

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
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W16a**RECORD PACKET COPY**

Filed: 8/12/2003
49th day: 9/30/2003
Staff: SM-SC
Staff report prepared: 8/20/2003
Hearing date: 9/10/2003
Hearing item number: W16a

APPEAL STAFF REPORT

SUBSTANTIAL ISSUE DETERMINATION

Appeal numberA-3-MCO-03-082, Moss Landing Harbor District RV Park Expansion

ApplicantsMoss Landing Harbor District (MLHD)

AppellantCommissioners Wan and Reilly

Local governmentMonterey County

Local decisionApproved with conditions on July 9, 2003

Project location7881 Sandholdt Road, Moss Landing Harbor, Monterey County.

Project descriptionApproximately 0.4 acre expansion of Recreational Vehicle (RV) Park, including 12 new RV spaces, utility extensions, manager's residence, office/activities room, four new restrooms and showers, laundry room expansion, and approximately 200 cubic yards of grading.

File documentsMonterey County Certified Local Coastal Program (LCP); Monterey County Coastal Development Permit PLN010264.

Staff recommendation ...**Substantial Issue**

I. Recommended Findings and Declarations for Substantial Issue:

Monterey County's approval of a Coastal Development Permit for the expansion of an existing RV Park in Moss Landing Harbor (project location and plans attached as Exhibit 1) has been appealed to the Coastal Commission on the basis that the loss of the harbor storage currently occupying the area is inconsistent with LCP policies identifying the need for, and location of, harbor storage space (Policies 5.2.1.H.3 and 5.3.3.4). The appeal further asserts that the local permit condition requiring the establishment of a temporary replacement storage area does not adequately address LCP requirements, because significant issues regarding the size and location of the replacement facility remain outstanding. Thus, the condition does not effectively ensure that the temporary replacement facility will provide adequate harbor storage, in a manner that protects the area's scenic and natural resources. The submitted reasons for appeal are attached to this report as Exhibit 2.

Staff recommends that the Commission determine that the appeal raises a **substantial issue** regarding the project's conformance to the Monterey County certified LCP. The North County Land Use Plan



California Coastal Commission
September 2003 Meeting in Eureka

Staff: S. Monowitz Approved by: **DSL**

Appeal A-3-MCO-03-082

MLHD RV Park Expansion
Substantial Issue Staff Report
Page 2

(NCLUP) specifically identifies the need for dry storage areas within Moss Landing Harbor, and states that such facilities should be provided near the Harbor District office (i.e., in the area proposed for RV expansion) if space constraints prevent the establishment of storage areas south of Sandholdt Road Bridge. (Please see text of LUP Policies 5.2.1.H.3 and 5.3.3.4, attached to this report as Exhibit 3.) Storage areas have not been established south of the bridge, nor has a constraints analysis been conducted. Rather, it appears unlikely that an equivalent storage facility to that which has been removed by the RV Park could be established south of the bridge consistent with wetland setback requirements. Allowing the removal of the storage area near the Harbor District office prior to providing adequate replacement storage either south of the bridge, or elsewhere in the Harbor via LCP amendment, is inconsistent with these policies and raises a substantial issue.

Monterey County attempted to address this problem by requiring the Harbor District to provide a temporary location for dry storage, subject to permit approval, prior to the issuance of grading and building permits for the RV Park expansion. (County Findings and Conditions of Approval attached as Exhibit 4.) The condition states that the temporary facility must be sized to accommodate items in the current storage area, sited to have no significant effect on the environment (e.g., wetlands), and available for harbor storage until the Harbor District receives County approval for a permanent storage area. Although well intentioned, this condition does not resolve significant coastal resource issues associated with an adequately sized and appropriately sited replacement facility. Resource constraints such as wetlands and scenic corridors, combined with limited upland space available to provide convenient storage, must be addressed before it can be determined whether removal of the existing storage area is consistent with the LCP. As a result, the County's approval of an RV expansion in the harbor storage area designated by the LCP is premature, and raises a substantial issue regarding development priorities for Moss Landing Harbor established by the LCP.

II. Recommended Motion and Resolution

MOTION:

I move that the Commission determine that Appeal No. A-3-MCO-03-082 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.

STAFF RECOMMENDATION:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.



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MLHD RV Park Expansion
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RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission hereby finds that Appeal No. A-3-MCO-03-082 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

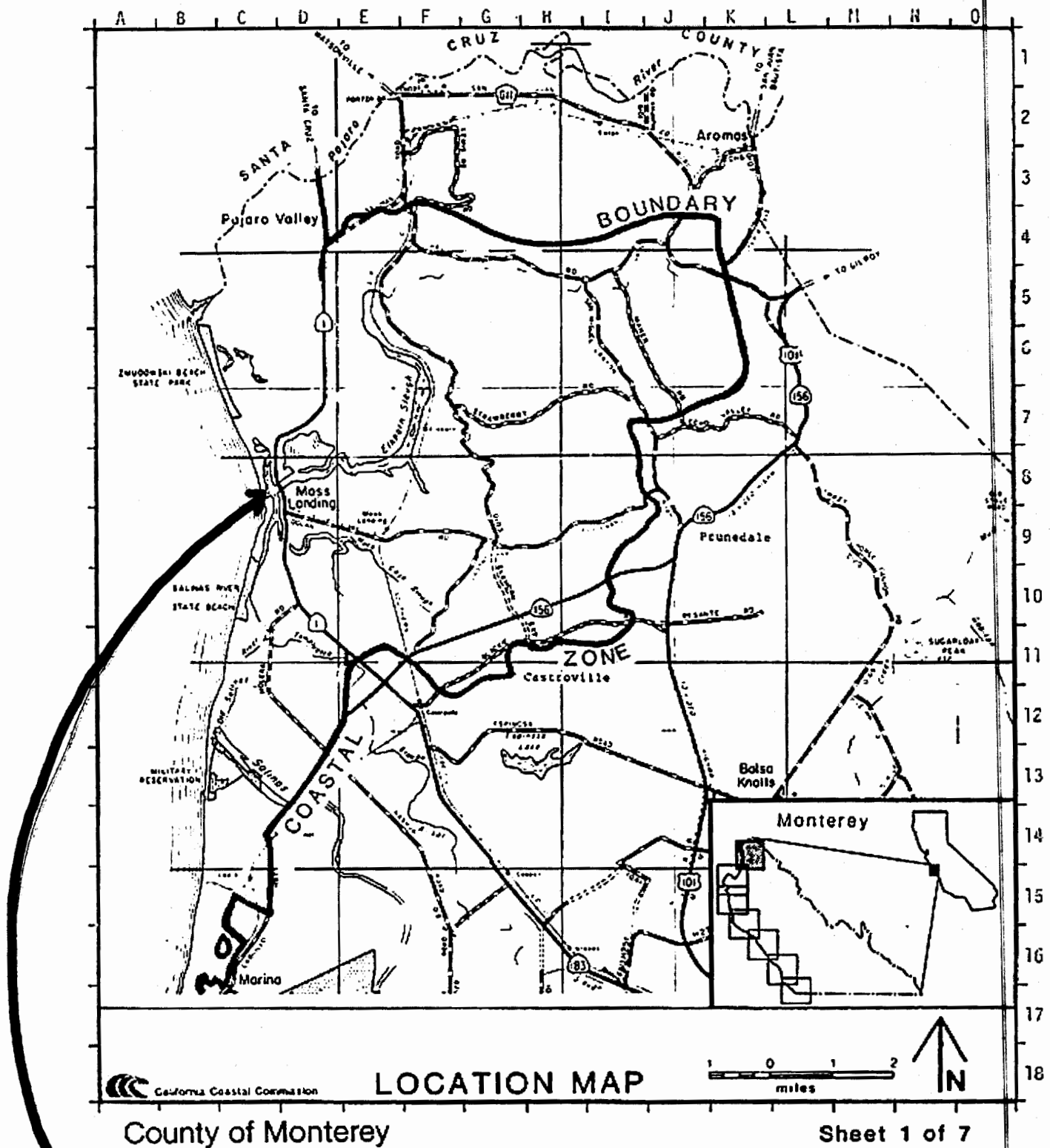
III. Appeal Procedures:

Coastal Act Section 30603 provides for the appeal of approved coastal development permits in jurisdictions with certified local coastal programs for development that is (1) between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tideline of the sea where there is no beach, whichever is the greater distance; (2) on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff; (3) in a sensitive coastal resource area; (4) for counties, not designated as the principal permitted use under the zoning ordinance or zoning district map; and (5) any action on a major public works project or energy facility. This project is appealable because it is between the first public road and the sea.

The grounds for appeal under Section 30603 are limited to allegations that the development does not conform to the standards set forth in the certified LCP or the public access policies of the Coastal Act. Section 30625(b) of the Coastal Act requires the Commission to conduct a de novo coastal development permit hearing on an appealed project unless a majority of the Commission finds that "no substantial issue" is raised by such allegations. Under Section 30604(b), if the Commission conducts a de novo hearing, the Commission must find that the proposed development is in conformity with the certified local coastal program. Section 30604(c) also requires an additional specific finding that the development is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act, if the project is located between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone. This project is located between the first public road and the sea and thus, this additional finding would need to be made in a de novo review in this case.

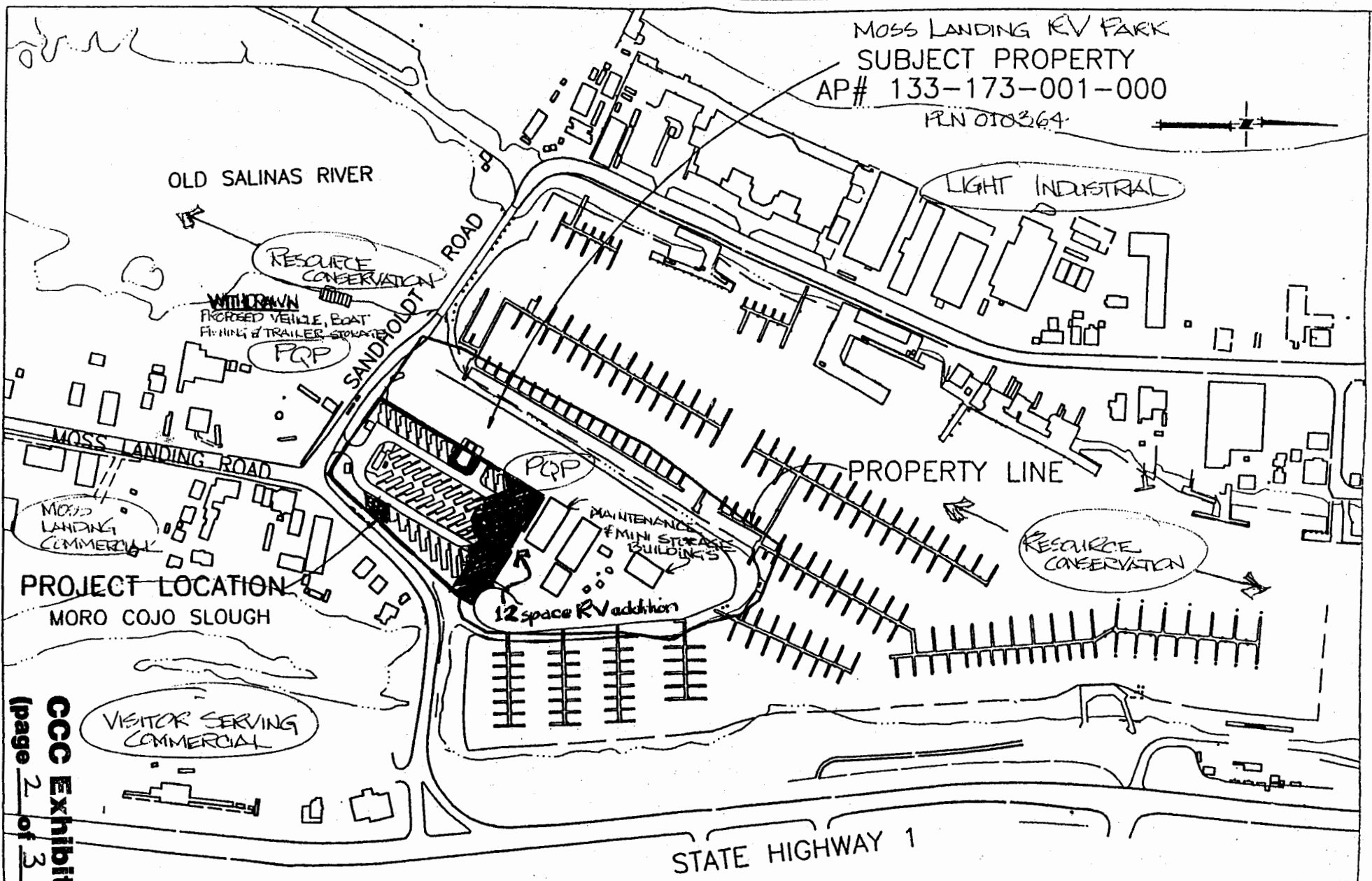
The only persons qualified to testify before the Commission on the substantial issue question are the Applicant, persons who made their views known before the local government (or their representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing. Any person may testify during the de novo stage of an appeal.





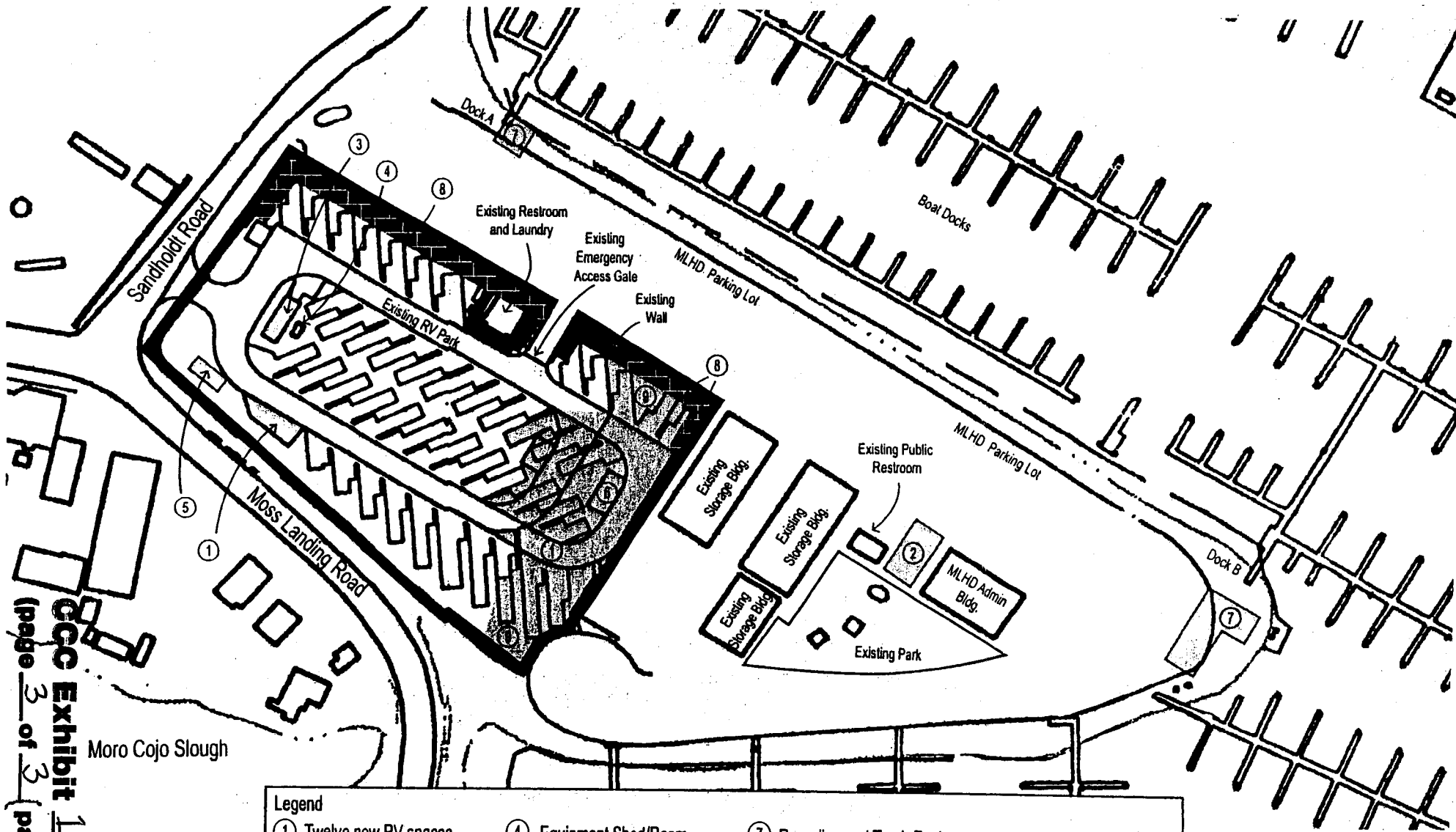
Project Location

EXHIBIT NO. 1, p. 1
APPLICATION NO. A-3-MCO-03-082
MLHD RV Expansion
Location + Plans



VICINITY MAP

Attachment 1



CCC Exhibit 1
(page 3 of 3 pages)

Legend			
① Twelve new RV spaces	④ Equipment Shed/Room	⑦ Recycling and Trash Enclosure	Leasehold
② Restroom and Laundry Bldg.	⑤ Utility/Office/Storage Bldg.	⑧ Solid Block Wall	New Development
③ Mobile/Manufactured Home (Manager's Space)	⑥ Club Room	⑨ Landscaping	Proposed Wall

Source: MacKay & Soms

E M C

Site P1

Phase II Moss Land

Reasons for Appeal of Monterey County Coastal Development Permit PLN010364

Monterey County's approval of a recreational vehicle (RV) park expansion proposed by the Moss Landing Harbor District is inconsistent with the Monterey County certified Local Coastal Program for the following reasons:

1. Policy 5.2.1.H.3 of the North County Land Use Plan states that unused lands near the Harbor District Office should be used for dry storage if space constraints prevent the establishment of storage areas south of Sandholdt Road bridge. A constraints analysis of the area south of the bridge has not been completed, and it appears unlikely that there is adequate area outside of wetland setbacks to provide an equivalent storage facility. The proposed removal of the dry storage area near the Harbor District office, prior to determining whether there is adequate area to accommodate harbor storage south of Sandholdt bridge (or elsewhere in the Harbor via LCP amendment), and prior to providing such replacement facilities, is inconsistent with this policy.
2. Section 5.3 of the North County Land Use Plan identifies limited dry storage areas as a Harbor constraint, and Policy 5.3.3.4 identifies the need for new storage facilities. Removal of harbor storage to enable RV park expansion conflicts with the LCP objective to provide facilities needed to support coastal dependent uses such as boating and fishing.
3. The County's approval seeks to address the need for harbor storage by requiring that a temporary storage area be established prior to constructing the RV park expansion. The condition does not identify the location of the replacement facility, and therefore falls short of carrying out the LCP provisions referenced above. Removal of the storage area near the Harbor District office, prior to resolving significant outstanding issues regarding the size and location of an adequate replacement facility, is inconsistent with provisions of the LCP protecting coastal dependent facilities and requiring new development to be sited and designed in a manner that protects coastal resources.

EXHIBIT NO. 2
APPLICATION NO. A-3-MCO-03-082
Reasons for Appeal

vehicle park. A secondary, alternative use for this property is medium-density housing. An open space buffer strip not to exceed 20' in width shall be established on the property along the north side of Potrero Road to protect adjacent agricultural operations. When combined with the County road right-of-way and the agricultural service road this will result in a total buffer width of 110'.

The "Special Treatment" designation is also used to indicate the area of the Old Salinas River Channel proposed for development for harbor purposes and adjacent land proposed for Light Industrial uses and Harbor Facilities. This "Special Treatment" area is one of four locations that will be considered as a potential site for harbor expansion. Prior to any development of the harbor in the Old Salinas River Channel certain interim uses may be permitted as described in H.4. below.

H. Public/Quasi-Public

Three public/quasi public uses are shown. These include educational/scientific, harbor facility and cemetery designations.

1. Education/Scientific

Two facilities given this designation are the Moss Landing Marine Lab and the school district office building on Moss Landing Road. Future redesign and expansion of Moss Landing Marine Labs shall not be permitted to encroach upon sensitive dune habitats south of the existing site.

2. Cemetery

The Moss Landing Cemetery is shown on the plan map on Moss Landing Road.

* 3. Harbor Facilities

This designation applies to the Harbor District office area, land south of the Sandholdt Bridge, and land in the North Harbor proposed for harbor support facilities. Facilities in the South Harbor adjacent to the new berths would include a parking lot, restrooms and staging areas. If enough space exists, a harbor maintenance facility would be developed in this area. Unused lands near the Harbor District office would be used for additional dry storage, possible overnight parking, and the harbor maintenance facility if space constraints prohibit its development in the harbor support area south of the bridge. Public facilities in the North Harbor would include a boat launching ramp, additional dry storage areas, and restroom facilities for non-yacht club members. Policies pertaining

EXHIBIT NO. 3, p.
APPLICATION NO. A-3-MCO-03-082
LCP Policies
referenced by appeal

support facilities are contained in Section 5.3.

4. Plan Alternatives for South Harbor Area

It should be kept in mind that the future expansion of Moss Landing Harbor into the Old Salinas River Channel discussed in Section 5.3 is an important factor in determining the kinds of land uses that would be appropriate adjacent to the channel. Accordingly, properties on the west bank of the channel have been designated for Light Industrial use to support the harbor, and Harbor District property along the east side of the channel has been designated for parking and restrooms. The replacement of Sandholdt Bridge with a new crossing is also based upon future expansion of the Harbor into the Old Salinas River Channel.

If ultimately the Old Salinas River Channel is not used for harbor expansion then changes in the proposed circulation system and the land use plan will be needed. The new crossing over Old Salinas River Channel shown on Figure 2, would not be necessary, and would not be constructed. The existing circulation system that provides access to the Island via Sandholdt Bridge would be retained unless Sandholdt Bridge is too expensive to repair or reconstruct. In this case an alternative access route to the Island would need to be developed.

Land on the west bank of the channel, south of the Marine Lab and designated Light Industrial in order to support harbor expansion into the channel, would not be appropriate for Light Industrial use and would need to be changed to other designations. A combination of Resource Conservation and Scenic and Natural Resource Recreation may be most appropriate uses for the area and would be consistent with similar properties adjacent to the south. These are also considered appropriate interim uses for private beach properties until the South Harbor is expanded south of Sandholdt Bridge.

Any change in the Plan, however, concerning either harbor expansion, related land uses, or the circulation system can only be made through public hearings before the Monterey County Planning Commission and Board of Supervisors and with approval of the California Coastal Commission. The community, property owners, and affected agencies will participate in the process of revising the plan if this becomes necessary.

5.3.1 Key Policy

The County encourages the maximum development of commercial fishing and recreational boating facilities at Moss Landing; consistent with the conservation of the area's wetlands, dunes and other natural resources.

5.3.2 General Policies

1. 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.
2. Optimum use of the existing harbor area and expansion of the harbor should be compatible with conservation of the most sensitive and viable wetlands.
3. Due to limited capacity of Highway One and Sandholdt Road, priority should be given on the island to expansion of commercial fishing industries and facilities that generate low volumes of traffic. Some flexibility should be maintained for other development on the island that directly serves people engaged in those above industries and would not be suitably located in other areas of Moss Landing.
4. Use of existing land-based facilities that support commercial boating should not jeopardize the protection of public access to the shoreline.
5. Use of existing piers for access and recreational purposes should be encouraged when compatible with commercial fishing uses.

* 5.3.3 Specific Policies

The specific policies that follow set forth a two phase harbor improvement program that stresses maximizing the use of existing resources and restoring wetlands habitats before expansion occurs. Figure 3 illustrates the location of improvement measures discussed in the following policies.

Harbor Development - Phase 1

1. Encourage the conversion of underutilized or unused parcels on the island to land uses that are supportive of the commercial fishing industry and aquaculture.
2. Legal remedies should be investigated to prevent berthing

of unseaworthy boats in the harbor and abandonment of boats in dry storage areas.

3. Bulkheading to prevent erosion and to maximize use of available shoreline should be provided along the west bank of the South Harbor.
- * 4. 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.
5. Provision of an additional boat fueling facility should be considered.
6. The Sandholdt Pier should be considered for renovation as a fishing pier.
7. An additional boat launching ramp or hoist should be provided. A possible location would be in the North Harbor just south of the Elkhorn Yacht Club.
8. Develop a retaining wall or bulkhead along the eastern bank of the North Harbor adjacent to the Harbor offices as a means of preventing further erosion and improving berthing capacity.
9. On-site parking facilities shall be provided by private developers to satisfy demand generated by upgrading land uses on the island. Development of a public facility parking should be considered for a location near the north west end of the island.
10. Methods to improve tidal flow and sediment transport from the North Harbor as a means of improving capacity of the North Harbor to accommodate additional berthing facilities and minimize the need for dredging should be studied. One possible method would be expansion of the existing culvert under Jetty Road.
11. Priority shall be given to developing recreation and visitor-serving commercial uses in the North Harbor area and improving public recreational boating facilities.
12. Upgrading and development of recreational boating support facilities should not jeopardize conservation of sensitive mudflat habitats in the North Harbor.
13. Additional restroom facilities should be provided in the North Harbor area.

PLANNING COMMISSION
CENTRAL COAST AREA, STATE OF CALIFORNIA
ACTION NOTICE

REVISED

JUL 29 2003

RESOLUTION NO. 03037

A. P. # 133-173-001-000

REFERENCE # 3MCO-03-301

APPEAL PERIOD 7/30-8/12/03 CALIFORNIA
COASTAL COMMISSION
CENTRAL COAST AREA

FINDINGS AND DECISION

in the matter of the application of

Moss Landing Harbor District (PLN010364)

WHEREAS: The Planning Commission, pursuant to regulations established by local ordinance and state law, has considered, at public hearing, a Combined Development Permit, located at 7881 Sandholt Road, Moss Landing, northeast of the Sandholt Bridge, North County area, Coastal Zone, came on regularly for hearing before the Planning Commission on July 9, 2003.

WHEREAS: Said proposal includes a:

- 1) Coastal Development Permit to allow the expansion of an existing RV Park with an addition of 12 new RV spaces, including extension of utilities, a manager's mobile home, and additional landscaping;
- 2) Coastal Development Permit for an office/activities room;
- 3) Coastal Development Permit for four new restrooms and showers;
- 4) Coastal Development Permit for expansion of the existing laundry facility;
- 5) Coastal Development Permit for approximately 200 cubic yards of grading; and
- 5) Design Approval

WHEREAS: Said Planning Commission, having considered the application and the evidence presented relating thereto,

FINDINGS OF FACT

CCC Exhibit 4
(page 1 of 11 pages)

1. **FINDING:** The subject Combined Development Permit (**Moss Landing Harbor District; PLN010364**) as described in condition #1 and as conditioned, conforms to the plans, policies, requirements and standards of the Local Coastal Program (LCP). The subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision, and any other applicable provisions of the Coastal Implementation Plan, Title 20, and any zoning violation abatement costs have been paid.

EVIDENCE: The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- a) The certified North County Land Use Plan, with special attention to Chapter 5, the Moss Landing Community Plan, and
- b) The certified Monterey County Coastal Implementation Plan regulations for Public/Quasi-Public ("PQP") Districts in the Coastal Zone, Section 20.40.050. Conditional Uses Allowed, Title 20, Monterey County Coastal Implementation Plan (Part 1).

EVIDENCE: The proposed development has been reviewed by the California Department of Transportation ("Caltrans"), Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, Environmental Division, Parks and Recreation Department, North County Fire Department. T

been no indication from these agencies that the site is not suitable for the proposed development. Necessary public facilities are available to the project site. Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property. Each agency has recommended conditions for improvements.

EVIDENCE: The application, plans, and support materials submitted by the project applicant to the Monterey County Planning and Building Inspection Department for the proposed development, found in the project file no. PLN010364.

EVIDENCE: Staff verification of the Monterey County Planning and Building Inspection Department records indicated that no violations exist on subject property.

2. **FINDINGS:** The proposed development was reviewed by the North County Coastal Land Use Advisory Committee ("LUAC") who recommended denial by a vote of 5-0 with 2 abstentions. The reasons for recommending denial are the following:
- a) Do not need 12 more RV slots from what was approved in 1998;
 - b) Land planning of Harbor District's own property needs to be better utilized;
 - c) The LUAC requests storage must be located or close to as on same side of road as the RV slots; and
 - d) Originally, the spaces were given to the Harbor District for the fisherman and not a private entity.

County staff finds that whether a new storage site is approved or not, Pelican LLC, the contractor/manager of the RV park as lessee of the property from MLHD will regain rights to the existing storage area when the MLHD's sublease expires, and the existing storage will be removed from the site regardless of whether the RV park expansion is approved. Nonetheless, MLHD staff has made a commitment to go forward with finding a new storage area in the near future by presenting alternative locations to the MLHD Board and by selecting an alternative to submit to the County. The MLHD Board is hearing this matter at their regular Board meeting on July 24, 2003.

The MLHD's rationale for the RV park was to provide the convenience of formal and legal RV facilities for overnight accommodations within the MLHD properties. Especially during the salmon season, the fishermen migrate to the area with their RVs and some family members. The MLHD feels that there is a need to provide an adequate location for the fishermen to park their RVs. In constructing and operating the RV park, Pelican LLC would be able to provide a service to individuals doing business and having a purpose in the Moss Landing area, such as commercial and recreational fishermen, tourists, and persons associated with the Moss Landing Marine Laboratories (MBARI) and others.

EVIDENCE: Letter dated February 10, 1997 by Frances O. Huston representing MLHD, found in file no. PLN970454 that was the application for the original 35-space RV park.

EVIDENCE: Letter dated March 10, 2003 by Cara Galloway of EMC Planning Group Inc., representing Pelican LLC, found in file no. PLN010364, regarding the Storage Area Lease agreement.

EVIDENCE: Storage Area Temporary Lease agreement between MLHD and Pelican LLC dated February 21, 2001, found in file no. PLN010364.

EVIDENCE: Correspondence with Linda Horning, MLHD General Manager.

FINDING: The project is in conformance with the public access and public recreation policies of Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights as required by Section 20.70.050.B.4 of the Coastal Implementation Plan. Public access is already designated at the site, and no substantial adverse impact on access, either individually or cumulatively, as described in Section 20.70.050.B.4.c of the Monterey County Coastal Implementation Plan, can be demonstrated.

EVIDENCE: The subject property is not included in the public access priority listing of the Moss Landing Community Plan, Chapter 5 of the North County Area Plan. The property fronts on roads that lead to the Moss Landing island beaches and harbor areas.

EVIDENCE: The development actually enhances historic access, accessibility to, and use of public beaches, trails and recreation areas as a recreation support facility to accommodate overnight stays at Moss Landing Harbor.

4. **FINDING:** The proposed project would not impact the coastal wetland, substantiated by the fact that the proposed project will be located more than 100 feet from the Old Salinas River channel and does not have the potential to negatively impact the long-term maintenance of the wetland habitat. The Biotic Report prepared for the site by Assegued and Associates Inc. for the original proposed 35-space RV park states that the area proposed for the RV park is vegetated with non-native plants and grasses. No rare and endangered plant or animal species were identified on the property.

EVIDENCE: Staff has verified that the project is consistent with Section 20.144.040 C. 2. d. of the North County Coastal Implementation Plan that states that all development shall be set a minimum of 100 feet back from the landward edge of vegetation associated with coastal wetlands.

EVIDENCE: The Monterey County Water Resources Agency has placed a condition of approval consistent with Section 20.144.040 C. g. of the North County Coastal Implementation Plan that a drainage plan prepared by a registered civil engineer or architect address on-site and off-site impacts including routing stormwater runoff from the paved parking areas to an oil-grease/water separator to mitigate the impact of impervious surface storm water runoff, Condition no. 7.

EVIDENCE: Biotic Report dated February 1996 prepared for the site by Assegued and Associates Inc. pursuant to requirements of the North County Land Use Plan.

5. **FINDING:** The projected traffic impact from the RV park expansion is not considered significant.

EVIDENCE: According to James C. Jeffry III, P.E. Principal of Engineering Consulting Services (11/8/01), the proposed RV park expansion will not increase automobile traffic significantly in the immediate area, particularly at the two intersections of Moss Landing Road-North and Moss Landing Road-South (Potrero Road-Pieri Court) with State Route One that are the primary access points to the project site. According to Jeffry, the proposed project traffic would increase PM Peak Hour traffic approximately 6% on Moss Landing Road and 0.5% on State Route One, and therefore the impact of projected traffic would not be considered significant.

EVIDENCE: Keith Higgins of Higgins Associates, Civil & Traffic Engineers, prepared a traffic impact improvement fee for the southbound right turn lane on Highway One as requested by the County's Public Works Department. Based on this percentage and the total estimated cost to improve the southbound High One right turn lane at Moss landing Road (North), Mr. Higgins states the project should be required to contribute \$8,000.

EVIDENCE: Using the Jim Jeffery traffic analysis (November 29, 2001) and the Keith Higgins traffic analysis (May 30, 2002) for this project, Bryce Hori of the Monterey County Public Works Department calculated the traffic impact fee for the southerly Moss Landing Road/Highway One intersection to be \$1,528 (e-mail correspondence from Bryce Hori, June 18, 2003).

EVIDENCE: Condition no. 14; Mitigation Measure 3.

EVIDENCE: Condition no. 15.

6. **FINDING:** The project will not have a significant adverse impact on the environment and a Mitigated Negative Declaration has been adopted by the Planning Commission. An initial study was prepared for the project and it was determined that the project would have no significant impacts and a Mitigated Negative Declaration was filed with the County Clerk on February 21, 2003, noticed for public review and circulated to the State Clearinghouse. The Planning Commission considered public testimony and the initial study and found no substantial evidence in the record, as a whole, that supports a fair argument that the project, as designed and mitigated, may cause a significant effect on the environment. The Negative Declaration reflects the independent judgment and analysis of the County based upon the findings and conclusions drawn in the original Initial Study and in consideration of testimony and information received, and scientific and factual data presented in evidence during the public review process. Nothing in the record alters the environmental determination, as presented by staff, based on investigation and the independent assessment of those studies, data, and reports.

EVIDENCE: Initial Study and Negative Declaration contained in File No. PLN010364.

EVIDENCE: Michael Brandman Associates prepared an Initial Study in compliance with the California Environmental Quality Act (CEQA), its Guidelines, and the Monterey County CEQA Guidelines. The Initial Study provided substantial evidence that the project would not have significant environmental impacts. Three (3) mitigation measures are placed on the project based on the geologic and traffic studies done for the project that are apart from the standard conditions placed on the project that meet Monterey County and State Government Codes for construction and grading permits. These mitigation measures are based on the following consultant reports:

- James C. Jeffry III, P.E. Principal of Engineering Consulting Services prepared a traffic impact report for the project dated November 8, 2001.
- Keith Higgins of Higgins Associates, Civil & Traffic Engineers, prepared a traffic impact improvement fee for the southbound right turn lane on Highway One as requested by the County's Public Works Department.
- Steven Raas and Associates prepared a Geotechnical Investigation for the Moss Landing Harbor Dredging Project in January 1996 that included the subject parcel.

7. **FINDING:** The project is located in the public viewshed as defined in Section 20.144.030 of the Coastal Implementation Plan for the North County Land Use Plan. The revised project was evaluated in terms of the impact upon the public viewshed from Highway One and Moss Landing Road. The revised project is consistent with Section 20.60.100 A of the Monterey County Coastal Implementation Plan, and Section 5.6.3., Policy 6 of the Moss Landing Community Plan dealing with visual resources within the public viewshed.

EVIDENCE: The area adjacent to the RV park that is being used for temporary storage of boats, cars, salvaged materials, and equipment will be removed and landscaping shall be required along the east side of the RV park to screen the RV park from Highway One.

EVIDENCE: The application, plans and photo materials submitted for a Coastal Development Permit as found in file PLN010364.

EVIDENCE: The on-site investigation by the project planner, pursuant to Chapter 20.144.030 A of the Monterey County Coastal Implementation Plan.

FINDING: The Moss Landing County Sanitation District has adequate capacity to handle an additional 12 RV space hook-ups, expansion of restroom and laundry facilities, as well as other proposed improvements at the RV park.

EVIDENCE: The Moss Landing County Sanitation District has 5 service areas that drain to a pumping station, each with a specified sewage disposal allocation. The RV park with the proposed total of 47 hook-ups, additional restrooms and laundry facilities, as well as other proposed improvements are within Service Area no. 5. According to Ron Lundquist of the Public Works Department, the RV park expansion with requirements for increased sewage disposal is within the allocation limits for Service Area no. 5.

FINDING: The project site is located in Zone V2, an area of 100 year coastal flood with velocity (wave action), FEMA Flood Insurance Rate Map 060195-0055 F (Map Revised August 5, 1986). The Monterey County Water Resources Agency requires recordation of a notice of the project location within a floodplain.

EVIDENCE: The project was reviewed by the Water Resources Agency for conformity with applicable provisions of the County Code. Appropriate recommendations for the project are contained in Planning and Building Inspection Department File No. PLN010364.

EVIDENCE: Condition no. 5.

FINDING: The proposed project is consistent with Section 20.144.110 (Archaeological Resources Development Standards) of the Coastal Implementation Plan with regard to development in areas of archaeological sensitivity. The project site has been developed and does not contain surface evidence of potentially significant cultural resources. An archaeological survey was conducted on the project site by John Gilchrest and Associates Inc. in May 1985. The report states that with the site being paved, graded and covered with dredge spoils archaeological resources could not be located on site. A condition has been added to require that work be stopped in the event that any archaeological resources are found on site.

EVIDENCE: Archaeological Consulting and Research Services, Archaeological and Ethnographic Overview, Moss Landing Harbor District, May 1985.

EVIDENCE: Appendix 2a, Resource Maps, of the Monterey County coastal Implementation Plan.

EVIDENCE: The on-site inspection of the subject parcel by the project planner determined the project conforms with Section 20.144.110 of the Monterey County Coastal Implementation Plan as found in File No. PLN010364.

EVIDENCE: Condition no. 22 has been added to require that work be stopped in the event that any archaeological resources are found on site.

FINDING: The proposed project is consistent with policies of the Section 20.144.100 of the Coastal Implementation Plan dealing with development in hazardous areas. The site is located in a hazardous geologic zone and a geotechnical report has been prepared for the site by Stev Raas & Associates, Inc. consistent with the "Guidelines for Geologic/Seismic Reports" of the California Divisions of Mines and Geology. The report provides mitigations measures that are to be included in the Mitigation Monitoring and Reporting Program.

EVIDENCE: Geotechnical Report prepared for the Moss Landing Harbor dredging projects that included the subject parcel, prepared by Steven Raas & Associates, Inc. on January 31, 1996, contained in File No. PLN010364. Mitigation Measures 1 and 2 recommended in this report are included in the Mitigation Monitoring and Reporting Program for the project.

EVIDENCE: Appendix 2a, Resource Maps, of the Monterey County Coastal Implementation Plan.

12. **FINDING:** The RV park use will not significantly adversely impact water use, sewer use, energy use, traffic, employment opportunities in the planning area. The use of the RV park is to provide overnight accommodations for recreational and commercial fisherman, as well as those involved in the marine fishing profession in Moss Landing and tourists. Since those staying at the RV park should already be doing business in Moss Landing, no significant increase to the services listed above would take place.

EVIDENCE: Resolution 97-8 of the Board of Harbor Commissioners of the Moss Landing Harbor District.

EVIDENCE: Planning and Building Inspection file no. 970454 that established the Coastal Development Permit for the original, 35-space RV park application, Planning Commission Resolution No. 98034.

13. **FINDING:** The establishment, maintenance, or operation of the use or structure applied for will not, under the circumstances of the particular case, be detrimental to health, safety, peace, morals, comfort, and general welfare of persons residing or working in the neighborhood of such proposed use, or be detrimental or injurious to property and improvement in the neighborhood, or to the general welfare of the County.

EVIDENCE: The project as described in the application and accompanying materials was reviewed by the Department of Planning and Building Inspection, Environmental Health Division, Public Works Department, the applicable Fire Department, and the Water Resources Agency. The respective departments have recommended conditions, where appropriate, to ensure that the project will not have an adverse effect on the health, safety, and welfare of persons either residing or working in the neighborhood; or the County in general.

EVIDENCE: File and application materials, Initial Study with mitigation measures, and Negative Declaration contained in the project file.

EVIDENCE: Design Approval request form, with recommendation for denial of the project by the North County Coastal Land Use Advisory Committee on March 18, 2002 based on inappropriate use of property at the site, by a vote of 5 ayes, 0 noes and 2 abstentions.

EVIDENCE: Written and verbal public testimony submitted at public hearings before the North County Coastal Land Use Advisory Committee and Planning Commission.

EVIDENCE: Condition no. 3 requiring the Director of Planning and Building Inspection to review the temporary relocation of a dry storage area at the Moss Landing Harbor District property.

14. **FINDING:** The project is appealable to the Board of Supervisors and the California Coastal Commission.

EVIDENCE: Sections 20.86.070 and 20.86.080 of the Monterey County Coastal Implementation Plan.

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DECISION

It is the decision of the Planning Commission of the County of Monterey that the Mitigated Negative Declaration and Program for Monitoring and/or Reporting on Conditions of Approval be adopted and said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. The subject Combined Development Permit (**Moss Landing Harbor District; PLN010364**) includes: includes Coastal Development Permits for (1) 12 new RV spaces mostly within a 0.41-acre area (existing temporary dry storage area); (2) a new restroom/laundry facility adjacent to the Moss landing harbor District administrative office to provide new restrooms and showers and an expanded laundry facility; (3) a mobile home or manufactured home to be placed in the existing manger's space near the RV park entry; (4) an equipment shed/room adjacent to the manager's home; (5) a 240 square foot utility/office/storage building located in the southeast or northeast corner of the property, which will provide additional office and storage space; (6) a club room with optional restroom at the proposed guest parking area in the northern portion of the site available for use by RV park guests for group meetings and functions; (7) relocation of the existing dumpster/recycling bins to two locations in the MLHD parking lot and construction of cement pads and fencing for screening the areas; (8) a solid block wall along the northwestern boundary of the RV site, between the RV park and the MLHD parking lot, is proposed for construction to reduce noise to the RV park; (9) additional landscaping; (10) extension of utilities (sewer, water, electricity, phone, cable TV, etc.); and (11) less than 100 cubic yards of grading.

The property is located at 7905 Sandholdt Road, Moss Landing (Assessor's Parcel Number 133-173-001-000), north east of the Sandholdt Bridge in the Moss Landing area of North County Coastal Zone.

The proposed project is in accordance with County ordinances and land use regulations, subject to the following terms and conditions. Neither the use nor the construction allowed by this permit shall commence unless and until all of the conditions of this permit are met to the satisfaction of the Director of Planning and Building Inspection. Any use or construction not in substantial conformance with the terms and conditions of this permit is a violation of County regulations and may result in modification or revocation of this permit and subsequent legal action. No use or construction other than that specified by this permit is allowed unless additional permits are approved by the appropriate authorities. (**Planning and Building Inspection**)

Prior to the Issuance of Grading and Building Permits:

2. The applicant shall record a notice which states: "A permit (Resolution 03037) was approved by the Planning Commission for Assessor's Parcel Number 133-173-001-000 on July 9, 2003. The permit was granted subject to 35 conditions of approval, which run with the land. A copy of the permit is on file with the Monterey County Planning and Building Inspection Department." Proof of recordation of this notice shall be furnished to the Director of Planning and Building Inspection prior to issuance of building permits or commencement of the use. (**Planning and Building Inspection**)
3. The applicant shall provide evidence from the Moss Landing Harbor District ("MLHD") that a temporary location for a dry storage area has been located on the MLHD property that has been submitted for review by the Director of Planning and Building Inspection Department and other appropriate County land use departments for the health, safety and welfare of persons working and living in the vicinity. The new temporary dry storage location submitted for review shall be of adequate size to

accommodate items in the current temporary dry storage area, and shall be cited and designed to have significant effect on the environment (e.g., wetland). The new temporary dry storage location, subject to any County permit approvals, shall be utilized for dry storage until such time as the MLHD receives approval for a permanent dry storage area. **(Planning and Building Inspection)**

4. The applicant shall provide a final location and building plans (elevations and floor plans) for the following additions:
 - a.) the proposed four restrooms/shower facilities/laundry facility;
 - b.) the club room available for use by RV park guests; and
 - c.) the dumpster/cycling bins on the Moss Landing Harbor District with fence screening.

The location and building plans shall be submitted to the Director of Planning and Building Inspection prior to the issuance of grading and building permits for those improvements requested. **(Planning and Building Inspection)**

5. Owner shall record a notice stating that the property is located within or partially within a floodplain and may be subject to building and/or land use restrictions. A copy of the recorded notice shall be provided to the County Water Resources Agency. **(Water Resources Agency)**

6. The applicant shall provide to the Water Resources Agency a water balance analysis describing the pre-development and post-development water use on the property. Any proposed increase in water use shall require the identification and implementation of mitigation measures, if feasible, by the applicant. **(Water Resources Agency)**

7. A drainage plan shall be prepared by a registered civil engineer or architect to address on-site and off-site impacts, to include oil/water separators for new parking areas; and necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**

8. Grading plans shall be reviewed by a qualified geotechnical engineer. **(Mitigation Measure 1; Planning and Building Inspection)**

9. The applicant shall provide to the Planning and Building Inspection Department a grading and erosion control plan for review in order that any development permit issued will comply with the drainage and erosion control provisions of the Monterey County Coastal Implementation Plan. **(Planning and Building Inspection Department)**

10. Provide to the Division of Environmental Health written certification and any necessary certification from State agencies that Alco Water Service can and will supply sufficient water flow and pressure to comply with both Health and fire flow standards. **(Environmental Health Division)**

11. Provide certification to the Division of Environmental Health that Moss Landing County Sanitation district can and will provide sewer service for the proposed property/project. **(Environmental Health Division)**

12. Applicant shall pay a fire mitigation fee proportionate or equal to current fire migration fee schedule adopted by the North County Fire District Board of Directors. Fees shall be proportionate to an occupancy rate agreement. **(North County Fire Protection District)**

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3. Fire mains and hydrants inside the RV park to be determined by the North County Fire District. (**County Fire Protection District**)
4. The applicant shall be required to pay the projects pro rata contribution to the construction of southbound right turn lane on Highway One at the northerly intersection with Moss Landing Road equal to 4.6% of the total project cost, which is calculated at \$9,092.00. (**Mitigation Measure 3; Planning and Building Inspection**)
5. The applicant shall be required to pay a traffic impact fee in the amount of \$1,528.00 for the southerly Moss Landing Road/Highway One intersection. (**Public Works**)
16. The applicant shall be required to submit sewer plans for approval of the Moss Landing County Sanitation District. (**Public Works**)
17. The applicant shall obtain a sewer connection permit from the Moss Landing County Sanitation District and pay all fees. (**Public Works**)
18. That the internal circulation and parking plan be approved by the Department of Public Works prior to issuance of a building permit. (**Public Works**)
19. A notice shall be recorded with the Monterey County Recorder which states: "A Geotechnical Report has been prepared for the general area that includes the subject parcel by *Steven Rass & Associates, Inc.* dated January 1996, and is on record in the Monterey County Planning and Building Department. All development shall be in accordance with this geotechnical report, as approved by the Director of Planning and Building Inspection." (**Planning and Building Inspection Department**)
20. All exterior lighting shall be unobtrusive, harmonious with the local area, and constructed or located so that only the intended area is illuminated and off-site glare is fully controlled. That the applicant shall submit 3 copies of an exterior lighting plan which shall indicate the location, type, and wattage of all light fixtures and include catalog sheets for each fixture. The exterior lighting plan shall be subject to approval by the Director of Planning and Building Inspection, prior to the issuance of building permits. (**Planning and Building Inspection Department**)
21. The site shall be landscaped. The landscaping at the east side of the property paralleling Moss Landing Road shall serve as screening and noise abatement from passing traffic on Moss Landing Road and Highway One. Partial landscaping along the proposed northwest wall separating the RV park from the MLHD parking lot shall be required to soften the impact of the wall. At least three weeks prior to occupancy, three copies of a landscaping plan shall be submitted to the Director of Planning and Building Inspection for approval. A landscape plan review fee is required for this project. Fees shall be paid at the time of landscape plan submittal. The landscaping plan shall be in sufficient detail to identify the location, specie, and size of the proposed landscaping materials and shall be accompanied by a nursery or contractor's estimate of the cost of installation of the plan. Before occupancy, landscaping shall be either installed or a certificate of deposit or other form of surety made payable to Monterey County for that cost estimate shall be submitted to the Monterey County Planning and Building Inspection Department. (**Planning and Building Inspection**)

Permit to Final Building Inspection/Occupancy:

22. If during the course of construction activity on the subject property, cultural, archaeological, historical, paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 50 meters (165 feet) of the find until it can be evaluated by a qualified professional archaeologist. The Monterey County Planning and Building Inspection Department and a qualified archaeologist (i.e., an archaeologist registered with the Society of Professional Archaeologists) shall be immediately contacted by the responsible individual present on-site. When contacted, the project planner and the archaeologist shall immediately visit the site to determine the extent of the resources and to develop proper mitigation measures required for the discovery. **(Planning and Building Inspection)**
23. Provide an unobstructed twenty (20) foot circulating roadway inside the RV park. **(North County Fire Protection District)**
24. Provide a twenty-five (25) foot radius on turns. **(North County Fire Protection District)**
25. Comply with NFPA 501 D—Standards for Recreational Vehicle Parks and Campgrounds. **(North County Fire Protection District)**
26. ADA areas shall comply with NFPA 72 (National Fire Alarm Code) for visual and audible notification devices. **(North County Fire Protection District)**
- Mobile / manufactured home shall be protected by a fire sprinkler system. **(North County Fire Protection District)**
28. Any changes or modification with fire hydrants or fire mains shall be submitted to and reviewed by the North County Fire District. **(North County Fire Protection District)**
29. Hand-held fire extinguishers shall be installed according to NFPA 10 (1998) Standards for Portable Fire Extinguishers, and have a minimum rating of Z-A: 20-B:C. **(North County Fire Protection District)**
30. The existing emergency access adjacent to the existing restrooms shall not be sealed off by the solid block wall proposed along the western boundary of the RV park site. This emergency accessway shall have lockable gates for emergency egress and ingress. **(North County Fire Protection District)**
31. Underground utility lines within the project area that may be disturbed during project implementation shall be relocated. The existing utility lines may be removed or abandoned in place. **(Mitigation Measure 2; Planning and Building Inspection)**
32. That new utility and distribution lines shall be placed underground. **(Planning and Building Inspection; Public Works)**
33. The location, type and size of all antennas, satellite dishes, towers, and similar appurtenances shall be approved by the Director of Planning and Building Inspection. **(Planning and Building Inspection)**

Continuous Permit Conditions:

34. All landscaped areas shall be continuously maintained by the applicant and all plant material shall be

continuously maintained in a litter-free, weed-free, healthy, growing condition. (Planning and Building Inspection)

35. The maximum period to continuously use a RV space shall not exceed 30 days. (Planning and Building Inspection)

PASSED AND ADOPTED this 9th day of July, 2003 by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Parsons, Diehl, Gonzalves, Rochester, Wilmot

NOES: None

ABSENT: Brennan


JEFF MAIN, SECRETARY

Copy of this decision mailed to applicant on JUL 22 2003

THIS APPLICATION IS APPEALABLE TO THE BOARD OF SUPERVISORS. IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE CLERK OF THE BOARD OF SUPERVISORS ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE JUL 25 2003

THIS APPLICATION IS ALSO APPEALABLE TO THE COASTAL COMMISSION. UPON RECEIPT OF NOTIFICATION OF THE DECISION BY THE BOARD OF SUPERVISORS, THE COMMISSION ESTABLISHES A 10 WORKING DAY APPEAL PERIOD. AN APPEAL FORM MUST BE FILED WITH THE COASTAL COMMISSION. FOR FURTHER INFORMATION, CONTACT THE COASTAL COMMISSION AT (831) 427-4863 OR AT 725 FRONT STREET, SUITE 300, SANTA CRUZ, CA

This decision, if this is the final administrative decision, is subject to judicial review pursuant to California Code of Civil Procedure Sections 1094.5 and 1094.6. Any Petition for Writ of Mandate must be filed with the Court no later than the 90th day following the date on which this decision becomes final.

NOTES

1. You will need a building permit and must comply with the Monterey County Building Ordinance in every respect.

Additionally, the Zoning Ordinance provides that no building permit shall be issued, nor any use conducted, otherwise than in accordance with the conditions and terms of the permit granted or until ten days after the mailing of notice of the granting of the permit by the appropriate authority, or after granting of the permit by the Board of Supervisors in the event of appeal.

Do not start any construction or occupy any building until you have obtained the necessary permits and use clearances from the Monterey County Planning and Building Inspection Department office in Marina.

2. The construction or use authorized by this permit must start within two years of the date of approval of this permit unless extended by the Director of Planning and Building Inspection pursuant to Section 20.140.100 of the Coastal Implementation Plan.

CCC Exhibit 4
(page 11 of 11 pages)