

Th136

FIGURE 1
SITE VICINITY

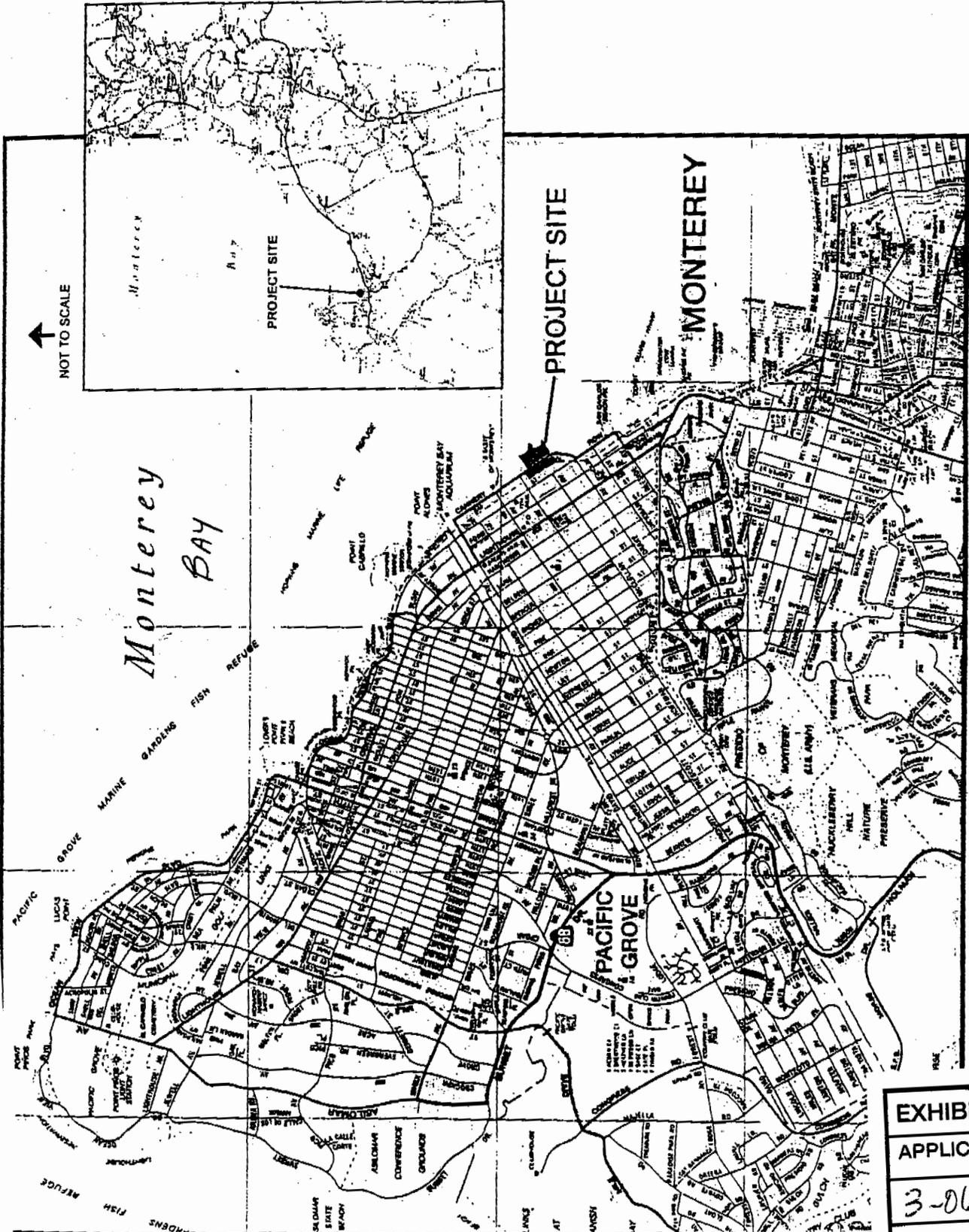


EXHIBIT NO. 1
APPLICATION NO.
3-06-065
page 1 of 1

OF AMERICA

www.californiacoastline.org

Image 200508268

Inland Parcel

Bayside Parcel

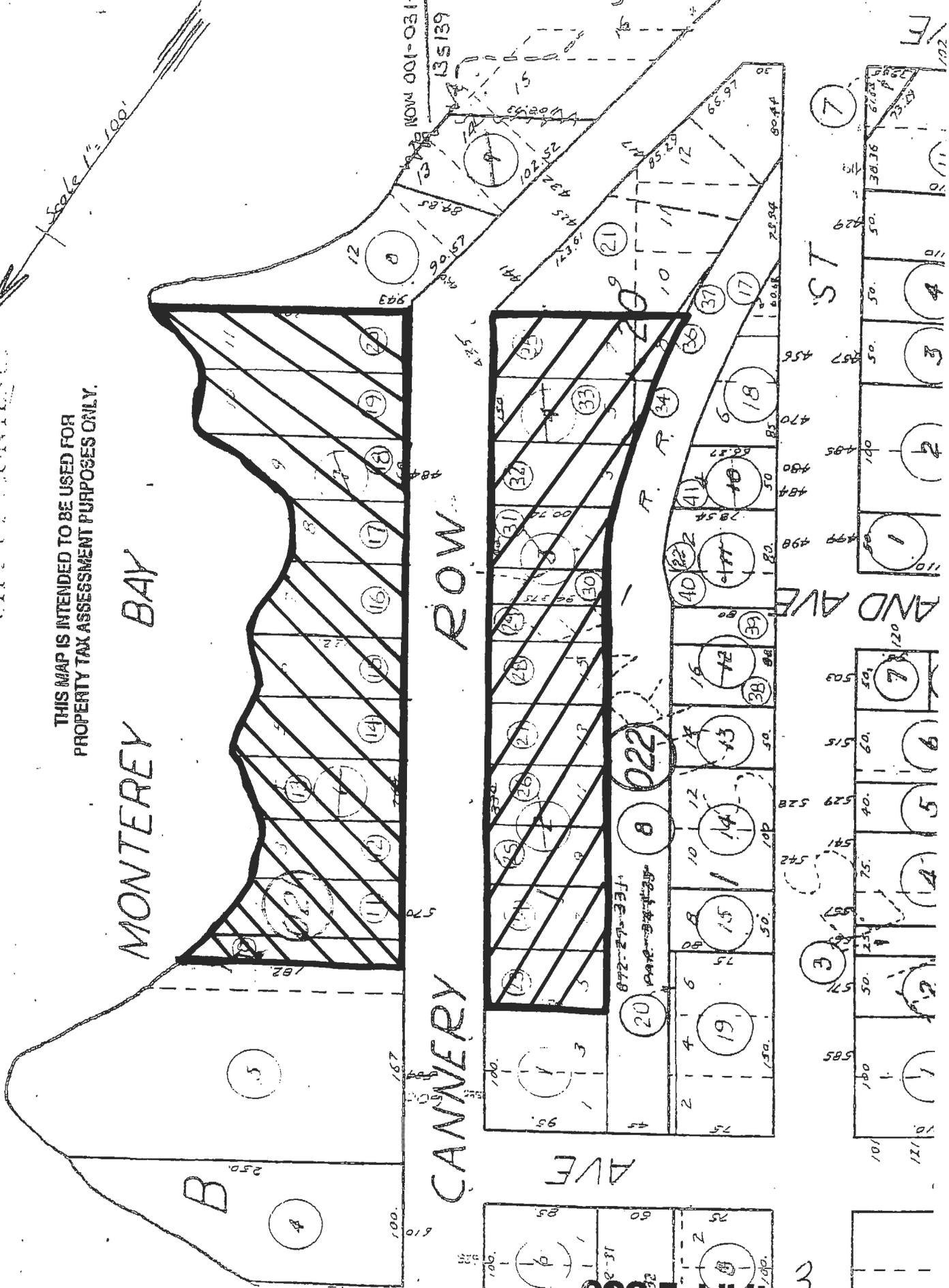
Exhibit 2
3-06-065
Page 1 of 1

3-014

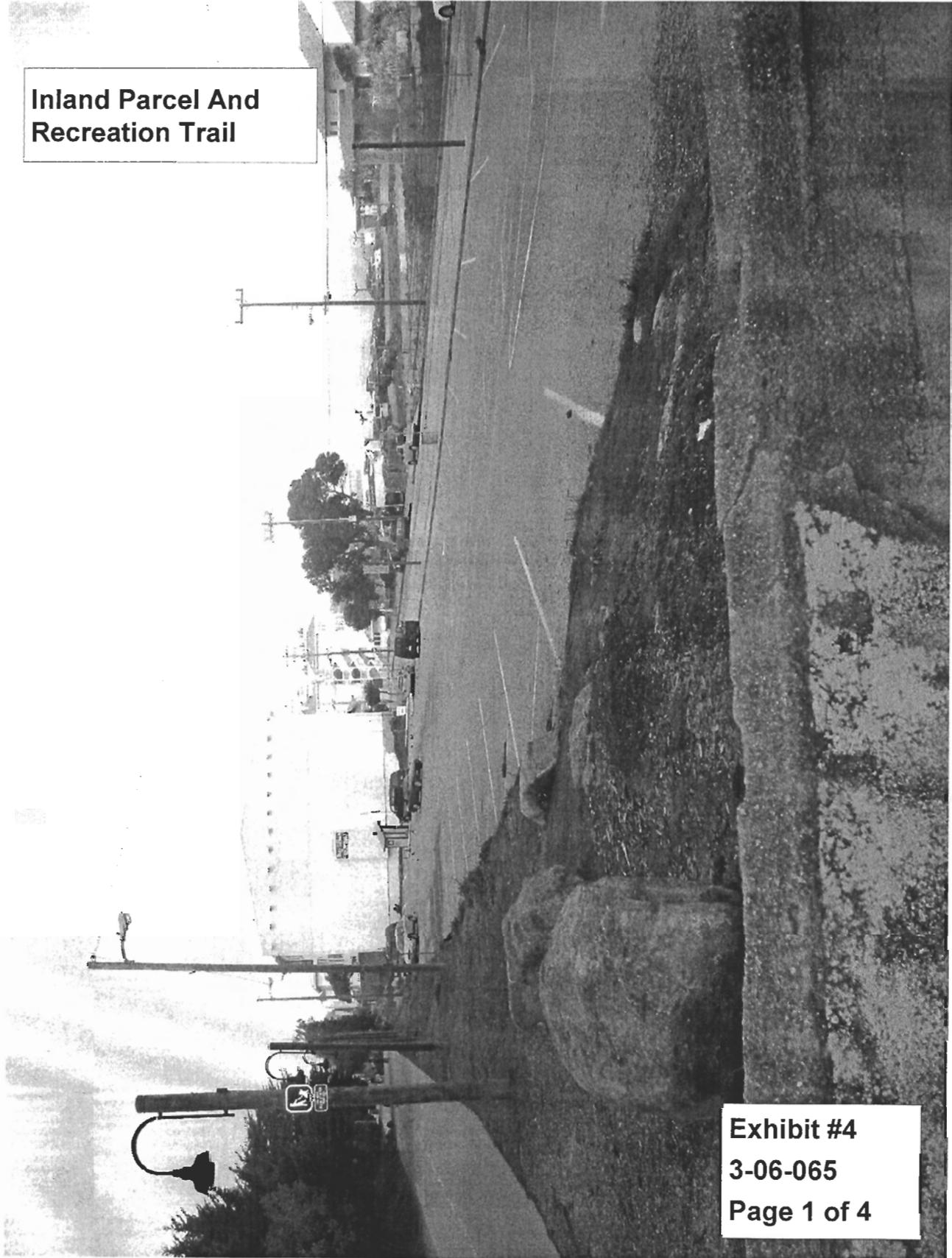
ASSESSOR'S MAP
BOOK 1, PAGE 02
CITY OF MONTEREY

Scale 1" = 100'

THIS MAP IS INTENDED TO BE USED FOR
PROPERTY TAX ASSESSMENT PURPOSES ONLY.

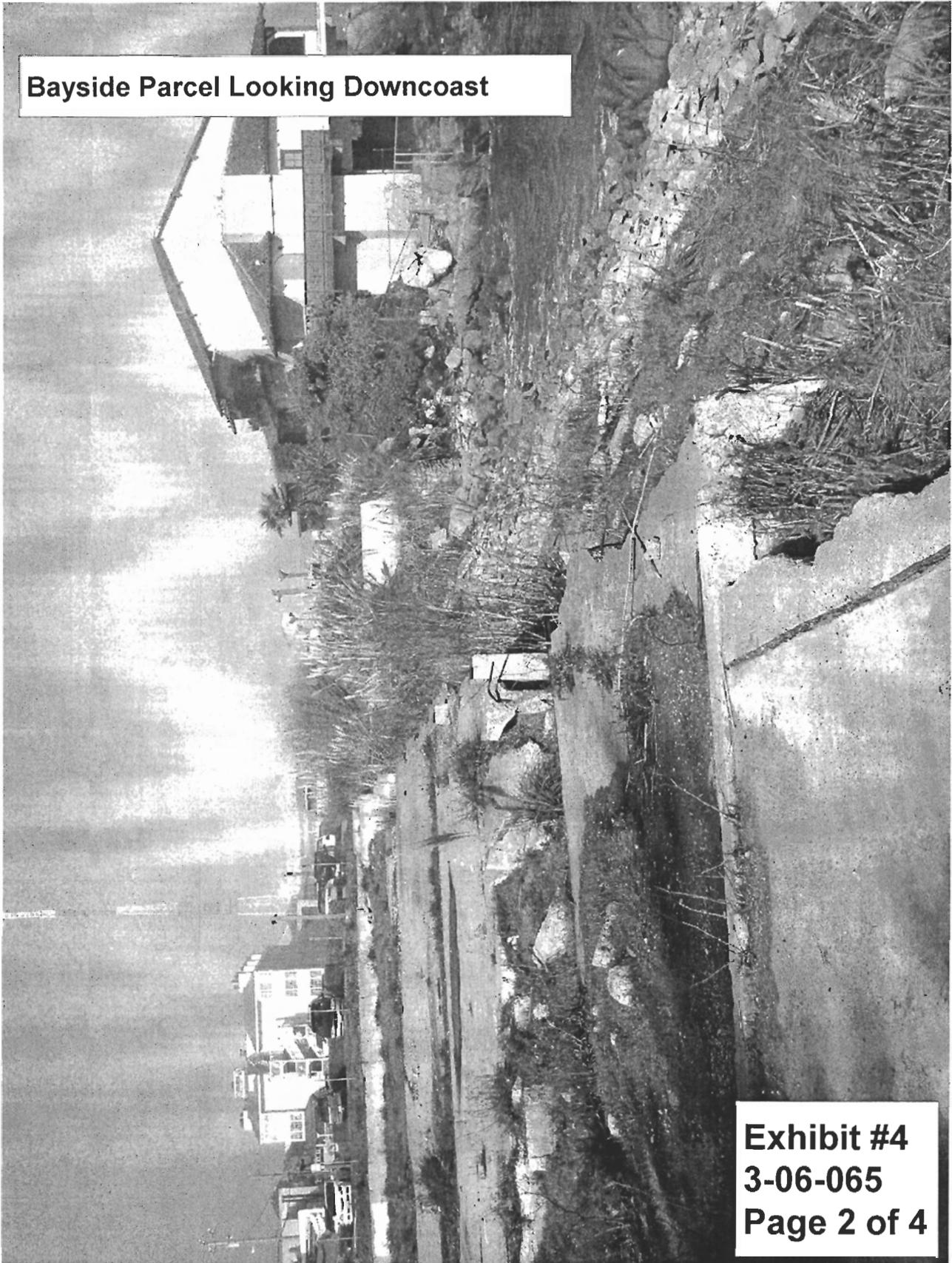


**Inland Parcel And
Recreation Trail**



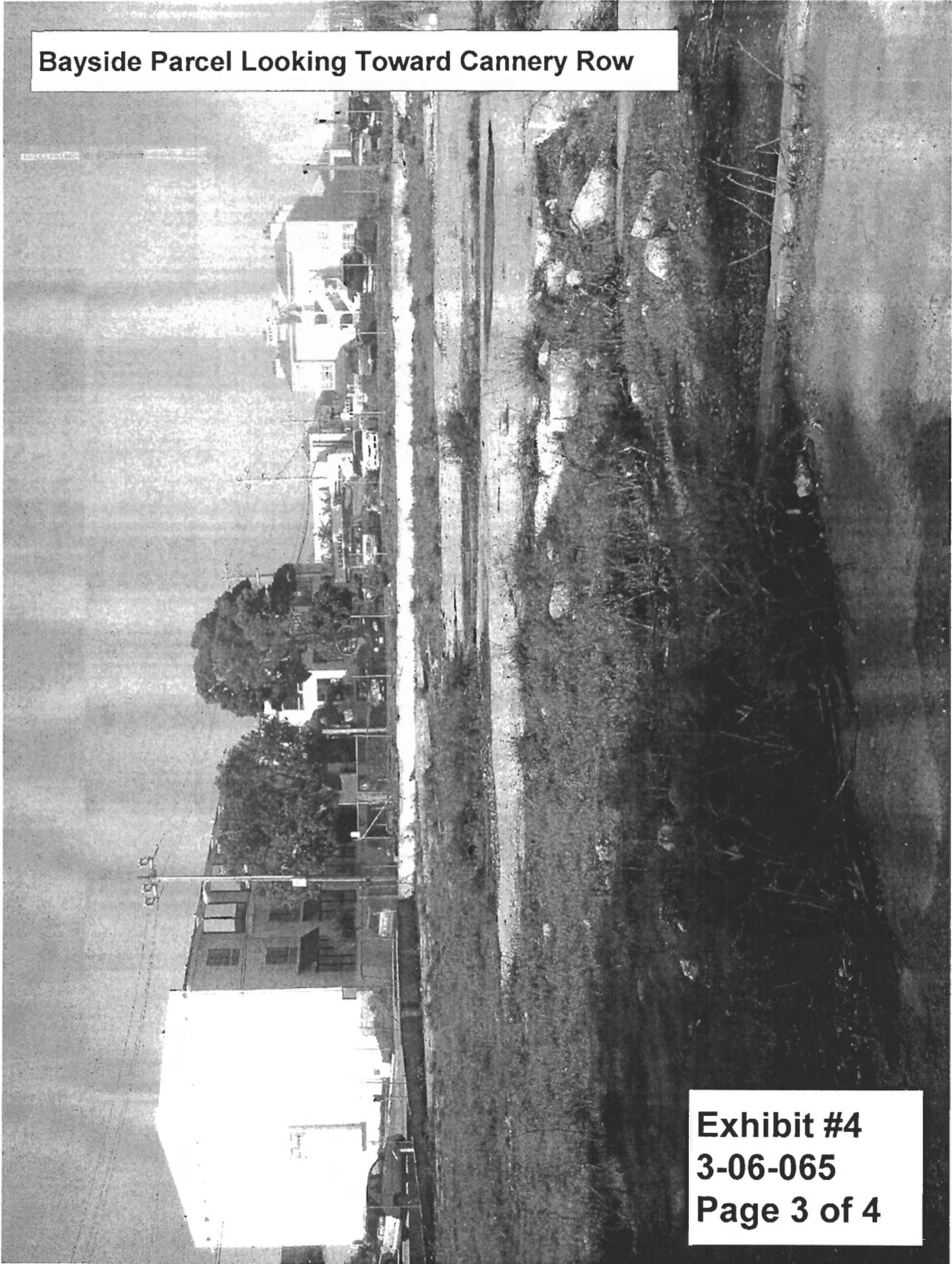
**Exhibit #4
3-06-065
Page 1 of 4**

Bayside Parcel Looking Downcoast



**Exhibit #4
3-06-065
Page 2 of 4**

Bayside Parcel Looking Toward Cannery Row



**Exhibit #4
3-06-065
Page 3 of 4**



Exhibit #4
3-06-065
Page 4 of 4



THE SIENNA COMPANY
 321 Alvarado Street, Suite H
 Monterey, CA 93940
 Tel 831-841-9000
 Fax 831-841-0502

Consultants

Project

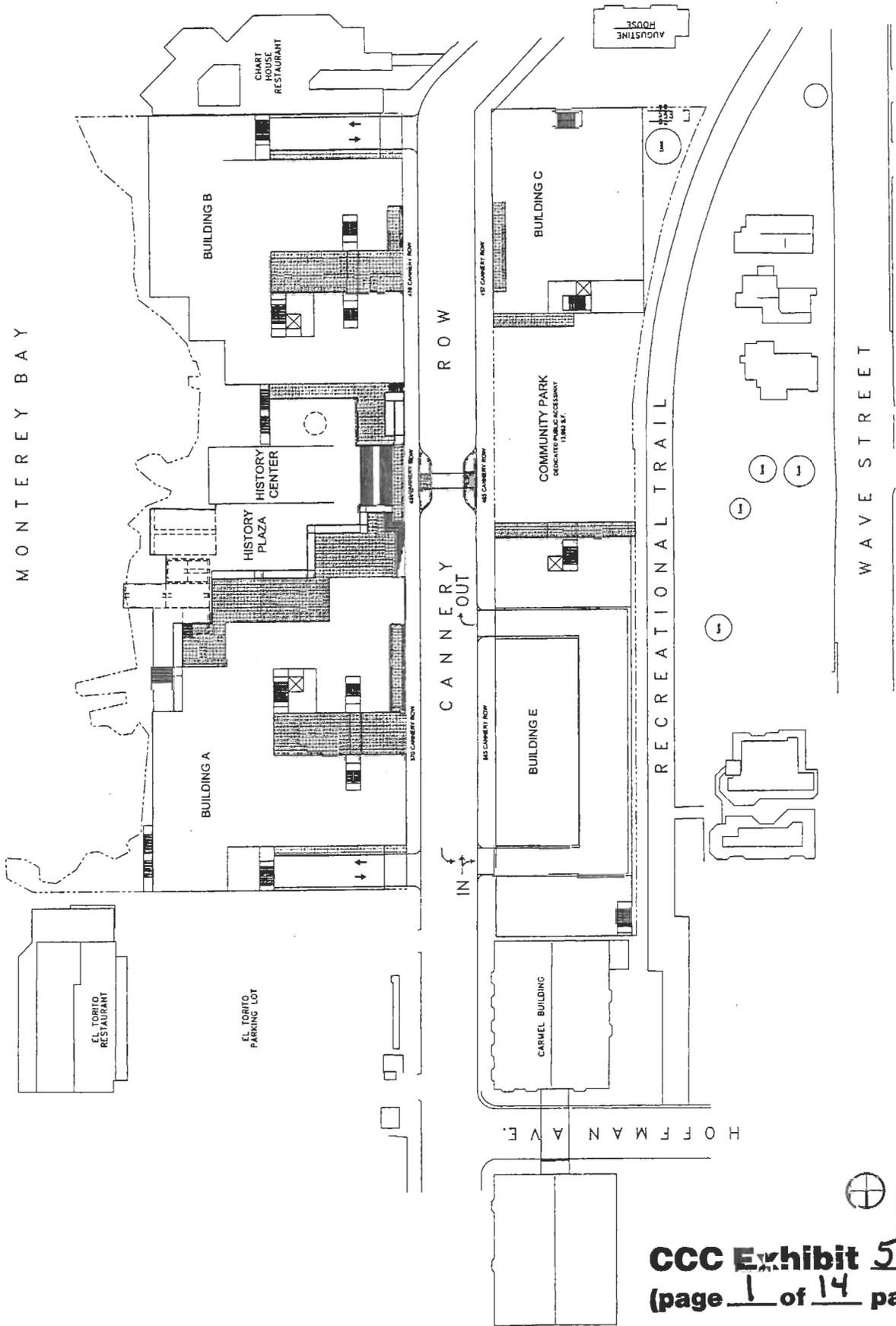
Ocean View
 Plaza

Project Location
 Cannery Row
 Monterey, CA 93940

Project No. 0411.001
 Issue Date October 4, 2011
 Revisions

Drawing Scale 1"=30'-0"
 Sheet Title
 Street Level
 Site Plan

C102



CCC Exhibit 5
 (page 1 of 14 pages)

01 Street Level Site Plan

THE SIENNA COMPANY AND THE ARCHITECTS HAVE INCORPORATED THE BEST AVAILABLE INFORMATION AND REASONABLE ENGINEERING SERVICES. PROPERTY OF THE SIENNA COMPANY. NOT FOR REUSE OR OTHER USE. ALL RIGHTS RESERVED. COPYRIGHT 2011



THE SIENNA COMPANY
 221 J. Anderson Street, Suite 11
 Monterey, CA 93940
 Tel: 831-541-9000
 Fax: 831-541-6502

Consultants

Project

Ocean View
 Plaza

Project Location
 Cannery Row
 Monterey, CA 93940

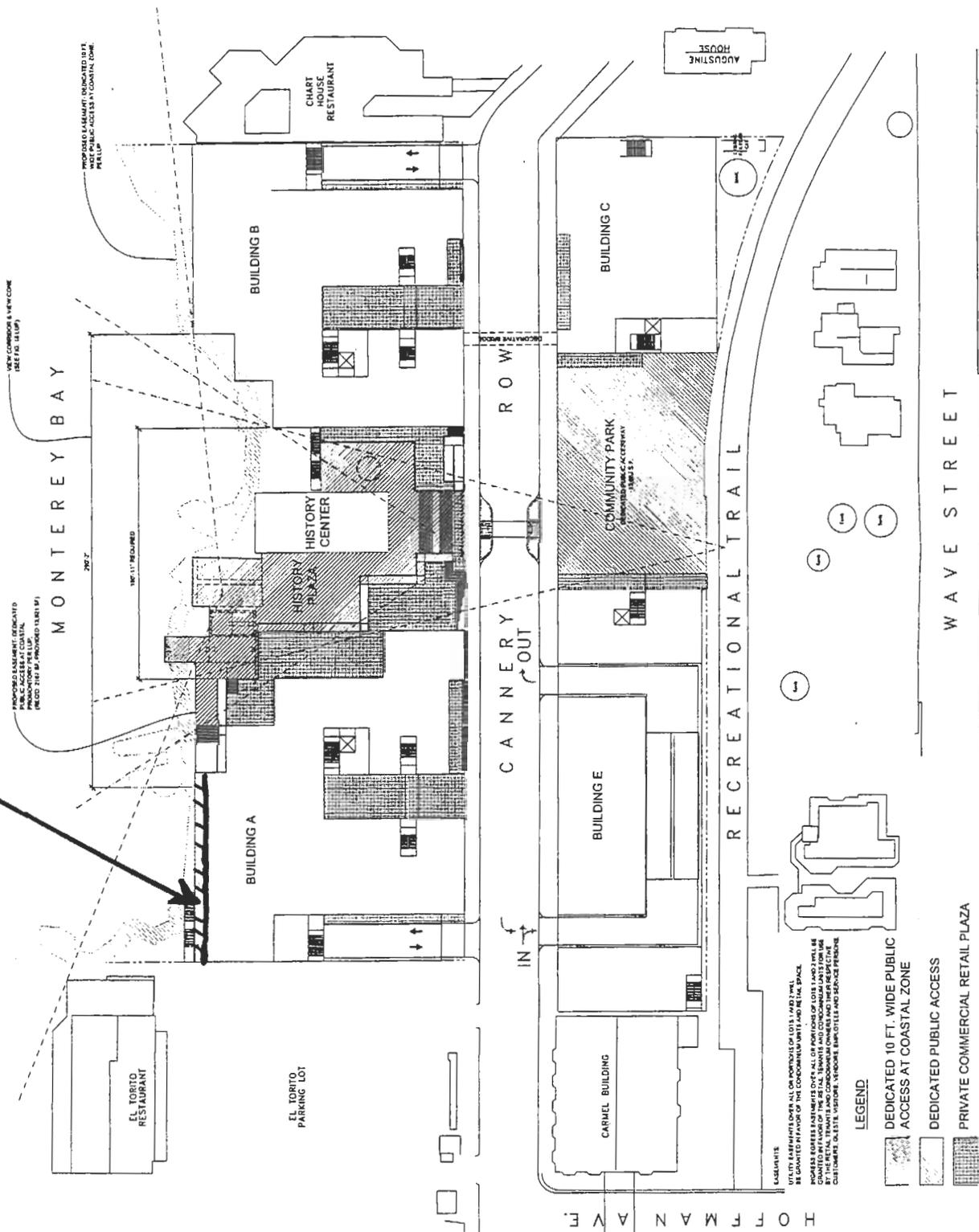
Project No. 6401-001
 Issue Date October 9, 2001
 Revisions

Drawing Scale 1" = 30'-0"

Sheet Title
 Public Access Plan
 & View Corridor

C103

Covered Promenade



PROPOSED ELEMENTS DEDICATED TO PUBLIC ACCESS AT COASTAL ZONE (SEE FIG. 14.1 UP)

PROPOSED ELEMENTS DEDICATED TO PRIVATE COMMERCIAL RETAIL PLAZA (SEE FIG. 14.1 UP)

NEWLY REQUIRED

NEW CORRIDOR & VIEWLINE (SEE FIG. 14.1 UP)

- LEGEND:
- DEDICATED 10 FT. WIDE PUBLIC ACCESS AT COASTAL ZONE
 - DEDICATED PUBLIC ACCESS
 - PRIVATE COMMERCIAL RETAIL PLAZA

CCC Exhibit 5
 (page 2 of 14 pages)

THIS DOCUMENT AND THE DATA AND BELONGS TO THE SIENNA COMPANY. ALL RIGHTS RESERVED. CONTRACT NO. 6401-001



THE SIENNA COMPANY
 321 Avenida Street, Suite H
 Monterey, CA 93940
 Tel: 831-641-5000
 Fax: 831-641-0502

Consultants

Ocean View Plaza

Project Location:
 Cannery Row
 Monterey, CA 93940

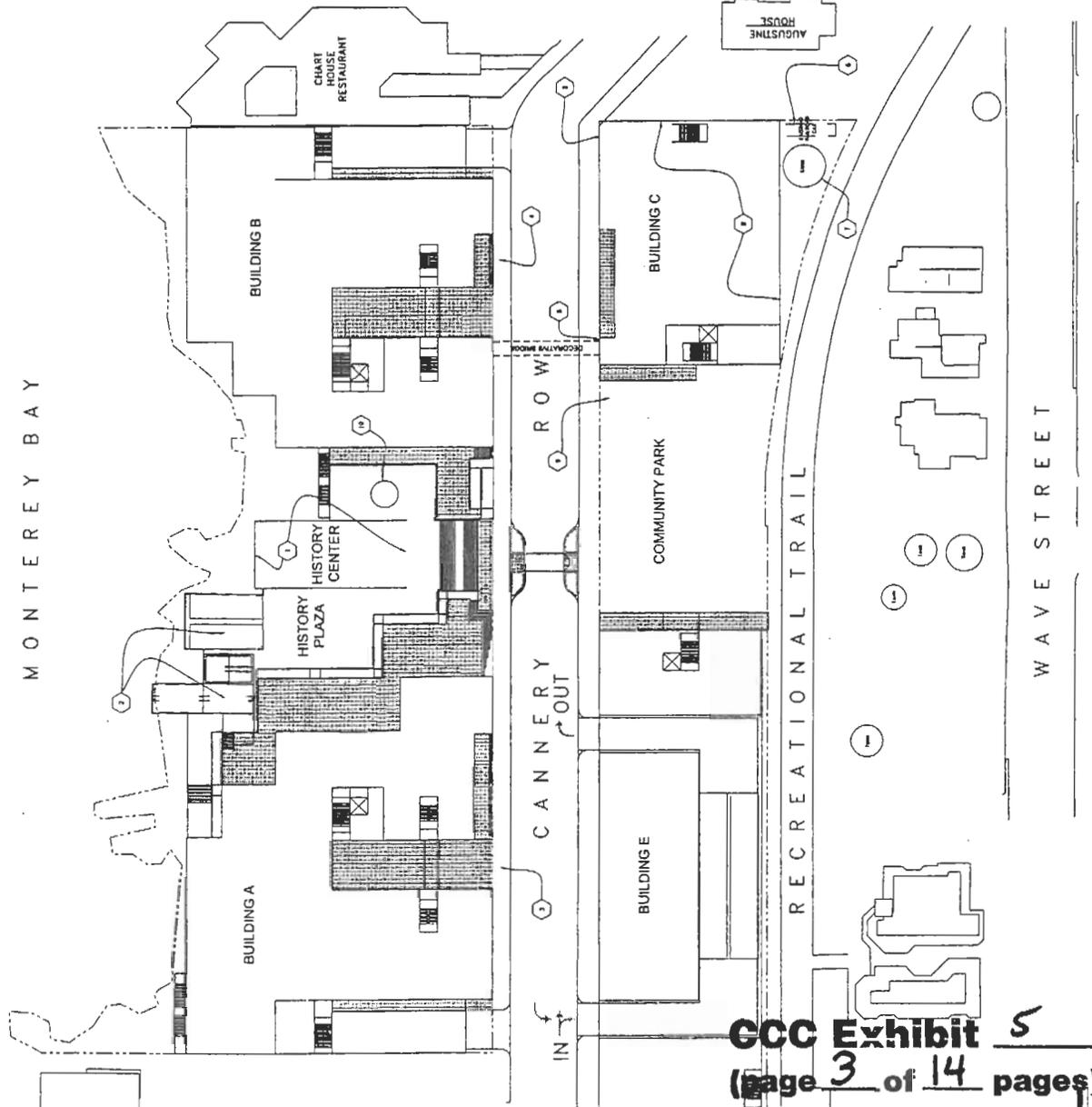
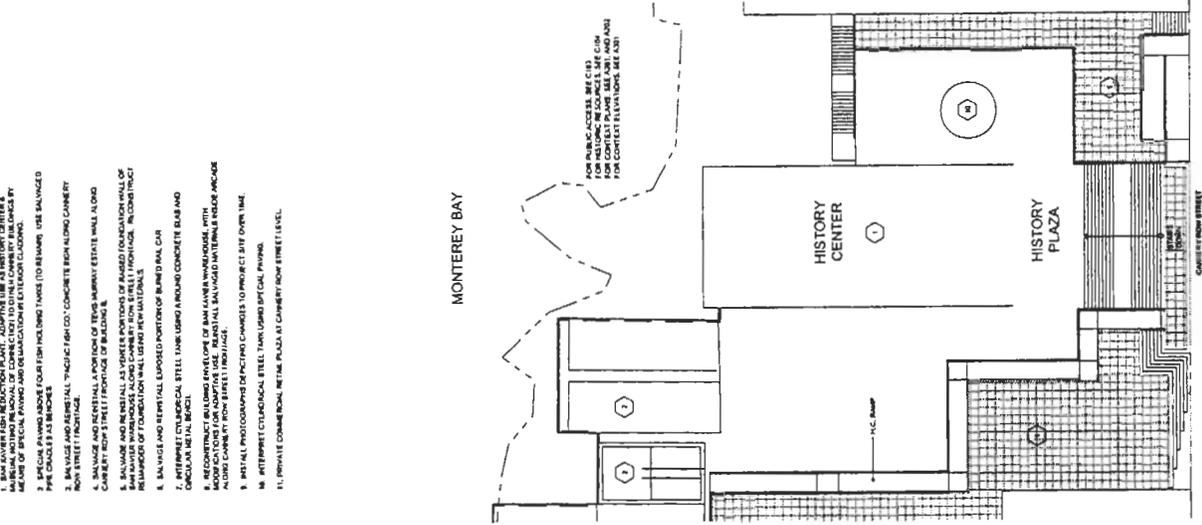
Project No. 0401.001
 Issue Date October 9, 2001
 Revisions

Drawing Scale 1" = 30' 0"
 Sheet Title
 Historic Resources
 Interpretative
 Site Plan

C104

HISTORIC INTERPRETATION NOTES:

1. SANITARY LIGHT REDUCTION PLAN: ADAPTIVE USE AS HISTORY CENTER & CHART HOUSE RESTAURANT. CONSIDER ADAPTIVE USE AS HISTORY CENTER & CHART HOUSE RESTAURANT. CONSIDER ADAPTIVE USE AS HISTORY CENTER & CHART HOUSE RESTAURANT. CONSIDER ADAPTIVE USE AS HISTORY CENTER & CHART HOUSE RESTAURANT.
2. SPECIAL PAVING ABOVE FOUR (4) FEET WIDING THOSE (10) REMAIN. USE SALVAGED PINE DOCKS AS BENCHES.
3. SALVAGE AND REINSTALL "TYPICAL FISH CO." CONCRETE FROM ALONG CANNERY ROW STREET FRONTAGE.
4. SALVAGE AND REINSTALL PORTIONS OF THE SANITARY ESTATE WALL ALONG CANNERY ROW STREET FRONTAGE OF BUILDING B.
5. SALVAGE AND REINSTALL AS VERTICAL PORTIONS OF ALIGNED FOUNDATION WALLS OF SANITARY WAREHOUSE ALONG CANNERY ROW STREET FRONTAGE. RECONSTRUCT REMAINDER OF FOUNDATION WALL USING REINFORCED CONCRETE.
6. SALVAGE AND REINSTALL EXPOSED PORTIONS OF BURNED WOOD.
7. INTERPRET CYCLOPATHIC STEEL TOWER USING REINFORCED CONCRETE BLUE AND GRAY COLOR MATCHING ORIGINAL.
8. RECONSTRUCT PORTIONS OF SANITARY WAREHOUSE WITH MODERN MATERIALS FOR ADAPTIVE USE. ALSO REINSTALL SALVAGED INTERIOR FLOOR ARCHIVE ALONG CANNERY ROW STREET FRONTAGE.
9. INSTALL PHOTOGRAPHS DEPICTING CHANGES TO PROJECT SITE OVER TIME.
10. INTERPRET CYCLOPATHIC STEEL TOWER USING REINFORCED CONCRETE.
11. PRIVATE COMMERCIAL METAL PLAZA AT CANNERY ROW STREET LEVEL.



01 Historic Plaza Enlarged Plan

02 Historic Resources Interpretative Site Plan

CCC Exhibit 5
 (page 3 of 14 pages)



THE SIENNA COMPANY
 321 Avenida Street, Suite H
 Monterey, CA 93540
 Tel 831-641-9000
 Fax 831-641-0502

Project
**Ocean View
 Plaza**

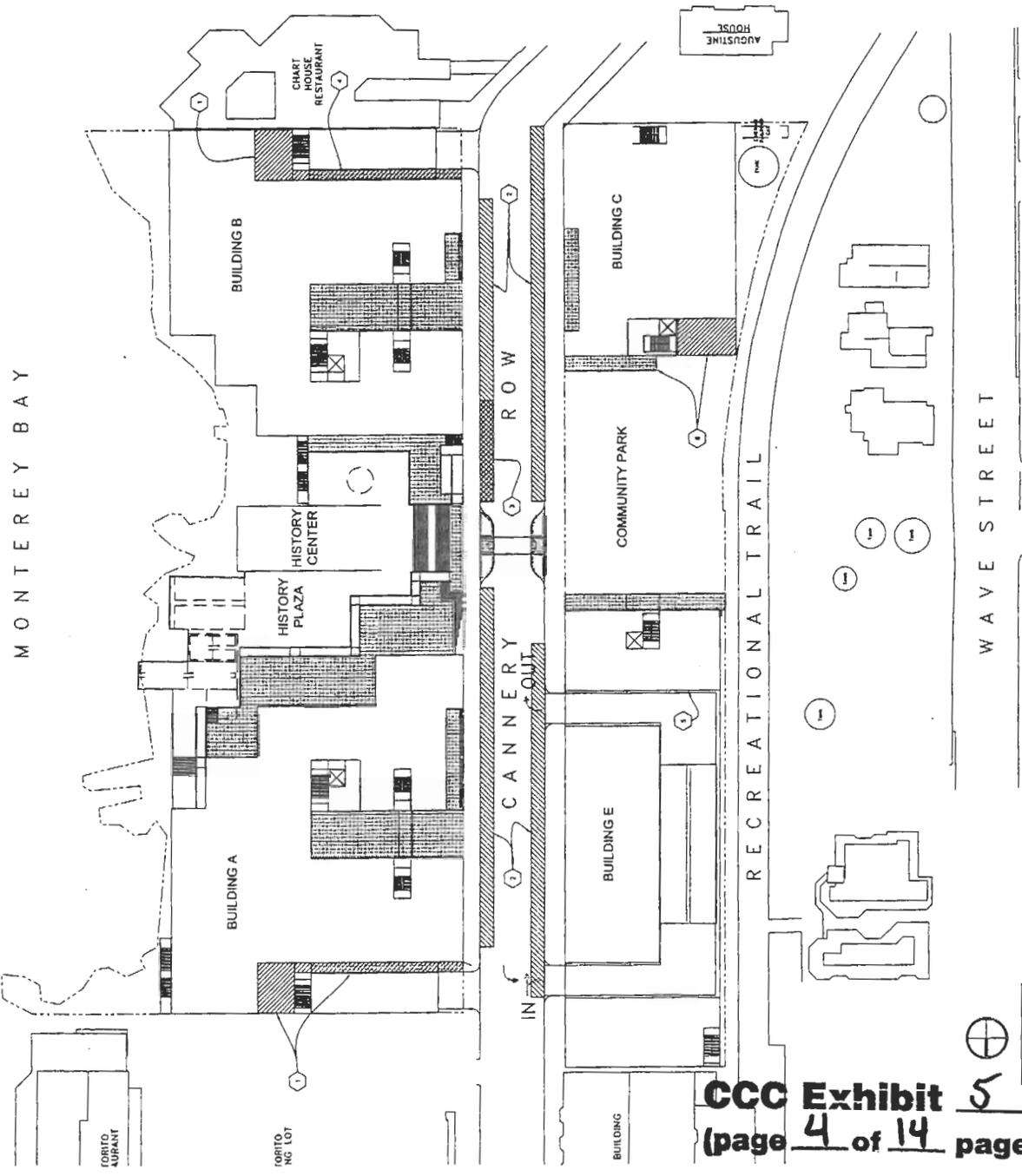
Project Location
 Cannery Row
 Monterey, CA 93940

Project No. 0301 001
 Issue Date October 4, 2001
 Revision

Drawing Scale 1"=30'-0"
 Sheet Title
 Service Plan

C105

- REUSE/RECYCLE/REPAIR**
1. BUILDINGS 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



CCC Exhibit 5
 (page 4 of 14 pages)

THIS DOCUMENT AND THE DATA AND DESIGN INFORMATION HEREIN ARE THE PROPERTY OF THE SIENNA COMPANY. NO PART OF THIS DOCUMENT, INCLUDING ANY INFORMATION CONTAINED HEREIN, IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE SIENNA COMPANY.



THE SIENNA COMPANY
 221 Alvarado Street, Suite 11
 Monterey, CA 93940
 Tel: 831-641-9090
 Fax: 831-641-0902

Consultants

Project

Ocean View Plaza

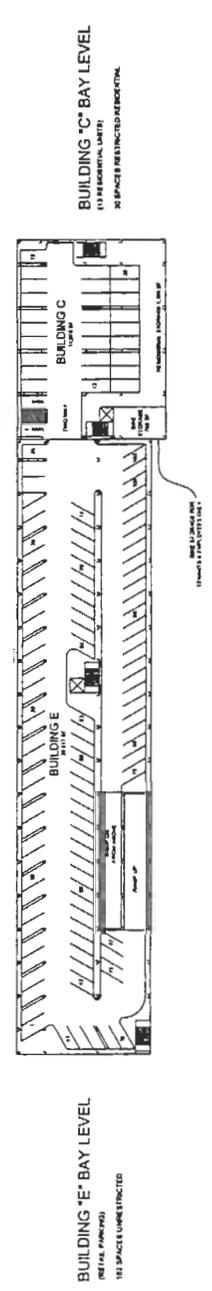
Project Location
 Cannery Row
 Monterey, CA 93940

Project No. 001001
 Issue Date October 9, 2011
 Revision

Drawing Scale 1"=10'-0"
 Sheet Title The Parking Plan

C106

CCC Exhibit 5
 (page 5 of 14 pages)



PARKING DEMAND CALCULATIONS

	BUILDING A	BUILDING B	BUILDING C	BUILDING E	P	HISTORY CENTER	TOTALS (GSF)
GROSS SQUARE FEET (GSF)	18,000	8,100	11,751	15,338	0	3,400	56,689
WHO COVERED PARKING RAMP'S OR SUPPORT AREAS	0	0	0	0	0	0	0
BAY LEVEL	0	0	0	0	0	0	0
CANINEY ROW (ST. LEVEL)	0	0	0	0	0	0	0
SECOND LEVEL	0	0	0	0	0	0	0
THIRD LEVEL	0	0	0	0	0	0	0
ROOF LEVEL	0	0	0	0	0	0	0
TOTAL GROSS GSF	18,000	8,100	11,751	15,338	0	3,400	56,689
PARKING PROVIDED	48	48	30	30	0	0	156
RESTRICTED RESIDENTIAL AND DESIGNATED ONLY	0	0	0	0	0	0	0
UNRESTRICTED	48	48	30	30	0	0	156
TOTAL PARKING PROVIDED	48	48	30	30	0	0	156
RESIDENTIAL REQUIREMENTS REQUIRED	52.5	25.2	16.2	16.2	0	0	104.1
2 BEDROOMS	14.2	7.1	4.5	4.5	0	0	26.3
3 BEDROOMS	3.3	1.6	1.0	1.0	0	0	5.9
RESIDENTIAL PARKING REQUIRED (See Note C below)	52.5	25.2	16.2	16.2	0	0	104.1
RETAIL/RESTAURANT REQUIRED (See Note D below)	14.2	7.1	4.5	4.5	0	0	26.3
2.5 SPACES * (2 SPACES * 2.5) = 10 Parking Spaces Required	14.2	7.1	4.5	4.5	0	0	26.3
10,500 divided by 50 = 210 Parking Spaces Required	14.2	7.1	4.5	4.5	0	0	26.3
RETAIL/RESTAURANT REQUIRED PARKING (See Note D below)	14.2	7.1	4.5	4.5	0	0	26.3
RETAIL/RESTAURANT REQUIRED PARKING (See Note D below)	14.2	7.1	4.5	4.5	0	0	26.3
PROJECT REQUIRED VS PROVIDED	4.3	2.7	1.7	1.7	0	0	10.4
Surplus/Shortage with District Adjustment Applied - See Note D below	4.3	2.7	1.7	1.7	0	0	10.4
PARKING SURPLUS (DEFICIT) PROVIDED	4.3	2.7	1.7	1.7	0	0	10.4
Parking Calculation Notes	A. Retail Sites = 2.5 Spaces/1000 GSF = 1500 GSF = 1000 GSF						
	B. Retail Sites = 2.5 Spaces/1000 GSF = 1500 GSF = 1000 GSF						
	C. Retail Sites = 2.5 Spaces/1000 GSF = 1500 GSF = 1000 GSF						
	D. Apply 10 District Adjustment (Shared Trip Ratio) to Required Parking for Single Units and Restaurants						

SEE G003 FOR OVERALL PARKING SUMMARY





THE SIENNA COMPANY
 321 Alvarado Street, Suite H
 Monterey, CA 93940
 Tel: 831-641-9090
 Fax: 831-641-1062

Consultants

Project

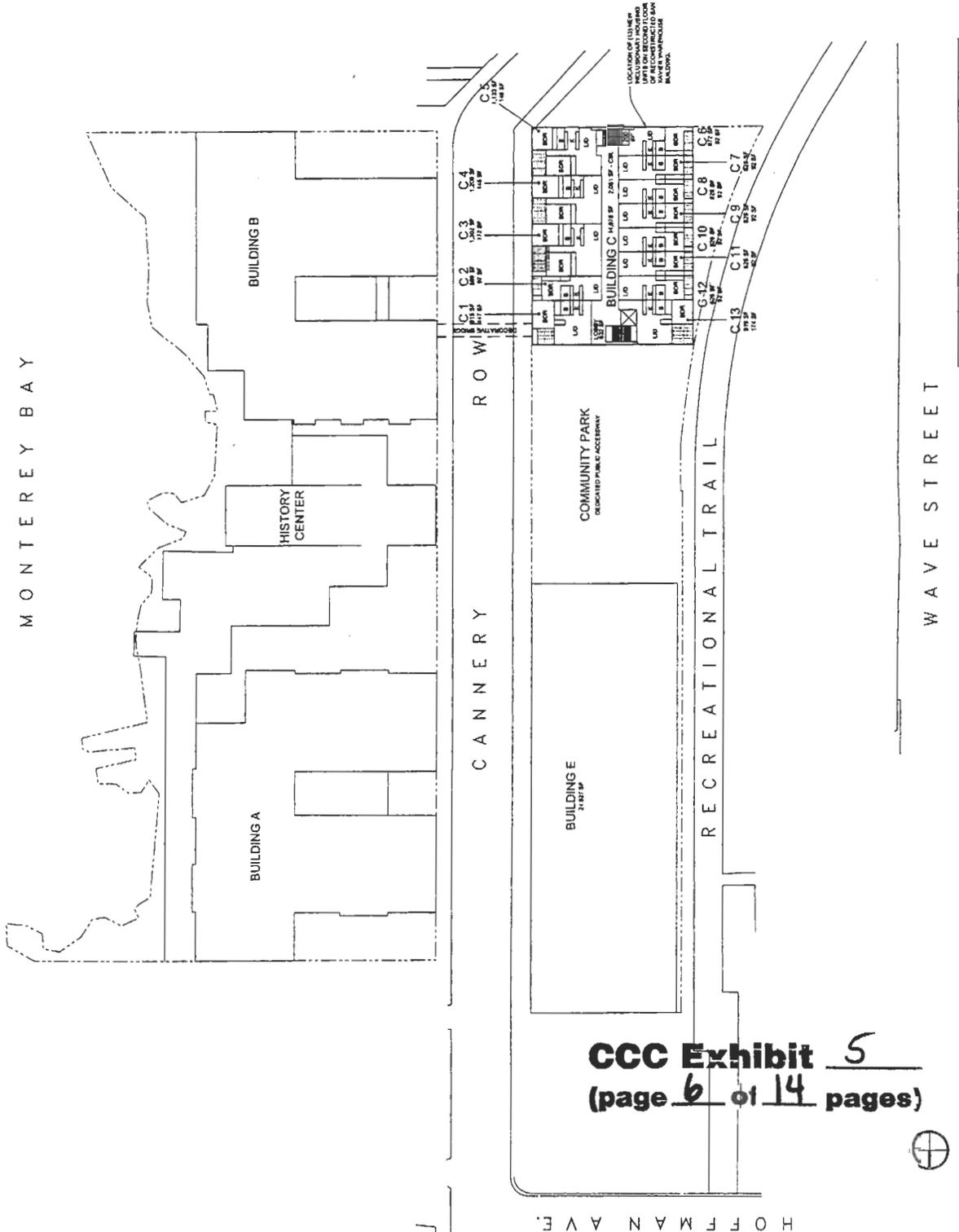
Ocean View
 Plaza

Project Location
 Cannery Row
 Monterey, CA 93940

Project No. 04111 No.
 Issue Date October 9, 2003
 Revision

Drawing Scale 1" = 30'-0"
 Sheet Title
 Inclusionary
 Housing Plan

C107



CCC Exhibit 5
 (page 6 of 14 pages)

THIS DOCUMENT AND THE DATA AND DETAILS INCORPORATED HEREIN ARE THE PROPERTY OF THE SIENNA COMPANY. NOT FOR REUSE OR REPRODUCTION WITHOUT WRITTEN PERMISSION. CONTACT: 831-641-9090



THE SIENNA COMPANY
 371 Alvarado Street, Suite H
 Monterey, CA 93940
 Tel: 831-641-8000
 Fax: 831-641-0502

Consultants

Project

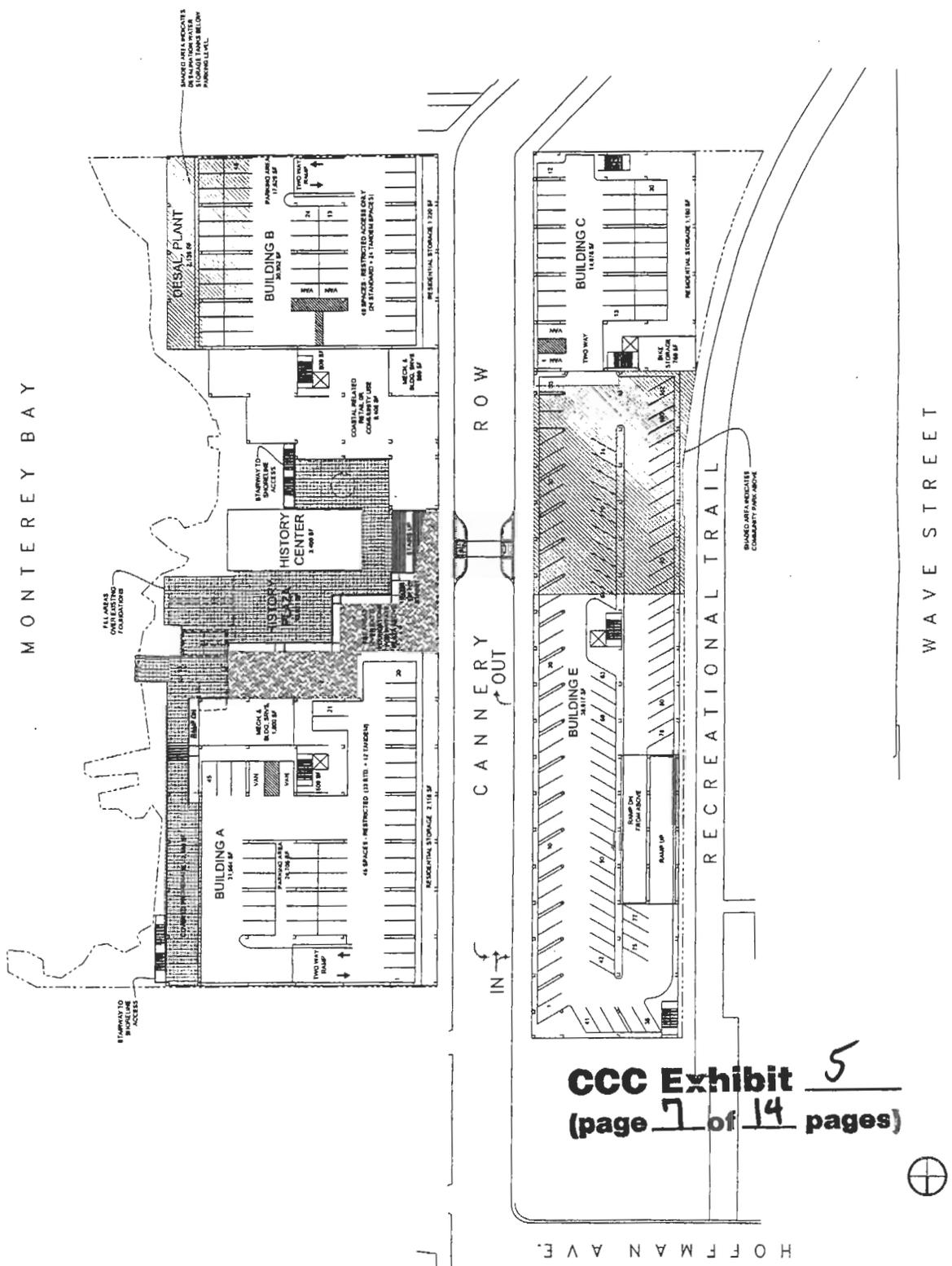
Ocean View
 Plaza

Project Location
 Cannery Row
 Monterey, CA 93940

Project No. DM1101
 Issue Date October 9, 2003
 Revisions

Drawing Scale 1"=30'-0"
 Sheet Title
 Bay Level Plan

A201



CCC Exhibit 5
 (page 7 of 14 pages)



01 Bay Level Plan

THIS DOCUMENT AND THE DATA HEREON IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE. IT IS THE PROPERTY OF THE SIENNA COMPANY AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. ALL RIGHTS RESERVED. COPYRIGHT © 2003



THE SIENNA COMPANY
 321 Alvarado Street, Suite 11
 Monterey, CA 93940
 P: 831-441-1800
 F: 831-441-0822

Comments

Project

Ocean View
 Plaza

Project Location
 Cannery Row
 Monterey, CA 93940

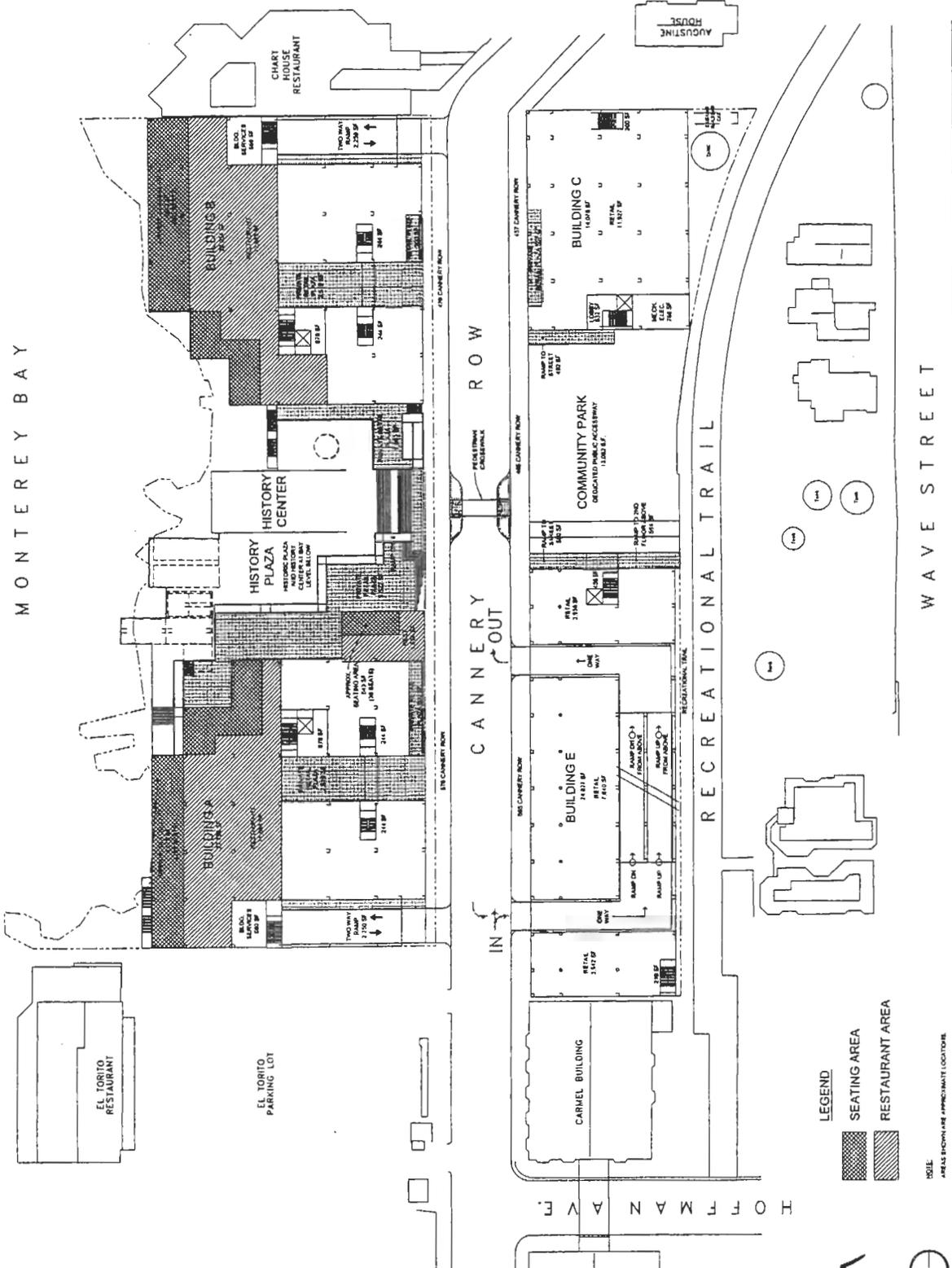
Project No. 0401.001
 Issue Date October 9, 2001
 Revision

Drawing Scale 1"=30'-0"

Sheet Title
 Cannery Row at
 Street Level

A202

MONTEREY BAY



LEGEND
 SEATING AREA
 RESTAURANT AREA

NOTE:
 AREAS FROM THE APPROXIMATE LOCATIONS

CCC Exhibit 5
 (page 8 of 14 pages)



THIS DOCUMENT IS THE PROPERTY OF THE SIENNA COMPANY AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF THE SIENNA COMPANY.



THE SIENNA COMPANY
 321 Avenida Street, Suite 11
 Monterey, CA 93940
 Tel: 831-341-1000
 Fax: 831-341-1002

Consultants

Project

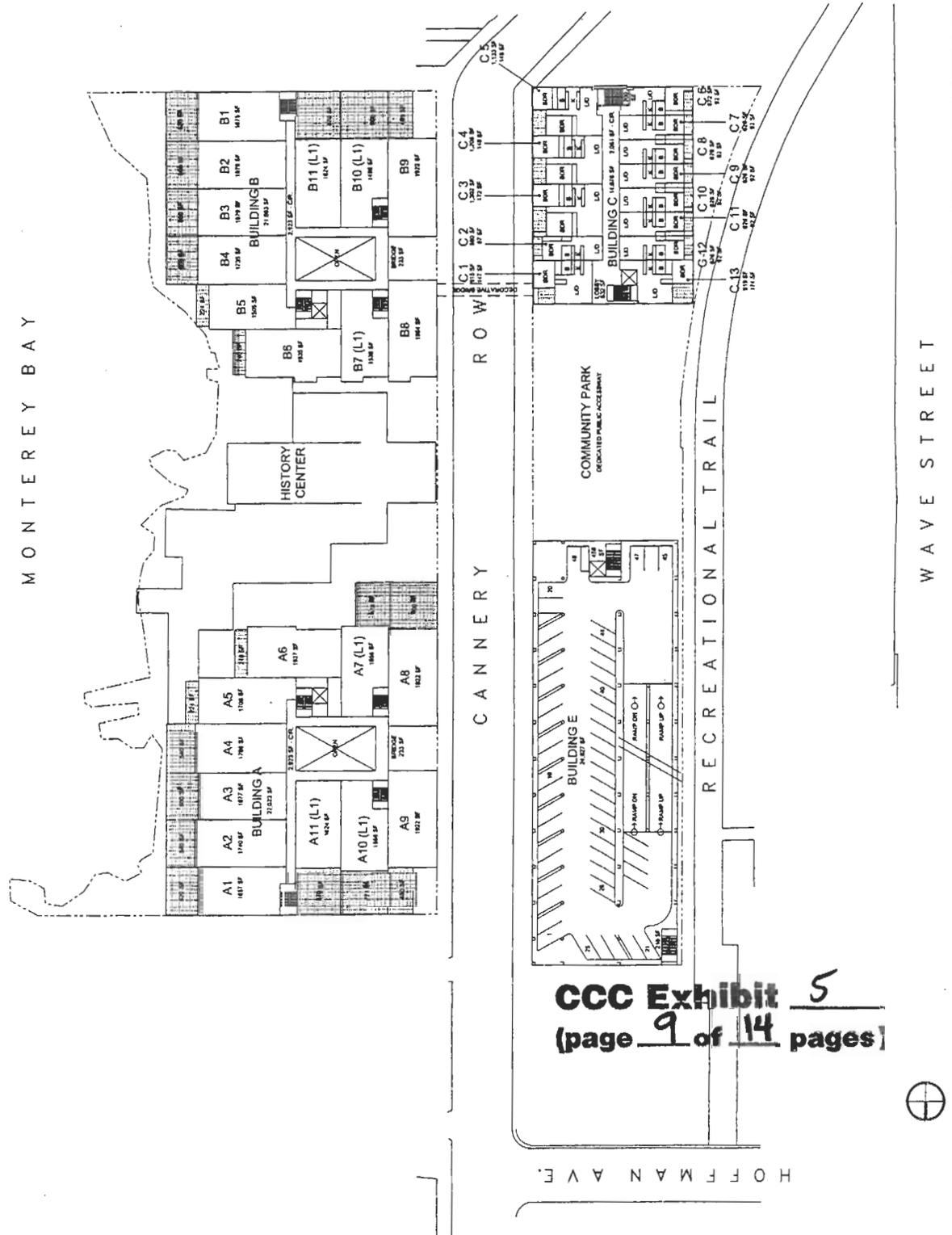
Ocean View
 Plaza

Project Location
 Cannery Row
 Monterey, CA 93940

Project No. IM11.001
 Issue Date October 9, 2003
 Revisions

Drawing Scale 1"=30'-0"
 Sheet Title
 Level 2
 Residential Plan

A203



CCC Exhibit 5
 (page 9 of 14 pages)



THIS DOCUMENT AND THE DATA AND DESIGN INFORMATION CONTAINED HEREIN ARE THE SOLE PROPERTY OF THE SIENNA COMPANY. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE SIENNA COMPANY.



THE SIENNA COMPANY
 321 Alvarado Street, Suite 14
 Monterey, CA 93940
 Tel: 831-641-8090
 Fax: 831-641-1002

Consultants

Project

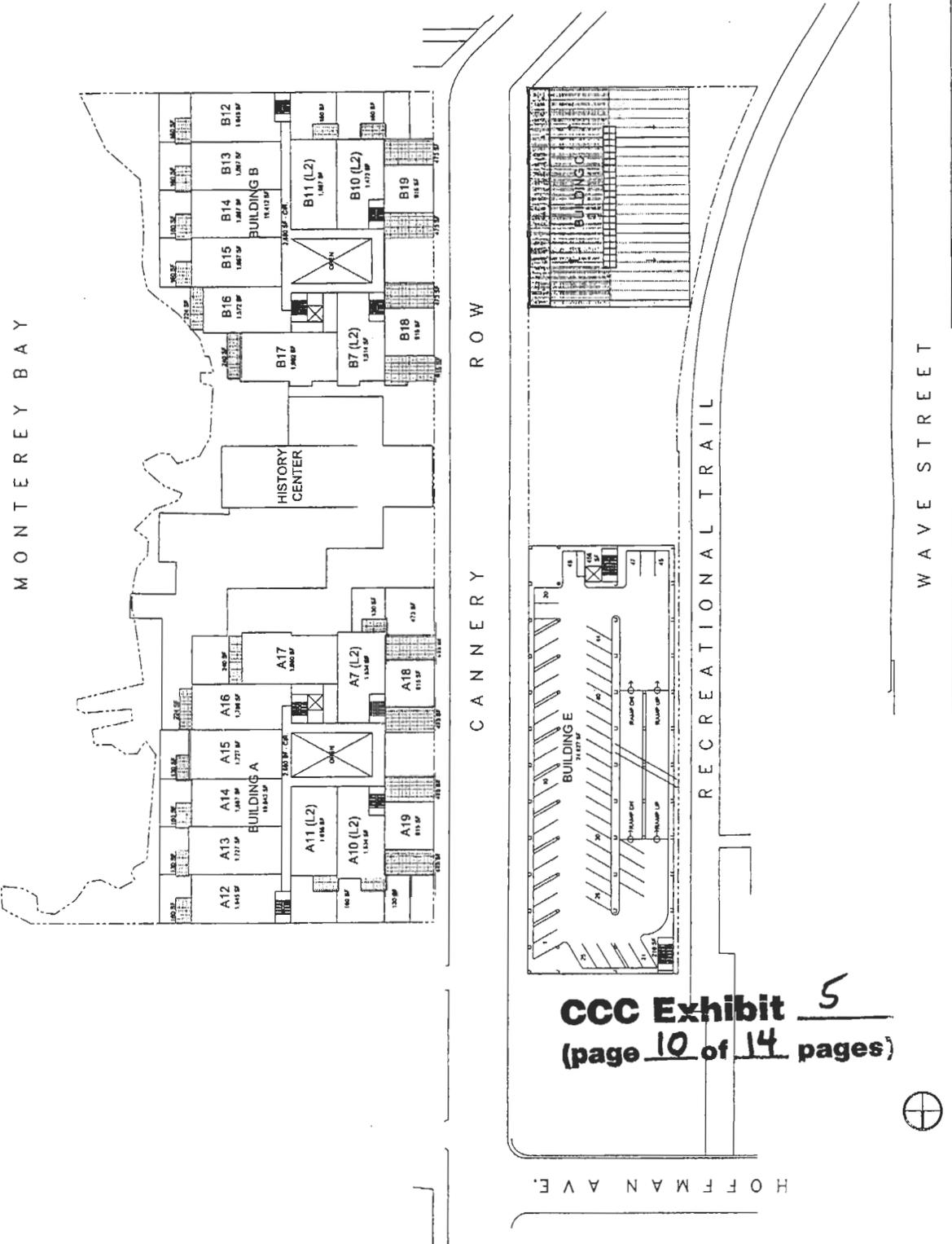
Ocean View
 Plaza

Project Location
 Cannery Row
 Monterey, CA 93940

Project No. 04101001
 Issue Date October 9, 2003
 Revisions

Drawing Scale 1"=10'-0"
 Sheet Title
 Level 3
 Residential Plan

A204



CCC Exhibit 5
 (page 10 of 14 pages)



This document and the data and graphics incorporated herein are the property of the design consultant and are not to be used, copied, or reproduced in any form without the written consent of the design consultant.



THE SIENNA COMPANY
 321 Alvarado Street, Suite H
 Monterey, CA 93940
 Tel: 831-341-1100
 Fax: 831-341-0502

Consultants

Project

Ocean View
 Plaza

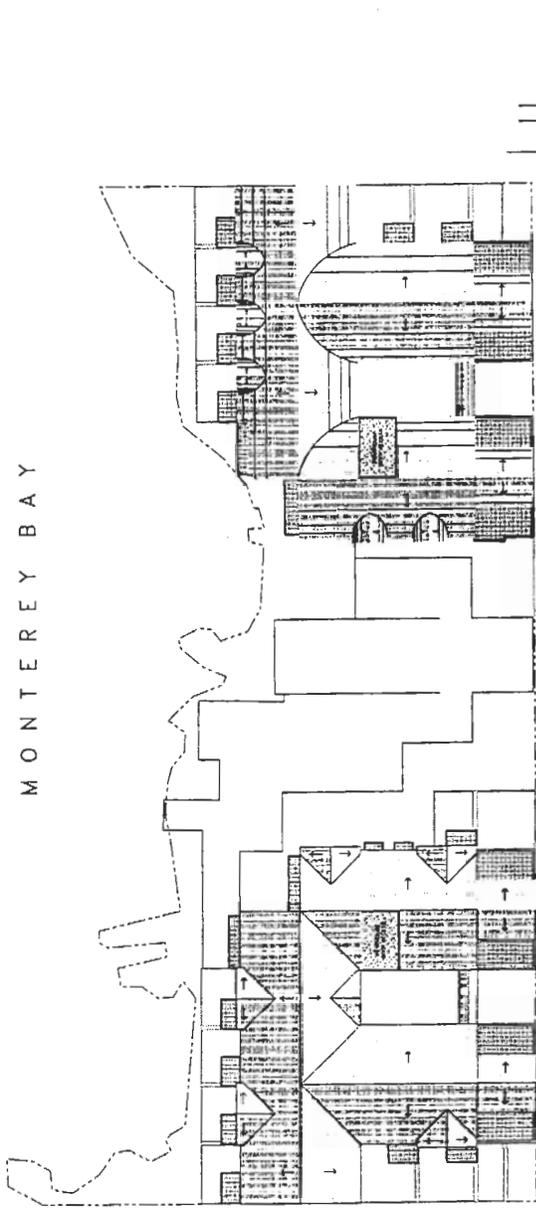
Project Location
 Cannery Row
 Monterey, CA 93940

Project No. 0401.001
 Issue Date October 9, 2003
 Revision

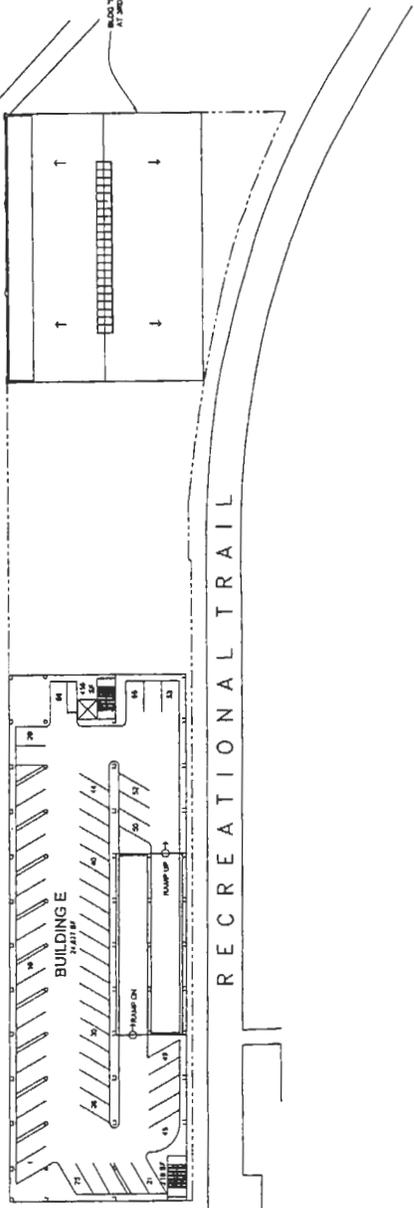
Drawing Scale 1"=10'-0"
 Sheet Title
 Roof Plan

A205

MONTEREY BAY



CANNERY ROW



CCC Exhibit 5
 (page 11 of 14 pages)

HOFFMAN AVE.

RECREATIONAL TRAIL

WAVE STREET



01 Level 4 & Residential Roof Plan

THIS DOCUMENT AND THE DATA AND GRAPHIC INFORMATION HEREIN ARE AN INSTRUMENT OF PROFESSIONAL SERVICE. PROPERTY OF THE SIENNA COMPANY. NOT FOR ANY OTHER USE. ALL RIGHTS RESERVED. COPYRIGHT 2004



THE SIENNA COMPANY
3217 Avenida Steak, Suite H
Marina del Rey, CA 90260
Tel: (310) 541-1000
Fax: (310) 541-1002

CCC Exhibit 5
(page 12 of 14 pages)

Comments

Project

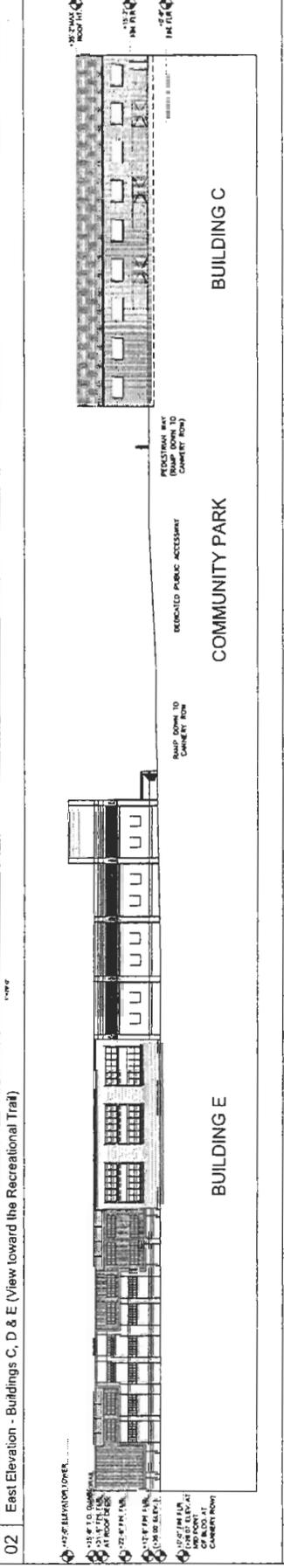
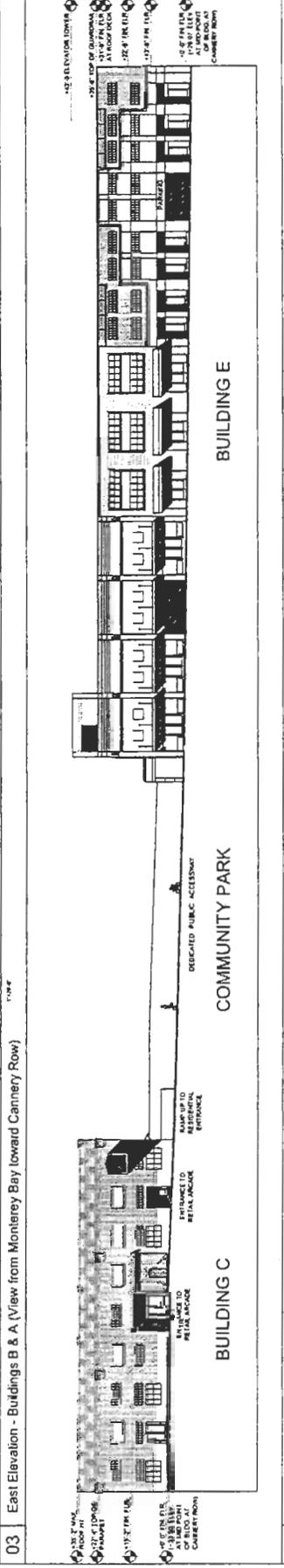
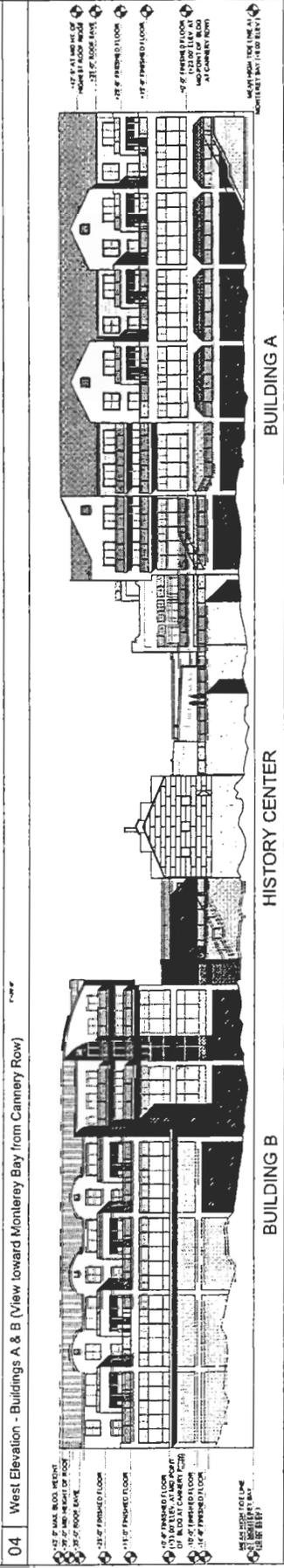
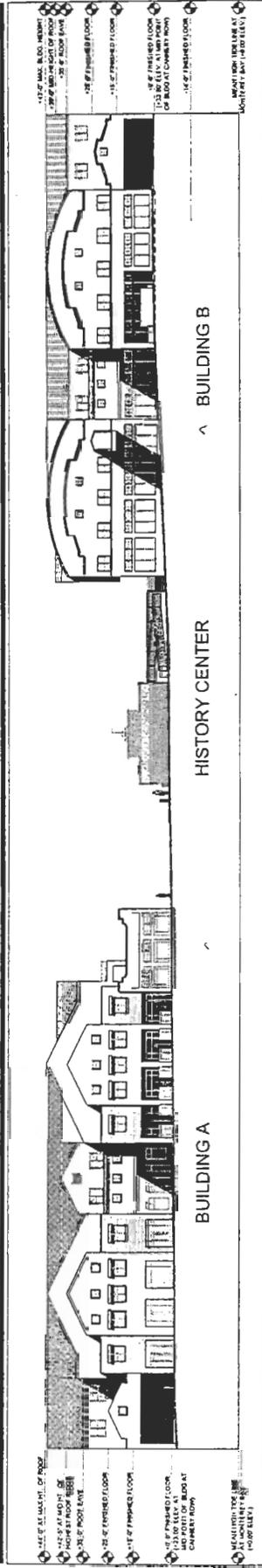
Ocean View
Plaza

Project Location
Cannery Row
Monterey, CA 93940

Project No. 0401
Issue Date October 9, 2003
Revisions

Drawing Scale 1"=20' 0"
Sheet Title
Building Elevations

A301



04 West Elevation - Buildings A & B (View toward Monterey Bay from Cannery Row)

03 East Elevation - Buildings B & A (View from Monterey Bay toward Cannery Row)

02 East Elevation - Buildings C, D & E (View toward the Recreational Trail)

01 West Elevation - Buildings E, D & C (View from Recreational Trail to Cannery Row)

THIS DOCUMENT AND THE DATA AND DESIGN INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF THE SIENNA COMPANY. NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE SIENNA COMPANY.



THE SIENNA COMPANY
311 Alvarado Street, Suite H
Monterey, CA 93940
Phone: 831.441.0500

Continued

Project

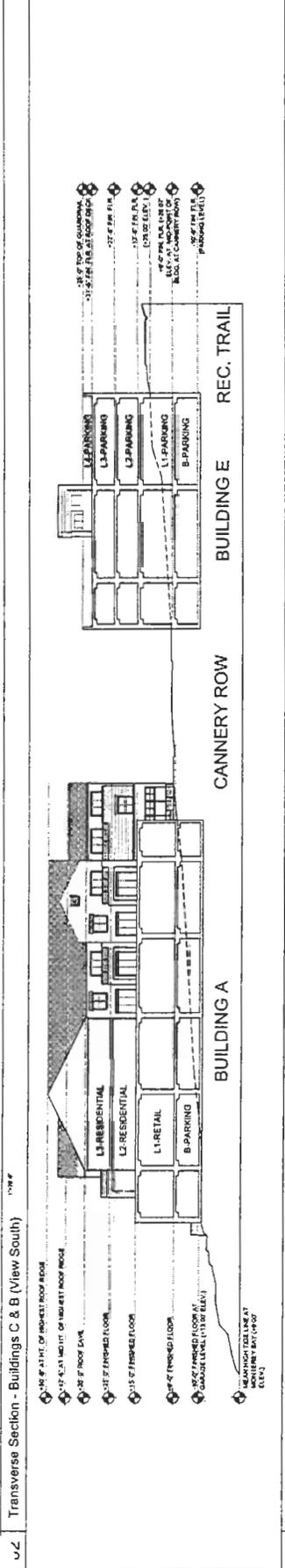
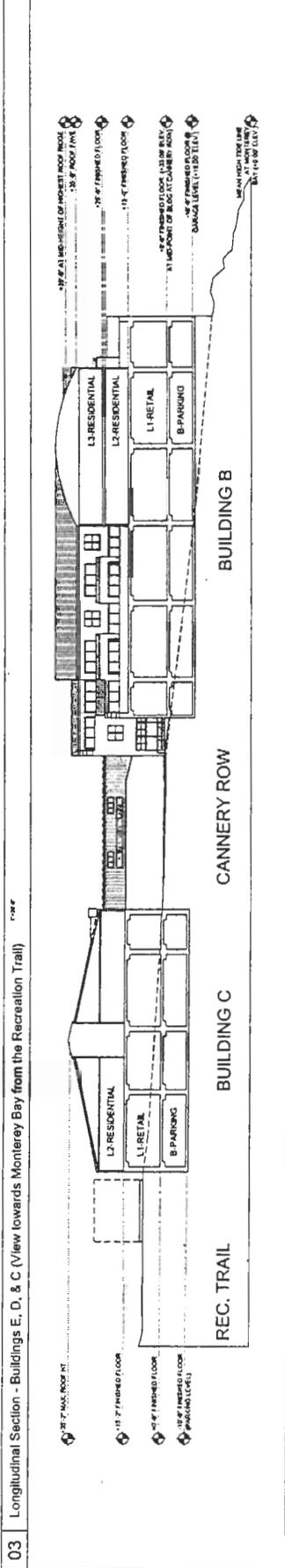
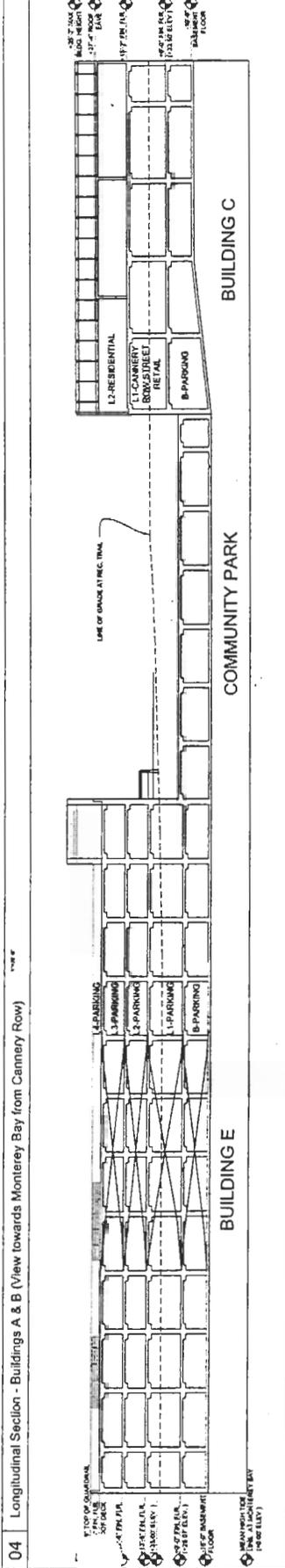
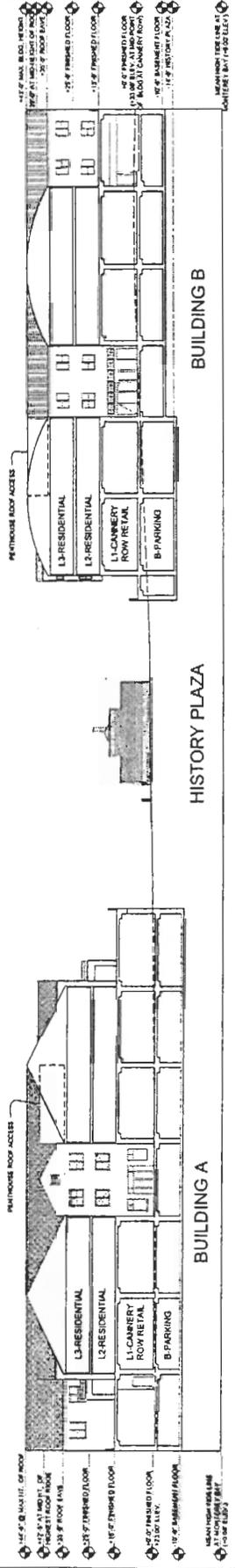
Ocean View
Plaza

Project Location
Cannery Row
Monterey, CA 93940

Project No. 6201.001
Issue Date October 9, 2003
Revisions

Drawing Scale 1"=20'-0"
Sheet Title Building Sections

A303



THIS DOCUMENT AND THE DATA AND DESIGN INFORMATION CONTAINED HEREIN ARE THE PROPERTY OF PROFESSIONAL SERVICE COMPANY. PROPERTY OF THE DRAWING COMPANY. NOT FOR CONSTRUCTION. ALL RIGHTS RESERVED. COPYRIGHT 2003

TABLE 8
SUMMARY OF SITE UTILIZATION FOR THE
PROPOSED PROJECT AND ALTERNATIVES

Use	Proposed Project	Alt.1	Alt.2	Alt.3	Alt.4	Alt.5	Alt.6	Alt.7
		No Development	Reasonably Foreseeable Development	Previously Approved by City Council	Reduced Density and Redesign A	Reduced Density and Redesign B	Reduced Density and Redesign C	Historic Resource Preservation
Retail/ Restaurant (sf)	101,366	-	148,554	92,623	87,362	85,000	78,800	82,116
Residential (sf)	109,395	-	127,208	100,065	102,517	40,100	36,500	56,495
Total Floor Area (sf)	210,758	-	275,762	192,688	189,879	125,100	115,300	138,611
Market Rate Units	26		36	24	38	25	22	21
Inclusionary Units	4	-	0	6	13	5	4	4
Total Dwelling Units	30	-	36	30	51	30	26	25
Parking Spaces	377	74 existing	193	381	377	384	178	299

CCC Exhibit 6
(page 1 of 1 pages)



PLANNING PERMIT

August 24, 2004

Phil Taylor
Cannery Row Marketplace LLC
535 Cowper Street, 2nd Floor
Palo Alto, CA 94301

Subject Property: 470, 565, 570 Cannery Row (Ocean View Plaza)
Permit Number and Type: Use Permit 00-019 and Vesting Tentative Map

In the matter of the above-described application, the City Council of the City of Monterey, on June 1, 2004, approved the granting of the above noted permit subject to the Conditions of Approval set forth on the back of this Permit.

Qualifications

1. Signatures - The permit shall not become effective until signed and dated by both the applicant and the property owner and returned to the Community Development Department.
2. Nullification - The permit shall become null and void if not exercised or extended within twenty-four (24) months of the date of granting hereof. It is the applicant's responsibility to track the 24-month expiration date and to request any extensions prior to that date. No renewal notice will be sent.
3. Revocation - The permit shall be subject to revocation for failure to comply with all Conditions of Approval stated on the back of this form.

Please return the enclosed original permit, signed and dated by the applicant and the property owner (if other than you) to the City of Monterey Planning Department within ten (10) days. (Retain the white copy for your records.) The permit will not be valid until we have received a signed copy and will be subject to revocation if not received.

If you have any questions, please feel free to contact us.

Cannery Row Marketplace LLC

Phil Taylor
Applicant's Signature

8/31/2004
Date

Cannery Row Marketplace LLC

Phil Taylor
Property Owner's Signature

8/31/2004
Date

Enclosures

cc: Building Department (Copy of Permit and Site Plans)
Code Enforcement (Copy of Permit)

CCC Exhibit 7
(page 1 of 11 pages)

470, 565, 570 CANNERY ROW
OCEAN VIEW PLAZA

CITY COUNCIL

CONDITIONS OF APPROVAL

1. PERMITS: Use Permit 00-019 and Vesting Tentative Map are approved subject to these conditions.
2. APPROVED PLANS: Use Permit and Vesting Tentative Map are granted for a Mixed Use Project consisting of: 87,362 square feet of retail and restaurant use; 30,000 square feet of restaurant use including 10,500 square feet of seating area and 700 restaurant seats; 8,408 square feet of Coastal/Community use; 38 market condominiums; 13 inclusionary housing units and 377 parking spaces; building height over 35 feet; construction of an on-site desalination plant; rehabilitation of the San Xavier Fish Reduction Plant at its existing location on 484 Cannery Row; reconstruction of the San Xavier Warehouse with the exception of the Cannery Row elevation at 435 Cannery Row, replication of a utility bridge between San Xavier Warehouse and Building B and development of a Community Park between San Xavier Warehouse and Building E located and developed substantially as shown on the May 24, 2004 site plan, floor plans and elevations. The Community Park must be developed prior to any occupancy.
3. PUBLIC ACCESS: The applicant shall prepare a detailed public access plan for the project for review and approval by the Planning Commission. The plan shall specify areas of dedicated public access, any quasi-public access and private access areas along with hours of operation, the design and other restrictions on the use of the dedicated public access and quasi-public access areas.

Dedicated public access easements shall be provided: 1) from the Recreation Trail to Cannery Row Street through the Community Park; 2) from Cannery Row Street to the waterfront between Buildings A and B including the entire Historic Plaza; and 3) the Coastal Promontory and lateral access along the shoreline between Chart House Restaurant and El Torito Restaurant. All dedications shall be reviewed and approved by the Public Works Department prior to approval of Final Map.

4. RECREATION TRAIL: Prior to occupancy, the applicant shall:
 - a. Widen the Recreation Trail from the property line to the existing paved trail 50 feet in length and installation of trailscape improvements adjacent to the two (2) public access ways to Cannery Row Street.
 - b. Prepare a Landscaping Plan and install landscaping on the Recreation Trail adjacent to Project buildings and access walkways to soften their appearance as viewed from the Recreation Trail. The Landscaping Plan shall be reviewed and approved by the Architectural Review Committee and the Parks Superintendent.
 - c. That the Recreation Trail be kept open during construction of the project and closed only during widening of the Recreation Trail.

CCC Exhibit 17
(page 2 **of** 11 **pages)**

- d. There shall be no access from businesses directly to the Recreation Trail.
- e. Lighting of rooftop parking on Building E shall be directed downward and include cutoff shields as necessary to limit spillover of lighting and glare to the Recreation Trail and beyond the project boundaries. A Lighting Plan for the rooftop parking shall be prepared by the applicant and reviewed and approved by the Architectural Review Committee.

5. PARKING:

- a. The proposed shared parking is approved subject to:
 - 1.) Submission of a written agreement between the landowner(s) and the City, in a form satisfactory to the City Attorney for review and approval by Planning Commission. This agreement shall be in the form capable and subject to being recorded to constitute a covenant running with the land and shall include:
 - a.) A guarantee that there will be no substantial alteration in the uses that will create a greater demand for parking;
 - b.) A guarantee among the landowner(s) for access to and use of the shared parking facilities;
 - c.) A provision that the City may require parking facilities in addition to those originally approved upon findings by the Planning Commission that adequate parking to serve the use(s) has not been provided; and
 - d.) A provision stating that the City, acting through the Planning Commission may for due cause and upon notice and hearing, unilaterally modify, amend or terminate the agreement at any time.
- b. The parking areas shall provide physical separation between residential parking, employee parking and other retail parking areas as reviewed and approved by the Public Works Department.

6. TRAFFIC: Prior to occupancy, the applicant shall:

- a. Make a fair share contribution as determined by the Public Works Department to the City of Pacific Grove towards the installation of a traffic signal at Central Avenue (Lighthouse) and Eardley.
- b. Make a fair share contribution as determined by the Public Works Department towards the installation of a traffic signal at the intersection of Foam and Drake.
- c. The applicant shall update the Employee Transportation Management Program (TMP) and implement the TMP trip reduction measures.
- d. Contribute fair share funding as determined by the Public Works Department towards the installation of a changeable message sign on Highway 1.

CCC Exhibit 7
(page 3 **of** 11 **pages)**

- e. Contribute additional funding as determined by the Public Works Department for the expansion and operation of the WAVE shuttle service.
- f. Contribute fair share funding as determined by the Public Works Department for the addition of a third eastbound through lane by converting the right turn lane to a shared through/right turn lane on Del Monte Avenue at El Estero.
- g. Contribute fair share funding as determined by the Public Works Department for the addition of an eastbound right turn lane on Del Monte Avenue at Camino Aguajito.
- h. Contribute fair share funding as determined by the Public Works Department for the addition of a third eastbound through lane on Del Monte Avenue at Sloat.
- i. Contribute fair share funding as determined by the Public Works Department for the addition of a second southbound left turn lane and convert the shared through/left turn lane to a through lane and, in order to maintain the proper lane alignment, the northbound approach should be widened and restriped with the same lane configuration as the southbound approach at the intersection of Camino Aguajito/Fremont.
- j. Contribute fair share funding as determined by the Public Works Department for the addition of a southbound right turn (or striping, if feasible) at Olmstead Road/Highway 68.
- k. Contribute fair share funding as determined by the Public Works Department for the addition of a second westbound through lane at Highway 218/Highway 68.
- l. Prepare a Curb Management Plan to reduce the incidence of project service trucks double parking on Cannery Row for Public Works Department review and approval.
- m. As determined by the Public Works Department, fund the addition of a left turn lane on the northbound approach (Foam Street) to the Foam/Reeside intersection.
- n. (See Condition #39.)

7. HISTORY:

- a. Prior to Architectural Review Committee Preliminary review, the applicant shall prepare and submit a revised Historic Resources Treatment Plan (based on comments from Chattel and Associates, FEIR Page 69-71) for review and approval by the Historic Preservation Commission. The Plan shall address the 11 identified historic resources and shall implement FEIR mitigation measures F.1.b, F.2, F.3.b, F.4a, F.5 and F.6.b.
- b. Prior to Architectural Review Committee Preliminary review, the applicant shall submit a Historic Documentation Program to Historic Preservation Commission for review and approval.

CCC Exhibit 7
(page 4 of 11 pages)

- c. The upper floor windows and openings on the San Xavier Warehouse reconstruction shall be specifically reviewed for appropriateness in the Historic Resources Treatment Plan.
- d. The treatment of the History Plaza around the San Xavier Reduction Plant shall use appropriate materials and include preserved or relocated elements from the existing foundations, so that the San Xavier Reduction Plant has a setting representative of the historic setting.
- e. The treatment of the four Fish Holding Tanks (Mitigation F.2.) shall provide a level of historic protection and information potential equivalent to that proposed in Mitigation F.2. but need not be the specific mitigation proposed by the EIR. If preservation is not feasible, the reasons shall be submitted to the Community Development Department staff for review and approval and the tanks shall be documented consistent with the Secretary of the Interior's Standards.
- f. The treatment for the Cylindrical Steel Tank next to the San Xavier Reduction Plant, Large Steel Tank adjoining San Xavier Warehouse and Partially Buried Railroad Tank Car shall be the Secretary of the Interior's Standards for Preservation. If preservation is not feasible, the Secretary of the Interior's Standards for Reconstruction shall be used. This condition fulfills Mitigation F.4.a, F.5, and is consistent with the applicant's proposal for the partially buried rail car.
- g. Mitigation measures for the underwater pipeline and archaeology (F.7 and G.1. a-d) as proposed.
- h. Permanent exhibits in the History Plaza shall be subject to Historic Preservation Commission review and approval.
- i. The San Xavier Warehouse foundation shall be reconstructed using Secretary of Interior Standards for Reconstruction. The foundation shall replicate the existing board formed concrete foundation and the section of foundation including the imbedded granite rock shall be retained.
- j. The San Xavier Warehouse reconstruction shall follow the Secretary of the Interior's Standards for Reconstruction. The south, north and west elevations shall be reconstructed as submitted by the applicant. The Cannery Row Street elevation shall conform to the HABS drawings with the exception of Cannery Row first floor windows and doors and that alternative openings for residential balconies may be used. The upper floor windows on the Cannery Row and Recreation Trail elevations shall be specifically reviewed by Historic Preservation Commission for appropriateness in the Historic Resources Treatment Plan. The first floor windows and doors on the Cannery Row Street elevations are conceptually approved subject to final design review and approval by Architectural Review Committee for conformance to LUP design standards. The Historic Resources Treatment Plan shall include details of the salvaged materials from the San Xavier Warehouse deconstruction to be used in the reconstruction.
- k. The Tevis Murray wall shall be preserved and restored in its original location except for the area needed to provide automobile access to Building B. If reconstruction of the non-salvaged portion of wall is not feasible, at least a 15-

foot long section of the wall should be salvaged and reinstalled and the non-salvaged sections of the existing wall should be recorded to HABS standards.

- i. The applicant shall provide a bridge across Cannery Row between the San Xavier Warehouse and Building B. The bridge may be for pedestrian use or it may be a utility bridge only, subject to review and approval of the Historic Preservation Commission and Architectural Review Committee.
- m. Construction Drawings shall include provisions for protection of the San Xavier Reduction Plant and other historic resources during construction. The applicant shall provide a Historic Monitor when required by staff.
- n. A qualified historic professional shall identify, inventory and salvage historic artifacts from the site and identify a treatment program for the artifacts in the Historic Resources Treatment Plan.
- o. Any change to the History Center use and Coastal Related Retail or Community use (Figure 6A Bay Level Plan) will require Planning Commission approval.
- p. Prior to any building occupancy of the project, the exterior of the San Xavier Fish Reduction Plant shall be rehabilitated to the Secretary of Interior Standards for Rehabilitation.

8. ARCHAEOLOGY:

- a. A professionally qualified archaeological monitor experienced in prehistoric and historic archaeology shall be present during all foundation removal, demolition and soil disturbance activities on the project site except at the paved parking lot on the inland side. If human remains or prehistoric or historic cultural features are discovered during these activities, work shall be halted within 50 meters (150 feet) of the find until it can be evaluated by the monitoring archaeologist and appropriate measures formulated and implemented as described in Mitigation G.1.b of the Draft Environmental Impact Report.
- b. If intact prehistoric and historic archaeological materials are discovered at the site, secondary archaeological testing shall be conducted to determine the nature, extent and significance of the cultural deposit under the provisions of Section 21083.2(j) of the Public Resources Code and CEQA Guidelines Section 15064.5.
- c. Following the test excavation, if required, a Preliminary Archaeological Report and Archaeological Mitigation Plan shall be prepared.
- d. Following preparation of the Preliminary Archaeological Report, if required, a Final Technical Report shall be completed within one year of completion of the archaeological fieldwork. This report shall be submitted to the City of Monterey and to the Regional Information Center at Sonoma State University.

9. DESIGN:

- a. Architectural Review Committee review shall consider improvements and structures that are proposed within the view corridor area such as, but not limited

CCC Exhibit 7
(page 6 **of** 11 **pages)**

to, umbrellas, kiosks, signs, tables and benches and the design features of the building walls located adjacent to the corridor and the design and treatment of paving and landscape features in the view corridor.

- b. Detailed review by the Architectural Review Committee at Concept and Preliminary review of landscaping on and adjacent to the Recreation Trail and building details and finishes facing the Recreation Trail shall be required.
- c. Detailed review of the buildings by the Architectural Review Committee at Concept and Preliminary review shall be required to determine full compliance with architectural requirements. The Applicant's Concept presentation to the Architectural Review Committee shall include photographs and drawings to document and show typical window patterns, materials, offsets, roof parapets, trim, paving, lights and signs that were evident and commonly used in Cannery Row during the 1920's and 30's period. The Architectural Review Committee shall use these photographs and drawings in their review of the building details to ensure that the finished detailing on the building conforms to the architectural character required in the LUP.
- d. The appearance of continuous uniform predominantly glass storefront does not conform to LUP Guidelines. Prior to Preliminary Architectural Review Committee approval, the applicant shall submit a plan that specifically includes changes or tenant improvement programs that will introduce variety in the storefronts and reduce the uniform appearance.

10. WATER SUPPLY:

- a. The applicant shall obtain permits for the desalination facility from the following agencies, if required:

Monterey Peninsula Water Management District, Monterey County
Environmental Health Department, Regional Water Quality Control Board
(Central Coast), California Coastal Commission, U.S. Army Corps of Engineers,
National Oceanographic and Atmospheric Administration, Monterey Bay National
Marine Sanctuary.

- b. If the applicant fails to obtain permit approval for the desalination facility, he will be placed on the City water waiting list. The applicant shall proceed at his own risk that water may not be available at the time he submits building plans to the Building Department. No Building Department approvals will be given if water is not available to this project.
- c. The location of the desalination facility intake riser and discharge port shall be marked by buoys, as required and indicated on nautical charts.

11. WATER QUALITY and MARINE ECOLOGY: A Storm Water Pollution Prevention Plan and a Construction Water Quality Plan shall be prepared by a registered civil engineer and submitted to the Public Works Department for review and approval.

12. WAVE HAZARD:

CCC Exhibit 7
(page 7 **of** 11 **pages)**

- a. The project shall incorporate engineering design and construction materials and methods to withstand wave impacts from a 100 year storm event at the lower (parking) level of Buildings A and B subject to flooding and impact damage by storm waves or a combination of storm waves and tsunami.
- b. The applicant shall implement Draft EIR Mitigation Measure A.4. which would provide appropriate warning signs and access provisions at the lower level promenade, the coastal access stairs or the rocky shoreline at the project site for persons at risk during a storm or tsunami.
- c. The project shall subscribe to a tsunami warning system such as the Emergency Managers Weather Information Network (EMWIN) or comparable system that is available to non governmental entities and develop an emergency response plan for warning users of the lower accessway and shoreline as well as residents and other users of the site in the event of a tsunami. The plan should be designed so as not to conflict in any way with (but rather to complement at the project level) the City' Disaster Plan.

13. HAZARDOUS MATERIALS:

- a. Prior to site preparation activities, the applicant shall conduct additional soil sampling and testing as follows: 1) additional evaluation of lead in soil adjacent to former and existing structures, including solubility analyses to determine whether the concentrations of lead previously detected exceed soluble hazardous waste limits; 2) evaluation of oil-impacted soils for the presence of polychlorinated biphenyls (PCBs) and polynuclear aromatic hydrocarbons (PAHs).
- b. Prior to site preparation activities, the applicant shall prepare and obtain regulatory approval of a Risk Management Plan (RMP) for the project site which provides a protocol for the appropriate treatment of contaminants and contaminant sources encountered during grading and excavation for the project.
- c. Prior to site excavation and grading for the project, the applicant shall implement the cleanup plans prepared for the Stohans building and the tanks to the extent that they do not conflict with the historic resource mitigation alternatives selected for these structures. In the event that any cleanup plan conflicts with a selected historic resource mitigation, such cleanup plan is to be amended and implemented in a manner, which removes this conflict.
- d. During site grading and excavation for the project, the applicant shall implement the provisions of the approved Risk Management Plan to ensure that all contaminants and contaminant sources are addressed in a manner that removes the health hazards from the site, in accordance with applicable regulations.
- e. The applicant shall be required to obtain and implement the provisions of a Hazardous Materials Storage Permit for the proper use, handling and storage of chemicals on the project site.

14. CURB GUTTER AND SIDEWALK: The applicant is to construct new City standard curb, gutter and sidewalks along the entire frontage of all parcels. Sidewalks shall conform to Cannery Row Streetscape study requirements. All privately owned utility vaults are to be positioned within the applicant's property.

CCC Exhibit 7
(page 8 of 11 pages)

15. **STREET IMPROVEMENTS:** Prior to occupancy, the requirements and standards of the Public Works Department shall be complied with for the design and construction of street improvements on Cannery Row.
16. **STREET PAVEMENT:** Prior to occupancy, the ocean side of Cannery Row Street shall be patched after utilities are installed with non uniform concrete paving to match the existing pavement. All repaving shall conform to Cannery Row Streetscape Study requirements.
17. **TRASH/RECYCLING:** Prior to construction, the applicant shall prepare a Trash/Recycling Management Plan and submit it to Public Works Department for review and approval. The Plan shall address the proper sizing and location for trash/recycling areas and containers for all buildings. The Plan shall specify routes and vehicles to be used for transfer of trash between buildings, curb cuts in front of enclosures and management practices for maintaining trash and recycling areas. Trash/recycling enclosures shall include a hose bib and a drain to the sanitary sewer.
18. **TYPE OF CONSTRUCTION:** The type of construction will need to be specified as part of construction documents.
19. **ENCROACHMENT PERMIT:** The applicant shall obtain an encroachment permit from Public Works Department for the proposed bridge.
20. **BRIDGE CLEARANCE:** The bridge across Cannery Row Street shall maintain a 14 foot 3 inch clearance.
21. **HANDICAPPED PARKING:** The applicant shall provide the required number of handicapped parking spaces in the parking structure, Building E and approved underground parking as reviewed and approved by the Building Division.
22. **FIRE SPRINKLERS:** All buildings shall require fire sprinklers, including the parking structure, Building E.
23. **DRAINAGE PLAN:** A drainage plan for the site shall be provided for review and approval by the Public Works Department.
24. **CODE REQUIREMENTS:** The applicant shall comply with the requirements of the Fire and Building Departments.
25. **SIGNAGE:** Prior to occupancy, the applicant shall prepare and submit an exterior sign program to the Architectural Review Committee for review and approval.
26. **TIDELANDS:** No new structures or improvements of any kind shall be constructed upon City of Monterey land, right of way, tidelands except with express approval and review by the City of Monterey. The applicant shall submit such written documents and agreements to the Housing and Property Manager for review and approval.
27. **AFFORDABLE HOUSING AGREEMENT:** Prior to issuance of a Building Permit, the applicant shall execute and record an agreement with the City to provide 13 affordable housing units in the project.

28. UNDERGROUND UTILITIES: All public utilities including service laterals shall be placed underground along the frontages of all buildings.
29. CONSTRUCTION TRAFFIC: Prior to construction, the applicant shall prepare and submit a plan for traffic control during project construction for review and approval by the Public Works, Fire and Police Departments. Two lane, two way traffic shall be maintained as much as practicable on Cannery Row Street. Any lane closures shall be approved by the City Traffic Engineer. The plan shall also address construction worker parking demand in the area during construction.
30. AIR QUALITY: The applicant shall prepare and implement a dust abatement program subject to review and approval by the Public Works Department. The applicant shall locate kitchen exhaust vents in accordance with accepted engineering practice and shall install filtration systems or other accepted methods of odor reduction subject to review and approval by the Building Department.
31. NOISE: In addition to adhering to all applicable Building and Fire Code requirements, the applicant shall provide mechanical ventilation for the residential uses to allow residents to close doors and windows as desired to achieve additional acoustic isolation. The applicant shall prepare and implement a Noise Mitigation Plan subject to the review and approval of the Building Department to mitigate construction noise impacts.
32. BLASTING: Blasting is prohibited for any reason on this site.
33. POLICE: Prior to occupancy, the applicant shall submit a security program for review and approval by the Police Department. The applicant shall also design parking area driveways to minimize vehicular/pedestrian conflicts as reviewed and approved by the Police Department.
34. VESTING TENTATIVE MAP: The Vesting Tentative Map is approved substantially as shown on the February 2000 map, subject to:
 - a. All appropriate conditions of Use Permit 00-019 shall be fulfilled prior to filing the final map.
 - b. Prepare for review and approval by the City Attorney, CC&Rs for the project prior to filing the final map.
 - c. Prepare for review and approval by the City, an easement agreement for the public access areas, which, at a minimum, will address 1) maintenance, 2) hours of use, and 3) use restrictions.
 - d. Prior to filing the final map, the subdivider must prove to the City's satisfaction that clear title to the project site is held by the fee owner.
35. EXPIRATION: This permit shall become null and void if not exercised or extended within two (2) years of the date of granting by the City Council. It is the applicant's responsibility to track the two-year expiration date and request permit approval extensions prior to the permit expiration date. No renewal notice will be sent to the applicant.

CCC Exhibit 7
(page 10 of 11 pages)

36. REVOCATION AND TRANSFERABILITY: This permit will be revoked if the applicant does not meet the deadlines specified in these conditions including the deadlines and conditions for the Vesting Tentative Map. If ownership of this property is transferred, the new owner(s) must comply with these conditions and their timetable for implementation.
37. OCEAN OUTFALL: The applicant shall apply for an Encroachment Permit for the ocean outfall pipes to support the on-site sea water desalination plant.
38. STRUCTURAL SUPPORTS: The applicant shall address to the satisfaction of the City Engineer that the condominium owners will have adequate property rights for the support of their structures. This includes land rights as well as rights to the supporting structure and utilities with the ability to operate all the necessary supporting structures and utilities separately from the owners of the development or their successors.
39. The applicant agrees to front the amount of \$2,000,000 for traffic improvements to the Lighthouse Corridor subject to a legally acceptable agreement that is reviewed by the City Attorney and approved by the City Council. The legal agreement shall specify when the \$2,000,000 will be deposited to the City. Any unused funds from the \$2,000,000 may be applied to other required traffic improvements (Conditions 6a-m).

City Council
June 1, 2004

CCC Exhibit 7
(page 11 of 11 pages)

OCEAN VIEW PLAZA

CITY COUNCIL

STATEMENT OF OVERRIDING CONSIDERATIONS

THE CITY COUNCIL OF THE CITY OF MONTEREY adopts and makes this statement of overriding considerations concerning the Project's unavoidable significant impacts to explain why the Project's benefits override and outweigh its unavoidable impacts.

WHEREAS the San Xavier Warehouse is being reconstructed consistent with the HABS drawings of the original San Xavier Warehouse except for the Cannery Row street elevation at 435 Cannery Row. The proposed use of the first floor is Commercial Retail, which was not the historic use. The Project provides for Commercial Retail, which requires display windows and multiple access for multiple retailers. This is consistent with other retail buildings on Cannery Row.

WHEREAS it is not feasible to fully preserve the San Xavier Warehouse foundation because it does not meet structural and seismic standards for the proposed replication of the San Xavier Warehouse, the adaptive reuse of commercial retail and the provision of thirteen affordable housing units. Portions will also be removed because underground parking will be constructed beneath it.

WHEREAS it is not feasible to preserve the Pacific Fish Company Foundation as it cannot be preserved, stabilized and maintained in its current ruinous state. The foundation does not meet structural and seismic standards for the Project's proposed uses and as a result must be removed.

WHEREAS it is not feasible to fully preserve the Tevis Murray Wall, as the Project must provide automobile access to Building B.

WHEREAS it is not feasible to preserve the four Fish Holding Tanks because Building B will be constructed in this location. However, the tanks will be documented consistent with the Secretary of the Interior's Standards.

WHEREAS the Cylindrical Steel Tank next to the San Xavier Reduction Plant, the Large Steel Tank adjoining San Xavier Warehouse and Partially Buried Railroad Tank Car may not be fully preserved due to their deteriorated condition. However, these resources will be treated subject to the Secretary of the Interior Standards for Preservation. If preservation is not feasible, Secretary of the Interior Standards for Reconstruction shall be used.

WHEREAS the cumulative historic impacts (identified in the EIR as impact F.8) cannot be fully mitigated because the mitigations set forth in the EIR (F.1.b, F.3.b and F.6.b) do not allow full mitigation of the identified historic impacts. However these impacts are mitigated to the maximum extent feasible with the project as proposed.

WHEREAS the Cannery Row/Prescott Avenue Intersection will operate at LOS D during the Saturday peak hour and the addition of Project traffic would cause the intersection operations to incrementally degrade. Although, LOS F is acceptable for this Intersection since it

serves significant tourist destination traffic in Cannery Row, traffic speeds are low and few accidents are experienced.

Seven project alternatives were analyzed in the Supplemental EIR. One of the alternative projects, Alternative 4: Reduced Density and Redesign "A" is approved as it reduces impacts while providing significant social and economic benefits. Any of the above stated significant impacts are overridden by the unprecedented substantial benefits this Project brings to the City of Monterey, as set forth below.

Social Benefits

The Project's impacts are outweighed by the social benefits the City will receive in the form of historic preservation and rehabilitation on the Project site of the San Xavier Reduction Plant and reconstruction of the San Xavier Warehouse on the site. The San Xavier foundation will be replicated using Secretary of Interior Standards for Reconstruction. That is, the foundation will replicate the existing board formed concrete foundation and retain a section, including the imbedded granite rock. These resources significantly contribute to the Cannery Row Conservation District and satisfies a primary interest of the City in preservation of the one potentially historic building on the site and reconstruction of the San Xavier Warehouse, that otherwise might not be reconstructed.

Further, a significant portion of the Tevis Murray wall (at least fifteen feet) will be preserved by the Project. The Stohans Building will be made available and used as the Cannery Row Museum and will be run by private funds, which will contribute to the preservation and enhancement of Cannery Row's history as well as the history of the Project site and the resources which were impossible to salvage. The nonsalvaged foundation, fish tanks and portion of the wall will be recorded to HABS standards. Interpretive markers explaining the former use will be installed. Historic Resources and their historical context will be preserved by the Project yet Bay views and access to the Bay will be preserved for public use and enjoyment through the creation of a public park in the former location of proposed Building D and through the public plaza surrounding the Stohans Building.

With its preservation of the San Xavier Reduction Plant, preservation of a significant portion of the Tevis Murray Wall, reconstruction of the San Xavier Warehouse and construction of a new Cannery Row Bridge across Cannery Row Street, the project has contributed to the preservation and enhancement of Cannery Row's history. The resources identified in these impacts have primary value for information potential and the information potential for these resources is preserved by the proposed mitigation measures. The balance of all and partial mitigations preserves the historic context of the Conservation District, provides a continuity of resources for interpretation from Monterey Bay to the Recreation Trail, and provides a strong connection to the Wave Street portion of the District. Further, this treatment is consistent with the response from the State Historic Preservation Office, which indicates that a combination of partial retention, recordation and interpretation of resources such as foundations is an appropriate treatment for such resources.

Economic Benefits

The Project will provide traffic and parking benefits to the City of Monterey. No traffic signal nor traffic control officer will be required to mitigate the impact caused by the Project at the Cannery Row/Prescott Avenue Intersection. This intersection serves Cannery Row, a tourist destination that is typified by narrow local streets, tourist commercial traffic volumes and

a low level of service in contrast to collectors and arterials that convey traffic to and through an area. The project complies with the Zoning Ordinance parking requirements. Economic benefits are unprecedented in that the Project has offered to front the amount of \$2,000,000 for traffic improvements to the Lighthouse Corridor, traffic improvements in the City of Pacific Grove, other traffic improvements in the City of Monterey and expansion and operation of the WAVE shuttle service.

The City of Monterey receives further economic benefits by the Project providing both market rate and thirteen units of affordable housing, which will address Monterey's fair share contribution to regional housing needs and provide market and affordable housing to Monterey citizens,

The City will also obtain economic benefits in the form of property tax and sales tax that have been foregone by the non-use of the site for many years.

Conclusion

ACCORDINGLY, based on the economical and social benefits set forth above, a statement of overriding consideration is appropriate pursuant to CEQA Guidelines Section 15093. Each benefit constitutes an overriding consideration warranting approval of the Project, independent of other benefits, despite each and every unavoidable impact.

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

KATE McKENNA, AICP
Executive Officer

CERTIFICATE OF COMPLETION

Pursuant to Government Code Section 57200, this Certificate of Completion is issued by the Executive Officer of the Local Agency Formation Commission of Monterey County, California.

1. The short term designation, as determined by LAFCO, is "Ocean View Community Services District."
2. The name of each district or city involved in this change of organization or reorganization and the kind or type of change of organization ordered for each city or district are as follows:

<u>City or District</u>	<u>Type of Change of Organization</u>
Ocean View Community Services District	Formation

3. The above listed district is located entirely within the City of Monterey in Monterey County.
4. A description of the boundaries of the above cited change of organization or reorganization is shown on the attached map and legal description, marked Exhibit A and B by this reference incorporated herein.
5. The territory is **uninhabited**.
6. This change of organization/reorganization has been approved subject to the following terms and conditions, if any: **See attached Resolution 05-27.**
7. The resolution ordering this change of organization/reorganization without election was adopted by Resolution No. **05-27 on December 27, 2005** by the Local Agency Formation Commission of Monterey County.

I hereby certify that I have examined the resolution cited above including any terms and conditions, and the map and legal description and have found these documents in compliance with LAFCO Resolution No. 05-27, adopted on December 27, 2005.

CCC Exhibit 9
(page 1 of 9 pages)

Date: December 27, 2005 Signature: Kate McKenna
Kate McKenna, AICP, Executive Officer

THE LOCAL AGENCY FORMATION COMMISSION
OF MONTEREY COUNTY

RESOLUTION NO. 05-27

**RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF
MONTEREY COUNTY MAKING DETERMINATIONS AND APPROVING THE
PROPOSED OCEAN VIEW COMMUNITY SERVICES DISTRICT FORMATION**

RESOLVED, by the Local Agency Formation Commission of the County of Monterey,
State of California, that

WHEREAS, a Resolution of Application of the City Council of the City of Monterey requesting the Local Formation Commission of Monterey County to take proceedings for the formation of the Ocean View Community Services District, was heretofore filed and accepted for filing by the Executive Officer of this Local Agency Formation Commission, on December 1, 2005, pursuant to Title 6, Division 1, commencing with Section 56000, et seq. of the Government Code; and

WHEREAS, the affected territory is uninhabited, and the property owners have consented to the proposed formation and a waiver of protest proceedings; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56828, set December 27, 2005 as the hearing date for this proposal and gave the required notice of hearing per Government Code Section 56157; and

WHEREAS, the public hearing by this Commission was held upon the date and at the time and place specified in said notice of hearing and in any order or orders continuing such hearing; and

WHEREAS, the Executive Officer, pursuant to Government Code Section 56833, has reviewed this proposal and prepared a report, including recommendations thereon, and has furnished a copy of this report to each person entitled to a copy; and

WHEREAS, this Commission, on December 27, 2005, heard from interested parties, considered the proposal and the report of the Executive Officer and considered the factors determined by the Commission to be relevant to this proposal, including, but not limited to, factors specified in Government Code Section 56841; and

WHEREAS, the City of Monterey certified a Final Environmental Impact Report and approved the Ocean View Plaza project in June 2004 with conditions, and an on-site desalination plant to provide water service was considered in the project scope; and

WHEREAS, the City of Monterey filed a Notice of Exemption with the State Office of Planning and Research and the Monterey County Clerk on, or around July 28, 2005, for purposes of forming a Community Services District to own and operate a desalination plant and related water distribution infrastructure, which states that the City's action to initiate proceedings for the formation of a Community Services District will not result in any change to the physical environment that was not previously evaluated in the Ocean View Plaza environmental documents; and

CCC Exhibit 9
(page 2 **of** 9 **pages)**

WHEREAS, pursuant to the California Environmental Quality Act, the Commission, acting as a responsible agency under the law, and based on its independent judgment of the environmental information, agrees and finds that the environmental impacts of the Desalination Plant were fully evaluated in the *Ocean View Plaza Environmental Impact Report* (Clearinghouse #2000041035) (this includes the April 2001 Draft, August 2001 Final, December 2001 Supplement, March 1, 2002 Final Recirculated EIR, March 2004 Alternatives Analysis Supplement, and May 2004 Response to Comments), and certified by the City Council in June 2004; and

WHEREAS, the Commission, acting as a responsible agency under the law, and based on its independent judgment of the environmental information, agrees and finds that the formation of the Community Services District will not create a need for facilities or activities outside of the scope of the Ocean View Plaza Environmental Impact Report, or otherwise result, either directly or indirectly, in any potentially significant adverse environmental impacts, and that the formation of the Community Services District does not have the potential to result in any physical change in the environment, either directly or indirectly, beyond those potential impacts that have already been analyzed and mitigated as necessary in the Ocean View Plaza Environmental Impact Report, it is considered exempt from further CEQA evaluation (CEQA Guidelines Section 15060(c)(3) and 15061(b)(3)); and

WHEREAS, the developer for the proposed project shall construct the desalination plant in accordance with all applicable federal, state, and local laws and regulations, which the developer shall dedicate to the Community Services District at no cost to the Community Services District pursuant to such terms and conditions set forth in Section 5 below; and

WHEREAS, the operation of the Community Services District shall be financed through the collection of rates from the residents and tenants of the proposed project; and

WHEREAS, the purpose of the formation of the Community Services District is as follows:

1. To create a public agency that will own and operate the desalination plant and to provide residential and commercial water service to the proposed project; and
2. To provide a reliable water source for the future residents and tenants of the proposed project because existing agencies cannot feasibly provide the needed service or services in a more efficient and accountable manner; and

WHEREAS, the subject territory is uninhabited as defined in Government Code Section 56046, and all owners of real property within the proposed boundaries of the proposed Community Services District have consented to the formation of the proposed Community Services District; and

WHEREAS, pursuant to Government Code Section 56301, no existing agency can feasibly provide the needed water service in a more efficient or accountable manner; and

WHEREAS, pursuant to Government Code Section 56001, the proposed Community Services District would provide for the orderly growth and development that the City has recognized is so important to its social, fiscal and economic well-being; and

WHEREAS, the Terms and Conditions contained in the City of Monterey Resolution 05-189 are incorporated herein by reference and included in the LAFCO staff report associated with this Resolution as Terms and Conditions; and

CCC Exhibit 9
(page 3 of 9 pages)

WHEREAS, the Community Services District, rather than Cannery Row Marketplace LLC (the project applicant), will own and operate the desalination plant to provide water service to the Ocean View Plaza project, and

WHEREAS, the regular County assessment roll will be used to carry taxes and assessments that may be levied within the Community Services District; and

WHEREAS, the Commission will adopt a Resolution of Intent to adopt a Sphere of Influence for the proposed Community Services District.

NOW, THEREFORE, the Local Agency Formation Commission of the County of Monterey does HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

Section 1. The affected territory contains no registered voters and the landowners have consented in writing to the proposal.

Section 2. The Commission, acting as a responsible agency under the law, and based on its independent judgment of the environmental information, agrees with the conclusions in the environmental documents prepared for the Ocean View Plaza project (Clearinghouse #2000041035) and the Community Services District Notice of Exemption.

Section 3. The boundaries of the territory proposed to be formed are hereby approved as described in Exhibit "B" of the December 27, 2005 staff report attached hereto and made a part hereof. Said territory is said to be uninhabited, and is assigned the following distinctive short form designation: "Ocean View Community Services District".

Section 4. *Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent incorporated and unincorporated areas, during the next 10 years (Gov. Code § 56668(a).)*

This proposal supports and is consistent with the City's zoning and land use plans. The proposal will allow for a valuable infill development project for the City, ensuring appropriate population density without creating growth-inducing impacts. The project will restore to productive use approximately 4.27 acres of blighted property in the middle of Cannery Row, increasing the value of the surrounding properties and furthering the region's economic development goals.

Section 5. *Need for organized community services; the present cost and adequacy of governmental services and controls in the area; probable future needs for those services and controls; probable effect of the proposed ... formation ... and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas. (Gov. Code § 56668(b).)*

The project as proposed will allow for the provision of water service where no other supply of water is available. The project will allow an adequate and feasible supply of water to the area, which already has available to it all other necessary governmental services. The water supply provided by the Community Services District will remain available for as long as such service will be necessary. Without the project no water will be available and the current, blighted condition of the area will continue indefinitely.

CCC Exhibit 9
(page 4 of 9 pages)

Section 6. *The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county. (Gov. Code § 56668(c).)*

The project will have a beneficial impact on and will support the economic development of the project area and adjacent areas by restoring approximately 4.27 acres of currently blighted territory to productive use. In addition to the mutual social benefits provided by restoring the blighted area and the economic development benefits provided through the increased property and sales tax base, the project will provide 13 new inclusionary housing units, \$2,000,000 in additional road improvement monies and public open space and plaza areas as well as a museum site.

The project will complete the current governmental structure by creating a water supplier able to serve the project area. There are no feasible alternatives that would provide water to the area, so any alternatives to the project would prevent development and maintain the blighted condition of the area.

Section 7. *The conformity of both the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies and priorities set forth in Section 56377. (Gov. Code § 56668(d).)*

The project is essential to allowing for planned, orderly and efficient patterns of urban development, by creating an alternative water supply in light of Cal-Am's present inability to serve the area. By creating a water supplier to the area, the project allows for valuable infill development, restoring a blighted area and preventing urban sprawl, consistent with the policies and priorities set forth in Government Code section 56377.

Section 8. *The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined in Section 56106. (Gov. Code § 56668(e).)*

By creating a source of water which will allow infill development to take place, the project maintains and supports the physical and economic integrity of the region's agricultural lands.

Section 9. *The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment or ownership, the creation of islands or corridors of unincorporated territory, and other similar matters affecting the proposed boundaries. (Gov. Code § 56668(f).)*

The boundaries are definite and certain and consistent with assessment lines and ownership. The project creates no islands or corridors, nor does it create otherwise irregular boundaries.

Section 10. *Consistency with city or county general and specific plans. (Gov. Code § 56668(g).)*

The project is consistent with the City's general plan, zoning ordinance and the local coastal program.

CCC Exhibit 9
(page 5 of 9 pages)

Section 11. *The sphere of influence of any local agency which may be applicable to the proposal being reviewed, consistency with spheres of influence of the affected local agencies. (Gov. Code §§ 56375.5, 56668(h).)*

The project is consistent with all applicable spheres of influence. The Community Services District, once formed, will need its own sphere of influence, which will be coterminous with the Community Services District boundaries.

Section 12. *The comments of any affected local agency. (Gov. Code § 56668(i).)*

The City is the applicant and strongly supports this project.

Section 13. *The ability of the newly formed ... entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change. (Gov. Code § 56668(j).)*

The Community Services District will be able to provide water service through the desalination plant and infrastructure, which is to be constructed by the project developer at the developer's cost and dedicated without charge to the Community Services District. Water service costs will be recovered by the Community Services District through rates charged to water customers and, as necessary or appropriate, through other financing mechanisms available to the Community Services District.

Section 14. *Timely availability of water supplies adequate for projected needs as specified in Section 65352.5. (Gov. Code § 56668(k).)*

The project will create sufficient water for its service area. By so doing, the project will have no adverse impact on existing or planned future demands on the regional water supply.

Section 15. *The extent to which the proposal will affect a city or cities and the county in achieving the Environmental Impact Report respective fair shares of the regional housing needs as determined by the appropriate council of governments consistent with Article 10.6 (commencing with Section 65580) of Chapter 3 of Division 1 of Title 7. (Gov. Code § 56668(l).)*

By allowing the development project to go forward through the provision of water by the Community Services District, this project will improve the City's ability to achieve its fair share of the regional housing supply by allowing for the housing component of this project to be completed, which includes a total of 13 additional inclusionary housing units which otherwise could not be built.

Section 16. *Any information or comments from the landowner or owners. (Gov. Code § 56668(m).)*

The project developer is the sole landowner within the Community Services District boundaries. The project developer supports the project and has provided its written consent, which has been provided to LAFCO.

Section 17. *Any information relating to existing land use designations. (Gov. Code § 56668(n).)*

The project is consistent with local land use designations, as set forth in the City's application for the Community Services District formation.

Section 18. *Whether existing agencies can feasibly provide the needed service or services in a more efficient and accountable manner, or reorganization with other single-purpose agencies that provide related services. (Gov. Code §§ 56301, 56886.5.)*

For the reasons set forth in the letter from the City's Special Counsel, Tom Gibson of Best, Best & Krieger LLP dated December 7, 2005, no existing agency can feasibly provide the needed service for which the Community Services District is being formed, nor can a reorganization with another single-purpose agency feasibly provide this service.

Section 19. *The property tax to be exchanged by the affected local agency pursuant to this section. (Gov. Code § 56810(a)(2).)*

As described in the letter from the City of Monterey Special Counsel, Tom Gibson of Best, Best & Krieger LLP dated December 2, 2005, there is no property tax to be exchanged as a part of this project.

Section 20. The "Ocean View Community Services District" is approved subject to the following terms and conditions:

- a. The following terms and conditions (the "Formation Terms and Conditions") are hereby included in and deemed an integral part of the approval for the formation of the Community Services District. The City of Monterey ("City") has recommended the Formation Terms and Conditions in order to provide appropriate guidelines for the Community Services District's provision of water to the Ocean View Plaza project (the "Project") and to address the City's franchise agreement ("Franchise Agreement") with California-American Water ("CAW") by creating an alternate means of providing water service until such time as CAW is willing and able to provide water service to the Project.

(1) The Community Services District service area shall be restricted to the property area described in the City's resolution of application ("Property"), which is the property area of the Project. There shall be no expansion of the Community Services District service area within the CAW service area for any new development or to otherwise serve any already existing CAW service.

(2) The Community Services District's authorization and authority to provide water service to the Project shall be expressly limited to the period of time commencing with the date on which the Project developer ("Developer") has completed construction of, and dedicated to the Community Services District, the desalination plant and related water system (the "Project Water System") and continuing until such time as CAW provides a "will serve" notice to the Community Services District

and the Developer, plus such additional time as is necessary for CAW, to provide hookups and commence water service to the Project on the same terms as CAW provides service of potable water to the balance of the service area covered by the Franchise Agreement ("CAW Water Service"). The authorization for the Community Services District to provide water to the Project shall not be deemed to remove the Project or the Property from the CAW service area.

(3) The members of the City Council of the City shall be appointed as the board of directors of the Community Services District.

(4) The Community Services District's governing board shall apply to LAFCO for dissolution of the Community Services District at such time as either of the following conditions ("Dissolution Conditions") has occurred:

(a) Within three months following the date of LAFCO's determination of formation of the Community Services District (the "Confirmation Period") LAFCO has received a copy of a written notice from CAW that CAW has not obtained all internal and external approvals required of CAW for the waiver of the CAW Exclusive Service Right for the limited purpose of permitting the Community Services District to provide water to the Project on the terms and conditions outlined in proposed conditions (1), (2) and (3) above; provided however, that the Confirmation Period may be extended by agreement of CAW, City and Developer; or

(b) CAW has commenced CAW Water Service for the entire Project.

(5) The Community Services District shall (a) accept dedication of the Project Water System from the Developer only pursuant to a dedication agreement that, among other things, requires the Community Services District to apply to LAFCO for dissolution of the Community Services District at such time as CAW has commenced CAW Water Service for the entire Project, and (b) cause the desalination plant to be decommissioned and the on-site equipment that is part of the Project Water System to be removed by Developer within ninety (90) days following commencement of CAW Water Service for the Project, unless the Community Services District, Developer and CAW otherwise agree in writing to an alternate disposition of the desalination plant and equipment.

All references in these conditions to CAW shall be deemed to mean and refer to Cal-American Water Company and its successors and assigns under the Franchise Agreement or under any franchise agreement subsequently entered into by the City to replace the Franchise Agreement for the provision of water to the service area currently covered by the Franchise Agreement.

b. The effective date of the formation of the Ocean View Community Services District will occur upon execution of the Certificate of Completion by the LAFCO Executive Officer before December 31, 2005.

c. The Community Services District boundary is conditioned on review and approval of the Monterey County Surveyor prior to adoption of a Sphere of Influence for the District. The affected territory includes 25 parcels consisting of approximately 4.27 acres.

CCC Exhibit 9
(page 8 of 9 pages)

Section 21. The District's Initial Appropriations Limit is set at \$150,000 for the first year which can be adjusted in future years based on population and cost of living increases within the District.

Section 22. The Local Agency Formation Commission is authorizing waiver of its conducting authority as the subject property is uninhabited.

Section 23. The Executive Officer is hereby authorized and directed to mail certified copies of this resolution in the manner and as provided in Section 56853 of the Government Code.

Section 24. The applicant agrees as a condition of the approval of this proposal to defend at its sole expense any action brought against LAFCO, the Commission and its staff, because of the approval of this application. The applicant will reimburse LAFCO for any court costs and attorneys' fees which may be required by a court to pay as a result of such action. The LAFCO may, at its sole discretion, participate in the defense of any such action; but such participation shall not relieve applicant of its obligations under this condition. The obligation on the part of the applicant to indemnify LAFCO is effective upon the adoption of this resolution and does not require any further action.

UPON MOTION OF Commissioner Gourley, seconded by Commissioner Costello, the foregoing resolution is adopted this 27th day of December 2005 by the following vote:

AYES: Commissioners Gourley, Costello, Calcagno, McGowan, and Perkins
NOES: Commissioner DiMaggio
ABSENT: Commissioners Armenta, Caballero, and Smith
ABSTAIN: None

ATTEST: I certify that the within instrument is a true and complete copy of the original resolution of said Commission on file within this office.

Witness my hand this ^{28th} day of Dec., 2005

By: Kate McKenna
Kate McKenna, Executive Officer

CCC Exhibit 9
(page 9 of 9 pages)