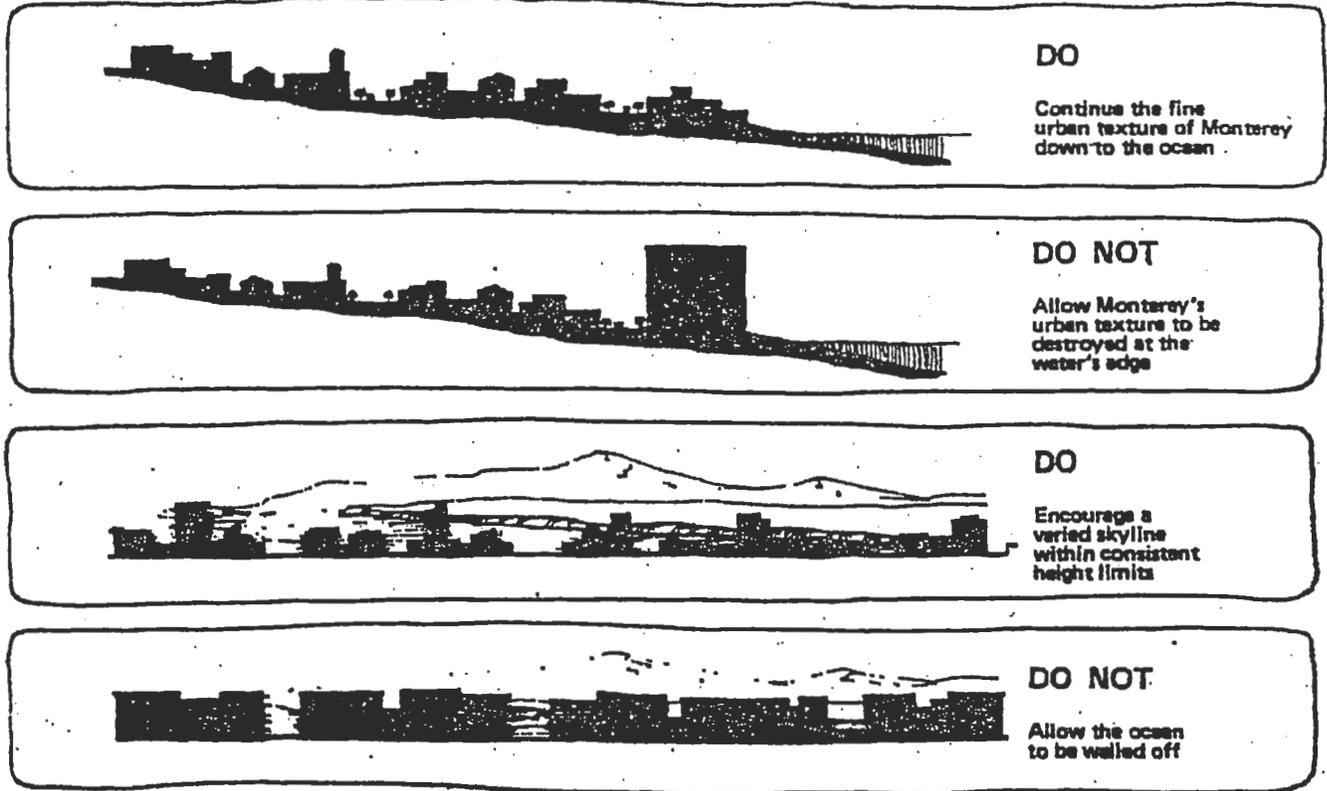


3. LCP Policies - DEVELOPMENT

- a. Views to Monterey Bay and the Cannery Row shoreline are to be preserved and enhanced for pedestrian and vehicle passengers by requiring new development to be in keeping with the sightlines shown in Figure 18.
- b. The fine urban texture of New Monterey is to be continued to the shoreline, with a variation in building height, bulk, and massing as illustrated in Figure 19.



Source: 1973 Cannery Row Plan

Figure 19. Development Guidelines: Bulk and Building Height.

- c. The architectural character of the old cannery structures is to be respected along Cannery Row, with a variation in building heights and roof forms, and buildings fronting on pedestrian ways as shown in Figure 20.

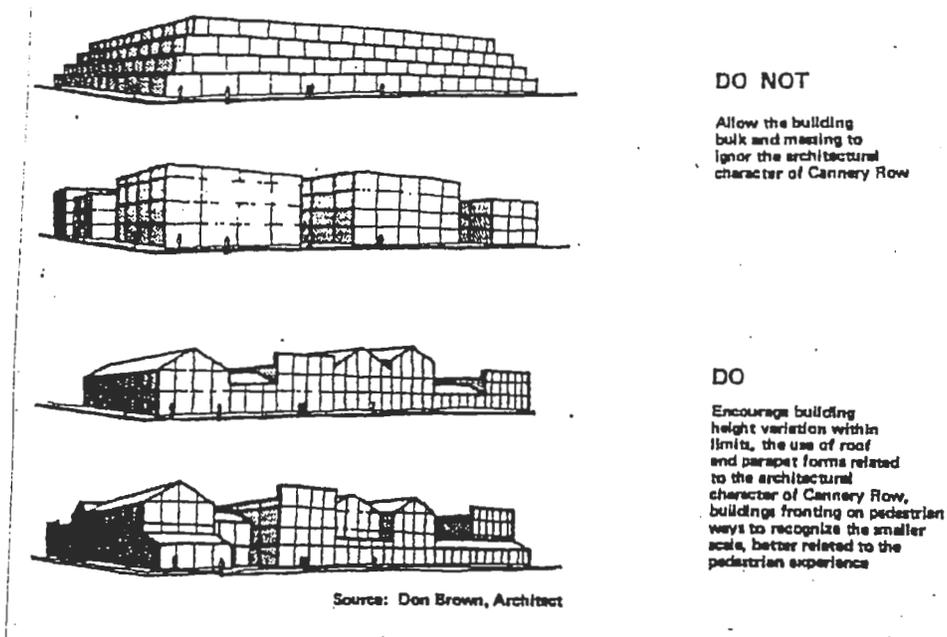
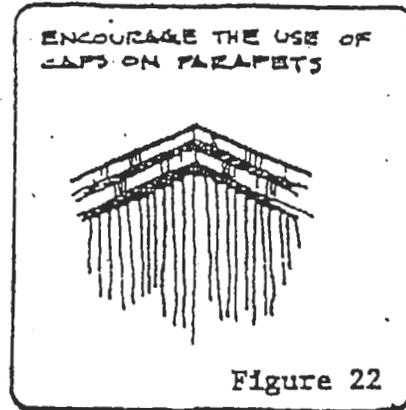
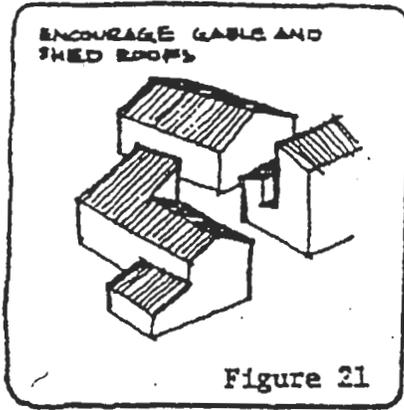


Figure 20 Development Guidelines: Building Height and Character Along Cannery Row

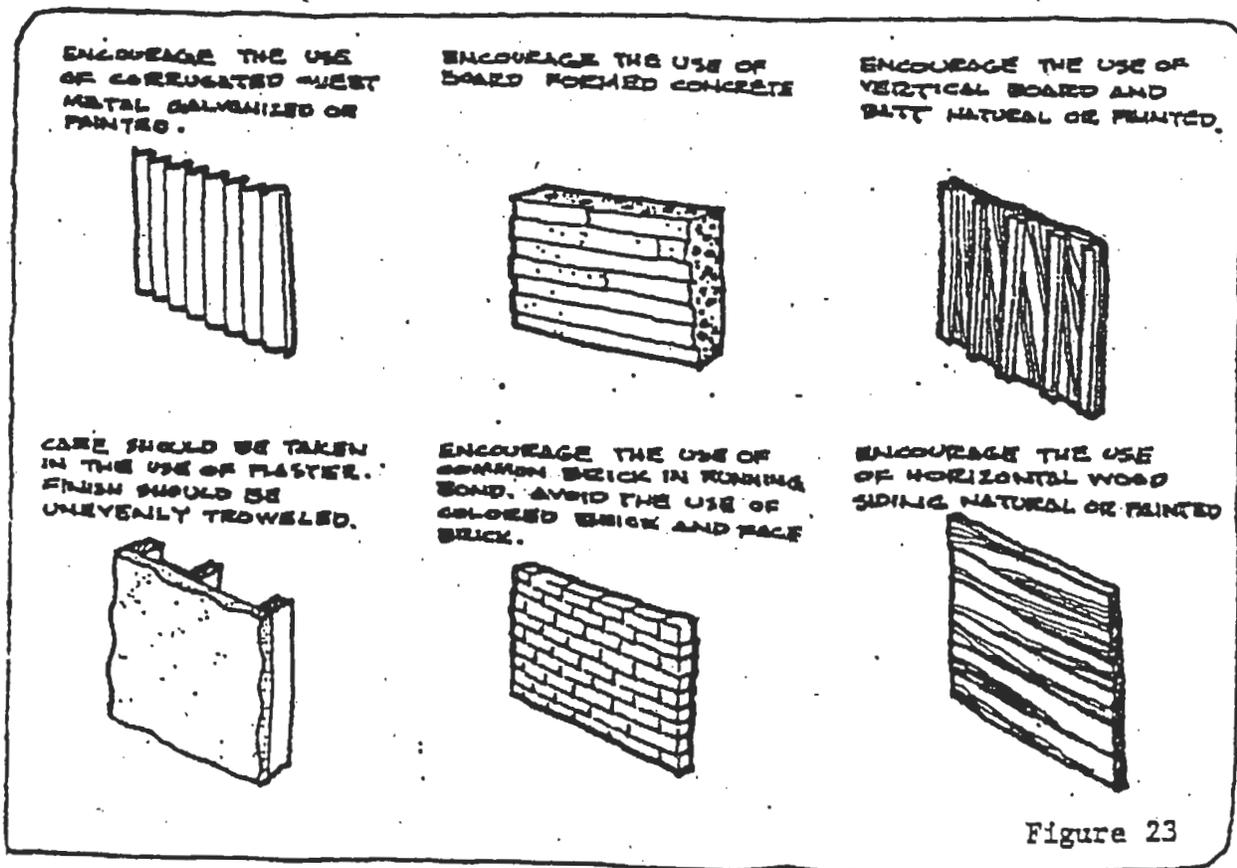
- d. To maintain the architectural character and resulting pedestrian scale defined in finding g., architectural review guidelines are to be implemented which encourage the following building design elements.\*

1. Multiple shed and gable roof forms for "cannery" type building as shown in Figure 21 (As defined in finding g., the "cannery" type of building form is a highly complex collage composed of skylights, tall smoke stacks, and a multitude of "odd" structures which work to create an exciting sculpture).
2. Parapet designs terminated by a heavy cap for the roof forms for warehouse type building as shown in Figure 22 (As defined in finding g., the "warehouse" type of building form is a large simple structure which is decorated by a finely scaled fenestration pattern).

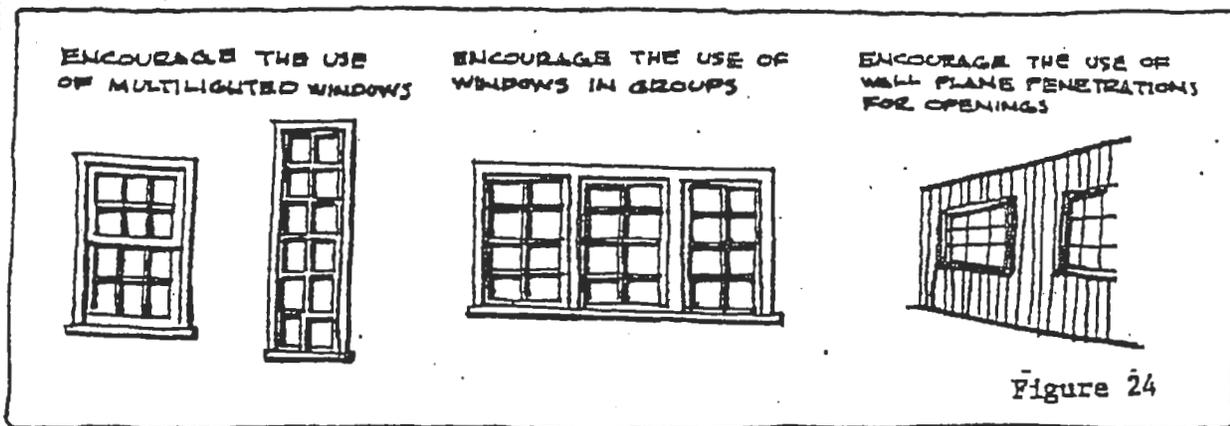
\* NOTE: These building design elements with accompanying sketches have been taken from the Urban Design Plan prepared by the architectural firm of Brown and Takigawa for the 1973 Cannery Row Plan.



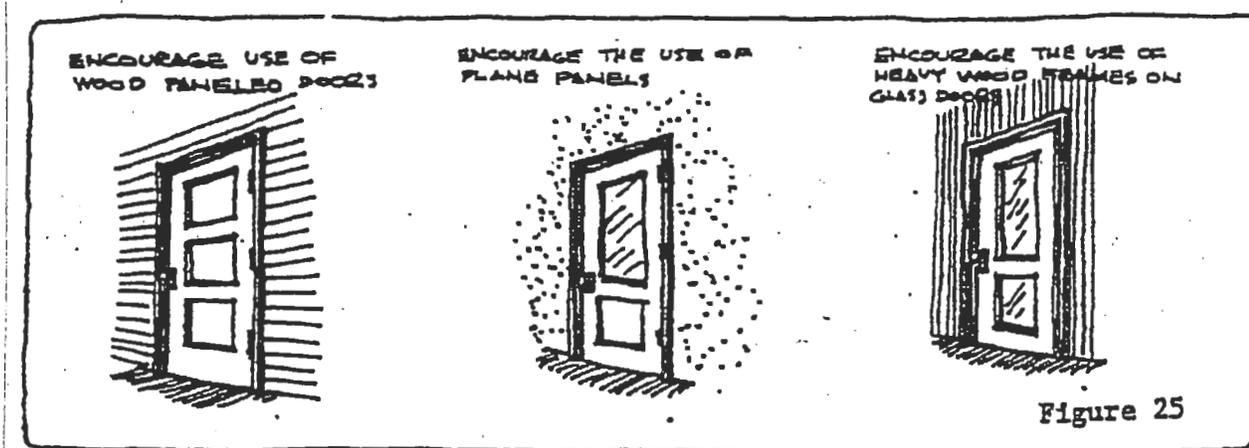
3. Finely dimensioned wall material to include corrugated sheet metal, horizontal wood siding, board formed concrete, irregularly troweled plaster, board and batt and common brick in running bond (Figure 23).
4. Wall material limited in number on one building (Continuity of material tends to unify a building where a conglomeration of materials becomes disturbingly confusing and breaks continuity of interest).



5. Rectangular multi-lighted windows. Encourage use in groups and encourage wall plane penetrations for openings (Figure 24).

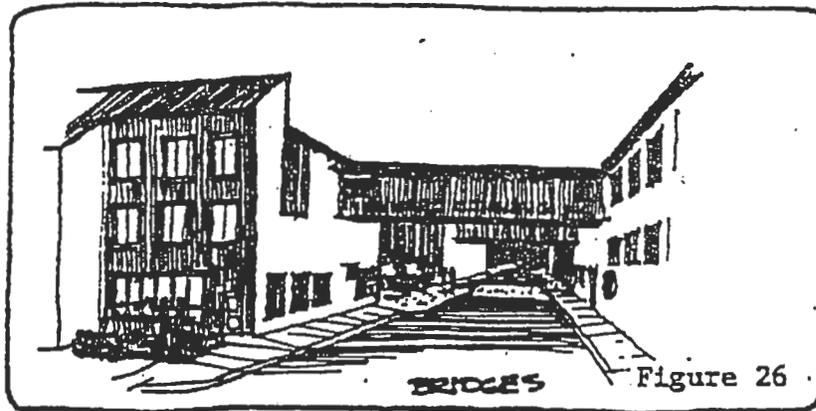


6. 3'0 x 6'8" wood frame or wood panel doors (Figure 25).



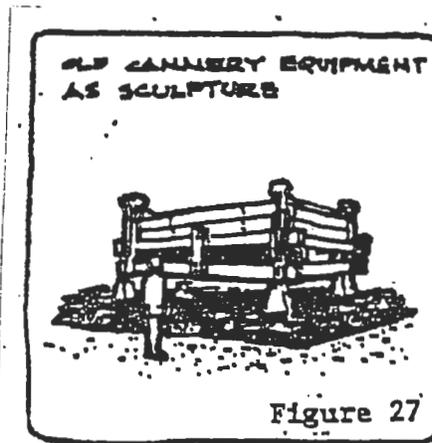
7. Exterior stairways.
8. Sign forms to include plaques with painted letters, either free standing or wall mounted, and block letters painted directly on walls in colors of low contrast with the wall.

9. Bridges on streets parallel to the ocean. Limited in width and spaced so as not to create a tunnel effect (Figure 26).



- e. To maintain the unique streetscape and resulting pedestrian scale defined in findings 1. and m., architectural review guidelines are to be implemented which encourage the following landscape design elements:\*

1. Simple planting in keeping with the waterfront setting. Succulents and shrubs in character with the Northern California Coast. Cypress as the dominant tree form. Landscaping done in clumps and not continuously along the streets (Cannery Row is somewhat barren and this is one of the features contributing to its uniqueness).
2. Concrete street paving patterns for Cannery Row.
3. Discarded cannery equipment and fish oil tanks forming abstract sculpture. Discarded cannery equipment could take form of benches and trash receptacles as long as such use does not become "theatrical", old iron baskets as planters (Figure 27).

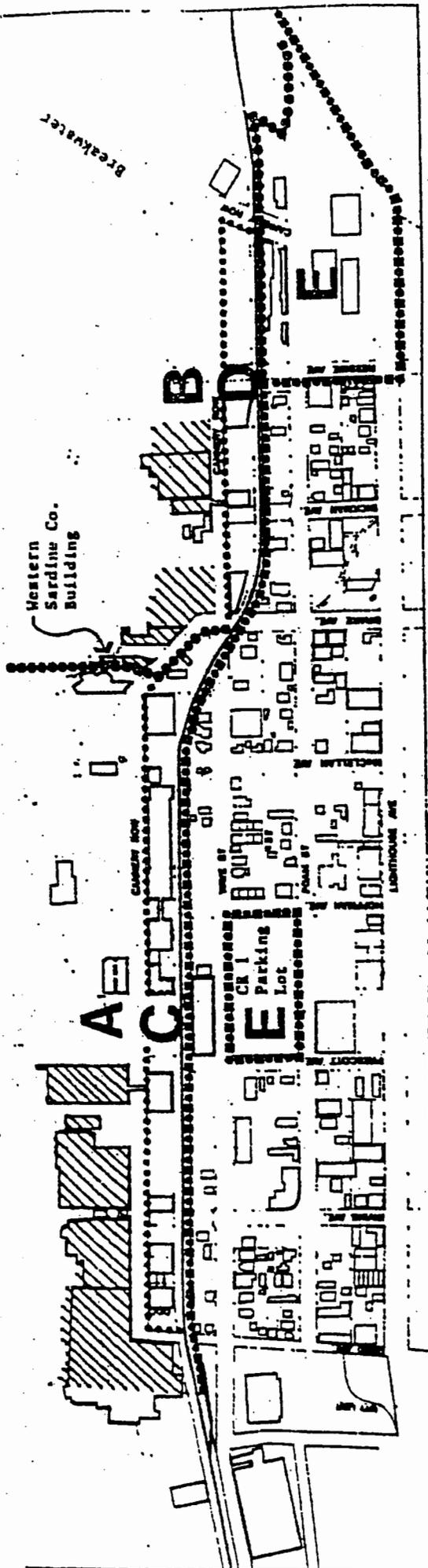


\*NOTE: These landscape design elements with accompanying sketches have been taken from the Urban Design Plan prepared by the architectural firm of Brown and Takigawa for the 1973 Cannery Row Plan.

CCC Exhibit 14  
(page 5 of 11 pages)

4. Old industrial type of street light fixtures.
5. Power poles and wires.
- f. Building height and scale on the bay side of Cannery Row is to be controlled by a combination of the following:
  1. On the bay side from but not including the Western Sardine Co. building to and including the Hovden Cannery building at David Avenue as shown in Figure 28 (Area A.).
    - a) A maximum floor area ratio of 2.0 (i.e., on a 50,000 square foot parcel, building square footage is to be a maximum of 100,000 square feet). Building square footage devoted to parking is not to be counted against the building square footage allowed by the floor area ratio of 2.0.
    - b) A maximum basic height limit of 35 feet as measured from Cannery Row Street. Use permits shall be required to exceed the 35 foot height limit up to a maximum of 45 feet if any of the following conditions are met:
      - 1) That additional height above 35 feet is designed so as to assure that the historic character of Cannery Row structures (as defined by development policies c. and d.) is respected.
      - 2) The location and configuration of the additional permitted building height is designed to assure that the architectural character and resulting pedestrian oriented scale and perspective of the Cannery Row buildings (as defined by development finding g. and development policy d.) is respected.
    - c) The gross square footage of any story above 35 feet in height as measured from Cannery Row Street is to be limited to 40% of the structure's building outline.
    - d) Within 20 feet of an adjacent historic structure as defined by development policy o., new development shall not rise more than 1 story or 15 feet above the height of the adjacent structure.
    - e) In as much as the Ocean View Hotel project has been granted a permit prior to the certification of this LUP, the Ocean View Hotel project is to be excluded from the above height limitations so long as it is built pursuant to the conditions in its coastal permit.

2. On the bay side from and including the Western Sardine Co. building to the Coast Guard breakwater as shown in Figure 28 (Area B.).
  - a) A maximum floor area ratio of 2.0 (i.e., on a 50,000 square foot parcel, building square footage is to be a maximum of 100,000 square feet). Building square footage devoted to parking is not to be counted against the building square footage allowed by the floor area ratio of 2.0.
  - b) A maximum basic height limit of 35 feet as measured from Cannery Row Street. Use permits shall be required to exceed the 35 foot height limit up to a maximum of 45 feet (50 feet for hotel uses) if any of the following conditions are met:
    - 1) That additional height above 35 feet is designed so as to assure that the historic character of Cannery Row structures (As defined by development policies c. and d.) is respected.
    - 2) The location and configuration of the additional permitted building height is designed to assure that the architectural character and resulting pedestrian oriented scale and perspective of the Cannery Row buildings (As defined by development finding g. and development policy d.) is respected.
  - c) The gross square footage of any story above 35 feet in height (above 40 feet for hotel uses) as measured from Cannery Row Street is to be limited to 40% of the structure's building outline.
  - d) Within 20 feet of an adjacent historic structure as defined by development policy o., new development shall not rise more than 1 story or 15 feet above the height of the adjacent historic structure.
- g. Building height and scale on the land side of Cannery Row is to be controlled by a combination of the following:
  1. On the land side north of Drake Avenue towards Pacific Grove as shown in Figure 28 (Area C.).
    - a) A maximum floor area ratio of 3.0 (i.e., on a 25,000 square foot parcel, building square footage is to be a maximum of 75,000 square feet). Building square footage devoted to parking is not to be counted against the building square footage allowed by the floor area ratio of 3.0.



**CANNERY ROW  
LOCAL COASTAL PROGRAM  
CITY OF MONTEREY**



Figure 28

**DEVELOPMENT POLICIES**  
Height Limits, Floor Area Ratios, and Development Over the Water

- Maximum floor area ratio of 2.0 and a basic height limit of 35 feet as measured from Cannery Row Street. The 35 foot height limit may be exceeded to a maximum of 45 feet with a use permit. See Policy f.1. on page IV-B-14 for conditions.

- Maximum floor area ratio of 2.0 and a basic height limit of 35 feet as measured from Cannery Row Street. The 35 foot height limit may be exceeded to a maximum of 45 feet (50 feet for hotel uses) with a use permit. See Policy f.2. on page IV-B-15 for conditions.

- Maximum floor area ratio of 3.0 and a basic height limit of 35 feet as measured from Cannery Row Street. The 35 foot height limit may be exceeded to a maximum of 45 feet with a use permit. See Policy g.1. on page IV-B-15 for conditions.

- Maximum floor area ratio of 3.0 and a basic height limit of 35 feet as measured from Cannery Row Street. The 35 foot height limit may be exceeded to a maximum of 45 feet (60 feet for hotel uses) with a use permit. See Policy g.2. on page IV-B-17 for conditions.

- Maximum height limit of 35 feet. See Policies i. and j. on pages IV-B-18 and IV-B-19.

- Only in existing structures and on slabs presently extending beyond the mean high tide line. On all other parcels, development is not to extend beyond the mean high tide line. See Policy h.

**A** BAY SIDE OF CANNERY ROW  
(North of Western Sardine Co. building)

**B** BAY SIDE OF CANNERY ROW  
(Western Sardine Co. building to Breakwater)

**C** LAND SIDE OF CANNERY ROW  
(North of Drake Avenue)

**D** LAND SIDE OF CANNERY ROW  
(South of Drake Avenue)

**E** CITY CORPORATION YARD,  
COAST GUARD BLOCK, AND  
CITY CR 1 PARKING LOT

DEVELOPMENT ALLOWED BEYOND  
MEAN HIGH TIDE

COASTAL ZONE BOUNDARY

CCC Exhibit 19  
(page 8 of 11 pages)

- b. A maximum basic height limit of 35 feet as measured from Cannery Row Street. Use permits shall be required to exceed the 35 foot height limit up to a maximum of 45 feet if any of the following conditions are met:
- 1) That additional height above 35 feet is designed so as to assure that the historic character of Cannery Row structures (As defined by development policies c. and d.) is respected.
  - 2) The location and configuration of the additional permitted building height is designed to assure that the architectural character and resulting pedestrian oriented scale and perspective of the Cannery Row buildings (As defined by development findings g. and development policy d.) is respected.
- c) The gross square footage of any story above 35 feet in height as measured from Cannery Row Street is to be limited to 40% of the structure's building outline.
- d) Within 20 feet of an adjacent historic structure as defined by development policy o., new development shall not rise more than 1 story or 15 feet above the height of the adjacent historic structure.
2. On the land side south of Drake Avenue towards the Coast Guard breakwater as shown in Figure 28 (Area D.).
- a) A maximum floor area ratio of 3.0 (i.e., on a 25,000 square foot parcel, building square footage is to be a maximum 75,000 square feet). Building square footage devoted to parking is not to be counted against the building square footage allowed by the floor area ratio of 3.0.
  - b) A maximum basic height limit of 35 feet as measured from Cannery Row Street. Use permits shall be required to exceed the 35 foot height limit up to a maximum of 45 feet (60 feet for hotel uses) if any of the following conditions are met:
    - 1) That additional height above 35 feet is designed so as to assure that the historic character of Cannery Row structures (As defined by development policies c. and d.) is respected.
    - 2) The location and configuration of the additional permitted building height is designed to assure that the architectural character and resulting pedestrian oriented scale and perspective of the Cannery Row buildings (As defined by development findings g. and development policy d.) is respected.

- b) A maximum basic height limit of 35 feet as measured from Cannery Row Street. Use permits shall be required to exceed the 35 foot height limit up to a maximum of 45 feet (60 feet for hotel uses) if any of the following conditions are met:
- 1) That additional height above 35 feet is designed so as to assure that the historic character of Cannery Row structures (As defined by development policies c. and d.) is respected.
  - 2) The location and configuration of the additional permitted building height is designed to assure that the architectural character and resulting pedestrian oriented scale and perspective of the Cannery Row buildings (As defined by development findings g. and development policy d.) is respected.
- c) The gross square footage of any story 35 feet in height (above 50 feet for hotel uses) as measured from Cannery Row Street is to be limited to 40% of the structure's building outline.
- d) Within 20 feet of an adjacent historic structure as defined by development policy o., new development shall not rise more than 1 story or 15 feet above the height of the adjacent historic structure.
- h. Shoreline development along Cannery Row is not to extend seaward so far as to require new seawalls or alteration of the natural shoreline with the exception of parcels where structures or slabs presently exist over the water as shown in Figure 28. Existing structures and slabs beyond the mean high tide line are not to be extended horizontally as part of any new development and are not to encroach further on the natural shoreline beneath the structures. Under no circumstances is any existing structure or slab to be extended vertically so as to be any lower than 13 vertical feet above the mean high tide line. Coastal dependent uses dependent on coastal marine resources may be exempted from the 13-foot vertical clearance requirement (The 13-foot above mean high tide vertical height requirement is the current approximation of the area subject to flooding or damage from tsunami and storm waves and this 13-foot requirement may be modified based on new information to be developed).
- i. Building height and scale along Foam Street and Wave Street is to be controlled by a combination of existing City Zoning Ordinance provisions (a maximum height limit of 35 feet), and architectural review guidelines addressing the siting of structures, materials, roof forms, and relationship to adjacent buildings and properties.\*

\*See asterisk at bottom of page 117.

**GCC Exhibit** 11  
(page 10 of 11 pages)

- j. Building height and scale along Lighthouse Avenue is to be kept compatible with the existing built-out pattern by a combination of existing City Zoning Ordinance provisions (a maximum height limit of 35 feet), and architectural review guidelines addressing siting of structures, materials, roof forms, and relationship to adjacent buildings and properties.\*
- k. Reasonable mitigations are to be required as a condition of development where it would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer.
- l. New development is to be approved only where available supplies of water, parking, and circulation capacities are shown to exist (See policies in Parking, Circulation, and Water sections).
- m. Each development shall be required to demonstrate compliance with the Land Use Plan policies applicable to the particular project under consideration.
- n. For structures and landscape improvements, along both sides, facing the proposed recreational trail, architectural review guidelines should be implemented which emphasize and encourage landscape and design elements similar to those found and encouraged along Cannery Row Street so as to maintain the unique public use opportunities and resulting pedestrian scale referred to in the above findings.
- o. Historic sites and buildings shall be designated by the City as part of the implementation phase. Identified historic sites and buildings shall be preserved at existing locations to protect and preserve community character.
- p. All new development is to meet the conditions of a historic documentation program to be developed as part of the implementation phase. More specifically, the historic documentation program will require that the history of the site be exhibited as part of any new development (i.e., plaques, pictures, artifacts, etc.).
- q. All Development Policies in this Section are to be adhered to in line with the requirements of the Uniform Building Code.

\*NOTE: Policies i. and j. address the intensity of development for an area outside the Coastal Zone. This outside area is addressed because of policies in the Parking section which propose that any surplus spaces in this area outside the Coastal Zone be used to serve development in the Cannery Row Coastal Zone area. To identify available surplus spaces, the intensity of proposed development needs to be known.

MAR. 15. 2007 10:10AM

U S ARMY CORPS/ENGIN

NO. 324

P. 1



# United States Department of the Interior



## RECEIVED

FISH AND WILDLIFE SERVICE  
Ventura Fish and Wildlife Office  
2493 Portola Road, Suite B  
Ventura, California 93003

JUN 26 2008

IN REPLY REFER TO:  
PAS: 3260.4929.6900

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

March 8, 2007

Jane M. Hicks, Chief  
Regulatory Branch  
U.S. Army Corps of Engineers, San Francisco  
333 Market Street, 8<sup>th</sup> Floor  
San Francisco, California 94105

OPTIONAL FORM 99 (7-80)

### FAX TRANSMITTAL

# of pages **2**

To <i>Ray DeWit</i>	From <i>Robert Kirby</i>
Dept./Agency	Phone #
Fax # <i>925 685 9401</i>	Fax #
NSN 7540-01-317-7368	5089-101
GENERAL SERVICES ADMINISTRATION	

Subject: Ocean View Plaza Desalination  
California (File 23575S)

Dear Ms. Hicks:

We are responding to your request, dated March 6, 2007, and received by us on March 6, 2007, for our concurrence that the subject project may affect, but is not likely to adversely affect, the federally endangered brown pelican (*Pelecanus occidentalis*) and the federally threatened southern sea otter (*Enhydra lutris nereis*). The proposed project is the installation of seawater intake and brine discharge pipelines to provide source water for and transport effluent from a desalination facility within the mixed-use onshore development referred to as Ocean View Plaza, located on Cannery Row, Monterey, California.

The Army Corps of Engineers (Corps) initially determined that the project may adversely affect the brown pelican and the southern sea otter and that the project meets the suitability criteria for appending to the Programmatic Consultation and Conference for Listed Species, Ventura, Santa Barbara, San Luis Obispo, Monterey, and Santa Cruz Counties (1-8-96-F-11), which we issued to the Corps on August 29, 1997. Your original letter, dated December 8, 2006, and received by us on December 11, 2006, requested our concurrence with this determination. Discussions between the U.S. Fish and Wildlife Service (Service) and the Corps revealed that project impacts would be insignificant and temporary to the extent that the project may affect but is not likely to adversely affect the brown pelican and the southern sea otter. In an email communication between Robert Kirby of your staff and Douglass Cooper of my staff, dated March 6, 2007, the Corps withdrew its request for formal consultation under the programmatic biological opinion and instead requested concurrence that the project may affect, but is not likely to adversely affect, the aforementioned species.

The area proposed for construction is just offshore of existing development at Cannery Row in Monterey. The proposed project involves horizontal directional drilling (HDD) and marine/underwater installation of pipelines, screens and diffusers. The drilling rig would be located onshore, with an offshore barge completing pipe installation. The portion of the installation that is within marine waters is expected to take approximately 10 days. The pipes

**CCC Exhibit 15**  
**(page 1 of 8 pages)**

Jane M. Hicks

2

will be pulled into the directionally drilled tunnel using an onshore drill rig. Jetting, as opposed to trenching, the pipelines into the sedimentary seafloor will minimize seafloor disturbance. Furthermore, the corridor within which the pipeline will be laid was selected in order to minimize impacts to sensitive rocky habitats and biota, including kelp. The extent of impact to brown pelicans and southern sea otters is anticipated to be no greater than incidental disturbance through human presence in the marine environment. No intentional hazing activities are included in the project plans.

We concur with your determination that the proposed action is not likely to adversely affect the brown pelican or the southern sea otter. We have based this concurrence on the expected effects of the activities proposed and the short duration of the work in the marine environment.

~~Consequently, further consultation, pursuant to section 7(a)(2) of the Endangered Species Act of 1973, as amended, is not required.~~ If the proposed action changes in any manner that may affect a listed species (or critical habitat), you must contact us immediately to determine whether additional consultation is required.

If you have any questions, please contact Douglass Cooper of my staff at (805) 644-1766, extension 272.

Sincerely,

  
for David M. Pereksta  
Assistant Field Supervisor



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE

Southwest Region  
501 West Ocean Boulevard, Suite 4200  
Long Beach, California 90802-4213

July 20, 2005

In Response Refer to:  
151422SWR2005SR00310:BS

Lieutenant Colonel Philip T. Feir  
District Engineer  
U.S. Department of the Army  
San Francisco District, Corps of Engineers  
333 Market Street  
San Francisco, California 94105-2197

Dear Colonel Feir:

Thank you for your letter of April 20, 2005, regarding a proposed desalination facility located on Cannery Row in the City of Monterey, Monterey County, California. Your letter initiates consultation with the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) pursuant to section 7 of the Endangered Species Act (ESA) and the Essential Fish Habitat (EFH) provisions of the Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA). The U.S. Army Corps of Engineers (Corps) proposes to authorize this activity (Corps File 23575S) pursuant to the provisions of section 404 of the Clean Water Act (33 USC §1344) and section 10 of the Rivers and Harbors Act of 1899 (33 USC §403).

The proposed project would provide drinking water to the Ocean View Plaza development and involve installation of seawater intake and brine discharge pipelines (two six-inch and one eight-inch diameter high density polyethylene pipes) along the seafloor in Monterey Bay. The onshore and nearshore portions of the intake and discharge lines will be placed within a directional-drilled hole that begins onshore and exits onto the seafloor approximately 300 feet from the shoreline in about 25 feet of water. Seaward of the directional-drilled hole, pipelines will be jetted into the sedimentary seafloor to a depth of 3 feet. The intake lines will extend offshore to a depth of 40 feet, and the discharge line will extend offshore to a depth of 50 feet. Pipeline installation will take approximately 35 days to complete. Offshore construction is anticipated to occur in the late summer or early fall as weather in the winter and spring will likely preclude safe work operations. The intake will be fitted with a vertical riser and velocity cap to maintain water intake at approximately 0.2 feet per second, and screened with a 0.125 inch mesh screen.

**CCC Exhibit 15**  
**(page 3 of 8 pages)**



The desalination facility will intake approximately 0.1 million gallons per day (MGD) of seawater and discharge approximately 0.06 MGD of high salinity brine. Numerical models of the system indicate brine will mix with the surrounding seawater and dilute to approximately 2 percent above ambient salinity within 10 feet of the discharge.

The following measures have been incorporated into the project design to avoid and/or minimize impacts to listed salmonids and EFH:

1. The intake and discharge lines are located in and on sandy sediments and avoid nearby rocky habitat. The nearest kelp beds are 100 feet to the north of the lines.
2. The directional drilling avoids impacts to nearshore and intertidal rocky habitat and associated biota.
3. The intake and discharge lines will be jetted, not trenched, to reduce suspension of sandy sediments.
4. The intake screen will avoid entrainment of juvenile and adult fishes and invertebrates.
5. The velocity at the intake (approximately 0.2 feet per second) will decrease entrainment and impingement of fish and invertebrates.
6. The desalination brine will be discharged 1.6 feet above the seafloor surface to assist in dilution. Modeling has shown that the brine dilution rate will avoid salinities above ambient concentrations reaching nearby kelp.

Furthermore, the project applicant analyzed alternatives to the proposed offshore intake, including construction of an onshore well and utilization of seawater from the Monterey Bay Aquarium, both of which would avoid offshore intake. These alternatives were determined infeasible. Based on the geology of the area and lack of seawater penetration into the granitic rock at the site, an onshore well could not provide the volume of water needed for the facility. And, due to lack of continuous operations, a guaranteed source of sufficient volume of seawater could not be provided by Monterey Bay Aquarium water.

With inclusion of the minimization measures listed above, the Corps has determined the proposed project is not likely to adversely affect listed salmonids or substantially affect EFH.

#### **Endangered Species Act**

Available information indicates that the following listed species (Evolutionarily Significant Units) may occur in the project area:

**Sacramento River winter-run Chinook salmon** (*Oncorhynchus tshawytscha*)  
endangered (June 28, 2005, 70 FR 37160)

**Central Valley spring-run Chinook salmon** (*O. tshawytscha*)  
threatened (June 28, 2005, 70 FR 37160)

- California Coastal Chinook salmon** (*O. tshawytscha*)  
threatened (June 28, 2005, 70 FR 37160)
- Central California Coast Coho salmon** (*O. kisutch*)  
endangered (June 28, 2005, 70 FR 37160)
- California Central Valley steelhead** (*O. mykiss*)  
threatened (March 19, 1998, 63 FR 13347<sup>1</sup>)
- Central California Coast steelhead** (*O. mykiss*)  
threatened (August 18, 1997, 62 FR 43937<sup>1</sup>)
- South-Central California Coast steelhead** (*O. mykiss*)  
threatened (August 18, 1997, 62 FR 43937<sup>1</sup>)

The salmonids listed above use Monterey Bay primarily as feeding grounds. NMFS expects the measures incorporated into the project design will avoid and/or minimize the effects to salmonid feeding grounds. Subadult salmonids may be present in Monterey Bay near the project site during project construction. However, subadult salmonids will have the ability to flee the construction site if needed. The project design includes measures that will reduce the suspension of sandy sediments and will assist in the dilution of desalination brine. NMFS does not expect adult salmonids to be present in this nearshore environment during project construction. Based on the intake screen size and velocity at the intake, subadult and adult salmonids are not likely to be adversely affected by the project once it is implemented.

Based on the best available information, NMFS concurs with the Corps' determination that listed anadromous salmonids are not likely to be adversely affected by this project. This concludes ESA consultation in accordance with 50 CFR §402.14(b)(1) for the proposal to install a desalination facility along Cannery Row in Monterey Bay, California. However, further consultation may be required if: (1) new information becomes available indicating that listed species or critical habitat may be adversely affected by the project in a manner not previously considered, (2) current project plans change in a manner that affects listed species or critical habitat, or (3) a new species is listed or critical habitat designated that may be affected by the action.

#### **Magnuson-Stevens Fishery Conservation and Management Act**

The project is located within an area identified as EFH for various life stages of fish species managed with the following Fishery Management Plans (FMP) under the MSFCMA:

---

<sup>1</sup> On June 14, 2004, NMFS completed comprehensive status reviews and proposed listing determinations for 27 West Coast salmon ESUs; the proposed listing determination for this ESU is "threatened" (69 FR 33102). On June 28, 2005, NMFS extended the deadline for final listing determinations for ten ESUs, including this ESU (70 FR 37160).

**Pacific Groundfish FMP** - various rockfishes, flatfishes, sharks, etc.  
**Coastal Pelagics FMP** - northern anchovy, Pacific sardine, mackerel, market squid  
**Pacific Coast Salmon FMP** - Chinook salmon

NMFS has evaluated the proposed desalination project for adverse effects to EFH pursuant to Section 305(b)(2) of the MSFCMA. Potential adverse effects from desalination projects include increased turbidity and degraded habitat from construction, mortality of fishes and invertebrates from impingement and entrainment, and degraded water quality from brine discharge.

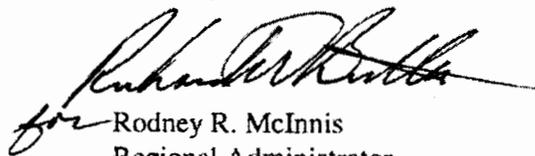
The project applicant has avoided and/or minimized the potential adverse impacts to EFH through minimization measures incorporated into the proposed project. The combination of directional drilling and placement of intake and discharge pipelines over sandy sediments avoids impacts to rocky substrate, seagrass, and kelp. The short construction timeline and use of jetting will result in only minimal and temporary increases in turbidity. While the intake of seawater will result in unavoidable mortality of eggs and larvae, effects will be minimized because of the low water velocity at the intake and placement of the intake away from rocky substrate and kelp beds where egg and larvae density may be relatively high. Furthermore, the rate of intake (0.1 MGD) is expected to be low enough to avoid substantial population effects. Finally, because of the relatively low discharge rate (0.6 MGD) and high dilution rate, impacts from brine discharge also will be minimal.

In summary, it is NMFS' determination that the proposed desalination project minimizes potential adverse effects to EFH such that effects are temporary and minimal. NMFS has no recommendations to provide that would further protect EFH.

This concludes EFH consultation for the proposed desalination facility at Cannery Row in Monterey, California. If the proposed project changes in a manner that would result in new adverse impacts to EFH, or if new information indicates there may be adverse impacts not previously considered, the Corps should reinstate EFH consultation with NMFS.

If you have questions concerning these comments, please contact Korie Schaeffer at (707) 575-6087.

Sincerely,

  
for Rodney R. McInnis  
Regional Administrator

cc: Philip S. Hill, NMFS, Long Beach, California  
Jane Hicks, Corps, San Francisco, California



## DEPARTMENT OF FISH AND GAME

www.dfg.ca.gov  
1416 Ninth Street  
Sacramento, CA 95814  
(916) 653-7667



June 19, 2008

Jared Ficker  
California Strategies, LLC  
980 9<sup>th</sup> Street Suite 2000  
Sacramento, CA 95814

Dear Mr. Ficker:

Thank you for your inquiry regarding marine protected areas generally and specifically the Edward F. Ricketts State Marine Conservation Area (SMCA) and its relationship to the Ocean View Plaza Project for a seawater intake at Cannery Row. The California Department of Fish and Game (Department) appreciates your efforts to obtain information about potential impacts of your project.

The 1999 Marine Life Protection Act (MLPA, Stats. 1999, ch. 1015) mandated the State design and manage an improved network of marine protected areas to, among other things, protect marine life and habitats, marine ecosystems, and marine natural heritage. The purpose of the MLPA is to improve the array of marine protected areas (MPAs) existing in California waters through the adoption of a Marine Life Protection Program and a comprehensive master plan. The Department of Fish and Game is responsible for the implementation and management of these MPAs.

Pursuant to the Marine Managed Areas Improvement Act (MMAIA, Stats. 2000, ch. 385), within State marine conservation areas it is unlawful to injure, damage, take, or possess any living, geological, or cultural marine resource for commercial or recreational purposes, or a combination of commercial and recreational purposes, that the designating entity or managing agency determines would compromise protection of the species of interest, natural community, habitat, or geological features.

Specific regulations for individual SMCAs are found in Section 632, Title 14, California Code of Regulations. The Edward F. Ricketts State Marine Conservation Area was established by the California Fish and Game Commission and became effective on September 21, 2007. By regulation [subsection 632 (b)(36), T14 CCR] within the Edward F. Ricketts SMCA Take of all living marine resources is prohibited except:

Jared Ficker  
Page 2 of 2  
June 19, 2008

1. The recreational take of finfish by hook-and-line; and
2. The commercial take of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis spp.*) by hand with special restrictions.

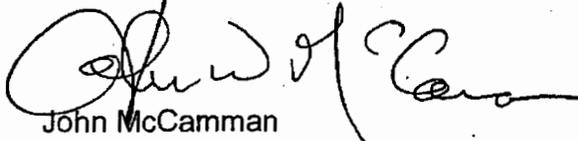
**Ocean View Plaza Seawater Intake**

The Department has reviewed the details of the operation of the subsurface (below the sea floor) seawater intake and open ocean emergency backup intake for your proposed project and finds it consistent with the requirements of the Edward F. Ricketts SMCA. The subsurface intake will avoid take of living marine resources due to the natural filtration provided. While the open ocean emergency backup may result in minimal take of fish and invertebrate larvae, if this take is limited to unexpected emergency operation and short-term duration it would be consistent with other allowed take and the desired level of protection in the SMCA.

The proposed process for installation of both the subsurface and open ocean emergency intake would require further Department review prior to construction to determine any potential impacts to the SMCA or marine resources in general. Other than that, no further review or permitting action by the Department is required if your project is approved as presented in the coastal development permit application pending before the California Coastal Commission.

The Department appreciates your interest in furthering MLPA objectives and ensuring you have complied with regulations of the Edward F. Ricketts SMCA. If you have any additional questions or concerns, please contact Ms. Marija Vojkovich, Regional Manager, at (805) 568-1246.

Sincerely,



John McCamman  
Chief Deputy Director

cc: Susan Craig, California Coastal Commission  
John Ugoretz, DFG, Marine Region - Santa Barbara



**Surfrider  
Foundation.**

June 25, 2008

California Coastal Commissioners and Staff  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219  
FAX (415) 904-5400

Cc: Charles Lester, Dan Carl and Susan Craig, Central Coast District Office  
FAX (831) 427-4877

**RE: Cannery Row Marketplace Application (Ocean View Plaza)- Deny permit**  
Item 17a on the agenda for the California Coastal Commission hearing July 10, 2008

*Via electronic mail to Susan Craig*

Dear Commissioners and Staff,

I am writing on behalf of the Monterey Chapter of Surfrider Foundation in regards to the proposed Cannery Row Marketplace development project, also known as Ocean View Plaza. The Surfrider Foundation is an environmental organization dedicated to the protection and enjoyment of the world's oceans, waves and beach, for all people, through conservation, activism, research and education.

The March 2008 Staff Report outlines in detail the inconsistencies of the proposed project with Coastal Act policies relating to public services, public access and recreation, coastal hazards, visual resources, historical resources, land use, and water quality; Surfrider Foundation concurs with the findings enumerated and would like to provide the additional comments in support of Staff's recommendation to deny this permit:

Many of our concerns with the proposed project stem from issues surrounding water supply. Firstly, there is no existing public water source to accommodate development in the proposed project area, which would make development here inconsistent with Section 30250.

Secondly, the primary water supply source as proposed, which in this case is a desalination facility, would be inconsistent with Sections 30230, 30231, 30233 and 30250. In regards to protection of marine and coastal resources, the plants proposed intake and brine disposal methods are both problematic. Although the primary intake would use subsurface technologies, the backup intake is proposed to use an antiquated open ocean intake, which would not act to minimize marine life mortality through impingement or entrainment. Further, as argued in our petition to the State Water Resources Control Board (which is currently being held in abeyance), if the developers have identified that subsurface intakes (the B.A.T. in this case) are feasible, there is no reason that the backup intake should not make use of this same technology. The proposed brine disposal would occur both within the Monterey Bay National

NATIONAL OFFICE • P.O. BOX 6010 • SAN CLEMENTE, CA 92674-6010  
(949) 492-8170 • FAX (949) 492-8142 • www.surfrider.org • E-MAIL [info@surfrider.org](mailto:info@surfrider.org)

**CCC Exhibit** 16  
**(page 1 of 57 pages)**



## Surfrider Foundation.

Marine Sanctuary and in the newly designated marine protected area, Edward F. Ricketts State Marine Conservation Area, where take of all living marine resources is prohibited except recreational take of finfish and commercial take of giant kelp ([http://www.dfg.ca.gov/mlpa/ccmpas\\_list.asp#ricketts](http://www.dfg.ca.gov/mlpa/ccmpas_list.asp#ricketts)). The proposed desalination facility further affects water quality and induces cumulative adverse impacts because it is a piecemeal approach to providing local water supply. Instead of working with the City of Monterey, Monterey Peninsula Water Management District or Cal-Am to develop low-impact, sustainable water supply or water demand offset projects like stormwater reuse or increased water conservation to increase the availability of potable water, the developers have proposed an energy-intensive, high-impact desalination facility that only meets the needs of a single development project. While the desalination facility may be small, relatively speaking, it would leave a large footprint that does not act to improve the overall water supply situation for the Monterey Peninsula; it merely serves to short cut the water waitlist. The regional implications of project-by-project water supply planning are uncoordinated, decentralized water supply projects run by a fragmented system of community services districts or an overwhelmed single community services district.

Lastly, if the primary water supply project fails or requires maintenance, the development project would be without a backup water source. As mentioned in the Staff Report, the City of Monterey is already using its full allotment from the Monterey Peninsula Water Management District, but it is likely that the project could not connect to Cal-Am either. Cal-Am is facing its own issues, with a cease-and-desist order (CDO) enforcement that is being actively considered by the State Water Resources Control Board for Cal-Am's illegal overdraft from the Carmel River. Less than a week ago, oral arguments on this matter were heard in Sacramento. This being the case, it seems the burden of fixing or finding a water supply would fall on the residents of the proposed development and the burden of emergency action would fall on the entire community and surrounding environments.

For the above reasons enumerated, as well as those highlighted in the Staff Report, we urge you to deny the development permit for Cannery Row Marketplace.

Sincerely,

Sarah Corbin  
Central California Regional Manager  
Surfrider Foundation

**Ocean View Plaza, LLC**  
**Save Our Waterfront Committee**  
**Deny Coastal Commission Permit for OVP**

Date: June 24, 2008

To: California Coastal Commission Members and Staff  
Central Coast Area Office, 725 Front Street, Suite 300  
Santa Cruz, CA 95060

From: Barbara Bass Evans, Save Our Waterfront Committee [bsb@evansmonterey.com](mailto:bsb@evansmonterey.com) 831-372-8323

**RE: Ocean View Plaza Application for a Coastal Commission Permit**

Dear Coastal Commission Members:

As Co - Chair of the Save Our Waterfront Committee, opponent of this project since its inception, I am requesting that I be allowed a 10 to 12 minute presentation at the July 10, 2008 Coastal Commission meeting in San Luis Obispo.

I have attached a letter from the City of Monterey stating that there was never a permit granted for the chain link fence that surrounds the waterfront parcels. The fence has prohibited public access to the coastline for over a decade.

The Ocean View Plaza (OVP), if approved, would set a statewide precedent for similar single-site desalination projects, cumulatively inducing growth and precluding a well-planned regional allocation of limited water resources. The California Coastal Act requires that desalination plants be publicly owned and operated. This is why, the City of Monterey, on behalf of the OVP project, applied and received approval from LAFCO to form a Community Services district for the sole purpose of conferring "public" status to an on-site desalination plant for a single private developer. If this project is approved, the California coast could be dotted with desalination plants in small, single-project, community service districts.

This project would be very detrimental to both the coastal zone and the water supply for the Monterey region. Its sole source of water is a desalination plant with a 3 to 5 day backup water supply. The project's desalination technology is not reliable and creates an impact to coastal waters. If the plant fails, the development would tap into Carmel River water through a Cal Am hookup.

The OVP application has not undergone adequate independent CEQA analysis and fails to conform to sections of the 1976 Coastal Act, the Cortese-Knox-Hertzberg Act of 2000, AB 135 (Kehoe 2006), and the Porter-Cologne Water Quality Control Act. The applicants have not met Coastal Commission application requirements by resolving water supply problems.

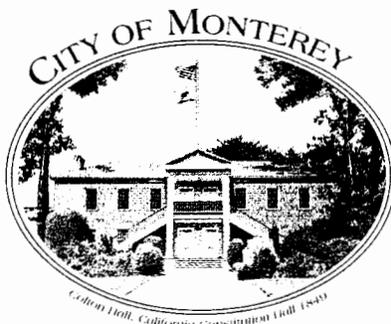
The Save Our Waterfront Committee respectfully requests that the Coastal Commission deny the Ocean View Plaza developers application for a Coastal permit.

**CCC Exhibit 16**  
**(page 3 of 57 pages)**

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JUN 26 2008

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA



(831) 646-3915  
FAX (831) 373-1634

March 18, 2008

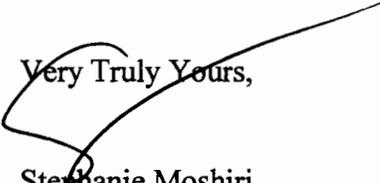
Barbara Bass Evans  
781 Terry Street  
Monterey, CA 93940

Re: Public Records Act Request —...copy of the fence permit issued to the Cannery Row Marketplace...Ocean View Plaza developers for the fence along Cannery Row Boulevard in front of Stohan's and the adjacent areas on either side.”

Dear Dr. Evans:

The City does not have any documents responsive to your request as no permits were issued for the temporary construction/security fence.

Very Truly Yours,

  
Stephanie Moshiri  
City Attorney

CD/sm

**CCC Exhibit 16**  
**(page 4 of 57 pages)**

Save Our Waterfront Testimony for the LAFCO 12/27/05 meeting.

Barbara Bass Evans

Respectfully request additional time. I represent an organization that has been opposed to massive buildings on Monterey coastline since 1994.

Our committee has actively opposed the OVP since 1997. We also represent over 4000 Monterey residents who signed an initiative petition twice that would prohibit building on the coastline. The initiative failed due to many reasons, in part because it was poorly written. Our board members could not be here because of holiday trips, family activities and business responsibilities.

Thank Ms. McKenna for her cooperation. Refreshing to deal with an administrator so accessible and willing to answer questions. We also believe reasonable people can disagree reasonably. Take our comments in that vein.

The Save Our Waterfront requests that LAFCO continue this item and require the preparation of a financial feasibility analysis for the proposed formation of the OVP Community Services District.

Our Committee finds the City's LAFCO application, the LAFCO analysis, and the findings in support of the formation of the OVP CSD conclusionary and inadequate.

We are requested additional information and an independent, impartial LAFCO feasibility analysis.

Our Dec. Nov. 30 and Dec. 15 letters asking specific questions about LAFCO application and project compliance with the Cortese Knox- Hertzberg Law were not answered.

#### **1. Why the rush?**

It appears that the request for an LAFCO expedited approval process is to bypass the new Kehoe 135 legislation. The main purpose of the new 135 law is to require a vote for formation and to take care of some of the problems in the old law.

14 days is not enough time to deal with the multitude of information and documents, especially over the holidays.

**2. LAFCO did not provide an independent analysis and just passed through the flawed and incomplete City information. P. 9 "Staff report says information provided by the City of Monterey. Is sufficient or purposes of LAFCO review."**

The LAFCO CSD application from the City contains errors, omissions, incomplete answers and cumbersome references to the one or more of the seven OVP EIR documents (*noted on Application pages 15 and 16*). See 56105. We provided 16 examples in our Dec. 15 letter. Got tired.

**3. The Attorney paid for by the developer concludes will not require any transfer of property tax.**

Where is the evidence and act citation to support this conclusion?

This statement conflicts with earlier interpretations of tax law from this firm.

**4. The applicants failed to substantiate that the proposed CSD is financially feasible, or has revenue neutrality. See 5668 {56841} and 56815[56845, (b), (1), (2) (c) (2).**

Page 9. Under Appropriations Limit,

a) There is no break down as to what the \$150,000 covers. Is \$150,00 a realistic figure?

b) The information from the attorney paid by the developer, appears to be conclusory. No reference is made to what where these figures come from and what they represent. I couldn't find the Dec. 16 letter in Staff Report

c) According to City reports, the CSD will have a revenue source that is wholly independent from the City. What is that source?

d) No information in the record regarding the necessary what the CSD capital expenses, operating expenses and reserve expense for the CSD.

e) No information provided in the record talks about finances in the transition period before there are residents and retail owners.

f) It is not clear whether approval of the CSD would result in revenue loss and/ or negative fiscal impact to the City of Monterey. See 56665, 56667 56840.5. According to the City attorney the indemnity agreements are only as good as the city's ability to enforce them.

**5. Where are the developer's financial statements to prove that the developer will be able to cover expenses related to the desalination plant, administrative/managerial contracts with the city, city indemnification agreements, and project construction?**

**6. A new EIR needs to be prepared to incorporate new information, new desal regulations, and changes in the environment that was not in place when the final OVP EIR was prepared in 2001.**

Forming a CSD for the single purpose of building a desalination plant to supply water for OVP is not the project that was considered by the public, Monterey Commissions, nor the final OVP EIR.

Wouldn't accepting the City OVP EIR be a ministerial action, making LAFCO subject to CEQA?

**7. The proposed CSD is a single purpose district for the financial benefit of the property owners. See 56668.3 [57079.5] 56815 [56845] (a) and is not related to an imminent public health and safety problem.**

**"It is the further intent of the Legislature that an incorporation should not occur primarily for financial reasons. " See 56815 [56845] (a)**

8. There has been no independent feasibility study to determine if the proposed CSD district has the economic ability to finance and provide services to the CSD. Our Committee finds the City's LAFCO application, the LAFCO analysis, and the findings in support the formation of the OVP CSD inadequate and conclusionary. We are requesting additional information and an independent, impartial LAFCO feasibility analysis.

Ms. Mckenna likes to quote attorneys the firm of B, B & K. Here is something from the 4/2205 report to the City

"It is likely that LAFCO will require additional information regarding (application issues) after the formation application is filed with LAFCO. For example, a formation feasibility study is typically prepared prior to proceeding with a district formation. See 4/22/05 BB &K, page 7.

The Save Our Waterfront requests that LAFCO continue this item and require the preparation of a financial feasibility analysis for the proposed formation of the OVP Community Services District.

*Nancy Parsons*

---

May 19, 2008

California Coastal Commission  
725 Front St.  
Suite 300  
Santa Cruz, CA 95060

RE: Ocean View Plaza, Cannery Row

Dear Susan Craig,

I am a resident of Pacific Grove and walk the recreation trail between Lover's Point and Monterey frequently. After the large hotel and parking garage were completed on the corner of Hoffman St. and Cannery Row, I was dismayed to see that the only place one can see the ocean is the area where Ocean View Plaza (OVP) is to be built. The recreation trail will be completely walled in from the Aquarium to San Carlos Beach and the Coast Guard pier. How can it be that the City of Monterey is working to help OVP by receiving approval from LAFCO to form a Community Service District for the sole purpose of conferring "public" status to an on-site desalination plant for a single private developer? Not only will the development be an eye sore, but it will also be detrimental to both the coastal zone and the water supply for the Monterey Region should the desalination plant fail.

Also, there is a colony of cormorants that nest on the pilings just off the shore every spring. Construction and a desalination plant would surely cause the colony to disperse. Isn't the purpose of a marine sanctuary to protect all the wildlife within it? Isn't the purpose of the Coastal Commission to protect the coast for everyone?

I very much oppose this project and urge you to support the commission's own staff report. Cannery Row doesn't need more buildings to benefit the tourists, it needs a park and protection of wildlife for the people of this community.

Thank you and please do the right thing.

Sincerely,

  
Nancy Parsons

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MAY 21 2008

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

**CCC Exhibit** 16  
**(page 8 of 57 pages)**

May 26, 2008

Dear Sirs,

I am against the  
deal plants proposal.  
What an eye soar & destruction  
of our Coastal Zone.

I am supporting the  
Coastal Commission staff report.

Thank You for  
Your Consideration

William A. Moller

William A. Moller

P.O. Box 443

Ben Lomond, Ca.

95005  
CCC Exhibit 16  
(page 9 of 57 pages)

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JUN 19 2008

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CENTRAL COAST AREA

California Coastal Commission  
725 Front Street, Ste 300  
Santa Cruz, CA 95060

May 23, 2008

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MAY 27 2008

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Dear Members of the Commission:

Reading about the proposed desalinization plant to supply water for the Ocean View Plaza project on Cannery Row in Monterey, I am very much alarmed.

It sounds like a very bad idea.

Do we want to set a precedent for allowing small desalinization plants to be built up and down our coastline? This certainly would not be protecting the precious coast.

Broad regional desalinization plans conforming to an overall, statewide vision of future needs would seem to me to be the route to follow.

Please do not approve the Ocean View Plaza proposal.

Sincerely,



Nada Kovalik  
1342 Jewell Avenue  
Pacific Grove, CA 93950

**CCC Exhibit 16**  
**(page 10 of 57 pages)**

From: Sarah Haussermann  
21700 Parrot Ranch Rd.  
Carmel Valley, CA 93924

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MAY 20 2008

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

To: California Coastal Comm.  
725 Front St., Ste. 300  
Santa Cruz, CA 95060  
Attn: Susan Craig

May 18, 2008

Dear Ms. Craig,

I am writing to express my strong opposition to the Ocean View Plaza (OVP) project proposed for Cannery Row on Monterey Bay. As a lifelong resident of the Monterey area, I am - and so is my family - committed to well-planned regional allocation of our extremely limited water resources. This project, if approved, would send our area - and our entire state - in exactly the opposite direction. It is not sound, long-term regional planning. And I don't want my children and future generations inheriting the environmental mess - and water stress - it would create.

I support the Coastal Commission staff report on the OVP project and urge the Coastal Commission not to approve the OVP project.

Thank you for listening,  
Sarah Haussermann  
Sarah Haussermann  
Carmel Valley, CA

**CCC Exhibit** 16  
**(page** 11 **of** 57 **pages)**

# NEAL B. HOTELLING

3145 Bird Rock Road, Pebble Beach, California 93953

(831) 375-4982

March 22, 2008

Patrick Kruer, Chair  
Members of the California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508

RE: Ocean View Plaza, Cannery Row – Application # 3-06-065

Dear Chair Kruer and Members of the California Coastal Commission:

This long delayed project will be coming before you again soon. I had the opportunity to review the staff report and had hoped to comment at the March meeting and plan to be at the meeting when it is heard. I am grateful for this opportunity to put my concerns to you in writing as I did not have time before the March hearing.

The bulk of the staff report and the preponderance of public comment has been on the desalination plant proposed for providing water to the project. This is clearly a key issue and one that as proposed is rife with problems and provides sufficient cause alone to support the staff report and deny the permit. However, given the focus placed by staff and other members of the public, I remain concerned about the portion of the staff report regarding negative impacts to visual and historic resources (pages 44-50) and urge you not to minimize its focus in your deliberations.

I have long been an active participant in the preservation and interpretation of the history of Cannery Row and remind the commission that the history of Cannery Row is of such national significance that in 1998 the National Trust for Historic Preservation listed Cannery Row as one of the 11 Most Endangered Historic Places in America. Further, the City hired Architectural Resources Group to complete a historic resources survey of Cannery Row, and it concluded in 2000 that the project area is part of a potentially eligible state-level historic district. Cannery Row is still on the Trust's endangered list, but through your actions and direction on this project the Commission can help remedy that situation. As your staff report points out the city failed to take sufficient steps in this regard and *"it does not appear that the project has reasonably mitigated for adverse impacts to the unique historical character of the Cannery Row community, inconsistent with the requirement of Coastal Act section 30253..."* (page 50).

I last spoke before the commission about this project in 1997 when it was clarifying the conditions of the demolition permit for the San Xavier Warehouse building on the site. For your reference I have included a copy of the letter I sent then regarding the issues, many of which remain a concern. I remind you of this earlier hearing so there is no confusion that while the specific hearing was a step in the initial project which the City of Monterey denied in 1999, its conditions apply to the current project and the Commission's decision and comments from that hearing need to be considered in the current matter. In brief, the commission clarified: 1) it was not for demolition, but rather deconstruction of the warehouse; 2) it was an emergency permit for safety matters and

**CCO Exhibit 16**  
**(page 12 of 57 pages)**

therefore did not include destruction of the historic foundation of the warehouse structure; and 3) all useable materials and equipment were to be photographed and retained for reuse in the reconstruction of the building to be approved on the site in the future. The commission did not feel it was necessary to act on the suggestion in my letter that the developer provide a performance bond. I wish it had.

#### **Evidence of Bad Faith on the San Xavier Warehouse**

For the record, the warehouse was deconstructed, but not all useable materials were retained. City staff inappropriately required only representative samples be retained (i.e. one window, one corner treatment, etc.). Much material was sold to contractors for other projects. Further, there is now doubt whether even these pieces remain available after 10+ years. And now, as in 1997, the developer is proposing demolition of the historic foundation of the building which is demonstrative of the process of construction during the heyday of Cannery Row as a thriving fish canning industry that provided the economic engine for the growth of Monterey.

So, while the Staff report indicates on page 47 that *"Building E will replicate the San Xavier Warehouse that was previously located on this parcel during the cannery era,"* in truth the developer is falling well short of the requirements and intent expressed in the permitted deconstruction. As the staff report acknowledges on page 50, *"although the project would result in development that mimicked warehouse development generally, the remnants of the San Xavier Warehouse would be lost."*

#### **Evidence of Bad Faith on the History Center**

Of additional concern is the lack of clarity regarding the proposed history center. Initially, Dan Summers of Cannery Row Marketplace, LLC, approached Cannery Row Foundation for support on the project and creating a history center. At the time I was president of that organization, and we initially supported the concept, and even spoke in their favor in supporting mixed-use residential as a part of the historic make-up of Cannery Row. But soon after, they negated there were any historic resources on the site and Cannery Row Foundation became a driving force in successfully refuting their claims at City Hall. The developers therefore created their own non-profit organization, the San Xavier Foundation, purportedly to create and operate an interpretive history center in conjunction with their development.

Following denial of their initial project which at first called for demolition of the San Xavier Reduction building (later Stohan's), they put together a new development plan that called for retaining and restoring that building as a history center in its current location. They put together an impressive board for the San Xavier Foundation that met at least once, but there is no record of their having done anything other than unsuccessfully applying for grants. Ken Kauffman, an experienced fundraiser and personal friend of Dan Summers was hired as the Executive Director of their Foundation. He and modeler Bill Johnk, who had been retained to create a scale model of Cannery Row as the cornerstone of the history center, were paraded in front of the City Council to demonstrate the LLC's commitment to the history center and gain the City's approval for the current project. Once approval was granted, they disengaged Johnk and have since put Dan Summers in charge of the Foundation—which still has no record of accomplishment.

While the history center appeared to be a mitigation at the time of approval, now, as your staff report points out, *"it remains unclear how the Stohan's building would be renovated and how it would operate in the future as a museum. For example, in*

*discussion with City Staff, it has not yet been determined who will operate the history center (the city or a nonprofit group) or if there will be a fee required to enter the history museum." (page 50)*

### **Bad Faith as a Continuing Pattern?**

A leopard does not change its spots, as they say. The Cannery Row Foundation and I gave this developer the benefit of the doubt when they first approached us offering to embrace history. At every turn since then they have let the community down in this regard. The unoccupied Stohan building continues to deteriorate and I fearfully await the day, while in the course of excavating their ocean-side subsurface parking, the developer comes back and claims the San Xavier Reduction building and even the historic fish holding tanks cannot be preserved. What then?

In over ten years, this developer has given no evidence that they will do what is right, but rather what is expedient. Unfortunately, city leaders of the past (only one council member remains from the period of public debate), acting in the interest of getting some development on this site that would generate a greater tax base, has fallen short in assuring that the greater needs of the community are met. As proposed, against overwhelming concerns raised by the public, the City approved the project that is not in compliance with the Cannery Row Land Use Plan or the Coastal Act. It provides insufficient mitigation and no reasonable assurance that the developer will comply with even the minimal conditions imposed by the City.

### **Deny the permit**

I urge the Commission to accept the staff recommendation to deny the permit. Further, I plead that you provide the developer with clear direction as to what is expected of a project that can be approved, why the proposed mitigations are insufficient, and include a requirement for some show of good faith on their intended development. For instance:

### **Impose mitigation for non-compliance with Permit # 3-97-054**

The developer failed to fully follow the conditions of the 1997 permit for deconstruction the San Xavier Warehouse, creating a situation where neither they nor any future developer can use the once salvageable but now non-existing historic materials to reconstruct the warehouse. I believe it would be reasonable for the Commission, even without approval of the existing project, to require as mitigation for the warehouse that the developer be required to immediately put together and implement a rehabilitation program for the San Xavier Reduction building so that it can be maintained without further deterioration, and further that they clarify a program for its use as a history center, perhaps working with the city on a permit to allow it to operate prior to approval of the surrounding project.

Finally, when a project is put forward that can be approved, I urge the Commission to seriously consider requiring a performance bond to assure that if terms and mitigations are not fully met that the community is not left to deal with the aftermath and potential loss of resources, while the partners in the Limited Liability Company are free to walk away and sell the project site to a new developer who cannot be held responsible for the loss of resources due to the actions, or inactions, of Cannery Row Marketplace, LLC.

Chair Krueer Letter  
3/22/2008  
Page 4

Thank you for considering the historic significance of Cannery Row, and the negative impacts of this project on the historic and visual resources, in making your determination on this project.

Sincerely,  
(sent via email - NBH)

Neal B. Hotelling

Encl.

**CCC Exhibit 16**  
**(page 15 of 57 pages)**

# Adventures By The Sea

299 Cannery Row ♦ Monterey, California 93940

The Honorable Pat Kruer, Chair  
Members of the California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

SENT VIA FAX (415) 904-5400  
March 5, 2008

RECEIVED

MAR 06 2008

CALIFORNIA  
COASTAL COMMISSION

SUBJECT: Cannery Row Market Place LLC  
Application for Coastal Development Permit  
CDP Application No. 3-06-065  
March 6, 2008 Item 13b

Dear Chair Kruer and Commission Members:

We urge your approval of the Ocean View Plaza project. As property owners along Cannery Row, we have a vested interest in seeing that the proper type of project gets built in our special district. We believe that this project fits that need.

The Ocean View Plaza project provides an excellent opportunity to increase public access in a blighted and unsafe area along Cannery Row. It has had years of review and public scrutiny, including a ballot measure that failed to gain approval to stop its development. It meets all the requirements identified in the Environmental Impact Report. It is a well designed "in-fill" project which will increase public access and provide access improvements, promote the history of the area, and will support the economy with jobs and revenue from the retail, commercial and residential uses. It also provides substantial funds for traffic impact fees and off-site road improvements and does not tax the existing Peninsula water supply.

Most importantly for those of us who are here on Cannery Row everyday, this latest plan is actually at a *human scale* that compliments the area, not overwhelms it.

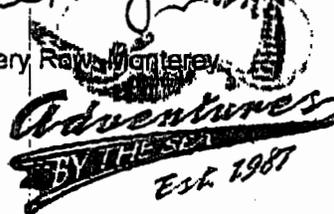
We know that your staff has expressed concern regarding the desalination part of this project. However, the desalination component of the Ocean View Plaza project has been tested and approved. The reverse osmosis technology has only improved over several decades, and is a widely used and approved method of providing water resources. In many parts of the world, desalination using reverse osmosis technology is the sole source of water supply. Technical water experts have stated that the desal facility holds water for 6 days use and should an emergency occur, water for residential uses from the system itself could continue up to 2 weeks while the system is repaired. Additional water could also always be brought in from outside Cal-Am's jurisdiction should that ever be necessary. The use of the proposed well types to draw the sea water also prevent the entrainment and entrapment that wells drawing directly from the water.

This project has been debated and examined for 12 years. Please give your approval and let reuse of the site begin.

Sincerely,

  
Frank and Michelle Knight, Owners  
Adventures by the Sea and 299 Cannery Row, Monterey, CA

cc: Peter Douglas, Executive Director  
Susan Craig, Coastal Planner



CCC Exhibit 16  
(page 16 of 57 pages)

PHN 831-648-7236 ♦ FAX 831-372-4103

Website: [www.adventuresbythesea.com](http://www.adventuresbythesea.com) ♦ E-Mail: [sales@adventuresbythesea.com](mailto:sales@adventuresbythesea.com)

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WINE VISITORS CENTER



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CALIFORNIA  
COASTAL COMMISSION

March 5, 2008

The Honorable Pat Kruer, Chair  
Members of the California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105  
Sent via facsimile: (415) 904-5400

RE: Cannery Row Market Place LLC Application for Coastal Development Permit  
CDP Application No. 3-06-065 March 6, 2008 Item 13b

Dear Chair Kruer and Commission Members:

I am requesting that you approve the Ocean View Plaza project.

This project provides an excellent opportunity to increase public access in a blighted and unsafe area along Cannery Row. It has had 12 years of review and public scrutiny, including a ballot measure that failed to gain approval, resulting in a stop to its development. The new History Center included in the project will increase the public's awareness and understanding of the Cannery Row era and the deterioration of Stohan's Gallery will cease.

The Ocean View Plaza project meets all the requirements identified in the Environmental Impact Report. This well designed "in-fill" project will increase public access and provide access improvements, promote the history of the area, and will support the economy with jobs and revenue from the retail, commercial and residential uses. It also provides substantial funds for traffic impact fees and off-site road improvements and does not tax the existing Peninsula water supply.

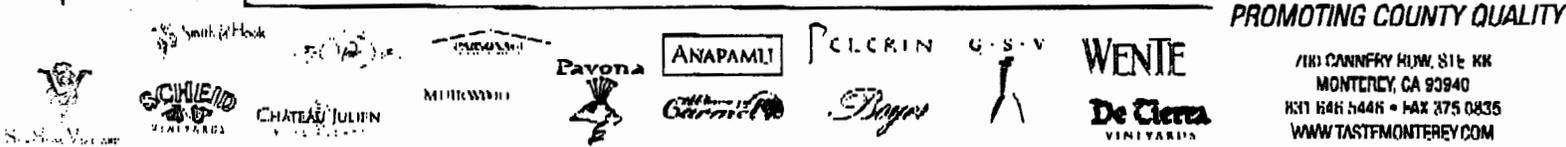
Reuse of this site will significantly enhance the coastline for both locals and visitors. It has met the required tests and certainly deserves your approval.

Sincerely,

Ken Rau  
Vice President  
A Taste of Monterey

**CCC Exhibit 16**  
**(page 17 of 52 pages)**

cc: Peter Douglas, Executive Director  
Susan Craig, Coastal Planner



**PROMOTING COUNTY QUALITY**  
1101 CANNERY ROW, STE KK  
MONTEREY, CA 93940  
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CENTRAL COAST AREA

400 Cannery Row  
Monterey, CA 93940-1489  
(831) 646-1700  
FAX (831) 373-2245

March 4, 2008

John V. Narigi  
Vice President  
General Manager

The Honorable Pat Kruer, Chair  
and Members of the  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Sent Via Fax (415) 904-5400

Re: Cannery Row Market Place LLC  
Application for Coastal Development Permit  
CDP Application No. 3-06-065  
March 6, 2008 Item 13b

Dear Chair Kruer and Commission Members:

This letter is sent to request your approval of the Ocean View Plaza project. I have been on the Monterey Peninsula for the past 14 years operating the Monterey Plaza Hotel & Spa and thus a neighbor to the site under consideration. This site is an embarrassment to the city, Cannery Row, Coastal Commission and the developers.

As you are aware, the project has undergone substantial review and public input. A ballot measure to prevent its development was soundly rejected. The City of Monterey cannot afford to purchase it, so the "park only" concept will never happen. The economics do not pencil. Most importantly, without your approval, the desire for coastal access will not happen and the site will remain the blight of Cannery Row.

The length of time to date required to approve this project lends one to believe it has become a political battle vs. providing yet another beautiful coastline attraction for the public to enjoy.

Currently the site serves no purpose except for a home for the graffiti artists and homeless. Cannery Row visitors continue to express negative comments regarding the site, when what we should be hearing are positive accolades about the wonderful development and user-friendly coastal views and access currently designed into the plan.



*Woodside*  
HOTELS

Toll-free reservations:  
Woodside Hotels (800) 368-2468  
www.montereyplazahotel.com

**CCC Exhibit** 16  
**(page 18 of 57 pages)**

California Coastal Commission

March 4, 2008

Page Two

We are aware that the public access component of the development substantially exceeds requirements of the Cannery Row Land Use Plan. The cultural and historic interpretive center will increase understanding of this area's heritage. The proposed development of the site will improve the local and visitor-serving experience for all of Cannery Row. The EIR has been tested and upheld as not harmful to the environment. Traffic impact fees will improve the road system for access to Cannery Row and surrounding areas, including access to the Monterey Bay Aquarium and other visitor-serving businesses in this area. The self-contained desalination component, to be owned and operated as a public entity, will provide water for the project without impacting residents and businesses within the greater Monterey Peninsula water district. In one of the least affordable housing areas in California, the amount of affordable housing provided within the project is commendable.

Thank you for your consideration in approving this project. The City of Monterey, Cannery Row Business Association, residents and tourists need this project to get completed. The site is a true gem as it relates to the California coastline and we need the support of the California Coastal Commission to make it happen. This project will be enjoyed by all who visit the Monterey Peninsula and Cannery Row.

I look forward to the Commission's approval of this project.

Sincerely,



John V. Narigi  
Vice President and General Manager  
Past President, Current Board Member, Cannery Row Business Association  
Current Treasurer, MCCVB

JVN/gd

cc: Peter Douglas, Executive Director  
Susan Craig, Coastal Planner

**CCC Exhibit** 16  
**(page 19 of 57 pages)**

**Daniel Silverie, III**

5490 Quail Meadows Drive  
Monterey, CA 93940

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MAR 05 2008  
CALIFORNIA  
COASTAL COMMISSION

March 3, 2008

SENT BY FAX TO: (415) 904-5400

The Honorable Pat Kruer, Chair  
Members of the California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

RE: Cannery Row Market Place LLC Application for Coastal Development Permit  
CDP Application No. 3-06-065 March 6, 2008 Item 13b

Dear Chair Kruer and Coastal Commission Members:

I urge your approval of the Ocean View Plaza project.

The project has had public and agency review for over 12 years. This project exceeds all public access requirements and will finally open the area to safe access for all to enjoy. It will provide a mix of commercial and residential uses, and it will significantly enhance public access and understanding of the history of this important resource known as Cannery Row.

It creates a new community park, a new history center, connected pedestrian walkways, and it allows for preservation of resources such as the Stohan Gallery. The property has been deteriorating for far too many years. After years of debating uses, design, access, and desires, this project incorporates something for everyone. It offers substantial public access, preservation of the area's history, economic generators and jobs, affordable as well as market housing, and clean-up and safety of an unsafe and downright unsightly area that is an embarrassment to locals and visitors alike.

The Ocean View Plaza project does it all and it does it well. Please approve this project.

Respectfully,



Daniel Silverie, III

cc: Peter Douglas, Executive Director  
Susan Craig, Coastal Planner

CCC Exhibit 16  
(page 20 of 57 pages)

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MAR 03 2008

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREAOppose Ocean View Plaza  
Item Th13b  
Permit Number 3-06-065

March 3, 2008

Patrick Kruer, Chair  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA

Re: Proposed Ocean View Plaza Mall and Condominiums

Dear Chair Kruer and Members of the California Coastal Commission:

The Alliance of Monterey Area Preservationists urges you to support the staff recommendation to deny the project application.

The Alliance of Monterey Area Preservationists ("AMAP") is an organization of Monterey Peninsula historic preservation groups and individuals. AMAP's mission is to educate the community about the value of recognizing, preserving, securing, and displaying the Monterey area's historic assets for public benefit; to support activities which interpret and share the Monterey area's rich cultural heritage with residents and visitors; and encourage residents to be advocates for ideas, programs, and plans which contribute to the understanding of the Monterey area's cultural, ethnic, artistic, and architectural legacy

Community opposition to the project has been strong since the beginning. The issue is not whether there should be development of this site, because most people agree the site should be developed. The issue is what development is appropriate for the site. Sadly, the disproportionate size of the proposed project is out of scale for Cannery Row. To make matters worse, the commercial nature of the mall will cheapen the coastal and historic qualities of Cannery Row. The site needs a project that can enhance the coastal experience, not detract from it, as this one does.

The Ocean View Plaza mall developers demolished the San Xavier Cannery, the last intact cannery building on Cannery Row. That shameful act removed a significant historic resource from Cannery Row. All that is left of that once-magnificent building is a concrete foundation. Separately, the developers have allowed the historic San Xavier Fish Reduction Plant to deteriorate rapidly, a technique known as "demolition by neglect." The San Xavier Fish Reduction Plant is known as Stohan's, the name of the most recent commercial occupant of the structure. The building is on the ocean side of Cannery Row, on the waterfront. The Stohan's business owners were good stewards of the building, and kept the premises safe.

**CCC Exhibit 14**  
**(page 21 of 57 pages)**

The Ocean View Plaza developers evicted the Stohan's business. Since then, the premises have not been kept up, have been an open invitation to vandals, and have suffered the consequences. The developers have failed to protect the Stohan's building. The building is eligible for the H-1 designation by the City and also for the California Register of Historic Places. The developers have not placed the H-1 designation and the City neglected to require the designation as a condition of approval. As a result, this valuable historic resource has been left to fall apart and be harmed.

The Ocean View Plaza mall developers have trumpeted their purported intent to use Stohan's as a "history center", but the developers have not restored the historic resource and instead have allowed it to crumble. Further, the foundation they created to fund the restoration is flat broke. Under the City approvals, there are no requirements that the developers open the Stohan's building to the public. The mall developers can keep the public locked out of the Stohan's building forever, if they want to. Given the developers' demonstrated neglect of the onsite historic resources for many years, there are no indications that the developers would do the right thing in the future.

The Coastal Commission staff report is an excellent analysis of the issues involved. The staff recommendation to deny the project is well and fully supported in many unique ways. Please deny the Ocean View Plaza project application.

Sincerely,



Mike Dawson  
President

**CCC Exhibit 16**  
**(page 22 of 57 pages)**

Agenda Item No. TH13B ✓  
Appeal 3-06-065 Ocean View Plaza  
Opposition

Dear sir,

I urge you to follow the Coastal Commission's recommendations to deny approval of Ocean View Plaza.

The large project is on a beautiful section of Monterey Bay & it would deny public access to the coastal area. There is no water or water credits.

The proposed desalination plant is questionable at best - both for its location & technology. Entralment harms the bay's marine organisms.

The new hotel complex at Cannery Row has created a concrete canyon near the aquarium. Much of the flavor & character of

Cannery Row has been lost,  
I urge you to take a  
forward looking view &  
preserve & protect the  
remaining parcels of  
prime bay property for  
this & future generations.

Sincerely

Jean Donnelly  
44 Ocean View Blvd  
Pacific Grove, Ca  
93950

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CENTRAL COAST AREA

**CCC Exhibit** 16  
(page 24 of 57 pages)



# Cannery Row Business Association

Founded 1960

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CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

March 3, 2008

Pat Kruer, Chair, and Members  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Transmitted by fax to: 415-904-5400 and 831-427-4877

Dear Commissioner Kruer and Commission Members:

On behalf of the merchants in the Cannery Row Business Improvement District, I urge you again to support the Cannery Row LLC Ocean View Plaza project.

"Cannery Row" is an area steeped in history and ambiance. The street itself offers visitors and residents a glimpse into the history of California's early canneries, and the location on Monterey Bay affords beautiful vistas. The exception to this is the proposed site for the Ocean View Plaza, which is currently a blighted, unattractive, unsafe, wasted piece of waterfront property. In its current condition it provides no public access to the water, yet attracts vagrants and vandals. It has been vandalized several times. The proposed Ocean View Plaza will allow the public to enjoy views of Monterey Bay as well as learn about the history of Cannery Row. The project will complete Cannery Row in a way not seen since the hey-day of the Canneries.

The Cannery Row Business Improvement District strongly encourages the Coastal Commission to support the City of Monterey's approval of the Ocean View Plaza project.

Sincerely,

Ken Rauh  
President  
Cannery Row Business Improvement District

Cc: Supervisor Dave Potter

**CCC Exhibit** 14  
**(page** 25 **of** 57 **pages)**

**New Monterey Neighborhood Association**

P.O. Box 2642

Monterey, California 93942

March 2, 2008

CCC Agenda March 6, 2008

Item TH13b

Application 3-06-065

Ocean View Plaza

Support Staff's Recommendation to  
Deny the ApplicationCalifornia Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, California 95060

Dear Members of the Coastal Commission:

We in New Monterey support your staff in their recommendation to deny the application to develop Ocean View Plaza as conceived and proposed.

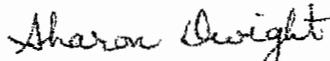
New Monterey, Monterey's largest neighborhood with an estimated 6,000 residents, occupies the hillside between the Presidio of Monterey and the City of Pacific Grove and extends to the water's edge. Since the closure of the Presidio to civilians September 2001, our neighborhood, together with Pacific Grove and a good portion of Pebble Beach, has had our access reduced to two roadways, Lighthouse Avenue and Holman Highway. We are directly effected by any decisions in Cannery Row or the Lighthouse Business District.

As you can see from the attached memorandum dated June 4, 2001, the concerns we have been raising are many of the same raised by your staff:

- Desalination, as proposed, will have harmful effects on the ocean floor habitat in Monterey's Doc Ricketts Underwater Park. A local diver from the area referenced a study done by the Hopkins Marine Lab that identified loss of plant and animal life a sizeable distance from the Aquarium's similarly configured, but much smaller, desal installation. The salinity of the brine apparently kills the flora & fauna that normally thrives in the area.
- Building beyond the rocky coastline into the inter-tidal zone will forever alter the rocks and block coastal views from neighboring properties.
- Historic cannery foundations will be covered by new construction.
- Coastal Access is inadequate.
- The site is being overbuilt with massive buildings and subterranean parking.
- Loss of parking on Prescott, Hoffman and Drake to accommodate increased traffic will have a major impact on Lighthouse businesses where their employees and patrons currently park. The only place for those cars to go is into our already-overcrowded neighborhood.

Monterey is a small community, blessed with the beauty of rocky coastline and wooded hills. If permitted, this project will forever change the area—beneath the water, the experience of the coastline, and roadways to and from. Sensitive development on this site is possible and desired. This project is pushing the limits to the detriment of the environment and the community. We urge denial of the project as proposed.

Sincerely,

Sharon Dwight,  
NMNA President

## MEMORANDUM

To Community Development Department  
City of Monterey

From Sharon Dwight

Subject Comments on Draft EIR  
Ocean View Plaza

Date June 4, 2001

On May 23<sup>rd</sup> I spoke about the following concerns:

- Conflicts with the City General Plan
  - The effect of blasting the rocky shore that is specifically to be viewed and protected
  - The effect of covering the rocky shore and historic cannery foundations by the proposed structure
- Conflicts with the Cannery Row LCP
  - Discourage parking on the water side of Cannery Row
  - Step the building down on the water side
- Desalination
  - Utilize the Hopkins Marine Lab study that analyzed the effects of the Aquarium's desal operation on the Marine Sanctuary/Ricketts Underwater Park
- Width of coastal access needs to be minimum 10' width – not divided between a ramp width and a lateral section. Narrower, the public's interest is sold short.

Additionally, please consider:

- Page 107, Mitigation B.26 for Lighthouse Avenue and Prescott Avenue
  - This proposes to eliminate parking in Lighthouse Business District that is used for employee parking by permit. Mitigating an impact in the Cannery Row District by creating a new problem in a neighboring district is unacceptable.
    - Displaced employees will again seek to park in the residential neighborhood, rather than park in the garages south of the Tunnel and ride the WAVE.
    - The WAVE does not run 12 months of the year, so this mitigation is not a viable choice for employees.
    - Significant funds were spent in recent years to increase parking inventory within Lighthouse District on Irving and Dickman. This mitigation nullifies the gain.
- Page 107, Mitigation B.27 for Lighthouse and Drake Avenue
  - See the comments above for Mitigation B. 26.
- Is there a way to have the driveway into the inland parking avoid the view cone? Putting vehicles and pedestrians in the same "Plaza" area creates a safety conflict that could be avoided by having the vehicles enter the garage closer to Cannery Row street.

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CITIZENS FOR PUBLIC WATER  
1198 CASTRO ROAD  
MONTEREY CA 83840

Feb 29, 2008

California Coastal Commission  
725 Front St, Ste 300  
Santa Cruz CA 95060

CCC Ad 3/6/08  
Agenda Th13b  
App # 3-06-065

Dear Commissioners,

We write in opposition to the Ocean View Plaza application for three reasons:

- 1) inadequate Local Coastal Plan;
- 2) inappropriate use of government powers;
- 3) avoidance of 95-10 mandates.

Inadequate Local Coastal Plan

The City of Monterey's Local Coastal Plan for Cannery Row was certified by the CCC on 1/14/04. Things appear in order, however the data for the Water Resources analysis is from 1980. That's right, 1980. All data references are to 1975, 1976, 1979 and 1980. There is no mention of 95-10 nor the Seaside aquifer. No mention of a regional water supply. No mention of policy or options about desalination in support of development nor in support of City needs. No mention of the use of a developer-based community services district. Nothing, nada, zero!

There is a lack of reality in the official city development plan for Cannery Row (the Local Coastal Plan). Such an antiquated and inappropriate document should be returned for rewrite. It has no place in this deliberation, and does not deserve any standing in this application. In fact, this deficiency should be held against the CCC, the applicant, and the application.

Inappropriate Use of Community Services District

The use of the Community Services District law could open up an enormous kettle of worms for the entire California Coast and your Commission. Many are watching your action on this, and will pounce if it is approved.

This particular application for a community services district is an obvious and blatant creature of complicity. It is a slippery avoidance of fundamental public responsibility. This entire application has been driven by profit and greed, and by a willingness of city officials to accommodate those interests. The CSD is narrowly focused on a single developer and a single project. It brings an

CCC Exhibit 16  
(page 28 of 57 pages)

inappropriate level of public responsibility and liability to the project. It puts the city into a water supply responsibility in which it has no experience, no policy document nor planning guideline, no Local Coastal Plan references or options. It has one and only one focus—develop Cannery Row, “come hell or high water”, or in this case “hell or no water”!!!

#### Fragmentation and Avoidance of 95-10

We face the Cease and Desist Order from the State Water Resources Control Board to implement its order 95-10 to stop over-drafting the Carmel River... This community has gotten into this mess by taking our eye off the ball. We have been distracted by a calming, plodding, low profile style of “slow fix”, assuming another body will rescue the day. Meanwhile, just under the radar, the population has increased and growth has crept along. The State Water Board has pointed this out.

We believe the CCC has helped keep our eye off the ball. How? By fragmenting the Peninsula when unifying efforts are absolutely required. You recently permitted a small desal plant in the City of Sand City. Now you may fragment the Peninsula further if you approve this desal plant on Cannery Row. This could be not be only another smack in the face of those focused on 95-10, it could demonstrate a disregard and even defiance of the orders from the State Water Board.

While we are all in the same boat regarding water, some still fight for the best seat. We think this attitude of “my city first” is partly manifested by the fact that both cities with desal proposals (Sand City and Monterey) are outside the Carmel River Watershed. Although the water is transferred outside the basin legally, the attitude to “save the Carmel River” is apparently weaker outside the basin than within. The efforts to sidestep 95-10 fragments the Peninsula. A ‘my city first’ attitude ignores the fact that all the cities have lived prosperously on the long term mining of the River. It is not just urgent. It is now critical. The river must come first! There is no other option. Fragmentation is the last thing we need.

#### Conclusion

With 95-10 as the backdrop, and now a ‘cease and desist order for enforcement, with ‘my city first’ attitudes, and not even an appropriate Local Coastal Plan to guide policy, we ask the CCC to support the staff recommendation to not approve the Ocean View Community Services District application.

  
George Riley, Co Founder  
Citizens for Public Water

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MAR 04 2008

February 29.2008

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

AGENDA# TH13B  
Application # 306-065  
Ocean View Plaza  
Opposed

Attn:Ms. Susan Craig  
California Coastal Commission  
Central Coast District Office  
725 Front Street, St.300  
Santa Cruz, CA 95060

Dear Coastal Comissioners:

Please accept a few comments from a 25 year resident of our peninsula who has watched the Ocean View Plaza rise out of itself, over and over, for more than 13 years, with very little to recommend it again this time. As I drove down our troubled Lighthouse Traffic Corridor this afternoon, I hoped you realize that if we can build this one, it takes out a another really long stretch of our most famous blue water views , where anyone can drive or walk or bike on this hill and look out across our famous, beautiful, historic bay, all the way to Santa Cruz..

It's just a little California hill where people have been getting up and doing that, some famous, like Portola and Magellan, or more fictional, like Stevensons and Steinbecks interesting friends, or just plain people of many different races and stations in life who created a great history of Monterey and all of California- have been getting up in the foggy morning, drinking their coffee or green tea or gin and looking at that incredible water and commencing the day. Couple hundred years now. So please, don't sign it away.

Get a good look at it while you can. It takes your breath away, that water, that famous view. Be a discoverer for a moment: Think about struggling up the hill trying to get a whipping flag stuck in the ground in that beating wind. Then think about all the people raising their eyes to our horizon on all the chill mornings of all these years we've been making California history here .They were waving goodbye to the kids or kicking the dog or coming in to sleep or walking down to fish or work in the cannery or pack sand for the railroad or fetch for the military or dry abalone or cleverly trade at anything they could, on so many mornings and evenings and so, over decades and decades, we have built a big part of the central history of our California, now an international industrial and agricultural giant. Our working people wrote that history at this crossroads, by their simple and yet special labors, every single day. It is Monterey's story. It is in textbooks, scholars conduct research. Our history is important history in our state, our region, our national archives. Many people travel a long way to come here, having read about Monterey all their lives. They read about our famous railroads and our filthy rich, the tall ships, the industrial innovations, and our marine research., then our fresh crops and gifts from the sea, our famous writers toss in a couple of characters and some good wine and no one can resist the idea of Monterey.

Then they visit and really love the place, but cant afford to live here. It's sweet for us, since they want to keep visiting. And centuries of Montereyans also have many

CCC Exhibit 16  
(page 30 of 57 pages)

relatives who had to move away, but they keep bringing descendents back here, looking for their history, getting together. Then all the folks on Their California Vacation, reading books about us. Or just Mr. Been here once for a meeting, had to get back. I think its wonderful. A lot of people want to know about this city. I just chat them up lost at the library, in the drugstore with aching feet or wandering thirsty on the bike trail, help, then ask them what they came here for. Its very interesting what they have said to me, more than a decade now. So please take note: We have enormous historic capital in the American imagination, and we should invest that capital better for our future. What we have is enduring and magnificent. Let's treat it that way.

Living on the hill has been a way of life through many different settlements here, and though known as "Monterey by the Smell" only since the 1900s, the lower shank of the hill, below the railroad line, was always the poor mans promenade, workplace and ocean view. The upper shank and the landing necessarily belongs to reigning military, needing to watch for invaders. When the Presidio closed at High Street in 2001, it was a major permanent loss of viewshed for our public, greatly missed by many today who live on the hill. Take this next long chunk of our viewshed out along Cannery Row- and that relationship to the actual landscape- the personal scale, the real movement of local people and visitors on the hill, through the streets and to the water throughout the day and night that so much of any historic or community character is contained in, will be dealt another terrible blow. This project does not begin to maintain or contribute to the historic character. The view will be obliterated for many, permanently. The collections of the metermaid cannot equal the value of seeing, hearing and feeling the Pacific Ocean lapping on rocks. God is just not making any more of that sandy stuff.

I really do understand how hard it is to get projects to pencil out financially. Yet, this is not a thoughtful solution for Monterey: a several block long telephone pole high opaque structure that trades parking spaces and retail frontage for the albeit run down marriage of ocean and shore and public access we presently have at our continents edge, just makes no good sense to me. Absolutely, the property needs improvement, but the current plan only speculates on the dubious profits of condos and retail space in a falling market, and basically sells our ocean viewshed, while the public citizen pays the freight on starting and running an unproven technology desal plant to meet the new tenants water demand, apparently, in perpetuity. As an investor, landlord and home owner, this offends my sensibilities. The public ends up bearing the brunt and uncertain burden of this enterprise, not the creator of the demand, as the Aquarium worked it out. If all the new variables get loaded on the new venture and the new board and new technology all at one time, with no breathing room for error or malfunction, prudent management practice indicates this is never a good plan.

This project also requires management of its own new public water agency that our already information beleaguered City Council members get to find the spare time to be stewards and managers of, as well as digesting, and getting performance out of a brand new technology. Despite the approval that city council asked for, please don't do this to Monterey. If council had only four days to read the phone book sized staff reports and packet for the Ocean View Plaza vote recently, imagine what the increased

information/decision load for all council members-not just this condo/retail development, but this time a new enterprise, new technology, and entire new water entity- will be. We are also asked to assume our water startup, and its governance, unlike all known others, will run just fine, though there are no successful models to learn from.. Despite my belief in innovation in this field, and my confidence in a majority of council members today, a dream team changes with elections, and the proposed agency workload and learning curve simply strains credulity. Also, we've heard little explained about what getting in the water business does for us, the taxpayer, not just the tenants, who, of course, want water. Everyone does.

Until the city figures out a much better overview for developing Cannery Row, with a historic funding and visitor concept for the entire area that ties into the industrial history at Custom House and Old Monterey -and which makes real public access to our treasured pieces of very special coast a primary goal, this thing isn't going to work, or sell well in our community. Aware of the gnashing of teeth this suggestion sometimes evokes from hardworking people trying to make their daily business run some kind of profit, I still insist that our layers and layers of irreplaceable, rich, California history should be the enduring drivers and magnet for these projects, instead of an afterthought the developer or architect had to deal with to get permits. That consciousness is not coming through.

Major California history combines with unbeatable views and weather here to make Monterey what we are, gives us our unique and "durable competitive advantage", that few other destinations or cities share. I actually think we don't capitalize on history well enough or seriously enough, given our extant resources. Anyone can build cute condos and shops blocking the view, but that's not why people come here once and then bring their gramma and their grown kids and their distant cousins and their neighbors and their colleagues back, and even yak with the ex spouse about their trip to Monterey, year after year. Lots of nice cities have great hotels and restaurants, that's important, but we bear a special burden of stewardship because of all our god given gifts: Natural abundance of green tourism opportunities and recreational access. Phenomenal natural beauty, and if the global warmup keeps going, apparently much less fog. Cultural, political and industrial history that shaped the west and the world. We have these irreplaceable things that people want to enjoy with us. We need to play to our enduring strengths because that is what smart enterprises do.

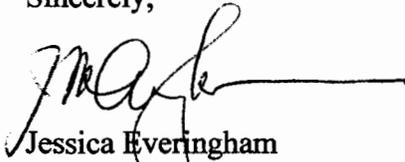
Our summer throngs, and especially our locals don't just mill around and eat and shop out there you know. *They walk, and drive around, looking us over like people always have, up and down that hill, in and out of Monterey, searching for interesting, pleasant ways to spend a beautiful day. Then they go to dinner, enjoy themselves, have the best hotel they can afford, and always want to come back. When MHHA made the Maritime Museum free instead of \$3, they saw 10,000 visitors in a month.* I want to see better ideas for "improving the pedestrian experience" than the poorly developed historic elements and public access construed in this plan for our world class real estate, and the considerably unrealized historic potential we still have available to share with not only our own citizens, but visitors from throughout the world.

I hope the Coastal Commission will not hear much support for the Ocean View Plaza project. Montereyans care so much about this kind of thing. Our natural viewshed, public access, history and culture, even the concept of the public trust- we get kinda cranky when the irreplaceable are disturbed. Because, as Warren Buffett, the worlds most successful investor says, "It has to work for the pocketbook and the heart." Those are the enterprises we should all be investing in for the future.

I am sorry, Mr. Mayor, and our hardworking and talented Councilmembers, and everybody else putting in the long hours and trying to think clearly and work smart under the press of the agenda, an avalance of information, and all the hot lights. I do agree we need to invest in Monterey, but this is not a project I can support, nor a water benefit that I can understand. I ask you to reconsider your enthusiasm for the Ocean View Plaza.

As our Coastal Commissioners, and stewards of our coast, our viewshed, our history- please protect the people of Monterey by not approving this project. Thank you for considering my remarks.

Sincerely,



Jessica Everingham  
486 Monroe Street  
Monterey, CA 93940

Agenda Item TH 13B  
Application No. 3-06-065  
Ocean View Plaza  
Oppose

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FEB 29 2008

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

February 28, 2008

Members of the Coastal Commission :

The timing of this project is incomprehensible.

Cal-Am , as sole purveyor of water on the Monterey Peninsula, has been issued a second Cease and Desist Order from the SWRCB for continuing to overpump the Carmel River, which is the sole primary water resource of our District. This development will depend on back-up from Cal-Am if its proposed desal plant is rejected. Where will this water come from?

Progressive erosion of our shoreline has necessitated a recent order to construct a costly and environmentally destructive sea wall to prolong the viability of an earlier apartment project which was built too close to the shoreline! This project will repeat the error and effectively interfere with public access to the remainder of the Cannery Row coast.

There is no demonstrable need for additional luxury housing. The Del Monte Forest is littered with shuttered mansions and the Lodge and the Inn at Spanish Bay are readily accessible for overnight accommodations. As for shopping venues, the Tin Cannery stands abandoned and both the Barnyard and Crossroads have empty spaces. The potential increase in traffic is neither needed nor welcome.

Lastly, the economy is headed for the tank. Anyone seriously considering such an investment under these circumstances should not be taken seriously.

In 1972, Prop. 20 was passed overwhelmingly by the voters to protect public access to our coastal areas. This Coastal Commission was a direct result of this legislation and to a great extent, it has succeeded. We ask you to reassert your commitment to protect public access by rejecting this ill-advised project.

Respectfully,

*Janice M. O'Brien*

Janice M. O'Brien  
Box 1037  
Pebble Beach, Ca. 93953  
(831) 625-1386

**CCC Exhibit 16**  
**(page 34 of 57 pages)**



LEAGUE OF WOMEN VOTERS®  
OF THE MONTEREY PENINSULA

February 28, 2008

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FEB 29 2008

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Patrick Kruer, Chair,  
Members of the California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508  
FAX (831) 427-4877

Subject: March 6, 2008 meeting, Item Th13b-3-2008, Application No. 3-06-065  
Cannery Row Marketplace, LLC

Dear Chair Kruer and Commissioners:

We would like to commend the Commission staff for its comprehensive history and analysis of the proposed Ocean View Plaza project. The Commission's staff report has identified important inconsistencies with the Coastal Act, including water supply availability and coastal access.

The League of Women Voters of the Monterey Peninsula first submitted comments on the 2001 EIR, and on the 2004 Supplemental EIR. Although the plans have been modified, and improvements made, the project still raises concerns that we identified earlier. In a letter to the Monterey City Council when it was considering the project in 2002, we noted the City had declined to respond to most comments, including ours, regarding consistency with the California Coastal Act, or with the City policy which has encouraged mixed-use in commercial areas mainly to provide rental units for local workers and residents. Instead, the emphasis is on expensive oceanside residential condominiums, which will be a "first" for the predominantly tourist-centered area of Cannery Row. The project still does not clearly indicate the types of retail businesses planned. The unusually high cost of water service to tenants may in fact discourage small specialty shops, galleries and family-priced restaurants from renting space in the Plaza. The monthly cost for residential units may make it difficult to find qualified moderate-income residents.

The project was approved even though the Monterey Peninsula is under the mandates of Order WR 95-10. Although the project would be served by a desalination plant developed solely to serve this project, there is no assured long-term water supply in the event the desalination project fails. Because of the potential cumulative impacts of several small water desalination projects within the Marine Sanctuary, it could further

jeopardize efforts to address a long term water supply for the Monterey Peninsula by precluding development of a desalination project that would benefit all water users within the Monterey Peninsula Water Management District. Finally, approval of a private desalination plant to serve one project would set a precedent that would have significant adverse impacts on coastal resources up and down the state.

We strongly support the staff recommendation to deny the project application.

Sincerely,

A handwritten signature in cursive script, appearing to read "Janet Brennan".

Janet Brennan, President

# LandWatch

monterey county

Post Office Box 1876  
Salinas, CA 93902-1876  
Salinas Phone: 831-422-9390  
Monterey Phone: 831-375-3752  
Website: [www.landwatch.org](http://www.landwatch.org)  
Email: [landwatch@mclw.org](mailto:landwatch@mclw.org)  
Fax: 831-422-9391



# RECEIVED

MAR 03 2008

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Agenda ItemTh13b  
Permit No. 3-06-065  
LandWatch Monterey County  
Opposition to Project

February 28, 2008

Patrick Krueer, Chair,  
and Members of the California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060-4508  
FAX (831) 427-4877

Dear Chair Krueer and Commissioners:

LandWatch Monterey County is a community-based nonprofit organization, with members from throughout Monterey County. LandWatch is dedicated to preserving our community's economic vitality, high agricultural productivity, and the health of our environment by encouraging greater public participation in planning. We help promote and inspire sound land use policies through grassroots community action. We have more than 1,000 household memberships, and an eleven-member board of directors.

For all the reasons stated in the staff report, LandWatch supports the staff recommendation for denial of the Ocean View Plaza on Cannery Row. In particular, we are concerned about the state-wide precedent that would be set by allowing a private desalination plant along our coast. The cumulative impact of this project along with the other small desalination plants already approved in the Marine Sanctuary could also jeopardize a long-term solution to meeting water supply needs on the Monterey Peninsula.

We urge the commission to deny the project.

Sincerely,

Chris Fitz, Executive Director  
LandWatch Monterey County

**CCC Exhibit 16**  
**(page 37 of 57 pages)**

✓

**Carmel Valley Association**  
P.O. Box 157, Carmel Valley, California 93924  
*www.carmelvalleyassociation.org*



Since 1949

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MAR 04 2008

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

February 27, 2008

California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz CA 95060  
Attention: Susan Craig, Planner

Subject: March 6, 2008 meeting, Item Th13b-3-2008, Application No. 3-06-065  
Cannery Row Marketplace, LLC. **PLEASE DENY APPLICATION**

Dear Members of the Coastal Commission,

The Carmel Valley Association (CVA) urges the California Coastal Commission (CCC) to deny the proposed Ocean View Plaza project based upon the fact that the project does not have proven, sustainable water. The project proposes to obtain its necessary water only from a private desalination facility. If this desalination facility fails to produce adequate (or any) water the developers will have to use California-American Water Company (CalAm) to provide water.

CalAm has been illegally pumping water from the Carmel River, for many years, including the last 13, when it was ordered (WR 95-10) to discontinue such illegal pumping. Now CalAm faces a Cease and Desist Order from the State Water Resources Control Board to stop over-pumping of the Carmel River.

We in Carmel Valley have experience with developers who promise that projects will be water sufficient without CalAm water, and then later connect the projects to CalAm. Carmel Valley Ranch, a sprawling golf course, hotel and residential development is the most egregious example of this "build now, get the water later"

Further, continuing to develop or encourage new water sources and uses that do not "pay back" what has been and is being taken from the Carmel River is contrary to the intent of the SWRCB. Any new water source developed in the region should first and exclusively be used to repair the over-pumped and damaged Carmel River.

As noted by our local Sierra Club chapter, "Allowing private, for-profit growth enabled solely by a custom made desalination facility (even where the facility is publicly owned) would set a dangerous state wide precedent for private

development in water restricted areas. If the Coastal Commission approves the desalination plant here, you will be faced with hundreds of similar applications from developers throughout water short areas of California. The end result would be destructive of the efforts of the Coastal Act and much other legislation designed to protect and preserve the environment."

Established in 1949 and with 900 dues-paying members, CVA is the oldest and largest civic association in Carmel Valley, and the largest residents association in Monterey County.

For the reasons stated, we respectfully request that the project be denied.

Sincerely,



Glenn E. Robinson  
President  
Carmel Valley Association

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FEB 29 2008

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA



SIERRA CLUB VENTANA CHAPTER

P.O. BOX 5667, CARMEL, CALIFORNIA 93921

CHAPTER OFFICE • ENVIRONMENTAL CENTER (831) 624-8032

Please reply to: Rita Dalessio  
16 Via Las Encinas, Carmel Valley, CA 93924

February 27, 2008  
California Coastal Commission  
725 Front Street, Suite 300  
Santa Cruz, CA 95060  
Attention: Susan Craig, Planner

**We oppose the project, and are in favor of the  
staff recommendation for denial.**

Subject: March 6, 2008 meeting, Item Th13b-3-2008, Application No. 3-06-065  
Cannery Row Marketplace, LLC

Members of the Coastal Commission:

The Ventana Chapter of the Sierra Club supports the staff recommendation to deny the proposed Ocean View Plaza project. The private desalination facility intended to provide water for the project has the potential to adversely impact the critical water supply crisis we face on the Monterey Peninsula. California-American Water Company, having failed to obey WR 95-10 for 13 years is now facing a Cease and Desist Order from the State Water Resources Control Board to stop over-pumping of the Carmel River. If this desalination facility is inadequate or fails (which is very possible) the developers will turn to California-American to provide water. Continuing to develop or encourage new water sources and uses that do not "pay back" what is being taken from the Carmel River is contrary to the intent of the SWRCB.

Allowing private, for-profit growth enabled solely by a custom made desalination facility (even where the facility is publicly owned) would set a dangerous state wide precedent for private development in water restricted areas. If the Coastal Commission approves the desalination plant here, you will be faced with hundreds of similar applications from developers throughout water short areas of California. The end result would be destructive of the efforts of the Coastal Act and much other legislation designed to protect and preserve the environment.

Additionally, the current design of the facility is not consistent with the Coastal Act due to impermissible fill and dredging of ocean waters, as well as potential entrainment impacts due to a backup open ocean intake line. The Monterey Bay National Marine Sanctuary requires the highest level of protection from the adverse impacts of desalination facilities. Please protect the marine environment as well as the coastal Carmel River by denying this project.

Thank you for your consideration of these important issues.

Rita Dalessio, Chapter Chair  
Ventana Chapter, Sierra Club

**CCC Exhibit 16**  
**(page 40 of 57 pages)**



Monterey County Hospitality Association  
"The Voice of Your Hospitality Community"

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**MAR 04 2008**  
CALIFORNIA  
COASTAL COMMISSION

February 26, 2008

Pat Kruer, Chair, and Members  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105-2219

Transmitted by fax to: 415-904-5400 and 831-427-4877

RE: Approval of Ocean View Plaza project, Cannery Row in Monterey – March 6<sup>th</sup> agenda

Dear Commissioner Kreuer and Commission Members:

The Monterey County Hospitality Association, the trade association for the \$2 billion per year travel and tourism industry in Monterey County, urges you again to approved the Ocean View Plaza project on Cannery Row in Monterey.

Remediating and improving this critical but blighted, unsafe and unsightly site on Cannery Row has waited over two decades; it is time to fulfill the promise of this decades-long City of Monterey priority. It is time to approve a project that cleans up the site and provides wonderful views of the Monterey Bay and here-to-fore unavailable ocean access.

Please approve this project so that Cannery Row can at last realize its full potential as part of the popular Monterey Peninsula travel destination.

Sincerely,

Mark Bastis, President

cc: Commissioner/Supervisor Dave Potter

**CCC Exhibit 16**  
**(page 41 of 57 pages)**

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JAN 22 2008

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

1-16-08

Dear Coastal Commission

Project: app 3-06-065  
Ocean View PLAZA MONTEREY

I have lived in Monterey my whole life, 56½ years. I am very protective of my Monterey and of its history and environment.

The Ocean View plaza project is a development that has great benefit for the people of Monterey and our visitors alike. Here are the benefits:

① The dilapidated 75 year old historic 'STOHANS Building' on the site will be renovated by the developer and to be used as a cultural and historic center for Cannery Row. This cultural center will represent the Monterey heritage of Sicilians, Japanese, Chinese, Portuguese, Mexicans, Scandinavians, and Anglos that lived or worked on Cannery Row, such as Cannery workers and Fishermen. My mother

Exhibit #6  
page 42 of 97

(2)

worked in the canneries from 1926 to 19 and my father was a fisherman in Monterey for 35 years. This museum is needed now because many of the old time Monterey residents are dying off and those that are still alive will be valuable assets for the knowledge of the new cultural center. This museum is extremely important for the future enjoyment and education of Monterey. And it is mandatory that the developers build and create it.

2) The developer of the Ocean View Plaza will also build a reproduction of the SAN XAVIER warehouse across the street using the actual facade and materials of the original building. This will allow a closer resemblance to the historic Cannery Row environment.

3) A park will be established on the property also for all to use.

4) A promenade will be established

(3)

allowing pedestrians to walk to the shoreline on the property for the first time in many years.

5) The developer will be required to spend 2 million dollars to reduce traffic congestion on Lighthouse Blvd. and Cannery Row. This money is extremely important to the city of Monterey and traffic solutions.

6) The present graffiti-laden site will be beautified replacing many years of being an ugly eyesore.

7) The money from taxes this site will give to the city from its retail profits and history center will aid the citizens of Monterey for police and fire protection, road repairs, park maintenance, library funding, and many other Monterey projects.

8) There will be a low income housing component to the project that will aid our citizens also.

(4)

To sum it all up, the Ocean View project is a great benefit to the citizens of Monterey and also to our visitors. Economically, historically, and environmentally it saves the Stohans processing plant to be used as a cultural center and reproduces the San XAVIER building right on its same site. For all the reasons I have stated please vote IN FAVOR OF this project because it truly improves Cannery Row and provide income for our city to be used for our citizens.

PLEASE LET ME KNOW when and where the meeting will take place for the vote on the Ocean View project so that I may attend and speak on its behalf.

PLEASE Make sure all commissioners receive this letter.

Thank You

RONALD LOMANTO

16 CRANDEN DR.

MONTEREY, CALIF. 93940

tele: (831) 648-1559  
phone

CCC Exhibit 16  
(page 45 of 57 pages)



# Cannery Row Business Association

Founded 1960

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JAN 08 2008

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

January 7, 2008

California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, CA 94105

Dear Commissioners:

On behalf of the merchants in the Cannery Row Business Improvement District, I'm pleased to submit a letter of support for the Cannery Row LLC Ocean View Plaza project.

"Cannery Row" is an area steeped in history and ambiance. The street itself offers visitors and residents a glimpse into the history of California's early canneries, and the location on Monterey Bay affords beautiful vistas. The exception to this is the proposed site for the Ocean View Plaza, which is currently a blighted, unattractive, unsafe, wasted piece of waterfront property. In its current condition it provides no public access to the water, yet attracts vagrants and vandals. It has been vandalized several times. The proposed Ocean View Plaza will allow the public to enjoy views of Monterey Bay as well as learn about the history of Cannery Row. The project will complete Cannery Row in a way not seen since the hey-day of the Canneries.

The Cannery Row Business Improvement District strongly encourages the Coastal Commission to support the City of Monterey's approval of the Ocean View Plaza project.

Sincerely,

Eileen Angeles  
Immediate Past President  
Cannery Row Business Improvement District

CCC Exhibit 16  
(page 46 of 57 pages)



Monterey County Hospitality Association  
"The Voice of Your Hospitality Community"

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JAN 07 2008

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

January 7, 2008

Pat Kruer, Chair, and Members  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, Ca 94105 - 2219

Transmitted by fax to: (415) 904-5400 and (831) 427-4877

**RE: Support for Ocean View Plaza Project, Cannery Row, Monterey**

Dear Commissioner Kruer and Members:

The Monterey County Hospitality Association strongly urges support for the Ocean View Plaza project on Cannery Row in Monterey.

MCHA is the trade association for our region's travel and tourism industry. The project before you is a critically important component of Monterey's Cannery Row, a major tourist draw and attraction. The local travel and tourism industry struggles to remain competitive with other destinations; approval of this project eliminates a major detraction from Cannery Row and will enhance our ability to compete. In addition, approval of Ocean View Plaza will accomplish a high planning priority of the City of Monterey, a priority for over two decades. Below we cite several reasons why this project should be approved.

The site of this project has been an unsafe, unsavory eye-sore for years and a blight on a very popular tourist destination.

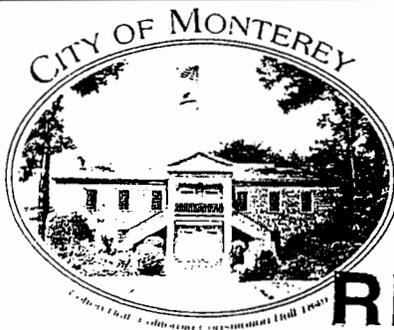
The Ocean View Plaza project accomplishes several important goals; it is an essential brownfield remediation opportunity; it is an unparalleled mixed-use urban infill opportunity; it will provide safe and scenically unequaled ocean access (direct coastal access has been unavailable in the project area for over two decades); and it will add jobs and ocean-related tourism opportunities and jobs. In addition, Ocean View Plaza will offer the public a Cannery Row history museum, an important addition to our region's cultural resources.

Please approve the Ocean View Plaza. It is an essential project.

Sincerely,  
  
Mark Bastis, President

cc: Supervisor David Potter

CCC Exhibit 16  
(page. 4 of 5) pages



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DEC 26 2007

CALIFORNIA COASTAL COMMISSION

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DEC 27 2007

CALIFORNIA COASTAL COMMISSION CENTRAL COAST AREA

December 19, 2007

Mayor: CHUCK DELLA SALA

Councilmembers: LIBBY DOWNEY, JEFF HAFERMAN, NANCY SELFRIDGE, FRANK SOLLECITO

City Manager: FRED MEURER

California Coastal Commission 45 Fremont Street, Suite 2000 San Francisco, CA 94105

RE: Ocean View Plaza Developer: Cannery Row Marketplace, LLC

Dear Chair and Commissioners:

The City of Monterey approved the Ocean View Plaza project on June 1, 2004 and the City requests that the Coastal Commission support this decision.

The Ocean View Plaza site is located in the middle of Cannery Row. The site is divided by Cannery Row Street and includes both an oceanside and inland site. The property contains foundations from old canneries, historic San Xavier Fish Reduction Plant, and parking.

The site is unattractive, inaccessible, contains an at-risk historic structure and detracts from the pedestrian's experience of Cannery Row.



View of Fence and Foundations, November 2007

CCC Exhibit 16 (page 48 of 57 pages)

Unattractive Site/Graffiti Cleanup: Vandals have targeted the Ocean View Plaza site consistently over the past years. The property owner frequently repaints the foundations that are tagged with graffiti. From an aesthetic standpoint, a redeveloped site helps ensure that the property is utilized in a productive manner that can meet the City's property maintenance goals.

Public Access: The project site's ocean front property is currently fenced and inaccessible. One of the exciting prospects of this project is the creation of public access to the rocky shoreline.

The City's certified Coastal Land Use Plan requires that the project provide a minimum 10' access from Cannery Row Street to the rocky promontory on the project site and access along the rocky shoreline. Two pedestrian plazas are also required on the ocean front property.

The project far exceeds these minimum requirements. On the inland parcel, a community park will be constructed adjacent to the regional Monterey Bay Recreation Trail, creating a 150' wide access to Cannery Row Street. On the oceanfront parcel, a history plaza will surround the historic San Xavier Fish Reduction Plant and access will be provided along the rocky shoreline. The lateral access will connect with the adjacent Charhouse restaurant.

**Mixed Use Development/Affordable Housing:** The City of Monterey General Plan encourages mixed use development to reduce automobile trips; improve the quality of the pedestrian experience; create walkable neighborhoods; provide more ownership opportunities; and increase the City's affordable housing supply.

The project is a mixed-use project consistent with the City's General Plan objectives. The project includes 51 housing units. Thirteen units will be dedicated to the City's affordable housing inventory. The dedication represents 25% of the site's housing units, exceeding the 20% General Plan requirement.

**San Xavier Fish Reduction Plant and History Center:** The City of Monterey History Master Plan (adopted 1999) identified a need for a Cannery Row museum and pinpointed the San Xavier Fish Reduction Plant as an ideal location.

The San Xavier Fish Reduction Plant is a dilapidated structure and needs significant rehabilitation. The project's conditions of approval state, "Prior to building occupancy of the project, the exterior of the San Xavier Reduction Plant shall be rehabilitated to the Secretary of Interior Standards for Rehabilitation."

The History Center's goals outlined in a recent grant application included:

- Create a cultural and historic interpretive center for the historic Ocean View Avenue (known today as Cannery Row).
- Document, explore and celebrate Monterey's cultural history associated with the fishing and canning industry and contributions made by immigrant men and women from the early 1850s to the present.
- Explore issues, controversies and impacts around overfishing, fisheries management and conservation practices.
- Interpret the impact of international events on the local immigrant community including the Chinese Exclusion Act of 1882, World War I and World War II internment camps.
- Highlight national events (e.g. Great Depression) and their relationship to Cannery Row.

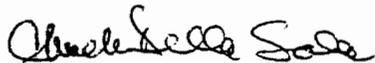
- Showcase the real history of Cannery Row with historic photos, narratives and artifacts as juxtaposed to the Row's literary and scientific heritage.

As envisioned by the History Master Plan, the project's goal is to have the History Center serve as the focal point for heritage tourism on Cannery Row.

**Traffic Improvements:** The project results in substantive improvements to the City's road network. The developer has agreed to pay \$2,000,000 for roadway improvements along Lighthouse Corridor. Lighthouse Avenue is a primary arterial between Downtown Monterey, Cannery Row, and Pacific Grove.

In closing, the City of Monterey started reviewing proposals for this site in the late 1990s and ultimately approved a project in 2004. The City requests that the Coastal Commission support the City's 2004 decision.

Sincerely,



Chuck Della Sala  
Mayor

c: City Council  
California Coastal Commission, Ms. Susan Craig, 725 Front Street, Suite  
300, Santa Cruz, CA 95060  
Phil Taylor, 535 Cowper Street, 2<sup>nd</sup> Floor, Palo Alto, CA 94301  
Cannery Row Business Association, Eileen Angelos, 65 Prescott Avenue,  
Monterey, CA 93940  
Cannery Row Business Association, John Narigi, c/o Monterey Plaza Hotel,  
400 Cannery Row, Monterey, CA 93940  
New Monterey Neighborhood Association, Bruce Crist, P.O. Box 2642,  
Monterey, CA 93940

# RECEIVED

DEC 19 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

Ocean View Plaza, LLC  
Save Our Waterfront Committee  
Deny Coastal Commission Permit for OVP

December 19, 2007

To: California Coastal Commission Members and Staff

Central Coast Area Office, 725 Front Street, Suite 300

Santa Cruz, CA 95060



From: Barbara Bass Evans, Save Our Waterfront Committee [bsb@evansmonterey.com](mailto:bsb@evansmonterey.com) 831-372-8323

RE: Ocean View Plaza Application for a Coastal Commission Permit

Dear Coastal Commission Members:

The Save Our Waterfront Committee respectfully requests that the Coastal Commission deny the Ocean View Plaza developers application for a Coastal permit. The OVP application has not undergone adequate independent CEQA analysis and fails to conform to sections of the 1976 Coastal Act, the Cortese-Knox-Hertzberg Act of 2000, AB 135 (Kehoe 2006), and the Porter-Cologne Water Quality Control Act. The applicants have not met Coastal Commission application requirements by resolving water supply problems and obtaining all local approvals.

**The Coastal Commission required that the proposed project desalination plant be under jurisdiction of a public entity.** The Ocean View Plaza developers, Cannery Row Marketplace, LLC., were granted a Community Services District permit from LAFCO on 12/27/05.

Forming a CSD for the purpose of building a desalination plant to supply water for OVP was NOT the project that was considered by the public or the agencies in the 2001 EIR.

The LAFCO approval of the CSD permit is under legal challenge. The LAFCO approval of the OVP CSD permit is not complete until the court rules on the case. Briefing will be completed by mid February and the matter will be argued at the Sixth District Court of Appeal during 2008.

**LAFCO rushed through the approval of a CSD on 12/27/05 before Kehoe 135 took effect on 1/1/06.**

OVP filed the LAFCO application on 12/2/05, requesting comments by 12/15/05 for a 12/27/05 LAFCO CSD hearing that must be a record. By rushing the CSD application process, LAFCO failed to provide for adequate public review and failed to undertake the legal requirements of CSD formation such as Financial Feasibility Study, Municipal Services Review and Sphere of Influence Report.

"The new Community Services District law (Kehoe 135) may or may not allow formation of a CSD in an uninhabited area...The election of board of directors would be subject to a city wide election of all residents." Kate McKenna, Executive Officer of LAFCO. See *Appellant's Opening Brief, page 24-25.*

**The formation of a CSD for a single developer is the first its kind and will set a statewide precedent for single site desalination plant projects. The California coast could be dotted with desal plants for small community service districts.**

"The proposed OVP CSD District sets a precedent for similar proposals that may cumulatively induce growth and preclude a well planned allocation of limited water resources consistent with the land use priorities and resource protection requirements of the Coastal Act, including Section 30254." See 12/27/07 Coastal Commission letter to LAFCO

The proposed CSD is a single purpose district for the financial benefit of the property owners. It is not related to an imminent public health and safety problem. "It is the further intent of the Legislature that an incorporation should not occur primarily for financial reasons." See Cortese-Knox-Hertzberg Act of 2000, 56815 [56845] (a)

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**The Desal plant design OVP is now proposing is different from the one analyzed in 2001 EIR.**

The original desal design proposed and analyzed in the 2001 EIR used an open-water intake and did not appear to conform to Coastal Act Sections 30230 and 30231 and Porter-Cologne Water Quality Control Act. *See CA Water Code §13142.5 (b)*

The current OVP desal plant design uses a subsurface intake and has not undergone independent review as required by CEQA. OVP has not completed a full feasibility study that includes a description and scientific analysis of all available subsurface technologies, anti-clogging technologies, how impingement and entrainment would be eliminated and how the new desal design will comply with the recently approved regulations for the Central Coast Marine Protected Areas and Ricketts SMCA which specifically prohibits the take of any living marine resource. *See Petition Requesting State Water Board Review of Regional Water Board Order No. R3-2007-0040*

**New environmental information regarding 2004 groundwater outfall pollutants was not addressed in the 2001 EIR and may necessitate additional review.** *See Appellant's Opening Brief, page 26.*

The City of Monterey was contacted on 12/29/04 by the Regional Water Quality Control Board stating that they intended to issue a Cease and Desist Order regarding Monterey's storm drain discharges into the Sanctuary's Areas of Special Biological Significance.

The Cannery Row stormwater outfall site at Steinbeck Plaza, "stands out from the rest (of the sites from Pacific Grove to San Mateo) with high pollutant concentrations." *See First Flush, a Monterey Bay Sanctuary Citizen Watershed Monitoring Network Report, October 2004, submitted as attachment 1,2,3 in 5/9/05 Coalition on Responsible Desalination letter to Coastal Commission.*

**The CC staff previously requested OVP to not resubmit the application until the water supply situation of the project has been resolved." See May 18, 2005 CC letter to OVP applicants. The Save Our Waterfront Committee is unaware that the water supply issues have been satisfactorily addressed.**

The Coastal Commission staff noted in their 12/27/05 letter to LAFCO that applicants failed to provide:

- an adequate analysis of alternative regional and sub-regional solutions to the area's water shortage.
- a description of how water will be provided to the affected property if the desalination plant fails, ceases to operate, or the storage tanks run dry.
- whether a single site desal plant may interfere with current efforts to develop a regional solution to address existing water shortages and related environmental problems by reducing incentives for participation in such efforts.
- information whether the new desal water will be subject to water regulation 35-10. "Reliance upon additional withdrawals from the Carmel River as a back-up water source may escalate the environmental problems associated with current levels of withdrawal, in conflict with Coastal Act Sections 30240 and 30250.

**The OVP CSD project may not have adequate financial and staff resources to ensure that operation of the desalination plant will protect coastal resources and public safety.**

Does the high cost of water (300-350% normal rate) make the desal operation financially feasible?

"A Municipal Services Review was avoided in the interest of authorizing formation of the CSD prior to effective date of Kehoe SB 136 and description of the legislation's effect should be provided to the public." *See Coastal Commission 12/27/05 letter to LAFCO.*

OVP failed to conduct a financial feasibility analysis, or substantiate that the CSD has revenue neutrality. *See Appellant's Opening Brief, page 20.*

"Operational problems may cause adverse impacts to coastal water quality, marine resources, and aquatic habitats, inconsistent with Coastal Act Sections 30230, 30231, 30232, and 30240." *See Coastal Commission 12/27/05 letter to LAFCO.*

Who will be responsible for abating and mitigating environmental problems if the CSD is financially incapable of meeting these needs? *See 12/27/05 Coastal Commission letter to LAFCO.*

**The CC staff previously stated that they would not accept an application submittal for the project until all local approvals were obtained. *See 12/9/04 Coastal Commission letter to OVP applicants.***

The City of Monterey and LAFCO approval of a CSD for OVP is being legally challenged at the Sixth Appellant Court District level on the basis of an incomplete CEQA review.

The California Regional Water Quality Control Board OVP permit #R-3-2007-0040 is being appealed to the State Water Board for failure to meet Porter-Cologne requirements by the Save Our Waterfront Committee, Desal Response Group and Surfrider Foundation.

A number of other agencies, State Water Board, Monterey Peninsula Water Management District, Monterey County Environmental Health Department, California State Lands Commission, Monterey Bay National Marine Sanctuary, U.S. Army Corps of Engineers, National Oceanographic and Atmospheric Administration, U. S. Coast Guard, U. S. Fish and Wildlife Service, CA Dept of Fish and Game, National Marine Fisheries Service, and the CA Dept. of Health Services, may require permits or authorizations for the proposed desalination facility.

In closing, we believe that the foregoing supports the denial, at this time, of a Coastal Commission permit for the OVP Desalination plant.

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DEC 20 2007

CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

12-18-07

TO MS. SUSAN CRAIG AND COMMISSIONERS

I am a LIFELONG RESIDENT OF MONTEREY. I was born in 1951, As a private citizen of Monterey and I strongly support the OCEAN VIEW project on Cannery Row FOR MANY reasons. FIRSTLY, the historic Stohaus building on the site will be rennovated and saved by the developer, to be used as a MUSEUM and cultural center For Cannery Row. This museum represents all the heritages that worked on the Row such as the Sicilians, portuguese, Japanese, Scandanavians, Mexicans, and Chinese. You probably don't have any Idea how important this cultural center will be For the people OF MONTEREY, CALIFORNIA, the nation, and the world. Cannery Row has international historic and literary significance through JOHN STEINBECK and the SARDINES and Doc Rickets the MARINE BIOLOGIST. My mother worked in all of those Canneries From 1926 to 1968. My Father was

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a Fisherman for 30 years. So the cultural center not only has personal importance to me, but also to a cross section of the citizens of the Monterey Peninsula.

Secondly, the developer will put in millions of dollars to help improve the TRAFFIC pattern of Cannery Row and add very important parking for locals and tourists alike.

THIRDLY, the developer would provide 25% of the housing units for low income people (below market).

Fourthly, the SITE is an eyesore to the row with GRAFFITI AND ugliness on that section of the street.

The EIR has stipulated that the DESALINATION plant proposed for the SITE will not have any significant impact on the OCEAN. The DESALE plant is half the size that the MONTEREY Aquarium uses for its SITE.

FIFTHLY, the OCEAN VIEW project will generate income for the city that will help our CITIZENS for public services, such

3

as police, FIRE protection, LIBRARY, public works and SOCIAL programs.

The project beautifies the area, allows people to walk its proposed promenades to VIEW the OCEAN, help the cultural integrity OF MONTEREY, and provide FOR AN INCREASED Tax base FOR OUR citizens.

Ms. CRAIG, please pass on this letter to the other coastal commissioners and vote IN FAVOR FOR this worthwhile project.

Thank You, Sincerely FROM  
a passionate lover OF my hometown,  
Monterey: ROW LOMANTO  
16 CRAMDEN DR.  
MONTEREY, CA. 93940



MONTEREY  
PENINSULA  
CHAMBER OF  
COMMERCE

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CALIFORNIA  
COASTAL COMMISSION  
CENTRAL COAST AREA

November 26, 2007

Pat Kruer  
Chair  
California Coastal Commission  
45 Fremont Street, Suite 2000  
San Francisco, Ca 94105

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Sandra Whittle  
New York Life Insurance

*Ex-Officio*  
Colonel Pamela Martis  
Garrison Command

Astrid Coleman  
President/CEO

**RE: Support for Ocean View Plaza Project, Cannery Row**

Dear Commissioner Kruer:

On behalf of the Monterey Peninsula Chamber of Commerce, I am writing to re-state our support for the Ocean View Plaza project proposed for Cannery Row.

In 2004, the developers of Ocean View Plaza presented their proposed project to the Chamber's Government Affairs Committee, asking for support of the project. After reviewing the information and meeting with the developer's architect, the Chamber agreed to send a letter of support to the Monterey City Council. At that time, our support was based on the belief that the project not only provided a significant amount of new jobs for peninsula residents and additional revenue for the City of Monterey, but it also brought back the architecture and the personality that is Cannery Row. In addition, this project is both an important mixed-use urban infill and a brownfield redevelopment that removes old toxic boiler fuel contamination and other remnants from the fish operations years ago, remediating an unattractive and dangerous sight on historic Cannery Row.

Now, 12 years after its beginnings, the project is now before the Coastal Commission for approval. And again we give our support and ask that you approve the project as well. The revised Ocean View Plaza project still promises to provide much needed jobs and revenue to the cities while creating an attractive setting in what is now a tired and visually disappointing area of Cannery Row. The addition of more open space, enhanced coastal access, the creation of a history center and the completion of this end of the Row will bring years of enjoyment to residents and visitors alike.

Sincerely,

Cynthia Buhl  
2007 Chair  
Government Affairs Committee

Astrid Coleman  
President & CEO  
Monterey Peninsula Chamber of Commerce

cc: Susan Craig, Coastal Planner, California Coastal Commission  
Mayor Chuck Della Sala, City of Monterey  
Allen Robinson, President/CEO The Sienna Company

Established 1908

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MONTEREY

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