

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
PHONE: (831) 427-4863
FAX: (831) 427-4877
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W34a

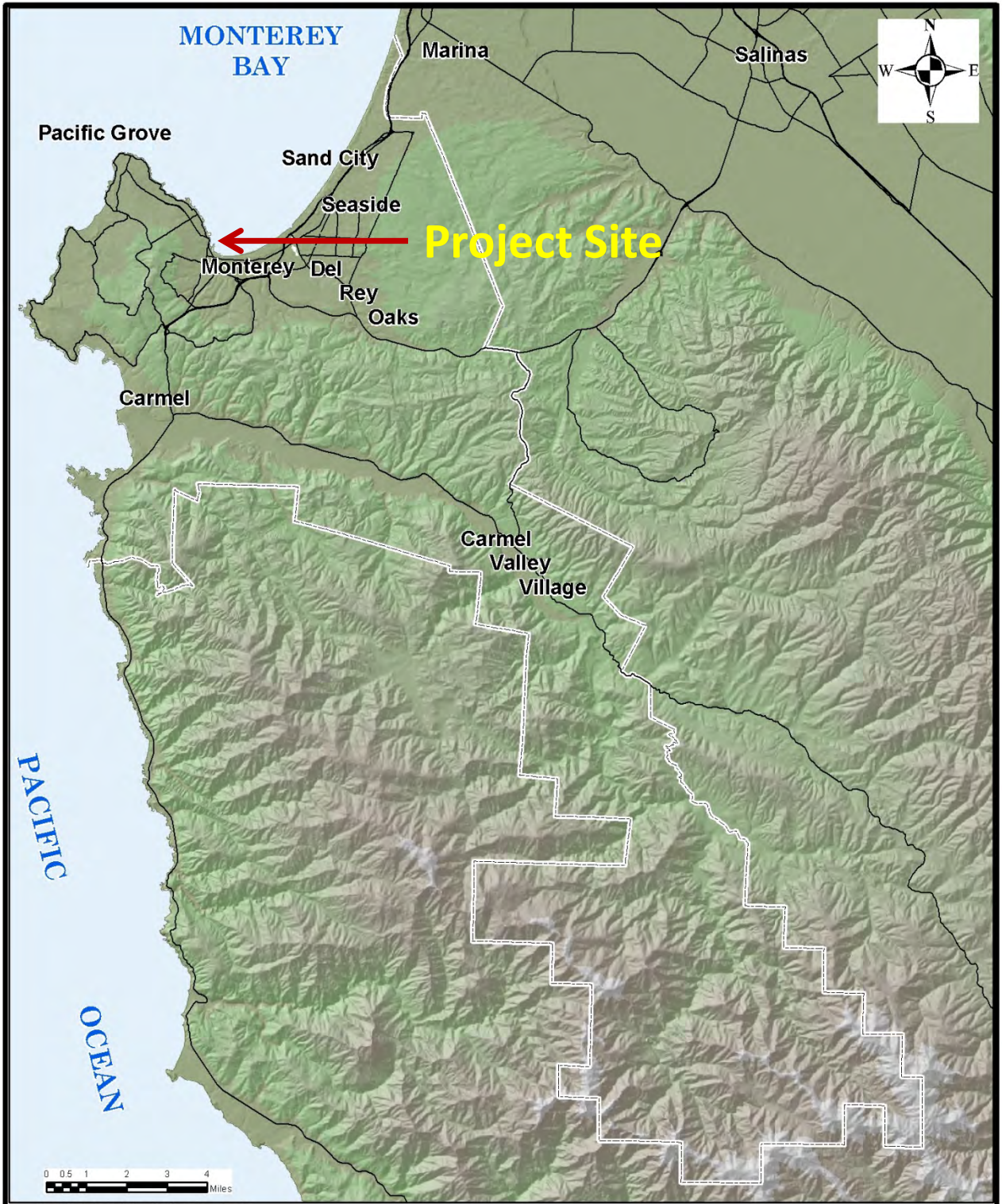
3-08-013-E3 AND E4

(OCEAN VIEW PLAZA EXTENSION REQUESTS

NOVEMBER 13, 2019 HEARING

EXHIBITS

- Exhibit 1 – Location Map
- Exhibit 2 – Site Photos
- Exhibit 3 – Approved Project Plans
- Exhibit 4 – Commission-Adopted Conditions of CDP 3-08-013, as amended (CDP 3-08-013-A1)
- Exhibit 5 – RWQCB Letter dated July 12, 2017
- Exhibit 6 – California Code of Regulations Section 13169 (Extension of Permits)



S://Political_Boundaries/MPWMD_map_1.mxd

Monterey Peninsula Water Management District Boundary

 Roads

 MPWMD Boundary





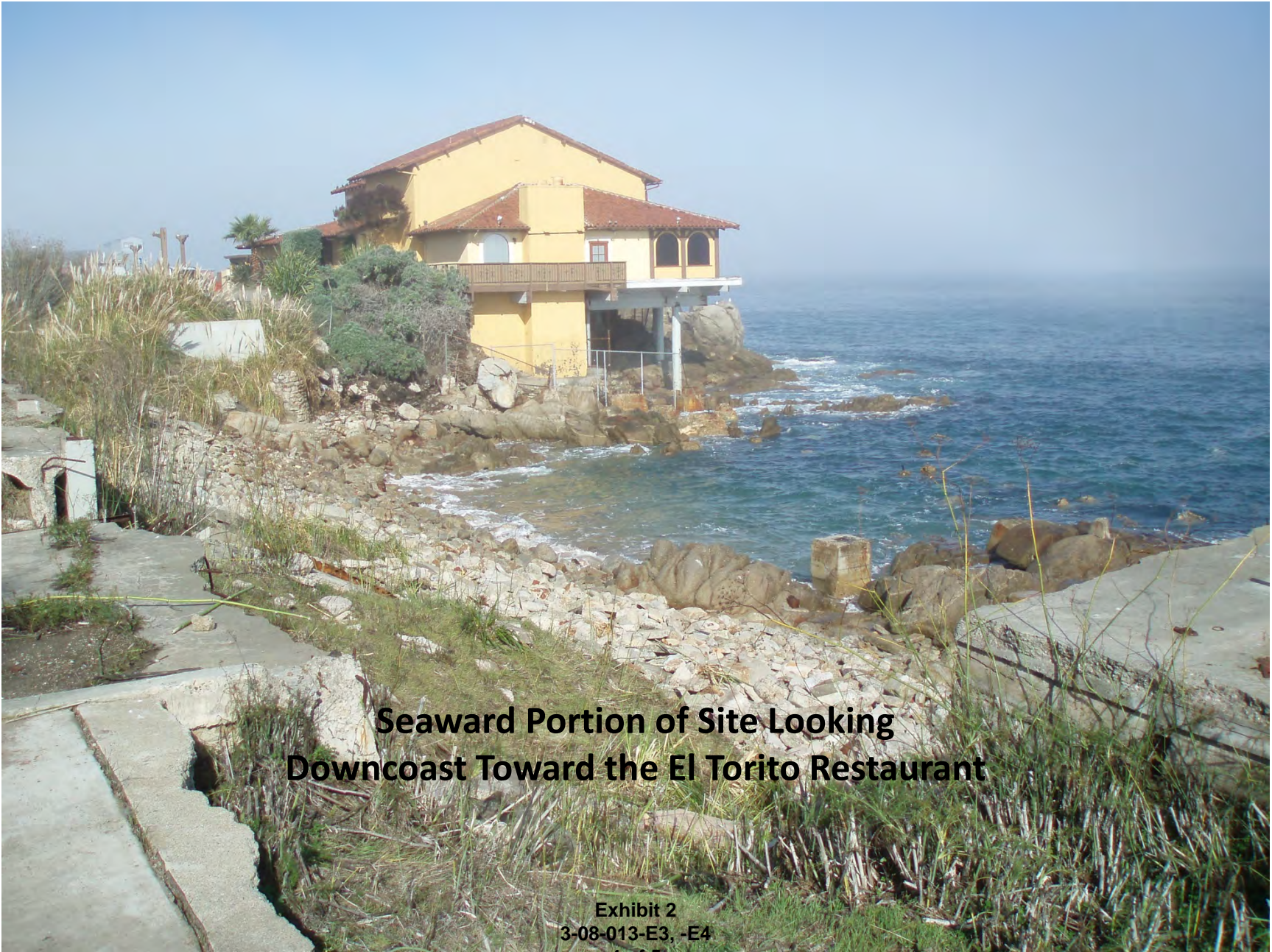


Seaward Portion of the Site, Looking Upcoast Toward the Chart House



Cannery Row

**Seaward Portion of Site, Looking
Toward Cannery Row**



**Seaward Portion of Site Looking
Downcoast Toward the El Torito Restaurant**



**Inland Portion of the Site (Adjacent to
the Recreational Trail)**



THE SIENNA COMPANY
 3110
 Monterey, CA 93940
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 Fax 831-841-0502

Consultants

Project

Ocean View
 Plaza

Project Location
 Cannery Row
 Monterey, CA 93940

Project No. 0403.001
 Issue Date October 4, 2001
 Revision

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

C102

MONTEREY BAY

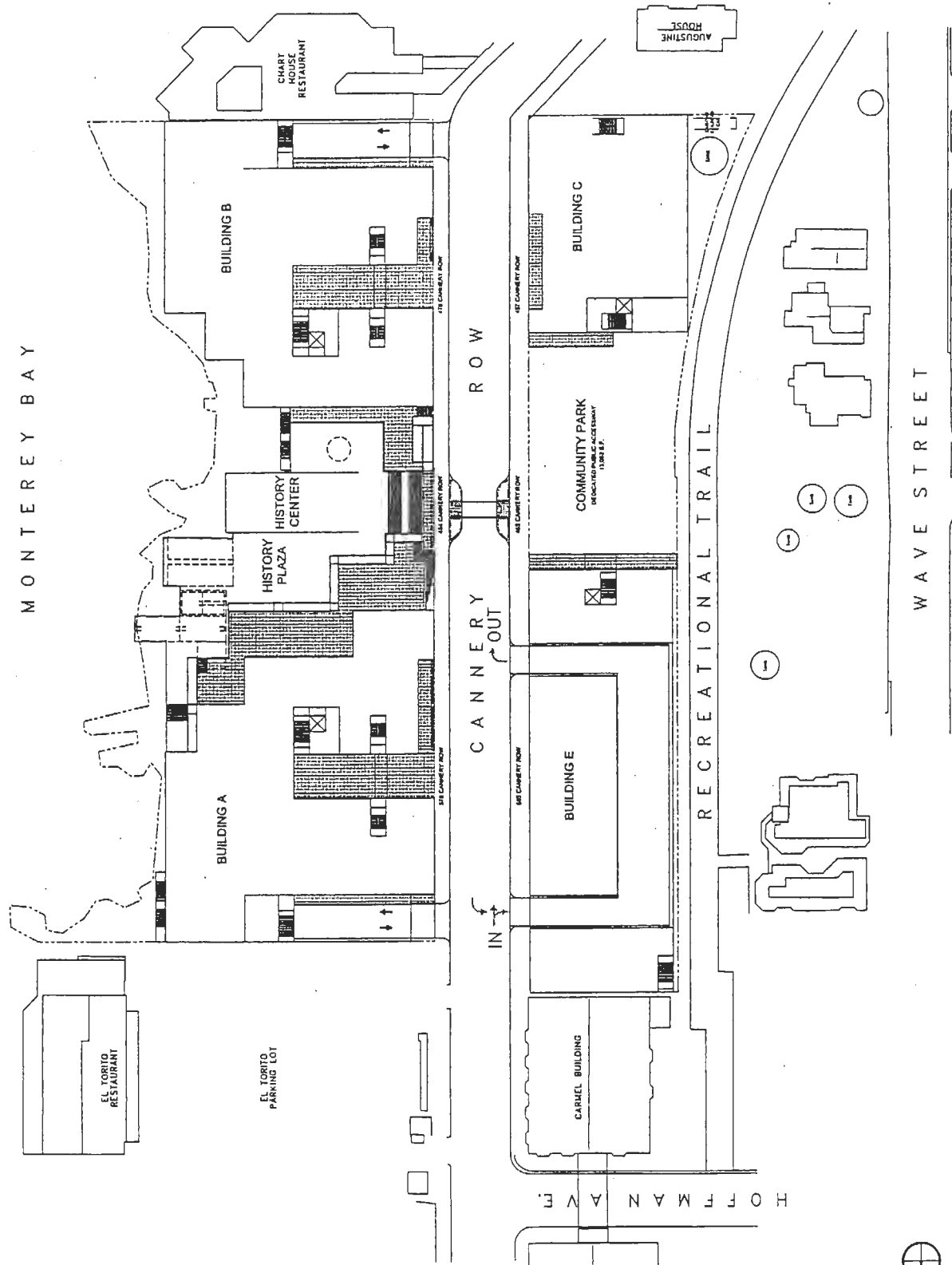


Exhibit 3

3-08-013-E3, -E4

1 of 16

CCC Exhibit 3
 (page 1 of 24 pages)

01 Street Level Site Plan

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THE SIENNA COMPANY
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Consultants

Project
Ocean View Plaza

Project Location
 Cannery Row
 Monterey, CA 93940

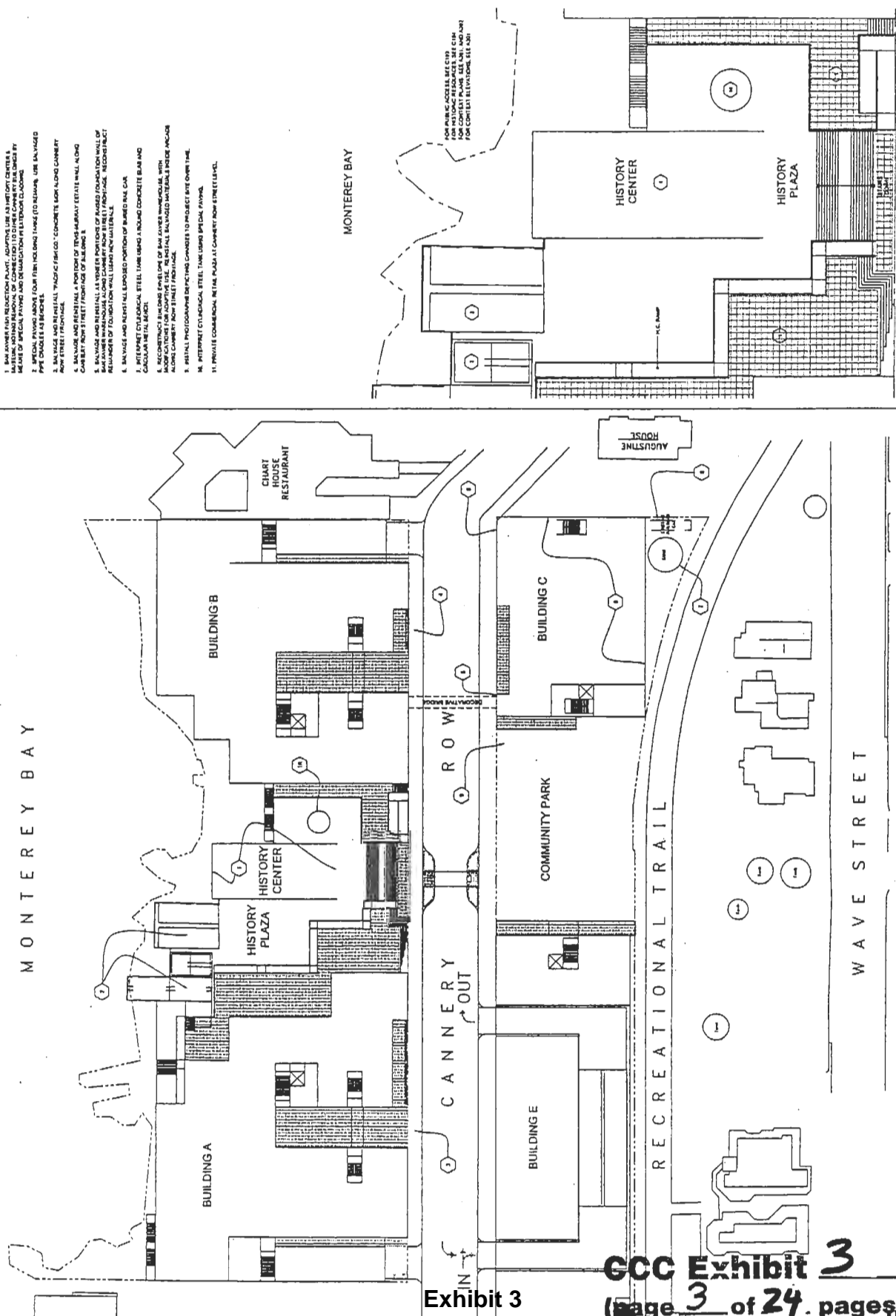
Project No. 0401 001
 Issue Date October 9, 2003
 Revision

Drawing Scale 1"=30'-0"

Sheet Title
Historic Resources Interpretative Site Plan

C104

- REVISIONS:**
1. SAN JAVIERE PLUMBING PLAN: ADJUST USE AS HISTORY CENTER & HISTORY PLAZA. REVISIONS TO BE CONNECTED TO OTHER CONCRETE BUILDINGS BY MEANS OF SPECIAL BRIDGE. CONCRETE BRIDGE TO BE CONSTRUCTED TO MATCH EXISTING BRIDGE.
 2. SPECIAL BRIDGE ABOVE CONCRETE FLOORING TO BE REMOVED. USE SAN JAVIERE PPE CHANGES AS BASIS.
 3. SAN JAVIERE AND INSTALL "MAGNETIC BRIDGE" CONCRETE BRIDGE ALONG CANNERY ROW STREET FRONTAGE.
 4. SAN JAVIERE AND REPAIR A PORTION OF STEVENS AVE ESTATE WALL ALONG CANNERY ROW STREET FRONTAGE OF BUILDING E.
 5. SAN JAVIERE AND REPAIR A PORTION OF STEVENS AVE ESTATE WALL OF BUILDING E. REPAIR TO BE CONSTRUCTED TO MATCH EXISTING BRIDGE. REPAIR TO BE CONSTRUCTED TO MATCH EXISTING BRIDGE.
 6. SAN JAVIERE AND REPAIR A PORTION OF STEVENS AVE ESTATE WALL OF BUILDING E. REPAIR TO BE CONSTRUCTED TO MATCH EXISTING BRIDGE. REPAIR TO BE CONSTRUCTED TO MATCH EXISTING BRIDGE.
 7. SAN JAVIERE AND REPAIR A PORTION OF STEVENS AVE ESTATE WALL OF BUILDING E. REPAIR TO BE CONSTRUCTED TO MATCH EXISTING BRIDGE. REPAIR TO BE CONSTRUCTED TO MATCH EXISTING BRIDGE.
 8. SAN JAVIERE AND REPAIR A PORTION OF STEVENS AVE ESTATE WALL OF BUILDING E. REPAIR TO BE CONSTRUCTED TO MATCH EXISTING BRIDGE. REPAIR TO BE CONSTRUCTED TO MATCH EXISTING BRIDGE.
 9. SAN JAVIERE AND REPAIR A PORTION OF STEVENS AVE ESTATE WALL OF BUILDING E. REPAIR TO BE CONSTRUCTED TO MATCH EXISTING BRIDGE. REPAIR TO BE CONSTRUCTED TO MATCH EXISTING BRIDGE.
 10. SAN JAVIERE AND REPAIR A PORTION OF STEVENS AVE ESTATE WALL OF BUILDING E. REPAIR TO BE CONSTRUCTED TO MATCH EXISTING BRIDGE. REPAIR TO BE CONSTRUCTED TO MATCH EXISTING BRIDGE.
 11. PRIVATE CONCRETE IN THE PLAZA IS CONCRETE ROW STREET LEVEL.



01 Historic Plaza Enlarged Plan

02 Historic Resources Interpretative Site Plan

CCC Exhibit 3
 (page 3 of 24 pages)



THE SIENNA COMPANY
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Continued

Project
Ocean View Plaza

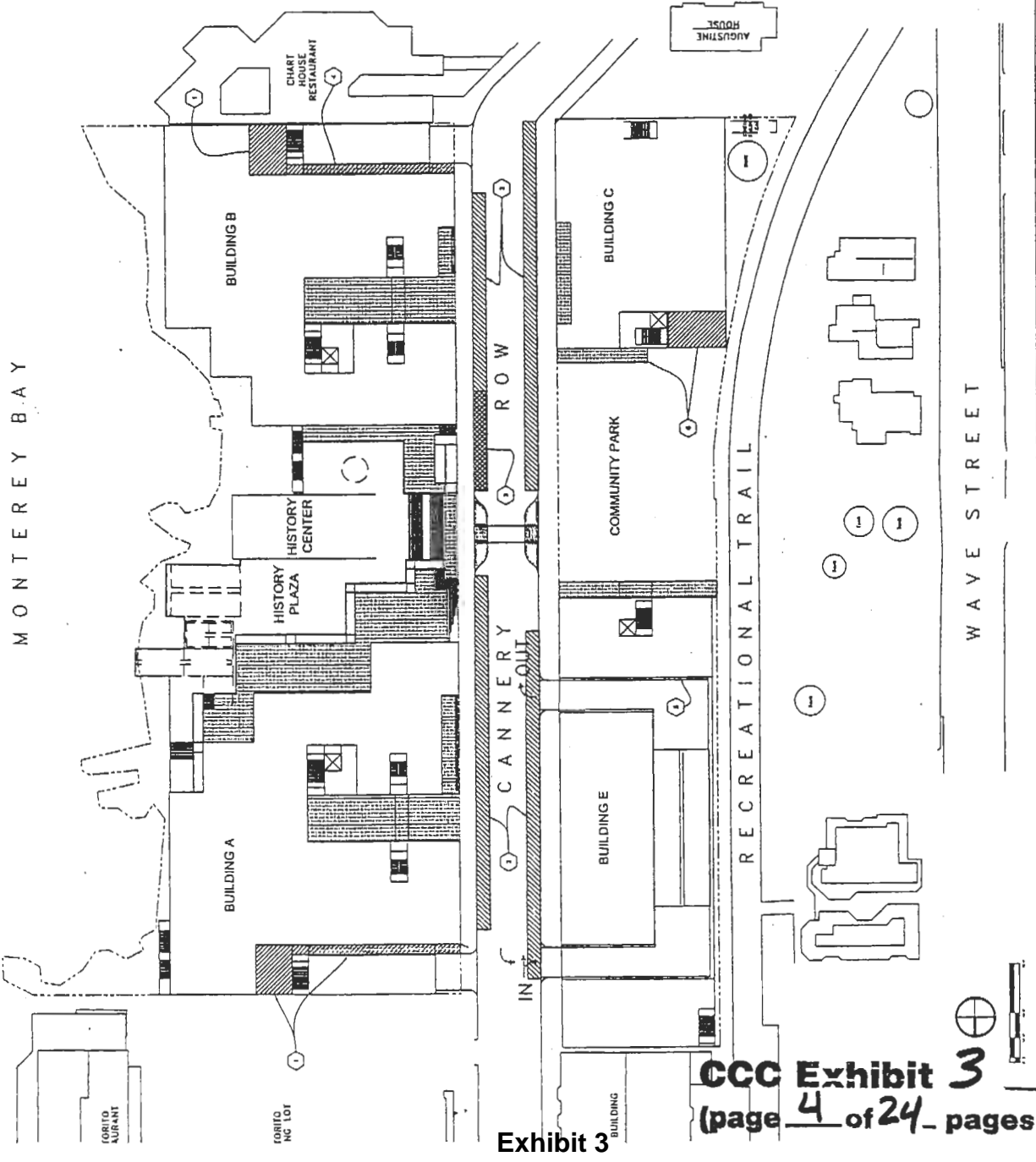
Project Location
 Cannery Row
 Monterey, CA 93940

Project No. 0411.001
 Issue Date October 4, 2003
 Revision Residents

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

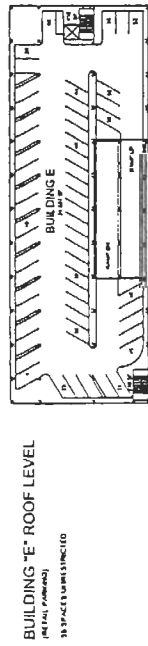
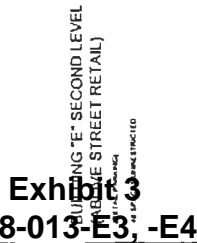
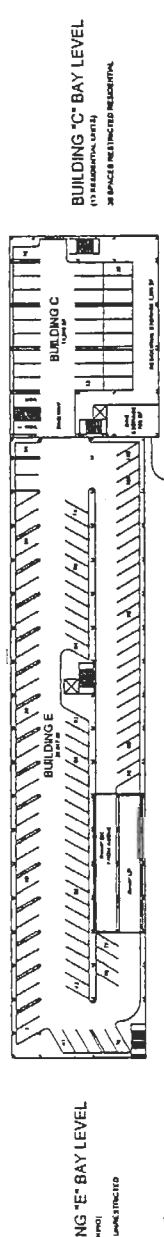
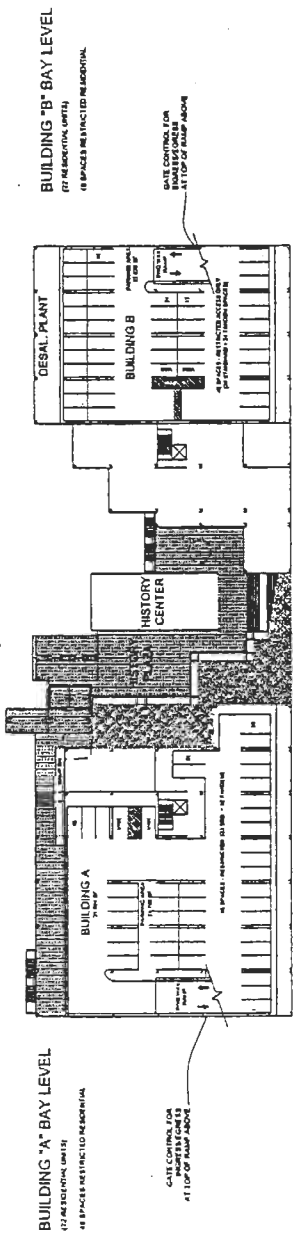
C105

- REVISIONS:**
1. BUILDINGS 2, 4, 5, 6, 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 3
 (page 4 of 24 pages)

CCC Exhibit 3
 (page 5 of 24 - pages)



PARKING DEMAND CALCULATIONS

	BUILDING A	BUILDING B	BUILDING C	BUILDING E	P	HISTORY CENTER	TOTALS (GSF)
GROSS SQUARE FEET (GSF)							
WHO COVERED PARKING RAMP'S OR SUPPORT AREAS	0	0	0	0	0	0	0
LEVEL ONE	11,715	11,715	11,715	11,715	11,715	11,715	47,070
CANOPY FROM STAIR 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 SQ. FT.	11,715	11,715	11,715	11,715	11,715	11,715	47,070
PARKING PROVIDED							
RESTRICTED RESIDENTIAL AND DESIGNATED ONLY	0	0	0	0	0	0	0
UNRESTRICTED	0	0	0	0	0	0	0
TOTAL PARKING PROVIDED	0	0	0	0	0	0	0
RESIDENTIAL BEDROOMS REQUIRED							
2 BEDROOMS	323	323	323	323	323	323	1,295
3 BEDROOMS	162	162	162	162	162	162	648
RESIDENTIAL PARKING REQUIRED (See Note C below)	485	485	485	485	485	485	1,943
RETAIL/RESTAURANT REQUIRED PARKING							
RETAIL (1000 sq ft per A below)	11,715	11,715	11,715	11,715	11,715	11,715	47,070
2.5 Spaces x 12 (Notes 1 & 2.A)	11,715	11,715	11,715	11,715	11,715	11,715	47,070
RETAIL/RESTAURANT REQUIRED PARKING (See Note D below)	11,715	11,715	11,715	11,715	11,715	11,715	47,070
NO. UNITS SHOWN BY 50 = 210 (400 sq ft per Unit)							
RETAIL/RESTAURANT REQUIRED PARKING (See Note A below)							
RETAIL/RESTAURANT (See Note B below)	11,715	11,715	11,715	11,715	11,715	11,715	47,070
RETAIL/RESTAURANT REQUIRED PARKING (See Note C below)	11,715	11,715	11,715	11,715	11,715	11,715	47,070
RETAIL/RESTAURANT REQUIRED PARKING (See Note D below)	11,715	11,715	11,715	11,715	11,715	11,715	47,070
PROJECT REQUIREMENTS PROVIDED							
RESTRICTED RESIDENTIAL	0	0	0	0	0	0	0
UNRESTRICTED	0	0	0	0	0	0	0
PARKING SURPLUS (SEE NOTE E BELOW)							
RESTRICTED	0	0	0	0	0	0	0
UNRESTRICTED	0	0	0	0	0	0	0
REMARKS:	A. Retail Units = 2.5 Spaces/Unit 1000 GSF = 11,715 GSF B. Restaurants = GSF Divided by 5000 sq ft = 11,715 GSF / 5000 = 2.34 Spaces/Unit C. Residential Units = 11,715 GSF / 5000 sq ft = 2.34 Spaces/Unit D. Retail/Restaurant (See Note B below) = 11,715 GSF / 5000 sq ft = 2.34 Spaces/Unit E. Retail/Restaurant (See Note C below) = 11,715 GSF / 5000 sq ft = 2.34 Spaces/Unit						

SEE G003 FOR OVERALL PARKING SUMMARY



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Consultants

Project

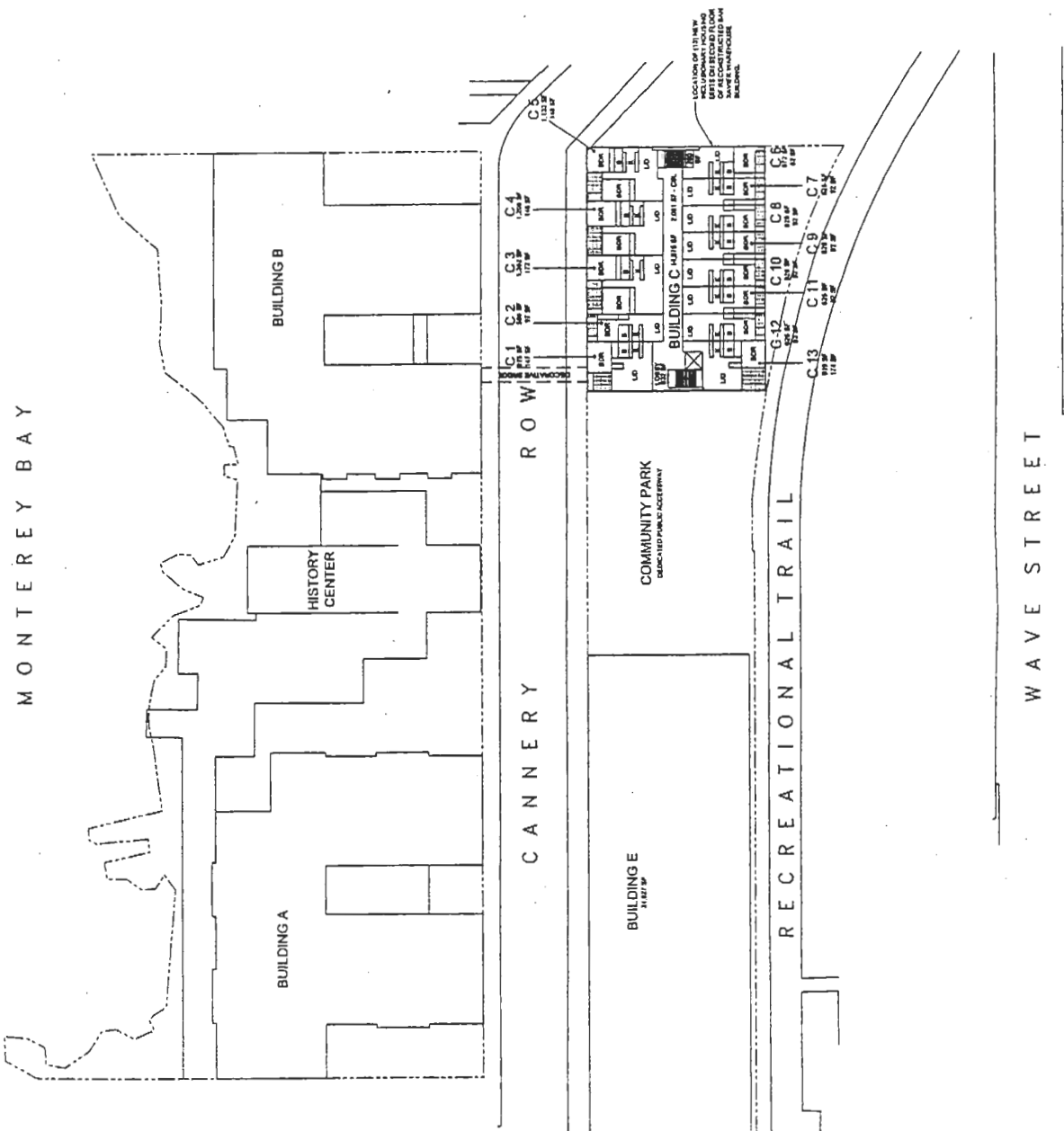
Ocean View
 Plaza

Project Location
 Cannery Row
 Monterey, CA 93940

Project No. 0181 Dev.
 Issue Date October 9, 2003
 Revision

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

C107



MONTEREY BAY

BUILDING B

HISTORY CENTER

BUILDING A

CANNERY ROW

BUILDING E

COMMUNITY PARK
 DESIGNATED PUBLIC ACCESSWAY

RECREATIONAL TRAIL

WAVE STREET

CCC Exhibit 3
 (page 6 of 24 pages)



Exhibit 3

3-08-013-E3, E4 H O F M A N

6 of 16



THE SIENNA COMPANY
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 Fax: 831-641-0502

Consultants

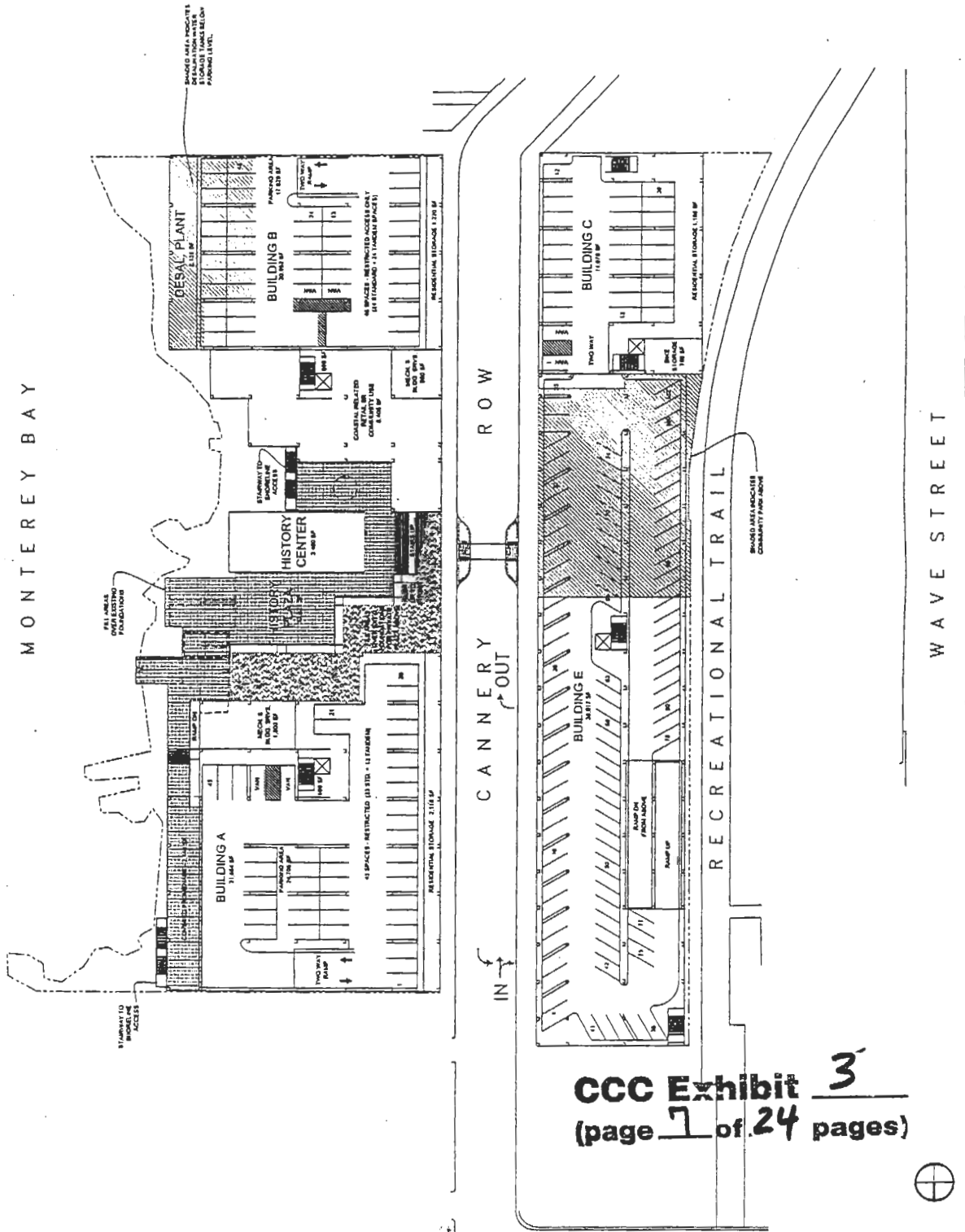
Project
**Ocean View
 Plaza**

Project location
 Cannery Row
 Monterey, CA 93940

Project No. 040 (01)
 Issue Date October 4, 2001
 Revision

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

A201



CCC Exhibit 3
 (page 7 of 24 pages)

HOFFMAN A

3-08-013-E3, -E4



THE SIENNA COMPANY
 321 Alvarado Street, Suite H
 Monterey, CA 93940
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 F: 831-381-1007

Comments

Project

Ocean View Plaza

Project Location
 Cannery Row
 Monterey, CA 93940

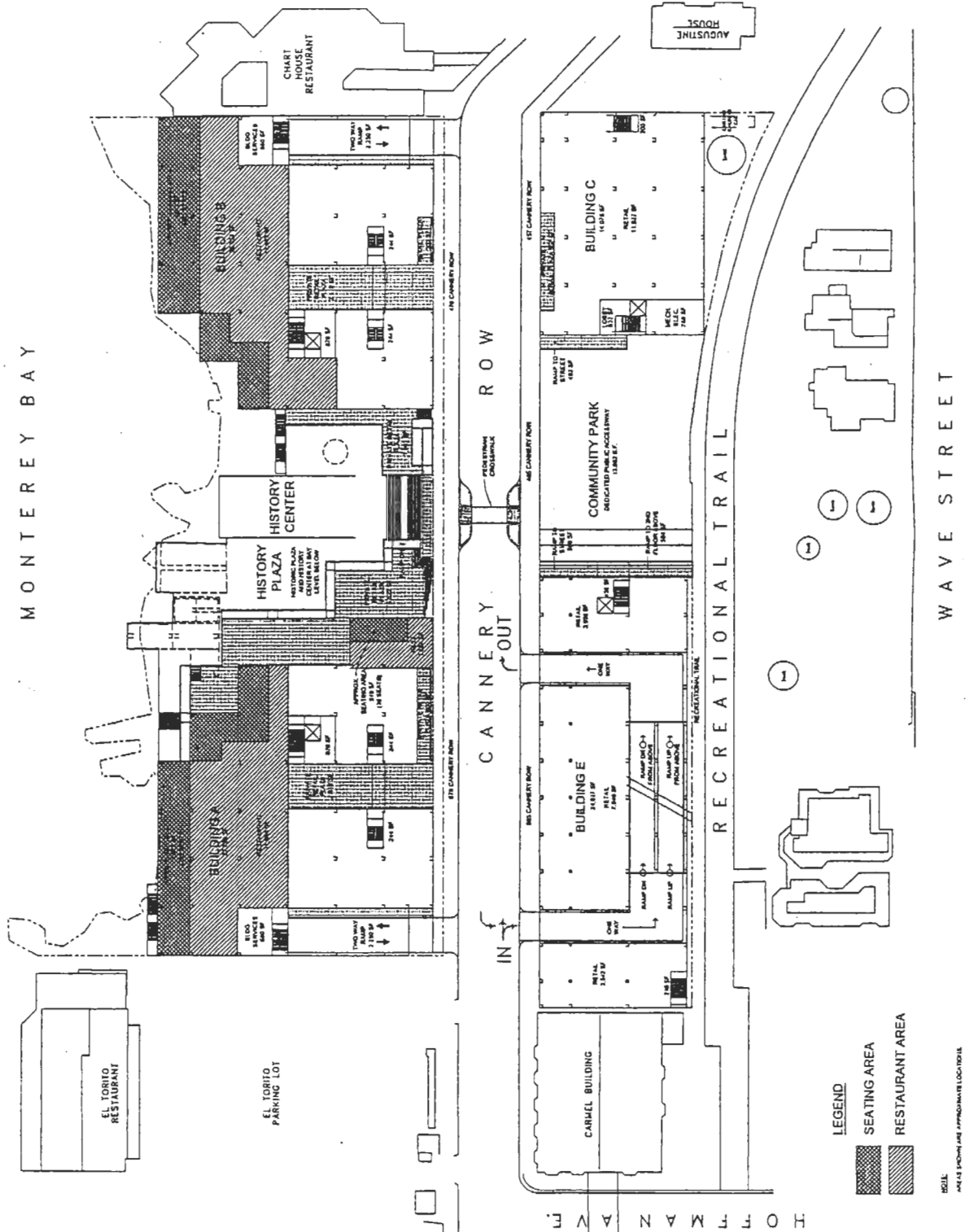
Project No. 0401.001
 Issue Date October 5, 2011
 Revisions

Drawing Scale 1"=10'-0"

Sheet Title
 Cannery Row at
 Street Level

A202

MONTEREY BAY



CCC Exhibit 3
 (page 8 of 24 pages)

Exhibit 3
 3-08-013-E3, -E4



THE SIENNA COMPANY
 221 Avenue Street, Suite H
 Monterey, CA 93940
 Tel: 831.641.8200
 Fax: 831.641.0502

Contents

Project

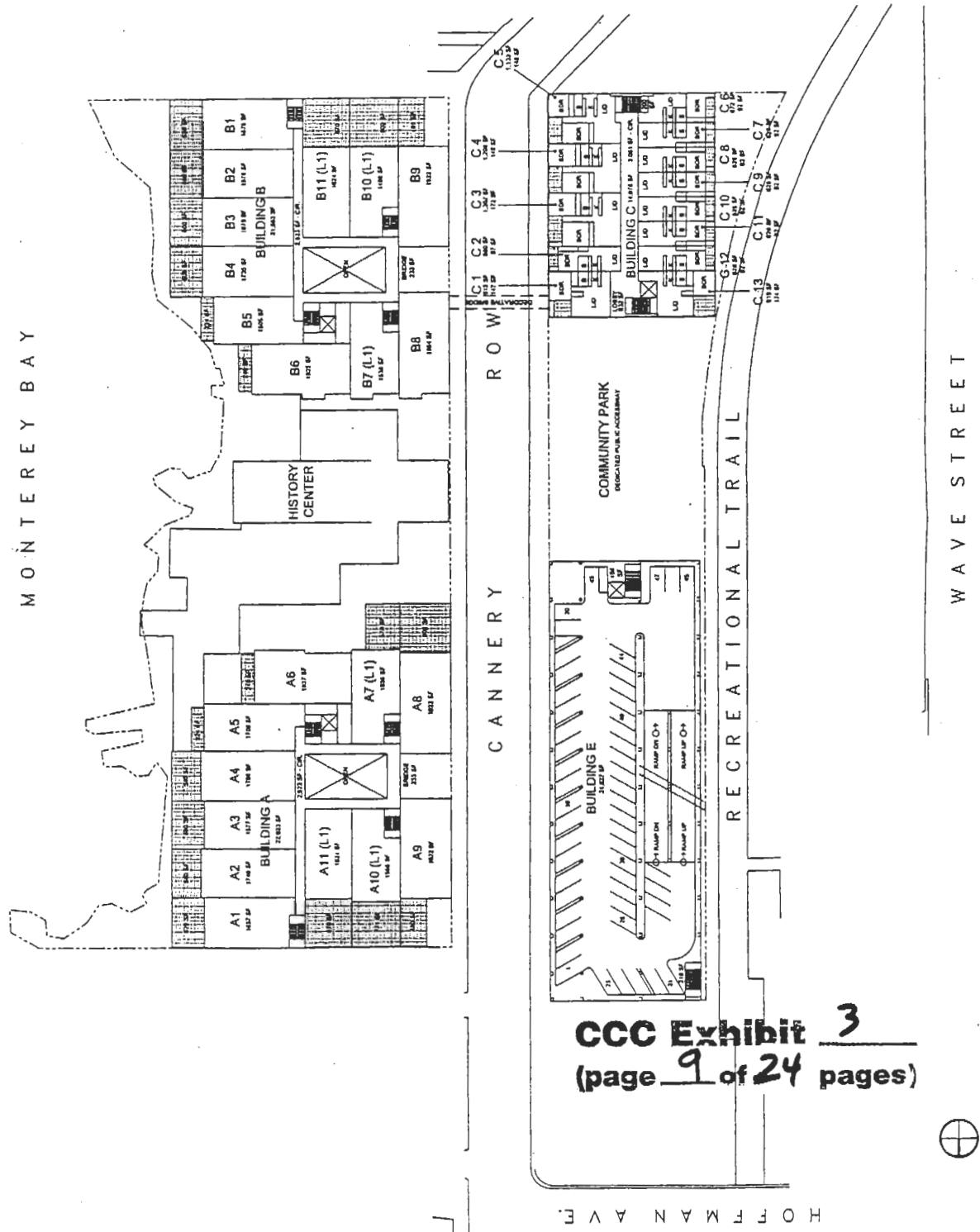
Ocean View
 Plaza

Project Location
 Cannery Row
 Monterey, CA 93940

Project No. 0411.001
 Issue Date October 9, 2003
 Revisions

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

A203



CCC Exhibit 3
 (page 9 of 24 pages)



Exhibit 3

3-08-013-E3, -E4

9 of 16

01 | Level 2 Residential Plan



THE SIENNA COMPANY
 371 Broadway Street, Suite 111
 Monterey, CA 93940
 Tel: 831-841-0090
 Fax: 831-841-0502

Consultant

Project

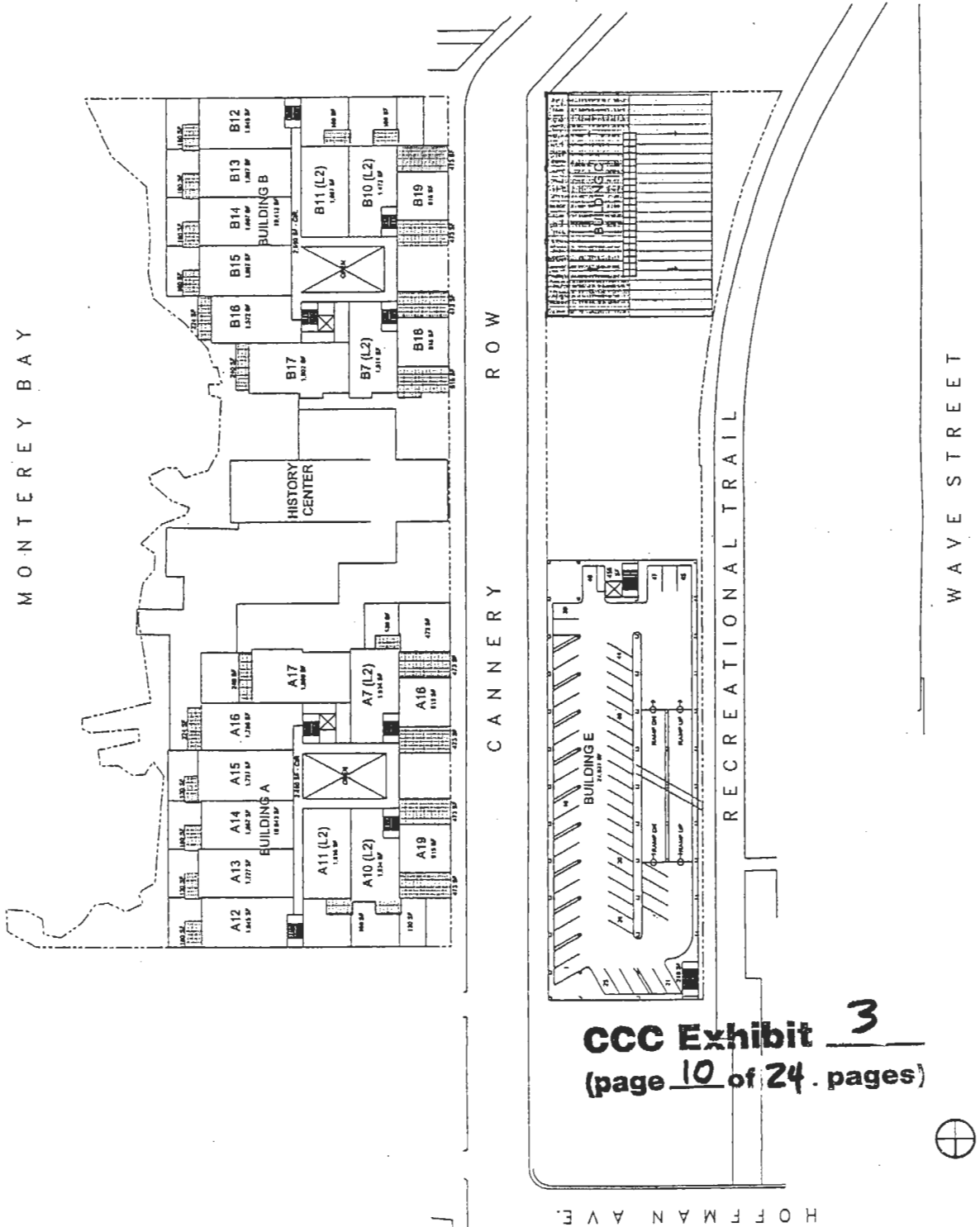
Ocean View
 Plaza

Project Location
 Cannery Row
 Monterey, CA 93940

Project No. B011 001
 Issue Date October 9, 2003
 Revisions

Drawing Scale 1"=30'-0"
 Sheet Title
 Level 3
 Residential Plan

A204



CCC Exhibit 3
 (page 10 of 24 pages)

Exhibit 3
 3-08-013-E3, -E4
 10 of 16

01 Level 3 Residential Plan



THE SIENNA COMPANY
 321 Hillside Street, Suite H
 Monterey, CA 93910
 Tel 831-841-2000
 Fax 831-841-0502

Contractors

Project

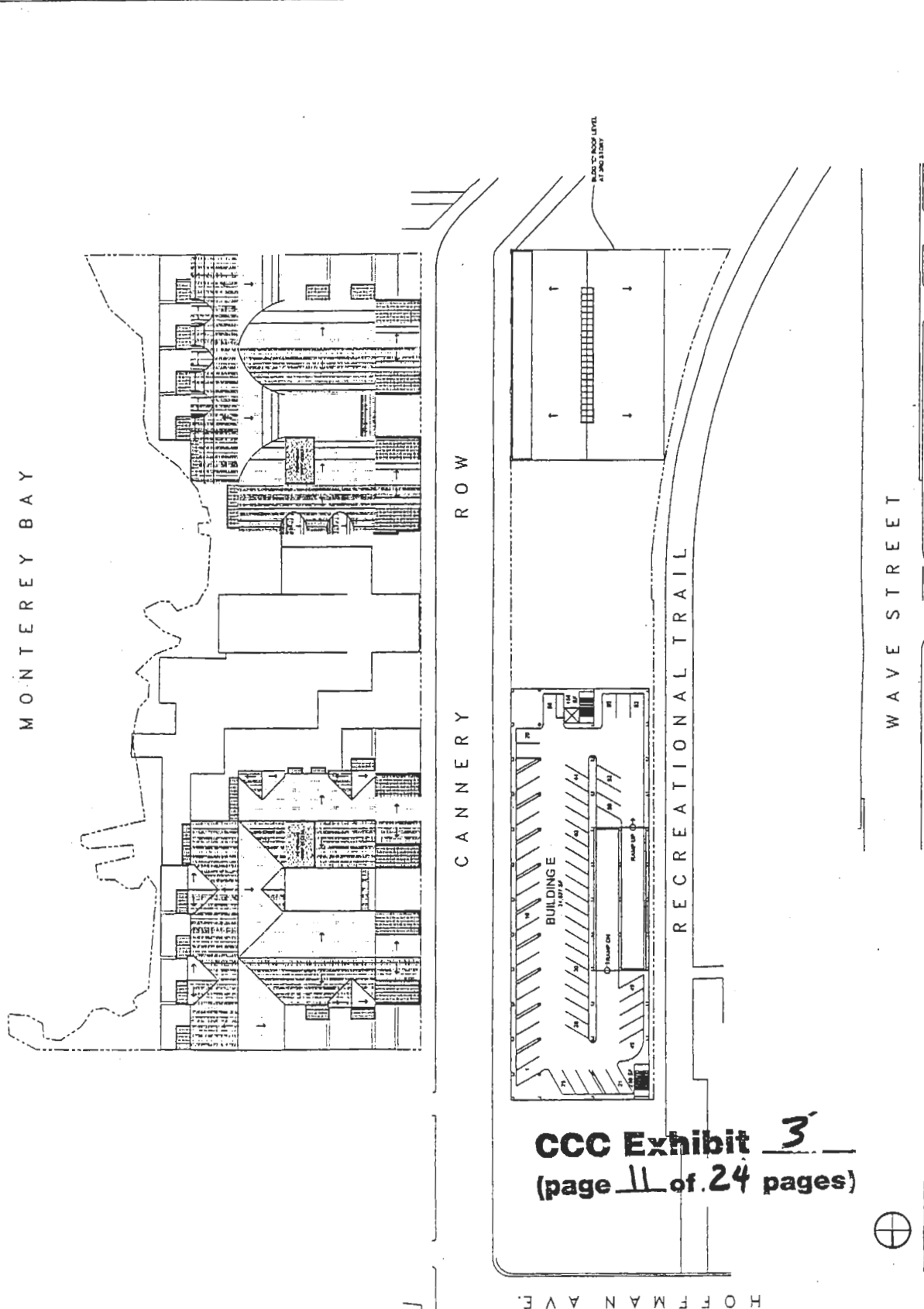
**Ocean View
 Plaza**

Project Location
 Cannery Row
 Monterey, CA 93940

Project No. 0101.001
 Issue Date October 9, 2003
 Revisions

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

A205



CCC Exhibit 3
 (page 11 of 24 pages)

Exhibit 3

3-08-013-E3, -E4

11 of 16

01 Level 4 & Residential Roof Plan

THE LOCATION AND THE SCALE AND DIMENSIONS INDICATED HEREIN ARE THE PROPERTY OF THE SIENNA COMPANY. ANY USE AND REUSE, IN ALL FORMS, IS PROHIBITED. CONTACT: 831-841-2000

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Consultants

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

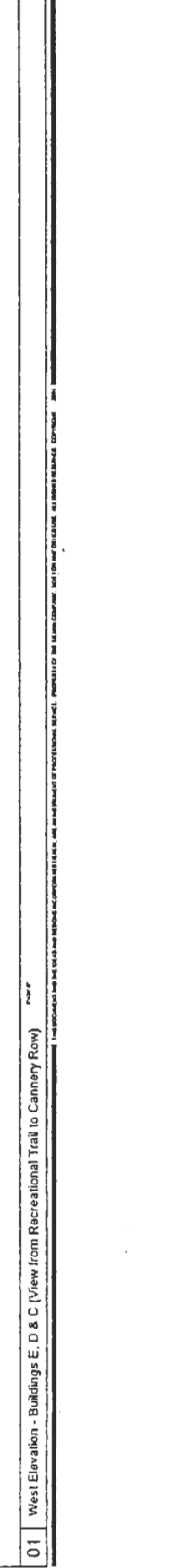
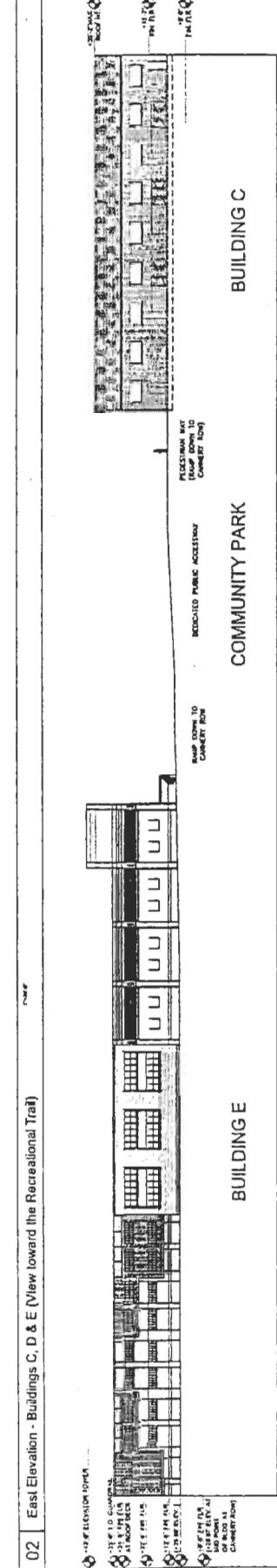
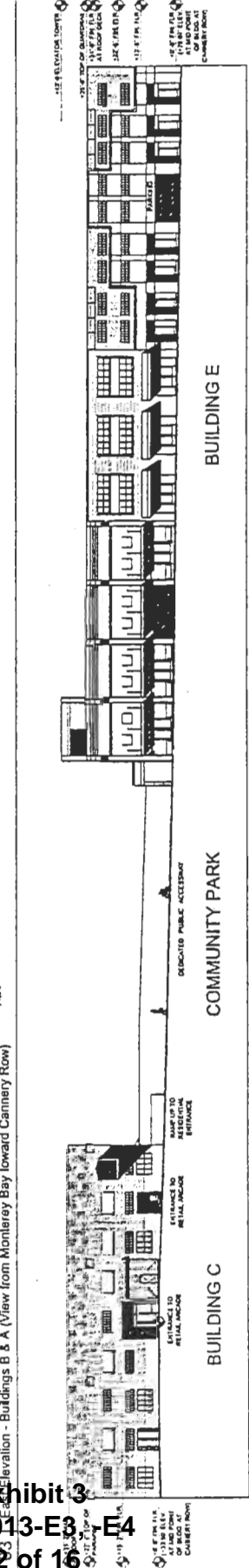
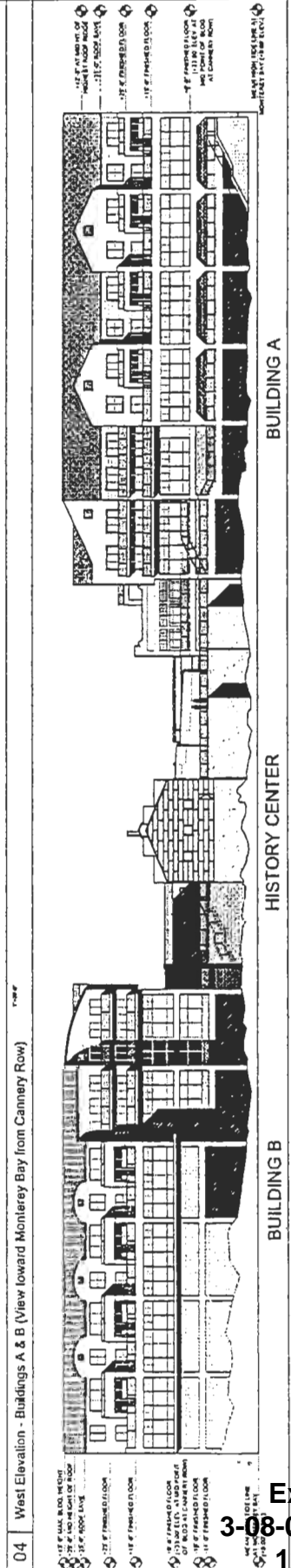
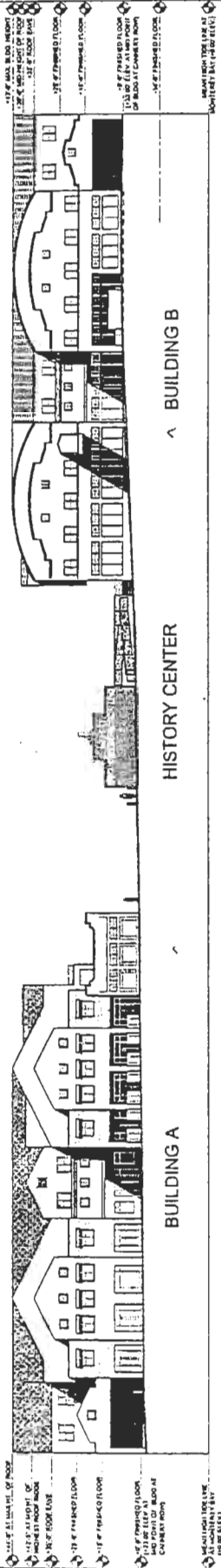


Exhibit 3
3-08-013-E3, E4
12 of 16

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



THE SIENNA COMPANY
371 Alvarado Street, Suite H
Monterey, CA 93940
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Consultants

Project

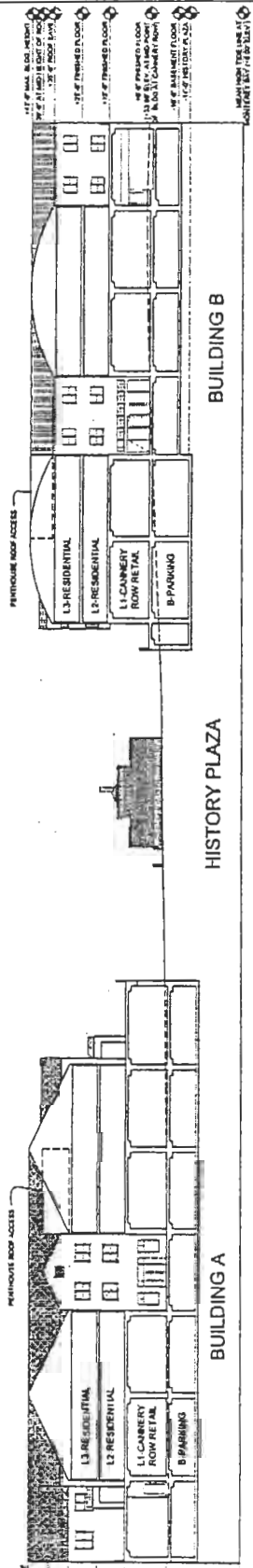
Ocean View Plaza

Project Location
Cannery Row
Monterey, CA 93940

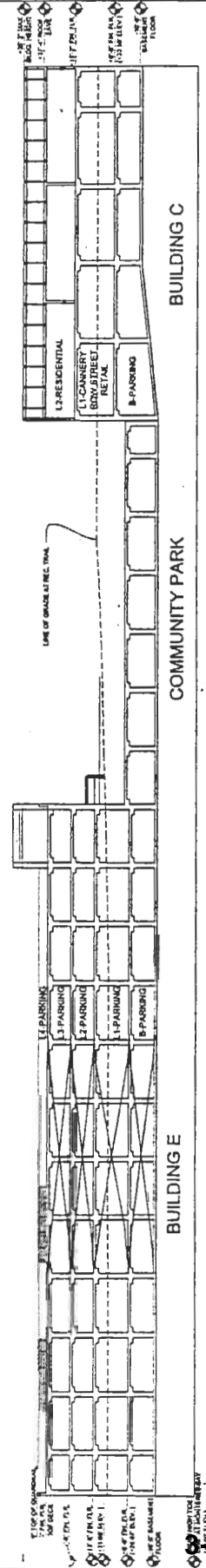
Project No. 0101.001
Issue Date October 9, 2003
Revisions

Drawing Scale 1"=30'-0"
Sheet Title Building Sections

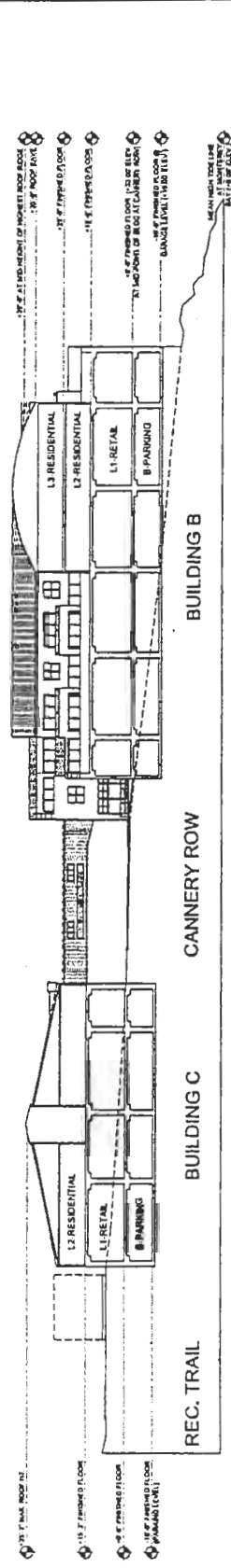
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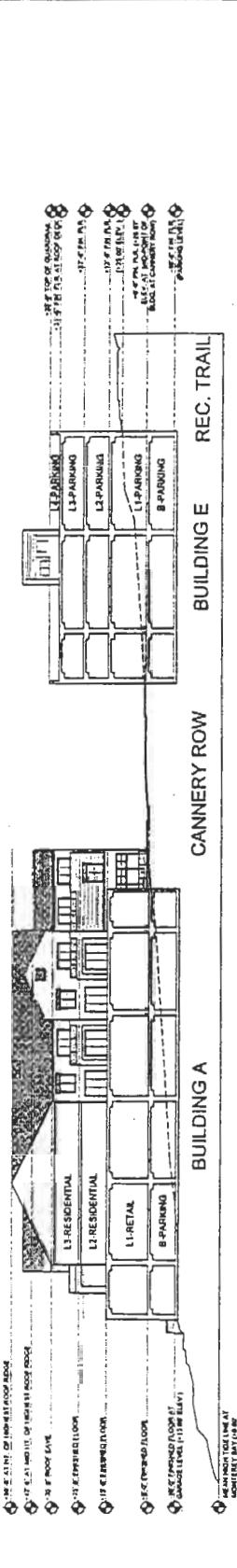
04 Longitudinal Section - Buildings A & B (View towards Monterey Bay from Cannery Row)



05 Longitudinal Section - Buildings E, D, & C (View towards Monterey Bay from the Recreation Trail)



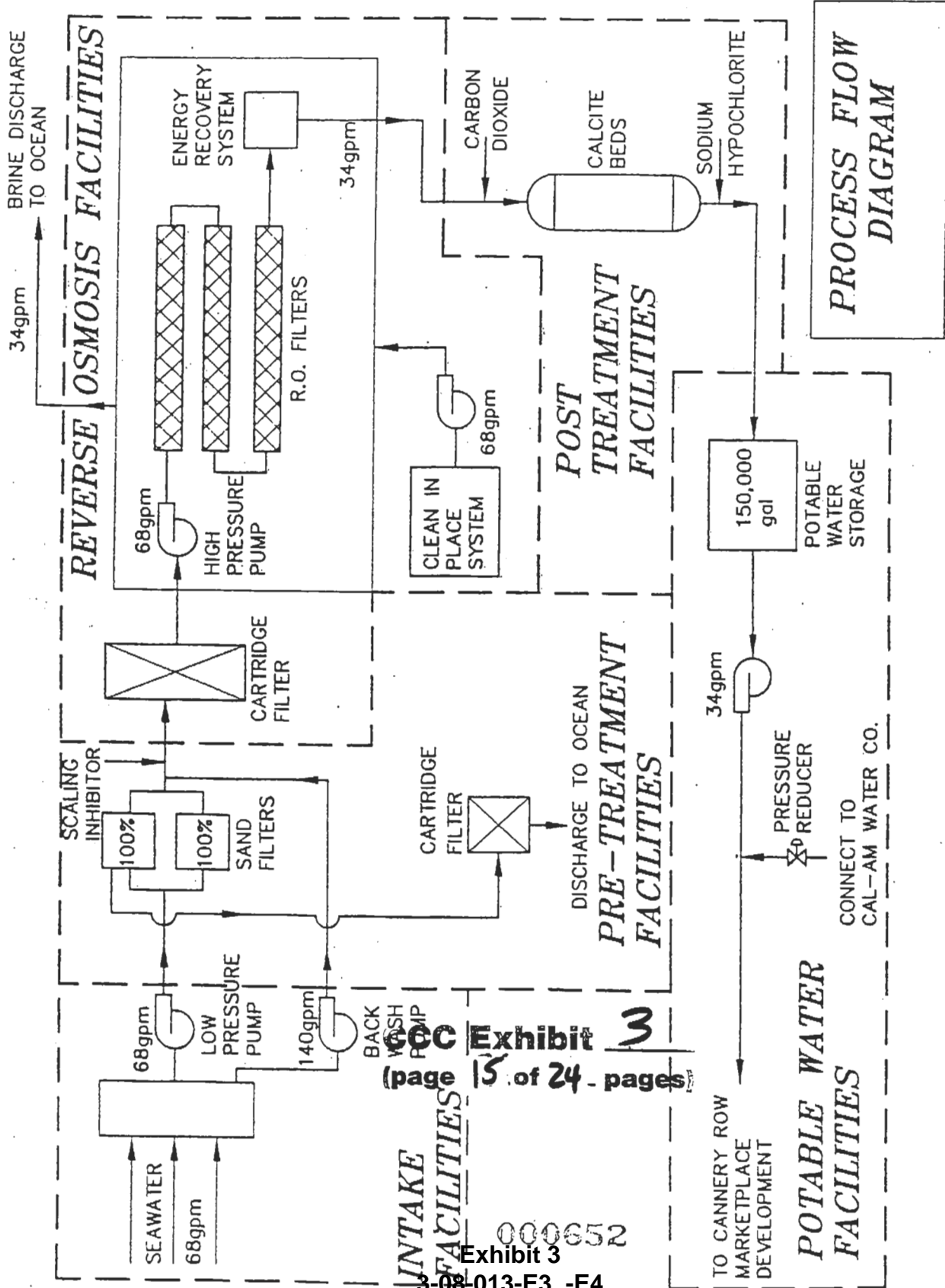
06 Transverse Section - Buildings C & B (View South)



07 Transverse Section - Buildings A & E (View North)

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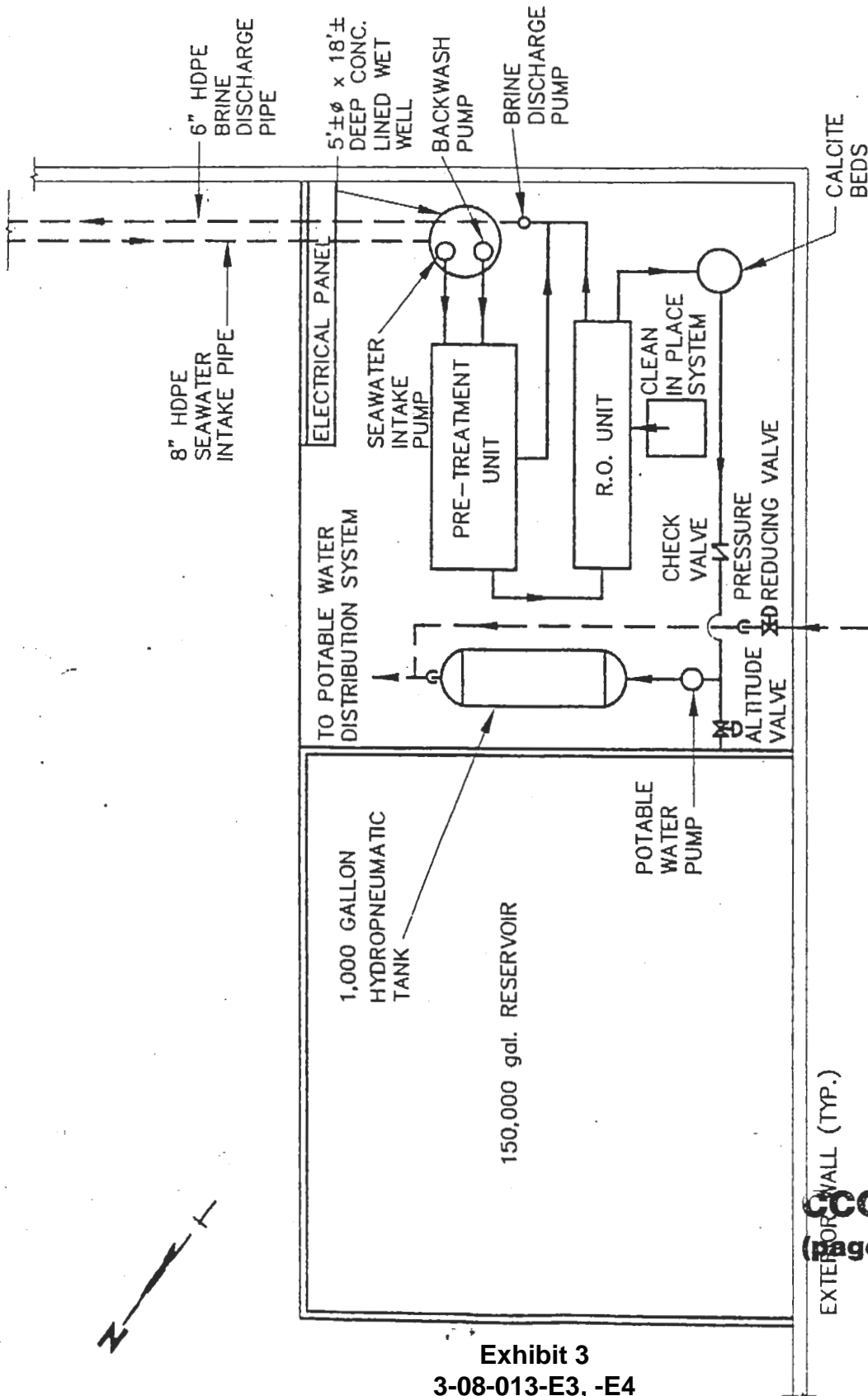
FIGURE 41
DESALINATION
PROCESS FLOW
DIAGRAM



PROCESS FLOW
DIAGRAM

Exhibit 3
(page 15 of 24 - pages)

INTAKE FACILITIES
000052
3-08-013-E3, -E4
15 of 16



**REVERSE OSMOSIS
PLANT - PLAN**

CONNECTED TO
CAL-AM WATER
CO. PIPING

**REVERSE OSMOSIS
PLANT - PLAN**
SCALE:

EXTERIOR WALL (TYP.)

CCC Exhibit 3
(page 16 of 24 - pages)

000651

Exhibit 3
3-08-013-E3, -E4
16 of 16

FIGURE 40
DESALINATION PLAN



Special Conditions of CDP 3-08-013 as amended by 3-08-013-A1

- 1. Offshore Intake/Discharge Plans.** PRIOR TO CONSTRUCTION, the Permittee shall submit for Executive Director review and approval two copies of full-scale plans specific to the offshore intake and discharge components of the approved project (Offshore Plans). The Offshore Plans shall be substantially in conformance with the offshore intake and discharge plans submitted to the Coastal Commission (as shown on pages 15-24 of Exhibit 3) except that the offshore plans shall provide for the following:

 - a.** Maintenance measures that ensure that the subsurface components of the approved project remain buried below the ocean floor in a manner that avoids impacts to the offshore environment. Such measures shall, at a minimum, include a clear schedule for inspection and all procedures to be applied for underwater work. The Permittee shall undertake development in accordance with the approved Offshore Plans.
 - b.** A mitigation plan to address above-surface intake impacts in the event that the emergency above-surface intake needs to be used for a period of time greater than that authorized in Regional Water Quality Control Board Waste Discharge Requirements Order No. R3-2007-0040.
- 2. Water Supply Contingency Plan.** PRIOR TO CONSTRUCTION, the Permittee shall submit for Executive Director review and approval two copies of a water supply contingency plan. The contingency plan shall clearly describe all measures that will be taken to provide substitute potable water in the event that the desalination facility does not provide adequate potable water to serve the approved project. The use of water from any water supplier who obtains water from sources located within or outside the coastal zone within Monterey County where such water use would result in adverse coastal zone resource impacts shall be prohibited. The Permittee shall undertake development in accordance with the approved Water Supply Contingency Plan.
- 3. OVCSO Ownership Required.** PRIOR TO OCCUPANCY OF ANY PORTION OF THE APPROVED PROJECT AND PRIOR TO WATER BEING PROVIDED FROM THE DESALINATION FACILITY TO SERVE TO THE APPROVED PROJECT, the Permittee shall submit for Executive Director review and approval clear written evidence that ownership of the desalination facility (both onshore and offshore components) has been transferred in full to the Ocean View Community Services District (OVCSO), and that the OVCSO agrees to be bound by the terms and conditions of this coastal development permit that pertain to the desalination facility. Such written evidence shall include a copy of the water system dedication instrument as set forth in the Indemnification Agreement between the City of Monterey and Cannery Row Marketplace LLC (i.e., Addendum C, Paragraph e – see page 20 of Exhibit 13).
- 4. Historic Reconstruction/Rehabilitation Plans.** PRIOR TO CONSTRUCTION, the Permittee shall submit for Executive Director review and approval two sets of full-scale plans specific to the historic Stohan's Building, the San Xavier Warehouse, and

the fish holding pens (Historic Plans) to confirm that the plans are consistent with the project as approved by the City of Monterey, including the approvals obtained from the City's Historic Preservation Committee and the City's Architectural Review Committee. The Permittee shall undertake development in accordance with the approved Historic Plans.

5. Public Access Plans. PRIOR TO CONSTRUCTION, the Permittee shall submit for Executive Director review and approval two sets of full-scale public access plans (Access Plans). The Access Plans shall clearly describe the manner in which general public access associated with the approved project is to be managed and provided, with the objective of maximizing public access to certain common and other public access areas of the site (including all site walkways, promenades, and stairways; the history plaza; the Stohan's building; the community park; and all other areas and public access amenities described in this special condition). The Access Plans shall be substantially in conformance with the public access portion of the plans submitted to the Coastal Commission (including as shown on page 2 of Exhibit 3) except that the Access Plans shall provide for the following changes to the project:

(a) Building B Access Promenade. A lateral public access promenade that is a minimum of 8-feet wide shall be provided along the seaward side of Building B. This Building B access promenade shall be provided completely seaward of Building B without any Building B or other encumbrances (i.e., no building overhangs, walls, etc.), and shall seamlessly connect to the onsite public access areas (including the history plaza, the overlook areas, and the Building A access promenade). The upcoast end of the Building B access promenade shall include a stairway, ramp, or equivalent component designed to provide access to the 10-foot-wide public access easement area located along the shoreline in the manner most conducive to facilitating a future seamless connection to the upcoast Chart House accessway and improvements to it.

(b) Building A Access Promenade. The Building A access promenade shall allow for a future seamless connection to potential future public accessways at the El Torito property.

(c) Retain Proposed Public Access Amenities. The Access Plans shall retain the public access promenade along Building A, the overlook areas, the history plaza, the community park, the stairways to the rocky shoreline, and the 10-foot wide public access easement along the rocky shoreline as originally proposed and as shown on page 2 of Exhibit 3.

(d) Public Access Signs/Materials. The Access Plans shall identify all signs, handouts, brochures, and any other project elements that will be used to facilitate, manage, and provide public access to the approved project, including identification of all public education/interpretation features that will be provided on the site (educational displays, interpretive signage, etc.). Sign details showing the location, materials, design, and text of all public access signs shall be provided. The signs shall be designed so as to provide clear information without impacting public views and site character. At a minimum, public access

directional signs shall be placed at the Cannery Row entrances to the history plaza, at either end of the access promenades located along Buildings A and B, at the top of each set of stairs that lead to the 10-foot wide easement along the rocky shoreline, and at the junctions of the community park with the recreation trail and with Cannery Row. At a minimum, public access interpretive signs shall be placed at the history plaza, the historical bayside fish holding tanks, and the bayside lateral access promenades.

- (e) **Clear Depiction of Public Access Areas and Amenities.** All public access areas and amenities, including all of the areas and amenities described above, shall be clearly identified as such on the Access Plans (including with hatching and closed polygons so that it is clear what areas are available for public access use).
- (f) **No Public Access Disruption.** Development and uses within the public access areas that disrupt and/or degrade public access (including areas set aside for private uses, barriers to public access (furniture, planters, temporary structures, private use signs, etc.) shall be prohibited. The public use areas shall be maintained in a manner that maximizes public use and enjoyment.
- (g) **Public Access Amenities Provided Prior to Occupancy.** All public access components of the approved project shall be constructed and ready for use prior to residential or retail/restaurant occupancy of the project.
- (h) **Public Access Use Hours.** All public access areas and amenities shall be available to the general public free of charge from one hour before sunrise to midnight or until the last close of business for the retail/restaurant components of the approved project, whichever is earlier. The bayside access components may be closed during these hours if necessary for public safety due to storms or otherwise dangerous conditions, but must be reopened as soon as the dangerous conditions have passed.
- (i) **Public Access Areas and Amenities Maintained.** The public access components of the project shall be maintained in their approved state in perpetuity.

The Permittee shall undertake development in accordance with the approved Access Plans, which shall govern all general public access to the approved project pursuant to this coastal development permit.

6. **Design Plans.** PRIOR TO CONSTRUCTION, the Permittee shall submit for Executive Director review and approval two sets of full-scale design plans. The design plans shall clearly identify all measures that will be applied to ensure that the project design, as approved by the City of Monterey, including all structures and including all other project elements within the public view (e.g., walkways, paved areas, railings, benches, tables, chairs, lighting, signs, landscaping, etc.), is consistent with the Cannery Row aesthetics as detailed in the policies of the Development chapter of the Cannery Row LUP (see Exhibit 14). At a minimum, the design plans shall clearly identify all publicly visible structural elements, materials, and finishes (including through site plans and elevations, materials palettes and representative

photos).

7. **Drainage Plans.** PRIOR TO CONSTRUCTION, the Permittee shall submit for Executive Director review and approval two sets of full-scale drainage plans that are consistent with the Regional Water Quality Control Board's storm water discharge permit for the City.
8. **Wave Impacts/Tsunami Warning Plans.** The Permittee shall: 1) incorporate design and construction materials and methods to withstand wave impacts from a 100-year storm event; 2) require appropriate warning signs and access restrictions during dangerous conditions, and; 3) develop an emergency response plan in the event of a tsunami.
9. **Construction Plans.** PRIOR TO CONSTRUCTION, the Permittee shall submit for Executive Director review and approval two sets of full-scale construction plans. The construction plans shall include, at a minimum, the following:
 - (a) **Construction Areas.** The plans shall identify the specific location of all construction areas, all staging areas, all storage areas, and all construction access corridors (to the construction sites and staging areas). All such areas within which construction activities and/or staging are to take place shall be minimized to the maximum extent feasible in order to minimize construction encroachment on intertidal areas, Cannery Row, and all public access points, and to have the least impact on public access overall.
 - (b) **Construction Methods and Timing.** The plans shall specify the construction methods to be used, including all methods to be used to keep the construction areas separated from public recreational use areas and intertidal areas (including using the space available on the inland portion of the Permittee's property for staging, storage, and construction activities to the maximum extent feasible, and including using unobtrusive fencing (or equivalent measures) to delineate construction areas). All erosion control/water quality best management practices to be implemented during construction and their location shall be noted.
 - (c) **Construction Requirements.** The plans shall include the following construction requirements specified by written notes on the Construction Plan. Minor adjustments to the following construction requirements may be allowed by the Executive Director if such adjustments: (1) are deemed reasonable and necessary; and (2) do not adversely impact coastal resources.
 - All work shall take place during daylight hours and lighting of the intertidal area is prohibited.
 - Construction work or equipment operations shall not be conducted below the mean high water line unless tidal waters have receded from the authorized work areas.
 - All construction materials and equipment placed on the beach during daylight construction hours shall be stored beyond the reach of tidal waters. All

construction materials and equipment shall be removed in their entirety from the beach area by sunset each day that work occurs.

- Construction (including but not limited to construction activities, and materials and/or equipment storage) is prohibited outside of the defined construction, staging, and storage areas.
- Equipment washing, refueling, and/or servicing shall not take place on bayside parcel.
- The construction site shall maintain good construction site housekeeping controls and procedures (e.g., clean up all leaks, drips, and other spills immediately; keep materials covered and out of the rain (including covering exposed piles of soil and wastes); dispose of all wastes properly, place trash receptacles on site for that purpose, and cover open trash receptacles during wet weather; remove all construction debris from the intertidal area, etc.).
- All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday. At a minimum, silt fences, straw wattles, and/or other equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from entering into the Pacific Ocean.
- All public access areas impacted by construction activities shall be restored to their pre-construction condition or better within three days of completion of construction. Any beach materials shall be filtered as necessary to remove all construction debris from the area near the Monterey Bay.
- The Permittee shall notify planning staff of the Coastal Commission's Central Coast District Office at least three working days in advance of commencement of construction, and immediately upon completion of construction.

All requirements of the condition above shall be enforceable components of this coastal development permit. The Permittee shall undertake construction in accordance with the approved Construction Plan. Any proposed changes to the approved Construction Plan shall be reported to the Executive Director. No changes to the approved Construction Plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is necessary.

10. Water Supply Production and Use Restrictions. No more than 27.89 acre-feet per year of potable water shall be produced by the desalination facility, and all such potable water produced shall only be used on-site for the approved project.

11. Archaeology. The City's conditions regarding archaeological resources are hereby incorporated into this coastal development permit approval, and supplemented to ensure that appropriate Native American consultations are included as well.

12. Marketing. In addition to the disclosure documents required by the California Department of Real Estate, the purchase, sale, and rental documents shall include a separate disclosure document that notifies these parties that: (a) the water for all components of the project (including the retail and condominium components) will be provided solely by the project's onsite desalination facility until such time as municipal water becomes available to serve the project; (b) that use of municipal water supply in the event that the desalination facility does not provide adequate potable water to serve the approved project is prohibited; (c) that contingency potable water cannot come from the California-American Water Company or from any water supplier who obtains water from sources located within or outside the coastal zone within Monterey County where such water use would result in adverse coastal zone resource impacts; and (d) that the cost of the water supplied by the desalination facility may be substantially higher than the cost of water provided to surrounding properties by California-American Water Company.

13. Coastal Hazards Assumption of Risk, Waiver of Liability, and Indemnity Agreement. The Permittee acknowledges and agrees: (i) that the site is subject to extreme coastal hazards including but not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, coastal flooding, and geologic instability; (ii) to assume the risks to the Permittee and the property that is the subject of this permit of injury and damage from such hazards in connection with this permitted development; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards; and (v) that any adverse effects to property caused by the permitted project shall be fully the responsibility of the Permittee.

14. Desalination Facility Assumption of Risk, Waiver of Liability, and Indemnity Agreement. The Permittee acknowledges and agrees: (i) that water for all components of the project (including residential and retail components) shall be provided solely by the project's onsite desalination facility until such time as municipal water becomes available and is allocated to the project; that connection to the municipal water distribution system in the City of Monterey is otherwise prohibited; that the desalination facility is limited to producing 27.89 acre-feet per year that can only be used to serve the approved project; and that a water supply contingency plan is in place to provide substitute potable water in the event that the desalination facility does not provide adequate potable water to serve the approved project, where such contingency plan prohibits the use of substitute water from any water supplier who obtains water from sources located within or outside the coastal zone within Monterey County where such water use would result in adverse coastal zone resource impacts; (ii) to assume the risks to the Permittee and the property that is the subject of this permit in the event that the desalination facility does not provide adequate potable water to serve the approved project and/or the approved contingency

plan is implemented; (iii) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury, damage or inconvenience resulting from parts (i) and (ii) above; (iv) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury, damage, or inconvenience due to parts (i) and (ii) above; and (v) that any adverse effects to property caused by parts (i) and (ii) above shall be fully the responsibility of the Permittee.

15. Other Agency Approvals. PRIOR TO COMMENCEMENT OF CONSTRUCTION, the Permittee shall submit for Executive Director review and approval a copy of a valid permit, letter of permission, or evidence that no permit/permission is necessary for the project approved by this coastal development permit from the following agencies: (a) U.S. Army Corps of Engineers; (b) Monterey Bay National Marine Sanctuary; (c) California Department of Fish and Game; (d) Monterey Peninsula Water Management District; (e) State Lands Commission; (f) Regional Water Quality Control Board; (g) National Marine Fisheries Service; (h) U.S. Fish and Wildlife Service; and (i) U.S. Coast Guard. PRIOR TO OCCUPANCY, the Permittee shall submit for Executive Director review and approval a copy of a valid permit, letter of permission, or evidence that no permit/permission is necessary for the project approved by this coastal development permit from the following agencies: (j) Monterey County Department of Health; and (k) California Department of Health Services.

16. Incorporation of EIR Mitigations and City's Conditions. The Permittee shall submit to the Executive Director evidence of compliance with all of the City's adopted EIR mitigations and conditions of approval (City of Monterey Use Permit 00-019; see Exhibit 5). For future condition compliance tracking purposes, such incorporated City conditions shall be considered subsections of this Special Condition 16. To the extent any such incorporated City conditions conflict with the other standard and special conditions (i.e., conditions other than this Special Condition 16) of this permit, such conflicts shall be resolved in favor of these other conditions.

17. Indemnification by Permittee/Liability for Costs and Attorneys Fees. By acceptance of this permit, the Permittee agrees to reimburse the Coastal Commission in full for all Coastal Commission costs and attorneys fees -- including (1) those charged by the Office of the Attorney General, and (2) any court costs and attorneys fees that the Coastal Commission may be required by a court to pay -- that the Coastal Commission incurs in connection with the defense of any action brought by a party other than the Permittee against the Coastal Commission, its officers, employees, agents, successors and assigns challenging the approval or issuance of this permit. The Coastal Commission retains complete authority to conduct and direct the defense of any such action against the Coastal Commission.

18. Deed Restriction. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the Permittee shall submit for Executive Director review and approval

documentation demonstrating that the Permittee has executed and recorded against the parcels governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property, subject to terms and conditions that restrict the use and enjoyment of that property; and (2) imposing the special conditions of this permit as covenants, conditions and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description and site plan of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence on or with respect to the subject property.



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Coast Regional Water Quality Control Board

July 12, 2017

Mr. Philip Taylor
Phil@springhillventures.com
70 Willow Road, Second Floor
Menlo Park, CA 94025

Sent via Electronic Mail only

Dear Mr. Taylor:

INCOMPLETE REPORT OF WASTE DISCHARGE FOR NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT - OCEAN VIEW PLAZA SEAWATER DESALINATION FACILITY, CITY OF MONTEREY, MONTEREY COUNTY

Central Coast Water Board staff received your June 14, 2017 Report of Waste Discharge/application for the proposed Ocean View Plaza seawater desalination facility on Cannery Row, in the City of Monterey. We have deemed your application for the NPDES permit incomplete, as we require further information to make a California Water Code section 13142.5(b) determination. We also require additional information on other aspects of the project for Central Coast Water Board staff to develop an NPDES permit in compliance with the State Water Board Ocean Plan amendments for desalination facilities (Desalination Amendment) dated May 6, 2015, which went into effect in April 2016. Specifically, please provide further information regarding:

- The proposed location of the diffuser pipe and its relative location to the Edward F. Ricketts Marine Protected Area (MPA). Please include maps, depth of discharge, and recalculated mixing model as well as the extended length of pipeline needed to discharge outside of the MPA.
- A California Water Code Section 13142.5(b) request, which fully describes the intake technology proposed for the seawater desalination facility.

Several steps remain before we can prepare and present a draft permit for the facility's discharge to our Board. Once we review the requested information, Central Coast Water Board staff will consult with other agency staff, including State Water Resources Control Board staff, as required by the Desalination Amendment. Barring any significant problems along the way, and once the above steps are complete, our permitting process typically takes about 7 to 10 months. This entails the time for drafting the NPDES permit, time for public comment, incorporation and resolution of public comment into the final draft NPDES permit, and having the Board adopt the final NPDES permit at a public hearing.

DR. JEAN-PIERRE WOLFF, CHAIR | JOHN M. ROBERTSON, EXECUTIVE OFFICER

895 Aerovista Place, Suite 101, San Luis Obispo, CA 93401 | www.waterboards.ca.gov/centralcoast

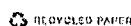


Exhibit 5
3-08-013-E3, E4
Page 1 of 2

We look forward to working with you throughout this process. If you have questions, please contact **Peter von Langen at (805) 549-3688** or peter.vonlangen@waterboards.ca.gov or Sheila Soderberg at (805) 549-3592 or ssoderberg@waterboards.ca.gov.

Sincerely,



Digitally signed by Harvey C.
Packard

Date: 2017.07.12 08:26:14 -07'00'

for John M. Robertson
Executive Officer

cc:

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Daniel Ellis, State Water Board, Daniel.Ellis@waterboards.ca.gov

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Exhibit 5
3-08-013-E3, -E4
Page 2 of 2

14 CCR § 13169

§ 13169. Extension of Permits.

(a) Prior to the time that commencement of development under a permit granted by either the regional commission or the commission must occur under the terms of the permit or Section 13156, the applicant may apply to the executive director of the commission for an extension of time not to exceed an additional one year period. The executive director shall not accept the application unless it is accompanied by all of the following:

- (1) evidence of an approved, unexpired permit,
- (2) evidence of the applicant's legal interest in the property involved in the permit,
- (3) the fee specified in section 13055(b)(1) of these regulations, and
- (4) stamped envelopes addressed to each person specified in section 13054 of these regulations and each person who testified, orally or in writing at prior permit hearing(s).

(b) For those applications accepted, the executive director shall determine whether there are changed circumstances that may affect the consistency of the development with the policies of Chapter 3 of the Coastal Act or with a certified local coastal program, if applicable. If the executive director determines that there are no changed circumstances that may affect consistency of the development, he or she shall transmit notice of such determination, including a summary of the procedures set forth in this section, to all parties the executive director has reason to know may be interested in the application, including all persons identified in section 13054 of these regulations and all persons who participated in previous permit hearings. The applicant shall post such notice at the project site within three (3) days of the executive director's transmittal of the notice to interested parties. The executive director shall also report the determination to the commission to provide the commission with an opportunity to object to the executive director's determination. The time for commencement of development shall be extended for one year from the expiration date of the permit if both of the following occur:

- (1) no written objection to the executive director's determination is received within 10 working days after mailing notice, and
- (2) three commissioners do not object to the executive director's determination.

(c) If the executive director received a written objection to his or her determination but concludes that the objection does not identify changed circumstances that may affect the consistency of the development with the Coastal Act or a certified local coastal program, if applicable, the executive director shall report this conclusion to the commission at the same time that the executive director reports the determination to the commission in accordance with subsection (b) above. The executive director shall provide a copy of the letter(s) of objection to the commission with the report. If three commissioners object to the extension on grounds that there may be changed circumstances that affect consistency, the executive director shall schedule the extension for hearing(s) in accordance with subsection (d) below. If three commissioners do not object to the extension, the time for commencement of development shall be extended for one year from the expiration date of the permit.

(d) If the executive director receives an objection to his or her determination and concludes that the objection identifies changed circumstances that may affect the consistency of the development or if the executive director determines that due to changed circumstances the proposed development may not be consistent, the application shall be scheduled for a hearing on whether there are changed circumstances that affect consistency. The executive director shall provide notice of such hearing to any person(s) the executive director has reason to know would be interested in the matter. The executive director shall prepare a report for the hearing that

describes any pertinent changes in conditions or circumstances relating to each requested permit extension.

(1) If three (3) commissioners determine that there are changed circumstances that affect consistency of the development with Chapter 3 policies of the Coastal Act or with a certified local coastal program if applicable, the extension shall be denied and upon payment of the filing fee specified in section 13055(a) of these regulations for an application for a coastal development permit the development shall be set for a full hearing of the commission pursuant to Subchapter 1 of Chapter 5 of these regulations. However, other than payment of the applicable fees, the applicant shall not be required to file a new permit application, but instead shall submit any information that the executive director determines is necessary to evaluate the effect of the changed circumstances.

(2) If no such determination is made by three commissioners, the time for commencement of development shall be extended for one year from the expiration date of the permit.

(e) Any extensions applied for prior to the expiration of the permit shall automatically extend the time for commencement of development until such time as the commission has acted upon the extension request; provided, however, that the applicant shall not undertake development during the period of automatic extension provided in this section.

(f) The procedures specified in this section shall apply to extensions of all permits approved by the commission, including those approved on appeal, on the consent calendar and as administrative permits.

Note: Authority cited: Section 30333, Public Resources Code. Reference: Sections 30600, 30604, 30620 and 30620.6, Public Resources Code.