

MONTEREY COUNTY PLANNING COMMISSION

Meeting: February 12, 2014 Time: 9:00 A.M	Agenda Item No.: 1
Project Description: Consider Design Approval to allow construction of a 9,499 square foot two story restaurant and fish market in the North Harbor area of Moss Landing.	
Project Location: 2420 Highway 1 north of Elkhorn Slough, Moss Landing	APN: 413-022-003, 005
Planning File Number: PLN130350	Owner: Moss Landing Harbor District Applicant: Ken Turgen Agent: Ken Turgen
Planning Area: North County Coastal, Moss Landing Community Plan	Flagged and staked: No
Zoning Designation: : VSC(CZ) -- Visitor Serving Commercial (Coastal Zone)	
CEQA Action: Consistent with previously adopted Negative Declaration for the Harbor Shoreline project including the removal of the existing Maloney's Harbor Inn and creation of two new building pads for a future restaurant and office building.	
Department: RMA - Planning Department	

RECOMMENDATION:

Staff recommends that the Planning Commission adopt a resolution (**Exhibit B**) to:

- 1) Certify that it has reviewed and considered the previously adopted Negative Declaration; and
- 2) Approve a Design Approval to allow construction of a 9,499 square foot two story restaurant and fish market in the North Harbor area of Moss Landing; and

PROJECT OVERVIEW:

In 2004 the Planning Commission approved a General Development Plan for the Moss Landing Harbor District to allow among other things demolition of an existing restaurant and establishment of building pads for a future restaurant and interpretive center/commercial building. The restaurant was to replace Maloney's which was being demolished and the commercial building was to house office space for the Moss Landing Harbor District. The intention was that these buildings would be processed under a Design Approval since the GDP already evaluated the site and use.

The GDP approved in 2004 included modifications to the parking lot and access to the site. These improvements have not yet been completed but will be completed as part of the permits for this request as this is the last piece of that original GDP. The existing southern most driveway will be closed and the northern driveway will become the only driveway into the site. The parking lot will also need to be restriped to address these changes. All conditions associated with the GDP will need to be implemented associated with this proposed development.

The Moss Landing Harbor District is proposing a single building rather than the two envisioned. The building will be a two story structure rather than two single story structures. The size of the building is 9,499 square feet. The size of the two previously contemplated buildings was 9,500 square feet. The building is proposed as a two story structure that will include a fish market/casual eating area on the first floor with a formal dining area on the second floor. The building has been located to remain above the mean high tide line. The existing Sea Harvest

restaurant will remain. The approved GDP contemplated that the two buildings would be used for a restaurant and office space for the Harbor District. The Harbor District no longer contemplates putting their offices at this location. The use of the site for a restaurant and fish market is consistent with the Visitor Serving Commercial Designation of the Land Use Plan.

The location of the North Harbor is highly visible from Highway 1 and as such there are Land Use Plan policies which address the visual impacts of development at this location. The proposed use is consistent with the Land Use and Zoning designation of the property which is Visitor Serving Commercial. A fish market/restaurant qualifies as a Visitor Serving use.

Project Analysis

The site design issues and associated resource issues associated with the site are addressed as part of the General Development Plan. The primary concern is related to the visual impact of the building. The following polices from the Moss Landing Community Plan within the North Coast Land use Plan are applicable to this site:

5.6.3.6

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.

5.6.3.7.a

Recreational Boating/Visitor-Serving - Design standards should enhance the recreational boating/visitor serving/restaurant character of the North Harbor area. To maximize views of the harbor, building heights should be single and two story. Structures should be small scale; the use of horizontal natural or painted wood siding should be encouraged; if soil conditions permit, utility lines for new structures should be placed underground; unsightly storage areas should be adequately screened and set back from the roadway; one restricted point of access from Highway 1 should be developed with a frontage road between the Highway and commercial/restaurant facilities in this area; parking areas should be upgraded.

1. View of Moss Landing Harbor: The existing GDP allows two buildings in the approximate location of the proposed structure. Two buildings at this location would have a larger footprint to accommodate the proposed building area. The two story design will involve a taller building, but will reduce the footprint. The smaller footprint will preserve views for southbound traffic of the harbor and channel inlet along the coast. There will be views between the proposed building and the existing building of the channel inlet, and views of the harbor to the east of the building. A massing study prepared by the applicant shows that a single story building with the same area, would completely obscure both the channel inlet and the harbor for southbound traffic.
2. Building Size and Massing: North County Coastal Land Use Policy 5.6.3.7.a cited above identifies that buildings should be single and two story structures. The proposed building is a two story structure with a height of 35 feet. This is consistent with the height limitation of the Visitor Service Zoning District. The existing restaurant on site is a single story building and this structure will be taller and with a bigger mass.
3. Building materials and colors. The proposed materials consist of metal roofing and a combination of metal siding and cement plaster siding with an anodized aluminum storefront

window system. The materials are consistent with other materials used in the Moss Landing Community, and are consistent with the adjacent structure housing the Sea Harvest Restaurant. The standing seam metal roof will be a dark green, with the siding plaster being a light gray and the metal siding being a darker gray. The trash enclosure area is enclosed with standing seam metal siding will be painted a dark red. This is shown on the colored renderings submitted as part of the plans.

4. Building Design. The building design incorporates themes of an old cannery with the metal siding and roof elements. This is consistent with the traditional fisheries industry within Moss Landing. The building does include elements to give it a visitor focused appeal with the aluminum anodized window system and cement plaster elements. This is particularly true of the south facing elevation which is largely composed of windows to take advantage of views of the harbor and channel inlet.

Environmental Review

For the project approved in 2004 was undertaken by the Harbor District. The Harbor District was the Lead Agency and took responsibility for preparing the Initial Study and Mitigated Negative Declaration. The Mitigated Negative Declaration was adopted by the Harbor District on June 27, 2002. The Planning Commission in approving the General Development Plan affirmed the conclusions contained in the Harbor District's Mitigated Negative Declaration.

Recommendation

Staff Recommends that the Planning Commission approve once again affirm the conclusions of the Initial Study and approve the Design Approval.

OTHER AGENCY INVOLVEMENT: The following agencies and departments reviewed this project:

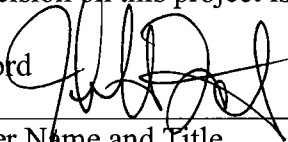
RMA - Public Works Department
Environmental Health Bureau
Water Resources Agency
North County Fire Protection District

Agencies that submitted comments are noted with a check mark ("✓"). Conditions recommended by have been incorporated into the Condition Compliance/Mitigation Monitoring and Reporting Plan attached to the draft resolution (**Exhibit B**).

On January 21, 2013 the North County Coastal Land Use Advisory Committee reviewed the project and unanimously (3-0) recommended approval of the project. The LUAC did not express any concerns with the design of the project.

Note: The decision on this project is appealable to the Board of Supervisors.

/S/ John H. Ford



Project Planner Name and Title
(831) 755-5158, fordjh@co.monterey.ca.us
(February 5, 2014)

cc: Front Counter Copy; Planning Commission; North County Fire Protection District; RMA-Public Works Department; Environmental Health Bureau; Water Resources Agency; California Coastal Commission; Caltrans District 5); John Ford, Project Planner; Moss Landing Harbor District, Owner; Ken Turgen Agent; The Open Monterey Project; Land Watch; Planning File PLN130350

Attachments: Exhibit A (No Exhibit A)
Exhibit B Draft Resolution, including:
• Site Plan, Floor Plan and Elevations,
Exhibit C Staff Report and Mitigated Negative Declaration for General Development Plan.
Exhibit D Planning Commission Resolution approving General Development Plan
Exhibit E Advisory Committee Minutes (LUAC)

**EXHIBIT B
DRAFT RESOLUTION**

**Before the Planning Commission in and for the
County of Monterey, State of California**

In the matter of the application of:

MOSS LANDING HARBOR DISTRICT (PLN130350)

RESOLUTION NO. ----

Resolution by the Monterey County Planning
Commission:

- 3) Certify that it has reviewed and considered the previously adopted Negative Declaration; and
- 4) Approving a Design Approval to allow construction of a 9,499 square foot two story restaurant and fish market in the North Harbor area of Moss Landing.

[PLN130350, Moss Landing Harbor District, Highway 1 north of Elkhorn Slough, North County Coastal, Moss Landing Community Plan (APN: 413-022-003, 005)]

The North Harbor Restaurant application (PLN130350) came on for public hearing before the Monterey County Planning Commission on February 12, 2014. Having considered all the written and documentary evidence, the administrative record, the staff report, oral testimony, and other evidence presented, the Planning Commission finds and decides as follows:

FINDINGS

1. **FINDING:** **PROJECT DESCRIPTION** – The proposed project is a Design Approval to allow construction of a 9,499 square foot two story restaurant and fish market in the North Harbor area of Moss Landing. The property is located at 2420 Highway 1, Moss Landing
EVIDENCE: The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN130350.

2. **FINDING:** **CONSISTENCY** – The Project, as conditioned, is consistent with the applicable plans and policies which designate this area as appropriate for development.
EVIDENCE: a) During the course of review of this application, the project has been reviewed for consistency with the text, policies, and regulations in:
 - the 1982 Monterey County General Plan;
 - North County Coastal, Moss Landing Community Plan;
 - Monterey County Coastal Implementation Plan Part 2-5;
 - Monterey County Zoning Ordinance (Title 20);

- Monterey County Subdivision Ordinance (Title 19);
- Moss Landing Community Plan

No conflicts were found to exist. No communications were received during the course of review of the project indicating any inconsistencies with the text, policies, and regulations in these documents.

- b) The property is located at 2420 Highway 1 north of Elkhorn Slough (Assessor's Parcel Number 413-022-003, 005), North County Coastal, Moss Landing Community Plan. The parcel is zoned VSC (CZ) -- Visitor Serving Commercial (Coastal Zone), which allows restaurants and a fish market subject to approval of a General Development Plan. On February 25, 2004 the Planning Commission approved a General Development Plan for the subject site. Therefore, the project is an allowed land use for this site.
- c) The project planner conducted a site inspection on November 7, 2013 to verify that the project on the subject parcel conforms to the plans listed above.
- d) View of Moss Landing Harbor: The existing GDP allows two buildings in the approximate location of the proposed structure. Two buildings at this location would have a larger footprint to accommodate the proposed building area. The two story design will involve a taller building, but will reduce the footprint. The smaller footprint will preserve views for southbound traffic of the harbor and channel inlet along the coast. There will be views between the proposed building and the existing building of the channel inlet, and views of the harbor to the east of the building. A massing study prepared by the applicant shows that a single story building with the same area, would completely obscure both the channel inlet and the harbor for southbound traffic.

Building Size and Massing: North County Coastal Land Use Policy 5.6.3.7.a cited above identifies that buildings should be single and two story structures. The proposed building is a two story structure with a height of 35 feet. This is consistent with the height limitation of the Visitor Service Zoning District. The existing restaurant on site is a single story building and this structure will be taller and with a bigger mass.

Building materials and colors. The proposed materials consist of metal roofing and a combination of metal siding and cement plaster siding with an anodized aluminum storefront window system. The materials are consistent with other materials used in the Moss Landing Community, and are consistent with the adjacent structure housing the Sea Harvest Restaurant. The standing seam metal roof will be a dark green, with the siding plaster being a light gray and the metal siding being a darker gray. The trash enclosure area is enclosed with standing seam metal siding will be painted a dark red. This is shown on the colored renderings submitted as part of the plans.

Building Design. The building design incorporates themes of an old cannery with the metal siding and roof elements. This is consistent with the traditional fisheries industry within Moss Landing. The building

does include elements to give it a visitor focused appeal with the aluminum anodized window system and cement plaster elements. This is particularly true of the south facing elevation which is largely composed of windows to take advantage of views of the harbor and channel inlet.

- e) The project was referred to the North County Coastal Land Use Advisory Committee (LUAC) for review. Based on the LUAC Procedure guidelines adopted by the Monterey County Board of Supervisors per Resolution No. 08-338, this application did warrant referral to the LUAC because it is a Design Approval requiring a public hearing. The LUAC recommended approval with a 3-0 vote.
- f) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN130350.

3. **FINDING:** **SITE SUITABILITY** – The site is physically suitable for the use proposed.

- EVIDENCE:**
- a) The project has been reviewed for site suitability by the following departments and agencies: RMA - Planning Department, North County Fire Protection District, Public Works, and Environmental Health Bureau. There has been no indication from these departments/agencies that the site is not suitable for the proposed development. Conditions recommended have been incorporated.
 - b) Staff conducted a site inspection on November 7, 2013 to verify that the site is suitable for this use.
 - c) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN130350.

4. **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:**
- a) The project was reviewed by the RMA - Planning Department, North County Fire Protection District, Public Works, and Environmental Health Bureau. The respective agencies 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.
 - b) Necessary public facilities are available. The site has been granted sufficient sewer flow to handle this facility, and water is available for this use.
 - c) Staff conducted a site inspection on November 7, 2013 to verify that the site is suitable for this use.

- d) The application, project plans, and related support materials submitted by the project applicant to the Monterey County RMA - Planning Department for the proposed development found in Project File PLN130350.

5. **FINDING:** **NO VIOLATIONS** - The 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. No violations exist on the property.

- EVIDENCE:**
- a) Staff reviewed Monterey County RMA - Planning Department and Building Services Department records and is not aware of any violations existing on subject property.
 - b) Staff conducted a site inspection on November 7, 2013 and researched County records to assess if any violation exists on the subject property.
 - c) The application, plans and supporting materials submitted by the project applicant to the Monterey County Planning Department for the proposed development are found in Project File PLN130350.

6. **FINDING:** **CEQA (Mitigated Negative Declaration)** - On the basis of the whole record before the Monterey County Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The County as the decision-making body of a Responsible Agency hereby certifies that it reviewed and considered the information contained in the Lead Agency's (Harbor District's) Mitigated negative Declaration and Mitigation Monitoring Program prior to action upon or approving the project.

- EVIDENCE:**
- a) Environmental Assessment/initial Study/mitigated negative Declaration (EA/IS/MND). The following document is on file in the office of the RMA Planning Department and is hereby incorporated by reference (PLN020485/Moss Landing Harbor District)

Mitigated Negative Declaration filed with the State Clearinghouse on July 5, 2002 (SCH2002021118) for "North Harbor Shoreline Protection Project Mitigated Finding of No Significant Impact/Mitigated Negative Declaration".

- b) The Monterey County Planning Department, located at 168 W. Alisal, 2nd Floor, Salinas, California, 93901, is the custodian of documents and other materials that constitute the record of proceedings upon which the decision to adopt the negative declaration is based.

7. **FINDING:** **APPEALABILITY** - The decision on this project may be appealed to the Planning Commission/Board of Supervisors and not the California Coastal Commission

- EVIDENCE:**
- a) Section 20.44.070 of the Monterey County Zoning Ordinance states that the proposed project is appealable to the Board of Supervisors.
 - b) Section 20.44.070 of the Monterey County Zoning Ordinance states that the proposed project is not subject to appeal by/to the Coastal

Commission because it is a Design Approval and not a Coastal Development Permit.

DECISION

NOW, THEREFORE, based on the above findings and evidence, the Planning Commission does hereby:

1. Certify that it has reviewed and considered the previously adopted Negative Declaration;
2. Approve the Design Approval to allow construction of a 9,499 square foot two story restaurant and fish market in the North Harbor area of Moss Landing. The property is located at 2420 Highway 1, Moss Landing , in general conformance with the attached sketch/tentative map and subject to the General Development Plan (PLN020485), all being attached hereto and incorporated herein by reference; and

PASSED AND ADOPTED this 12th day of February, 2014 upon motion of xxxx, seconded by xxxx, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Mike Novo, Secretary, Planning Commission

COPY OF THIS DECISION MAILED TO APPLICANT ON DATE

THIS APPLICATION IS APPEALABLE TO THE PLANNING COMMISSION.
IF ANYONE WISHES TO APPEAL THIS DECISION, AN APPEAL FORM MUST BE COMPLETED AND SUBMITTED TO THE SECRETARY OF THE PLANNING COMMISSION / CLERK TO THE BOARD ALONG WITH THE APPROPRIATE FILING FEE ON OR BEFORE [DATE]

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.

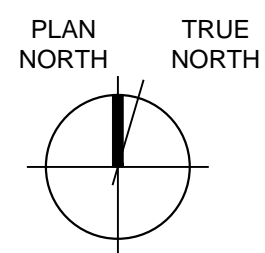
NOTES

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 Department and Building Services Department office in Salinas.

2. This permit expires 3 years after the above date of granting thereof unless construction or use is started within this period.



1

SITE PLAN

SCALE: 1" = 60'-0"

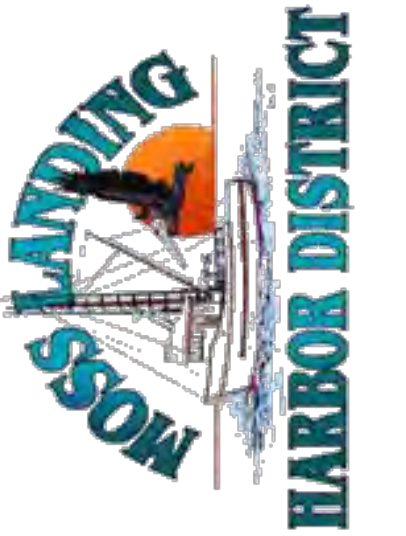
KEY NOTES

THE KEY NOTES THAT FOLLOW APPLY TO THE DRAWING(S) ON THIS SHEET ONLY. REFER TO FOLLOWING SHEETS FOR NOTES THAT ARE APPLICABLE TO THOSE DRAWINGS.

- 1 .
- 2 .

WR&D
WALD RUHNKE & DOST
ARCHITECTS LLP
 2340 GARDEN ROAD, SUITE 100
 MONTEREY, CALIFORNIA 93940
 PHONE: 831.649.4642
 FAX: 831.649.3530
 WWW.WRDARCH.COM

THE USE OF THE PLANS AND SPECIFICATIONS IS RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED, AND PUBLICATION HEREOF IS EXPRESSLY LIMITED TO SUCH USE. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT AND VISUAL CONTACT WITH THEM CONSTITUTES PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.



MOSS LANDING HARBOR DISTRICT
NORTH HARBOR RESTAURANT

A.P.N. 413-022-003 8005

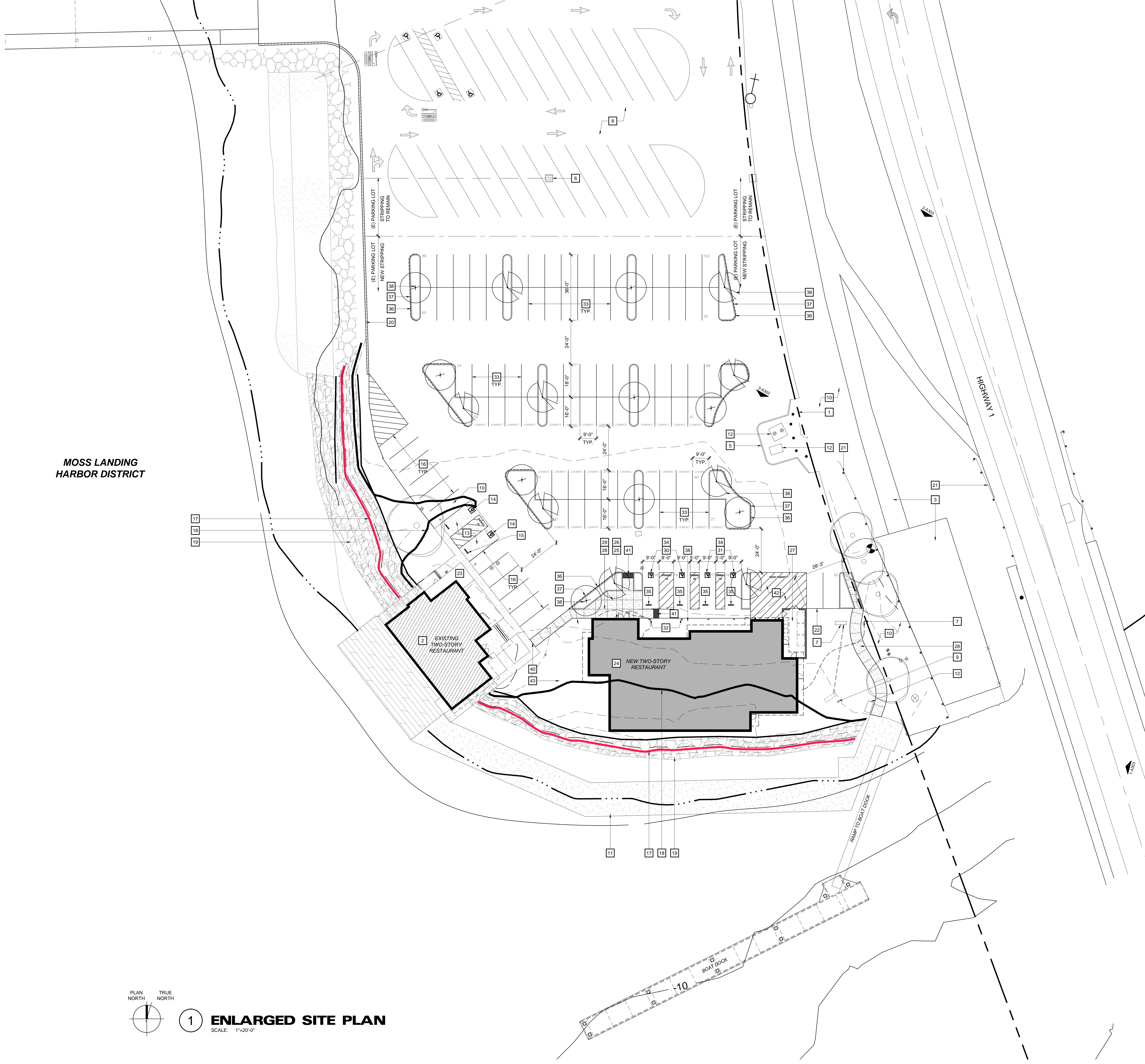
SANDHOLDT ROAD
 MOSS LANDING, CA 95039

JOB NO:
12158
 PRINT DATE:
 PLOT DATE: 12.12.2013
 DRAWN BY:
 CHECKED BY:
 SET ISSUED:
 09/06/2013
 SUBMIT FOR MONTEREY COUNTY DESIGN REVIEW

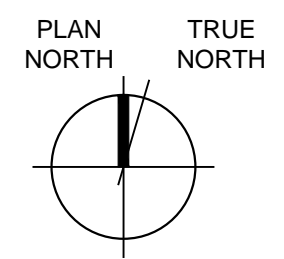
SHEET NAME:
OVERALL SITE PLAN
 SHEET NO.:

A100

FILE NAME: 12158-A100



MOSS LANDING
HARBOR DISTRICT



1 ENLARGED SITE PLAN
SCALE: 1"=20'-0"

KEY NOTES

- THE KEY NOTES THAT FOLLOW APPLY TO THE DRAWING(S) ON THIS SHEET ONLY. REFER TO FOLLOWING SHEETS FOR NOTES THAT ARE APPLICABLE TO THOSE DRAWINGS.
- 1 PROPERTY LINE.
 - 2 EXISTING SEA HARVEST FISH MARKET AND RESTAURANT BUILDING.
 - 3 EXISTING VISITOR ROAD/ PARKING LOT.
 - 4 EXISTING CONCRETE SIDEWALK.
 - 5 EXISTING CONCRETE CURB.
 - 6 EXISTING STORM DRAIN INLET.
 - 7 EXISTING MOSS LANDING HARBOR MONUMENT SIGN TO REMAIN - PROTECT FROM DAMAGE.
 - 8 EXISTING AC PAVED PARKING LOT AND/ OR DRIVEWAY.
 - 9 INDICATES EXISTING EXTERIOR LIGHTING TO REMAIN - PROTECT FROM DAMAGE.
 - 10 EXISTING TREE/ LANDSCAPED AREA.
 - 11 EXISTING MOSS LANDING HARBOR VISITORS DOCK.
 - 12 EXISTING UTILITY POLE
 - 13 EXISTING ACCESSIBLE COMPLIANT VAN PARKING STALLS AND ACCESS AISLE TO REMAIN INTACT - PROTECT FROM DAMAGE.
 - 14 EXISTING PAINTED INTERNATIONAL SYMBOL OF ACCESSIBILITY TO REMAIN INTACT.
 - 15 EXISTING CONCRETE WHEEL STOP.
 - 16 EXISTING 4' WIDE PAINTED PARKING STALL STRIPING TO REMAIN INTACT.
 - 17 EXISTING MEAN HIGH WATER LINE.
 - 18 EXISTING EXTREME HIGH TIDE LINE.
 - 19 INDICATES EXISTING RIP RAP AREA.
 - 20 EXISTING RETAINING WALL.
 - 21 EXISTING GUARD RAIL.
 - 22 EXISTING EDGE OF AC PAVEMENT.
 - 23 EXISTING TRASH / RECYCLE ENCLOSURE.
 - 24 SOLID HATCHED AREA INDICATES PROPOSED BUILDING FOOTPRINT - SEE FLOOR PLANS ON SHEET A201.
 - 25 PROVIDE INTERNATIONAL SYMBOL OF ACCESSIBILITY AT ALL PRIMARY PUBLIC ENTRANCES.
 - 26 NEW EXTERIOR WALKWAY AND DOOR LANDING.
 - 27 NEW TRASH / RECYCLE ENCLOSURE.
 - 28 NEW CONCRETE SIDEWALK.
 - 29 INDICATES CONCRETE CONTROL OR EXPANSION JOINTS AT CONCRETE WALKWAY.
 - 30 INDICATES NEW "VAN ACCESSIBLE" STALL AND ACCESS AISLE.
 - 31 INDICATES NEW STANDARD ACCESSIBLE PARKING STALLS.
 - 32 NEW "VAN ACCESSIBLE" STALL SIGNAGE
 - 33 PROVIDE NEW 4" WIDE PAINTED WHITE PARKING STALL STRIPING PER COUNTY OF MONTEREY STANDARDS.
 - 34 PROVIDE INTERNATIONAL SYMBOL OF ACCESSIBILITY PAINTED ON AC PAVEMENT.
 - 35 PROVIDE CONCRETE WHEEL STOP.
 - 36 PROVIDE 6" HIGH CONCRETE CURB TYPICAL AS SHOWN.
 - 37 INDICATES EXTENT OF 6" HIGH CURBS WHICH SHALL BE PAINTED RED WITH 4" HIGH WHITE LETTERS STATING "FIRE LANES - NO PARKING".
 - 38 INDICATES NEW LANDSCAPED AREA.
 - 39 PROVIDE NEW AC PAVEMENT OVER AGGREGATE BASE AND COMPACTED SOIL SUBGRADE. REFER TO GEOTECH REPORT AND CIVIL DRAWINGS FOR ADDITIONAL NOTATION (WHERE APPLICABLE).
 - 40 NEW CONCRETE WALKWAY FLUSH WITH NEW OR EXISTING A.C. PAVEMENT.
 - 41 PROVIDE DETECTABLE WARNING SURFACE (TRUNCATED DOMES) MIN. 36" IN DEPTH THE ENTIRE LENGTH OF OPENING / LANDING / RAMP AS SHOWN ON PLAN. NEW LOADING/UNLOADING ZONE.
 - 42
 - 43 DASH LINE INDICATES LINE OF ROOF/CANOPY STRUCTURE ABOVE. SEE FLOOR PLAN AND EXTERIOR ELEVATIONS FOR ADDITIONAL NOTATION.

WR&D
WALD RUHNKE & DOST
ARCHITECTS LLP

2340 GARDEN ROAD, SUITE 100
MONTEREY, CALIFORNIA 93940
PHONE: 831.649.4642
FAX: 831.649.3530
WWW.WRDARCH.COM

THE USE OF THE PLANS AND SPECIFICATIONS IS RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED, AND PUBLICATION HEREIN IS EXPRESSLY LIMITED TO SUCH USE. REPRODUCTION OR PUBLICATION BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT AND VISUAL CONTACT WITH THEM CONSTITUTES PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.

MOSS LANDING HARBOR DISTRICT
NORTH HARBOR RESTAURANT

SANDHOLDT ROAD
MOSS LANDING, CA 95039

AP.N. 413-022-003 8005

JOB NO.
12158

PRINT DATE:
PLOT DATE: 12.12.2013

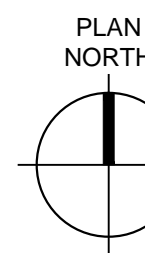
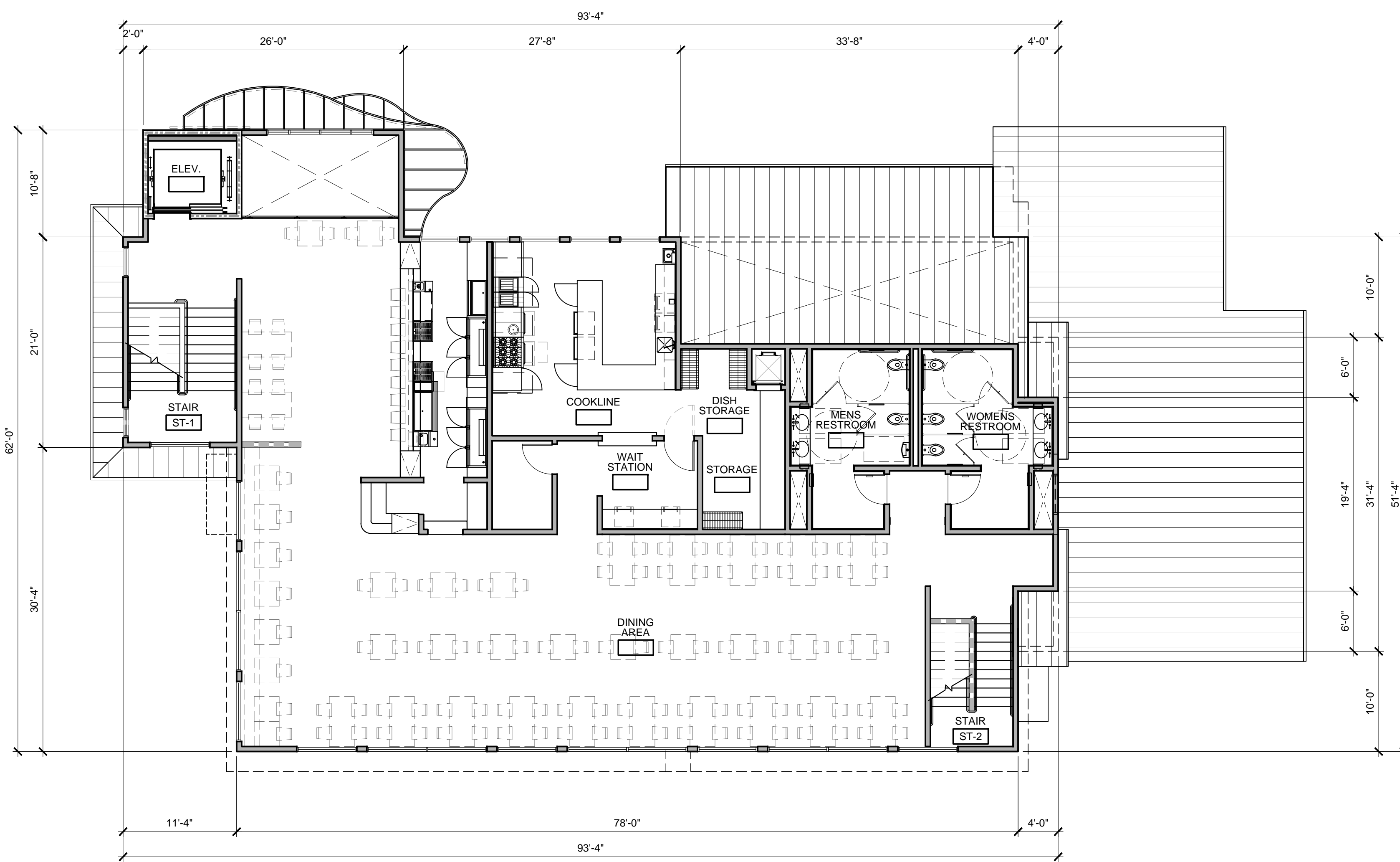
DRAWN BY:
CHECKED BY: FD / KT

SET ISSUED:
09/06/2013
SUBMIT FOR MONTEREY COUNTY DESIGN REVIEW

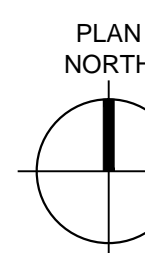
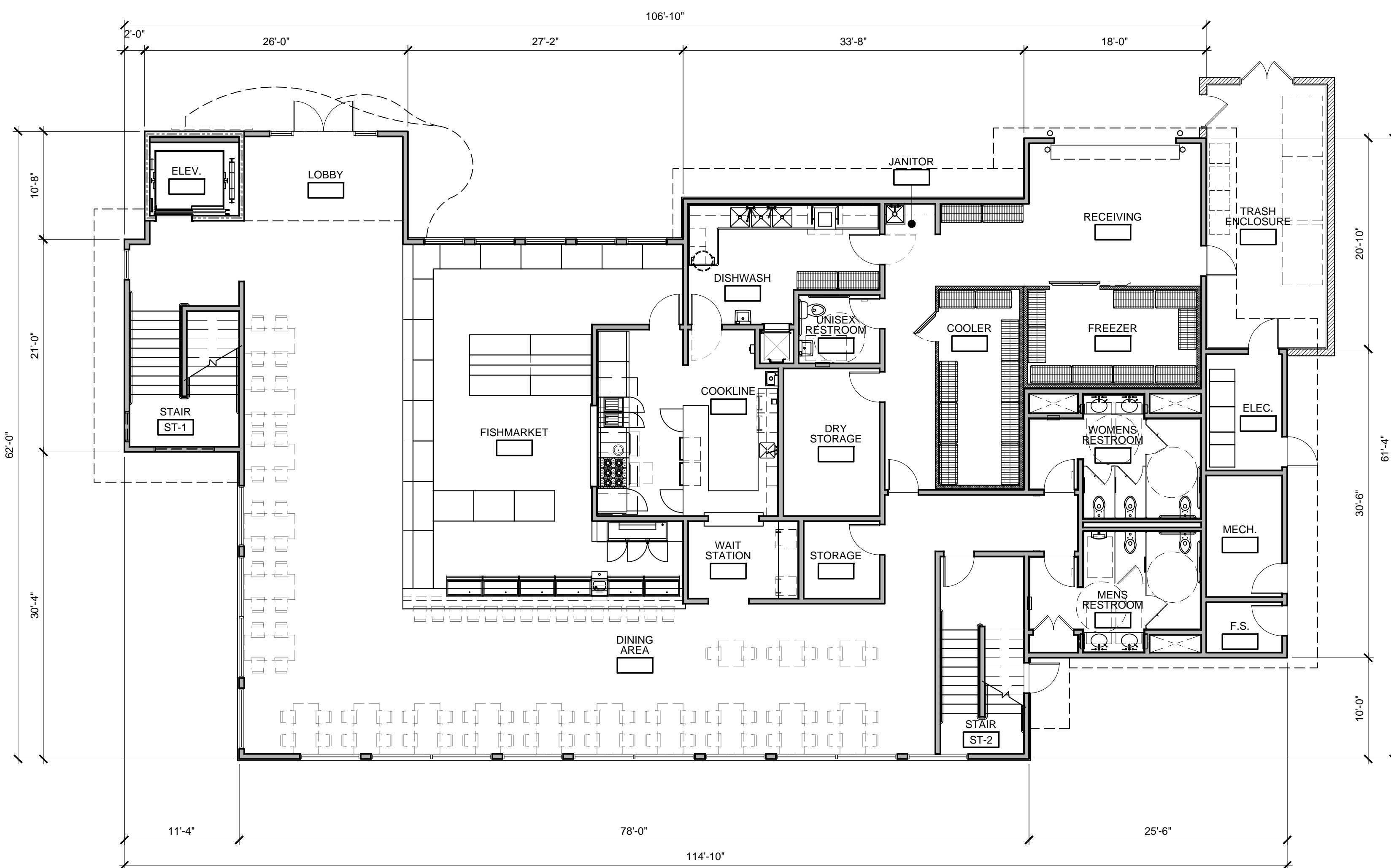
SHEET NAME:
ENLARGED SITE PLAN

SHEET NO.:
A101

FILE NAME: 12158-A101



UPPER FLOOR PLAN
SCALE: 1/8"=1'-0"



LOWER FLOOR PLAN
SCALE: 1/8"=1'-0"

KEY NOTES

THE KEY NOTES THAT FOLLOW APPLY TO THE DRAWING(S) ON THIS SHEET ONLY. REFER TO FOLLOWING SHEETS FOR NOTES THAT ARE APPLICABLE TO THOSE DRAWINGS.

- 1 .
- 2 .



WALD RUHNKE & DOST ARCHITECTS LLP

2340 GARDEN ROAD, SUITE 100

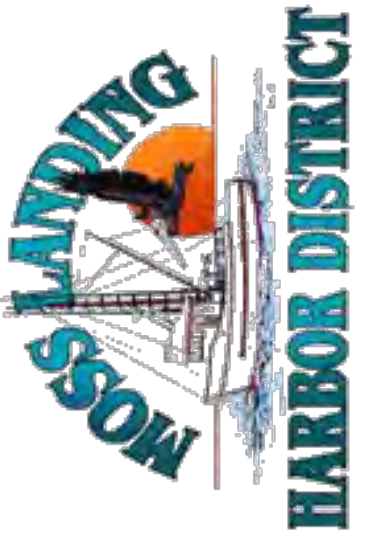
MONTEREY, CALIFORNIA 93940

PHONE: 831.649.4642

FAX: 831.649.3530

WWW.WRDARCH.COM

THE USE OF THE PLANS AND SPECIFICATIONS IS RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED, AND PUBLICATION HEREIN IS EXPRESSLY LIMITED TO SUCH USE. REPRODUCTION OR PUBLICATION BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT AND VISUAL CONTACT WITH THEM CONSTITUTES PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.



**MOSS LANDING HARBOR DISTRICT
NORTH HARBOR RESTAURANT**

A.P.N. 413-022-003 8005

SANDHOLDT ROAD
MOSS LANDING, CA 95039

JOB NO.

12158

PRINT DATE:

12.12.2013

DRAWN BY:

JTI

CHECKED BY:

FD / KT

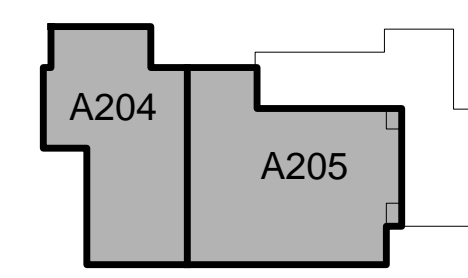
SET ISSUED:

09/06/2013

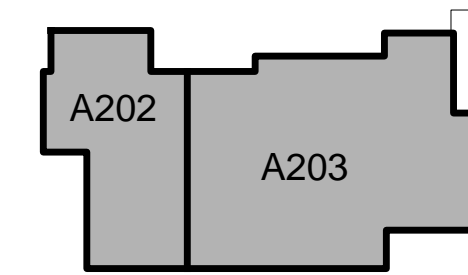
SUBMIT FOR MONTEREY COUNTY DESIGN REVIEW

KEY PLAN

UPPER FLOOR



LOWER FLOOR



SHEET NAME:

UPPER AND LOWER FLOOR PLANS

SHEET NO.:

A201

FILE NAME: 12158-A201

KEY NOTES

THE KEY NOTES THAT FOLLOW APPLY TO THE DRAWING(S) ON THIS SHEET ONLY. REFER TO FOLLOWING SHEETS FOR NOTES THAT ARE APPLICABLE TO THOSE DRAWINGS.

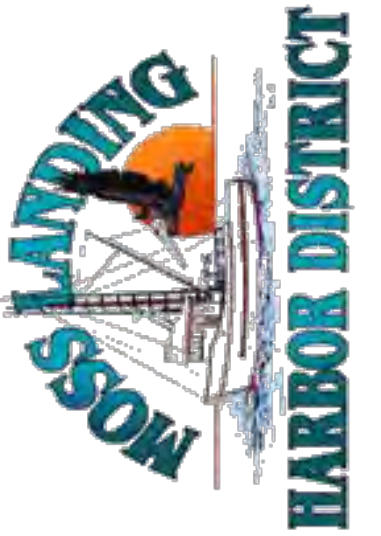
- 1 STANDING SEAM METAL ROOF.
- 2 CORRUGATED METAL SIDING - KYNAR FINISH.
- 3 CEMENT PLASTER.
- 4 CMU TRASH ENCLOSURE.
- 5 ANNOZIDIZED ALUMINUM STOREFRONT WINDOW SYSTEM.



WALD RUHNKE & DOST ARCHITECTS LLP

2340 GARDEN ROAD, SUITE 100
 MONTEREY, CALIFORNIA 93940
 PHONE: 831.649.4642
 FAX: 831.649.3530
 WWW.WRDARCH.COM

THE USE OF THE PLANS AND SPECIFICATIONS IS RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED, AND PUBLICATION HEREIN IS EXPRESSLY LIMITED TO SUCH USE. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD OR IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT AND VISUAL CONTACT WITH THEM CONSTITUTES PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.



MOSS LANDING HARBOR DISTRICT
 NORTH HARBOR RESTAURANT

A.P.N. 413-022-003 8005

SANDHOLDT ROAD
 MOSS LANDING, CA 95039

JOB NO.
12158
 PRINT DATE:
 PLOT DATE: 12.12.2013
 DRAWN BY:
 CHECKED BY:
 SET ISSUED:
 09/06/2013
 SUBMIT FOR MONTEREY COUNTY DESIGN REVIEW

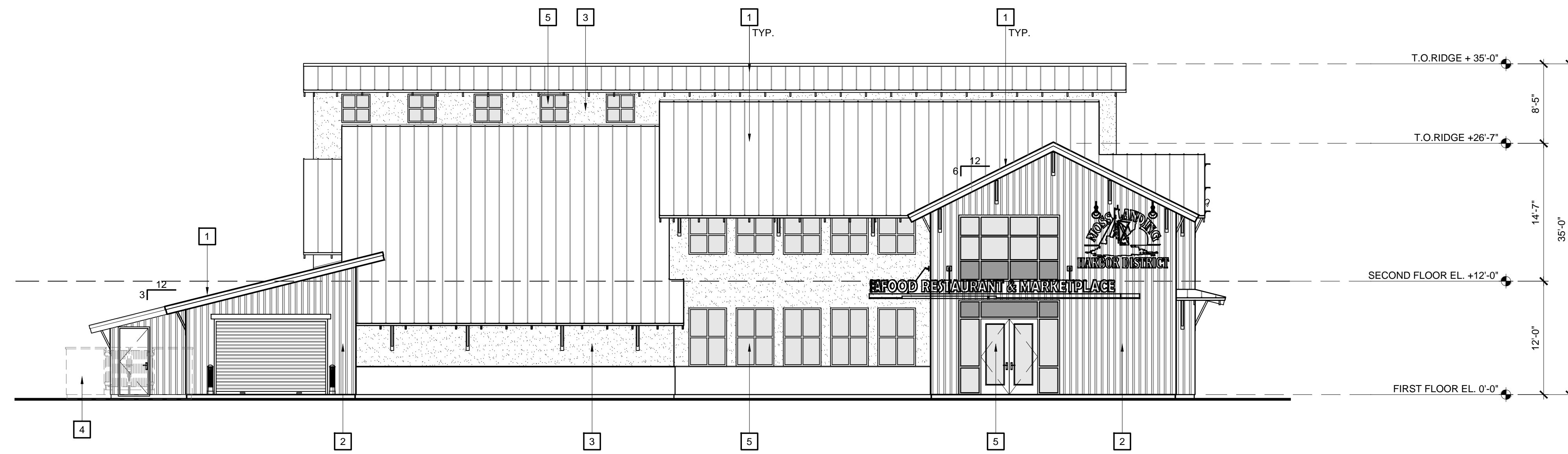
SHEET NAME:

EXTERIOR ELEVATIONS

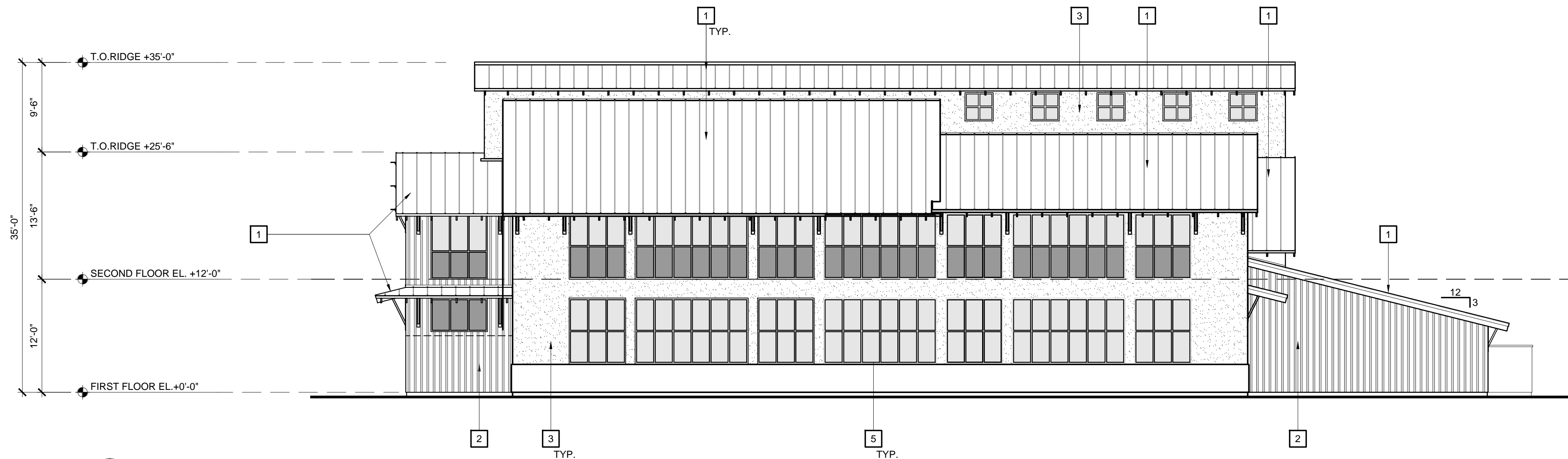
SHEET NO.:

A301

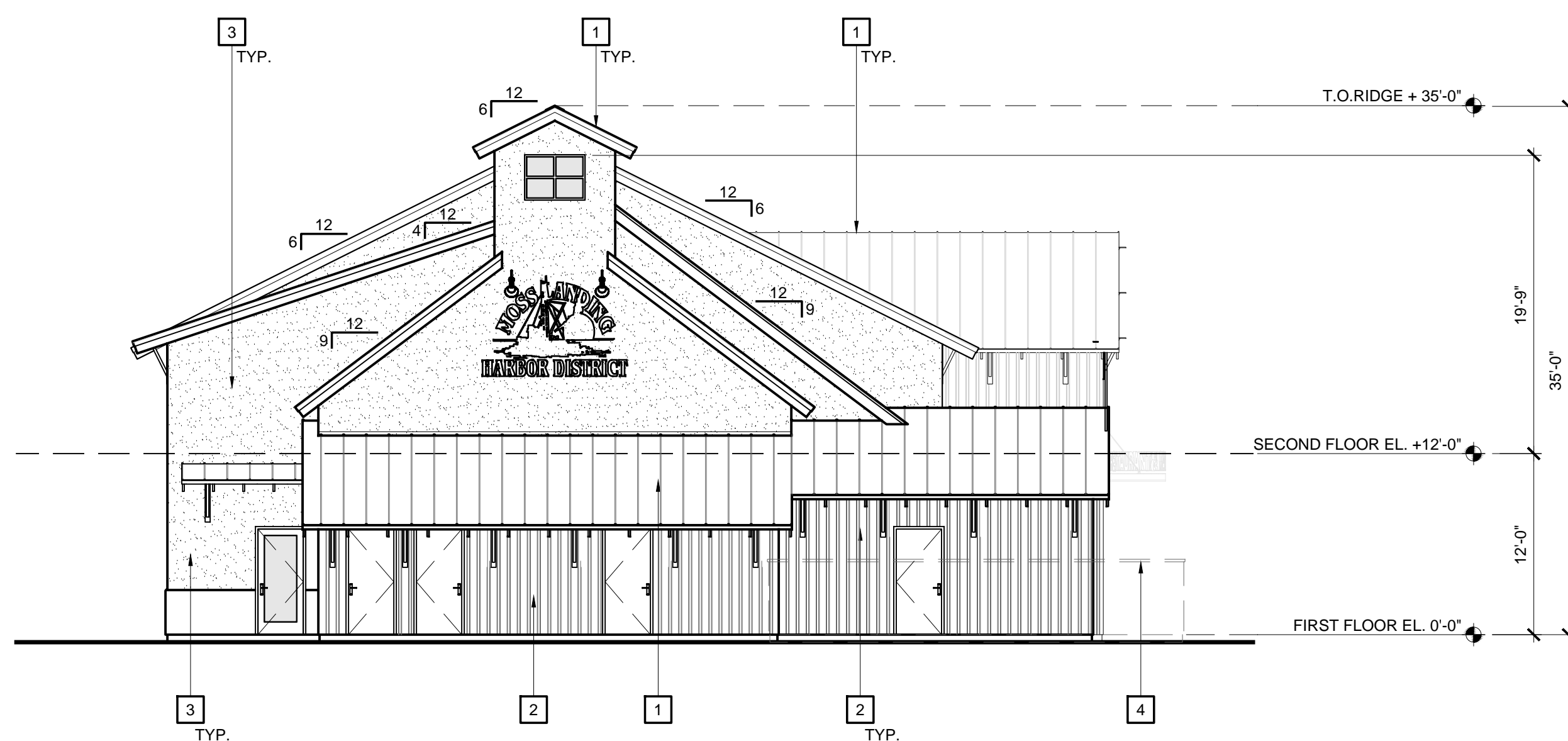
FILE NAME: 12158-A301



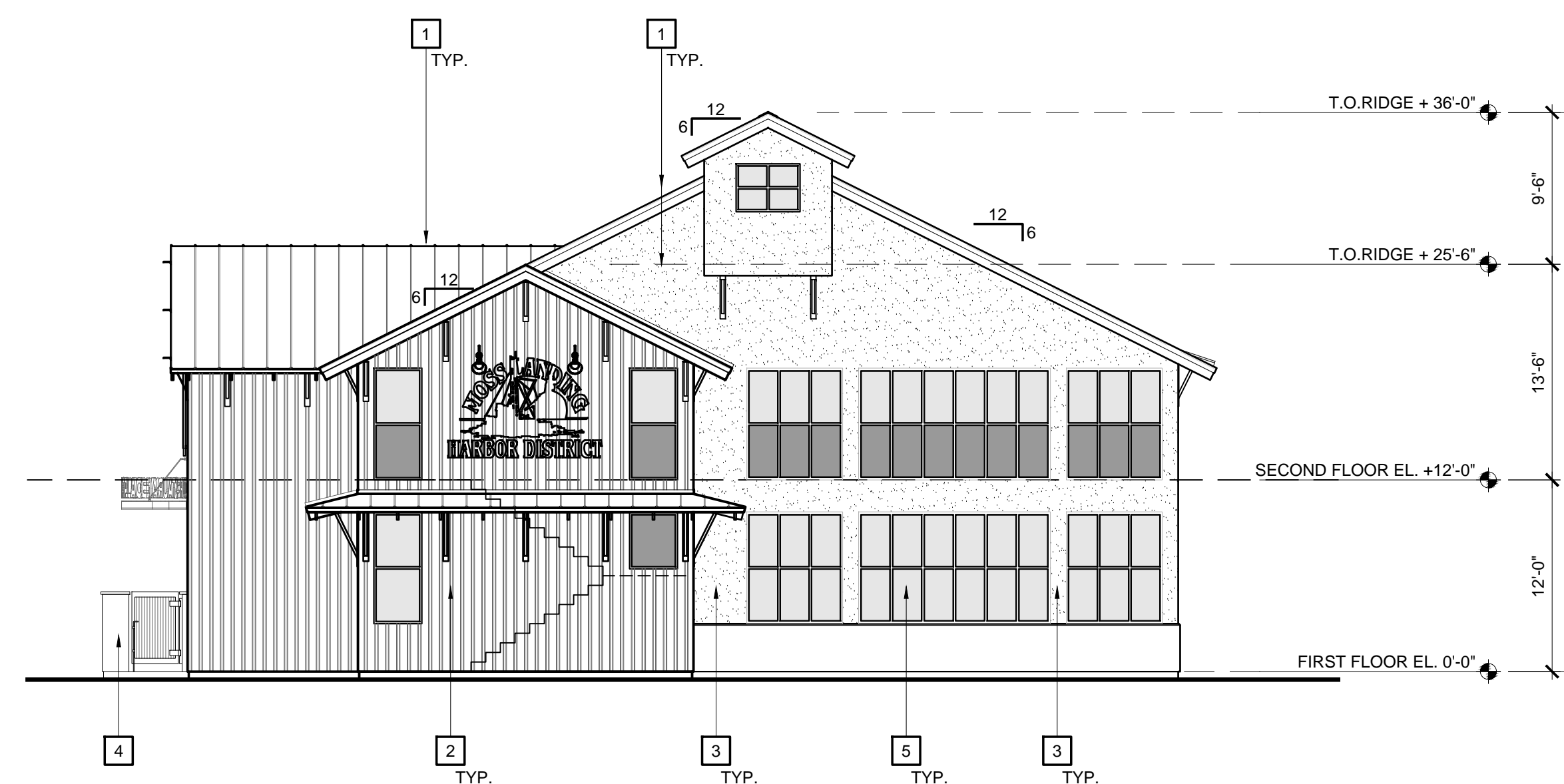
1 NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



3 EAST ELEVATION
 SCALE: 1/8" = 1'-0"



4 WEST ELEVATION
 SCALE: 1/8" = 1'-0"

KEY NOTES

THE KEY NOTES THAT FOLLOW APPLY TO THE DRAWING(S) ON THIS SHEET ONLY. REFER TO FOLLOWING SHEETS FOR NOTES THAT ARE APPLICABLE TO THOSE DRAWINGS.

- 1 STANDING SEAM METAL ROOF.
- 2 CORRUGATED METAL SIDING - KYNAR FINISH.
- 3 CEMENT PLASTER.
- 4 CMU TRASH ENCLOSURE.
- 5 ANNOZIZED ALUMINUM STOREFRONT WINDOW SYSTEM.



WALD RUHNKE & DOST ARCHITECTS LLP

2340 GARDEN ROAD, SUITE 100
 MONTEREY, CALIFORNIA 93940
 PHONE: 831.649.4642
 FAX: 831.649.3530
 WWW.WRDARCH.COM

THE USE OF THE PLANS AND SPECIFICATIONS IS RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED, AND PUBLICATION HEREIN IS EXPRESSLY LIMITED TO SUCH USE. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD OR IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT AND VISUAL CONTACT WITH THEM CONSTITUTES PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.



MOSS LANDING HARBOR DISTRICT
 NORTH HARBOR RESTAURANT

A.P.N. 413-022-003 8005

SANDHOLDT ROAD
 MOSS LANDING, CA 95039

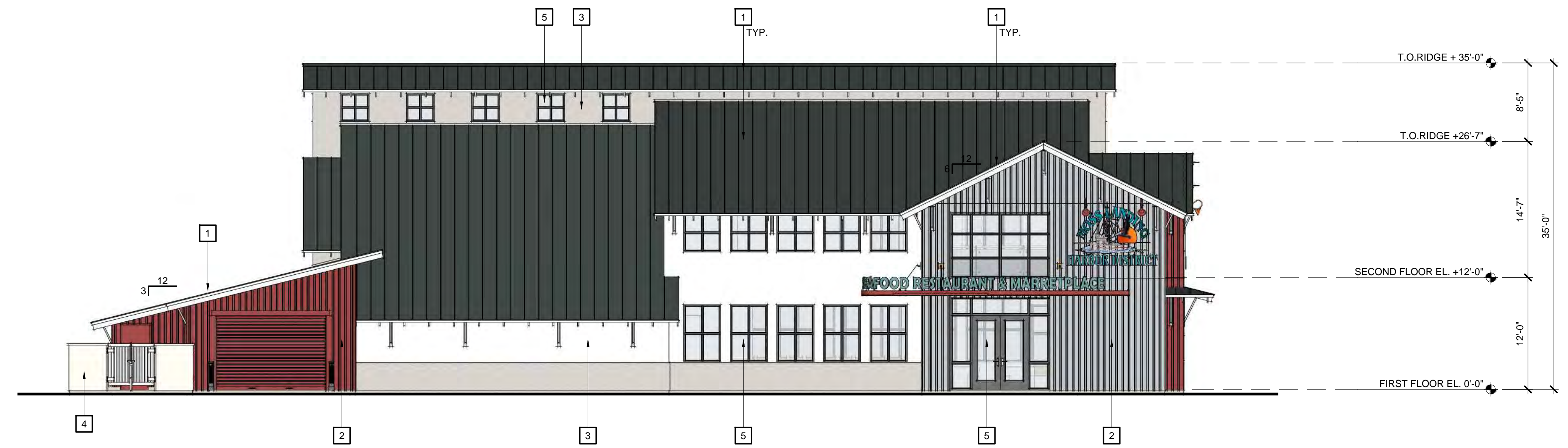
JOB NO.
12158
 PRINT DATE:
 PLOT DATE: 12.12.2013
 DRAWN BY:
 CHECKED BY:
 SET ISSUED:
 09/06/2013
 SUBMIT FOR MONTEREY COUNTY DESIGN REVIEW

SHEET NAME:
COLORED EXTERIOR ELEVATIONS

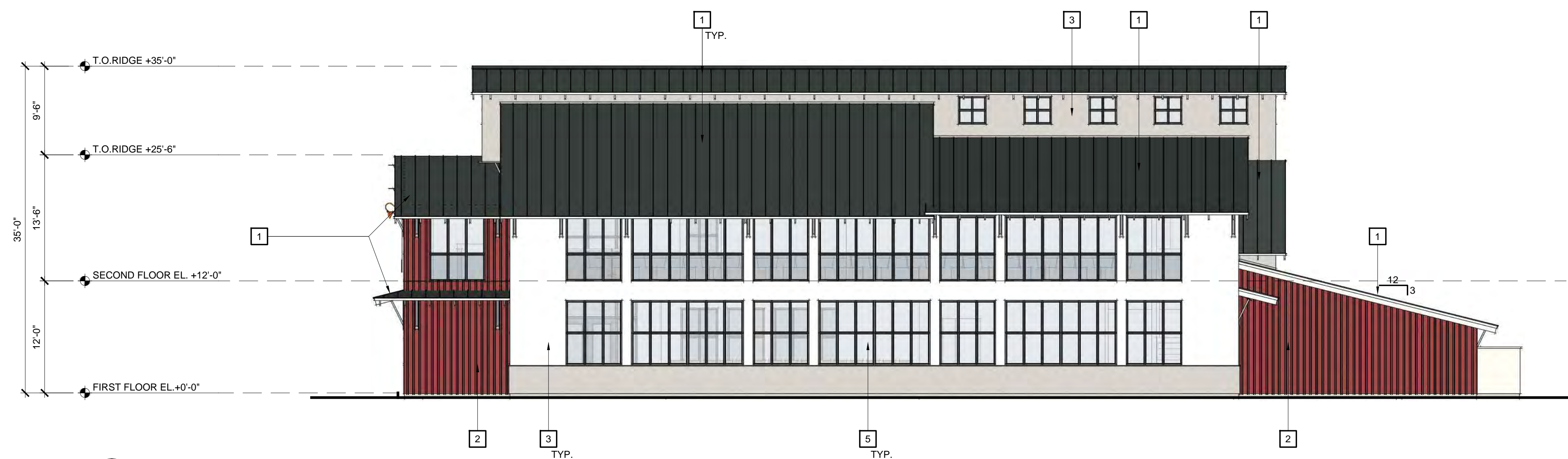
SHEET NO.:

A302

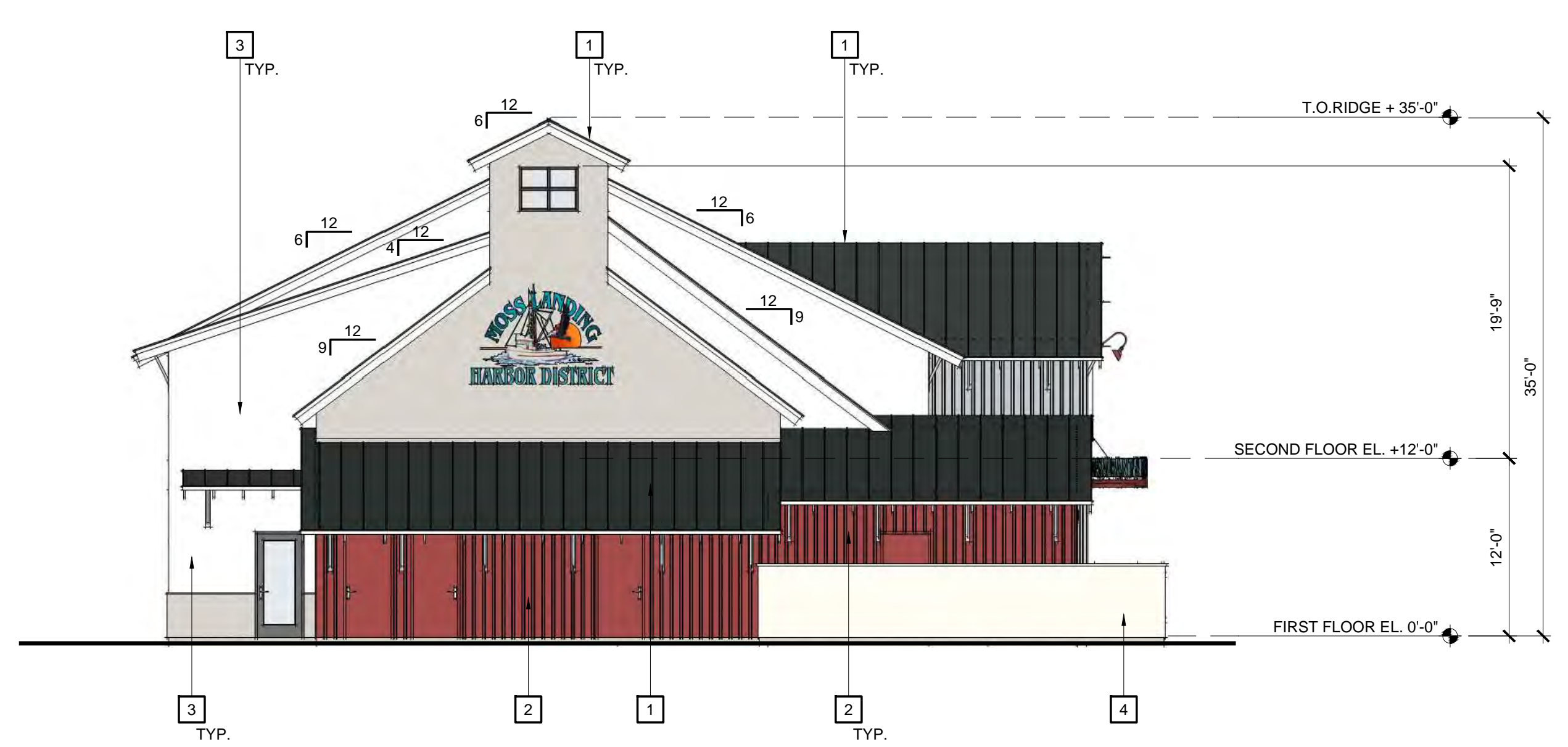
FILE NAME: 12158-A302



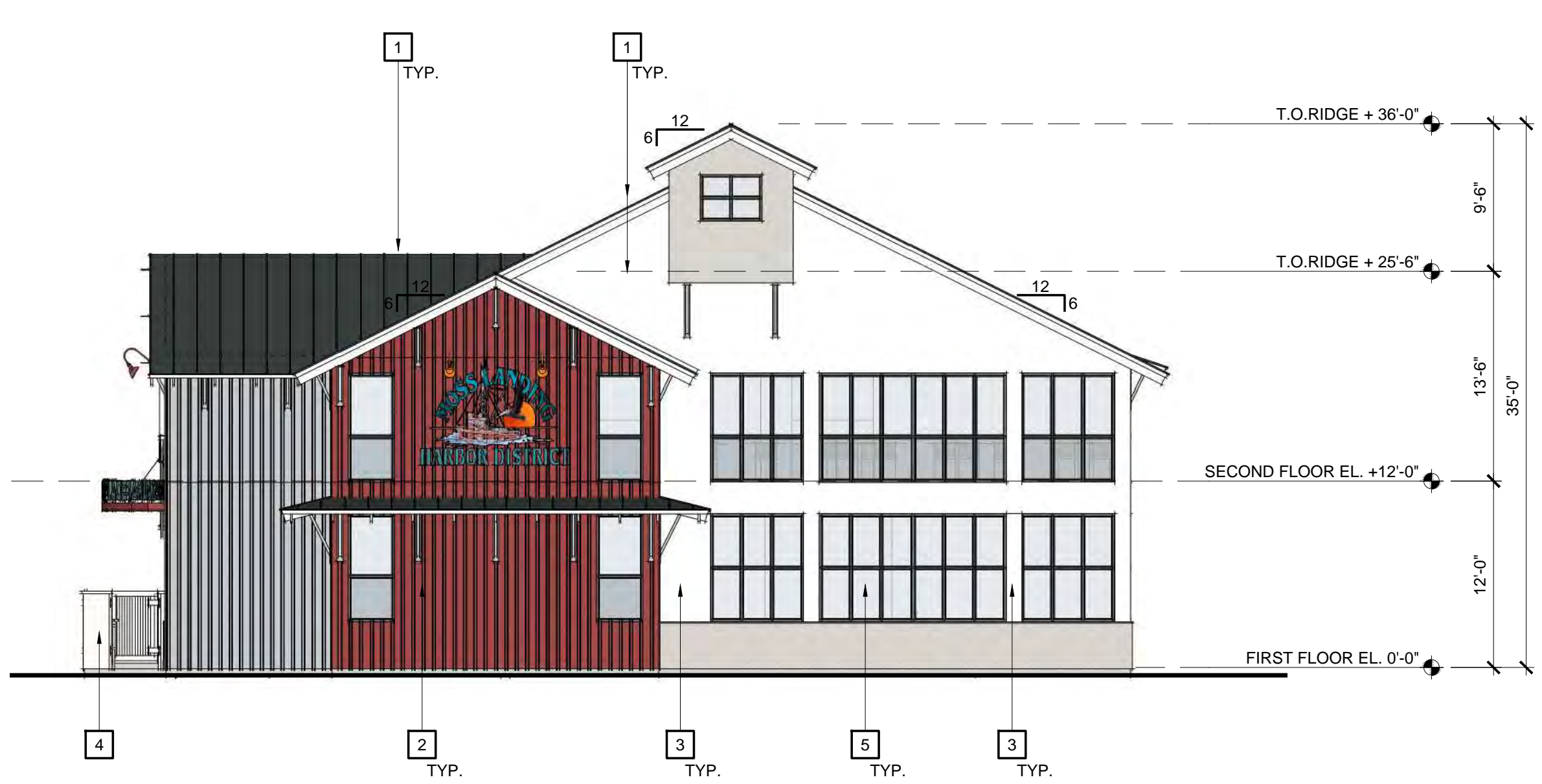
1 NORTH ELEVATION
 SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION
 SCALE: 1/8" = 1'-0"



3 EAST ELEVATION
 SCALE: 1/8" = 1'-0"



4 WEST ELEVATION
 SCALE: 1/8" = 1'-0"



2 PERSPECTIVE FROM HIGHWAY 1
SCALE: N.T.S.



3 PERSPECTIVE FROM HIGHWAY 1
SCALE: N.T.S.



4 PERSPECTIVE FROM PARKING LOT
SCALE: N.T.S.



1 SITE PLAN
SCALE: N.T.S.

THE USE OF THE PLANS AND SPECIFICATIONS IS RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED, AND PUBLICATION HEREIN IS EXPRESSLY LIMITED TO SUCH USE. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD OR IN WHICHEVER MANNER IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT AND VISUAL CONTACT WITH THEM CONSTITUTES PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.

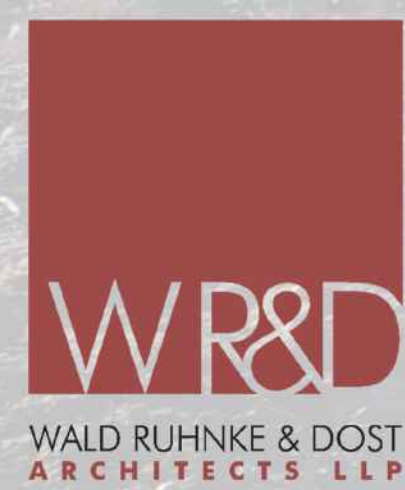


MOSS LANDING HARBOR DISTRICT
NORTH HARBOR RESTAURANT
SANDHOLDT ROAD
MOSS LANDING, CA 95039
A.P.N. 413-022-003 8005

JOB NO. 12158
PRINT DATE: 12.12.2013
DRAWN BY:
CHECKED BY:
SET ISSUED: 09/06/2013
SUBMIT FOR MONTEREY COUNTY DESIGN REVIEW

SHEET NAME: 3D BUILDING PERSPECTIVES
SHEET NO.: A303
FILE NAME: 12158-A303

THE USE OF THE PLANS AND SPECIFICATIONS IS RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED, AND PUBLICATION HEREOF IS EXPRESSLY LIMITED TO SUCH USE. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD OR IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT AND VISUAL CONTACT WITH THEM CONSTITUTES PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.



1 **3D PHOTOREALISTIC**
SCALE:

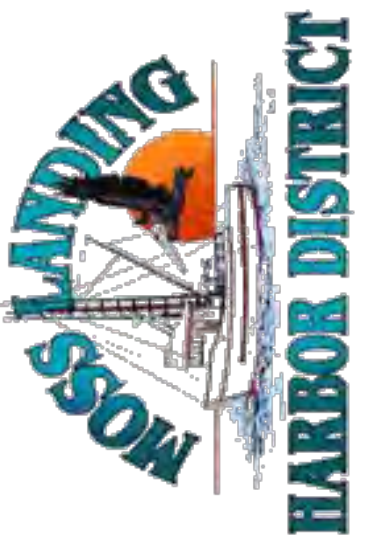
MOSS LANDING HARBOR DISTRICT
NORTH HARBOR RESTAURANT
SANDHOLDT ROAD
MOSS LANDING, CA 95039
A.P.N. 413-022-003 8005

JOB NO.
12158
PRINT DATE:
PLOT DATE: 12.12.2013
DRAWN BY:
CHECKED BY:
SET ISSUED:
09/06/2013
SUBMIT FOR MONTEREY COUNTY DESIGN REVIEW

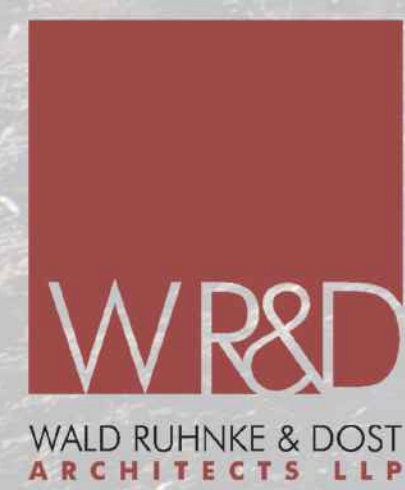
SHEET NAME:
3D PHOTO-REALISTIC

SHEET NO.:
A304

THE USE OF THE PLANS AND SPECIFICATIONS IS RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED, AND PUBLICATION HEREOF IS EXPRESSLY LIMITED TO SUCH USE. REPRODUCTION OR PUBLICATION BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT AND VISUAL CONTACT WITH THEM CONSTITUTES PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.



MOSS LANDING HARBOR DISTRICT
NORTH HARBOR RESTAURANT
 SANDHOLDT ROAD
 MOSS LANDING, CA 95039
 A.P.N. 413-022-003 8005



1 9,500 SF SINGLE STORY STUDY
 SCALE:

JOB NO.
12158
 PRINT DATE:
 PLOT DATE: 12.12.2013
 DRAWN BY:
 CHECKED BY:
 SET ISSUED:
 09/06/2013
 SUBMIT FOR MONTEREY COUNTY DESIGN REVIEW

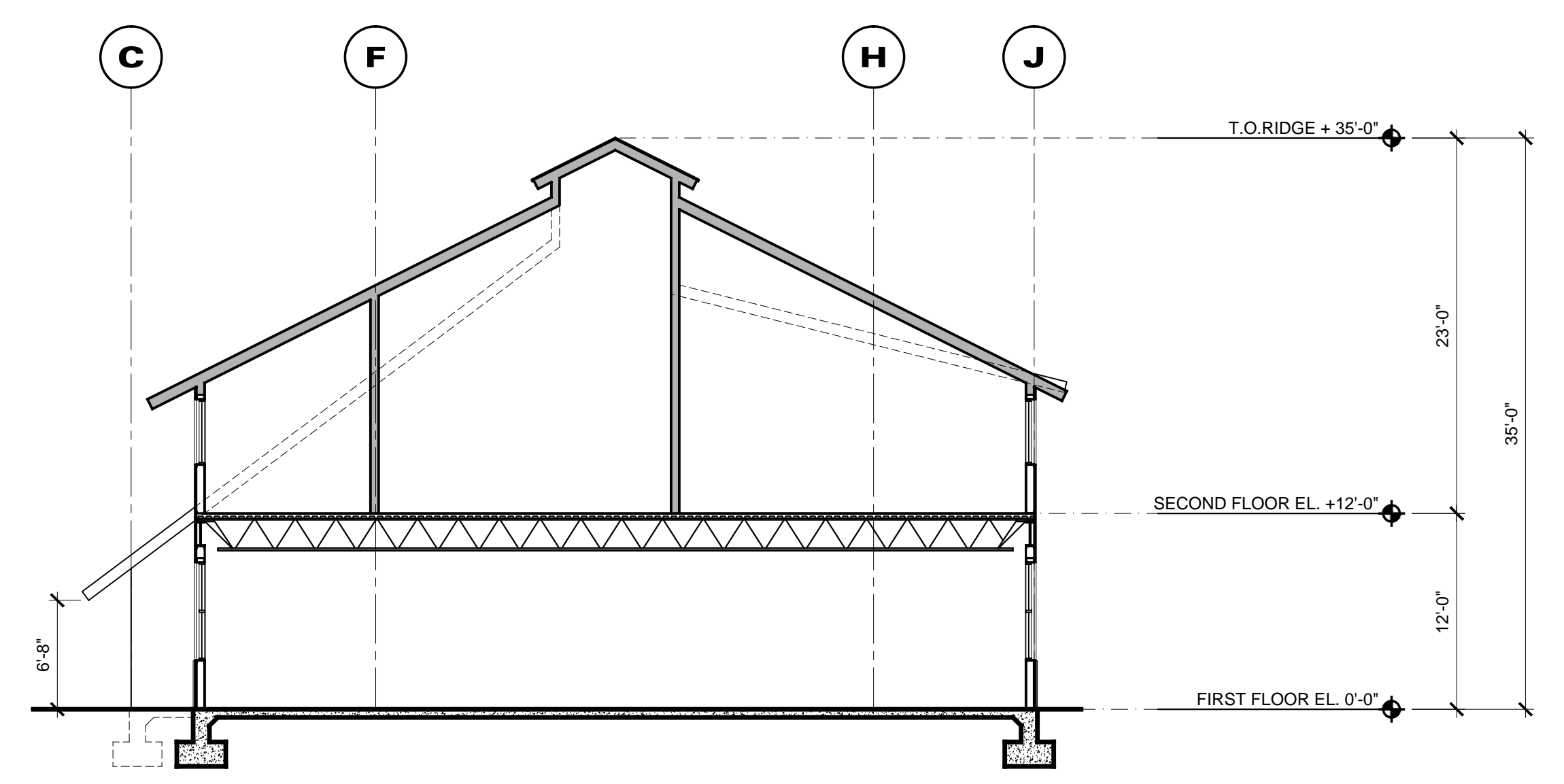
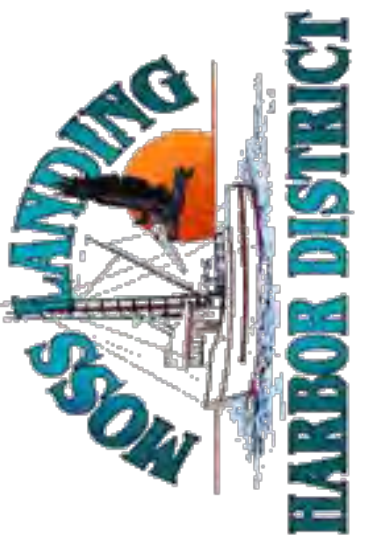
SHEET NAME:
9,500 sf SINGLE STORY STUDY

SHEET NO.:

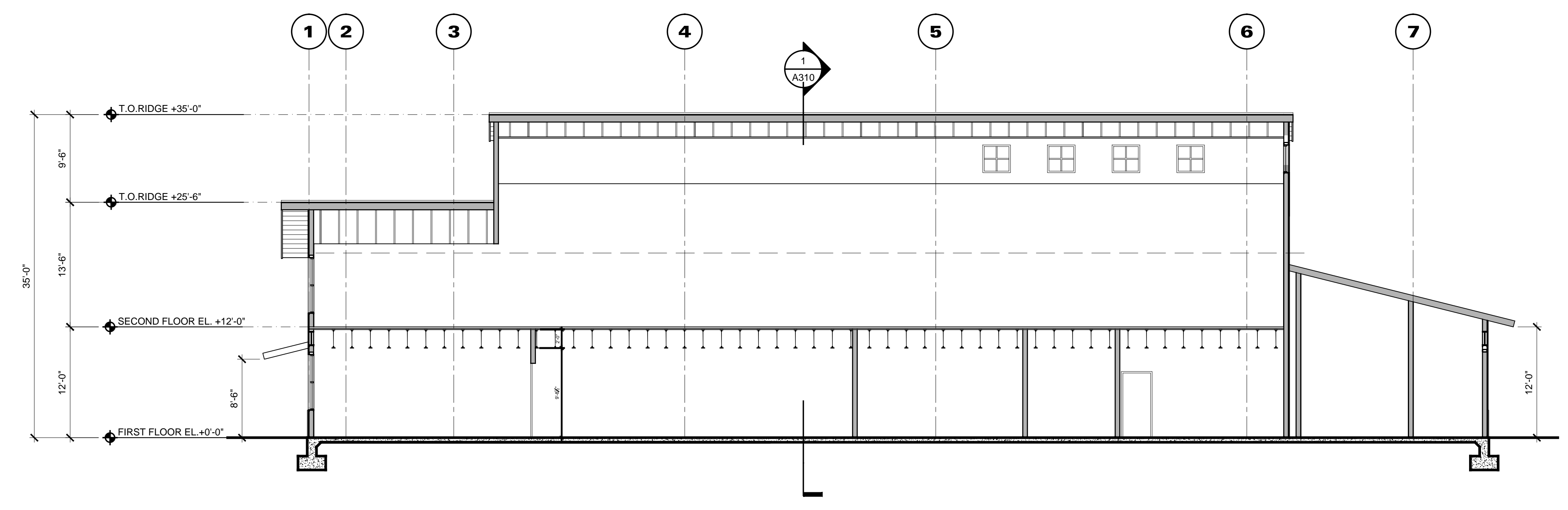
A305

FILE NAME: 12158-A305

THE USE OF THE PLANS AND SPECIFICATIONS IS RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED, AND PUBLICATION HEREOF IS EXPRESSLY LIMITED TO SUCH USE. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD OR IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT AND VISUAL CONTACT WITH THEM CONSTITUTES PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.



1 BUILDING SECTION
 SCALE: 1/8" = 1'-0"



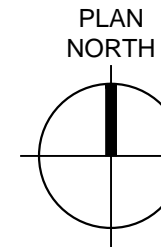
2 BUILDING SECTION
 SCALE: 1/4" = 1'-0"

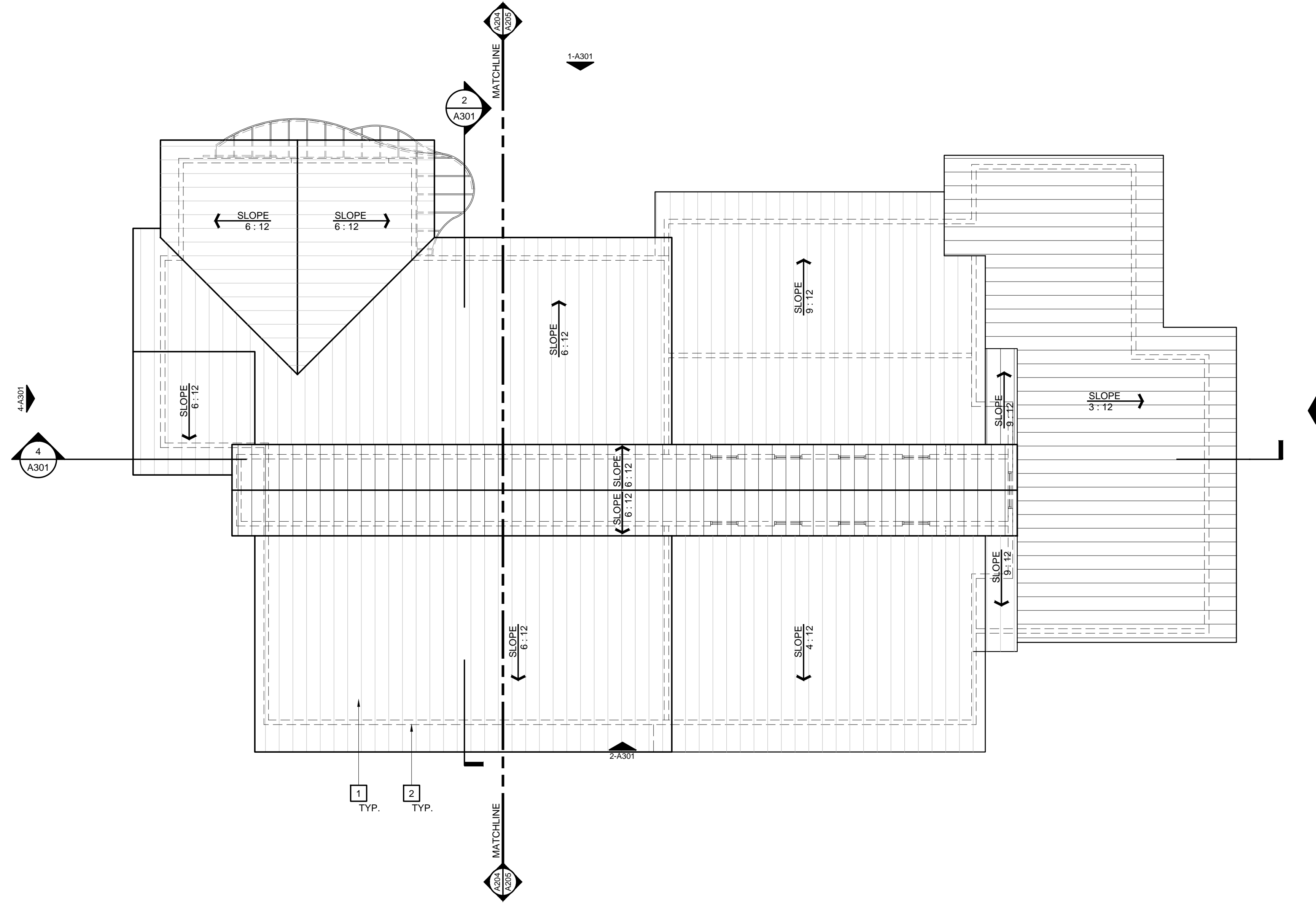
MOSS LANDING HARBOR DISTRICT
NORTH HARBOR RESTAURANT
 SANDHOLDT ROAD
 MOSS LANDING, CA 95039
 A.P.N. 413-022-003 8005

JOB NO.
12158
 PRINT DATE:
 PLOT DATE: 12.12.2013
 DRAWN BY:
 CHECKED BY:
 SET ISSUED:
 09/06/2013
 SUBMIT FOR MONTEREY
 COUNTY DESIGN REVIEW

SHEET NAME:
BUILDING SECTIONS
 SHEET NO.:

SHEET NO.:
A310
 FILE NAME: 12158-A310

PLAN NORTH

ROOF PLAN
 SCALE: 1/8"=1'-0"



KEY NOTES

THE KEY NOTES THAT FOLLOW APPLY TO THE DRAWING(S) ON THIS SHEET ONLY. REFER TO FOLLOWING SHEETS FOR NOTES THAT ARE APPLICABLE TO THOSE DRAWINGS.

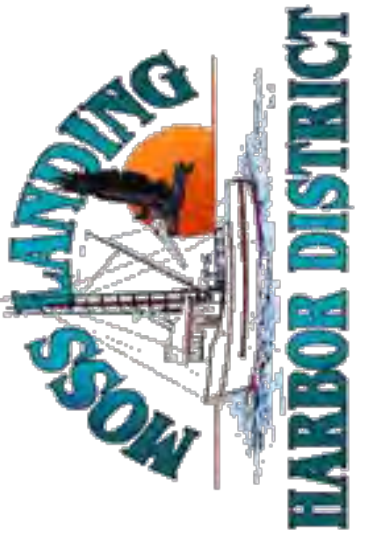
- 1 STANDING SEAM METAL ROOFING SYSTEM (SEE SPECIFICATIONS) - MIN. 12" SPACING BETWEEN SEAMS - O/ 15# ROOFING FELT O/ ROOF SHEATHING.
- 2 DASHED LINE DEPICTS LINE OF BUILDING WALL BELOW.

ROOF PLAN GENERAL NOTES

ROOF VENT CALCULATIONS

CODE ANALYSIS DIAGRAM

THE USE OF THE PLANS AND SPECIFICATIONS IS RESTRICTED TO THE ORIGINAL SITE FOR WHICH THEY WERE PREPARED, AND PUBLICATION HEREOF IS EXPRESSLY LIMITED TO SUCH USE. REUSE, REPRODUCTION OR PUBLICATION BY ANY METHOD IN WHOLE OR IN PART IS PROHIBITED. TITLE TO THE PLANS AND SPECIFICATIONS REMAINS WITH THE ARCHITECT AND VISUAL CONTACT WITH THEM CONSTITUTES PRIMA FACIE EVIDENCE OF THE ACCEPTANCE OF THESE RESTRICTIONS.



MOSS LANDING HARBOR DISTRICT
 NORTH HARBOR RESTAURANT

A.P.N. 413-022-003 8005

SANDHOLDT ROAD
 MOSS LANDING, CA 95039

JOB NO.
12158
 PRINT DATE: 12.12.2013
 PLOT DATE: 12.12.2013
 DRAWN BY: JTI
 CHECKED BY: FD / KT
 SET ISSUED:
 09/06/2013
 SUBMIT FOR MONTEREY COUNTY DESIGN REVIEW

SHEET NAME:
ROOF PLAN

SHEET NO.:
A401

FILE NAME: 12158-A401

EXHIBIT C

MONTEREY COUNTY PLANNING COMMISSION

Meeting:	February 25, 2004 at 9:50 a.m.	Agenda Item: 2
Project:	Combined Development Permit (PLN020485/Moss Landing Harbor District) consisting of: a General Development Plan that includes plans for paved parking, demolition of an existing building, establish building pads for a future restaurant and interpretive center/commercial building, restrooms, a public wharf with seating and walkway, boat launches, vehicle and pedestrian access improvements, transient docks, public coastal trail, relocate the driveway, and new landscaping; a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and Design Approval.	
Location:	Moss Landing North Harbor, between Elkhorn Slough and the Elkhorn Yacht Club, west of Highway 1 (Assessor's Parcel Numbers: 413-022-003, -005 and -010)	
Plan Area:	North County Land Use Plan, Moss Landing Community Plan, Coastal Zone	
Zoning:	VSC (CZ), Visitor Serving Commercial	Flagged and Staked: No
CEQA Action:	Mitigated Negative Declaration adopted by Harbor District Board	
Date Application Deemed Complete:	October 31, 2003	
Department:	Planning and Building Inspection	

RECOMMENDATION: Staff recommends that the Planning Commission:

- 1) CERTIFY that the Commission reviewed and considered the information, and affirms the conclusions contained in the Harbor District's Mitigated Negative Declaration and Mitigation Monitoring Program adopted by the District Board on June 27, 2002 and amended September 18, 2003.
- 2) APPROVE a Combined Development Permit for proposed Moss Landing North Harbor improvements as described above (PLN020485/Moss Landing Harbor District) based on the Findings and Evidence (**Exhibit B**) and subject to proposed Conditions (**Exhibit C**).

OVERVIEW: The Moss Landing Harbor District submitted an application proposing improvements to the North Harbor area that are intended to enhance public use. Proposed improvements occur along the shoreline in a manner that creates a split permitting jurisdiction between the County and the California Coastal Commission. County staff and Coastal Commission staff determined that the proper regulatory and jurisdictional approach is for the Coastal Commission to take the entire permitting authority for any project component directly connected to structures that require foundations/footings below the mean high tide line. The County retains design approval authority for these components as well as permitting authority for all other components (see Table 1, **Exhibit A**). Staff determines that there are no significant issues with the project and conclude that the project implements key policies in the Moss Landing Community Plan directing improvements to the North Harbor by improving circulation and providing enhanced coastal access and recreational opportunities.

As the "lead agency", the Moss Landing Harbor District (Harbor District) is required to prepare and certify environmental documents pursuant to the California Environmental Quality Act (CEQA). The County and the California Coastal Commission are "responsible agencies" because of their permitting authority. As the decision-making body of a Responsible Agency, the Planning Commission must certify that it reviewed and considered the information contained

in the Lead Agency's (Harbor District's) Mitigated Negative Declaration (**Exhibit F**) and affirm the conclusions therein prior to acting upon or approving the project.

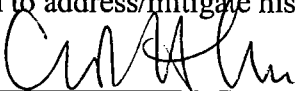
An Environmental Assessment/Initial Study/Mitigated Negative Declaration (EA/IS/MND) was adopted for the North Harbor Shoreline Protection Project on June 27, 2002 by the Harbor District. This document included review of potential impacts related to fill material and eelgrass located within the project area. A revised EA/IS/MND was adopted by the Harbor District on September 18, 2003 to include a historical assessment relative to removing the building known as Maloney's Harbor Inn. Due to the poor condition of the structure, potential impacts to remove the building were mitigated by requiring a memorial plaque and for any new structure to follow a similar size and design as the original building.

See **Exhibit A** for a detailed discussion.

OTHER AGENCY INVOLVEMENT: The following agencies have reviewed the project and those that are checked ("✓") have comments and/or recommended conditions:

✓	Water Resources Agency		Parks Department
	Environmental Health Division		North County Coastal LUAC
✓	Public Works Department		California Coastal Commission
✓	North County Fire District		Historic Resource Review Board (HRRB)

Conditions from the reviewing agencies have been incorporated into the project recommendations. On April 7, 2003, the North County Coastal Land Use Advisory Committee (LUAC) voted 4 to 0 to recommend approval of the project with concerns and recommendations noted relative to supporting emergency demolition of Maloney's Restaurant and storm water runoff (**Exhibit D**). On May 1, 2003, the Historic Resource Review Board (HRRB) also reviewed the project and unanimously voted to recommend amending the North Harbor Improvement Plan to address/mitigate historical aspects of Maloney's Harbor Inn (**Exhibit E**).

Prepared by: 
 Carl P. Holm, AICP, Senior Planner
 (831) 883-7593; holmcp@co.monterey.ca.us

This report reviewed by Jeff Main, AICP, Planning Services Manager, Coastal Team

Cc: Planning Commission (10); County Counsel; Environmental Health; Public Works; Parks, Water Resources Agency; North County Fire, Jeff Main; Carl Holm; Linda Rotharmel, Frances Houston (Representative); Linda McIntyre (Owner); Interested Parties; Project File.

Attachments: Staff Report Data Sheet

- Exhibit "A" Detailed Discussion
- Exhibit "B" Recommended Findings and Evidence
- Exhibit "C" Recommended Conditions
- Exhibit "D" LUAC Minutes, 4/7/03 (PC Only)
- Exhibit "E" HRRB Minutes, 5/1/03 (PC Only)
- Exhibit "F" EA/IS/MND/MMP adopted by Harbor District (PC Only)
- Exhibit "G" Vicinity Map
- Exhibit "H" Project Plans

Notes:

- 1) This project may be appealed to the Board of Supervisors and the California Coastal Commission.
- 2) Attachments are available for review with the project file at the Planning Dept.

STAFF REPORT DATA SHEET

PLN020485

Moss Landing North Harbor Improvement Plan
Planning Commission
February 25, 2004

Project Information for PLN020485

Project Title: MOSS LANDING HARBOR DIST
Location: HWY 1 MOSS LANDING
Applicable Plan: North County Land Use Plan
Permit Type: Combined Development Permit
Environmental Status: Mitigated Negative Declaration Prepare
Advisory Committee: North County (Coastal)

Primary APN: 413-022-010-000
Coastal Zone: Yes
Zoning: VSC (CZ)
Plan Designation: Visitor Serving Commercial
Final Action Deadline (884):

Project Site Data:

Lot Size: 9.53 Ac
Existing Structures (sf): n/a
Proposed Structures (sf): n/a
Total Square Feet: n/a

Coverage Allowed: n/a
Coverage Proposed: n/a
Height Allowed: n/a
Height Proposed: n/a
FAR Allowed: n/a
FAR Proposed: n/a

Resource Zones and Reports:

Environmentally Sensitive Habitat: Yes
Botanical Report #: N/A
Forest Management Rpt. #: N/A

Archaeological Sensitivity Zone: High
Archaeological Report #: N/A

Fire Hazard Zone: urban

Erosion Hazard Zone: mod
Soils/Geotechnical Report #: N/A

Geologic Hazard Zone: mod
Geologic Report #: N/A

Traffic Report #: N/A

Other Information:

Water Source:
Water Dist/Co:
Fire District: North County
Tree Removal: 2 Mont Cypress

Sewage Disposal (method):
Sewer District Name: n/a
Grading (cubic yds.): 0.0

EXHIBIT A
DETAILED DISCUSSION

PLN020485
Moss Landing North Harbor Improvement Plan
Planning Commission
February 25, 2004

EXHIBIT A
DETAILED DISCUSSION
PLN020485-Moss Landing Harbor District
February 25, 2004

A. BACKGROUND

The proposed project involves constructing shoreline protective structures and public access improvements to the Moss Landing North Harbor in order to accommodate existing North Harbor user demand and provide for increased future use of the area consistent with policy directives contained in the Moss Landing Community Plan (MLCP). The project is designed to improve boating and public access facilities, to provide permanent erosion control and wave protection to the inland portions of the North Harbor, and to enhance opportunities for public use of the North Harbor shoreline.

B. PROJECT DESCRIPTION

The proposed project involves the construction of shoreline protection structures, public access, boating facilities, transient docks, and parking lot improvements. In the past, the County permitted portions of projects above the water line and the Coastal Commission permitted the portion below the water line. This resulted in duplicate efforts/conditions to process permits for projects. The Sandholt Bridge is an example where the County permitted the roadway part of the bridge and the Coastal Commission permitted the pilings/footings below the water line.

TABLE 1; JURISDICTION MATRIX		
PROJECT COMPONENT	REVIEW AUTHORITY	
	COUNTY	COASTAL COMMISSION
General Development Plan	Permit	Appeal
CDP for development w/in 100' ESHA	Permit	Appeal
South Dock.	Design	Permit
Warf/Seating Area.	Design	Permit
North Dock.	Design	Permit
Boat Launch/Ramp.	Design	Permit
Tidal Steps.	Design	Permit
Rip Rap.	Design	Permit

Based on a recent review of regulations, Coastal Commission staff determined that they should amend their approach by take permitting authority for any project component that is directly connected to the footings/foundation that fall below the mean high tide line. The County retains design approval jurisdiction for these structures as well as permitting authority for all other project components. Table 1 (above) summarizes the permitting authority for each specific component of the Moss Landing North Harbor project based on this recent premise with a more detailed discussion of these components to follow.

1. **General Development Plan** including:
 - (a) Parking Lot. Includes paving the existing parking area to create 260 spaces (140 cars/120 car and trailer). Sand and oil separators will be installed to improve the quality of storm water runoff from the site. A portion of the

proposed parking lot is located within the Caltrans Highway 1 right of way. The Harbor District proposes to utilize the right of way area adjacent to the North Harbor parking lot as temporary parking, until long-range plans for widening Highway 1 are implemented. There are currently approximately 19 spaces, a travel lane and planters are proposed to be installed within the Caltrans right of way. This will require Caltrans approval (encroachment permit), and would require revisions to the ~~(existing/proposed?)~~ parking lot if the highway is widened.

(b) Demolition of an existing structure(s). The existing abandoned restaurant building (Harbor Inn/Maloney's) and accessory buildings located west of the Harbor Inn will be demolished.

(c) Three commercial buildings. Overall plans include two restaurant uses and an Interpretive Center that also allows general commercial/office use(s). Old structures including the Maloney's Harbor Inn will be demolished.

- *Existing Restaurant*. One restaurant has been completed and is finished at what would be the ultimate grade of the entire site.

- *Relocated (Future) Restaurant*. A new building pad for a future restaurant will be located approximately 35 feet inland (north) from the current location to allow the construction of the public wharf. Final approval of permits required for any new building/restaurant will be required and will be processed under a separate application. As mitigation for demolishing Maloney's, the new restaurant/building will be required to have a similar size and style. A more thorough discussion of the demolition of Maloney's Harbor Inn is included in the CEQA discussion, below.

- *Interpretive Center/Commercial Building*. A new building will be constructed west of the relocated Maloney's and will contain Harbor District offices and other maritime uses. Potential uses identified for the building include charter boat concessions, a retail fish market and/or a visitor's center. Final approval of the architectural design and uses of the building will require separate, additional, review.

(d) Landscape. Several existing Monterey Cypress trees will be removed and a number of new trees with associated native landscaping will be installed throughout the project/parking lot area.

(e) Restrooms. The existing structure will be retained without changes.

(f) Coastal Trail. A portion of the Coastal Trail will be extended from the new main North Harbor entrance/driveway and continue along the Highway One right of way to the Elkhorn Slough Bridge. The trail was initially proposed along the coastline. In response to recommendations from the Citizens Bike Committee and the Transportation Agency of Monterey County, a trail is proposed along the Highway One right of way in addition to proposed tidal steps and wharf structures that allow public access along the shoreline. This bike trail is consistent with the trails map in the North County land Use Plan that identifies a bicentennial bicycle trail in this area..

(g) Access Improvements (Hwy 1). Remove the northern most access and consolidate all access into one clearly identified driveway (existing access near Yacht Club) with corresponding acceleration/deceleration lanes on Highway 1.

(h) Kyak Launch (Existing). The existing boat launch ramp will be converted for kayak/canoe use since there is less space needed for vehicle access.

The following components are also part of the North Harbor General Development Plan, but are subject to permitting authority of the Coastal Commission:

2. **Wharf/Seating Area.** A new public wharf and seating area would be located along the shoreline, supported by pilings and a new seawall. This component is proposed in order to provide fishing and sightseeing opportunities.
3. **South Dock.** This would be a transient dock for deep water vessels located at the south end of the north harbor area (near the Elkhorn Slough Bridge).
4. **North Dock.** A transient dock for smaller vessels located between the new boat ramp and the new buildings.
5. **Boat Launch/Ramp.** Create a new ramp for larger vessels including a wash down area. This new boat ramp will accommodate four boat launches at a time.
6. **Tidal Steps.** Create steps along the coast line where people can walk down to the water and also serve to shore up the coast line of the North Harbor.
7. **Rip Rap.** Large boulders along the coast line to help shore up the edges of the North Harbor.

C. CEQA/NEPA

This project is subject to both State (CEQA) and Federal (NEPA) environmental regulations due to federal funds being used. Since the Moss Landing Harbor District (Harbor District) has taken the Lead Agency role for this project; the County is a Responsible Agency. Harding ESE completed an Environmental Assessment/Initial Study/Mitigated Negative Declaration (EA/IS/MND) for the project on February 25, 2002. This document was reviewed and adopted by the Harbor District on June 27, 2002. An Amendment to the EA/IS/MND was prepared by Blasland, Bruck and Lee (July 14, 2003) to assess the removal of the building known as Maloney's restaurant. The primary environmental impacts associated with the project are impacts to eelgrass beds located between the new wharf and the new south dock, and the demolition of a potentially historically significant building (Maloney's).

1. **Eelgrass (*Zostera marina*).** This plant species grows in shallow coastal waters and provides habitat for fish and invertebrates. Four eelgrass beds are located around the Moss Landing North Harbor. The bed closest to the new wharf and south dock could potentially be adversely impacted by sunlight shading from these new structures. An eelgrass monitoring and reporting plan was developed in conjunction with the Department of Fish and Game, and will be implemented by the Harbor District. The EA/IS/MND concluded that implementation of the plan will mitigate the potentially adverse impacts to the eelgrass to less than significant levels.
2. **Historic Structure.** During the review of the North Harbor project, Maloney's Harbor Inn was identified as eligible for listing on the County Register of Historical Places. An evaluation of the condition of the Harbor Inn building, however, determined that the structure could not be salvaged, relocated and/or rehabilitated. Therefore, the North Harbor Shoreline Protection Project EA/IS/MND, which previously discussed the

relocation of Maloney's, was amended to address the potential historic significance of demolishing the Maloney's Harbor Inn.

Maloney's Harbor Inn was constructed in 1921 and is the oldest continuously operating restaurant as well as the oldest continuously operating business in Moss Landing. It is tied historically to the era of sardine fisheries in Monterey Bay. Monterey County's Department of Parks and Recreation Primary Record of the Harbor Inn noted the significance of the building as a social center of Moss Landing, dating back to the 1930's. The California Department of State Parks and Recreation describes Maloney's Harbor Inn as "...eligible for listing on the California Register of Historical Resources, under Criterion 1, and possibly National Register of Historic Places, under Criterion A."

The environmental analysis determines that removal of this historic building and the impact to the historical significance of the structure will be mitigated to a less than significant level by incorporating the architectural features of the old building into the new restaurant and by placing a commemorative plaque on the new restaurant or new wharf that notes the historical significance of the Harbor Inn.

Planning and Building Inspection staff provided comments on the EA/IS/MND during the public review period. The final EA/IS/MND for the entire North Harbor Shoreline Protection Project concluded that all potentially significant environmental impacts will be reduced to insignificant levels with the incorporation of the mitigation measures identified in the document. The amendment to the EA/IS/MND was adopted by the Harbor District on September 18, 2003.

EXHIBIT B
FINDINGS AND EVIDENCE

PLN020485
Moss Landing North Harbor Improvement Plan
Planning Commission
February 25, 2004

EXHIBIT B
RECOMMENDED FINDINGS AND EVIDENCE
PLN020485-Moss Landing Harbor District
February 25, 2004

1. **FINDING – CONSISTENCY.** The Project, as conditioned is consistent with applicable plans and policies of the North County Land Use Plan (LUP), Coastal Implementation Plan, Part 2 (CIP), and the Monterey County Zoning Ordinance, Title 20/Coastal Implementation Plan, Part 1 (CIP) which designates this area as appropriate for visitor serving commercial development.

EVIDENCE:

(a) **Plans/Regulations.** The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- 1) North County Coastal Land Use Plan.
- 2) Moss Landing Community Plan.
- 3) Chapter 20.144 of the Monterey County Coastal Implementation Plan, Part 2.
- 4) Chapter 20.22 of the Monterey County Zoning Ordinance regulations for development in the Visitor Serving Commercial zone including the preparation of General Development Plans and design standards.
- 5) Section 20.22.030 of the Monterey County Zoning Ordinance that establishes General Development Plan requirements.
- 6) Section 20.22.040 of the Monterey County Zoning Ordinance requires a Coastal Development Permit for development within:
 - Public viewshed; and
 - 100 feet of environmentally sensitive habitat (ESHA).
- 7) Chapter 20.70 of the Monterey County Zoning Ordinance regulations for Coastal Development Permits.

There would be no conflict or inconsistencies with these policies or regulations. Staff notes are provided in Project File PLN020485.

(b) **Land Use Designation.** The parcel is zoned Visitor Serving Commercial, Coastal Zone (“VSC (CZ)).” The project is in compliance with the Site Development Standards for the Visitor Serving Commercial District in accordance with Section 20.22.070 (CIP).

(c) **Site Description.** The project site is approximately 9.53 acres in size and the zoning designation requires a minimum of 10,000 square feet for parcels in this district. Expansion of visitor serving fishing and retail uses is an allowed use in accordance with Chapter 20.22 (CIP). The Moss Landing Commercial zone authorizes the Planning Commission to consider Coastal Development Permits (Section 20.70.030 CIP) and General Development Plans for lots in excess of one acre or with more than one use on the lot (Section 20.22.030 CIP).

(d) **Environmentally Sensitive Habitat** (Section 20.144.040 NC LUP). The project is consistent with policies of the North County Implementation Plan (NC CIP) dealing with environmentally sensitive habitat. The proposed project is located within 100 feet of the Elkhorn Slough and Moss Landing Harbor. A biological survey identified four fields of eelgrass that could be impacted by the proposed project. Proposed improvements include grease and oil interceptors to reduce the runoff of hazardous materials into the harbor and slough. The environmental analysis completed for this project determined that all potential impacts can be reduced/mitigated to a level of insignificance.

- (e) Visual Resources (Section 20.144.030 NC LUP). The site is located west of Highway One. An on-site inspection by the project planner determined that the existing and proposed buildings are located wholly or partially within a public viewshed as defined by Section 20.144.020.SSS. No new buildings are proposed at this time; however, the project consists of establishing building pads for two replacement buildings of similar size and near the same location. Although the overall site elevation would be increased to avoid flooding damage, proposed parking lot and shoreline improvements would not impact the public view. However, new buildings will extend higher than the existing buildings that are to be demolished. These structures will be subject to separate review for consistency with height and design guidelines for the Moss Landing community (Section 20.144.030.B.2 CIP) when development is proposed.
- (f) Shoreline Structures (Section 20.144.060 NC LUP). The subject site is bordered by the Elkhorn Slough and Moss Landing Harbor on two sides (south and west). The County's review authority for shoreline structures (rip rap, tidal steps, wharf, docks, etc.) is design approval and the Coastal Commission is the permitting authority. The design of the proposed shoreline structures is consistent with the character of the Moss Landing Harbor area to include large boulder rip rap, tidal steps, boat ramps, a wharf, and docks.
- (g) Transportation (Section 20.144.120 NC LUP). The project site is bordered on the east by Highway One and currently has parking for about 225 vehicles (no paving or striping). This project proposes to consolidate two access points into one existing access. (Section 20.144.030.B.4 CIP). A traffic study was completed to assess potential traffic impacts on Highway One. County Public Works and Environmental Health Departments have reviewed the project and recommend approval subject to conditions. Sufficient measures such as turning movement improvements and acceleration/deceleration lanes have been included to mitigate traffic impacts along Highway One (Section 20.144.120.B.2 CIP). The proposed project includes improvements for coastal-dependant, recreational/commercial uses such as boat ramps, docks, and a public wharf (Section 20.144.20.B.3 CIP).
- (h) Public Access (Section 20.144.150 NC LUP). See Finding #5.
- (i) Moss Landing Community Development Standards (Section 20.144.160 NC LUP). Proposed development must be designed in accordance with the guidelines for the Moss Landing Community Plan (MLCP). Priority for development in the North Harbor is to provide recreational and visitor serving commercial uses (Policy 5.3.3.11 MLCP). Policy 5.3.3.9 MLCP requires on-site parking to be provided. Grease/oil interceptors are proposed from the parking area, which will improve existing conditions for water quality in the harbor (Policy 5.3.3.4 MLCP). Proposed development of recreational boating-support facilities will not jeopardize conservation of sensitive mud flat habitat in the North Harbor (Policy 5.3.3.12 MLCP). Pursuant to Policy 5.3.3.15 MLCP, all significant effects of harbor development have been mitigated to a level of insignificance (See Finding #6). The project is consistent with the Moss Landing Community Development Standards of the North County Land Use Plan. Staff notes are provided in PBI File No. PLN020485.
- (j) Design Approval. The applicant has provided the Planning Commission with a Design Approval Request, drawings, and a statement of materials and colors to be used.
- (k) Land Use Advisory Committee (LUAC). On April 7, 2003, the North County Coastal Land Use Advisory Committee voted 4-0 to recommend approval of the project as designed. The Committee noted the following comment and recommendation:

- (1) Consider a bicycle and pedestrian path from this location to Highway One at Moss Landing Road.
- (2) Maloney's/Harbor Inn should be considered for emergency demolition.
- (l) Historic Resources Review Board (HRRB). Demolition of the Maloney's/Harbor Inn was presented to the HRRB on May 1, 2003. Maloney's Harbor Inn was constructed in 1921 and is the oldest continuously operating restaurant as well as the oldest continuously operating business in Moss Landing. It is tied historically to the era of sardine fisheries in Monterey Bay. Monterey County's Department of Parks and Recreation Primary Record of the Harbor Inn noted the significance of the building as a social center of Moss Landing, dating back to the 1930's. The California Department of State Parks and Recreation describes Maloney's Harbor Inn as "...eligible for listing on the California Register of Historical Resources, under Criterion 1, and possibly National Register of Historic Places, under Criterion A." The HRRB unanimously voted for the Harbor District to include a historical assessment in the environmental document. HRRB staff was directed to provide recommended mitigation measures. Although the existing structure cannot be moved or rehabilitated, the desire is to retain as much of the heritage established with this building as possible.
- (m) Site Visit. Project planner conducted on-site inspections on June 25, 2003 and January 5, 2004 to verify that the project on the subject parcel conforms to the plans listed above. Staff notes regarding the site visit are in Project File PLN020485.
- (n) Application Materials. 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 PLN020485.
- (o) Testimony. No testimony, either written or oral, was received during the course of the public hearing process to indicate that there is any inconsistency with these plans or policies.

2. **FINDING - NO VIOLATION**. The 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. No violations exist on the property, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE:

- (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

3. **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:

- (a) The project was reviewed by Planning and Building Inspection, Public Works, Water Resources Agency, and Department of Environmental Health. The respective departments and agencies 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

4. **FINDING - SITE SUITABILITY**. The site is suitable for the use proposed.

EVIDENCE:

- (a) The project has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, North County Fire District, Parks Department, and Environmental Health Division. There has been no indication from these agencies that the site is not suitable. Conditions recommended by these agencies have been incorporated to the project conditions.
- (b) Staff conducted on-site visits on June 25, 2003 and January 5, 2004 to verify that the site is suitable for this use.
- (c) Necessary public facilities are available and will be provided.

5. **FINDING - WATER IMPACT/NORTH COUNTY:** There presently exists in the North Monterey County area a serious overdraft in the aquifers, together with seawater intrusion problems in the North County Coastal Zone and nitrate pollution problems throughout the area. The North County Land Use Plan, Coastal Implementation Plan, and Area Plan recognize the existence of these problems and direct that studies be made to determine the safe-yield of the North Monterey County aquifers and that procedures thereafter be adopted to manage development in the area so as to minimize adverse effects on the aquifers and preserve them as viable sources of water for human consumption.

EVIDENCE:

- (a) There is no creation or expansion of water demanding uses at this time. Consideration of new uses that demand water will be required to provide proof of a long-term water supply for review and consideration of the County.
- (b) Materials in project file PLN020485/Moss Landing Harbor District.

6. **FINDING – CEQA/MITIGATED NEGATIVE DECLARATION:** On the basis of the whole record before the Planning Commission there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The County as the decision-making body of a Responsible Agency hereby certifies that it reviewed and considered the information contained in the Lead Agency's (Harbor District's) Mitigated Negative Declaration and Mitigation Monitoring Program prior to acting upon or approving the project.

EVIDENCE:

(a) Environmental Assessment/Initial Study/Mitigated Negative Declaration (EA/IS/MND). The following documents are on file in the office of Planning and Building Inspection and are hereby incorporated by reference (PLN020485/Moss Landing Harbor District):

- (1) On February 25, 2002, Harding Engineering and Environmental Services completed an EA/IS/MND for the Moss Landing Harbor District prepared pursuant to the National Environmental Protection Act (NEPA) and the Californian Environmental Quality Act (CEQA). This EA/IS identified potentially significant impacts relative to biological resources, traffic, water quality, geology, and air quality. However, proposed mitigation measures were adopted that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. A Mitigated Negative Declaration was filed with the State Clearinghouse on July 5, 2002, noticed for public review, and circulated for a 30-day review period (SCH#: 2002021118). On June 22, 2002, the Moss Landing Harbor District considered the document and related comments and

adopted the "North Harbor Shoreline Protection Project Mitigated Finding of No Significant Impact/Mitigated Negative Declaration" (Resolution 02-08).

(2) On July 14, 2003, Blasland, Bouck and Lee, Incorporated completed an amendment to the EA/IS/MND (SCH#: 2000041031) for the Moss Landing Harbor District pursuant to NEPA and CEQA. This amendment was focused at addressing potential impacts for demolishing a historical building within the project area. The Initial Study provides substantial evidence that the project, with the addition of mitigation measures, would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the State Clearinghouse on August 4, 2003, noticed for public review, and circulated for a 30-day review period (SCH#: 2002021118). On September 18, 2003, the Moss Landing Harbor District considered the document and related comments and adopted the "Amendment to the Environmental Assessment/Initial Study for the North Harbor Shoreline Protection Project" (Resolution 03-27).

(b) Technical Documents. The evidence in the record includes studies, data, and reports supporting the EA/IS/MND; additional documentation requested by staff; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. The following data and reports were analyzed as part of the environmental determination in addition to the environmental documents identified in subsection (a) above:

1. Moss Landing North Harbor Draft Transportation Impact Analysis. Prepared by Hexagon Transportation Consultants, Inc August 30, 1999.
2. Letter from Harding Lawson Engineering Consulting Services to County of Monterey Planning Department regarding Review of Traffic Impact Analysis. Prepared July 24, 1998
3. Mitigation Monitoring and Reporting Plan for Eelgrass Beds. Prepared by Harding ESE, dated February 5, 2001.
4. Marine Habitats and Bathymetry Around Skipper's Restaurant and the North Harbor Visitor Serving Area. Prepared by ABA Consultants. Dated September 1998.
5. Geotechnical and Coastal Engineering Study for Shorefront Improvements Moss Landing North Harbor. Prepared by Haro, Kasunich and Associates, Inc. June 1998.

The Planning Commission hereby certifies the Mitigated Negative Declaration and Mitigation Monitoring Program adopted and amended by the Moss Landing Harbor District for the North Harbor Shoreline Project. This finding determines that although the project could have significant impacts, mitigation can reduce these potential impacts to a level of insignificance.

(c) **Mitigation Monitoring Program.** A Mitigation Monitoring Program was adopted by the Moss Landing Harbor District to ensure compliance during project implementation. The District, as Lead Agency, will be responsible to implement this program. As a Responsible Permitting Agency, the County has conditioned the project whereas the District must provide evidence that these measures are implemented and have the intended effect.

(d) The permitting authority of Monterey County is limited to the General Development Plan, parking lot improvements, and Design Approval of shoreline structures. There are no changes in the project or unusual circumstances that exist which would necessitate additional environmental review by the County of Monterey.

7. **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 20.70.050.B.4). The proposed project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 and Section 20.144.150 of the North County Coastal Land Use Plan and Coastal Implementation Plan.

EVIDENCE:

(b) The site is located seaward of the first public road. There has been historical public access to, and along, the water edge.

(c) The Shoreline Access/Trails Map illustrated in Figure 6 of the North County Coastal Land Use Plan indicates a Bicentennial Bicycle Route along Highway One east of the project site.

(d) Initial plans show a proposed pedestrian trail along the water edge/wharf areas. Although a recent Coastal Trail Plan shows a 10-foot wide trail within the Highway One right of way, there would still be pedestrian access through the parking lot and along the shoreline using the tidal steps and wharf.

(e) Staff site visits on June 25, 2003 and January 5, 2004.

8. **FINDING - APPEALABILITY.** The project may be appealed to the Board of Supervisors and California Coastal Commission.

EVIDENCE:

(a) Section 20.86.030 of the Monterey County Zoning Ordinance (Board of Supervisors).

(b) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan, Part 1 (Coastal Commission).

(1) The project site is located between the sea and the first public road parallel to the sea.

EXHIBIT C
RECOMMENDED CONDITIONS

PLN020485
Moss Landing North Harbor Improvement Plan
Planning Commission
February 25, 2004

EXHIBIT C

RECOMMENDED CONDITIONS PLN020485-Moss Landing Harbor District February 25, 2004

1. The *Combined Development Permit (PLN020485/Moss Landing Harbor District) consisting of: a General Development Plan that includes plans for paved parking, demolition of an existing building, establish building pads for a future restaurant and interpretive center/commercial building, restrooms, a public wharf with seating and walkway, boat launches, vehicle and pedestrian access improvements, transient docks, public coastal trail, relocate the driveway, and new landscaping; a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and Design Approval.* The project is in accordance with County ordinances and land use regulations, and 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)**

Prior to Issuance of a Building and/or Grading Permit

2. The applicant shall record a notice which states: "A Permit (Resolution # _____) was approved by the Monterey County Planning Commission for Assessor's Parcel Number **413-022-003, 005, and 010-000 on February 25, 2004.** The permit was granted subject to 17 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 submit three copies of an exterior lighting plan that addresses the following:
 - a. Indicate the location, type, and wattage of all light fixtures including catalog sheets for each fixture for review and approval of the Director of Planning and Building Inspection.
 - b. 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.
 - c. Provide adequate security lighting along any pathways and in parking lot areas. These areas should be illuminated from dusk until dawn.
 - d. Lighting shall be designed and/or screened (e.g. landscape) to not create a nuisance, disturb any nearby resident, or disrupt nighttime views from public areas.**(Planning and Building Inspection)**
4. The Final General Development Plan shall be attached/copied onto the Final Site Plan. **(Planning and Building Inspection)**

5. The applicant shall copy erosion control measures onto the building plans for review and approval of the Planning and Building Inspection Department. The applicant shall also submit a program for how these measures will be implemented during construction activities:
 - a. Water all active construction areas for dust control. Frequency should be based on the type of operation, soil condition, and wind exposure.
 - b. Cover stockpiles of debris, soil, sand or other materials that may be blown by the wind.
 - c. Sweep adjacent streets of all mud and dust daily or as needed.
 - d. Landscape or cover completed portions of the site as soon as construction is complete in that area.

(Planning and Building Inspection)

6. Owner shall record a notice, for each parcel, 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, S.C.)**
7. A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts that includes routing stormwater runoff from the paved parking areas to an oil-grease/water. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
8. Lowest floor and attendant utilities, for the reconstructed buildings, shall be constructed at least **five (5)** feet above mean sea level (NGVD 1929). To provide for the flood proofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to start of construction. An elevation certificate for the finished floor shall be completed, for each building, by a registered civil engineer or licensed surveyor and provided to the County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector. **(Water Resources Agency)**
9. Applicant shall provide certification to the County Water Resources Agency that applications have been submitted for all required local, State and Federal permits. **(Water Resources Agency, S.C.)**
10. 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, S.C.)**

During Grading/Construction

11. The applicant and inspectors shall monitor the site for cultural materials in the soils. If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 150 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)**

Prior to Final Inspection and/or Occupancy

12. All new utility and distribution lines shall be placed underground. **(Planning and Building Inspection)**

13. The applicant shall provide evidence to the Director of Planning and Building Inspection that the following mitigation measures have been implemented as required by the Mitigated Negative Declaration adopted for this project, as amended:
 - a. The following design features are included as part of the project:
 - Shoreline improvements will not be visible from Highway 1 and will thus preserve the scenic quality of the highway.
 - The project includes public access improvement such as a promenade along the shoreline that will enhance access to the harbor's edge and tidal steps providing access to the beach area. The promenade will allow visitors and local residents to view the harbor from the areas that are currently not conducive to scenic views. The steps will provide easy public access to the beach area.
 - Project grading and filling will not impact the existing visual character of the site. Fill activities are designed to alleviate the potential for erosion and flooding, and due to their height relative to the surrounding landscape, will be imperceptible when compared with existing conditions.
 - b. Employees working at the site shall be encouraged to carpool to the site.
 - c. Water trucks shall be used to water the proposed project site as well as all roads leading into the construction site to control fugitive dust during excavation of the sediment mixing and drying site, as needed.
 - d. Speed of construction vehicles shall be limited to 10 miles per hour in order to reduce generation of dust.
 - e. Monitoring of eelgrass will be conducted before, during, and after construction to assure that piers will be placed shoreward of the eelgrass beds. The contractor will be notified of this design requirement prior to conducting work. Monitoring will also be conducted during and after placement of the piers to verify correct placement. A mitigation Monitoring and Reporting Plan (dated February 5, 2001) has been prepared to assure minimal effect on biological resources.
 - f. If cultural resources are discovered during construction, construction shall be stopped until a qualified archaeologist is consulted and appropriate measures are taken to protect those resources.
 - g. Structures built for the project will be constructed per seismic requirements specified in the Uniform Building Code. Structures will be designed to withstand the projected maximum credible earthquake event of 7.9 magnitude on the Richter scale.

- h. The proposed parking lot will be designed according to specifications contained in the site specific geotechnical report prepared by Haro, Kasunich and Associates.
- i. The project will incorporate recommendations contained in the geotechnical report prepared for the site including: in-situ densification (e.g.; grouting) of liquefiable materials; embedding foundations below liquefiable soil layers; building structures on a compacted earthen mat surface; and, design of the seawall to withstand displacement and settlement of up to ten inches.
- j. All construction plans will be reviewed by the project geotechnical engineer to determine if geotechnical recommendations have been incorporated during construction.
- k. During construction, periodic inspections will be completed by the geotechnical engineer to monitor the implementation of geotechnical recommendations into project construction.
- l. A geotechnical engineer will periodically inspect the site during seawall construction/rip-rap placement to ensure that geotechnical recommendations are implemented to reduce potential coastal erosion impacts.
- m. Project design includes placement of fill in the unimproved lot to raise the lot above the FEMA 100-year base flood elevation.
- n. Turbidity of surrounding harbors will be monitored to ensure that turbidity remains below required levels.
- o. The project includes improvements to the existing drainage system on-site, including the addition of two oil/water and sediment traps, to ensure that storm water runoff from the parking lot and the rest of the project does not adversely water quality in the surrounding harbor.
- p. Equipment operation on-site shall be limited to the hours of 7:00 a.m. to 5:00 p.m.
- q. All equipment shall be equipped with mufflers that are in good condition.
- r. No more than five pieces of equipment (such as scraper, loader, water truck, etc.) shall be operating at the same time at the closest point to any receptor.
- s. Construction truck traffic entering and exiting the site shall be limited to operation between 7:00 a.m. and 4:00 p.m. weekdays to avoid exacerbating LOS levels during the peak pm hour (4:30-5:30 p.m.).
- t. A plaque will be erected on or adjacent to the new structure that will include a description (written and/or sketch) of the original structure and describe the historical significance of the Harbor Inn.
- u. The new structure wile b of similar architectural style to the original building and other buildings within the Moss Landing Harbor. In other words, the architecture shall be consistent with existing design and material features within the harbor complex (e.g., consistent with a commercial working harbor). The orientation to the water will be maintained and the building will continue to be used to house a restaurant.

will be

(Planning and Building Inspection)

- 14. The site shall be landscaped. At least three weeks prior to final approval, three (3) 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, species, and size of the proposed landscaping. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences 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 Department)**

15. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems and timing devices. **(Water Resources Agency, S.C.)**

Continuous Permit Conditions:

16. The site shall be landscaped. The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (*Suggested Native Species Landscaping List - North County Coastal Zone*) from the Planning and Building Inspection Department. **(Planning and Building Inspection)**
17. 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 Department)**

EXHIBIT D
LUAC MINUTES
(04/07/2003)
Available Upon Request

PLN020485
Moss Landing North Harbor Improvement Plan
Planning Commission
February 25, 2004

MINUTES

North County Coastal Land Use Advisory Committee Monday, April 7, 2003

1. Meeting called to order 9:35 AM - had to wait for quorum

2. Members Present: Joy Rosales, Marjorie Kay, Kim Solano, Domingo Galvan (4)

3. Members Absent: Frieda Jackson, Michele Kirby, Peter Beard (3)

4. Approval of Minutes:

Motion: Joy Rosales (LUAC Member's Name)

Second: Kim Solano (LUAC Member's Name)

Ayes: Joy Rosales, Marjorie Kay, Kim Solano, Domingo Galvan (4)

Noes: 0

Absent: Frieda Jackson, Michele Kirby, Peter Beard (3)

Abstain: 0

5. PublicComments:

Please see attached list of public present = 5 total

2 public are regular residents who monitor meeting- David Evans and Mr. Matsunami.

3 public were present for their applications.

Nobody had anything to address that was not on the agenda.

Action by Land Use Advisory Committee Project Referral Sheet

Planning & Building Inspection Department
2620 First Ave
Marina, California
(831) 883-7500

Advisory Committee: North County Coastal

Please submit your recommendations for this application by Monday, April 07, 2003.

Project Title: GRAY NANCIE

Item continued from 3/17/03 meeting

File Number: PLN020424

File Type: ZA

Planner: JOHNSTON

Location: 64 STRUVE RD WATSONVILLE

Project Description:

COASTAL ADMINISTRATIVE PERMIT TO ALLOW THE CONSTRUCTION OF A NEW SINGLE FAMILY DWELLING (APPROX. 2,500 SQ. FT. MODULAR HOME), ATTACHED GARAGE (APPROX. 530 SQ. FT.), BARN (APPROX. 4,000 SQ. FT.), AND NEW WELL (REPLACEMENT), AS ACCESSORY DEVELOPMENT TO THE AGRICULTURAL USE OF THE PROPERTY IN A COASTAL AGRICULTURAL PRESERVE DISTRICT. THE PROPERTY IS LOCATED AT 64 STRUVE ROAD, WATSONVILLE (ASSESSOR'S PARCEL NUMBER 413-051-021-000), WEST OF HIGHWAY 1, NORTH OF MOSS LANDING, NORTH COUNTY COASTAL AREA, COASTAL ZONE

Was the Owner/Applicant/Representative Present at Meeting? Yes X No _____
Nancie Gray

PUBLIC COMMENT: None

AREAS OF CONCERN (e.g. traffic, neighborhood compatibility, visual impact, etc.):

Ms. Gray needs education on right to farm ordinance of Monterey County since her property is surrounded by farmland. She indicated to committee she wants to be a good neighbor and committee recommends she knows what the implications of her property with the location by farm ground means.

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.): None

ADDITIONAL LUAC COMMENTS:

Pajaro SunnyMesa Water District has plans to expand the potable water lines out to this area of Springfield/Moss Landing and committee suggested Ms. Gray contact both Joe Rosa of water district and Nancy Martella, Mo Co Environmental Health water inspector, for information because Ms. Gray may not have to spend the money for a replacement well for her home. Ms. Gray was happy to know this information.

RECOMMENDATION (e.g. recommend ~~approval~~; recommend denial; recommend continuation):

Joy Rosales made motion to approve
Domingo Galvan seconded motion

CONCUR WITH RECOMMENDATION:

AYES: Joy Rosales, Marjorie Kay, Kim Solano, Domingo Galvan (4)

NOES: 0

ABSENT: Frieda Jackson, Michele Kirby, Peter Beard (3)

ABSTAIN: 0

**Action by Land Use Advisory Committee
Project Referral Sheet**

Planning & Building Inspection Department
2620 First Ave
Marina, California
(831) 883-7500

Advisory Committee: North County Coastal

Please submit your recommendations for this application by Monday, April 07, 2003.

Project Title: HAMLIN ROY AMI

File Number: PLN000629

File Type: PC

Planner: HOLM

Location: MOSS LANDING RD MOSS LANDING

Project Description:

COMBINED DEVELOPMENT PERMIT INCLUDING A GENERAL DEVELOPMENT PLAN AND COASTAL DEVELOPMENT PERMIT TO ESTABLISH DEVELOPMENT AND OPERATION STANDARDS FOR A 1.5-ACRE SITE WITH SEVEN EXISTING BUILDINGS TOTALING 11,428 SQUARE FEET CONSISTING OF TWO RESIDENTIAL UNITS PLUS RETAIL; CHANGE OF USE FROM A RETAIL (ANTIQUA) STORE TO A CAFE WITH OUTSIDE PATIO DINING AND A RETAIL OPERATION AT 7902 SANDHOLT ROAD; INCLUDING PARKING SPACE FOR 54 VEHICLES; AND ESTABLISHING SET BACKS. THE PROJECT IS LOCATED AT THE SOUTHWEST CORNER OF MOSS LANDING ROAD AND SANDHOLT ROAD, MOSS LANDING (ASSESSOR'S PARCEL NUMBER 133-212-001-000), MOSS LANDING COMMUNITY PLAN, COASTAL ZONE.

Was the Owner/Applicant/Representative Present at Meeting? Yes X No
Nathan Sawyer

PUBLIC COMMENT: None

AREAS OF CONCERN (e.g. traffic, neighborhood compatibility, visual impact, etc.): None

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.): None

ADDITIONAL LUAC COMMENTS:

None

RECOMMENDATION (e.g. recommend approval; recommend denial; recommend ~~continuation~~):

Joy Rosales makes motion to continue for lack of quorum since one committee member must abstain
Domingo Galvan seconds motion to continue for lack of quorum

CONCUR WITH RECOMMENDATION:

AYES: Joy Rosales, Marjorie Kay, Domingo Galvan (3)

NOES: 0

ABSENT: Frieda Jackson, Michele Kirby, Peter Beard (3)

ABSTAIN: Kim Solano (1)

Action by Land Use Advisory Committee Project Referral Sheet

Planning & Building Inspection Department
2620 First Ave
Marina, California
(831) 883-7500

Advisory Committee: North County Coastal

Please submit your recommendations for this application by Monday, April 07, 2003.

Project Title: GARCIA SALVADOR & CATALINA

File Number: PLN020440

File Type: AMEND

Planner: LEE

Location: 18852 PARSONS RD CASTROVILLE

Project Description:

EXTENSION AND AMENDMENT TO PREVIOUSLY APPROVED COMBINED DEVELOPMENT PERMIT (PLN980576) TO ALLOW THE RELOCATION OF THE BARN (50' SOUTH), REALIGNMENT OF THE DRIVEWAY AND CONSTRUCTION OF A SEPTIC SYSTEM. THE PROPERTY IS LOCATED AT 18852 PARSONS ROAD, CASTROVILLE (ASSESSOR'S PARCEL NUMBER 131-081-039-000), FRONTING ON AND SOUTHERLY OF PARSONS ROAD, SOUTH OF THE INTERSECTION OF KARNER ROAD AND PARSONS ROAD, NORTH COUNTY COASTAL AREA, COASTAL ZONE.

Was the Owner/Applicant/Representative Present at Meeting? Yes _____ No X

PUBLIC COMMENT: None

AREAS OF CONCERN (e.g. traffic, neighborhood compatibility, visual impact, etc.): None

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.): None

ADDITIONAL LUAC COMMENTS: None

RECOMMENDATION (e.g. recommend ~~approval~~; recommend denial; recommend continuation):

Joy Rosales makes motion to approve as submitted
Domingo Galvan seconded motion

CONCUR WITH RECOMMENDATION:

AYES: Joy Rosales, Marjorie Kay, Kim Solano, Domingo Galvan (4)

NOES: 0

ABSENT: Frieda Jackson, Michele Kirby, Peter Beard (3)

ABSTAIN: 0

Action by Land Use Advisory Committee Project Referral Sheet

Planning & Building Inspection Department
2620 First Ave
Marina, California
(831) 883-7500

Advisory Committee: North County Coastal

Please submit your recommendations for this application by Monday, April 07, 2003.

Project Title: MOSS LANDING HARBOR DIST

File Number: PLN020485

File Type: PC

Planner: RHOADES

Location: HWY 1 MOSS LANDING

Project Description:

COMBINED DEVELOPMENT PERMIT CONSISTING OF A COASTAL DEVELOPMENT PERMIT AND DESIGN APPROVAL FOR CONSTRUCTION OF IMPROVEMENTS TO THE MOSS LANDING NORTH HARBOR THAT WILL INCLUDE NEW PAVED PARKING LOT, NEW PUBLIC WHARF AND WALKWAY, NEW BOAT LAUNCH AND NEW DOCKS. THE PROJECT INVOLVES THE CONSTRUCTION OF APPROXIMATELY 300 FEET OF NEW SHEET PILE BULKHEAD, NEW PILES TO SUPPORT DOCK AND WHARF, RELOCATION OF DRIVEWAY AND NEW LANDSCAPING. THE PROJECT IS LOCATED IN MOSS LANDING (ASSESSOR'S PARCEL NUMBERS 413-022-003-000, 413-022-005-000 AND 413-022-010-000), MOSS LANDING COMMUNITY PLAN AREA, COASTAL ZONE.

Was the Owner/Applicant/Representative Present at Meeting? Yes No
Mark Davis

PUBLIC COMMENT: Mr. Matsunami has concern for storm water runoff in parking lot.

AREAS OF CONCERN (e.g. traffic, neighborhood compatibility, visual impact, etc.):

The Malones/Harbor Inn restaurant building and adjacent structures be considered for emergency demolition in order to relieve any public safety and environmental concerns.

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.):

The Malones/Harbor Inn restaurant building and adjacent structures be considered for emergency demolition in order to relieve any public safety and environmental concerns.

ADDITIONAL LUAC COMMENTS:

Pedestrian & bicycle path be considered from this project location to entrance of Moss Landing Road and Highway 1.

RECOMMENDATION (e.g. recommend ~~approval~~; recommend denial; recommend continuation):

Joy Rosales makes motion to approve with concern and recommendations noted
Domingo Galvan seconds

CONCUR WITH RECOMMENDATION:

AYES: Joy Rosales, Marjorie Kay, Kim Solano, Domingo Galvan (4)

NOES: 0

ABSENT: Frieda Jackson, Michele Kirby, Peter Beard (3)

ABSTAIN: 0

Action by Land Use Advisory Committee Project Referral Sheet

Planning & Building Inspection Department
2620 First Ave
Marina, California
(831) 883-7500

Advisory Committee: North County Coastal

Please submit your recommendations for this application by Monday, April 07, 2003.

Project Title: HARDER WILLIAM W IV & CHRISTIN

File Number: PLN020524

File Type: AP

Planner: LYONS

Location: WALKER VALLEY RD CASTROVILLE

Project Description:

COASTAL ADMINISTRATIVE PERMIT TO BUILD A NEW 1,687 SQUARE FOOT SINGLE FAMILY DWELLING WITH AN ATTACHED 400 SQUARE FOOT GARAGE, GRADING LESS THAN 50 CUBIC YARDS, AND A SEPTIC SYSTEM. THE PROPERTY IS LOCATED AT 131 WALKER VALLEY ROAD, CASTROVILLE (ASSESSOR'S PARCEL NUMBER 131-102-027-000), NORTH OF THE INTERSECTION OF BAYVIEW AND WALKER VALLEY, NORTH COUNTY COASTAL AREA, COASTAL ZONE.

Was the Owner/Applicant/Representative Present at Meeting? Yes _____ No X

PUBLIC COMMENT: None

AREAS OF CONCERN (e.g. traffic, neighborhood compatibility, visual impact, etc.): None

RECOMMENDED CHANGES/CONDITIONS (e.g. reduce scale, relocate on property, reduce lighting, etc.):

Not much information provided

ADDITIONAL LUAC COMMENTS: None

RECOMMENDATION (e.g. recommend ~~approval~~; recommend denial; recommend continuation):

Joy Rosales to approve
Domingo Galvan seconds

CONCUR WITH RECOMMENDATION:

AYES: Joy Rosales, Marjorie Kay, Kim Solano, Domingo Galvan (4)

NOES: 0

ABSENT: Frieda Jackson, Michele Kirby, Peter Beard (3)

ABSTAIN: 0

MEETING ADJOURNED: 11:05 AM

Sent by Margie Kay, Secretary of the North County Coastal LUAC
Received via email on April 8, 2003
Michele Friedrich, LUAC Contact

Public Present at
No Co Coastal LUAC Meeting
4/7/03

David Evans
DAVID EVANS

Mark Davis MLHD

Nathan Sayer

Matsunami

RECEIVED
APR 09 2003
MONTGOMERY COUNTY
PLANNING AND ZONING
INSPECTION DEPARTMENT

EXHIBIT E
HRRB MINUTES
(05/01/2003)

Available Upon Request

PLN020485
Moss Landing North Harbor Improvement Plan
Planning Commission
February 25, 2004

MONTEREY COUNTY HISTORIC RESOURCES REVIEW BOARD
May 1, 2003 12:00 noon
Monterey County Courthouse, 2nd Floor, East Wing Conference Room
240 Church Street, Salinas, CA

MINUTES

I. CALL TO ORDER

The meeting was called to order at approximately 12:05 pm.

II. ROLL CALL

<u>Members Present</u>	<u>Members Absent</u>	<u>Staff Present</u>	<u>Guests</u>
John Scourkes	Enid Sales	Meg Clovis	Mark Davis
Marit Evans	Jim Vocelka	Lynn Learch	Mark Norris
Kellie Morgantini		Michael Rhoades	Frances Huston
Ted Larson			
Salvador Munoz			

III. APPROVAL OF MINUTES

Salvador Munoz motioned to approve the December minutes, seconded by John Scourkes and unanimously passed. Mark Norris requested one change to the March minutes. Under item VII, Old Business, Section A, add the year 2004 to September. Marit Evans moved to approve the March minutes, Ted Larson seconded and they were passed unanimously.

IV. PUBLIC COMMENT

No public comments were noted.

V. PROJECT REVIEW

A. Recommend to the Department of Planning and Building Inspection the following:
1) Restoration Plan for the structure known as the "Foreman's House" located at the site of the "Del Monte Milk Barn," designated as a historical site in the Greater Monterey Peninsula Area Plan; and 2) Historical Interpretive Panel of the site's history and buildings. Both the restoration plan and the interpretive panel are required as mitigation measures for identified environmental impacts from the project approved for the site by the Monterey County Board of Supervisors on May 21, 2002. The site is located at 27 East (Assessor's Parcel Numbers 189-291-005-000 & 189-291-006-000), Carmel Valley Road, Carmel Valley Village, Carmel Valley Master Plan area. Planner: Luis A. Osorio

The project was postponed until further notice.

B. Recommend to the Department of Planning and Building Inspection

Recommend to the Department of Planning and Building Inspection the following:
1) Review the proposed demolition of Maloney's Harbor Inn, as included in the Moss Landing North Harbor Improvement Project (PLN020485); 2) Recommend appropriate measures to mitigate the removal of the Maloney's building. The demolition of Maloney's is necessary to implement the Moss Landing North Harbor Improvement Project, which will construct a new wharf and promenade in the current location of Maloney's. A new restaurant will be constructed to replace Maloney's. Maloney's Harbor Inn is eligible for inclusion in the County Register of Historic Resources and the California Register of Historic Resources. The site is located adjacent in the Moss Landing North Harbor, near the Highway 1 Elkhorn Slough Bridge, Moss Landing, Moss Landing Community Plan Area (Assessor's Parcel Nos. 413-022-003-000) (File No. PLN 020485). Contact Michael Rhoades

Project Planner, Michael Rhoades, addressed the Board by reiterating that his purpose was to seek approval for the demolition of Maloney's Harbor Inn and to seek recommendation from the committee on mitigation measures for removal. Michael stated that this building is a cultural resource and both rehabilitation and relocation is not possible. He also was seeking suggestions for improving the historical district and for possible interpretive panels.

Two representative of the Moss Landing Harbor Improvement Project were present: Frances Huston and Mark Davis.

Marit Evans questioned if an initial study was done. Michael Rhoades indicated yes, however cultural resources were not discussed. They were not aware at the time that a DPR evaluating the building had been completed. However, John Scourkes remarked that the process was backwards. An initial study evaluating impacts to the building should be completed prior to bringing the project before the HRRB.

Ted Larson asked if the Harbor Improvement Project will have a museum for interpretive panels. Frances Huston replied that there are plans for a visitor's center plus a walking path along the shore line with interpretive panels. She also responded to Marit Evan's question that the Harbor Improvement Project will be paying for the demolition.

Frances Huston stated that the Improvement Project has been handled by the Coastal Commission for several years until it was discovered that there was an historical aspect to this building removal and expansion. This is why HRRB is being addressed today. The whole project will be handled by both the Coastal Commission and Monterey County sharing jurisdiction. The Coastal Commission will have input over the architecture and replacement plans as well as Monterey County. The new building will be placed inland and not directly over the water.

Mark Davis commented that the new building will be inland and a parking lot planned for 200 spaces. John Scourkes inquired as to what is being built. Mark Davis replied that it will be similar to the Skipper-Sea Harbor Restaurant but not a chain restaurant. Kellie Morgantini asked when the design of the new structure will be ready. Mark Davis stated it will be a phased program and that improvements will begin the 1st Quarter of 2004 by building the walkway, the shoreline and landscaping. The plans for the new building are still a year away. Kellie Morgantini commented that the new structure should be looked at in the context of an historical area; are building planners aware of this historical district before initiating the planning process? The Mark Davis replied yes.

Salvador Munoz wondered if the representatives could describe the proposed complex. Mark Davis said that the harbor area is basically an economic district for the area and a tourist attraction. The area will encompass a new boat ramp, transient docks, shoreline protection, a public walkway and wharf, landscaping, a visitor's center (between the 2 restaurants) plus the new building. The 200 parking places will be for all to use.

John Scourkes commented that the Board needed the whole plan for the area and not just the demolition plans for Maloney's Harbor Inn. It was premature to seek the HRRB's approval until a complete initial study was done. In order to understand the complex, the removal of this building had to be considered within the context of the whole project and a site plan for the area was necessary. John Scourkes also noted that both the historical assessment and the structural engineer differ in their analysis of the building thereby reaching different conclusions. Marit Evans concurred and commented that their job was to help maintain the integrity of Moss Landing. Michael Rhoades indicated the exact location of the new building was not decided upon.

Marit questioned if it was safe and Mark Davis said that it was fenced off and locked up at this time. Emergency repairs had been done to the building, however, a storm could put the building in the slough. Kellie Morgantini questioned whether an environmental study had been done. Frances Huston replied that 2 environmental reviews and an initial study had been completed. This was their 2nd or 3rd interpretation by the Coastal Commission and now they needed to address Monterey County. They have made an application to the County. The initial study was done but did not include the historical aspect because it was not known. Kellie commented that it was imperative that the historical aspect be included in the initial study. Mark Davis indicated that the lessee had once done a private historical study but didn't maintain the condition of the building. It was also noted that changes in CEQA needed to be addressed as well. Michael Rhoades mentioned that they were going to consider an addendum to the initial study to include the historical aspect.

Meg Clovis stated that Michael Rhoades and the Moss Landing North Harbor Improvement Project need to reconsider the historical aspect and the integrity of the building. It has been 2 years since the last assessment was made. CEQA rules have changed. Meg said she would put together a suggested list of appropriate measures to mitigate the removal of the Maloney building. As an example, an interpretive plaque

was a mitigation used for the removal of the Moss Landing Bridge. Kellie Morgantini commented that the historical aspect will not impact the whole project. Mark Davis remarked that the district's role is to provide funding for shoreline protection and not historical rebuilding. Both John Scourkes and Salvador Munoz expressed concern that the historical area and character of the area be preserved. An appropriate sized building should be added and in keeping visually with the shoreline. Michael Rhoades passed around the site plan for the area.

Kellie Morgantini recommends that the North Harbor Improvement Plan review the historical document and include the historical aspect of Maloney's Harbor Inn with HRRB assistance. Meg Clovis will put together possible mitigation measures for HRRB consideration.

Mark Davis said that the desire of the district is to carry on the historical significance of the area and preserve that heritage. Mark Davis commented that \$1.2 million dollars will be spent on the new wharf and pillars being constructed.

Marit Evans questioned what the height of the new building will be. Michael Rhoades didn't know off hand but mentioned that it probably would be higher than Skippers (1 ½ stories).

Finally, Kellie motioned that the District go back and revise the initial study to include the historical aspect of Maloney's Harbor Inn and address CEQA's new rules for demolition with the assistance of the HRRB. Marit Evans seconded the motion. Motion passed unanimously.

VI. SUBCOMMITTEE

A. Old Jail Subcommittee Report (Mark Norris)

Mark Norris stated that the Judge Robert O'Farrell recently heard arguments regarding whether Monterey County should do an EIR on the Old Jail. It was argued that Monterey County should have to maintain the structure whether or not an EIR was completed. Several weeks ago, Supervisors Potter, Armenta and Lindley toured the facility to make an independent judgment. Asbestos had been removed and the walls had been painted white to address the mold problem. The Keeper of the Register is now considering the application to place the jail on the National Register of Historic Places. This decision will come any day; the listing will help strengthen the case for preserving the jail as a historic building.

B. Ordinance Revision Subcommittee (Meg Clovis)

Meg Clovis will be receiving a report soon from Susan Clark and will distribute copies to the subcommittee.

VII. OLD BUSINESS

A. Spreckels Map Designations (Norris)

Mark Norris stated that he reviewed the HRRB minutes and found four lots with a change of designation in Spreckels. He would like to present his findings at the next meeting on June 5th.

VIII. NEW BUSINESS

A. Election of Officers

Marit Evans would like to conduct the elections for Chair and Vice Chair at the June 5th meeting.

IX. HRRB COMMENTS

A. Salvador Munoz announced the unveiling of the Cesar E. Chavez Commemorative Stamp on Friday, May 2, 2003 at the National Steinbeck Center.

B. The next meeting will be June 5, 2003.

X. ADJOURNMENT

There being no further business, the meeting was adjourned at 1:10 p.m.

EXHIBIT F
**MITIGATED NEGATIVE DECLARATION/
MITIGATION MONITORING PROGRAM
(HARBOR DISTRICT)**
Available Upon Request

PLN020485
Moss Landing North Harbor Improvement Plan
Planning Commission
February 25, 2004

RESOLUTION 03-27

**A RESOLUTION OF THE MOSS LANDING HARBOR DISTRICT
RATIFYING RESOLUTION 03-25 "ADOPTING AN AMENDMENT TO THE
ENVIRONMENTAL ASSESSMENT/INITIAL STUDY
FOR THE NORTH HARBOR SHORELINE PROTECTION PROJECT"**

WHEREAS, the Moss Landing Harbor District ("District") is proposing to construct shoreline protection and public access improvements to the District's North Harbor; and

WHEREAS, a combined Environmental Analysis/Initial Study was prepared for the Project; and

WHEREAS, the Board adopted Resolution No. 02-08 Adopting the Combined Environmental Assessment/Mitigated Finding of No Significant Impact – Initial Study/Negative Declaration for the Project in June 2002, and

WHEREAS, subsequently the matter was submitted to the Historic Resources Committee of the County of Monterey and the Monterey County Planners found that the historic inventory of North Harbor, and specifically the Harbor Inn, was sufficient to require an amendment to the existing Environmental Assessment/Initial Study, requiring that the District note the historic inventory, and

WHEREAS, a subsequent negative declaration, prepared in the form of an amendment to the Environmental Assessment/Initial Study (the "Amendment"), was prepared and circulated for comment from appropriate agencies, and

WHEREAS, the Board was informed and believed that only one comment from CalTrans, which did not require a response, was received during the comment period; and

WHEREAS, on August 28th, the Board of Harbor Commissioners adopted Resolution No. 03-25 "Adopting an Amendment to the Environmental Assessment/Initial Study for the North Harbor Shoreline Protection Project;" and

WHEREAS, although Staff was of the belief that the comment period for the Amendment had closed prior to the Board's adoption of Resolution 03-25, subsequent to the Board's August 28 meeting, Staff received notice from the State Clearinghouse that the comment period on the Amendment had not officially closed until September 2; and

WHEREAS, although no additional comments were received by the State Clearinghouse between the time of the Board's action on Resolution 03-25 and the end of the official comment period, the Board's previous action on the Amendment is invalid since, from a technical standpoint, action before the close of the comment period was in violation of the Board's statutory duty to consider all comments received during the entire comment period prior to approving the Amendment; and

WHEREAS, with the close of the official comment period, and substantiation that no new comments were received on the Amendment, Staff is recommending that the Board simply ratify Resolution 03-25 after taking note of the involved circumstances.

NOW, THEREFORE, the Board of Harbor Commissioners of the Moss Landing Harbor District hereby resolves as follows:

- (1) All of the recitals set forth above are true and correct to the best of the Board's knowledge, and by this reference, are incorporated herein.
- (2) After taking notice of the fact that the official comment period for the Amendment closed on September 2, 2003, and that no additional comments were received between the Board's action on Resolution 03-25 on August 28 and September 2, 2003, the Board hereby ratifies and approves the Board's previous adoption of Moss Landing Harbor District Resolution 03-25, and all findings contained therein, adopting a subsequent negative declaration in the form of an Amendment to the Environmental Assessment/Initial Study for the North Harbor Shoreline Protection Project.

* * * * *

CERTIFICATION

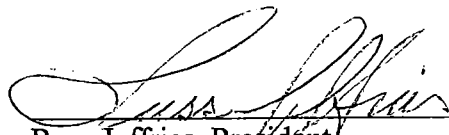
Resolution 03-27 was duly passed and adopted by the Board of Harbor Commissioners of the Moss Landing Harbor District at a regular meeting of the Board held on the 18th day of September, 2003, a quorum present and acting throughout, by the following vote, to wit:

AYES: Commissioners Jeffries, Shirrel, Gideon, Garmany, and Ferrante

NOES:

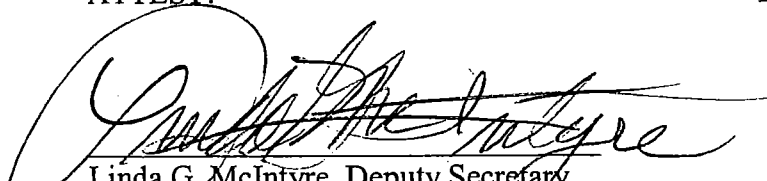
ABSENT:

ABSTAIN:



Russ Jeffries, President
Board of Harbor Commissioners

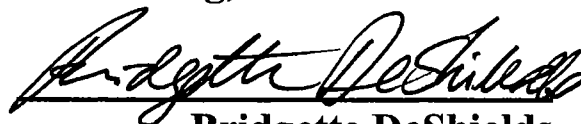
ATTEST:



Linda G. McIntyre, Deputy Secretary
Board of Harbor Commissioners

***Amendment to the
Environmental Assessment/Initial Study
North Harbor Shoreline Protection Project
Moss Landing, Monterey County, California***

**Moss Landing Harbor District
7881 Sandholdt Road
Moss Landing, California 95039**



**Bridgette DeShields
Associate Environmental Scientist**

July 14, 2003

BBL[®]
BLASLAND, BOUCK & LEE, INC.
engineers & scientists

1.0 Introduction

This amendment to the February 25, 2002 Environmental Assessment/Initial Study (EA/IS) (Harding ESE, 2002) has been prepared to incorporate new information on cultural resources as well as a clarification to a portion of the project description. The following sections provide an update to the project background and description that incorporates this new information, evaluates the potential environmental impacts associated with this new information, and outlines mitigation measures to reduce impacts to less than significant levels. No other information or aspects of the project have changed and all other conditions and mitigation measures remain as stated in the original document. This amendment supports the preparation of a Finding of No Significant Impact (FONSI)/Mitigated Negative Declaration for the project.

1.1 Project Background and Description

The change to the project involves demolishing and replacing the Harbor Inn (also known as Maloney's Restaurant) building instead of relocating it approximately 35 feet towards the shoreline as indicated in the original EA/IS. The current structure is built partially over the intertidal and subtidal areas adjacent to the North Harbor shoreline which is supported by rip-rap, fill, and pilings. The shoreline area receives ocean wave action entering the harbor, as well as storm flows entering the harbor from the Elkhorn Slough system, thus making the area highly susceptible to erosion and storm damage. Originally, it was proposed to relocate the structure. However, the current structure has been deemed to be structurally unsound by engineers. The building is not salvageable because of the presence of rotting piles, extensive dry rot damage to structural members, sagging floors, and a breached roof. Additionally, the structure is neither earthquake nor storm safe. The building is currently unoccupied and would not be eligible for an occupancy permit in its current state.

The California State Department of Parks and Recreation describes Maloney's Harbor Inn as being "...eligible for listing on the California Register of Historical Resources, under Criterion 1, and possibly the National Register of Historic Places, under Criterion A." Maloney's Harbor Inn was constructed in 1921 and is the oldest continuously operating restaurant as well as the oldest continuously operating business in Moss Landing. It is tied historically to the era of sardine fisheries in Monterey Bay and, since the 1930s has served as the social center of the town.

2.0 Proposed Action

The project includes demolishing and replacing the Harbor Inn building. The new structure will be of a similar architectural style to the original building and other buildings within the Moss Landing Harbor. The new structure will retain a similar flavor and conceptual design as the original building. The orientation to the water will be maintained and the building will continue to be used to house a restaurant. A plaque will be placed on or adjacent to the new structure that will include a description (written and/or a sketch) of the original structure and describe the historical significance of the Harbor Inn.

MLHD will secure all necessary permits prior to initiating demolition or construction activities. The safety and health of the public will be ensured during the demolition process by providing fencing or other means of restricting access to the site. All materials will be contained and disposed of properly.

2.1 Affected Environment and Environmental Consequences

The sections below describe the cultural resources and the effect of the proposed and no action alternatives.

2.1.1 Cultural Resources

The California State Department of Parks and Recreation describes the Harbor Inn as being "...eligible for listing on the California Register of Historical Resources, under Criterion 1, and possibly the National Register of Historic Places, under Criterion A." The structure is associated with events and an era in Moss Landing Harbor that is significant to the local history of the area.

2.1.1.1 Proposed Action

The Harbor Inn is a historic structure. The proposed action will include demolishing and replacing the currently unsound structure with a new building. The following mitigation measures will be implemented to address this action:

- A plaque will be erected on or adjacent to the new structure that will include a description (written and/or a sketch) of the original structure and describe the historical significance of the Harbor Inn.
- The new structure will be of a similar architectural style to the original building and other buildings within the Moss Landing Harbor. In other words, the architecture shall be consistent with existing design and material features within the harbor complex (i.e., consistent with a commercial working harbor). The orientation to the water will be maintained and the building will continue to be used to house a restaurant.

2.1.1.2 No-Action Alternative

The No-Action Alternative could result in an adverse impact to cultural resources at Moss Landing Harbor. Under the No-Action Alternative, the Harbor Inn would continue to deteriorate and eventually require removal.

3.0 Findings and Conclusions

For the Proposed Action, potential environmental impacts to cultural resources were evaluated in this amendment to address new information that became available regarding the Harbor Inn (also known as Maloney's Restaurant). Based on the analysis herein and in the original EA/IS, it is concluded that mitigation will reduce all potentially significant impacts to a less-than-significant level. From the original EA/IS, the No-Action Alternative was been found to have potentially significant impacts to geology and soils, hydrology and water quality, and land use and planning.

Therefore, a Mitigated Finding of No significant Impact (FONSI) and a finding of Mitigated Negative Declaration are recommended for Proposed Action Alternative of the North Harbor Shoreline Protection Project.

4.0 References

California State Department of Parks and Recreation, 2003. *Historical Report for Maloney's Harbor Inn*. California Register of Historical Resources.

Harding ESE, 2002. *Environmental Assessment/Initial Study, Moss Landing Harbor District, North Harbor Shoreline Protection Project, Monterey County, California*. February 25.

Environmental Checklist – Moss Landing Harbor District North Harbor Shoreline Protection Project

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--	--------------------------------------	-----------------------------------------------------------------	------------------------------------	--------------

I. AESTHETICS. Would the project:

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

II. AGRICULTURAL RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

- | | | | | |
|--------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Environmental Checklist – Moss Landing Harbor District North Harbor Shoreline Protection Project

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. BIOLOGICAL RESOURCES. Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Checklist – Moss Landing Harbor District North Harbor Shoreline Protection Project

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--	--------------------------------------	-----------------------------------------------------------------	------------------------------------	--------------

V. CULTURAL RESOURCES. Would the project:

- | | | | | |
|---------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VI. GEOLOGY AND SOILS. Would the project:

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issues by the State Geologist for the area of based on other substantial evidence of a known fault? Refer to Div. of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii. Strong seismic ground shaking? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iii. Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iv. Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Checklist – Moss Landing Harbor District North Harbor Shoreline Protection Project

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Checklist – Moss Landing Harbor District North Harbor Shoreline Protection Project

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--	--------------------------------------	-----------------------------------------------------------------	------------------------------------	--------------

IX. LAND USE AND PLANNING. Would the project:

- | | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

X. MINERAL RESOURCES. Would the project:

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XI. NOISE. Would the project result in:

- | | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Checklist – Moss Landing Harbor District North Harbor Shoreline Protection Project

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	-----------------------------------------------------------------	------------------------------------	--------------

XII. POPULATION AND HOUSING. Would the project:

- | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XIII. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| Fire protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Police protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

XIV. RECREATION

- | | | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|

Environmental Checklist – Moss Landing Harbor District North Harbor Shoreline Protection Project

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--	--------------------------------------	-----------------------------------------------------------------	------------------------------------	--------------

- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

XV. TRANSPORTATION/TRAFFIC. Would the project:

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	-------------------------------------	--------------------------	--------------------------	--------------------------

- b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------	--------------------------

- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------	--------------------------

- e) Result in inadequate emergency access?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

- f) Result in inadequate parking capacity?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

- g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:

- a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------	--------------------------

Environmental Checklist – Moss Landing Harbor District North Harbor Shoreline Protection Project

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RESOLUTION 02-08

A RESOLUTION OF THE MOSS LANDING HARBOR DISTRICT ADOPTING THE COMBINED ENVIRONMENTAL ASSESSMENT/MITIGATED FINDING OF NO SIGNIFICANT IMPACT-INITIAL STUDY/NEGATIVE DECLARATION FOR THE NORTH HARBOR SHORELINE PROTECTION PROJECT

WHEREAS, the Moss Landing Harbor District ("District") is proposing to construct shoreline protection and public access improvements to the District's North Harbor; and

WHEREAS, while a Mitigated Negative Declaration was previously adopted for the North Harbor Shoreline Protection Project (the "Project"), the District subsequently decided to seek federal funding for the Project, decision that triggered the need to prepare an environmental analysis in compliance with the National Environmental Policy Act ("NEPA"); and

WHEREAS, a combined Environmental Analysis/Initial Study ("EA/IS") was prepared for the Project; and

WHEREAS, the EA/AS concluded that while the Project may create potentially significant environmental impacts, such impacts may be mitigated to a less than significant level, thus supporting the preparation of a combined Mitigated Finding of No Significant Impact/Mitigated Negative Declaration ("FONS/MND) for the Project pursuant to NEPA Guidelines (42 U.S.C. 4321, 40 CFR 1500.1), Council on Environmental Quality Regulations found in Title 40 Parts 10500-1508 of the Code of Federal Regulations (40CFR Sections 1500-1508) and the requirements of CEQA Guidelines Section 15063; and

WHEREAS, a FONS/MND for the Project was prepared and filed with the state Clearinghouse, and notice of the same was published in the Monterey County Herald on February 25, 2002, with the thirty (30) day review process beginning on February 25, 2002 and ending on March 26, 2002; and

WHEREAS, responses were prepared to all comments received for State agencies and the public.

NOW, THEREFORE, the Board of Harbor Commissioners of the Moss Landing Harbor District hereby resolves as follows:

(1) The Board of Commissioners has reviewed and considered the combined Environmental Assessment Mitigated Finding of No Significant Impact-Initial Study/Mitigated Negative Declaration for the North Harbor Shoreline Protection Project, and all comments received thereon, finds that the combined Environmental Assessment/Mitigated Finding of No Significant Impact-Initial Study/Mitigated Negative Declaration reflects the independent judgment of the District as Lead Agency, that with the incorporation of the mitigation measures set forth in Exhibit "A", attached hereto and incorporated herein, there is no substantial evidence that the Project will have a significant effect on the environment, that the proposed Project involves no potential for any significant adverse effect, either individually or cumulatively, on all resources that cannot be mitigated to insignificance, that the proposed "No-Action Alternative" would not meet the purpose and need of the Project and would result in adverse environmental impact on geology and soils, hydrology and water quality and land use and planning, and therefore, the Board hereby adopts the North Harbor Shoreline Protection Project Mitigated Finding of No Significant Impact/Mitigated Negative Declaration.

(2) The Board of Commissioners hereby directs Linda G. Horning, General Manager, to prepare and file a Notice of Determination.

* * * * *

CERTIFICATION

Resolution 02-08 was duly passed and adopted by the Board of Harbor Commissioners of the Moss Landing Harbor District at a regular meeting of the Board held on the 27th day of June, 2002, a quorum present and acting throughout, by the following vote, to wit:

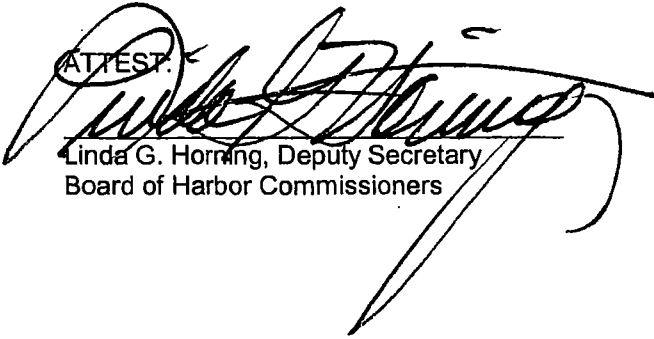
AYES: Commissioners Jeffries, Villa, Shirrel, Garmany, Compton

NOES:

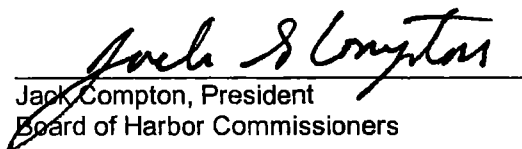
ABSENT:

ABSTAIN:

ATTEST:



Linda G. Horning, Deputy Secretary
Board of Harbor Commissioners



Jack Compton, President
Board of Harbor Commissioners

EXHIBIT A

MITIGATION MONITORING PLAN

EXHIBIT A

MITIGATION MONITORING PLAN

The Mitigated Finding of No Significant Impact/Mitigated Negative Declaration for the North Harbor Shoreline Protection Project identifies a series of mitigation measures that when implemented, will reduce potential impacts associated with the North Harbor Shoreline Protection Project to a less than significant or insignificant level. Implementation and monitoring responsibilities for the identified mitigation measures are as follows:

AIR QUALITY

Party Responsible for Implementation: Moss Landing Harbor District
Party Responsible for Monitoring: General Manager
Contractor

GEOLOGY AND SOILS

Party Responsible for Implementation: Moss Landing Harbor District
Party Responsible for Monitoring: General Manager
Consulting Geotechnical Engineer

TRANSPORTATION AND TRAFFIC

Party Responsible for Implementation: Moss Landing Harbor District
Party Responsible for Monitoring: General Manager
Contractor

HYDROLOGY AND WATER QUALITY

Party Responsible for Implementation: Moss Landing Harbor District
Party Responsible for Monitoring: General Manager

BIOLOGICAL RESOURCES

Party Responsible for Implementation: Moss Landing Harbor District
Party Responsible for Monitoring: General Manager
Contractor

NOISE

Party Responsible for Implementation: Moss Landing Harbor District
Party Responsible for Monitoring: General Manager

If a responsible individual or agency determines that non-compliance has occurred, the non-compliance shall be noted in writing and a time schedule for compliance shall be established. If non-compliance still exists at the expiration of the specified time, construction may be halted at the discretion of the lead agency.

Prior to acceptance of the Project, the lead agency should review the Mitigation Monitoring Plan to ensure compliance with all mitigation measures. Approval may be withheld until compliance is achieved.

**Environmental Assessment/Finding of
No Significant Impact - Initial Study/Mitigated
Negative Declaration
Moss Landing Harbor District,
North Harbor Shoreline Protection Project
Monterey County, California**

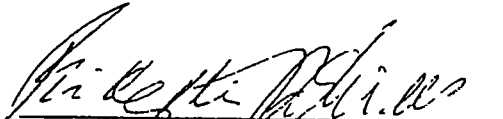
Prepared for

Moss Landing Harbor District
7881 Sandholdt Road
Moss Landing, California 95039

Harding ESE Project No. 54575-002



Richard A. Sykes
Project Environmental Scientist



Bridgette DeShields
Associate Environmental Scientist

February 25, 2002



Engineering and Environmental Services
90 Digital Drive
Novato, CA 94949 — (415) 883-0112

MITIGATED FINDING OF NO SIGNIFICANT IMPACT

Project Title: This Mitigated Finding of No Significant Impact (FONSI) has been prepared for the Moss Landing Harbor District North Harbor Shoreline Protection Project, Moss Landing, Monterey County, California.

Project Description: The Moss Landing Harbor District is proposing to construct shoreline protection and public access improvements to in North Harbor. The shoreline protection structures have been proposed to address erosion and flooding along the shoreline and protect existing businesses located at the site. The public access improvements are designed to enhance current use of the site.

In April 2001, the MLHD requested financial assistance from the National Boating Infrastructure Grant Program (NBIGP), which is administered by the U.S. Fish and Wildlife Service. The MLHD submitted proposal to the NBIGP for the funding of three components of the Proposed Action, which are included portions of the public access improvements outlined above. Two of the projects would fund construction of the transient docks, while the third would fund the construction of the restrooms, showers, pump-out facility, and education/promotion activities.

An Environmental Assessment (EA), which is incorporated by reference, was prepared in compliance with the National Environmental Policy Act (NEPA) of 1969, the Council on Environmental Quality (CEQ) Regulations found in Title 40 Parts 1500-1508 of the Code of Federal Regulations (40 CFR §1500-1508). NEPA requires consideration of environmental consequences in the decision-making process for federal actions. CEQ regulations implement the "action forcing" provisions of NEPA to ensure those federal agencies comply with the letter and spirit of the Act.

The project consists of two alternatives; Proposed Action; and No Project Alternative. Under the Proposed Action Alternative, the following shoreline protection and public access improvements to the North Harbor shoreline would be implemented:

Construction of a sheetpile seawall bulkhead; placement of 555 cubic yards of fill behind the seawall along the south end of the North Harbor shoreline; placement of 150 cubic yards of fill behind the seawall along the North Harbor shoreline between the former Skipper's Restaurant and the Elkhorn Yacht Club; placement of 245 cubic yards of riprap at the toe of the seawall, and construction of public access improvements including a promenade, tidal stairs, four new floating docks, a 1,500 square foot building (including a public restroom), and a new boat launch ramp. Approximately 40 cubic yards of fill would be placed under the tidal stairs and about 940 cubic yards of fill would be placed under the new boat ramp, with 235 cubic yards of rip-rap around the ramp. Public access improvements would also include the paving of existing unpaved parking area and modification of the parking lot (including the installation of sediment traps/oil-water separators) to accommodate existing uses and improve traffic flow and safety, and improve surface water runoff quality.

The No-Action Alternative would not implement the proposed shoreline protection and parking access improvements. The Moss Landing Harbor facility would remain unchanged from its existing condition.

Anticipated Date and/or Duration of Proposed Action: Implementation of the project is expected to occur no later than June, 2003. All construction operations would be completed by June, 2004.

Finding: Potential significant environmental impacts were identified under the Proposed Action during the environmental analyses for air quality, geology and soils, transportation and traffic, hydrology and water quality, biological resources, and noise. No impacts were identified for aesthetics, agricultural resources, land use and planning, socioeconomic and environmental justice, mineral resources, hazards and hazardous materials, cultural resources, and utilities and service systems. All potential impacts identified can be reduced to a less than significant level with the application of appropriate mitigation.

The Proposed Action involves no potential for any significant adverse effect, either individually or cumulatively, on all resources that cannot be mitigated to insignificance, and a Finding of Mitigated No Significant Impact is therefore determined.

Although the No-Action Alternative would have no construction or traffic-related impacts, this alternative would not address existing shoreline stability problems or the adequacy of harbor facilities and would therefore not comply with elements of adopted Monterey County and MLHD plans, and Coastal Act policies. This alternative would also have adverse environmental impacts on soil stability and harbor water quality. The No-Action Alternative does not meet the purpose and need of the project and would result in adverse environmental impact on geology and soils, hydrology and water quality, and land use and planning.

Public Availability and Point of Contact: The EA and FONSI will be available for public review at the offices of the Moss Landing Harbor District at 7881 Sandholdt Road, Moss Landing, California. Comments and questions can be directed to Linda Horning (Interim General Manager) at (831) 633-2461. Written public comments should be submitted within 30 days of the date of this Mitigated FONSI to:

Moss Landing Harbor District
ATTN: Linda Horning
7881 Sandholdt Road
Moss Landing, California 95039

Approval

Name

Date

**MITIGATED NEGATIVE DECLARATION
PURSUANT TO TITLE 14, CHAPTER 3, SECTIONS 15000, et. seq.
CALIFORNIA CODE OF REGULATION**

Project Title: This Finding of Mitigated Negative Declaration has been prepared for the Moss Landing Harbor District North Harbor Shoreline Protection Project, Moss Landing, Monterey County, California.

Pursuant to the State of California Public Resources Code and the "Guidelines for Implementation of the California Environmental Quality Act of 1970" (CEQA), a Mitigated Negative Declaration is hereby attached for the project listed below:

Project Description: The Moss Landing Harbor District (MLHD) is proposing to construct shoreline protection and public access improvements to in North Harbor. The shoreline protection structures have been proposed to address erosion and flooding along the shoreline and protect existing businesses located at the site. The public access improvements are designed to enhance current use of the site.

The project had issued a previous Initial Study and adopted a Mitigated Negative Declaration on April 3, 2000. At that time, the project did not include federal funding. In April 2001, the MLHD requested federal financial assistance from the National Boating Infrastructure Grant Program (NBIGP), which is administered by the U.S. Fish and Wildlife Service. The MLHD submitted a proposal for three separate Tier II projects, which are included in the public access improvements outlined above. Two of the projects would fund construction of the transient docks; the third would fund the construction of restrooms, showers, pump-out facility, and education/promotion activities.

The inclusion of a federal funding source by the National Boating Infrastructure Grant Program requires compliance with the National Environmental Policy Act (NEPA), pursuant to 40 CFR 1501.1 and 40 CFR 1508.9. Accordingly, this new funding source constitutes a new project and, thus, a new analysis is submitted for public review as a combined environmental document in compliance with the requirements of both CEQA and NEPA.

In compliance with CEQA, an Environmental Checklist and an Initial Study have been prepared for the project. Based on the findings of the Initial Study, a determination has been made that a Mitigated Negative Declaration is required for the project. The justification for preparing a Mitigated Negative Declaration is based on the results of the Initial Study, which determined that with the incorporation of mitigation into the project, no potential significant effects to the environment could result from the proposed project. Documents used in preparation of the Initial Study and Mitigated Negative Declaration can be reviewed at the Moss Landing Harbor District Office located in Moss Landing, California.

The project consists of two alternatives; Proposed Action; and No Project Alternative. Under the Proposed Action Alternative, the following shoreline protection and public access improvements to the North Harbor shoreline would be implemented:

Construction of a sheetpile seawall bulkhead; placement of 555 cubic yards of fill behind the seawall along the south end of the North Harbor shoreline; placement of 150 cubic yards of fill behind the seawall along the North Harbor shoreline between the former Skipper's Restaurant and the Elkhorn Yacht Club; placement of 245 cubic yards of riprap at the toe of the seawall, and construction of public access improvements including a promenade, tidal stairs, four new floating docks, a 1,500 square foot building (including a public restroom), and a new boat launch ramp. Approximately 40 cubic yards of fill would be placed under the tidal stairs and about 940 cubic yards of fill would be placed under the new boat ramp, with 235 cubic yards of rip-rap around the ramp. Public access improvements would also include the paving of existing unpaved parking area and modification of the parking lot (including the installation

of sediment traps/oil-water separators) to accommodate existing uses and improve traffic flow and safety, and improve surface water runoff quality.

The No-Action Alternative would not implement the proposed shoreline protection and parking access improvements. The Moss Landing Harbor facility would remain unchanged from its existing condition.

Anticipated Date and/or Duration of Proposed Action: Implementation of the project is expected to occur no later than June, 2003. All construction operations would be completed by June, 2004.

Finding: Potential significant environmental impacts were identified under the Proposed Action during the environmental analyses for air quality, geology and soils, transportation and traffic, hydrology and water quality, biological resources, and noise. No impacts were identified for aesthetics, agricultural resources, land use and planning, socioeconomic and environmental justice, mineral resources, hazards and hazardous materials, cultural resources, and utilities and service systems. All potential impacts identified can be reduced to a less than significant level with the application of appropriate mitigation.

The Proposed Action involves no potential for any significant adverse effect, either individually or cumulatively, on all resources that cannot be mitigated to insignificance, and a finding of Mitigated Negative Declaration is therefore determined for the North Harbor Shoreline Protection Project. Pursuant to NEPA requirements, a Finding of No Significant Impact has been issued separately for the Proposed Action Alternative.

Although the No-Action Alternative would have no construction or traffic-related impacts, this alternative would not address existing shoreline stability problems or the adequacy of harbor facilities and would therefore not comply with elements of adopted Monterey County and MLHD plans, and Coastal Act policies. This alternative would also have adverse environmental impacts on soil stability and harbor water quality. The No-Action Alternative does not meet the purpose and need of the project and would result in adverse environmental impact on geology and soils, hydrology and water quality, and land use and planning.

Public Availability and Point of Contact: The Initial Study and Negative Declaration will be available for public review at the offices of the Moss Landing Harbor District at 7881 Sandholdt Road, Moss Landing, California. Comments and questions can be directed to Linda Horning (Interim General Manager) at (831) 633-2461. Written public comments should be submitted within 30 days of the date of this Mitigated Negative Declaration to:

Moss Landing Harbor District
ATTN: Linda Horning
7881 Sandholdt Road
Moss Landing, California 95039

Approval

Name

Date

**Environmental Assessment/Finding of No Significant Impact - Initial Study/Mitigated Negative Declaration
Moss Landing Harbor District
North Harbor Shoreline Protection Project
Monterey County, California**

Harding ESE Project No. 54575-002

This document is prepared on behalf of the Moss Landing Harbor District (MLHD) as a combined Environmental Assessment (EA)/Initial Study (IS) pursuant to National Environmental Protection Act (NEPA) Guidelines (42 U.S.C 4321; 40 CFR 1500.1), and according to Council on Environmental Quality (CEQ) Regulations found in Title 40 Parts 1500-1508 of the Code of Federal Regulations (40 CFR §1500-1508), and the requirements of the California Environmental Quality Act (CEQA) Guidelines, Section 15063.

This document was prepared by Harding ESE, Inc. (Harding ESE) [formerly Harding Lawson Associates (HLA)] at the direction of the MLHD for the sole use of the MLHD. No other party should rely on the information contained herein without prior written consent of the MLHD. This report and the interpretations, conclusions, and recommendations contained within are based, in part, on information presented in other documents that are cited in the text and listed in the references. This report is not intended to recommend specific actions or to guarantee specific results. Therefore, this report is subject to the limitations and qualifications presented in the referenced documents.

APPLICANT AND PROPERTY OWNER NAME AND ADDRESS

Project Name:	North Harbor Shoreline Protection Project
Project Location:	Moss Landing, California, located west of Highway 1, just north of the Highway 1 Bridge crossing Elkhorn Slough
Applicant Name:	Moss Landing Harbor District
Address:	7881 Sandholdt Road, Moss Landing, CA 95039

CONTENTS

EXECUTIVE SUMMARY	iv
1.0 INTRODUCTION.....	1
1.1 REQUIRED APPROVALS	1
1.2 PROJECT BACKGROUND.....	1
1.3 OTHER HARBOR DISTRICT PROPOSED PROJECTS	2
1.4 ONGOING PERMITTED AND PLANNED PROJECTS IN MOSS LANDING	3
2.0 PURPOSE AND NEED FOR THE PROPOSED ACTION	4
3.0 PROJECT DESCRIPTION	5
3.1 PROPOSED ACTION	5
3.2 NO-ACTION ALTERNATIVE.....	8
4.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES	9
4.1 AESTHETICS.....	9
4.1.1 Proposed Action	9
4.1.2 No-Action Alternative.....	10
4.2 AGRICULTURAL RESOURCES.....	10
4.3 AIR QUALITY	10
4.3.1 Proposed Action	10
4.3.2 No-Action Alternative.....	11
4.4 BIOLOGICAL RESOURCES.....	11
4.4.1 Proposed Action	12
4.4.2 No-Action Alternative.....	16
4.5 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE.....	16
4.5.1 Proposed Action	16
4.5.2 No-Action Alternative.....	17
4.6 CULTURAL RESOURCES	17
4.6.1 Proposed Action	17
4.6.2 No-Action Alternative.....	17
4.7 GEOLOGY AND SOILS.....	17
4.7.1 Proposed Action	17
4.7.2 No-Action Alternative.....	19
4.8 HAZARDS AND HAZARDOUS MATERIALS	19
4.8.1 Proposed Action	19
4.8.2 No-Action Alternative.....	20
4.9 HYDROLOGY AND WATER QUALITY	20
4.9.1 Proposed Action	20
4.9.2 No-Action Alternative.....	20
4.10 LAND USE AND PLANNING	20
4.10.1 Proposed Action	22
4.10.2 No-Action Alternative.....	22
4.11 MINERAL RESOURCES.....	22

4.11.1	Proposed Action	22
4.11.2	No-Action Alternative	22
4.12	NOISE	23
4.12.1	Proposed Action	23
4.12.2	No-Action Alternative	23
4.13	TRANSPORTATION AND TRAFFIC	23
4.13.1	Proposed Action	24
4.13.2	No-Action Alternative	25
4.14	UTILITIES, SERVICE SYSTEMS, AND PUBLIC SERVICES.....	25
4.14.1	Proposed Action	25
4.14.2	No-Action Alternative	26
4.15	CUMULATIVE IMPACTS	26
5.0	FINDINGS AND CONCLUSIONS.....	27
6.0	REFERENCES	28

GRAPHICS

- Exhibit 1 Project Location Map
- Exhibit 2 Project Site and Immediate Vicinity
- Figure 1 Site Layout

APPENDIX

- A CEQA CHECKLIST

EXECUTIVE SUMMARY

This Environmental Assessment/Initial Study (EA/IS) has been prepared for the revised North Harbor Shoreline Protection Project. The proposed project involves the construction of shoreline protection structures and public access improvements.

An Initial Study/Mitigated Negative Declaration was previously prepared in compliance with the California Environmental Quality Act (CEQA) for the Moss Landing Harbor District (MLHD) by Harding ESE (formerly Harding Lawson Associates) and distributed in May 1999 for the North Harbor Shoreline Protection Project. Comments were received from federal, State, and local agencies and members of the public regarding the project's potential impacts to traffic/circulation, wetlands, threatened and endangered species, habitat, and water quality. To address potential impacts related to fill material, the proposed seawall bulkhead has been moved shoreward to parallel the existing shoreline. The location of the proposed floating South Dock has been moved approximately 120 feet into the harbor to eliminate the requirement for additional dredging within the harbor and to avoid eelgrass beds. In addition, supplemental information was collected to address potential impacts to traffic/circulation and eelgrass beds adjacent to the project area.

A second Initial Study was then produced in April 2000 to address the revised project. Based on revisions to the project, the second Initial Study concluded that potential significant impacts identified during the previous project's public review period in 1999 had been mitigated to less than significant levels through project redesign and a Mitigated Negative Declaration was issued.

In the revised project, the shoreline protection structures have been proposed to address erosion and flooding along the shoreline and protect existing businesses located at the site. The public access improvements are designed to enhance current use of the site. In summary, the following shoreline protection and public access improvements are proposed:

Shoreline protection improvements:

- Construction of a sheet pile seawall bulkhead at the upper edge of riprap along the existing shoreline from Maloney's Restaurant to the proposed tidal concrete steps
- Placement of fill material behind the bulkhead to stabilize the shoreline (the fill is being used to contour and straighten the alignment of the shoreline)
- Placement of rip-rap north of the seawall to address erosion and replacement of rip-rap between Maloney's and Skipper's restaurants

Public access improvements:

- Construction of a public promenade to enhance access to the shoreline immediately inland of the seawall bulkhead
- Construction of a floating dock for visiting (i.e. transient) vessels.
- Construction of three connected docks to serve existing marine charter, sport fishing, research, and university uses

- Construction of a concrete boat ramp and launch
- Construction of a 1,500 square foot building to include a public restroom, an office for marine charter business, and space for potential retail seafood sales
- Construction of concrete tidal steps to the beach area to provide better public access to the beach
- Paving of existing unpaved parking area and modification of the parking lot (including the installation of sediment traps/oil-water separators) to accommodate existing uses and improve traffic flow and safety, and improve surface water runoff quality.

In April 2001, the MLHD requested federal financial assistance from the National Boating Infrastructure Grant Program (NBIGP), which is administered by the U.S. Fish and Wildlife Service. The MLHD submitted a proposal for three separate Tier II projects, which are included in the public access improvements outlined above. Two of the projects would fund construction of the transient docks; the third would fund the construction of restrooms, showers, pump-out facility, and education/promotion activities. These projects will comply with all current elements of the Americans with Disabilities Act (ADA) requirements.

Initially, the project did not include federal funding. As a result, a Negative Declaration was prepared and recorded at the State Clearinghouse pursuant to California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000, et seq. The inclusion of a federal funding source by the National Boating Infrastructure Grant Program requires compliance with the National Environmental Policy Act (NEPA), pursuant to 40 CFR 1501.1 and 40 CFR 1508.9. Accordingly, this new funding source constitutes a new project and, thus, a new analysis is being submitted for public review as a combined Environmental Assessment/Initial Study in compliance with the requirements of both NEPA and CEQA.

1.0 INTRODUCTION

The MLHD has proposed this project to serve and enhance existing uses located in the North Harbor area of Moss Landing. In order to address potential impacts associated with the proposed project, the following combined Environmental Assessment/Initial Study has been prepared. The Environmental Assessment/Initial Study contains the following: required approvals; project description, including site history and background information; the potential environmental impacts associated with the project; and mitigation measures to reduce impacts to less than significant levels. In summary, significant environmental impacts associated with the project have been mitigated to less than significant levels and, therefore, support the preparation of a Finding of No Significant Impact (FONSI)/Mitigated Negative Declaration for the project.

1.1 REQUIRED APPROVALS

The following approvals are required by the MLHD for the proposed project:

- Adoption of the environmental document by the MLHD Board of Directors
- Approval of the project by the MLHD Board of Directors
- Approval for a Coastal Development Permit (CDP) from the California Coastal Commission and the County of Monterey for the project
- Approval from the U.S. Army Corps of Engineers (USACE) for placement of pile-supported structures (Section 10 permitting under the Rivers and Harbors Act) along the North Harbor shoreline for establishing a public promenade.
- Approval from Caltrans (encroachment permit) for proposed improvements to the parking areas
- Approval from the USACE (Section 404 Individual Permit) for placement of fill material associated with construction of the seawall, boat ramp, tidal stairs, placement of rip-rap, and dredging
- Approval from the Regional Water Quality Control Board (401 Water Quality Certificate under the Federal Clean Water Act) for discharge associated with the dredging and placement of fill along the seawall, boat ramp, floating docks, and tidal stairs.

1.2 PROJECT BACKGROUND

Regional and Local Setting

Moss Landing is an unincorporated community in Monterey County, California. It is located on Monterey Bay at the mouth of Elkhorn Slough, approximately halfway between the cities of Monterey and Santa Cruz. Highway 1 is the main thoroughfare through Moss Landing. The community lies between two rivers, the Pajaro, approximately 1.5 miles north of Moss Landing, and the Salinas, approximately four miles south. San Francisco is located about 100 miles north of Moss Landing. Approximately 520 people live in Moss Landing. The project site, the North Harbor, is located in the northeastern portion of Moss Landing Harbor, west of Highway 1.

Site History

The project site, adjacent to Highway 1 and northwest of the Elkhorn Slough Bridge, occurs on previously developed land. The majority of development in the North Harbor occurs on or adjacent to the project site and includes industrial and commercial uses. Moss Landing Harbor was originally constructed in the 1940's by dredging and filling to create the present harbor configuration. The harbor is separated into two areas, the "North Harbor" and the "South Harbor." The project is located in the North Harbor. Historical uses along the North Harbor include restaurants, commercial and retail businesses, boating facilities, and commercial fishing facilities.

Site Description and Land Uses

Site Description. The project site includes 7.5 acres of onshore area located in the North Harbor area of Moss Landing. The site contains a 6.5 acre unimproved area, comprised of a previously graded area that has been filled with soil material to elevate and level the area. This area is used for overflow parking on an as-needed basis. The fill material at the site was obtained from harbor dredge spoils that were deposited at the site beginning in 1951. This area is surrounded by bollards to prohibit boat trailer and boat ramp traffic, and to separate the area from the restaurant parking area located at the southern end of the project site. Directly south of this area, a one-acre informal paved parking area serves two restaurants, Skipper's, and Maloney's. Skipper's Restaurant, which was severely damaged by fire in 1998, is not in use but is planned for reconstruction. Both Maloney's and the old Skipper's buildings are built partially over the intertidal and subtidal areas adjacent to the North Harbor shoreline and are supported by rip-rap, fill, and pilings. The shoreline area adjacent to these restaurants is located at the mouth of the Elkhorn Slough (east of the restaurants), and across from the harbor entrance. Consequently, the shoreline receives ocean wave action entering the harbor, as well as storm flows entering the harbor from the Elkhorn Slough system, thus making the area highly susceptible to erosion and storm damage. This area is currently inundated during high tides and is primarily disturbed due to previous shoreline protection devices.

Site Land Use. The project site area contains both onshore and offshore lands. The onshore lands are used as parking for existing commercial businesses, including restaurants, located at the southern end of the site, and commercial businesses located at the northern end of the site. Vessel berthing facilities associated with the Elkhorn Yacht Club are located along the northwestern portion of the site, and a small boat launching ramp is located along the western shore of the property, south of the vessel berthing facilities. The onshore area adjacent to the yacht club is improved with paved parking and public restroom facilities. Two businesses, Little Baja and Monterey Bay Kayaks, are located on a separate parcel between the north end of the site and Highway 1. No improvements are planned for this parcel.

1.3 OTHER HARBOR DISTRICT PROPOSED PROJECTS

A number of other projects are planned for the North Harbor area:

- Maloney's Restaurant will be moved approximately 35 feet towards the shoreline while the shoreline protection measures are being installed.
- Skipper's Restaurant: The fire-damaged structure will be demolished and replaced with a new facility. The new Skipper's will also be moved shoreward. MLHD has already received permits from the U.S. Army Corps of Engineers (24498S), California Coastal Commission (#3-99-049), and the County of Monterey (DA990182) to rebuild Skipper's.

- The abandoned building between Skipper's and Maloney's will be demolished and rebuilt in the next several years.

1.4 ONGOING PERMITTED AND PLANNED PROJECTS IN MOSS LANDING

- Moss Landing Harbor District, Santa Cruz Cannery Renovation and K-Dock Improvements
- Moss Landing Harbor District, North Harbor Restoration Plan Implementation
- Duke Energy Power Services, Moss Landing Power Plan Modernization project
- Duke Energy, Moss Landing Power Plant Demolition of Onsite Fuel Oil Tanks
- Duke Energy, Moss Landing Power Plant Units 6 and 7 SCR
- Monterey County, Dept. of Public Works, Construction of New Sandholdt Bridge
- Frank Capurro & Son, Produce Facility
- Caltrans, Salinas Road/Highway One interchange
- Caltrans, Moss Landing Expressway (Widening of Highway 1 to Four Lanes)

Construction of the Santa Cruz Cannery Renovation project has begun and is slated for completion by December 2001. Construction of the new K-Dock project has also begun with project completion by December 2001. These projects will be completed before construction begins on the North Harbor Shoreline Improvement project. Construction on the shoreline improvement projects is anticipated to begin in early 2002 with project completion by the end of 2002.

The North Harbor Restoration plan provides for limited recreational use, habitat enhancement and protection for the parcel immediate north of the project area (currently a sediment rehandling facility), which will be restored to visitor-serving uses. A separate environmental document will be prepared for this project. This project is not scheduled to begin until after construction is completed for the North Harbor Shoreline Improvement Project, although revegetation will be completed by December 2001 under a separate permit.

Construction on Duke Energy's Moss Landing Power Plan Modernization project began during year 2000 and is expected to be completed by January 2003. According to Monterey County, construction of the new Sandholdt Bridge is anticipated to begin by the summer of 2002. These two projects are offsite from North Harbor and will not interfere with the North Harbor Shoreline Improvements projects.

According to Caltrans, improvements to the Highway One/Salinas Road interchange is being proposed with construction to begin in 2008. Likewise, construction of Highway 1 from its present two-lanes to the proposed four lanes (i.e. Moss Landing Expressway) is anticipated to begin 2010 with project completion by 2015, as funding becomes available. The North Harbor Shoreline Protection Project would be completed before the Caltrans projects begin construction.

2.0 PURPOSE AND NEED FOR THE PROPOSED ACTION

Moss Landing Harbor is centrally located on Monterey Bay midway between the cities of Santa Cruz and Monterey on the central California coast, approximately 100 miles south of San Francisco. The harbor is comprised of the North and South Harbors at the mouth of Elkhorn Slough, a National Estuarine Research Reserve and the second largest estuary in California. Moss Landing Harbor links Elkhorn Slough directly to Monterey Bay and its submarine canyon, which is a major focus of marine research activities, sport diving, sport fishing, and whale watching.

The South Harbor supports primarily commercial fishing vessels, large marine research vessels, and some sport fishing and recreational boats. The North Harbor mainly serves recreational boaters, including the Elkhorn Yacht Club, a public boat ramp, and kayak rental operations. The North harbor contains deep water, mudflats, and some wetland habitat. The entire 22-acre North Harbor area is being developed, restored, or improved through a combination of grants, loans, and capital investments.

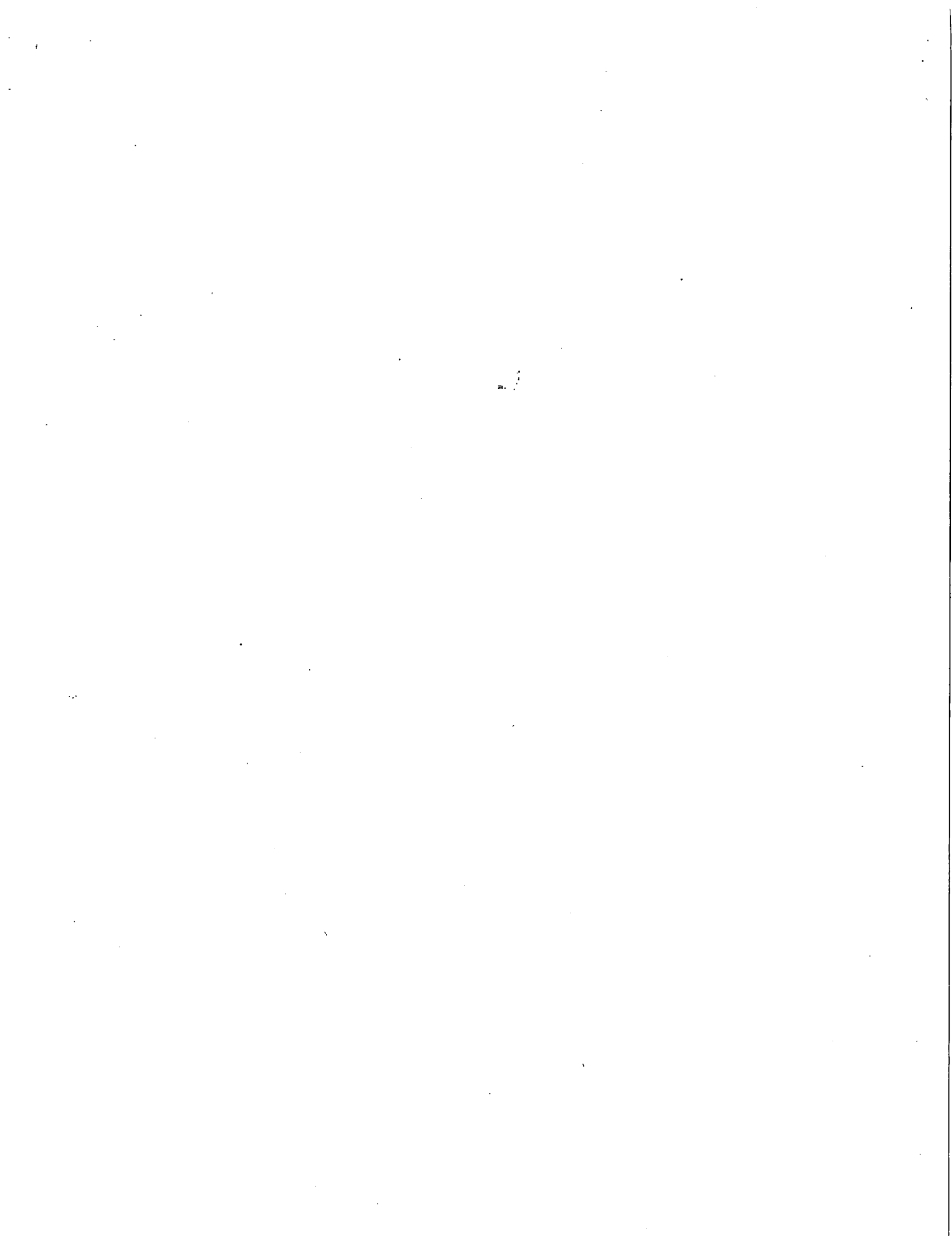
The Moss Landing Harbor is well protected in all weather patterns and is accessible year-round with a fuel dock, pump-out station, and haul-out facilities. Because the harbor is more protected, well equipped, less expensive, and less crowded than Monterey or Santa Cruz harbors, it is frequently used as a way point for cruising yachts on the circuit between San Diego, Seattle, and Alaska, and is a local destination for boaters from Monterey, Santa Cruz, and San Francisco. The MLHD has also received some interest from smaller ecotourism cruise lines about the possibility of including Moss Landing Harbor on their itineraries. Additionally, the Elkhorn Yacht Club hosts or participates in at least four annual regattas. In the last year, MLHD has had 280 recorded visits from cruising boats including one mega-yacht, which arrived during the US Open Golf Tournament at Pebble Beach.

Currently, there is an overall shortage of boat facilities in Monterey Bay. Santa Cruz, Monterey, and Moss Landing Harbors currently have multi-year waiting lists for permanent slips. This situation has resulted in a decreasing availability of transient slips and moorings. The harbor presently does not have sufficient docking facilities and other infrastructure to attract and serve many of the transient vessels and the larger vessels of the cruise lines that are expressing interest in Moss Landing Harbor.

The shoreline along North Harbor is experiencing extensive wave erosion from high wave action, which threatens the stability of existing structures along the shore. The shoreline erosion contributes to the sedimentation of the harbor, which degrades the water quality and impairs navigation.

The proposed project would allow MLHD to stabilize and protect the North Harbor shoreline, provide transient docking facilities, and improve public access to harbor facilities. This project would also augment a larger site development of North Harbor, which includes improved parking, the private development of new businesses, and the construction of a segment of the California Coastal Trail.

Implementing the proposed improvements would create infrastructure for smaller, ecotour cruise vessels to visit Moss Landing. The improved infrastructure would promote Moss landing Harbor as a destination for regattas, transiting yachts, and day-sailors/powerboaters from Santa Cruz and Monterey. Furthermore, the project would serve to promote conservation of marine environments and responsible behaviors by boaters and other harbor users through education.



3.0 PROJECT DESCRIPTION

3.1 PROPOSED ACTION

The Moss Landing Harbor District is proposing to construct shoreline protection and public access improvements to in North Harbor in order to protect the shoreline from flooding and erosion and enhance public access. These improvements are described below.

Shoreline Protection

To address ongoing flooding and erosion problems along the North Harbor shoreline, the MLHD has proposed the following shoreline protection improvements:

- **Sheet Pile Seawall Bulkhead** – The District proposes to construct a sheet pile seawall bulkhead along the North Harbor shoreline. The location of the sheet pile bulkhead has been located as closely as possible to the Highest Annual Tide (HAT) Line to minimize fill into Elkhorn Slough. Top elevation for the sheet pile wall between the tidal steps and the new launch ramp is proposed to be approximately +13.0 feet MLLW near the boat launch ramp and +10.0 feet MLLW near the tidal steps. Tip elevations for the sheet pile wall are not known at this time. The sheet pile will be comprised of either concrete, vinyl, or steel along much of the entire length of the North Harbor (approximately 315 lineal feet) and will be constructed at a height of about eight to ten feet above the submerged floor of the North Harbor channel;
- **Fill for Sheet Pile Seawall Bulkhead** – The District proposes to place 705 cubic yards (cy) of fill along the North Harbor shoreline to backfill the seawall in order to contour and straighten the alignment of the new seawall. Approximate fill quantities for the area between the Tidal Steps and new Launch Ramp are as follows: 1) Fill Outboard of HAT Line (6.60 MLLW) is approximately 46 cubic yards; 2) Fill Below HAT Line (6.60 MLLW) is approximately 16 cubic yards. No fill will be placed in the area south of the launch ramp; and;
- **Rip-Rap** - The District proposes to place 245 cy of rip-rap along the harbor (approximately 320 lineal feet) north of the proposed sheet pile seawall bulkhead in order to protect the area from erosion. Existing rip-rap from Maloney's to Skipper's will be replaced with better quality material to provide better protection from erosion. This riprap is to serve as protection from scour along the toe of the bulkhead/sheet pile wall. As noted, the riprap placed south of the launch ramp will be replaced with material of higher quality and not new fill.

Public Access Improvements

To enhance public access along the North Harbor shoreline, the District proposes public access improvements as part of the shoreline protection project. The improvements are designed to enhance the existing recreational and visitor-serving opportunities and provide public access areas along the shoreline. The public access improvements include:

- **Coastal Trail, Phase One** - The trail will extend from the North Harbor main entrance to the existing restaurant (Maloney's) at the Elkhorn Slough Bridge. This Class I bikeway trail section will be a formal trail made up of four-inch thick concrete slab over an eight-inch aggregate base. This bikeway will be approximately 2,000 linear feet and approximately ten-feet wide. In addition,

bollard lighting and signage along the trail shall be installed to assist in pedestrian safety and bike traffic control. Site furnishings such as benches, interpretive signage, and trash receptacles will be installed along the entire trail. The trail will be designed to allow public pedestrian lateral access along the shoreline and this trail will be continuous with the California Coastal Trail and the Monterey Bay National Marine Sanctuary Scenic Trail);

- **Public Promenade** – The wharf, located on the waterside from Maloney’s to Skipper’s Restaurants, will be a pile-supported deck with the deck at elevation 12.5 feet (mllw). The harbor side of the wharf will project out into the water by a distance of between 13 feet and 44 feet from the line of high water (highest tide of the year as defined by the USACE). The wharf is 24,500 square feet in area, 675 feet in length and varies from 24 feet to 45 feet in width. There will be a maximum of 275 wharf piles that will likely be concrete with a diameter of between 12-24 inches; the piles could also be made of steel or wood. The deck will be made of wood or concrete and supported by a concrete, steel or wood sub-structure that will connect to the piles. A concrete abutment on the shoreside of the line of high water will support the shore side of the wharf.
- **South Transient Dock** - One floating dock, 170 feet by 12 feet, with 18 piles, to be used as temporary berthing for vessels visiting the harbor;
- **North Transient Docks** - Three connected floating docks (each approximately 100 feet in length by 12 feet wide, with a 168 foot-long connecting dock, and a total of 33 piles) dedicated for marine charter, sport fishing, research, or university uses;
- **Boat Launching Facility** - A concrete boat ramp and launch to accommodate up to four boats simultaneously, requiring 410 cy of concrete and 940 cy of fill under the ramp; Rip-rap placed around the boat ramp (235 cy); and Dredging of 6,900-7,600 cy of State tidelands seaward of the proposed temporary berthing dock and boat ramp to facilitate boat access;

The new concrete boat ramp is funded by the California Department of Boating and Waterways and will supplement the existing public boat ramp in the North Harbor, just south of the Elkhorn Yacht Club. The existing ramp will be dedicated to non-motorized vessels use such as kayaks and canoes. The proposed new four-lane ramp will be dedicated for motorized vessels on trailers including sportfishing and recreational boats.

- **Beach Access** - Concrete steps shall be installed immediately south of the existing launch ramp. These steps shall be approximately eight feet by 176 feet, leading to the beach area, and will require the placement of 100 cy of concrete and 40 cy of fill under the stairs, and;
- **Parking Improvements** -

Existing parking: Current parking at the site, both in improved and unimproved areas is limited to an estimated 226 car spaces. Parking is done in a haphazard fashion, which has the potential to cause less than desirable traffic circulation patterns.

Permanent parking: The new parking lot, exclusive of the parking area within the Caltrans right-of-way, will increase from 226 car spaces to an estimated 142 car spaces and 121 car/trailer spaces (Monterey County Parking Regulations, Chapter 20.58.040). Car/trailer spaces are equivalent to two car spaces (Department of Boating and Waterways Small Craft Launching Facilities, Section 4). Improvements to the existing lot, including paving, striping, and the addition of increased boat trailer parking, will provide for a more efficient use of existing parking and will promote safe traffic flow.

Improvements to the existing lot will include drainage areas to control onsite runoff and allow for adequate site drainage in order to decrease the onsite potential for flooding. Two sediment traps with oil-water separators will be constructed in the parking lot to treat surface water runoff prior to discharge to the harbor. Site access will be improved by consolidating existing access points (currently there are three access driveways) into one driveway, widening the existing main entrance, and supplying acceleration and deceleration lanes to the main entrance. The access improvements were included to address inadequate site distances along Highway 1 at all three current access points. A single main entrance together with the planned main entrance design improvements will result in more efficient traffic operations and safer conditions at the intersection of Highway 1 and the North Harbor main entrance.

Temporary parking: Parking within the Caltrans right-of-way will allow the parking lot to extend total area approximately 30,400 square feet towards Highway 1, and would create an additional 70 car parking spaces. The Caltrans right-of-way area would contain only temporary parking spaces. A Caltrans encroachment permit will be required for improvements to the parking lot. It is noted that Caltrans proposes the widening this portion of Highway 1 as a part of their Moss Landing Expressway project; however, the project is still in very preliminary stages and the plans for this particular area are not yet finalized. Under Caltrans current schedule, design engineering for the project is not scheduled to begin until year 2007 and construction is anticipated to begin in year 2010. MLHD will coordinate with Caltrans throughout the courses of their respective projects to assure compatible transition for this location. Should MLHD be unable to obtain the Caltrans right-of-way for the project, overall parking would be reduced to the District's proposed permanent parking.

Future parking: MLHD is proposing to relocate the Monterey Bay Kayaks business into the location presently occupied by Little Baja. Little Baja has made a business decision to vacate its existing premises and is not being displaced by the Proposed Action. This would allow up to 64 additional car-parking spaces. This area would compensate for the loss of the temporary parking area in the Caltrans right-of-way area when Caltrans begins construction of the Moss Landing Expressway.

- **Widening the Main Entrance to North Harbor:** The design of the new main entrance will be based on criteria set forth in Caltrans, Highway Design Manual, Chapter 300. In addition, MLHD is proposing to close the two secondary entrances located approximately 500 feet and 1,300 feet north of the Elkhorn Slough Bridge. In addition, the MLHD is proposing to construct acceleration/deceleration lanes as suggested in Caltrans, Highway Design Manual, Chapter 400.

Relocation of Structures

- Maloney's Restaurant will be moved approximately 35 feet towards the shoreline while the shoreline protection measures are being installed.
- The abandoned building between Skipper's and Maloney's will be moved on shore to allow for the shoreline protection measures. MLHD will secure all necessary permits prior to initiating demolition or construction activities.

3.2 NO-ACTION ALTERNATIVE

The No-Action Alternative would not implement the proposed shoreline protection and parking access improvements. The Moss Landing Harbor facility would remain unchanged from its existing condition.

4.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

An Environmental Assessment/Initial Study was conducted for the revised North Harbor Shoreline Improvement Project. Potentially significant adverse environmental impacts were identified during the Environmental Assessment/Initial Study process for air quality, geologic problems, transportation/circulation, hydrology and water quality, and noise. Less than significant impacts were identified for biological resources. No impacts were identified for aesthetics, agricultural resources, land use and planning, socioeconomics and environmental justice, energy and mineral resources, hazards and hazardous materials, public services, utilities and service systems, cultural resources, or recreation. For consistency purposes, the discussion is presented in the same order as the CEQA Initial Study Checklist, as modified to allow inclusion of NEPA requirements. Where appropriate, mitigation measures have been identified to reduce or eliminate potential significant adverse impacts.

4.1 AESTHETICS

The proposed project is located adjacent to Highway 1, which has been designated as a state scenic highway. According to Sections 260 of the State Highways Code, scenic highways "require continuing and careful coordination of planning, design, construction, and regulation of land use and development, by State and local agencies as appropriate, to protect the social and economic values provided by the state's scenic resources." In section 261 of the State Highway Code, it further states that "The standards for official scenic highways shall also require that local government agencies take such action as may be necessary to protect the scenic appearance of the scenic corridor, the band of land generally adjacent to the highway right-of-way, including, but not limited to, (1) regulation of land use and intensity (density) of development; (2) detailed land and site planning; (3) control of outdoor advertising; (4) careful attention to and control of earthmoving and landscaping; and (5) the design and appearance of structures and equipment."

The local agency responsible for land use planning within the county is the Monterey County Planning Department. As such, the Monterey County Planning Department is responsible for land use designation at the proposed project site. The applicable land use designations and regulations are discussed in Section 4.10 (Land Use and Planning).

4.1.1 Proposed Action

The proposed project will support and enhance the existing onsite land uses by providing parking for existing businesses and by stabilizing the existing shoreline from erosion. The project will not change the existing uses at the site or introduce new uses to the site. Consequently, the proposed project is consistent with the land use designation as identified in the Monterey County General Plan. In addition to the land use designation for the site, the Monterey County General Plan has identified the following objectives for scenic highways.

- Employ a cooperative planning effort among all public and private interests to implement appropriate land use techniques and controls for maintaining the scenic beauty and atmosphere of the scenic corridor.

For this project, the project has been designed to blend in with the existing landscape to the maximum extent practicable. The final project site plan will contain native landscaping elements that will provide

sufficient transition in views from Highway 1 in coordination with all responsible agencies including Caltrans and the California Coastal Commission. The following design features are part of the project:

- Shoreline improvements will not be visible from Highway 1 and will thus preserve the scenic quality of the highway
- The project includes public access improvement such as a promenade along the shoreline that will enhance access to the harbor's edge and tidal steps providing access to the beach area. The promenade will allow visitors and local residents to view the harbor from areas that are currently not conducive to scenic views. The steps will provide easy public access to the beach area
- Project grading and filling will not impact the existing visual character of the site. Fill activities are designed to alleviate the potential for erosion and flooding, and due to their height relative to the surrounding landscape, will be imperceptible when compared with existing conditions.

Based on the incorporation of design features into the proposed project, it is not anticipated that the proposed project will alter any scenic vistas or result in the creation of an aesthetically offensive site open to public view. Therefore, no impacts to aesthetics have been identified and no mitigation measures are required.

4.1.2 No-Action Alternative

No changes in existing visual conditions or impacts to the aesthetic environment would occur as a result of the No-Action Alternative.

4.2 AGRICULTURAL RESOURCES

The proposed project site is located in a non-agricultural area and would not occupy any lands of agricultural importance. The project site land use is currently non-agricultural and the proposed project would not alter these uses. Therefore, no impacts to farmland or other agricultural resources have been identified for the Proposed Action or the No-Action Alternative, and no mitigation measures are required.

4.3 AIR QUALITY

4.3.1 Proposed Action

During construction of the proposed project, air quality impacts, including the generation of PM10 (dust) and mobile source exhaust emissions may occur. No sensitive receptors exist or are anticipated in the immediate vicinity of the proposed project site. The impacts would be short-term and localized. For long-term impacts, the proposed project will involve improvements to an existing unpaved dirt parking lot. The unpaved lot will be paved and striped and utilized for parking in the North Harbor. The decrease in dust generation associated with the unpaved lot, including PM10 emissions will result in a net beneficial effect. As discussed in the Transportation/Circulation section below, the project is also not expected to generate any new trips above current usage at the project site. Consequently, operation of the project site is not anticipated to generate additional emissions. Therefore, no long-term impacts have been identified for air quality and no mitigation is required.

According to the Monterey Bay Unified Air Pollution Control District (MBUAPCD), construction projects less than eight acres are not anticipated to exceed thresholds established by the MBUAPCD (approximately 82 lbs/day of PM10) and are not required to implement mitigation measures to offset potential air quality impacts. Nevertheless, to address short-term construction related impacts; all construction vehicles will comply with local air pollution control district regulations and will be limited to only those necessary to complete the project. In addition, to reduce auto emissions resulting from workers arriving at the site and to control dust emissions at the site during construction activities, the following mitigation measures are provided:

- Employees working at the site shall be encouraged to carpool to the project site
- Water trucks shall be used to water the proposed project site as well as all roads leading into the construction site to control fugitive dust during excavation of the sediment mixing and drying site, as needed
- Speed of construction vehicles shall be limited to 10 miles per hour in order to reduce the generation of dust onsite.

4.3.2 No-Action Alternative

No impacts to air quality conditions would occur as a result of the No-Action Alternative.

4.4 BIOLOGICAL RESOURCES

The proposed project occurs both on land and in harbor waters. The onshore area consists of a primarily unvegetated, disturbed area along the North Harbor shoreline. The area includes commercial businesses, a restaurant, a paved parking area and boat ramp, and an unpaved dirt parking lot. Vegetation onsite is composed of scattered weedy vegetation and does not provide suitable habitat for any sensitive species (*ABA Consultants, 1998*).

The project area along the shoreline consists of a previous rip-rap seawall and mudflats located adjacent to the shoreline. The shoreline area is primarily disturbed including the presence of previous shoreline protection structures. Over the past 20 years, the shoreline has experienced extensive erosion (*ABA Consultants, 1998*). Erosion associated with wave activity and storm surges has modified the habitat from sandflats to rocky intertidal (*ABA Consultants, 1998*). Previous surveys at the project site have indicated that the shoreline supports habitat that used as a feeding area by sea otters. Kvitek and Oliver (1986) reported that the near shore area along the North Harbor includes populations of the large gaper clam (*Tresus nuttalli*) and Washington clam (*Saxidomus nuttalli*). Other clam species include the bent-nosed clam (*Macoma secta*.) and the little neck clam (*Protothaeca staminea*). Sea otters eat these clams and have been observed feeding within 10 meters of the Skipper's Restaurant site. Remains of otter-cracked shells are abundant in the intertidal and subtidal areas. Otter feeding has undoubtedly had an effect on these clam populations (*Kvitek et al., 1988*). However, the number of pits in the subtidal areas along the shoreline indicates that otters have not entirely depleted the clam populations

Lower elevations in the North Harbor tidal area contain beds of eelgrass (*Zostera marina*). Eelgrass beds provide habitat for young fishes and invertebrates. Although eelgrass has been in decline in this area many years (most likely as a result of the increased flows through Elkhorn Slough), its presence was identified by the California Department of Fish and Game on June 1, 1999. On November 4, 1999, the Moss Landing Harbor District commissioned Mr. Jim Oakden of ABA Consultants to conduct a survey

to map all eelgrass beds to the east of the channel from the Highway 1 bridge to a point north of the proposed visitor center parking lot. The mapping survey identified the occurrence of eelgrass in four areas. Additional surveys, at low tide, done in February 2000 and in August 2000, were conducted to finalize the bed locations and to estimate their densities. August is the height of the eelgrass-growing season and would represent the maximum extent of the beds. The four beds are indicated on the attached site plan (Figure 1.)

Densities were determined by counting the colms (upright clusters of blades) within five replicate 0.25 square meter quadrants. The colms cannot be considered individual plants because *Zostera* is rhizomatous, but the colms can give a relative measure of density and plant health. The quadrant counts yielded an average colm number of 34.7 for Eelgrass Bed 1. Eelgrass Beds 3 and 4, located approximately 120 to 145 feet southeast of the Skippers Restaurant site, consist of sparse and scattered occurrences of small and tattered individual plants with estimated densities of 1 to 10 per square meter. Eelgrass Bed 2 located approximately 20 feet offshore of Maloney's Harbor Inn between Maloney's and the Skipper's restaurant site appeared to be healthy and have high plant densities. Eelgrass Bed 2 consists of robust plants with a mean colm density of 52. The eelgrass survey is available for review at the Harbor District offices.

4.4.1 Proposed Action

No impacts to biological resources are anticipated to occur onshore. The project area is heavily disturbed and does not contain habitat for sensitive species. The project, however, does have the potential to impact open water areas including intertidal areas adjacent to the shoreline used by otters. To address potential project impacts, a study of the near shore habitat was conducted adjacent to the project site (*ABA Consultants, 1998*). According to the study, the subtidal and intertidal habitats adjacent to the shoreline have been completely modified from natural conditions due to natural erosion. The area near the Skipper's Restaurant site has lost a majority of the former intertidal sandflat from natural erosional processes. This process has accelerated over the past decade. Much of the habitat loss has resulted from subtidal slumping into the eroding channel and from continuous erosion of the shoreline bank. In recent years, the shoreline has been modified and consists of a degraded sandflat and rocky intertidal habitat area that is constantly subject to erosional forces and will be continually modified in the future unless shoreline protection structures are constructed at the project site. In short, not adopting the proposed improvements would most likely result in the continued degradation of biological resources in the area.

The proposed project includes the placement of shoreline protection structures along the existing shoreline to provide erosion stabilization. The structures will be placed partially in submerged water along the shoreline resulting in impacts to near shore resources. The project will create additional rocky intertidal habitat by placement of fill materials, including rip-rap, along the shoreline. The existing rocky intertidal habitat in the area suggests that the conditions are unsuitable for development of a diverse rocky intertidal community. Snails (including *Tegula funebris*) may become abundant and could possibly provide food for predators such as gulls and sea otters. In general, however, the new habitat created by the project is not anticipated to add significant ecological value to the harbor and slough ecosystems. Since the project primarily occurs in an already disturbed area, animals that might currently utilize the areas adjacent to the shoreline are unlikely to be impacted by the placement of a shoreline protection structure.

The subtidal area in the general area in front of the Skipper's Restaurant site contains benthic habitat for clams and serves as a feeding area for sea otters. Erosion, including scouring of the shoreline, has reduced the intertidal sandflat that supports the local clam population. While the current habitat is still

able to support some clam populations, it has been substantially degraded over the past 20 years due to shoreline erosion associated with wave action and is anticipated to continue to be degraded. The proposed project impacts would be limited to small portions of the existing clam habitat located only at the dredged and filled areas. These areas would consist of the proposed boat ramp facility, the North Dock, and the concrete tidal steps, the design of which would have minimal impact on clam harvesting access. No structures are planned in the open-water area offshore from Skipper's. There would be no dredging or filling of the mudflats north of the proposed boat ramp. The limited removal of clam habitat constitutes only a small portion of the overall clam habitat in the harbor. The majority of suitable clam habitat in the harbor would remain. Continuing erosion would occur if the project were not implemented, and would likely further degrade existing clam habitat. The shoreline protection structures would help to stabilize the shoreline and slow the erosional process. The addition of the concrete tidal steps would be beneficial, as they will enhance access to the clam beds for recreational clam harvesting.

Potential increases in harbor boat traffic could potentially affect the sea otter population in the area. However, the proposed improvements are not expected to notably contribute to such hazards beyond current levels. The sea otters are presently exposed to boat traffic. The Harbor District enforces boating speed limits, which helps to reduce accidents involving sea otters and other wildlife.

Potential project impacts to the harbor eelgrass beds are also anticipated to be less than significant. The project has been redesigned to minimize impacts to the eelgrass beds. The design for the South Dock has been revised to bring the dock closer to the channel and thereby require no dredging in the eelgrass beds. The pilings for the dock will be placed shoreward of the eelgrass beds.

None of the eelgrass beds would be directly disturbed by the construction of the South Dock but would be subject to limited shading by the dock during certain times of the year. On plan view, approximately five-percent (129 square feet) of Eelgrass Bed 1 (Figure 1), with a total bed area of 2,348 square feet is beneath the dock footprint. About eight-percent (176 square feet) of Eelgrass Bed 2, with a total bed area of 2,286 square feet, is beneath the dock footprint. Eelgrass Beds 3 and 4 would remain unaffected by the dock. Although portions of Beds 1 and 2 are beneath the dock footprint, because of the angle of the sun, the portions of the beds listed above would only be shaded for a portion of the day, varied by season. The tables below indicate, by season, the percent area that each eelgrass bed would be illuminated following project implementation.

Percentage of Bed Area in Direct Sunlight-Summer Solstice

Time	BED			
	1	2	3	4
6:00 AM	45%	10%	100%	100%
8:00 AM	97%	70%	100%	100%
10:00 AM	100%	85%	100%	100%
12:00 PM	97%	98%	100%	100%
2:00 PM	100%	100%	100%	100%
4:00 PM	94%	100%	100%	100%
6:00 PM	10%	100%	100%	100%

Percentage of Bed Area in Direct Sunlight-Fall/Spring Equinox

BED				
Time	1	2	3	4
6:00 AM	-	-	-	-
8:00 AM	100%	75%	100%	100%
10:00 AM	100%	100%	100%	100%
12:00 PM	100%	100%	100%	100%
2:00 PM	100%	100%	100%	100%
4:00 PM	100%	100%	100%	100%
6:00 PM	-	-	-	-

Percentage of Bed Area in Direct Sunlight-Winter Solstice

BED				
Time	1	2	3	4
6:00 AM	-	-	-	-
8:00 AM	-	-	-	-
10:00 AM	100%	100%	100%	100%
12:00 PM	100%	100%	100%	100%
2:00 PM	100%	100%	100%	100%
4:00 PM	-	-	-	-
6:00 PM	-	-	-	-

These tables indicate that the period when Eelgrass Beds 1 and 2 would have less than 85-percent of the total bed area illuminated occurs during the morning and late afternoon hours of the Summer Solstice. During the rest of the day all bed locations would be between 85 to 100-percent illuminated. Approximately 305 square feet of eelgrass in both Beds 1 and 2 would be affected. This comprises approximately 7 percent of the existing eelgrass bed area (4,534 square feet). Studies indicate that eelgrass is able to tolerate reduced light conditions (*Van Katwijk, et al 1998*).

The effect of shading is considered to be less than significant in that no more than seven-percent of the total project area eelgrass would experience some shading by the project, while more than 93-percent of the total eelgrass area would remain unaffected.

In addition, there is no evidence that some shading of eelgrass beds will result in direct plant losses. Eelgrass has been shown to grow under wharves and other structures in other locations along the California coast. The project has undergone significant design changes to minimize any shading of eelgrass beds. The only shading of Beds 1 and 2, will occur during the summer solstice period and the only significant shading will occur very early in the morning when the sun is less intense and more often than not blocked by fog. Therefore, the likelihood of adverse impacts to eelgrass beds from shading is very small. MLHD, in up early coordination with the agencies, redesigned the project to eliminate any dredging in the vicinity of the eelgrass beds. Larger vessels will be restricted the south side of the South Dock. Signage and, if necessary, physical barriers will be used to restrict access of larger and/or motorized vessel from using the north side of the South Dock.

Several portions of the project will result in either fill in or involve work above areas subject to regulation by the U.S. Army Corps of Engineers the type and extent of which is described in the project description. Project elements that require Corps approval include: construction of the seawall, boat ramp, tidal stairs, placement of rip-rap and pile-supported structures. Prior to construction of these elements the Harbor District will obtain an Individual Permit under Section 404 of the Clean Water Act and a Letter of Permission to conduct work over navigable waters under Section 10 of the Rivers and

Harbors Act. None of the improvements will result in fill in areas considered significant under NEPA/CEQA. Potential impacts and potential mitigation requirements for these areas will be addressed through the Corps permitting process.

The CEQA Guidelines Checklist defines removal, filling, or the hydrological interruption of wetlands as a potentially significant impact and specifically indicates federally protected wetlands as defined by Section 404 of the Clean Water Act. Areas designated by the Corps as wetlands generally require the presence of three environmental parameters: hydrophytic vegetation, hydric soils, and evidence of surface saturation for a minimum of 21 consecutive days each year. There are no areas on the project site that meet these three criteria.

In summary, the implementation of the proposed project would not result in any significant impacts to biological resources and would not cause a significant change from existing conditions. The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service. The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service. The project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, march, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means. The project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or significantly impede the use of native wildlife nursery sites. The project does not conflict with any local policies or ordinances protecting biological resources and does not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Effects on habitat would be predominately limited to the dredged and filled areas. The potential effects on the habitat of sea otters, pelicans and other birds, salmon and steelhead would be less than significant. Since the limited displacement of clam habitat and shading of eelgrass beds is of such a small scale in comparison to the remaining clam habitat in the harbor, impacts to biological resources are considered less than significant and no mitigation is required.

Although no significant impacts to biological resources are anticipated, review of previous project plans by the California Department of Fish and Game identified eelgrass beds as a resource of concern. In response, MLHD redesigned the project to avoid direct impacts to the eelgrass beds. The MLHD is committed to working with local groups at Moss Landing Marine Laboratory and the Elkhorn Slough National Estuarine Research Reserve to incorporate long-term monitoring of eelgrass and other biological communities in the project vicinity for a period of at least five years after project implementation. Bathymetric surveys of the harbor are currently conducted at least annually as part of the MLHD's dredging program. These surveys will be extended to include areas within the project vicinity. Biological monitoring and bathymetric survey results will be evaluated at least annually to assess whether the project has potentially impacted biological resources. If significant impacts that can be attributed to the project have occurred, MLHD will work with the regulatory agencies and local groups to implement appropriate mitigation measures. To further assure that there will be no direct impacts to the eelgrass beds during construction, the following mitigation will be implemented:

- Mitigation of biological resources is through avoidance. Monitoring will be conducted before, during, and after construction to assure that piers will be placed shoreward of the eelgrass beds. The contractor will be notified of this design requirement prior to conducting work. Monitoring will also

be conducted during and after placement of the piers to verify correct placement. A Mitigation Monitoring and Reporting Plan has been prepared to assure minimal effect on biological resources.

4.4.2 No-Action Alternative

No impacts to wildlife habitat, eelgrass beds, or species of concern would occur as a result of the No-Action Alternative.

4.5 SOCIOECONOMICS AND ENVIRONMENTAL JUSTICE

Socioeconomic impacts are broken into the following categories: population, recreational resources, the economy, and environmental justice. While there are currently no regulations governing impacts to the economy and local workforce, these impacts can be of concern to the local and regional community. On February 11, 1994, President Clinton signed Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations. This Executive Order requires federal agencies to evaluate impacts on minority and low-income populations in NEPA documents.

4.5.1 Proposed Action

The proposed project will not result in any increases to population in the local area. Furthermore, the proposed project will not result in increased housing demand or require the construction of new housing facilities to support the project. It is assumed that local construction companies will complete project construction, and operation of the site will not require permanent relocation of new personnel. Therefore, no impacts to population or housing have been identified and no mitigation measures are required.

Recreational opportunities at the project site would be considerably enhanced by the proposed improvements above the existing boat launch ramp. The project includes the construction of a public access promenade, concrete tidal steps to the beach, the construction of a new boat ramp, and the construction of a temporary boat dock to be used by visiting vessels. The project, therefore, will enhance current recreational opportunities at the site. The existing boat ramp will be designated for kayak and small boat launching thus promoting increased visitor-serving uses of the site. This would be consistent with the local land use planning designation for the project site and would be a project benefit. Based on the public access and recreation components of the project, no adverse impacts to recreation have been identified and no mitigation measures are required.

The proposed project would require a construction force, which is expected to be hired locally. This would create new employment for the region and positively effect local employment opportunities.

There is no resident population at the Moss Landing Harbor facility. The proposed project would be constructed to help meet the needs of the harbor commercial and recreational users and its effect on the adjacent population is expected to be positive. The location of the Proposed Action would not disproportionately effect low-income or minority populations. No potential violations of Executive Order 12898 have been identified.

4.5.2 No-Action Alternative

Although the No Action Alternative would not generate adverse impacts on population, recreation resources, or employment, it would also not provide the employment opportunities of the Proposed Action. The No Action Alternative would also leave the MLHD with insufficient shoreline protection capability and inadequate facilities for harbor users.

4.6 CULTURAL RESOURCES

4.6.1 Proposed Action

No prehistoric or historic archeological sites or historic structures are known to be located at the proposed project site. Construction will include excavation of dredge materials along the shoreline and minor placement of fill to both protect the shoreline from erosion and provide enhanced public access to the shoreline. Areas proposed for dredging contain fill material deposited into the harbor during storm events. The proposed dredging will uncover and move soils and sediments that are primarily dredge spoils remaining from previous disposal at the site. Therefore, impacts to cultural resources are not anticipated. However, during construction, in the event that any archeological or historic resources are discovered during site grading, the following mitigation will be implemented:

- If cultural resources are discovered during construction, construction shall be stopped until a qualified archeologist is consulted and appropriate measures are taken to protect those resources.

4.6.2 No-Action Alternative

No impacts to cultural resources would occur as a result of the No-Action Alternative.

4.7 GEOLOGY AND SOILS

To address geologic problems at the proposed project site, a geotechnical and coastal engineering study was conducted for the project (*Haro, Kasunich and Associates, Inc., 1998*). The following sections summarize the site characteristics, potential project impacts, and mitigation measures to reduce project impacts to less than significant levels.

Site Conditions: The site is located along the southern edge of the North Harbor bordering the entrance to Elkhorn Slough. The site is nearly level with a slight grade to the north. Two sides of the site, the south and west sides are located along the harbor shoreline. These areas are, for the most part, currently unprotected and severely degraded due to erosion. Some riprap exists in the vicinity of the restaurants. A topographic map was prepared for the site. The elevation of onshore lands is approximately five feet National Geodetic Vertical Datum (NGVD). The adjacent harbor mouth, which is subject to tidal and ocean influence, ranges from -five to +four NGVD; however, water has overtopped the shoreline bank during extreme high tides and during storm conditions.

4.7.1 Proposed Action

The following discusses potential impacts to geologic problems that could result from implementation of the proposed project. Where needed, mitigation measures have been provided to reduce impacts to less than significant levels.

Seismic Ground Shaking: Active earthquake faults are known to occur on the site. However, the entire Moss Landing area is susceptible to ground shaking during a major earthquake. The site is located between two active faults, the San Andreas Fault and the Sur-San Gregorio Fault (located offshore). To address potential seismic ground shaking impacts, the following mitigation measures have been provided to reduce impacts to less than significant levels:

- Structures built for the project will be constructed per seismic requirements specified by the Uniform Building Code. Structures will be designed to withstand the projected maximum credible earthquake event of 7.9 magnitude on the Richter scale.
- The proposed parking lot will be designed according to specifications contained in the site specific geotechnical report prepared by Haro, Kusinich and Associates.

Liquefaction: Liquefaction occurs when seismic ground shaking causes a buildup of pore water pressure in layers of saturated soil. The resultant buildup in pressure can result in a loss of soil strength causing ground settling or lateral spreading of the soil. The project site contains fill materials that could potentially be subject to liquefaction during a seismic event. During the 1989 Loma Prieta earthquake, liquefaction occurred in the vicinity of the project site resulting in settlement. The geotechnical report concludes that the maximum credible earthquake could produce settlement up to ten inches. Settlement could result in damage to project structures and the parking area, and could potentially pose a danger to human health. To address this impact, the following mitigation measure have been provided to reduce impacts to less than significant levels:

- The project will incorporate recommendations contained in the geotechnical report prepared for the site including: in-situ densification (i.e. grouting) of liquefiable materials; embedding foundations below liquefiable soil layers; building structures on a compacted earthen mat surface; and, design of the seawall to withstand displacement and settlement of up to ten inches.
- All construction plans will be reviewed by the project geotechnical engineer to determine if geotechnical recommendations have been incorporated during construction;
- During construction, periodic inspections will be completed by the geotechnical engineer to monitor the implementation of geotechnical recommendations into project construction.

Onsite Erosion. The project site contains fill material that has high erosion potential. Most of the onshore portion of the project site consists of fill material from channel dredging. The geotechnical report prepared for the site indicates a history of significant erosion at the site from surface runoff over the adjacent unarmored banks, from tidal water and wave impact. To address this, the project has been designed with an engineered drainage system that will mitigate the effects of erosion generated surface runoff. Consequently, no erosion impacts would occur as a result of the project.

Coastal Erosion. The project site is currently subject to coastal erosion due to flooding and wave action. According to the geotechnical report, up to 25 to 35 feet of channel bank has been eroded in the last 46 years. Fill and rip-rap have historically been placed along the banks to mitigate this erosion but have been unsuccessful in preventing erosion. One of the primary purposes of this project is to reverse the process of coastal erosion that is currently occurring along the North Harbor shoreline. The construction of a seawall and riprap will be more effective in preventing shoreline erosion than past practices at this site. The placement of riprap in front of the seawall will armor the seaward edge of the onshore portion of the project site to protect the shoreline from wave attack. The seawall and associated riprap will be

constructed according to recommendations in the geotechnical and coastal engineering report thus mitigating project impacts along the shoreline. The MLHD is aware that the shoreline beach sand supply may require protection and enhancement as a result of the shoreline stabilization measures and will comply with the requirements of Section 30233(b) of the Coastal Act. In addition, the following mitigation measure is included to monitor project implementation during construction:

- A geotechnical engineer will periodically inspect the site during seawall construction/rip-rap placement to ensure that geotechnical recommendations are implemented to reduce potential coastal erosion impacts.

Topography. Due to the project site's low elevation, grading onshore at the site will be minimal. The project; however, proposes to alter the bottom of the submerged portion of the site by dredging and minor filling along the North Harbor shoreline. Approximately 6,900 to 7,600 cubic yards (cy) of material will be dredged. A portion of the dredge material is proposed for use as fill for the project. Some placement of fill behind the proposed seawall heading north of the boat ramp along the North Harbor is needed to contour and straighten the shoreline in this area. Rip-rap would be placed seaward of the filled area to protect the shoreline from erosion. Excess dredge material will be used either in upland areas of the site or disposed of at appropriate disposal site. Total dredging and fill associated with the project would be as follows:

- 6,900 to 7,600 cy of dredging of submerged tidelands;
- 705 cy of fill to contour and straighten the shoreline;
- 245 cy of rip-rap material behind the seawall to armor it and protect the shoreline from erosion and 235 cy of rip-rap around the boat ramp;
- 410 cy of concrete and 940 cy of fill for the boatramp; and
- 100 cy of concrete and 40 cy of fill for the concrete steps.

Most of the seawall and the rip-rap placement will be located near the existing edge of the shoreline and therefore, will result in minimal changes to topography.

4.7.2 No-Action Alternative

No impacts to geological or geotechnical conditions would occur as a result of the No-Action Alternative. Without the shoreline protection improvements; however, flooding and erosion hazards would remain unabated, resulting in the continued loss of soils along the shoreline and increased sedimentation of the harbor.

4.8 HAZARDS AND HAZARDOUS MATERIALS

4.8.1 Proposed Action

The proposed project does not involve the use of explosives or any other such hazardous materials nor will it disrupt or interfere with any county emergency response plan or evacuation plan. Consequently, no impacts are identified under hazards and no mitigation measures are required.

4.8.2 No-Action Alternative

No impacts by hazards or hazardous materials are identified for this alternative.

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Proposed Action

The proposed project will not result in changes to groundwater and surface water resources. The site, however, is located within the FEMA 100-year base flood elevation. Consequently, the project has the potential to exacerbate onsite flooding. In addition, with paving of the existing unimproved lot, and due to construction in the harbor associated with dredging and placement of the shoreline protection structures, impacts to water quality could occur.

To address potential flooding impacts and ensure water quality complies with existing standards during construction and operation, the following mitigation measures have been incorporated into the project:

- Project design includes placement of fill in the unimproved lot to raise the lot above the FEMA 100-year base flood elevation.
- Turbidity of surrounding harbors will be monitored to ensure that turbidity remains below required levels.
- The project includes improvements to the existing drainage system onsite, including the addition of two oil/water and sediment traps, to ensure that storm water runoff from the parking lot and the rest of the project site does not adversely affect water quality in the surrounding harbor.

Based on implementation of the mitigation measures described above, it is anticipated that impacts to water quality will be less than significant.

4.9.2 No-Action Alternative

The No-Action Alternative would result in adverse impact to hydrological and water quality conditions at the Moss Landing Harbor. The No-Action Alternative provides no shoreline protection capability, which would offer no protection from wave erosion and onsite flooding, potentially resulting in increased erosion and sedimentation of the harbor. Increased wave erosion would also potentially threaten shore structures. The increased sedimentation would diminish the water quality of the harbor.

4.10 LAND USE AND PLANNING

Existing Land Use. Located on Monterey Bay, approximately halfway between Monterey and Santa Cruz, Moss Landing is primarily commercial and industrial in character. The Moss Landing Power Plant, fishing facilities, boat berthing and repair, marine research, and visitor-serving uses provide the major economic base. Most of the industrial activity at Moss Landing is located in the harbor and northeastern areas of the community where the proposed project site is located. The proposed project site is located on land that has historically been used for industrial, commercial, and visitor-serving uses. The site currently includes an existing boat ramp, unimproved and improved parking, some commercial shops, a yacht club, and a restaurant (LSA, 1995).

Relevant Plans and Policies. Three relevant land use plans are applicable to the site, the Monterey County General Plan, North County Land Use Plan and the Moss Landing Harbor Master Plan. The Monterey County General Plan designates the proposed project site as commercial and industrial. Onsite land uses include existing shops; a restaurant located at the southern end of the proposed project site, an existing boat ramp along northwest portion of the site, and an existing business (Little Baja) located in the northeastern area of the site. The remainder of the site contains unimproved and improved parking areas. All current land uses are consistent with the Monterey County General Plan.

The North County Land Use Plan, which is considered the Local Coastal Plan (LCP) for the project area, contains policies regarding resource management, land use development, and public access. According to the North County Land Use Plan, the proposed project site is designated as Recreation and Visitor Serving Commercial, and Resource Conservation-Wetlands and Coastal Strand. The Recreation and Visitor Serving Commercial component of the plan refers to the provision of commercial services for visitors, which is currently provided through existing shops and a restaurant, located at the south end of the site. All current land uses are consistent with the North County Plan (LSA, 1995).

The Moss Landing Harbor Master Plan, adopted in December 1986, envisioned visitor serving and recreational development for the North Harbor. The proposed North Harbor projects align themselves with the issues identified in the Master Plan for the North Harbor. These issues were: resolving access problems to Highway 1, efficient internal circulation of pedestrians and traffic, compatibility of adjacent land uses, and overall aesthetics and design quality. Specific projects mentioned in the Master Plan include: shoreline protection, parking improvements, additional restrooms, satellite harbormaster office, pedestrian walkway, public recreation and shoreline access, North Harbor frontage road, and a landscaped area with picnic tables, benches and trash receptacles on the parcel north of the Elkhorn Yacht Club (addressed in the North Harbor Restoration Plan). All current land uses are consistent with the Moss Landing Harbor Master Plan.

Coastal Act Policies. The California Coastal Act contains policies to protect coastal resources, including areas subject to erosion. Section 30253 of the Coastal Act addresses new development through the following standards. New development should:

1. *Minimize the risks to life and property in areas of high geologic, flood, and fire hazards.*
2. *Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural land forms along bluffs and cliffs (emphasis added).*

In addition, Section 30253(2) also states that new development should be stable without the construction of protective devices to minimize hazards. Nevertheless, although the proposed project contains some new development including public access improvements, the project contains improvements aimed at stabilizing the existing shoreline and providing protection for existing structures onshore. In support of this, Section 30235 states the following:

"Revetments, breakwaters, groins, harbor channels, seawalls, cliff retaining walls, and other such construction that alters natural shoreline processes shall be permitted when required 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 local shoreline sand supply. Existing marine structures causing water stagnation contributing to pollution problems and fish kills should be phased out or upgraded where feasible."

Based on the above polices and since the project's main purpose is to protect the existing shoreline, including coastal-dependent uses (boating) and existing structures (the restaurant), the proposed project is consistent with current coastal policy regarding the protection of coastal resources.

4.10.1 Proposed Action

The proposed project includes the construction of shoreline improvements to protect the site from wave erosion and onsite flooding. The project has been modified several times in order to develop dredging and filling schemes that would be least environmentally damaging, as per the requirements of the North County Land Use Plan Policy 2.4.2.6 and to avoid impacting the eelgrass beds. The project also includes public access improvements that will facilitate and expand current recreational opportunities for fishing vessels, kayak use, and shoreline access (the promenade).

Consequently, the project will enhance and support existing uses and will not change the nature of current land use at the project site. The proposed project is consistent with local land use plans and policies. The project is also consistent with Coastal Act policies for the protection of coastal resources and protect existing structures from damage (Section 30235 of the Coastal Act). Based on the project's consistency with current land use and consistency with local land use plans and Coastal Act policies, no impacts to land use have been identified and no mitigation is required.

4.10.2 No-Action Alternative

This alternative would not comply with the resource management, land use development, and coastal access policies of the North County Land Use Plan and the Moss Landing Harbor Plan. The No-Action Alternative would also be inconsistent with Coastal Act policies for the protection of coastal resources and existing coastal structures.

4.11 MINERAL RESOURCES

4.11.1 Proposed Action

The proposed project would not result in the loss of availability of any known mineral resource of State, regional, or local importance. No impacts are identified for mineral resources and therefore no mitigation measures are required.

The proposed project will not result in the use of substantial amounts of energy nor substantially increase demand upon existing energy sources, or require new energy sources to be built. In addition, the proposed project will not conflict with adopted energy conservation plans or result in the use of non-renewable resources in a wasteful and inefficient manner. Therefore, no impacts to energy have been identified and no mitigation measures are required.

4.11.2 No-Action Alternative

No impacts to mineral resources are anticipated as a result of the No-Action Alternative. No potential increases in the use of energy by the No-Action Alternative are identified.

4.12 NOISE

4.12.1 Proposed Action

During implementation of the proposed project, it is assumed that noise will be generated during construction of the sediment mixing and drying site. Construction-related noise is a temporary impact, which will cease upon project completion. Currently, there are no noise-sensitive receptors located on the project site with the exception of Maloney's Restaurant. The nearest offsite noise receptors are Highway 1, located east of the site, and the commercial area located just north of the project site. Background noise levels were recorded in 1994 for the relocation of the Moss Landing Marine Laboratory (LSA, 1995). Background noise levels were recorded between 59-62 db. The Monterey County General Plan has identified acceptable noise levels for industrial and commercial sites with a maximum conditionally acceptable noise level of 75 decibels (db) (Ldn or CNEL).

During construction, earthmoving equipment, including water trucks and other project-related vehicles would generate noise. Noise would also be generated by hauling materials offsite or to stockpiling locations during project construction. For the basis of this analysis, it is assumed that up to five pieces of heavy equipment (two scrapers, one grader, one loader, and one water truck) would be operating at the same time in the same location. The noise level produced by scrapers was assumed to be 80 dB at 50 feet. Noise levels from other pieces of equipment were assumed to be 75 dB at 50 feet. These numbers assume that all equipment would be outfitted with mufflers. Based on this calculation, it is estimated that, under the worst-case scenario, equipment operating on the site would generate a combined noise level of 84.7 db at 50 feet. Under most conditions, this would occur for short periods, primarily during project grading. Project grading and paving is estimated to occur over a two-week period. Nevertheless, noise impacts have the potential to impact both onsite and offsite noise receptors. To address short-term noise impacts onsite, the following mitigation measures have been developed to address potential offsite noise impacts and reduce impacts to less than significant levels:

- Equipment operation onsite should be limited to the hours of 7 a.m. to 5 p.m.
- All equipment should be equipped with mufflers that are in good condition.
- No more than five pieces of equipment (such as a scraper, loader, water truck, etc.) should be operating at the same time at the closest point to any receptor.

4.12.2 No-Action Alternative

This alternative would have no construction phase and would not increase ambient noise levels.

4.13 TRANSPORTATION AND TRAFFIC

The following discussion summarizes the results of a traffic study completed in 1998 for the North Harbor Shoreline Improvement Project (Jeffrey, 1998).

Background Traffic Conditions. The main thoroughfare adjacent to the project site is Highway 1. The highway provides a roadway linkage to cities, including Santa Cruz located to the north and Monterey located south of the site. Access to the site is provided through three driveways to onsite parking areas and local businesses. Two parking areas exist onsite including a small paved parking lot adjacent to the Elkhorn Yacht Club, and a larger unpaved lot located at the southern end of the project site adjacent to

Highway 1 and the Elkhorn Slough Bridge. Total parking at the site is approximately 226 spaces (33 spaces in the paved parking area; 193 spaces in the unpaved area). The small paved parking lot serves the existing restaurant and businesses. The unpaved lot is generally not used and provides overflow parking during peak periods (primarily weekends and during Salmon season). A new Traffic Impact Study was prepared in August 1999 for the Moss Landing North Harbor project by the firm of Hexagon Transportation Consultants, Inc (*HTC, 1999*). The traffic analysis studied the effect of the project on six non-signalized intersections including the intersections of Highway 1 and North Harbor Main Entrance and Highway 1 and Jetty Road. A copy of the Transportation Impact Analysis is available for review at the Harbor District Offices.

Previous traffic studies were prepared in the area including the Duke Energy Moss Landing Power Plant Traffic Analysis Report (*Higgins Associates, 1999*), Moss Landing Marine Laboratory EA (*LSA, 1995*) and the North Harbor Upland Drying Site Initial Study/Mitigated Negative Declaration (*HLA, 1998*). Previous studies have indicated that Highway 1 operates at a level of service (LOS) F during the weekday peak p.m. hour (4:30-5:30 p.m.) in Moss Landing (*LSA, 1995*). LOS F roads are characterized as having excessive delays with many individual cycle failures. Conditions are usually stop-and-go with a breakdown of general traffic flow. The site is currently used primarily on weekends associated with visitor-serving uses in the area.

4.13.1 Proposed Action

The proposed project improvements to the North Harbor shoreline are designed to stabilize the shoreline from erosion and enhance public access. Shoreline protection improvements are not anticipated to impact local traffic. Improvements to public access, however, have the potential to impact local traffic. Improvements include paving the existing unimproved lot and consolidating existing access points (currently there are three access driveways along the North Harbor shoreline) into one access driveway adjacent to the Elkhorn Yacht Club. The improvements will not change existing uses at the site and will not introduce new uses to the site that are inconsistent with current land uses. Site use is highest on weekends, which is outside of the peak weekday p.m. traffic hour. Therefore, trip generation associated with the site is not anticipated to result in a substantive effect weekday p.m. peak hour traffic on Highway 1. Site use, however, may increase on weekends due to enhancement of public access.

According to Monterey County Congestion Management Plan guidelines, a project would be said to create a significant adverse impact on traffic conditions if for any peak hour the LOS at an intersection degrades from an acceptable level of LOS C or better under existing conditions, to unacceptable LOS D under project conditions. The project Transportation Impact Analysis has identified that five out of six project area intersections would operate at LOS D or worse under project conditions. All five of these intersections, however, currently operate at an unacceptable LOS D or worse during at least one of the peak hours of traffic under existing conditions. Since Highway 1 presently operates at an unacceptable level of service on weekends, the potential project-related traffic is therefore not anticipated to notably degrade conditions. Consequently, the project is not anticipated to result in a significant increase in trips. Project transportation/circulation impacts are determined to be less than significant and no mitigation is required. In addition, Caltrans is proceeding with plans to widen Highway 1 from its present two-lane configuration to four-lanes. This project is known as the Moss Landing Expressway Project and may mitigate the existing LOS D conditions on Highway One.

Although the project does not impact local traffic, the project has the potential to impact traffic safety by altering the current access configuration at the project site. Under the proposed project, improvements to the North Harbor are designed to improve access to Highway 1 from the project site. The ingress and

egress points along Highway 1 (currently three locations) will be consolidated into one access point located adjacent to the Elkhorn Yacht Club.

Other improvements include widening the existing main entrance, and supplying acceleration and deceleration lanes to the main entrance. The access improvements were included to address inadequate site distances along Highway 1 at all three current access points. With consolidated access and design improvements to the main entrance, site distance at the new access point is anticipated to improve. Combining the three entrances into one will increase the vehicle delay and queue length at the main entrance due mostly to the increased traffic exiting the main entrance and turning onto northbound Highway 1. However, creating a single main entrance together with the planned main entrance design improvements, will result in more efficient traffic operations and enhanced safety conditions at the intersection of Highway 1 and the North Harbor main entrance. As previously discussed, results of the Transportation Impact Analysis indicate that the traffic level of service impacts associated with the project are not expected to noticeably increase intersection delay at the project area intersections. Based on this, no traffic safety impacts are identified for the proposed project and no mitigation is required.

While the proposed project is not expected to generate additional traffic along Highway 1 upon completion, the project has the potential to temporarily impact local traffic conditions during construction. To reduce the potential impacts during peak p.m. hours; the following mitigation measure has been developed:

- Construction truck traffic entering and exiting the site shall be limited to operation between 7 a.m. and 4 p.m. weekdays to avoid exacerbating LOS levels during the peak p.m. hour (4:30-5:30 p.m.).

4.13.2 No-Action Alternative

This alternative is not expected to generate additional traffic or diminish LOS levels on local roadways. The No-Action Alternative; however, would not provide access improvements or improve the site distance conditions along Highway 1.

4.14 UTILITIES, SERVICE SYSTEMS, AND PUBLIC SERVICES

4.14.1 Proposed Action

The proposed project will not require the construction of new utilities or service systems nor will it result in upgrades to existing utilities or service systems. The project will involve construction of shoreline improvements and grading and paving of a parking lot. No impacts to utilities and service systems have been identified and no mitigation measures are required.

The proposed project may require changes to or result in the disruption of any public services including fire protection, police protection, schools, parks or other recreational facilities, maintenance of any public facilities, or any other governmental services. The proposed project shall increase recreational facilities at the North Harbor, which may result in increased visitor use and therefore, increased maintenance of its facilities. The MLHD shall be responsible for maintenance and operations of its public facilities on the project site. However, the impacts are expected to be less than significant and, therefore, and no mitigation measures are required.

4.14.2 No-Action Alternative

This alternative would not require additional utilities or service systems. The No-Action Alternative would not place additional demands on public services.

4.15 CUMULATIVE IMPACTS

Extensive analysis of the project-related impacts has determined that none of them contain elements that would prove to be cumulatively considerable, when viewed in connection with the effects of other projects in the area. No cumulative impacts are identified and no mitigation measures are required.

5.0 FINDINGS AND CONCLUSIONS

For the Proposed Action, potential environmental impacts to the following resources are evaluated in this EA/IS: biological resources, aesthetics, agricultural resources, air quality, biological resources, socioeconomics and environmental justice, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources, noise, transportation and traffic, utilities, service systems and public services. Mitigation will reduce all potentially significant impacts to a less-than-significant level. The No-Action Alternative has been found to have potentially significant impacts to geology and soils, hydrology and water quality, and land use and planning. Therefore, a Mitigated Finding of No significant Impact (FONSI) and a finding of Mitigated Negative Declaration are recommended for Proposed Action Alternative of the North Harbor Shoreline Protection Project.

6.0 REFERENCES

ABA Consultants, 1999. Survey of North Harbor Eelgrass (*Zostera marina*) Beds. Prepared for the Moss Landing Harbor District. November 27, 1999

ABA Consultants, 1998. *Marine Habitats and Bathymetry Around Skipper's Restaurant and the North Harbor Visitor Serving Area*. Prepared for the Moss Landing Harbor District by ABA Consultants. September 1998.

ABA Consultants, 1989. *Elkhorn Slough Wetlands Management Plan*. Prepared by ABA Consultants for the California State Coastal Conservancy and Monterey County Planning Department. 1989.

Assegued & Associates, 1995. *Moss Landing North Harbor Western Salt Site Biotic Assessment Project*. Moss Landing, California.

Haro, Kasunich and Associates, 1998. *Geotechnical and Coastal Engineering Study for Shorefront Improvements Moss Landing North Harbor*. Prepared for the Moss Landing Harbor District, June 1998.

Hexagon Transportation Consultants, Inc. July 23, 1999. *Moss Landing North Harbor Transportation Impact Analysis*. Prepared for the Moss Landing Harbor District.

Higgins Associates, 1999. *Duke Energy Moss Landing Power Plant Traffic Analysis Report*. Prepared for TRC Environmental Solutions, Inc., Irvine, California. April 30, 1999.

Jeffrey, Jim, 1998. *Traffic Report: Moss Landing Harbor District North Harbor Shoreline Protection Project*. Prepared by Engineering Consulting Services, Santa Cruz, California. July 24, 1998.

Kvitek, R.G., et al., 1988. "Sea Otter Foraging on Deep-Burrowing Bivalves in a California Coastal Lagoon". *Marine Biology* 98: 157-167.

Kvitek, R.G., and Oliver, J.S., 1986. "Foraging Habits and the Population and Community Effects of Sea Otters in Soft-Bottom Environments". In *Ecology of Sea Otters *Enhydra lutris*, Feeding, Communities, and Environmental Impacts*. Edited by Van Blaricom, G.; and Estes, J., 1986.

LSA Associates, Inc., 1995. *Moss Landing Marine Laboratories Relocation Environmental Assessment*. May 17, 1995

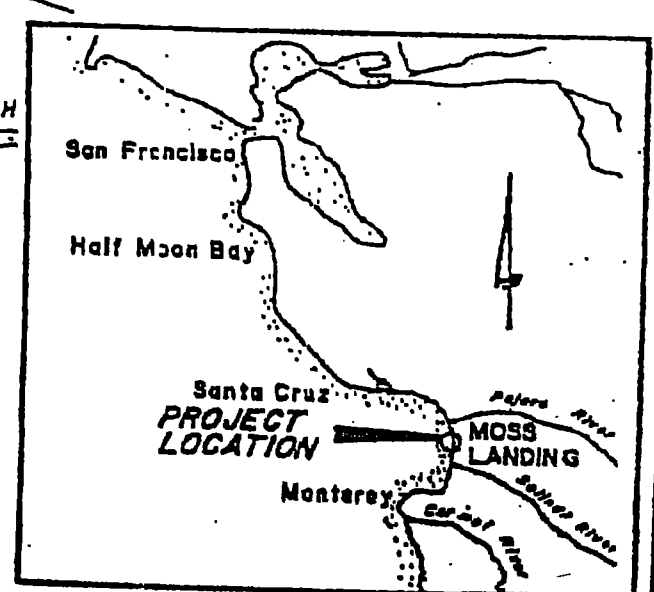
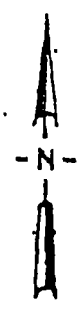
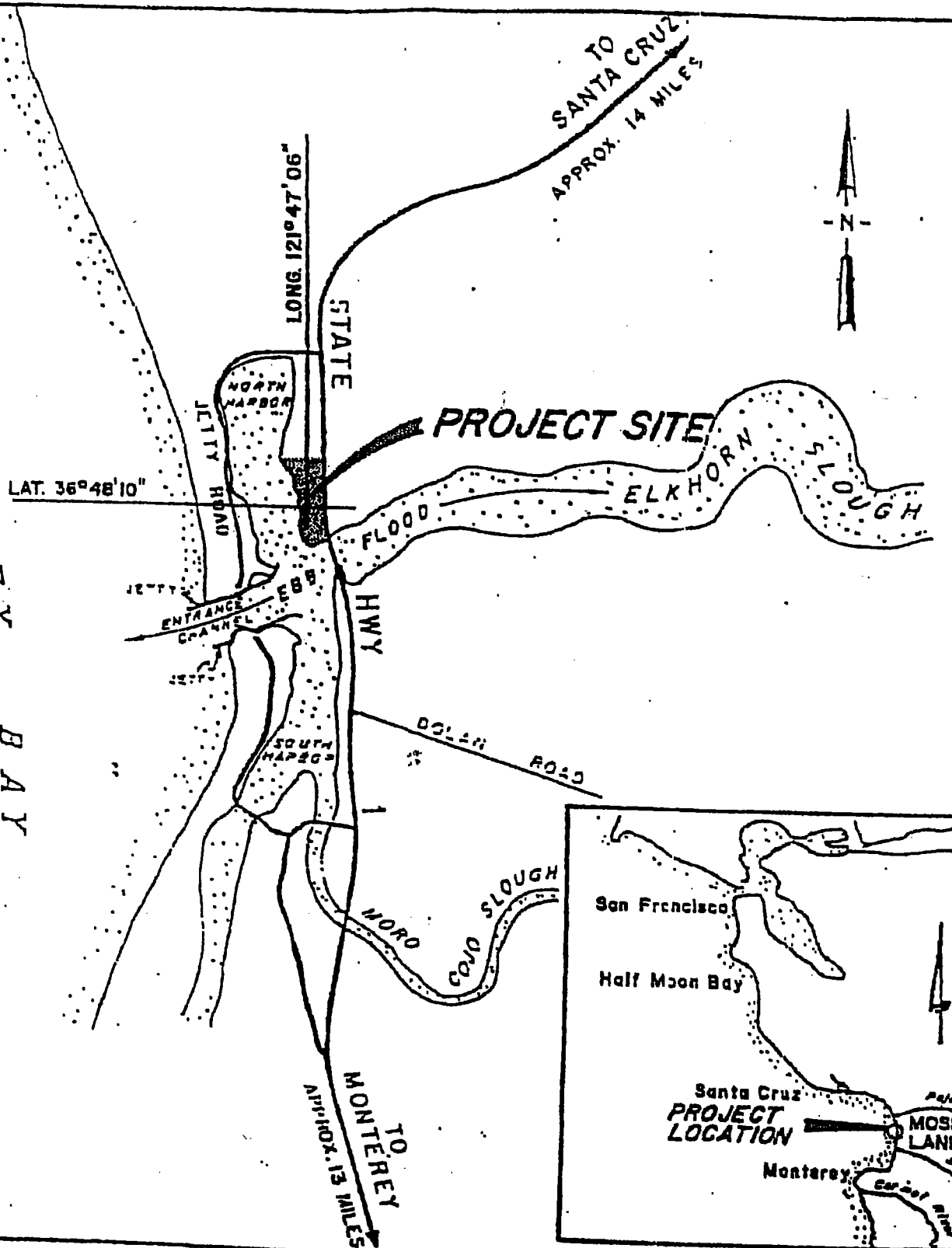
U.S. Army Corps of Engineers (USACE), 1996. *Environmental Assessment Review for the Moss Landing Harbor Maintenance Dredging*. April 1996.

U.S. Fish and Wildlife Service, 1994. *Biological Opinion for the Relocation of Moss Landing Marine Laboratory, Moss Landing, Monterey County, California. (I-8-94-F-35)*. Ventura Field Office, Ventura, California. October 1994.

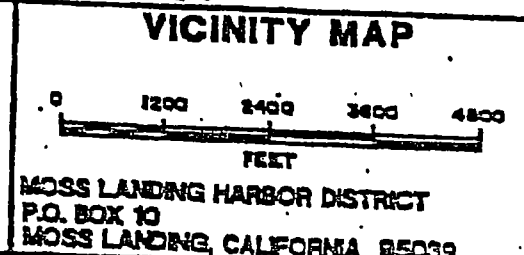
van Katwijk, Schmitz, Hanssen, den Hartog. Issue 4. 30-April-1998. *Suitability of *Zostera Marina* Populations for Transplantation to the Wadden Sea as Determined by a Mesocosm Shading Experiment*. Aquatic Botany, Volume 60 1998 Elsevier Science B.V.

GRAPHICS

PACIFIC OCEAN
 MONTEREY BAY



PURPOSE:
 DEDICATED:
 ADJACENT PROPERTY OWNERS:



IN MOSS LANDING HARBOR
 AT: NORTH HARBOR
 COUNTY OF: MONTEREY, CALIFORNIA
 APPLICATION BY: MOSS LANDING HARBOR DISTRICT

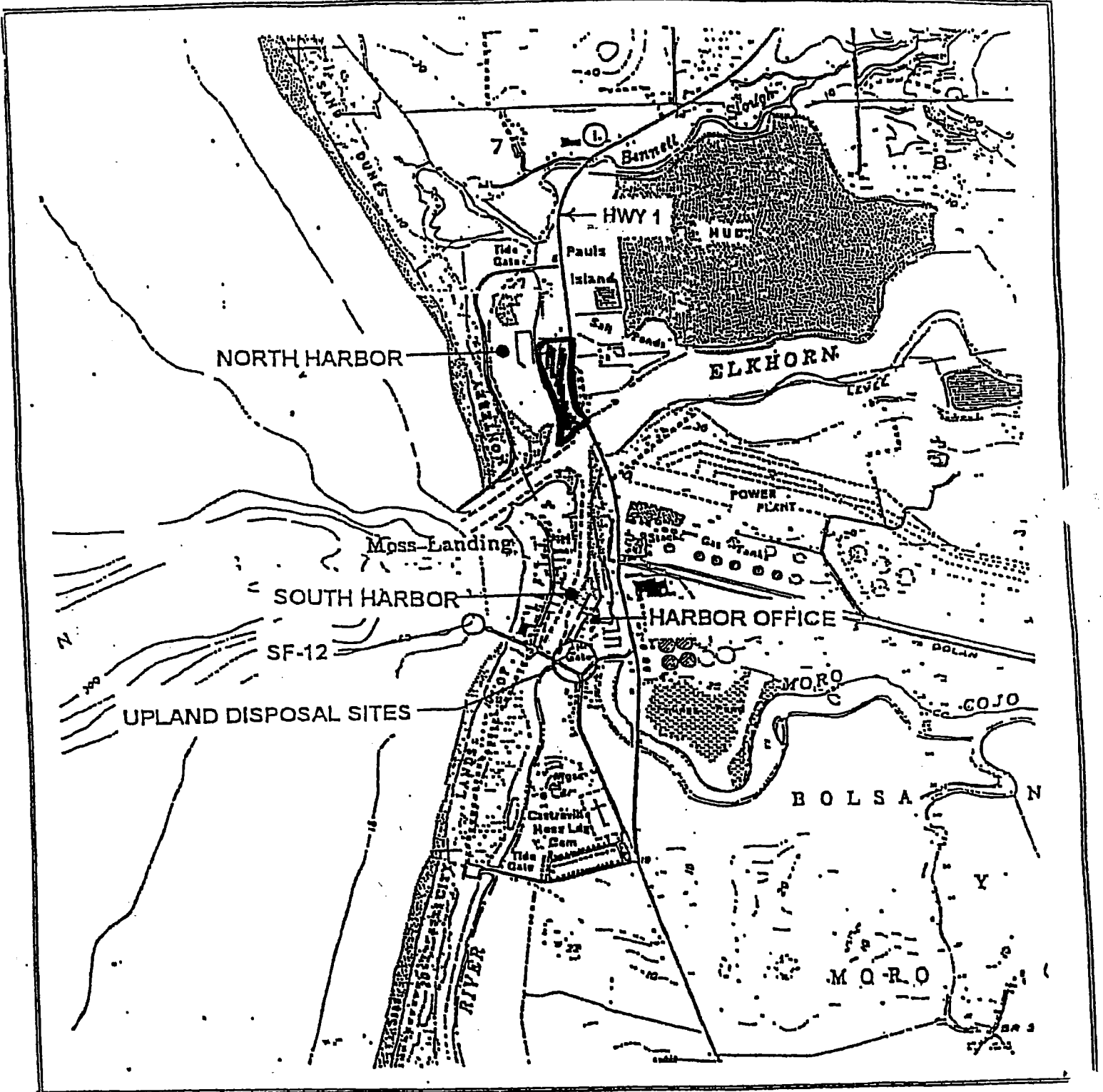


EXHIBIT 2. Project site and immediate vicinity

APPENDIX A
CEQA CHECKLIST

Environmental Checklist – Moss Landing Harbor District North Harbor Shoreline Protection Project

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
I. AESTHETICS. Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II. AGRICULTURAL RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Checklist – Moss Landing Harbor District North Harbor Shoreline Protection Project

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. BIOLOGICAL RESOURCES. Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Checklist – Moss Landing Harbor District North Harbor Shoreline Protection Project

Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
--------------------------------------	-----------------------------------------------------------------	------------------------------------	--------------

V. CULTURAL RESOURCES. Would the project:

- | | | | | |
|---------------------------------------------------------------------------------------------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

VI. GEOLOGY AND SOILS. Would the project:

- | | | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issues by the State Geologist for the area of based on other substantial evidence of a known fault? Refer to Div. of Mines and Geology Special Publication 42. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| ii. Strong seismic ground shaking? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iii. Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| iv. Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Environmental Checklist – Moss Landing Harbor District North Harbor Shoreline Protection Project

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VII. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Checklist – Moss Landing Harbor District North Harbor Shoreline Protection Project

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. HYDROLOGY AND WATER QUALITY. Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Checklist – Moss Landing Harbor District North Harbor Shoreline Protection Project

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
IX. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. NOISE. Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Checklist – Moss Landing Harbor District North Harbor Shoreline Protection Project

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII. POPULATION AND HOUSING. Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. PUBLIC SERVICES

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------	--------------------------	--------------------------	-------------------------------------

Environmental Checklist – Moss Landing Harbor District North Harbor Shoreline Protection Project

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV. TRANSPORTATION/TRAFFIC. Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system ; (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVI. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Checklist – Moss Landing Harbor District North Harbor Shoreline Protection Project

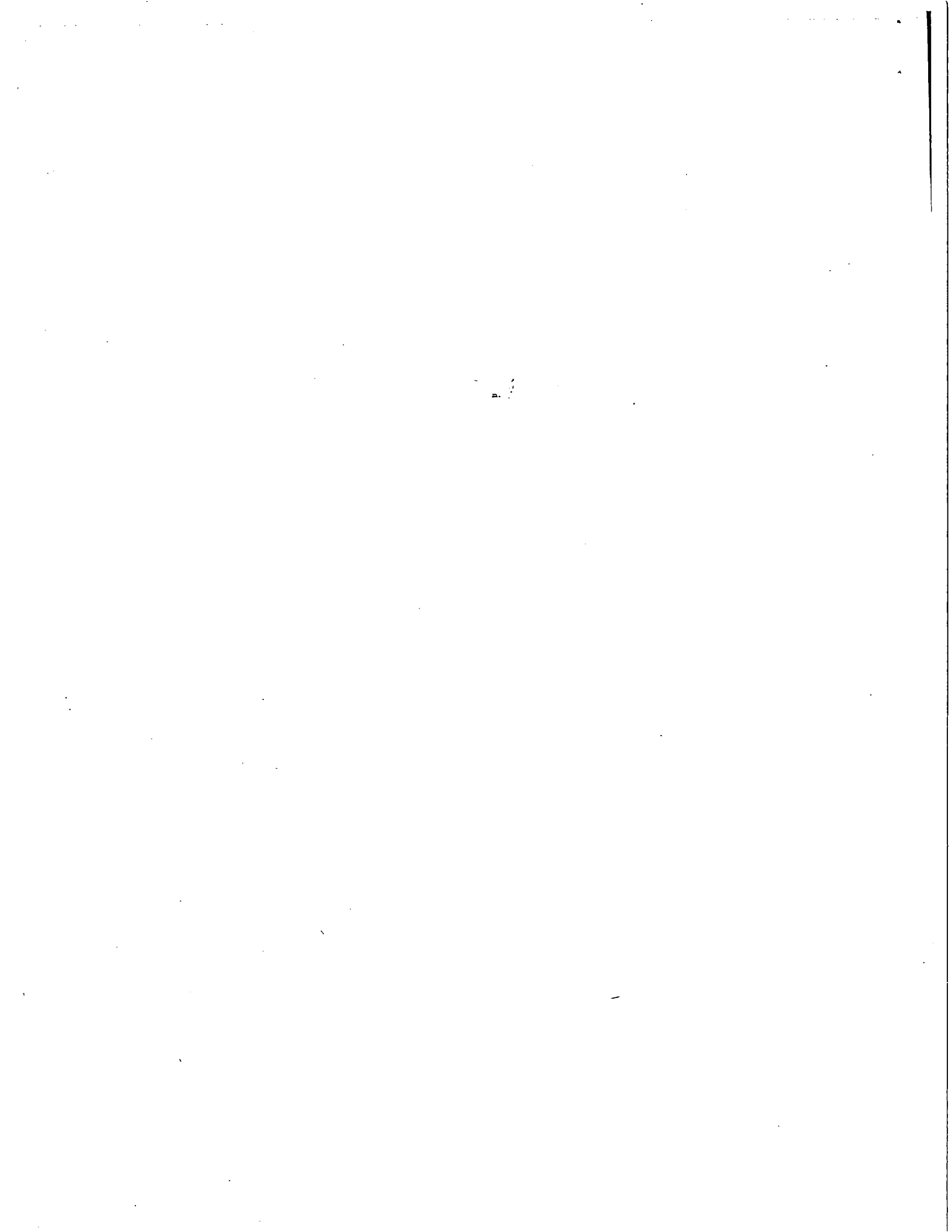
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporation	Less Than Significant Impact	No Impact
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

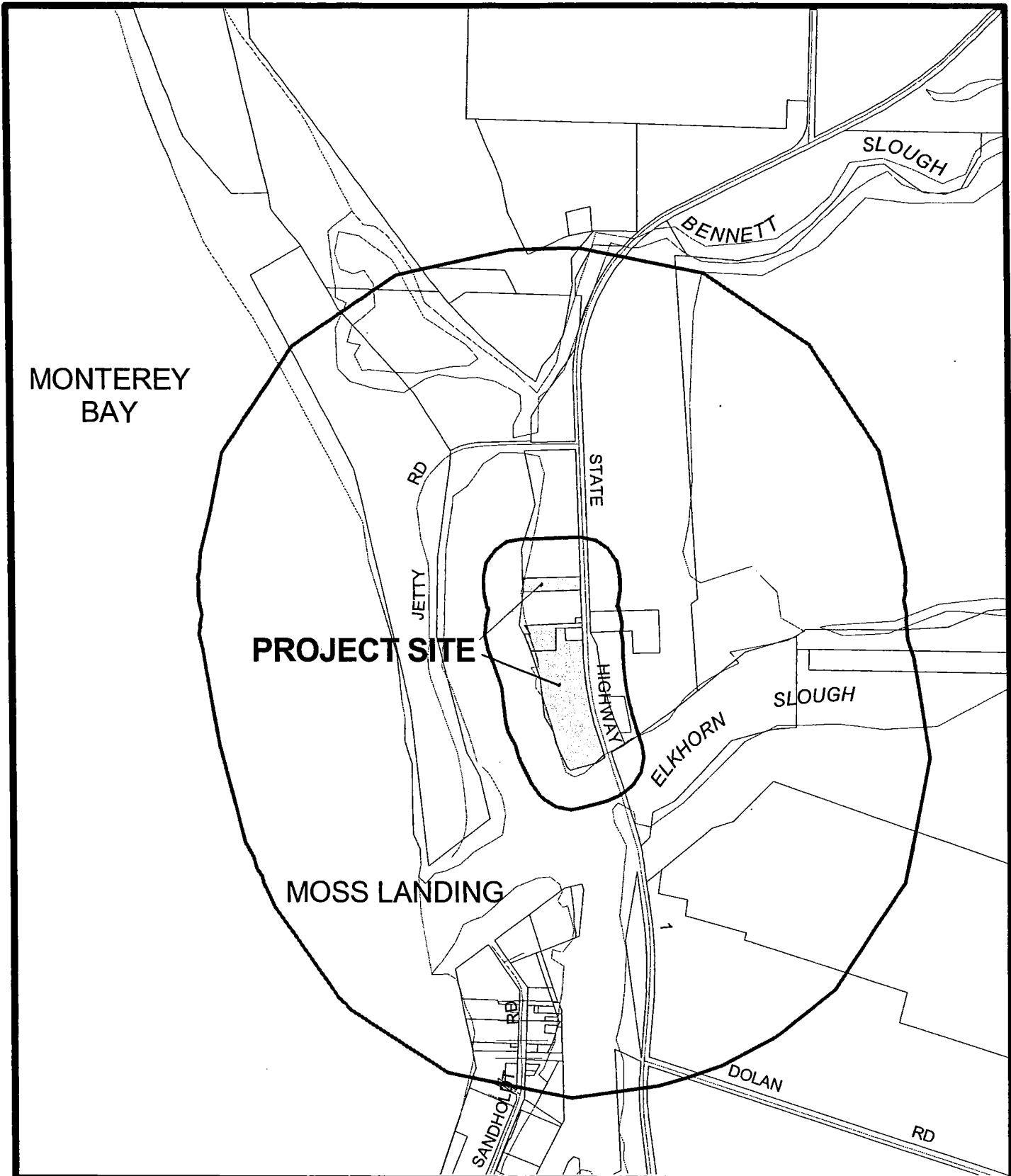
XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

EXHIBIT G
VICINITY MAP

PLN020485
Moss Landing North Harbor Improvement Plan
Planning Commission
February 25, 2004





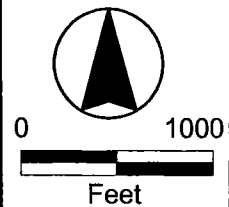
APPLICANT: MOSS LANDING HARBOR DISTRICT

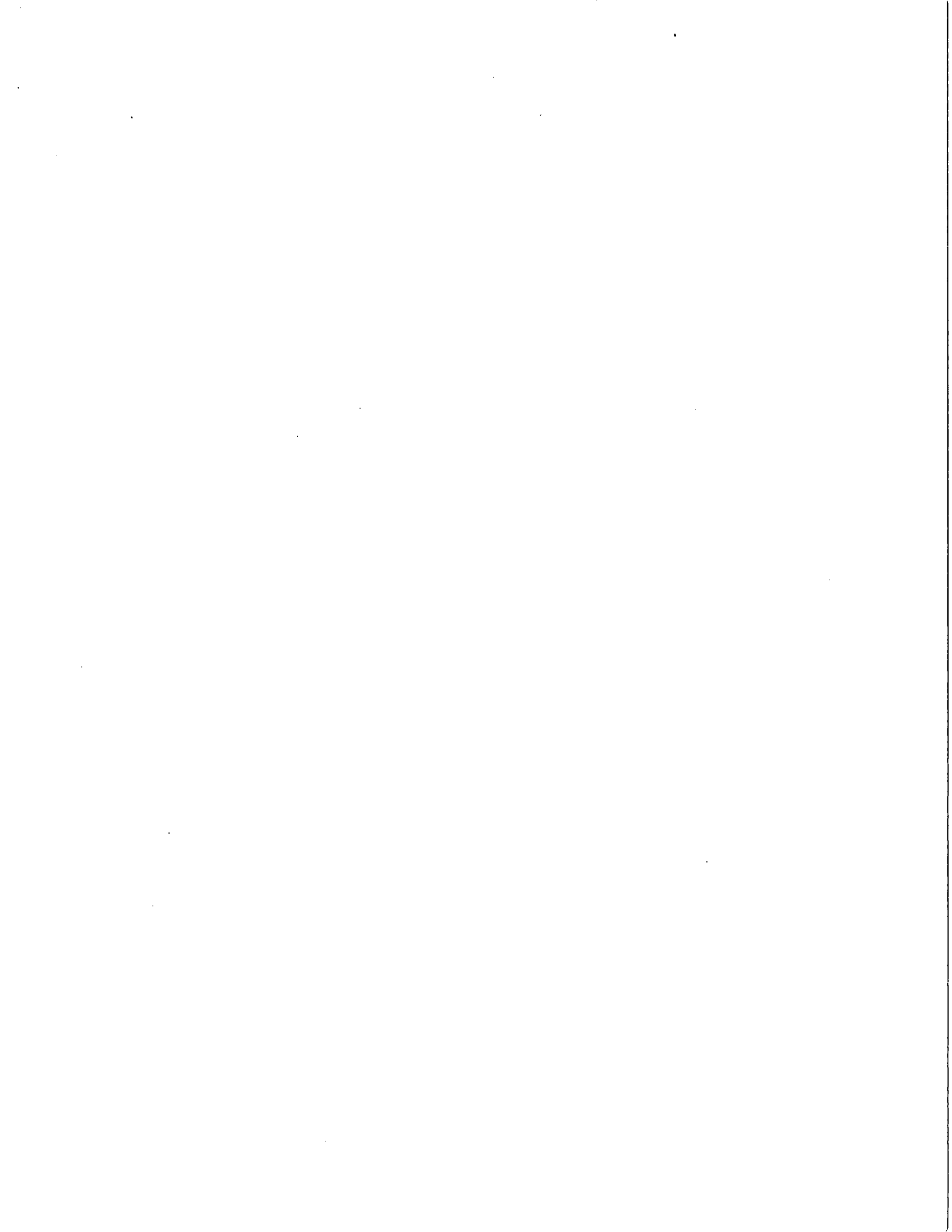
APN: 413-022-003-000M

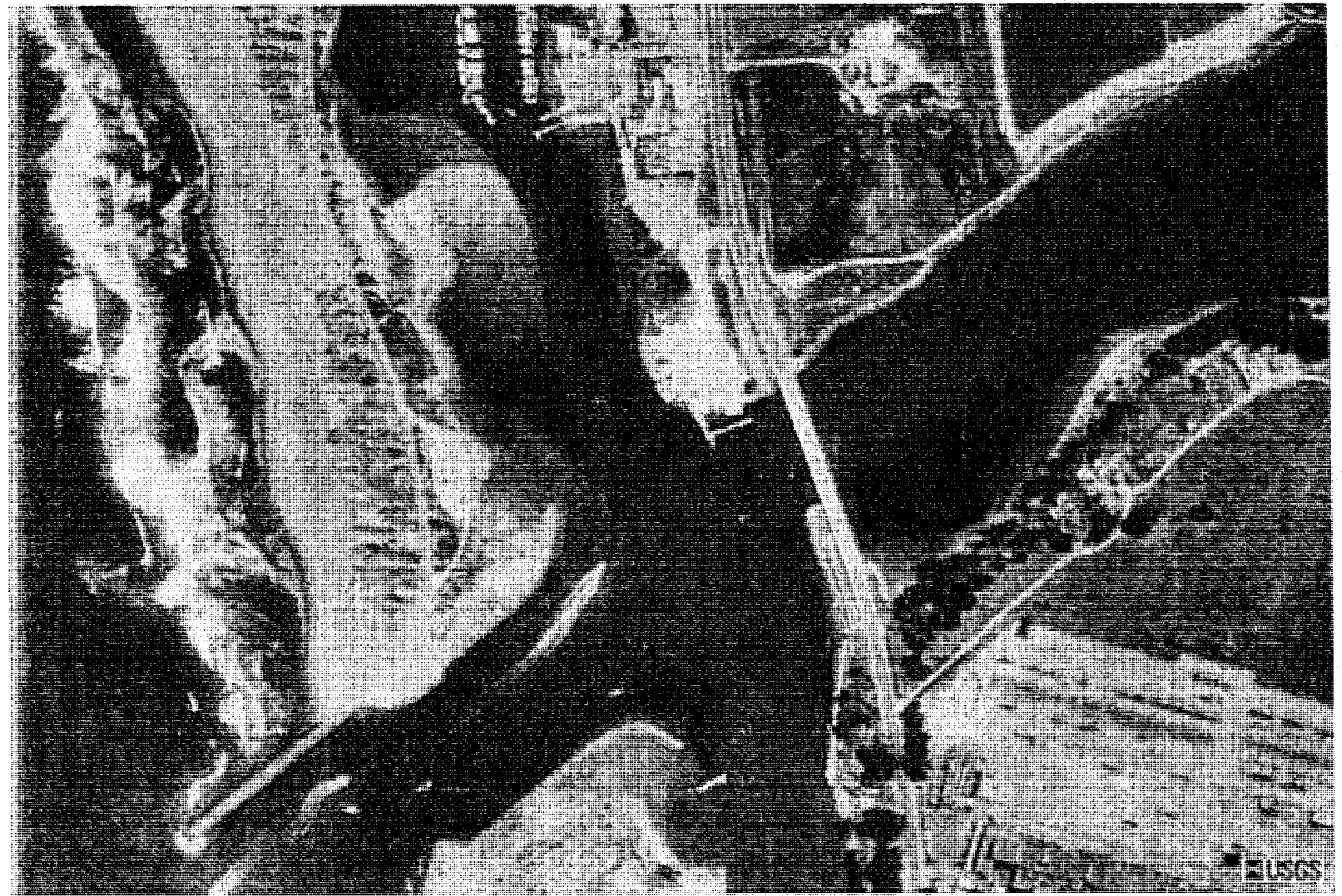
FILE# PLN 020485

 300' Limit

 2500' Limit







USGS

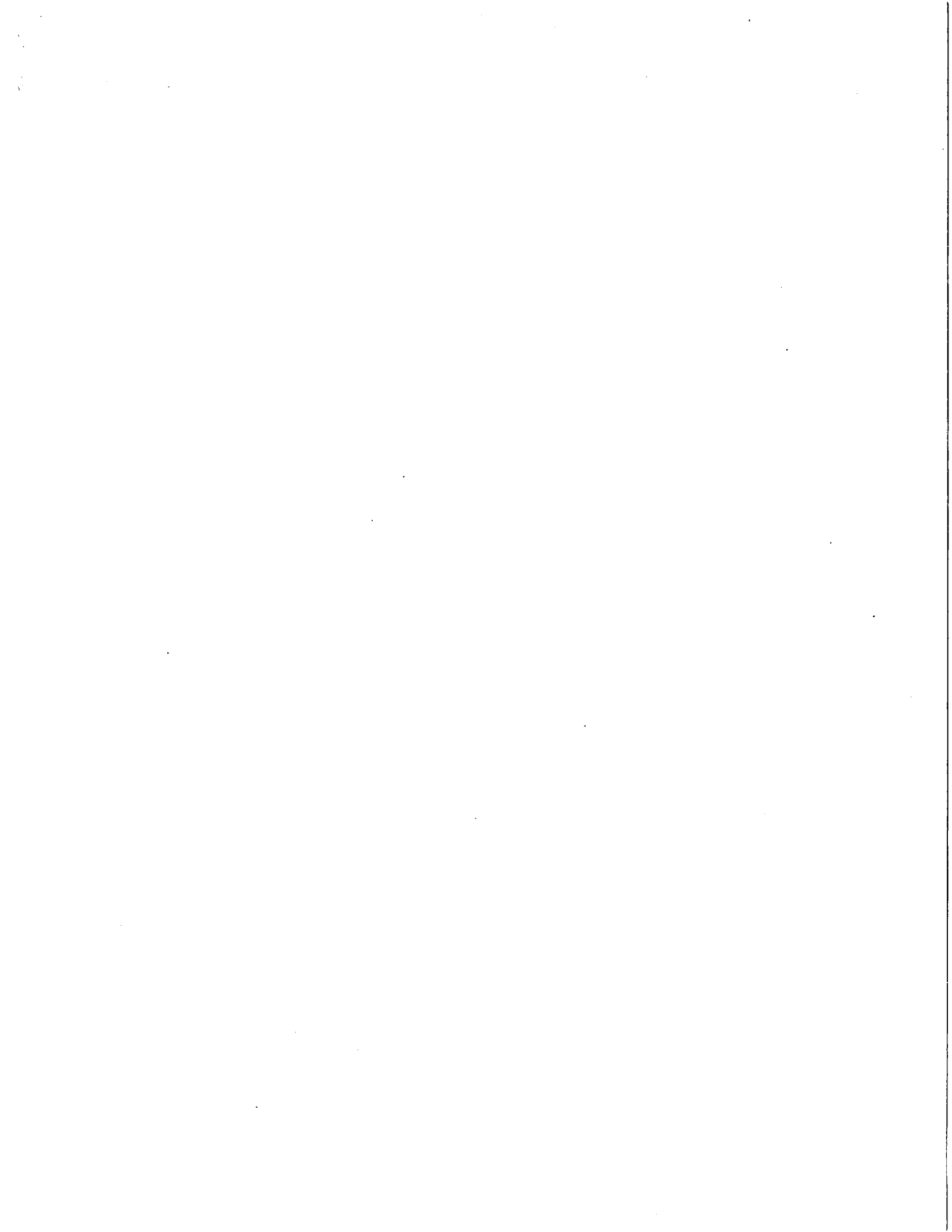


EXHIBIT H
PROJECT PLANS

PLN020485
Moss Landing North Harbor Improvement Plan
Planning Commission
February 25, 2004

EXHIBIT D

PLANNING COMMISSION COUNTY OF MONTEREY, STATE OF CALIFORNIA

RESOLUTION NO. 04008

A. P. # 413-022-010-000

In the matter of the application of
Moss Landing Harbor District (PLN020485)

FINDINGS & DECISION

to allow a Combined Development Permit in accordance with Chapter 20.82 (Combined Development Permits) of the Monterey County Code, consisting of a general development plan that includes plans for paved parking, demolition of an existing restaurant, establishing building pads for a future restaurant and interpretive center/commercial building, restrooms, a public wharf with seating and walkway, boat launches and docks, vehicle/pedestrian access improvements, and new landscaping; a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and Design Approval. The project is located in the Moss Landing North Harbor, between Elkhorn Slough and the Elkhorn Yacht Club, west of Highway 1, Moss Landing Community Plan and North County Land Use Plan area, Coastal Zone, came on regularly for hearing before the Planning Commission on February 25, 2004.

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

1. **FINDING: CONSISTENCY.** The Project, as conditioned is consistent with applicable plans and policies of the North County Land Use Plan (LUP), Coastal Implementation Plan, Part 2 (CIP), and the Monterey County Zoning Ordinance, Title 20/Coastal Implementation Plan, Part 1 (CIP), which designates this area as appropriate for visitor serving commercial development.

EVIDENCE: (a) Plans/Regulations. The Planning and Building Inspection staff reviewed the project, as contained in the application and accompanying materials, for conformity with:

- 1) North County Coastal Land Use Plan.
- 2) Moss Landing Community Plan.
- 3) Chapter 20.144 of the Monterey County Coastal Implementation Plan, Part 2.
- 4) Chapter 20.22 of the Monterey County Zoning Ordinance regulations for development in the Visitor Serving Commercial zone including the preparation of General Development Plans and design standards.
- 5) Section 20.22.030 of the Monterey County Zoning Ordinance that establishes General Development Plan requirements.
- 6) Section 20.22.040 of the Monterey County Zoning Ordinance requires a Coastal Development Permit for development within - Public viewshed; and - 100 feet of environmentally sensitive habitat (ESHA).
- 7) Chapter 20.70 of the Monterey County Zoning Ordinance regulations for Coastal Development Permits.

There would be no conflict or inconsistencies with these policies or regulations. Staff notes are provided in Project File PLN020485.

- (b) Land Use Designation. The parcel is zoned Visitor Serving Commercial, Coastal Zone ("VSC (CZ))." The project is in compliance with the Site Development Standards for the Visitor Serving Commercial District in accordance with Section 20.22.070 (CIP).
- (c) Site Description. The project site is approximately 9.53 acres in size and the zoning designation requires a minimum of 10,000 square feet for parcels in this district. Expansion of visitor serving fishing and retail uses is an allowed use in accordance with Chapter 20.22 (CIP). The Moss Landing Commercial zone authorizes the Planning Commission to consider Coastal Development Permits (Section 20.70.030 CIP) and General Development Plans for lots in excess of one acre or with more than one use on the lot (Section 20.22.030 CIP).
- (d) Environmentally Sensitive Habitat (Section 20.144.040 NC LUP). The project is consistent with policies of the North County Implementation Plan (NC CIP) dealing with environmentally sensitive habitat. The proposed project is located within 100 feet of the Elkhorn Slough and Moss Landing Harbor. A biological survey identified four fields of eelgrass that could be impacted by the proposed project. Proposed improvements include grease and oil interceptors to reduce the runoff of hazardous materials into the harbor and slough. The environmental analysis completed for this project determined that all potential impacts could be reduced/mitigated to a level of insignificance.
- (e) Visual Resources (Section 20.144.030 NC LUP). The site is located west of Highway 1. An on-site inspection by the project planner determined that the existing and proposed buildings are located wholly or partially within a public viewshed as defined by Section 20.144.020.SSS. No new buildings are proposed at this time; however, the project consists of establishing building pads for two replacement buildings of similar size and near the same location. Although the overall site elevation would be increased to avoid flooding damage, proposed parking lot and shoreline improvements would not impact the public view. However, new buildings will extend higher than the existing buildings that are to be demolished. These structures will be subject to separate review for consistency with height and design guidelines for the Moss Landing community (Section 20.144.030.B.2 CIP) when development is proposed.
- (f) Shoreline Structures (Section 20.144.060 NC LUP). The subject site is bordered by the Elkhorn Slough and Moss Landing Harbor on two sides (south and west). The County's review authority for shoreline structures (riprap, tidal steps, wharf, docks, etc.) is design approval and the Coastal Commission is the permitting authority. The design of the proposed shoreline structures is consistent with the character of the Moss Landing Harbor area to include large boulder riprap, tidal steps, boat ramps, a wharf, and docks.
- (g) Transportation (Section 20.144.120 NC LUP). The project site is bordered on the east by Highway 1 and currently has parking for about 225 vehicles (no paving or striping). This project proposes to consolidate two access points into one existing access. (Section 20.144.030.B.4 CIP). A traffic study was completed to assess potential traffic impacts on Highway 1. County Public Works and Environmental Health Departments have reviewed the project and recommend approval subject to conditions. Sufficient measures such as turning movement improvements and acceleration/deceleration lanes have been included to mitigate traffic impacts along Highway One (Section 20.144.120.B.2 CIP). The proposed project includes improvements for coastal-dependant,

recreational/commercial uses such as boat ramps, docks, and a public wharf (Section 20.144.20.B.3 CIP).

(h) Public Access (Section 20.144.150 NC LUP). See Finding #5.

(i) Moss Landing Community Development Standards (Section 20.144.160 NC LUP). Proposed development must be designed in accordance with the guidelines for the Moss Landing Community Plan (MLCP). Priority for development in the North Harbor is to provide recreational and visitor serving commercial uses (Policy 5.3.3.11 MLCP). Policy 5.3.3.9 MLCP requires on-site parking to be provided. Grease/oil interceptors are proposed for the parking area, which will improve existing conditions for water quality in the harbor (Policy 5.3.3.4 MLCP). Proposed development of recreational boating-support facilities will not jeopardize conservation of sensitive mud flat habitat in the North Harbor (Policy 5.3.3.12 MLCP). Pursuant to Policy 5.3.3.15 MLCP, all significant effects of harbor development have been mitigated to a level of insignificance (See Finding #6). The project is consistent with the Moss Landing Community Development Standards of the North County Land Use Plan. Staff notes are provided in PBI File No. PLN020485.

(j) Design Approval. The applicant has provided the Planning Commission with a Design Approval Request, drawings, and a statement of materials and colors to be used.

(k) Land Use Advisory Committee (LUAC). On April 7, 2003, the North County Coastal Land Use Advisory Committee voted 4-0 to recommend approval of the project as designed. The Committee noted the following comment and recommendation:

(1) Consider a bicycle and pedestrian path from this location to Highway 1 at Moss Landing Road.

(2) Maloney's/Harbor Inn should be considered for emergency demolition.

(l) Historic Resources Review Board (HRRB). Demolition of the Maloney's/Harbor Inn was presented to the HRRB on May 1, 2003. Maloney's Harbor Inn was constructed in 1921 and is the oldest continuously operating restaurant as well as the oldest continuously operating business in Moss Landing. It is tied historically to the era of sardine fisheries in Monterey Bay. Monterey County's Department of Parks and Recreation Primary Record of the Harbor Inn noted the significance of the building as a social center of Moss Landing, dating back to the 1930's. The California Department of State Parks and Recreation describes Maloney's Harbor Inn as "...eligible for listing on the California Register of Historical Resources, under Criterion 1, and possibly National Register of Historic Places, under Criterion A." The HRRB unanimously voted for the Harbor District to include a historical assessment in the environmental document. HRRB staff was directed to provide recommended mitigation measures. Although the existing structure cannot be moved or rehabilitated, the desire is to retain as much of the heritage established with this building as possible.

(m) Site Visit. Project planner conducted on-site inspections on June 25, 2003 and January 5, 2004 to verify that the project on the subject parcel conforms to the plans listed above. Staff notes regarding the site visit are in Project File PLN020485.

(n) Application Materials. 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 PLN020485.

(o) Testimony. No testimony, either written or oral was received during the course of the public hearing process to indicate that there is any inconsistency with these plans or policies.

2. **FINDING: NO VIOLATION.** The 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. No violations exist on the property, and all zoning violation abatement cost, if any, have been paid.

EVIDENCE: (a) Staff reviewed Monterey County Planning and Building Inspection Department records and is not aware of any violations that exist on subject property.

3. **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: (a) The project was reviewed by Planning and Building Inspection, Public Works, Water Resources Agency, and Department of Environmental Health. The respective departments and agencies 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. The applicant has agreed to these conditions as evidenced by the application and accompanying materials and conditions.

4. **FINDING: SITE SUITABILITY.** The site is suitable for the use proposed.

EVIDENCE: (a) The project has been reviewed for suitability by the Monterey County Planning and Building Inspection Department, Water Resources Agency, Public Works Department, North County Fire District, Parks Department, and Environmental Health Division. There has been no indication from these agencies that the site is not suitable. Conditions recommended by these agencies have been incorporated to the project conditions.

(b) Staff conducted on-site visits on June 25, 2003 and January 5, 2004 to verify that the site is suitable for this use.

(c) Necessary public facilities are available and will be provided.

5. **FINDING: WATER IMPACT/NORTH COUNTY:** There presently exists in the North Monterey County area a serious overdraft in the aquifers, together with seawater intrusion problems in the North County Coastal Zone and nitrate pollution problems throughout the area. The North County Land Use Plan, Coastal Implementation Plan, and Area Plan recognize the existence of these problems and direct that studies be made to determine the safe-yield of the North Monterey County aquifers and that procedures thereafter be adopted to manage development in the area so as to minimize adverse effects on the aquifers and preserve them as viable sources of water for human consumption.

EVIDENCE: (a) There is no creation or expansion of water demanding uses at this time. Consideration of new uses that demand water will be required to provide proof of a long-term water supply for review and consideration of the County.

(b) Materials in project file PLN020485/Moss Landing Harbor District.

6. **FINDING: CEQA/MITIGATED NEGATIVE DECLARATION:** On the basis of the whole record before the Planning Commission, there is no substantial evidence that the proposed project as designed, conditioned and mitigated, will have a significant effect on the environment. The County as the decision-making body of a Responsible Agency hereby certifies that it reviewed and considered the information contained in the Lead Agency's (Harbor District's) Mitigated Negative Declaration and Mitigation Monitoring Program prior to acting upon or approving the project.

EVIDENCE: (a) Environmental Assessment/Initial Study/Mitigated Negative Declaration (EA/IS/MND). The following documents are on file in the office of Planning and Building Inspection and are hereby incorporated by reference (PLN020485/Moss Landing Harbor District):

(1) On February 25, 2002, Harding Engineering and Environmental Services completed an EA/IS/MND for the Moss Landing Harbor District prepared pursuant to the National Environmental Protection Act (NEPA) and the Californian Environmental Quality Act (CEQA). This EA/IS identified potentially significant impacts relative to biological resources, traffic, water quality, geology, and air quality. However, proposed mitigation measures were adopted that avoid the effects or mitigate the effects to a point where clearly no significant effects would occur. A Mitigated Negative Declaration was filed with the State Clearinghouse on July 5, 2002, noticed for public review, and circulated for a 30-day review period (SCH#: 2002021118). On June 22, 2002, the Moss Landing Harbor District considered the document and related comments and adopted the "North Harbor Shoreline Protection Project Mitigated Finding of No Significant Impact/Mitigated Negative Declaration" (Resolution 02-08).

(2) On July 14, 2003, Blasland, Bouck and Lee, Incorporated completed an amendment to the EA/IS/MND (SCH#: 2000041031) for the Moss Landing Harbor District pursuant to NEPA and CEQA. This amendment was focused at addressing potential impacts for demolishing a historical building within the project area. The Initial Study provides substantial evidence that the project, with the addition of mitigation measures, would not have significant environmental impacts. A Mitigated Negative Declaration was filed with the State Clearinghouse on August 4, 2003, noticed for public review, and circulated for a 30-day review period (SCH#: 2002021118). On September 18, 2003, the Moss Landing Harbor District considered the document and related comments and adopted the "Amendment to the Environmental Assessment/Initial Study for the North Harbor Shoreline Protection Project" (Resolution 03-27).

(b) Technical Documents. The evidence in the record includes studies, data, and reports supporting the EA/IS/MND; additional documentation requested by staff; information presented or discussed during public hearings; staff reports that reflect the County's independent judgment and analysis regarding the above referenced studies, data, and reports; application materials; and expert testimony. The following data and reports

were analyzed as part of the environmental determination in addition to the environmental documents identified in subsection (a) above:

1. Moss Landing North Harbor Draft Transportation Impact Analysis. Prepared by Hexagon Transportation Consultants, Inc August 30, 1999.
2. Letter from Harding Lawson Engineering Consulting Services to County of Monterey Planning Department regarding Review of Traffic Impact Analysis. Prepared July 24, 1998
3. Mitigation Monitoring and Reporting Plan for Eelgrass Beds. Prepared by Harding ESE, dated February 5, 2001.
4. Marine Habitats and Bathymetry around Skipper's Restaurant and the North Harbor Visitor Serving Area. Prepared by ABA Consultants. Dated September 1998.
5. Geotechnical and Coastal Engineering Study for Shorefront Improvements Moss Landing North Harbor. Prepared by Haro, Kasunich, and Associates, Inc. June 1998.

The Planning Commission hereby certifies the Mitigated Negative Declaration and Mitigation Monitoring Program adopted and amended by the Moss Landing Harbor District for the North Harbor Shoreline Project. This finding determines that although the project could have significant impacts, mitigation can reduce these potential impacts to a level of insignificance.

Mitigation Monitoring Program.

(a) A Mitigation Monitoring Program was adopted by the Moss Landing Harbor District to ensure compliance during project implementation. The District, as Lead Agency, will be responsible to implement this program. As a Responsible Permitting Agency, the County has conditioned the project whereas the District must provide evidence that these measures are implemented and have the intended effect.

(b) The permitting authority of Monterey County is limited to the General Development Plan, parking lot improvements, and Design Approval of shoreline structures. There are no changes in the project or unusual circumstances that exist that would necessitate additional environmental review by the County of Monterey.

7. **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 20.70.050.B.4). The proposed project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act of 1976 and Section 20.144.150 of the North County Coastal Land Use Plan and Coastal Implementation Plan.

EVIDENCE: (a) The site is located seaward of the first public road. There has been historical public access to, and along, the water edge.

(b) The Shoreline Access/Trails Map illustrated in Figure 6 of the North County Coastal Land Use Plan indicates a Bicentennial Bicycle Route along Highway 1 east of the project site.

(c) Initial plans show a proposed pedestrian trail along the water edge/wharf areas. Although a recent Coastal Trail Plan shows a 10-foot wide trail within the Highway 1 right of way, there would still be pedestrian access through the parking lot and along the shoreline using the tidal steps and wharf.

(d) Staff site visits on June 25, 2003 and January 5, 2004.

8. **FINDING: APPEALABILITY.** The project may be appealed to the Board of Supervisors and California Coastal Commission.

EVIDENCE: (a) Section 20.86.030 of the Monterey County Zoning Ordinance (Board of Supervisors).

(b) Section 20.86.080.A.3 of the Monterey County Coastal Implementation Plan, Part 1 (Coastal Commission).

(1) The project site is located between the sea and the first public road parallel to the sea.

DECISION

It is the decision of the Planning Commission that said application for a Combined Development Permit be granted as shown on the attached sketch and subject to the following conditions:

1. The Combined Development Permit (PLN020485/Moss Landing Harbor District) consisting of: a General Development Plan that includes plans for paved parking, demolition of an existing building, establish building pads for a future restaurant and interpretive center/commercial building, restrooms, a public wharf with seating and walkway, boat launches, vehicle and pedestrian access improvements, transient docks, public coastal trail, relocate the driveway, and new landscaping; a Coastal Development Permit to allow development within 100 feet of environmentally sensitive habitat; and Design Approval. The project is in accordance with County ordinances and land use regulations, and 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)**

Prior to Issuance of a Building and/or Grading Permit

2. The applicant shall record a notice that states: "A Permit (Resolution # 04008) was approved by the Monterey County Planning Commission for Assessor's Parcel Number 413-022-003, 005, and 010-000 on February 25, 2004. The permit was granted subject to 21 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)**

3. The applicant shall submit three copies of an exterior lighting plan that addresses the following:
 - a. Indicate the location, type, and wattage of all light fixtures including catalog sheets for each fixture for review and approval of the Director of Planning and Building Inspection.
 - b. 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.
 - c. Provide adequate security lighting along any pathways and in parking lot areas. These areas should be illuminated from dusk until dawn.
 - d. Lighting shall be designed and/or screened (e.g. landscape) to not create a nuisance, disturb any nearby resident, or disrupt nighttime views from public areas.

(Planning and Building Inspection)

4. The Final General Development Plan shall be attached/copied onto the Final Site Plan. **(Planning and Building Inspection)**
5. The applicant shall copy erosion control measures onto the building plans for review and approval of the Planning and Building Inspection Department. The applicant shall also submit a program for how these measures will be implemented during construction activities:
 - a. Water all active construction areas for dust control. Frequency should be based on the type of operation, soil condition, and wind exposure.
 - b. Cover stockpiles of debris, soil, sand or other materials that may be blown by the wind.
 - c. Sweep adjacent streets of all mud and dust daily or as needed.
 - d. Landscape or cover completed portions of the site as soon as construction is complete in that area.

(Planning and Building Inspection)

6. Owner shall record a notice, for each parcel, 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, S.C.)**
7. A drainage plan shall be prepared by a registered civil engineer addressing on-site and off-site impacts that includes routing stormwater runoff from the paved parking areas to an oil-grease/water. Necessary improvements shall be constructed in accordance with approved plans. **(Water Resources Agency)**
8. Lowest floor and attendant utilities, for the reconstructed buildings, shall be constructed at least **five (5)** feet above mean sea level (NGVD 1929). To provide for the flood proofing and certification of the lowest floor elevation, a reference marker set to the elevation of the lowest floor shall be established at the building site by a licensed land surveyor prior to start of construction. An elevation certificate for the finished floor shall be completed, for each building, by a registered civil engineer or licensed surveyor

and provided to the County Water Resources Agency prior to the inspection and approval of the building foundation by the building inspector. **(Water Resources Agency)**

9. Applicant shall provide certification to the County Water Resources Agency that applications have been submitted for all required local, State and Federal permits. **(Water Resources Agency, S.C.)**
10. 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, S.C.)**
11. Submit plans to the Department of Public Works for approval and construct all necessary sewer improvements. **(Public Works)**
12. Obtain a sewer connection permit from the Department of Public Works and pay all applicable fees. **(Public Works)**
13. The applicant shall obtain an encroachment permit from the Department of Transportation District 5 to construct access improvements on Route 1, including but not limited to the consolidation of all project access into the main entrance (and closing the other two secondary entrances), widening the main entrance, providing acceleration and deceleration lanes (or right turn channelization) on southbound Route 1 at the main entrance, and providing left turn and median acceleration lanes on northbound Route 1 at the main entrance. Any work or improvements proposed within the Route 1 right of way (e.g.; temporary parking spaces, landscaping (planters), and a coastal trail) will be subject to the Department's standards and requirements. **(Public Works)**

During Grading/Construction

14. The applicant and inspectors shall monitor the site for cultural materials in the soils. If, during the course of construction, cultural, archaeological, historical or paleontological resources are uncovered at the site (surface or subsurface resources) work shall be halted immediately within 150 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)**

Prior to Final Inspection and/or Occupancy

15. All new utility and distribution lines shall be placed underground. **(Planning and Building Inspection)**

16. The applicant shall provide evidence to the Director of Planning and Building Inspection that the following mitigation measures have been implemented as required by the Mitigated Negative Declaration adopted for this project, as amended:
- a. The following design features are included as part of the project:
 - Shoreline improvements will not be visible from Highway 1 and will thus preserve the scenic quality of the highway.
 - The project includes public access improvement such as a promenade along the shoreline that will enhance access to the harbor's edge and tidal steps providing access to the beach area. The promenade will allow visitors and local residents to view the harbor from the areas that are currently not conducive to scenic views. The steps will provide easy public access to the beach area.
 - Project grading and filling will not impact the existing visual character of the site. Fill activities are designed to alleviate the potential for erosion and flooding, and due to their height relative to the surrounding landscape, will be imperceptible when compared with existing conditions.
 - b. Employees working at the site shall be encouraged to carpool to the site.
 - c. Water trucks shall be used to water the proposed project site as well as all roads leading into the construction site to control fugitive dust during excavation of the sediment mixing and drying site, as needed.
 - d. Speed of construction vehicles shall be limited to 10 miles per hour in order to reduce generation of dust.
 - e. Monitoring of eelgrass will be conducted before, during, and after construction to assure that piers will be placed shoreward of the eelgrass beds. The contractor will be notified of this design requirement prior to conducting work. Monitoring will also be conducted during and after placement of the piers to verify correct placement. A mitigation Monitoring and Reporting Plan (dated February 5, 2001) has been prepared to assure minimal effect on biological resources.
 - f. If cultural resources are discovered during construction, construction shall be stopped until a qualified archaeologist is consulted and appropriate measures are taken to protect those resources.
 - g. Structures built for the project will be constructed per seismic requirements specified in the Uniform Building Code. Structures will be designed to withstand the projected maximum creditable earthquake event of 7.9 magnitude on the Richter scale.
 - h. The proposed parking lot will be designed according to specifications contained in the site-specific geotechnical report prepared by Haro, Kasunich, and Associates.
 - i. The project will incorporate recommendations contained in the geotechnical report prepared for the site including: in-situ densification (e.g.; grouting) of liquefiable materials; embedding foundations below liquefiable soil layers; building structures on a compacted earthen mat surface; and, design of the seawall to withstand displacement and settlement of up to ten inches.
 - j. All construction plans will be reviewed by the project geotechnical engineer to determine if geotechnical recommendations have been incorporated during construction.
 - k. During construction, periodic inspections will be completed by the geotechnical engineer to monitor the implementation of geotechnical recommendations into project construction.
 - l. A geotechnical engineer will periodically inspect the site during seawall construction/rip-rap placement to ensure that geotechnical recommendations are implemented to reduce potential coastal erosion impacts.
 - m. Project design includes placement of fill in the unimproved lot to raise the lot above the FEMA 100-year base flood elevation.

- n. Turbidity of surrounding harbors will be monitored to ensure that turbidity remains below required levels.
- o. The project includes improvements to the existing drainage system on-site, including the addition of two oil/water and sediment traps, to ensure that storm water runoff from the parking lot and the rest of the project does not adversely water quality in the surrounding harbor.
- p. Equipment operation on-site shall be limited to the hours of 7:00 a.m. to 5:00 p.m.
- q. All equipment shall be equipped with mufflers that are in good condition.
- r. No more than five pieces of equipment (such as scraper, loader, water truck, etc.) shall be operating at the same time at the closest point to any receptor.
- s. Construction truck traffic entering and exiting the site shall be limited to operation between 7:00 a.m. and 4:00 p.m. weekdays to avoid exacerbating LOS levels during the peak pm hour (4:30-5:30 p.m.).
- t. A plaque will be erected on or adjacent to the new structure that will include a description (written and/or sketch) of the original structure and describe the historical significance of the Harbor Inn.
- u. The new structure will be of similar architectural style to the original building and other buildings within the Moss Landing Harbor. In other words, the architecture shall be consistent with existing design and material features within the harbor complex (e.g., consistent with a commercial working harbor). The orientation to the water will be maintained and the building will continue to be used to house a restaurant.

(Planning and Building Inspection)

- 17. The site shall be landscaped. At least three weeks prior to final approval, three (3) 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, species, and size of the proposed landscaping. The landscaping shall be installed and inspected prior to occupancy. All landscaped areas and/or fences 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 Department)**
- 18. The applicant shall comply with Ordinance No. 3932, or as subsequently amended, of the Monterey County Water Resources Agency pertaining to mandatory water conservation regulations. The regulations for new construction require, but are not limited to:
 - a. All toilets shall be ultra-low flush toilets with a maximum tank size or flush capacity of 1.6 gallons, all shower heads shall have a maximum flow capacity of 2.5 gallons per minute, and all hot water faucets that have more than ten feet of pipe between the faucet and the hot water heater serving such faucet shall be equipped with a hot water recirculating system.
 - b. Landscape plans shall apply xeriscape principles, including such techniques and materials as native or low water use plants and low precipitation sprinkler heads, bubblers, drip irrigation systems, and timing devices. **(Water Resources Agency, S.C.)**
- 19. The parking shall meet the standards of the Zoning Ordinance and be approved by the Director of Public Works and the Director of Planning and Building Inspection. **(Public Works)**

Continuous Permit Conditions:

20. The site shall be landscaped. The use of native species consistent with and found in the project area shall be required in all landscaping plans as a condition of project approval. A list of appropriate native plant species identified in Attachment #2 and #3 in the North County Implementation Plan Development Regulations is available in brochure form (*Suggested Native Species Landscaping List - North County Coastal Zone*) from the Planning and Building Inspection Department. (**Planning and Building Inspection**)
21. 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 Department**)

PASSED AND ADOPTED this 25th day of February, 2004, by the following vote:

AYES: Errea, Sanchez, Hawkins, Padilla, Vandever, Parsons, Salazar, Rochester, Wilmot
NOES: None
ABSENT: None
ABSTAIN: Diehl



JEFF MAIN, SECRETARY

COPY OF THIS DECISION MAILED TO APPLICANT ON **MAR 09 2004**

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 **MAR 19 2004**

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.

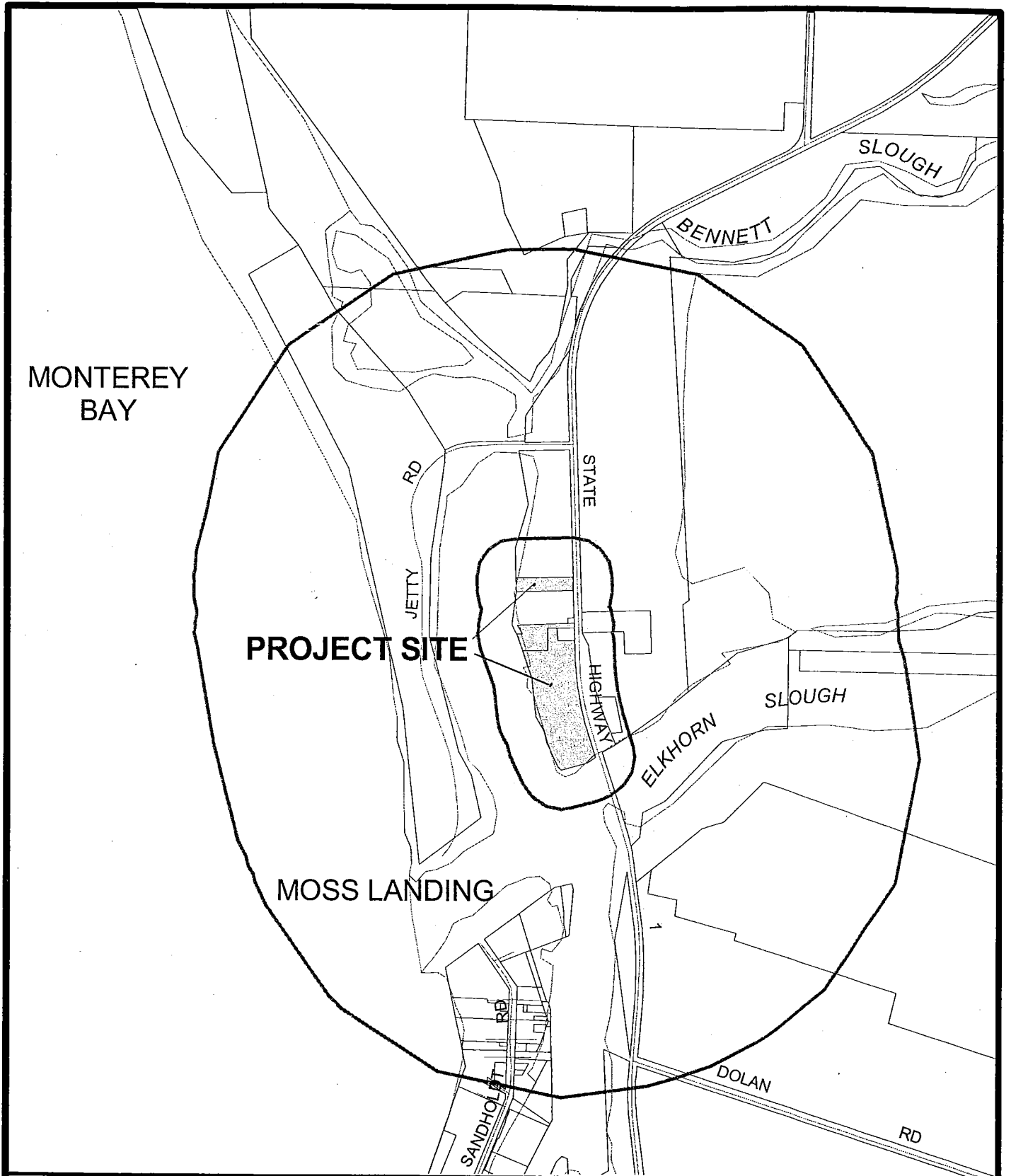
NOTES

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



APPLICANT: MOSS LANDING HARBOR DISTRICT

APN: 413-022-003-000M

FILE# PLN 020485

 300' Limit

 2500' Limit

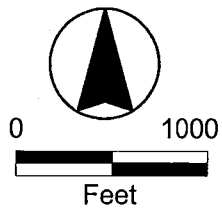


EXHIBIT E
MINUTES

North County Coastal Land Use Advisory Committee
Tuesday, January 21, 2014

FILE COPY
PLN130350

1. Meeting called to order by David Evans at 9:00 am

2. Roll Call

Members Present: David Evans, Warren Church, Margie Kay (3)

Members Absent: Ed Centeno, Chris Herron (2)

3. Approval of Minutes:

A. October 1, 2013 minutes

Motion: Warren Church (LUAC Member's Name)

Second: David Evans (LUAC Member's Name)

Ayes: David Evans, Warren Church, Margie Kay (3)

Noes: 0

Absent: Ed Centeno, Chris Herron (2)

Abstain: 0

4. **Public Comments:** The Committee will receive public comment on non-agenda items that are within the purview of the Committee at this time. The length of individual presentations may be limited by the Chair.

None

5. Scheduled Item(s)

6. **Other Items:**

A) Election of Officers

LUAC member nominated for Chairperson: David Evans

Motion: Warren Church (LUAC Member's Name)

Second: Margie Kay (LUAC Member's Name)

Ayes: David Evans, Warren Church, Margie Kay (3)

Noes: 0

Absent: Ed Centeno, Chris Herron (2)

Abstain: 0

LUAC member nominated for Secretary: Margie Kay

Motion: Warren Church (LUAC Member's Name)

Second: David Evans (LUAC Member's Name)

Ayes: David Evans, Warren Church, Margie Kay (3)

Noes: 0

Absent: Ed Centeno, Chris Herron (2)

Abstain: 0

B) Preliminary Courtesy Presentations by Applicants Regarding Potential Projects

None

C) Announcements

None

7. **Meeting Adjourned:** 9:30 am

Minutes taken by: Margie Kay, secretary

Minutes received via email January 23, 2014

Action by Land Use Advisory Committee Project Referral Sheet

Monterey County Planning Department
168 W Alisal St 2nd Floor
Salinas CA 93901
(831) 755-5025

Advisory Committee: **North County Coastal**

Please submit your recommendations for this application by: **January 21, 2014**

Project Title: MOSS LANDING HARBOR DISTRICT

File Number: PLN130350

File Type: PC

Planner: FORD

Location: 2420 HWY 1 MOSS LANDING

Project Description:

Design Approval to allow construction of a 9,499 square foot two-story restaraunt and fish market in the North Harbor area of Moss Landing. The property is located at 2420 Highway 1, Moss Landing (Assessor's Parcel Number 413-022-003-000), Moss Landing Community Plan, North County Coastal Land Use Plan, Coastal Zone.

Was the Owner/Applicant/Representative Present at Meeting? Yes No

Moss Landing Harbor Master Linda McIntyre, Moss Landing Harbor District Chair Russ Jeffries, Ken Turgen & Henry Ruhnke both architects for the proposed new restaurant & fish market building.

Was a County Staff/Representative present at meeting? David Mack (Name)

PUBLIC COMMENT: None

Name	Site Neighbor?		Issues / Concerns (suggested changes)
	YES	NO	

LUAC AREAS OF CONCERN

Concerns / Issues (e.g. site layout, neighborhood compatibility; visual impact, etc)	Policy/Ordinance Reference (If Known)	Suggested Changes - to address concerns (e.g. relocate; reduce height; move road access, etc)

ADDITIONAL LUAC COMMENTS

On Saturday January 18th, committee member Margie Kay participated on a tour of Moss Landing Wildlife Area (right across Hwy 1 from new proposed restaurant) and CA Fish & Wildlife staff said there have been dead cormorant birds on Highway 1 bridge crossing Elkhorn Slough. Mr. Cann expressed concern that new building may attract the birds since close to bridge. Request Harbor District contact Mr. Jeff Cann with CA Fish & Wildlife to discuss to make sure all is done with design to avoid more dead cormorants. Harbor Master Linda McIntrye agreed to contact Mr. Cann.

RECOMMENDATION:

Motion by: Margie Kay (with request for Harbor District to discuss cormorant issue with CA Fish & Wildlife)
) (LUAC Member's Name)

Second by: Warren Church (LUAC Member's Name)

- Support Project as proposed
- Recommend Changes (as noted above)
- Continue the Item

Reason for Continuance: _____

Continued to what date: _____

AYES: Warren Church, David Evans, Margie Kay (3)

NOES: 0

ABSENT: Ed Centeno, Chris Herron (2)

ABSTAIN: 0



**MONTEREY COUNTY RESOURCE MANAGEMENT AGENCY
PLANNING DEPARTMENT**
168 West Alisal, 2nd Floor, Salinas, CA 93901
Telephone: (831) 755-5025 Fax: (831) 757-9516
<http://www.co.monterey.ca.us/planning>

RECEIVED
JAN 22 2014

MONTEREY COUNTY
PLANNING DEPARTMENT

DESIGN APPROVAL REQUEST FORM

ASSESSOR'S PARCEL NUMBER: 413.022.003 & 005
PROJECT ADDRESS: Sandholdt Road, Moss Landing, CA 95039
PROPERTY OWNER: Moss Landing Harb. district Telephone: 831/633.5417
Address: 7881 Sandholdt Road Fax: _____
City/State/Zip: Moss Landing, CA. Email: melatyre@mosslandingharbor.dst.ca.us
APPLICANT: Kenneth Tjorgen Telephone: 831/699.4692
Address: 2340 Garden Road Fax: _____
City/State/Zip: Monterey, CA 93933 Email: keet@worldarch.com
AGENT: Same as applicant Telephone: _____
Address: _____ Fax: _____
City/State/Zip: _____ Email: _____

Mail Notices to: Owner Applicant Agent
(Check only one)

PROJECT DESCRIPTION: (Attach Scope of Work) _____

MATERIALS TO BE USED: metal siding/roofing, alum. storefront, stucco

COLORS TO BE USED: _____

I acknowledge that I will need a building permit and must comply with the Monterey County Building Ordinance. Additionally, I acknowledge that the Zoning Ordinance states that no building permit 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. I further acknowledge that this approval is for design of the structures and compliance with zoning regulations only.

PROPERTY OWNER/AGENT SIGNATURE: [Signature] DATE: 8/20/13

FOR DEPARTMENT USE ONLY

ZONING: VSC
GENERAL/AREA PLAN: N County Coastal
ADVISORY COMMITTEE: N County Coastal
RELATED PERMITS: _____
PLANNER: Jeta Ford
LUAC REFERRAL: YES NO
DOES THIS CORRECT A VIOLATION? YES NO
WITHIN ARCH BUFFER ZONE? YES NO
ON SEPTIC SYSTEM? (REFER TO EHB) YES NO
DECISION: ADMINISTRATIVE PUBLIC HEARING
LEGAL LOT: _____ YES NO
GIVEN OUT BY: _____ DATE: _____
ACCEPTED BY: _____ DATE: _____
COMMENTS: _____

ADVISORY COMMITTEE RECOMMENDATION

APPROVAL DENIAL

For: 3 Against: 0 Abstain: 0 Absent: 2

Was the Applicant Present? YES NO

Recommended Changes: _____

Signature: Maryanne Kay

Date: 1/21/2014

APPROPRIATE AUTHORITY: DIRECTOR OF PLANNING ZONING ADMINISTRATOR PLANNING COMMISSION
ACTION: APPROVED DENIED

CONDITIONS: _____

APPROVED BY: _____ DATE: _____

PROCESSED BY: _____ DATE: _____

COPY TO APPLICANT: IN PERSON OR MAILED DATE: _____

STATEMENT OF PLANNING SCOPE OF WORK

(COASTAL ONLY)

PLEASE CHECK "YES" OR "NO" FOR ALL BOXES

- | | Yes | No | |
|-----|-------------------------------------|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project is for residential use. |
| 2. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The project is commercial use. |
| 3. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project is for agricultural use. |
| 4. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project is for industrial use. |
| 5. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The project is public or quasi/public. |
| 6. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project includes a subdivision/lot line adjustment. |
| 7. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project is for cell site, telecom (digital) communication facility/site. |
| 8. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Project includes construction of a new structures. |
| 9. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes enlarging, altering, repairing, moving, improving, or removing an existing structures.
If "yes" describe _____ |
| 10. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project includes demolition work.
If "yes" describe _____ |
| 11. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes replacement and/or repair of (50%) or more of the exterior walls of a structure. |
| 12. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes historical structure or a structure more than fifty (50) years old. |
| 13. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes an accessory structure(s)
If "yes" describe _____ |
| 14. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes the placement of a manufactured home, mobile home, modular or prefabricated unit.
<input type="checkbox"/> Private property <input type="checkbox"/> Park installation _____ (mobile home park) |
| 15. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes retaining walls, sea wall, riprap. |
| 16. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | The project includes constructing, enlarging, altering, repairing, moving, improving or removing a septic tank/system. |
| 17. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | The project includes constructing, enlarging, altering, repairing, moving, improving or removing a well. |
| 18. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Project is associated with a new or improvements to a water system.
_____ water system _____ number of connections. |
| 19. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes removal of trees.
If "yes", type _____ size _____ number _____ |
| 20. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Project includes grading, dirt importation, dirt removal, and/or drainage changes. |
| 21. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Project is visible from a public area. (public road, park, slough, beach, trail) |
| 22. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project is located on a slope/hillside. (30 percent (25 percent-North County) |
| 23. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project is located within 50 feet of bluff. |
| 24. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Project is located within 100 feet of seasonal or permanent drainage, lake, marsh, ocean, pond, slough, stream, wetlands.
If "yes", describe _____ |
| 25. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project includes the use of roofing materials that are different in type and/or color from the original materials.
If "yes", describe _____ |
| 26. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Project is change or modification to an approved application. |
| 27. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Project involves or includes an existing or proposed trail or easement. |
| 28. | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Project involves new, change or modifications to existing utilities and/or power lines. |

PLEASE DESCRIBE COMPLETELY AND FULLY THE PROJECT YOU ARE APPLYING FOR. INCLUDE INFORMATION ON ALL QUESTIONS ANSWERED WITH A "YES".

See attached.

I hereby certify that the above information is complete and correct. I certify that I am the property owner or that I am authorized to act on the property owner's behalf.

[Signature]
Signature

8/20/13
Date