

Novo, Mike x5192

From: Dan Carl [dcarl@coastal.ca.gov]
Sent: Monday, September 08, 2008 4:53 PM
To: Linda G. McIntyre
Cc: springfieldfarms@msn.com; bajacamper@hotmail.com; cdranders@sbcglobal.net; mcintyre@mosslandingharbor.dst.ca.us; mcnuttt@mbari.org; jkester@aol.com; andrew.devogelaere@noaa.gov; sam@calera.biz; kcarlson@miml.calstate.edu; steven.abbott@dynegy.com; springfieldfarms@msn.com; cosme-c@sbcglobal.net; marks@elkhornslough.org; mkkloepfel@earthlink.net; tmccray@redshift.com; keith@mbari.org; marilynlynds@yahoo.com; harpy831@aol.com; naderagha@att.net; coale@miml.calstate.edu; gene.mccrillis@dynegy.com; mcintyre@mosslandingharbor.dst.ca.us; kristin@calera.biz; jgregg@greggdrilling.com; kim@hawteenchilada.com; john_olejnik@dot.ca.gov; p.donrosa@att.net; leikersj@monterey.ca.us; don@tamcmonterey.org; david_m_murray@dot.ca.gov; Katie Morange; p.joerosa@att.net; novom@co.monterey.ca.us; debbie@tamcmonterey.org; 100-District 2 (831) 755-5022; Novo, Mike x5192; Leiker, Steve J x4809; kim@hauteenchilada.com
Subject: RE: Moss Landing Planning

Hello All,

We just briefly wanted to respond to the questions posed to Coastal Commission staff in Linda's email below in response to Melanie's email. I apologize for the delay, and thank you for your patience in awaiting our response. We agree that the infrastructure questions must be addressed in this planning process, and also agree that public service capacities will affect what can be accomplished in the future as part of the to be developed updated community plan. Although such capacities are limiting factors, in some ways, and perhaps this is to what Linda refers, such capacities themselves are not necessarily the bottom defining line if a community plan vision comes together that appropriately provides and accounts for Coastal Act priority uses and resource protection as well. In other words, our understanding regarding public service capacities and what is appropriate in that respect, including relieving capacity problems, should be driven by what capacities are necessary to reach the Coastal Act consistent and preferred vision, and not necessarily by a rote reliance on a lack of one capacity or another compared to existing uses. That is not to say that service capacities don't matter. We believe that they certainly do, and what can be accomplished overall will certainly be tied to the adequacy of public services, whether part of the plan includes reducing demand and/or expansion of certain capacities.

In any case, though, we agree that updating our assumptions and understandings about existing public service capacities is a good start, and we agree that collecting some of the type of information that Melanie outlined in her email is a good first step. We need to also understand what the current plan says. Specifically, with respect to sewer, the Moss Landing County Sanitation District Allocation Plan (1980) describes the sewer allocation and capacity for Moss Landing (existing demand, allocation for vacant parcels, and expected allocated capacities for new or expanded uses for a total allocation of 105,000 gallons per day). This allocation was expected to cover all future LCP-prescribed development of Moss Landing. An apparent problem with the allocation now exists because the system is at capacity and Moss Landing is not fully built out, and it is not clear if this is because the original numbers were wrong, because there are possible system malfunctions, things were not sized correctly, if users are using more than they are allocated, something lese, combination of all, etc.. We need to have current flow information, and if the system is truly maxed out and it is not just a malfunction or sizing problem, we need to revisit the allocation plan in conjunction with expected future development.

In general, and in response specifically to Linda's question, we are not opposed to increasing sewer capacity per se as part of the updated community plan process so long as such capacity is allocated to Coastal Act consistent and preferred priority uses within the area, and provided all other coastal resource impacts can be avoided. We believe consideration of such potential capacity modifications to be inherent to, and important for, this planning process in which we are all engaged as it is a critical part of the visioning process, and helps to inform what is possible and at what cost. In that effort, there is obviously a need to reexamine the priority uses outlined in the current community plan, and I think we can all agree that this is a primary objective of this planning process. In the Monterey County LCP Periodic Review in 2003 (<http://www.coastal.ca.gov/recap3/Draft-FindingsChapter2.pdf>; page 69), we evaluated the development of Moss Landing since LCP adoption and made observations about current and future land uses and trends. I think it would be helpful for the group to look at this to assist with discussions of priority uses and potential future development.

I hope this response proves helpful, and we look forward to helping to develop an updated community plan vision appropriate for Moss Landing's unique circumstances. In that respect, I apologize that we have been unable to attend the last few community plan meetings, and will most likely continue to have limited involvement in these meetings and this planning process as a result of increasingly constrained staff resources. That said, we will continue to do our best to provide input at critical junctures, and will do our best to attend meetings as much as we can. Thank you all for your continued understanding.

Dan

Dan Carl

District Manager - Central Coast District
California Coastal Commission
725 Front Street, Suite 300
Santa Cruz, CA 95060
P: 831-427-4863
F: 831-427-4877
dcarl@coastal.ca.gov
www.coastal.ca.gov

the agency desires more certainty, speed, and intergovernmental coordination to keep the highway open and make improvements. As a result Caltrans has prepared, in cooperation with the Coastal Commission, the Coast Highway Management Plan, with specific guideline documents that address landslides and storm events; protecting the highway's aesthetic characteristics; and managing vegetation within the corridor.

In light of this new initiative, it is timely to revise the LCP to account for the new information derived from the planning process. This can be accomplished by providing more specific guidance in the LCP for various types of highway improvements likely to occur, including bridge replacement, pullouts, sidecasting, culvert replacements, and the like. There are also opportunities to revise some other policies addressing new development that would impact use of the highway with regard to traffic generation mitigation measures and to ensure highway improvements will protect scenic resources and public access. Additionally, there is a need for the various agencies involved in regulating highway improvements to coordinate through implementation of the Coast Highway Management Plan, as County responsibility alone is somewhat limited due to Commission retained and federal jurisdictions.

Land Use Designation and Density Issues

The County has been effective in implementing the LCP provisions that ensure that more intensive development is concentrated in the more urban communities of Las Lomas, Moss Landing, Castroville, and the Monterey Peninsula, and follows Coastal Act directives. Nevertheless, issue identification revealed two communities where general land use patterns warranted review: Moss Landing and Carmel Area Uplands.

Moss Landing Community Plan

(Most recommendations addressing this issue are found on: pg. 39.)

Moss Landing is a special community containing recreational boating facilities and coastal-dependent industries. Competition for scarce land and water threatens the ability of the County to protect priority uses and to maintain the community fabric and its visual and natural resources.

The certified Monterey County LCP recognizes the historic, scenic, harbor, and, to some extent, environmentally sensitive habitat resources of Moss Landing. The LCP has a separate chapter devoted to the community with a series of policies to guide additional harbor development, provide access, and protect resources. In a nutshell, priority uses are each assigned different locations in Moss Landing, such as coastal-dependent, light industrial uses on the Island and visitor-serving commercial uses along portions of the west side of Highway One.

Since certification of the LCP there have been substantial changes in the Moss Landing area, the primary change being the expansion of coastal-dependent marine research facilities on the Island (MBARI) and off of Moss Landing Road (relocated Moss Landing Marine laboratory). Other developments approved by the County have included a convenience market, four retail shops, a bed and breakfast, fish processing, bait and tackle, a restroom at the harbor, and power plant improvements. In all cases the approved projects were allowed uses and many incorporated mitigation measures to protect resources. But in some cases, they did not further the general vision

articulated in the *North County Land Use Plan*. Recent proposals and planning exercises have revealed the immediate need to accommodate dredge spoils, address erosion in the harbor, provide drainage and other infrastructure improvements, and improve harbor facilities.

In light of land use decisions since 1988, available opportunity sites, and projected development, recommendations are made to revise and update the plan for the Moss Landing area to protect community character and prevent resource damage. For some sites, updated designations are needed to accommodate the priority uses that have occurred and to determine the appropriate locations and densities for other priority uses.

Additionally, the County's land use authority is limited in this area and other agencies have significant roles to play. Thus there is a need for coordinated planning and regulation by all the relevant agencies.

Carmel Area Uplands

(Most recommendations addressing this issue are found on: pp. 39–40.)

The Carmel Uplands, east of Highway One and Carmel Highlands, consist of very scenic lands, rural residential development, and large tracts of grazing lands, public recreational lands, and environmentally sensitive habitats. Among the sensitive plant communities are Monterey pine, Gowen cypress, and central maritime chaparral. The 6,318-acre Uplands area contains approximately 81 parcels, of which about two dozen remain vacant and in private ownership.

The certified Monterey County LCP recognizes the sensitivity of these lands through application of protective scenic, habitat, and steep slope policies and generally very low residential density residential zoning, except for Odello East and substantial overnight accommodations on Point Lobos Ranch. The LCP contains many site-specific directives for these and other large holdings, with the general intent to cluster new development. The LCP states that the development of large properties (over 50 acres) and ranches should be guided by an overall management plan.

Since certification of the LCP several of these lands have been acquired for open space purposes, including much of Palo Corona Ranch, Odello-East, and Point Lobos Ranch. The latter acquisition ended plans for any new hotels. Several parcels have been developed pursuant to coastal permits. As part of the permit process, additional lands have been placed under conservation easements. In applying the protective policies of the LCP, the County has attempted to mitigate for adverse impacts. But in allowing new houses averaging over 5,000 square feet and associated structures, driveways, and septic systems, there has been resulting environmentally sensitive maritime chaparral habitat loss and additional visible development. The presence of the new homes and the background biological information associated with them has increased awareness of the sensitivity of the area. At the same time, some property acquisitions have increased the potential for additional public use of the Uplands.

The LCP needs updating in light of the changed development patterns, ownerships, and protective legal instruments in the Uplands. LCP updates are needed to better reflect new owners' objectives for open space preservation over residential development. And, LCP policies need to be fully applied and in some cases clarified so that environmental damage is limited on any of the remaining

amendment to the Coastal Commission.

LU-10.3 Undertake waterway monitoring programs: Initiate Community Water Resource Monitoring Programs for Sycamore Canyon Creek and Big Sur River watersheds pursuant to *Big Sur Coast LUP* policy 3.4.3.C.2. The County should collect the approximately \$12,600 due from permit conditions to help fund the programs; explore contracting with or otherwise coordinate with the Department of Fish and Game to use the funding to prepare an Instream Flow Incremental Methodology to protect sensitive species including steelhead, Coho salmon, red-legged frogs, pink salmon, and macroinvertebrates; and support formation of citizen watershed councils.

Issue LU-11: Moss Landing Community Plan

LU-11.1 Redesignate Elkhorn Slough Foundation parcel to Resource Conservation: Redesignate APN 133-221-007 from Recreation and Visitor Serving Commercial to Resource Conservation Wetlands and Coastal Strand or other appropriate designation and rezone accordingly.

LU-11.2 Update Moss Landing Community plan: Update the *North County Land Use Plan* Chapter 5 "Moss Landing Community Plan," based on an analysis of existing and potential Coastal Act priority uses. Amend the plan to ensure that priority uses, including an upland dredge rehandling and/or disposal site and dry storage, are accommodated in a manner that protects scenic, habitat, wetland, historic, and other coastal resources. Assure that: the redevelopment of the Harbor District's North Harbor parcels preserve Bay and Harbor views; the redevelopment of the former National Refractories accommodates necessary priority uses and redesign of the transportation system (including any road realignment, parking area, and rail line) that furthers the objective of maintaining Highway One as a two-lane road in the Moss Landing corridor (see Recommendation LU-14.1); and comprehensive shoreline management is completed (see Recommendation SH-31.2).

LU-11.3 Avoid or minimize damage to marine organisms from seawater pumps: Add a policy to the LCP as follows: Prior to approval of any new or expanded seawater pumping facilities, require the evaluation of alternatives (which may include using existing intake systems), selection of the least environmentally damaging alternative, use of Best Available Technologies, and provision of maximum feasible mitigation measures to avoid and/or to minimize damage to marine organisms due to entrainment in accordance with State and Federal law (see also Recommendation LU-9.4 regarding pumping for desalination plants).

LU-11.4 Support comprehensive planning in Moss Landing: Add an action to support and participate in, to the extent that resources allow, initiatives to pursue multi-agency planning and regulatory streamlining for Moss Landing, evaluate responses to erosion, and manage dredge materials.

Issue LU-12: Carmel Area Uplands

LU-12.1 Update Carmel Area land use designations: Amend Carmel Area land use designations as follows along with corresponding zoning designations and policy text:

- A. For the Odello-East Parcel(s) - Remove Special Treatment designation; redesignate to Agricultural Preservation; specify densities and standards for agricultural labor housing;