

In the matter of the application of
Moss Landing Harbor District (PLN060097)

FINDINGS & DECISION

for a Coastal Development Permit in accordance with Title 20 (Monterey County Coastal Implementation Plan Ordinance) Chapter 20.70 (Coastal Development Permits) of the Monterey County Code, to allow a change in the intensity of use of access to public waters by increasing parking fees in and around Moss Landing Harbor. The increase in fees will fund ordinary maintenance and repair of existing parking lots (Assessor's parcel numbers 133-241-003-000, 133-241-007-000, 133-241-009-000, 133-241-010-000, 133-241-018-000; 133-173-001-000; 133-212-009-000; 413-022-002-000; 413-022-003-000, 413-022-005-000, 413-022-009-000, 413-022-010-000; 129-212-001-000). The project is located on Sandholdt Road cross Moss Landing Road, Highway One cross Jetty Road, Kirby Road cross Elkhorn Road, Moss Landing, North County (Coastal Zone), and came on regularly for hearing before the Zoning Administrator on July 27, 2006.

Said Zoning Administrator, having considered the application and the evidence presented relating thereto,

RECOMMENDED FINDINGS AND EVIDENCE
PLN060097/Moss Landing Harbor District

1. **FINDING: CONSISTENCY & SITE SUITABILITY** – The project, as conditioned, is consistent with all applicable plans and policies, including the *North County Coastal Land Use Plan* and the development standards and zoning regulations contained in the certified Coastal Implementation Plan, specifically Chapter 20.144 (*Regulations for Development in the North County Land Use Plan*), the Zoning Ordinance (Title 20), and Part 6 of the Coastal Implementation Plan (Appendices). The participating parcels are designated as “PQP (CZ)” [*Public Quasi Public (Coastal Zone)*]; which conditionally allows public and quasi-public uses. These sites are physically suitable and are all ready existing for the use proposed.

EVIDENCE: (a) Planning and Building Inspection Department (PBID) staff have reviewed the project as contained in the application and accompanying materials for conformity with the certified Monterey County Local Coastal Program and have determined that the project is consistent as conditioned. Permit application, plans, and materials contained in Project File No. PLN060097.

(b) The requested Coastal Development Permit seeks to allow a change in the intensity of use of access to public waters by increasing parking fees in and around Moss Landing Harbor pursuant to a letter dated October 29, 1993, by the California Coastal Commission determining that “any action which has the effect of changing the intensity of use of state waters or of access to such waters is a “development” for purposes of the Coastal Act and requires a Coastal Development Permit.

(c) Consistency with all other County requirements applicable to Title 20, Zoning Regulations for Public Quasi-Public (PQP (CZ)) have been met.

(d) There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, North County Fire Department, Public Works Department, Environmental Health Division, and the Monterey County Sheriff's Department. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints

the Monterey County Sheriff's Department. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the sites are not suitable for the use proposed, since no new development is proposed.

- (e) 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 Project File No. PLN060097.

2. FINDING: PUBLIC ACCESS - The project is in conformance with the public access and public recreation policies of the Coastal Act and Local Coastal Program, and does not interfere with any form of historic public use or trust rights (see Section 20.70.050.B.4 of Title 20). Public access is required as part of the project, however, there is no substantial adverse impact on public coastal 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**
- (a) The District's attempt to charge a fee necessary to pay for continued resources and infrastructure is consistent with the recreation and public access policies of the Moss Landing Community Plan located in the North County Land Use Plan (Policy 5.4.2 NCLUP).
 - (b) There are numerous public access points within a 1 mile radius of the Moss Landing Harbor's parking at both South Harbor and the launch ramp at North Harbor available free of charge. Therefore, the request to increase the District's fees does not negatively affect Coastal Act public access requirements of the Moss Landing Community Plan Public Access Map ((Policy 5.4.3 NCLUP/Figure 4).
 - (c) Staff has reviewed other public access policies in the North County Land Use Plan to include specifically Public Access Policies 6.4.I.1 & 2, Parking and Facilities which relate to parking improvements as part of the access management plans for access locations. Staff has found that since the fee increase will provide resources to enhance public access at the harbor and given that the increase is not unreasonable compared to other access points charging a fee, that the fee increase is consistent with Coastal Act public access requirements.

3. FINDING: CEQA (exempt) – The proposed project will not have a significant environmental impact.

EVIDENCE: CEQA Guidelines Section 15273(a) (1) does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies which for the public agency finds are for the purpose of: (1) Meeting operating expenses, including employee wage rates and fringe benefits.

4. FINDING: VIOLATIONS – Subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. The Zoning Administrator finds that, given non-physical development nature of this proposal, no health, safety, or welfare issues exist.

EVIDENCE: Staff reviewed the Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on the subject property; File No. PLN060097.

5. FINDING: HEALTH AND SAFETY - The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the 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 improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

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

EVIDENCE: Sections 20.86.030 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Coastal Development Permit be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 27th day of July, 2006.

JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON

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

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

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 Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.

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for a Coastal Development Permit in accordance with Title 20 (Monterey County Coastal Implementation Plan Ordinance) Chapter 20.70 (Coastal Development Permits) of the Monterey County Code, to allow a change in the intensity of use of access to public waters by increasing parking fees in and around Moss Landing Harbor. The increase in fees will fund ordinary maintenance and repair of existing parking lots (Assessor's parcel numbers 133-241-003-000, 133-241-007-000, 133-241-009-000, 133-241-010-000, 133-241-018-000; 133-173-001-000; 133-212-009-000; 413-022-002-000; 413-022-003-000, 413-022-005-000, 413-022-009-000, 413-022-010-000; 129-212-001-000). The project is located on Sandholdt Road cross Moss Landing Road, Highway One cross Jetty Road, Kirby Road cross Elkhorn Road, Moss Landing, North County (Coastal Zone), and came on regularly for hearing before the Zoning Administrator on July 27, 2006.

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- EVIDENCE:**
- (a) Planning and Building Inspection Department (PBID) staff have reviewed the project as contained in the application and accompanying materials for conformity with the certified Monterey County Local Coastal Program and have determined that the project is consistent as conditioned. Permit application, plans, and materials contained in Project File No. PLN060097.
 - (b) The requested Coastal Development Permit seeks to allow a change in the intensity of use of access to public waters by increasing parking fees in and around Moss Landing Harbor pursuant to a letter dated October 29, 1993, by the California Coastal Commission determining that “any action which has the effect of changing the intensity of use of state waters or of access to such waters is a “development” for purposes of the Coastal Act and requires a Coastal Development Permit.
 - (c) Consistency with all other County requirements applicable to Title 20, Zoning Regulations for Public Quasi-Public (PQP (CZ)) have been met.
 - (d) There has been no testimony received either written or oral, during the course of public hearings to indicate that the site is not suitable for the project. Necessary public facilities are available for the use proposed. The project has been reviewed by the Monterey County Planning and Building Inspection Department, Water Resources Agency, North County Fire Department, Public Works Department, Environmental Health Division, and

the Monterey County Sheriff's Department. There has been no indication from those agencies that the site is not suitable. There are no physical or environmental constraints such as geologic or seismic hazard areas, environmentally sensitive habitats, or similar areas that would indicate the sites are not suitable for the use proposed, since no new development is proposed.

- (e) 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 Project File No. PLN060097.

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3. FINDING: CEQA (exempt) – The proposed project will not have a significant environmental impact.

EVIDENCE: CEQA Guidelines Section 15273(a) (1) does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies which for the public agency finds are for the purpose of: (1) Meeting operating expenses, including employee wage rates and fringe benefits.

4. FINDING: VIOLATIONS – Subject property is in compliance with all rules and regulations pertaining to zoning uses, subdivision and any other applicable provisions of the County's zoning ordinance. The Zoning Administrator finds that, given non-physical development nature of this proposal, no health, safety, or welfare issues exist.

EVIDENCE: Staff reviewed the Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on the subject property; File No. PLN060097.

5. FINDING: HEALTH AND SAFETY - The establishment, maintenance or operation of the project applied for will not under the circumstances of this particular case, be detrimental to the 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 improvements in the neighborhood or to the general welfare of the County.

EVIDENCE: Preceding findings and supporting evidence.

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

EVIDENCE: Sections 20.86.030 and 20.86.080 of the Monterey County Coastal Implementation Plan.

DECISION

THEREFORE, it is the decision of said Zoning Administrator that said application for a Coastal Development Permit be granted as shown on the attached sketch, subject to the attached conditions.

PASSED AND ADOPTED this 27th day of July, 2006.



JEFF MAIN, ZONING ADMINISTRATOR

COPY OF THIS DECISION MAILED TO APPLICANT ON AUG - 2 2006

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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 Salinas.

2. This permit expires two years after the above date of granting thereof unless construction or use is started within this period.

**Monterey County Planning and Building
Inspection**

Condition Compliance Matrix

Project Name: MOSS LANDING HARBOR DISTRICT

File No: PLN060097

APNs: 133-241-003-000M

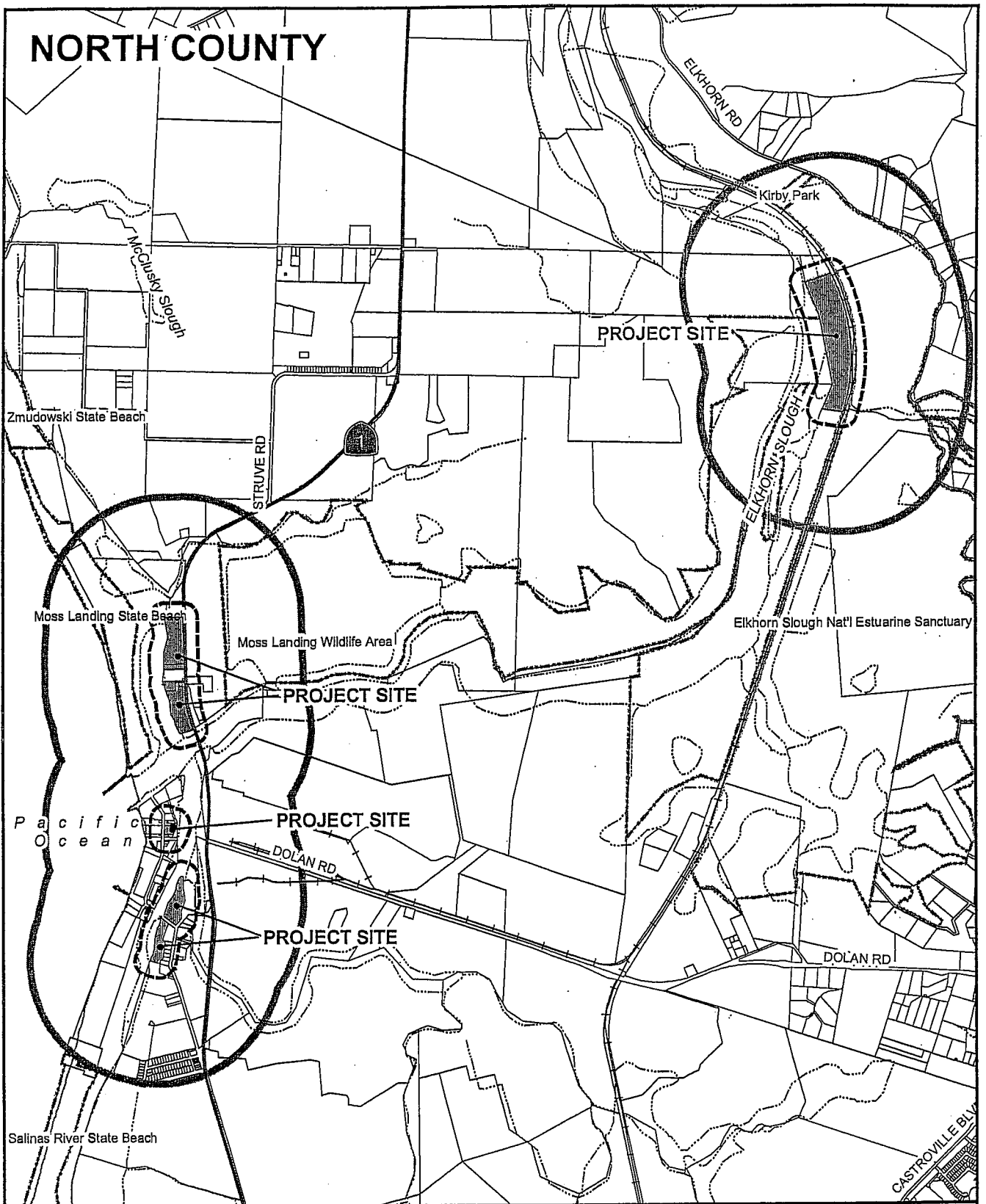
Approval by: Zoning Administrator

Date: July 13, 2006

<i>Permit Cond. No.</i>	<i>Impact Addressed, and Responsible Land Use Department</i>	<i>Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted.</i>	<i>Responsible Party for Compliance</i>	<i>Timing</i>	<i>Verification of Compliance (name/date)</i>
1.	<p>PBD029 - SPECIFIC USES ONLY The subject permit approval allows a Coastal Development Permit (PLN060097) to allow a change in the intensity of use of access to public waters by increasing parking fees in and around Moss Landing Harbor. The increase in fees will fund ordinary maintenance and repair of existing parking lots. (Assessor's parcel numbers 133-241-003-000, 133-241-007-000, 133-241-009-000, 133-241-010-000, 133-241-018-000; 133-173-001-000; 133-212-009-000; 413-022-002-000; 413-022-003-000, 413-022-005-000, 413-022-009-000, 413-022-010-000; 129-212-001-000). The parcels are located at Sandholdt Road cross Moss Landing Road, Highway One cross Jetty Road, Kirby Road cross Elkhorn Road, Moss Landing, North County, Coastal Zone. This permit was approved in accordance with County ordinances and land use regulations subject to the following terms and conditions. Neither the uses 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)</p>	Adhere to conditions and uses specified in the permit.	Applicant	Ongoing unless otherwise stated	

Permit Cond. No.	Impact Addressed, and Responsible Land Use Department	Compliance Actions to be performed. Where applicable, a certified professional is required for action to be accepted.	Responsible Party for Compliance	Timing	Verification of Compliance (name/date)
2.	<p>PBD025 - NOTICE-PERMIT APPROVAL</p> <p>The applicant shall record a notice which states: “A permit (Resolution 060097) was approved by the Zoning Administrator for an increase in fees on July 27, 2006, (Assessor's parcel numbers 133-241-003-000, 133-241-007-000, 133-241-009-000, 133-241-010-000, 133-241-018-000; 133-173-001-000; 133-212-009-000; 413-022-002-000; 413-022-003-000, 413-022-005-000, 413-022-009-000, 413-022-010-000; 129-212-001-000). The permit was granted subject to 3 conditions of approval that 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)</p>	Proof of recordation of this notice shall be furnished to PBI.	Applicant	Prior to use.	
3	<p>NON-STANDARD CONDITION: FEE SCHEDULE</p> <p>The applicant shall revise fees as follows: For parking regular vehicles in all lots, the following fees shall be implemented: \$3 for 4 hours, \$5 for 12 hours, and \$8 for 24 hours. To launch a vessel and park a vehicle with boat trailer the fee of \$12 per day shall be implemented. This represents a fee increase of 25% or more in any given year or 50% or more on a cumulative basis over any three consecutive year periods.</p>	Adhere to conditions and uses specified in the permit. Prior to any additional fee increase beyond this approval, the applicant shall submit the request to the Planning and Building Inspection Department.	Applicant	Ongoing unless otherwise stated	



NORTH COUNTY



APPLICANT: MOSS LANDING HARBOR DISTRICT

APN: 133-241-003-000M

FILE # PLN060097

 300' Limit  2500' Limit  City Limits

