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MONTEREY PENINSULA WATER MANAGEMENT DISTRICT MPWMD

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PERMIT APPLICATION TO CREATE NEW or AMEND EXISTING
WATER DISTRIBUTION SYSTEM

Office Use Only	
Pre-Application Name/Date	
Application ID Number	2009/12079WC
Date Application Accepted	12/9/2009
Date Application Deemed Complete	3/8/2010

FEE AMOUNT- The application fee must be paid concurrently with permit application. The fee amount varies depending upon the level of review required:

- Level 2 Permit Fee: \$2,100 for up to 30 hours of staff time
- Level 3 or Level 4 Permit Fee: \$2,800 for up to 40 hours staff time

FEE RULES- For more complex projects where staff time exceeds the number of pre-paid hours of staff time, a fee of \$70 per hour will be charged. See Rule 60 for complete fee information.

CONFIRMATION OF PERMIT REVIEW LEVEL - The permit review level required for this application is based upon a preliminary evaluation of basic information provided in the Pre-Application Form. During the review of this application, staff will confirm the review level. If it is determined that a higher or lower level of review is required, the applicant will be notified, and the higher or lower fee will be required or refunded.

SECTION 1 -- APPLICANT INFORMATION

1. Name of System Ocean View Community Service District WDS
2. Assessor's Parcel Number(s) in System See attachment A.
3. System Street Address/Area Cannery Row Street, Monterey
4. Name of Applicant Cannery Row Marketplace LLC
(If the applicant is not the system owner or operator, the form must also be signed by the system owner or operator.)
5. Mailing Address 535 Cowper Street, Second Floor, Palo Alto, CA 94301
6. Contact Numbers (ph/fax/e-mail) (650) 614-9203
7. Agent (if any) Tony Lombardo, Lombardo & Gilles, LLP
8. Agent Mailing Address P.O. Box 2119, Salinas, CA 93902-2119
9. Agent Contact Numbers (ph/fax/e-mail) ph 754-2444; fax 754-2011; Tony@lomgll.com

SECTION 2 -- WATER DISTRIBUTION SYSTEM INFORMATION

NOTE: Please attach additional pages, if necessary, to complete each question.

10. Attach Map (8 1/2 x 11 or larger): Show the parcels to be served and the approximate location of the wells(s), easements and/or water supply facilities.
11. Water Source Information. Complete the table below by describing both the existing and proposed water source(s) to supply the proposed water system:

Source and System Information	Existing (list/describe)	Proposed (list/describe)
A. Water Source (groundwater, surface water, reclaimed, desalination, etc.)	1 existing connection to Cal-Am system	Desalination plant
B. Cal-Am water service (is parcel in service area? Has active service?)	yes	Agreement allows OVCSO to service Ocean View Plaza
C. Total number of wells with MPWMD and County permits	N/A	N/A
D. Water system infrastructure (list major system components, e.g.; tanks, treatment, backflow, meters, etc.)	Cal-Am	See below
Other relevant information, comments or expansion on answers above:		
Proposed water system infrastructure: onshore pumps, desalination equipment, water storage reservoirs, offshore seawater intake and brine disposal pipelines and structures. The conditions imposed by LAFCO for the Ocean View CSD include that the Ocean View CSD will only provide water to the Ocean View Plaza project.		

12. Interties and Emergency Supply. Please check appropriate box for items A through F below. For all "yes" responses use the space provided to describe the item and list associated attachments, if any.

- A. Is there an emergency water supply in case of system failure? Yes No N/A
- B. Will the system intertie to any other water distribution system? Yes No N/A
- C. Has the other water system approved the intertie? Yes No N/A
- D. Has a backflow device to prevent cross-contamination been installed? Yes No N/A
- E. Must the local Fire Department approve this water system? Yes No N/A
- F. What is the source of water for Fire Protection? Cal-Am

Description of "yes" responses: See attached regarding emergency water supply (Attachment C)

13. Water Rights Information. For systems utilizing wells located within the Carmel Valley Alluvial Aquifer (CVAA), applicants are encouraged, but not required, to obtain a "Water Rights Confirmation" letter from the District prior to the submittal of this application. For systems utilizing wells outside the CVAA, complete item "A" only.

- A. Water Rights Outside of CVAA. Attach a copy of the deed showing ownership of property (overlying rights to percolating groundwater is assumed).
- B. If within CVAA, has a "Water Rights Confirmation Letter" been issued by the District?
 Yes No N/A
 If "Yes," state date of letter and attach a copy to this application _____
 If "No," complete questions C, D and E below.
- C. Basis of water right claimed (*see Form IG96-11 for guidance*)
 Riparian (invalid for 2+ parcels unless same owner)
 Pre-1914
 SWRCB domestic registration
 SWRCB appropriative permit
 Other (specify) _____
- D. If assisted by attorney, attach Form IG96-12, Declaration of Competency
- E. Attach supporting water rights documentation. (*MPWMD has examples on file for review*)

14. **Water Quality Information.** For wells that will provide potable (drinking) water to one or more connections, water quality information is required prior to further processing of this application.
 Irrigation/agricultural use only (non-potable use only). *No water quality analysis required.*
 1 connection- Please attach water quality test results for "general mineral, general physical, inorganics" + coliform (described in Title 22, Chapter 15)
 2+ connections- Please attach water quality test results as required by Monterey Co. Health
15. **Water Use.** Complete the table below by describing both the existing and proposed uses to be served by the proposed water system:

Use and Demand Information	Existing (list/describe)	Proposed (list/describe)
A. Residential service (potable, drinking water); includes standard landscaping. List all separate structures/units served and if they include kitchen.)	none	51 condominiums which will all include kitchens
B. Commercial service (potable, drinking water; # of non-fire meters)	1 existing connection	see below *
C. Industrial service (potable or non-potable; # of non-fire meters)	none	none
D. Total number of structures served	none	5 buildings
E. Addl. Landscaping (non-potable)	none acres	see below acres
F. Pool or Pond (non-potable)	none Sq. ft.	none Sq. ft.
G. Irrigation/agriculture (non-potable) Describe crop(s) and other agric. use	none acres	none acres
H. Live-stock (non-potable)	none head	none head
I. Other		
J. Total number of parcels served	26	The OVP project includes condominiums.
K. Total acreage served (all parcels)	acres	acres
L. Estimated water use. (Worksheets are available; show how calculated.)	n/a acre-feet per year	27.89 acre-feet per year
Other relevant information, comments or expansion on answers above (you may add extra sheets):		
* 87,362 sq. ft. retail and restaurant use, including 30,000 sq. feet restaurant use. See Water Demand Calculations, Attachment D.		

3.5 ac.

16. **Well Source and Pumping Impact Assessments.** Most systems using groundwater wells will be required to submit a *Well Source and Pumping Impact Assessment* with this formal application. Please complete the items below to confirm the name and contents of the Assessments.

Title, date, and preparer's name of Assessment: N/A

The following required items are typically included within all Assessments. Please check all boxes to confirm that the items have been included either in the Assessment or as separate attachments to this application.

- Well logs (State DWR "Well Completion Report")
- Results of well capacity/pumping tests (*Hydrologist should follow MPWMD procedures*)
- Copy of approved Well Construction Permit from Monterey County Health Department
- Pump horsepower, pump make, pump type
- Water quality analysis (for potable uses only)

Comments: _____

17. **Reliability of Supply (Non-Well).** For sources of supply other than groundwater wells, describe water source and production facilities, including reliable yield and water quality testing performed. Attach and list associated information, if any.

See attached reports from Kennedy Jenks and Parsons Brinckerhoff (Attachments E and F)

18. **Land Use/CEQA Information.** Please complete all applicable items below.

A. Zoning and land-use designations for parcels served (available from Monterey County or City)

Cannery Row Commercial District

B. Permits and approvals required or received from other agencies (e.g., Planning Department, Building Department, Health Department, Coastal Commission, CPUC). Include file numbers and resolution numbers used by the agencies.

See attached list of permits and approvals (Attachment G)

C. Recent or pending subdivisions to be served by the proposed water system. Include file numbers and resolution numbers used by the agencies.

The only subdivision to be served by the proposed water system is the Ocean View Plaza project, City of Monterey Use Permit No. 00-019.

D. Environmental documents prepared by jurisdiction or other lead agency EIR

E. Status of lead agency CEQA actions. Provide date of formal action (e.g., Notice of Determination, Neg. Dec., EIR, etc.) Include agency file numbers and resolution numbers.

City certified final EIR 10.15.02; supplemental EIR and project approved 6.1.04; Notice of Determination filed 6.2.04; Res. 04-116

19. **MPWMD Permits**

Describe and list previous MPWMD permits received, if any, including permit number and date issued. Include existing well meter information, if applicable. N/A

20. **List unique issues, considerations and/or special conditions, if any, which may pertain to the proposed water system.** When Cal-Am is able to provide water for the project, the OVCS D WDS will no longer operate.

SECTION 3- SIGNATURES, RESPONSIBLE PARTIES AND ATTACHMENTS

I declare under penalty of perjury that the information in this application and on accompanying attachments is correct and accurate to the best of my knowledge and belief.

Cannery Row Marketplace LLC

Phil Taylor
 Signature of Applicant (Please sign and print name)
 Phil Taylor *Auth Rep*

12/2/09
 Date

[Signature]
 Signature of Agent (Please sign and print name)

12/9/09
 Date

Cannery Row Marketplace LLC

Phil Taylor
 Signature of System Owner/Operator (required)
 (Please sign and print name) Phil Taylor *Auth Rep*

12/2/09
 Date

Responsible Party(ies). Pursuant to MPWMD Rule 22-C, please provide name(s) and address(es) of person(s) "who, at all times, will be available and legally responsible for the proper performance of those things required of a permit holder by this ordinance."

Name(s): Phillp R. Taylor, Cannery Row Marketplace LLC

Address(es) 535 Cowper Street, Second Floor
Palo Alto, CA 94301

Attachments. Please list all attachments, including maps, included with this Application Form

- Attachment A: Assessor Parcel Numbers
- Attachment B: Maps Showing Parcels and Approx. Location of Water Supply Facilities
- Attachment C: Emergency Water Supply Summary
- Attachment D: Water Demand Calculations
- Attachment E: Kennedy Jenks Reports (July 2006, January 2007, April 2008)
- Attachment F: Parsons Brinckerhoff Reports (June 2007, April 2008, June 2008)
- Attachment G: Summary of Permits and Approvals
- Attachment H: Details of CEQA documentation
- Attachment I: City Notice of Final Determination, Statement of Overriding Considerations, Findings and Mitigations
- Attachment J: List of Technical Reports, Copies of Reports
- Attachment K: Summary of Why Alternatives Were Rejected
- Attachment : _____

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 Prepared 6/7/07—formatted for pdf conversion

June 2007

Supplemental Questionnaire for Water Distribution System Application

SYSTEM NAME: Ocean View CSD WDS APN: See Attachment A

NOTE: Attach additional pages, if necessary, to complete each question.
An electronic version of expanded answers may be requested.

- S1. Does this request rely upon an "Environmental Document", as per the California Environmental Quality Act (CEQA)? If so, please specify the type of Environmental Document that was prepared (or will be prepared) and provide details regarding its preparation (e.g. notice of preparation, notice of completion, and any public hearing dates). Indicate CEQA lead agency.

See attachment H.

- S2. Has any new information regarding the proposed project, its environmental impacts, the severity of those impacts, mitigations for those impacts, or alternatives become available since the lead agency reviewed the project?

No.

- S3. Will this request have any significant effects on the environment based upon the Environmental Document or other information? If so, describe the effects and the mitigations, if any, that are proposed to minimize those effects.

See attachment I.

- S4. Is the source of supply shared by any other water distribution system? Would the addition of the proposed production result in an adverse cumulative impact on the environment?

The Pacific Ocean is the source of supply. It has approximately 187 quintillion gallons in it. It is believed that there are a number of other desalination facilities around and within the Pacific Ocean. The addition of the proposed production will not result in an adverse cumulative impact on the environment.

- S5. Does this request rely on any specific hydrologic, geologic, or other technical study? If so, state the name of the study, the date it was finalized, and the principal author or authors. Attach a copy of each study cited.

See attachment J.

- S6. Have there been any studies done to determine if an alternative water supply is economically feasible and physically available? If so, please describe the alternatives that were identified and the reasons why they were rejected.

See attachment K.

S7. Will the request cause any possible duplication of service with an existing water distribution system? Explain why the duplication of service is necessary.

No.

S8. Will the request result in either exportation of water outside of or importation of water into the Monterey Peninsula Water Management District? If so, please specify the quantities that would be either exported or imported.

Water will not be exported outside of the parcels within the Ocean View CSD WDS. In case of an emergency, water may be imported into the MPWMD for a few days until the desalination facility is operational again. The facility is built with numerous redundancies and with large back up tanks to prevent this from occurring.

S9. Will the request create or increase an overdraft of ground water, or cause a degradation in water quality due to sea-water intrusion or some other type of contamination?

No.

S10. Will this request adversely affect the ability of existing water distribution systems and individual users to produce water?

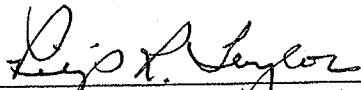
No.

S11. If the request is for an annexation of new territory into an existing water distribution system service area, is the property to be annexed surrounded by, or adjacent to other properties in the service area?

N/A

I declare under penalty of perjury that the information in this questionnaire and on accompanying attachments is correct to the best of my knowledge and belief.

Cannery Row Marketplace LLC



Signature of Applicant; please print name below

PHILIP R. TAYLOR, Auth Rep.

12/2/09, Palo Alto CA.

Date/Location

Note: The applicant may submit written Findings, with evidence for each Finding, for District Board consideration; please contact MPWMD staff re: proper format.