given priority by the Coastal Act (CA §30255) over other land uses on or near the coast. The intent of this plan is to encourage coastal-dependent industrial ~~facilities~~ ~~uses~~ to expand within the existing sites, and be allowed reasonable growth consistent with the protection of the area's natural resources. Impacts to sensitive natural habitats that cannot be avoided by the future expansion of these facilities must be mitigated to less than significant to the ~~maximum~~ extent feasible.

#### A. *Waterfront Industry*

The primary purpose of this designation is to maintain a strong commercial fishing base and other maritime activities within the Moss Landing neighborhood called: "The Island." (see the narrative in Section 5.4.8.C and Policies 5.4.9.I.1 through 6 for an expanded description of allowed uses and development considerations for the "The Island Special Treatment Area"). Existing commercial fishing industries include canneries and fish processing companies, boat storage and repair facilities, marine supply stores, and other related facilities (e.g., fueling stations, private launching ramps, used boat sales businesses). In addition to commercial fishing

industries, the Island contains marine research, engineering, and education facilities as well as a restaurant.

The plan recognizes an existing need for limited support uses within the Island such as a fishermen's dormitory, cafe, restaurant, etc. This plan provides the flexibility to allow commercial uses provided that these uses are compatible with the priority use of commercial fishing or provide the necessary goods and services that benefit those who work within the Island.

The Island has seen considerable growth in marine research and education over the last 30 years. Existing marine research and education facilities include office complexes, storage buildings, boat docks and storage, and laboratory facilities and classrooms. These uses associated with marine research and education are considered coastal-dependent uses in Moss Landing.

Currently, several companies engaged in commercial aquaculture base their existing operations within the Island and use the Elkhorn Slough as a propagation area. These companies have existing buildings that house offices, laboratories, indoor growing tanks and other processing equipment within the Island. The plan encourages these uses by including them among the appropriate uses in the "Waterfront Industry" land use designation.

## **B. Coastal Heavy Industry**

Located within the Moss Landing Community Plan Coastal Heavy Industry ~~Land Use~~ designation ~~Area~~ are two ~~(2)~~ energy-related facilities: the Moss Landing Power Plant and the Moss Landing Switch Yard, and one ~~(1)~~ industrial business park: the Moss Landing Business Park.

### 1. Moss Landing Power Plant

Moss Landing Power Plant is an energy generation facility built in 1949 that is bounded by Moss Landing Harbor to the west (including a narrow strip of land between the Harbor and Highway 1), ~~the Elkhorn Slough Moss Landing Switch Yard~~ to the north, agricultural land to the east and Dolan Road to the south. In 1998, this property was subdivided into two separate properties. Although the Moss Landing Power Plant Master Plan, and subsequent amendments, govern both properties, the northern property maintains the Moss Landing Substation and the southern property maintains the Moss Landing Power Plant.

The power plant contains the bulk of the power generating units and supporting infrastructure built in 1949, including the two iconic 500-foot smoke stacks that are now retired. The facility burns natural gas delivered via underground pipelines. It also has the capability to draw seawater from two intake areas in Moss Landing Harbor, for cooling purposes. The cooling water is returned to the ocean via an existing discharge system that runs under the harbor and the Island neighborhood ~~out~~ into Monterey Bay. The facility also has a cooling water discharge system that extended north into Elkhorn Slough that is currently not in use. The marine terminal which includes the two tall smoke stacks and a fuel oil pipeline was discontinued when the power plant converted from fuel oil to natural gas in the 1990s. Recent permit approvals on this property

have allowed the establishment of a Battery Energy Storage System for energy storage as part of its operation.

2. Moss Landing ~~Switch Yard~~ substation

Moss Landing ~~Switch Yard~~ substation is bounded on the west by Highway 1, by the Elkhorn Slough to the north, by agriculturally zoned land to the east and south by Moss Landing Power Plant to the south and on all other sides by agriculturally zoned land. Currently, the substation consists of a PG&E switchyard, transformers and associated equipment and facilities. The facility connects the substation with the regional and interstate power distribution system. Recent permit approvals have allowed establishment of a Battery Energy Storage System on the northwest portion of the site as part of its operation. Similar to the Moss Landing Power Plant property, the switch yard filed an property has an application to allow establishment of a Battery Energy Storage System for energy storage as part of the power plant operation.

3. Moss Landing Business Park

The Moss Landing Business Park is located south of Dolan Road, east of Highway 1 on approximately 182.6 acres and includes a narrow stretch of land (approximately 7.7 acres) located between the South Harbor and the west side of Highway 1. Historically the business park site east of Highway 1 was used for manufacturing purposes, specifically for the production of magnesia and refractory brick by using nearby resources including seawater from the ocean and dolomite from the Natividad Quarry. Today the business park property ~~located east of Highway 1 near Dolan Road~~ is being used for industrial offices, industrial shops, storage, and commercial cannabis activities. (see “The Moss Landing Business Park Special Treatment Area” narrative in Section 5.4.8.B below and Policies 5.4.9.H.1 and 2).

#### 5.4.4 Public/Quasi-Public

There are four public/quasi-public land use designations provided in this plan: Harbor Facilities, Public Facilities, Educational-Scientific, and Cemetery. These areas are located west of Highway 1 within the North Harbor, South Harbor, Village Center, and Heights Neighborhoods and are further discussed below.

##### A. Harbor Facilities

The primary purpose of this designation is to accommodate and allow harbor uses. In addition to harbor property owned by the Moss Landing Harbor District (“District”), the District leases the Moro Cojo Slough portion of the harbor for boat berths. Appropriate harbor uses include docks, fueling facilities, offices, yacht clubs, picnic areas, recreational vehicle parks, dredge re-handling areas, potable water systems to supply docked boats, residential use of docked boats, water systems, marine research, education, maritime activities, harbor related commercial activities, and ancillary uses. This designation applies to:

- 1) Harbor District Office Property located north of the Moss Landing Road and Sandholdt Road intersection. Existing uses include but are not limited to the Harbor District

Office, a parking lot, restrooms, storage, showers, laundry facilities, recreational vehicle park, dock space, staging areas, a harbor maintenance facility, charter service providers, and eating facilities.

- 2) A Portion of Property South of the Sandholdt Bridge and East of the Old Salinas River. Existing uses within this area include dry storage.
- 3) A Portion of Improved Property Surrounding the Elkhorn Yacht Club in the North Harbor. Existing uses within this area include a boat launching ramp, dry storage areas, and restroom facilities for non-yacht club members.
- 4) The In-Water Harbor Areas: All submerged lands and in-water harbor facility areas. Existing uses include but are not limited to loading docks, piers, boat berths, boat slips, dredging and residential use of docked boats.

*Moss Landing Harbor District (A Special District)*

Moss Landing is perhaps best known as a commercial fishing port and home port for research vessels operated by the Monterey Bay Aquarium Research Institute and Moss Landing Marine Laboratories. Moss Landing is also a popular tourist destination, where people come for restaurant dining, nature and whale-watching tours, sport fishing charters, and ~~kayaking-boat~~ access into the Elkhorn Slough ~~and ocean~~. In 1947 the Moss Landing Harbor District (“District”) was formed pursuant to the Federal Harbors and Navigation Code to operate and maintain the Moss Landing Harbor and ownership of harbor lands is deeded to the District by the State Lands Commission.

The Moss Landing Harbor lands encompass approximately 85 acres, not including the submerged lands of the harbor itself, and the District maintains approximately 610 boat slips within the Harbor. The Moss Landing Harbor District is the largest special district in Monterey County and is governed by a five-member board. Designated as a year-round port of safe refuge, Moss Landing Harbor provides safe, reliable refuge and marine services to seafarers from around the world.

For the entire Moss Landing Harbor, demand for commercial and recreational boat berths and related facilities ~~far~~ exceeds the available supply in the existing harbor area. Efforts to make optimal year round use of available berthing and support facilities, particularly in the South Harbor, are constrained by peaks created by the cyclical nature of the fishing industry upon which the planning process can have little effect.

Nonetheless, some of the physical constraints on maximizing the use of existing facilities can be addressed by land use planning and harbor management measures. In the South Harbor for example, the ability to intensify boat repair and fish processing activities will be considerably improved when bulkheading work along the western shoreline of the south harbor is completed. The limited supply of dry storage areas and underutilization of other areas that could be used for dry storage is a further constraint on efficient use of existing facilities. Constraints in the North Harbor include bank erosion, which has prevented maximum utilization of this area for harbor-

related purposes. Expansion is limited ultimately by basin dimensions. However, ~~when-if~~ retaining walls are developed and dredging is completed along the shoreline, additional slips or other harbor support uses may be possible.

#### **B. Public Facility**

The primary purpose of this designation is to accommodate a range of public uses including: sewer and water pump stations and administrative, management, and maintenance facilities. One small parcel located on Moss Landing Road has been given this designation. Currently it is being used as a Wastewater Facility owned and operated by Monterey One Water, previously known as Monterey Regional Water Pollution Control Agency.

#### **C. Educational - Scientific**

The primary purpose of this designation is to accommodate and allow education and scientific uses. Appropriate uses include: educational facilities, marine laboratories, small-scale desalination facilities for on-site use only, and ancillary uses. Two facilities given this designation are the Moss Landing Marine Lab campus and the school district office building on Moss Landing Road both within the Village Center Neighborhood. Future redesign and expansion of Moss Landing Marine Labs shall not be permitted to encroach upon sensitive dune habitats south of the existing site and east of the Old Salinas River.

#### **D. Cemetery**

The primary purpose of this designation is to accommodate and allow cemetery uses. Appropriate uses in this designation include cemeteries and ancillary uses. The Moss Landing Cemetery is shown on the plan map on the west side of Moss Landing Road within the Heights Neighborhood.

### **5.4.5 Recreational**

There are two types of recreational land use ~~designations~~: Scenic & Natural Resource Recreation and Outdoor Recreation. These land use areas possess recreational land use value and can provide for recreational opportunities for the public, including low- and moderate-income persons.

#### **A. Scenic & Natural Resource Recreation**

The primary purpose of this ~~Land Use~~ ~~Designation~~ is to accommodate and allow scenic and natural resource recreation uses within the Moss Landing State Beach areas of the Community Plan. Low-intensity recreational and educational uses that are compatible with the natural resources of the area and require a minimum level of development, accommodate basic user needs, and necessitate minimal alteration of the natural environment are appropriate in this designation. Uses may include general beach use, surfing, pedestrian trails, hiking, fishing, picnicking, nature studies and horseback riding. Ancillary facilities contemplated in this

designation ~~are limited to include~~ improved parking, restrooms, and fish cleaning facilities at Moss Landing ~~and Salinas River~~ State Beaches.

### **B. Outdoor Recreation**

The primary purpose of this designation is to accommodate and allow outdoor recreation uses located in two areas within the Community: 1) Property located ~~north of the History and Heritage Center~~, west of Highway 1 and east of Moss Landing Road (APN 133-221-007); and 2) within a 4.7-acre parcel located north of Potrero Road, east of the Old Salinas River and west of the Heights Neighborhood's residential development. (see "North Potrero Road Special Treatment Area" narrative in Section 5.4.8.A and Policy 5.4.9.J.1). Moderate-intensity recreational use with accompanying facilities compatible with the recreational and natural resources of the site are appropriate. In addition to the uses permitted in the Scenic & Natural Resource Recreation category, appropriate facilities include children play structures, tent and recreation vehicle campgrounds, improved restrooms, fish cleaning facilities, interpretive/visitor centers, viewing platforms, and other low-intensity uses.

## **5.4.6 Agricultural**

Preservation of agricultural lands is the second highest priority of the Coastal Act. It is ensured in this plan by designating all lands in agricultural production, or suitable for such use, as "Agricultural Conservation" and by allowing aquaculture uses in these areas where appropriate as discussed below.

### **A. Agricultural Conservation**

The primary purpose of this land use designation is to accommodate and allow agricultural uses. Agriculture, agriculture-related uses, and housing ancillary to the agricultural use sited on the less agriculturally viable areas of the parcel are appropriate uses in this designation. There are two ~~(2)~~ Agricultural Conservation ~~I-~~and ~~u~~Use designated areas located in Moss Landing including: 1. North of Bennett Slough and west of Highway 1; and 2. South of Elkhorn Slough and north of the Moss Landing Power Plant and Moss Landing ~~Switch Yard~~substation properties. These areas should be provided maximum protection against development to maintain consistency with the agricultural policies of Section 2.6 of the North County Land Use Plan.

### **B. Aquaculture Overlay**

Aquaculture, is defined in the California Aquaculture Development Act (Public Resources Code Section 825 et seq.) as: "...The culture and husbandry of aquatic organisms, including but not limited to fish, shellfish, mollusks, crustaceans, kelp, and algae." It is an agricultural industry that is growing rapidly in many parts of the world.

Aquaculture is shown as an appropriate Land Use Overlay for certain areas located near the Elkhorn Slough and Bennett Slough and is compatible with the Resource Conservation and Agricultural Conservation ~~I-~~and ~~u~~Use ~~d~~Designations within Moss Landing. Aquaculture facilities in these areas are limited to non-structural development such as ponds or basins, piers,



walkways, or minor storage facilities for tools. Aquaculture processing facilities/buildings is a higher intensive use and therefore would be appropriately located in the Industrial ~~H~~ and ~~U~~ Use designated areas and not within the Aquaculture Land Use Overlay. Refer to policies contained in Section 2.7 – Aquaculture of Chapter 2.

#### **5.4.7 Resource Conservation**

Protection of sensitive resources, plant communities and animal habitats are emphasized in this land use designation. The Resource Conservation areas within the Moss Landing Community area contain Wetlands and Coastal Strand resource areas as discussed below.

##### **~~A.~~ *Wetlands and Coastal Strand***

The primary purpose of this designation is to protect and conserve wetland and coastal strand resources. Only very low intensity uses and supporting facilities compatible with protection of the resource, including low-intensity recreation, education and research, are allowed. In certain designated areas, aquaculture is also appropriate. This designation is used in various parts of the planning area, including Bennett Slough, Elkhorn Slough, Moro Cojo Slough, and the Old Salinas River, and in wetland areas ~~immediately on the eastern portions~~ of the heavy industrial ~~uses-properties~~ along Dolan Road.

#### **5.4.8 Special Treatment Area Overlays**

The "Special Treatment" designation is intended to facilitate a comprehensive planned approach towards developing specifically designated areas intended for intense levels of development or that require special consideration due to their proximity to unique or valuable resources. There are three ~~(3)~~ special treatment area overlays in Moss Landing including: ~~The Island~~, North Potrero, ~~and Moss Landing Business Park~~ ~~and The Island~~.

##### **A. *North Potrero Special Treatment Area***

The North Potrero Special Treatment Area is provided for ~~one parcel property~~ located north of Potrero Road, east of the Old Salinas River and west of the Heights Residential Neighborhood (~~APN 133-201-010~~). The intent of this overlay is to establish the parameters for development within the ~~area property~~ to address concerns related to the site's proximity to unique or valuable natural resources directly west and north of the site and to the residential neighborhood to the east of the site. This overlay designation is used in combination with the Outdoor Recreation designation.

##### **B. *Moss Landing Business Park Special Treatment Area***

The Moss Landing Business Park Special Treatment Area ~~c~~overs the Moss Landing Business Park Property located south of Dolan Road, east of Highway 1, on approximately 182.6 acres and includes a narrow stretch of approximately 7.7 acres of land located between the South Harbor and the west side of Highway 1 (~~currently consisting of Assessor's Parcel Numbers 133-~~

172-004-000, 133-172-013-000, 133-173-002-000, and 133-173-005-000). The intent of this overlay is to establish the parameters for development of the Moss Landing Business Park, including allowing flexibility in the types of uses allowed while restricting the development intensity of the site. Proposed land uses are expanded beyond coastal-dependent limitations currently in place as the only portion of the property on or adjacent to the sea is a strip of land located between Highway 1 and the harbor that will have significant development constraints. The majority of the property is located east of Highway 1 and not considered on or adjacent to the sea. Use of the property's seawater pipelines may allow coastal-dependent uses on the site.

Development of the site requires the approval of a comprehensive General Development Plan that describes proposed circulation improvements and their location, categories of proposed land uses and their location, and an estimate of potential development intensity for each proposed use. ~~The Required~~ General Development Plans should address the coastal-dependent/coastal-related/coastal priority nature of proposed uses (including the use of seawater ~~in industrial operations~~), potential land use conflicts between different categories of use, and the protection of unique natural resources on and around the site.

### C. *The Island Special Treatment Area*

The Island Special Treatment Area is located on the westernmost spit of land that extends south from the mouth of Moss Landing Harbor to approximately the Sandholdt Bridge. The intent of this Special Treatment Area is to accommodate growth in marine research, engineering, and education, in a manner that compliments, maintains, and strengthens Moss Landing's traditional harbor activities, commercial fishing base, and maritime industries. This overlay designation is used in combination with the "Waterfront Industry" land use designation.

## 5.4.9 Land Use Policies

In addition to the Land Use policies contained in Chapter 4 of this plan, development within the Moss Landing Community Plan area must also be consistent with the applicable land use policies listed below.

### A. *Key Policy*

1. [1982 Policy 5.5.1—edits shown underlined] Existing ~~coastal-dependent and coastal-~~related industries in Moss Landing have local, regional, statewide and, in some cases, national significance. Accordingly, the county shall encourage maximum use and efficiency of these facilities, and to allow for their reasonable long-term growth consistent with maintaining the environmental quality and character of the Moss Landing Community and its coastal resources.

Commented [QAVx36]: No 2017 Draft Policy

### B. *General Policies*

1. [No 1982 Policy] Use of existing and proposed land-based facilities that support commercial boating should not jeopardize the protection of public access.

Commented [QAVx37]: 2017 Draft Policy ML-2.17

- 2. [1982 Policy 5.3.2.1—*no change*] Commercial fishing facilities shall be protected and, where feasible, upgraded. Commercial fishing shall have priority for berthing space in the South Harbor, and recreational boating facilities shall not interfere with the needs of the commercial fishing industry. Commented [QAVx38]: No 2017 Draft Policy
  
- 3. [No 1982 Policy] The County of Monterey supports the development of appropriate recreation uses and visitor-serving uses in the harbor area and the improvement of public recreational boating facilities. Commented [QAVx39]: 2017 Draft Policy ML-2.11
  
- 4. [No 1982 Policy] The County of Monterey encourages the use of existing piers for water access and recreational purposes when compatible with commercial fishing uses. Commented [QAVx40]: 2017 Draft Policy ML-2.12
  
- 5. [1982 Policy 5.3.3.6—*edits shown in ~~strikeout and underline~~*] The Sandholdt Pier should be ~~considered for renovation as a fishing pier rebuilt to accommodate public access, commercial fishing and other appropriate maritime commercial uses.~~ Commented [QAVx41]: No 2017 Draft Policy
  
- 6. [1982 Policy 5.3.3.13—*edits shown in ~~strikeout~~*] Additional ~~public~~ restroom facilities should be provided in the North Harbor area. Commented [QAVx42]: No 2017 Draft Policy
  
- 7. [1982 Policy 5.3.3.4—*no change*] The capacity of dry dock storage areas should be increased when needed and new dry storage areas should be developed. Measures should be taken to ensure that grading and surfacing work performed to provide additional capacity will not adversely affect water quality in the harbor. Commented [QAVx43]: No 2017 Draft Policy
  
- 8. [1982 Policy 5.3.3.2—*no change*] Legal remedies should be investigated to prevent berthing of unseaworthy boats in the harbor and abandonment of boats in dry storage areas. Commented [QAVx44]: No 2017 Draft Policy
  
- 9. [No 1982 Policy] Infrastructure improvements necessary to accommodate new development shall not be the financial responsibility of the existing community and shall be funded by the developer. Commented [QAVx45]: 2017 Draft Policy ML-2.1
  
- 10. [No 1982 Policy] The County supports Caltrans studying the feasibility of constructing and maintaining a pedestrian connection across Highway 1 south of Elkhorn Slough. Such connection shall be funded through Community fair share contributions and other local, State and Federal funding. Commented [QAVx46]: 2017 Draft Policy ML-2.9
  
- 11. [No 1982 Policy] New or expanded development shall provide adequate parking, either on or off site, and safe access, including necessary turning lanes, acceleration lanes, and signing. Commented [QAVx47]: 2017 Draft Policy ML-3.1
  
- C. Specific Policy - Commercial**
  
- 1. [North County Policy 4.3.6.E.4 (No 1982 MLCP Policy)] Development in Light Commercial and the Recreation and Visitor-Serving Commercial land use designations Commented [QAVx48]: 2017 Draft Policy ML-2.2

shall be allowed (depending on water and wastewater availability and in accordance with protection of coastal resource policies) in accordance with the following provisions:

- a. Permit a total of up to 150 overnight accommodation units. Hotel and Motel units shall be provided by several smaller establishments not exceeding 30 units each. Hotel and Motel units shall not be concentrated in any area of the community. Bed and Breakfast facilities shall be limited to no more than ten guest rooms. Up to 30 units of the 150 total units may be allowed within the Waterfront Industry land use designation.
- b. Encourage improvement of existing commercial facilities.
- c. Design and locate new commercial facilities to minimize traffic impacts and avoid natural resource impacts to the greatest extent feasible.
- d. Encourage the development of lower cost commercial recreation and visitor-serving facilities.
- e. Encourage mixed use commercial development that includes housing units.
- f. Encourage development of commercial uses that provide necessary goods and services to coastal-dependent industries and local recreational uses.

**D. Specific Policy - Industrial**

- 1. [No 1982 Policy] The County of Monterey shall require the approval of a General Development Plan prior to considering future expansion, improvement, or other development of industrial ~~designated properties facilities~~ within the Moss Landing Community Plan.

Commented [QAVx49]: 2017 Draft Policy ML-2.5

**E. Specific Policies - Public/Quasi Public**

- 1. [No 1982 Policy] The County of Monterey supports use of harbor facilities to allow appropriate maritime activities, such as commercial fishing, recreational boating, and visitor-serving activities consistent with the conservation of the area's wetlands, dunes and other coastal resources.
- 2. [1982 Policy 5.3.3.5—*no change*] Provision of an additional boat fueling facility should be considered.
- 3. [1982 Policy 5.3.3.7—*edits shown in ~~strikeout~~ and underline*] An additional boat launching ramp or hoist should be provided in the harbor area. ~~A possible location would be in the North Harbor just south of the Elkhorn Yacht Club.~~

Commented [QAVx50]: 2017 Draft Policy ML-2.13

Commented [QAVx51]: No 2017 Draft Policy

Commented [QAVx52]: No 2017 Draft Policy

**F. Specific Policy - Recreational**

1. [No 1982 Policy] Low and moderate cost recreation and visitor-serving facilities shall be prioritized.

Commented [QAVx53]: 2017 Draft Policy ML-6.4

**G. Specific Policies - Resource Conservation**

1. [The last sentence is from the last sentence of 1982 Policy 5.3.3.3—~~edits shown in~~ **strikeout and underline**] The County of Monterey shall not permit construction of new water discharge outfalls in all sloughs. The County supports limiting expansion or reuse of existing, cooling water discharge outfalls in all ~~s~~loughs to protect natural resources. If the existing discharge rate from any existing facilities (e.g., the Power Plant) is to be increased, environmental studies ~~should~~ shall be undertaken to determine the effect.

Commented [QAVx54]: 2017 Draft Policy ML-2.8

2. [No 1982 Policy] Prior to acting on any proposal that relates to wetlands and/or sensitive habitat restoration projects located within the Elkhorn Slough watershed or have potential effects on the sloughs or Old Salinas River channel within the community, the County shall provide written notice and consult with the Moss Landing Harbor District.

Commented [QAVx55]: 2017 Draft Policy ML-2.22

**H. Specific Policies – Moss Landing Business Park Special Treatment Overlay**

1. [No 1982 Policy] Total structural development in the Moss Landing Business Park Special Treatment Area shall be limited ~~to~~ by water use, traffic generation or wastewater generation -equivalent to 2,000,000 square feet of habitable floor area -of structure(s)- or 36,000 gpd wastewater, whichever is more restrictive. Above ground seawater tanks and non-habitable structures (e.g., solar panels) are not included in determining this square footage limitation.

Commented [QAVx56]: 2017 Draft Policy ML-2.10

2. [No 1982 Policy] Development within the Moss Landing Business Park Special Treatment Area shall be subject to the following:

Commented [QAVx57]: No 2017 Draft Policy

- a. Uses are limited to coastal-dependent uses, coastal-related ~~industrial~~ uses, manufacturing that furthers State of California goals for affordable housing and greenhouse gas reduction, and uses related to the following Coastal Act priority uses: Natural Resource Preservation and Protection; and Agricultural Uses (including research, commercial cannabis activity and aquaculture).
- b. Residential (other than caretakers' units) and Commercial development is not allowed.
- c. Direct motor vehicular access to the area located west of Highway 1 is not allowed from Highway 1 or Moss Landing Road.
- d. Approval of a comprehensive General Development Plan that analyzes the following:

- i. Proposed circulation improvements and their location;
  - ii. Categories of proposed land uses and their location;
  - iii. An approximation of the proposed potential development intensity for each proposed use;
  - iv. The coastal-dependent/~~coastal~~-related/~~coastal~~ priority nature of proposed uses (including the use of seawater); and
  - v. Potential land use conflicts between different categories of use, and the protection of unique natural resources on and around the site.
- e. Development of industrial operations that can reuse waste heat or other effluent streams from ~~industrial~~ facilities within the Moss Landing Community, or that utilize coastal resources, as part of their processes is encouraged.

**I. Specific Policies - The Island Special Treatment Overlay**

1. [1982 Policy 5.6.3.1—~~edits shown in **strikeout and underline**~~] The highest priority should be given to preserving and maintaining all fish handling and processing facilities ~~on the island within the Island Special Treatment Area~~. According to both the State Lands Commission Charter for the Moss Landing Harbor District and the Coastal Act mandate, it is imperative that commercial fishing activities be protected.

Commented [QAVx58]: 2017 Draft Policy ML-2.23

2. [No 1982 Policy] The Island Special Treatment Area shall accommodate growth in marine research, engineering, and education, in a manner that complements, maintains, and strengthens Moss Landing’s traditional harbor activities, commercial fishing base, and maritime industries while being consistent with applicable coastal resource protection policies and safety hazards policies.

Commented [QAVx59]: No 2017 Draft Policy

~~Areas of parcels identified within a coastal hazard area at any time during the projected life of a proposed project shall generally be considered unsuitable for development. In coastal hazard areas, low intensity or open space uses will be encouraged as the most appropriate land uses.~~ Any area where development is not allowed, or restricted to minor and/or ancillary development, due to coastal hazards shall be placed in a conservation easement or rezoned to a district that similarly limits development.

3. [No 1982 Policy] The County of Monterey will develop a Waterfront Industry Zoning District that allows uses related to these industries subject to the following:

Commented [QAVx60]: No 2017 Draft Policy

- a. Aquaculture-related uses are encouraged that emphasize the development of aquaculture concepts that can be exported to less physically constrained locations.

- b. A maximum of one full-service restaurant shall be allowed. Other small-scale commercial establishments (e.g., fishing and boating supplies and coffee huts) that support the commercial fishing industry are also allowed.
- c. New residential uses are not allowed.
- d. Allowed uses shall include commercial fishing industries; marine education, research, and engineering; boat storage and repair; and commercial and recreational boating uses and support facilities including fisherman dormitories.

4. [1982 Policy 5.3.3.1—*edits shown underlined*] Encourage the conversion of underutilized or unused parcels on the Island to land uses that are supportive of the commercial fishing industry, marine research and education, and aquaculture. Coastal-related development that supports coastal-dependent uses within the Island Special Treatment Area or the Harbor Facilities land use designation shall be considered the same as coastal-dependent uses for purposes of allowing shoreline protective devices.

Commented [QAVx61]: No 2017 Draft Policy

5. [No 1982 Policy] The County of Monterey supports the development of public parking/access at a location near the northwest end of the Island consistent with the protection of coastal resources.

Commented [QAVx62]: 2017 Draft Policy ML-2.15

6. [No 1982 Policy] Monterey County shall require new development on the Island to provide either on-site parking or a dedicated off-site parking facility consistent with protection of coastal resources. Shared parking may be considered where it can be reserved for the use through conditions of approval.

Commented [QAVx63]: 2017 Draft Policy ML-2.24

**J. Specific Policy - North Potrero Road Special Treatment Area**

1. [No 1982 Policy] Development of the property located at APN 133-201-010-000 (North of Potrero Road, east of Old Salinas River and west of the Heights Residential Neighborhood) shall be compatible with existing resources and the adjacent land uses. The County supports the use of the site for habitat restoration and/or enhancement.

Commented [QAVx64]: No 2017 Draft Policy

**5.5 RECREATION AND PUBLIC ACCESS**

A major reason for the passage of the Coastal Initiative (Proposition 20) in 1972 was to ensure preservation of access to the coast and protection of coastal recreation resources. One of the principal goals of the Coastal Act of 1976 is to "maximize public access to and along the coast and maximize public recreational opportunities in the coastal zone consistent with sound resource conservation principles and constitutionally protected rights of private property owners."

At Moss Landing State Beach, problems with sand blowouts, littering, fires in the dunes, crowded parking conditions, congestion along Jetty Road, and illegal camping, limit the aesthetic appreciation and quality of the recreational experience. Uncontrolled access to fragile sand

dunes ~~has are~~ ~~resulting~~ historically resulted in trampling of dune vegetation and severe damage to the dunes themselves. Similar problems existed at Salinas River State Beach and the sand dunes south of the former Marine Labs site at Sandholdt Road. Access in recent years has been better controlled through signage and exclusionary fencing.

Overall, the lack of adequate management and public facilities at the two state beaches is a pressing problem in urgent need of correction. Improved parking facilities and restrooms are needed at both beaches. Other facilities needed at Moss Landing State Beach include fish cleaning tables, fire pits and bicycle racks. Finally, the lack of adequate public transit service to the two state beaches limits the degree to which either facility can be used and appreciated by those dependent upon public transit services.

Opportunities for public access to the Island Beach are limited by inadequate parking and capacity constraints of Sandholdt Road and Bridge, as well as by the developed character of this area. Other areas where opportunities for improved public access and low intensity recreational use should be considered are Bennett and Elkhorn Sloughs. The Moro Cojo Slough, by virtue of its proximity to Highway 1, represents a potential recreational opportunity that could be appreciated by the public in addition to the areas above. Figure 11ML-10 shows the Public Access and Recreation facilities Plan.





Figure ~~11ML-10~~ 10. Public Access and Recreation Map

## 5.5.1 Recreation and Public Access Policies

The following Recreation and Public Access policies supplement the more general coastal public access policies contained in the North County Land Use Plan (Chapter 6 “Public Access”). Therefore, any proposed development within the Moss Landing Community must be reviewed in accordance with the applicable North County Land Use Plan and Moss Landing Community Plan policies that govern the Moss Landing Community Area.

### A. Key Policies

1. [1982 Policy 5.4.1—*edits shown in ~~strikeout~~ and underline*] The Moss Landing community contains a variety of sandy beaches, dunes, estuaries and wetland habitats which offer diverse recreational opportunities. In the spirit of the Coastal Act, public access to these areas shall be provided. However, conservation of the sensitive natural resources of the coastline is an even higher priority. ~~It is~~The County’s policy is to encourage an optimal level of development of recreation and public access opportunities consistent with the conservation of ~~sensitive natural coastal~~ resources of Moss Landing.

Commented [QAVx65]: 2017 Draft Policy ML-6.3

2. [No 1982 Policy] Development of the Monterey Bay Sanctuary Scenic Trail (which is a piece of the larger California Coastal Trail) through the Moss Landing Community Plan area is a high priority and shall be constructed and completed in a manner that balances maximum public pedestrian and bicycle access, protection of coastal resources (including but not limited to sensitive habitats, water quality, and visual resources), educational and interpretive opportunities, and integration with Harbor and other coastal-dependent operations.

Commented [QAVx66]: No 2017 Draft Policy

### B. General Policy

1. [1982 Policy 5.4.2—*no change*] General policies on shoreline access and development of recreation and visitor-serving facilities contained in other chapters of this plan are incorporated by reference in the Moss Landing Community Plan. These policies emphasize permanent protection of major access points and property management by appropriate public agencies. New access and recreation areas should be guided by detailed management plans, and the rights of residents and property owners should not be jeopardized by irresponsible public access. Low and moderate cost recreation and visitor-serving facilities are preferred to higher cost facilities.

Commented [QAVx67]: No 2017 Draft Policy

### C. Specific Policies

1. [No 1982 Policy] The County of Monterey shall review development projects and public agency planning documents to seek opportunities to increase public access to Bennett Slough, Elkhorn Slough, and Moro Cojo Slough and the sand dunes south of the Moss Landing Marine Laboratories, consistent with coastal resource protection policies.

Commented [QAVx68]: 2017 Draft Policy ML-6.8

2. [No 1982 Policy] Controlled public access to Moro Cojo Slough and Bennett Slough shall be explored. Provision of boardwalks constructed of permeable materials should be favored over foot trails where the potential for impacts to wetland habitat exists.
3. [No 1982 Policy] The County of Monterey shall work with property owners and California State Parks to provide beach access in the area immediately south of Sandholdt Bridge that is accessible to persons with disabilities, and in other areas owned by State Parks.
4. [No 1982 Policy] The County of Monterey shall require new development on the Island to incorporate new, maintain existing, or make improvements to existing, public access as necessary.

Commented [QAVx69]: 2017 Draft Policy ML-6.9

Commented [QAVx70]: 2017 Draft Policy ML-3.9

Commented [QAVx71]: 2017 Draft Policy ML-3.10

### 5.5.2 Parking Facilities

Locations for improved parking facilities are shown on **Figure 11ML-10** for the Plan area. It is recommended that parking areas located along Jetty Road be limited consistent with the protection of coastal resources. Consistent with public access policies in Chapter 6 of the North County Land Use Plan, parking improvements shall be made only upon completion of more detailed management plans for the area by the State Department of Parks and Recreation. Care should be taken during construction of parking facilities at the Jetty Road curve, to avoid filling the Bennett Slough wetlands or disrupting wildlife and shorebird habitat.

Parking improvements are proposed for the South Harbor area. The existing Caltrans Park and Ride facility is shown on the west side of Highway 1 and south of Dolan Road. Future parking is also shown at the Southwest corner of Moss Landing Road North and Highway 1. Lastly, general upgrading of the existing parking area at Salinas River State Beach just north of Potrero Road is also needed.

#### A. *Specific Policy*

1. [No 1982 Policy] The County of Monterey, in collaboration with property owners, shall work to provide an appropriate number of parking spaces based on a detailed management plan that considers coastal resource limitations along Jetty Road.

Commented [QAVx72]: 2017 Draft Policy ML-6.12

## NORTH COUNTY LAND USE PLAN POLICY CHANGES

### **Section 4.3.6.E.4: Delete. It is replaced by draft Policy 5.4.9.C.1.**

4.3.6.E.4. — ~~Recreation and Visitor Serving Commercial and General Commercial uses shall be developed in the Moss Landing Community Plan area in accordance with the following policies and guidelines and with Section 5.2.1.B.~~

- ~~○ Permit a total of up to 150 hotel/motel units based on available land and wastewater collection system capacity. These shall generally be provided by several smaller establishments not exceeding 30 units each.~~
- ~~○ Encourage the expansion and improvement of existing recreation and visitor serving facilities.~~
- ~~○ Design and locate new commercial visitor serving facilities to minimize traffic and natural resource impacts.~~
- ~~○ Encourage the development of low and moderate cost commercial recreation and visitor serving facilities in preference to high cost facilities.~~
- ~~○ Encourage mixed use commercial development that includes housing units.~~
- ~~○ Encourage development of commercial uses providing (sic) necessary service to coastal dependent industries such as commercial fishing, aquaculture, and energy production, and commercial facilities providing goods and services related to the use of local recreational opportunities.~~

### **Section 6.3.1: Modify Public Access General Policy No. 1 as follows:**

*[Edits shown compared to 6.3.1]* Major access areas, whether in public or private ownership shall be permanently protected for long-term public use. They shall be improved where necessary and managed properly. Major access locations are:

- (1) Giberson Road - access to Zmudowski State Beach
- (2) Jetty Road - access to Bennett Slough and Moss Landing State Beach
- (3) Sandholdt Road - access to "The Island" beaches and ~~North~~ South Harbor
- (4) Moss Landing Marine Lab - access to beach
- (5) Potrero Road - access to Salinas River State Beach
- (6) Monterey Dunes Way - access to Salinas River State Beach
- (7) Kirby Park - access to Elkhorn Slough

## Appendix B: Add the Following Glossary Terms:

- 10.5 **Coastal Hazards:** ~~An area that~~ includes, but ~~is-are~~ not limited to, episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, coastal flooding, landslides, bluff and geologic instability, high liquefaction, and the interaction of same, and all as impacted by sea level rise.
- 69.5 **Shoreline Protective Devices:** Structures along the shoreline that are used to protect development against coastal hazards, including but not limited to seawalls, revetments, gunite/~~shotcrete~~, sheet piles, breakwaters, groins, bluff retention devices, retaining walls, and pier/caisson foundation (or other form of atypical deep foundation) and/or wall systems.